

STRATHFIELD COUNCIL

# MINUTES

Of the meeting of the

## STRATHFIELD LOCAL PLANNING PANEL MEETING

Held on:

Thursday 7 July 2022

Commencing at 10:00am at Town Hall (Supper Room), 65  
Homebush Road, Strathfield



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The meeting of the Strathfield Local Planning Panel Meeting was held in the Town Hall (Supper Room), 65 Homebush Road, Strathfield on Thursday 7 July 2022.

The meeting commenced at 10:00am and closed at 12:11pm.

The Public Meeting commenced at 10:00am and closed at 10:30am.

The Panel Members conducted site inspections for the purpose of considering items included on the Agenda-

Site inspection time commenced: 8:00am

Site inspection time concluded: 10:00am

**PRESENT**

The Hon Paul Stein QC AM – Chair

Brian Kirk- Expert

Sue Francis- Expert

Robert Jolliffe- Community Representative

**ALSO PRESENT**

Kandace Lindeberg, Executive Manager, Landuse Planning & Development

Joseph Gillies, Senior Planner

Lily Parker, Administration Assistant

**DECLARATIONS OF PECUNIARY INTEREST / CONFLICT OF INTEREST**

NIL

TO: Strathfield Local Planning Panel Meeting - 7 July 2022  
 REPORT: SLPP – Report No. 19  
 SUBJECT: S8.2-DA2021.168- 130 HOMEBUSH ROAD STRATHFIELD  
 LOT: 1 DP: 170353  
 DA NO. S8.2-DA2021.168

**RECOMMENDATION**

That Development Application No. S8.2-DA2021.168 for S8.2 Review of Determination for Demolition of existing structures and construction of a two (2) storey dwelling house with basement level, secondary dwelling, front fence with gates, in-ground swimming pool and associated landscaping works at 130 Homebush Road Strathfield be **APPROVED**, subject to the following conditions:

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

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

**DEVELOPMENT DETAILS**

**1. Approved Plans & Documentation**

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

Description	Reference No.	Date	Revision	Prepared by
Site Plan	DA02	30/11/21	C	Studio Make Made
Existing / Demolition Plan	DA03	30/11/21	C	Studio Make Made

Proposed Basement Plan	DA04	30/11/21	C	Studio Make Made
Proposed Ground Floor Plan	DA06	30/11/21	C	Studio Make Made
Proposed First Floor Plan	DA08	30/11/21	C	Studio Make Made
Proposed Roof Plan	DA10	30/11/21	C	Studio Make Made
West Elevation	DA12	30/11/21	C	Studio Make Made
North Elevation	DA13	30/11/21	C	Studio Make Made
East Elevation	DA14	30/11/21	C	Studio Make Made
South Elevation	DA15	30/11/21	C	Studio Make Made
Section A	DA16	30/11/21	C	Studio Make Made
Section B	DA17	30/11/21	C	Studio Make Made
External Material and Finishes Board	DA22	30/11/21	C	Studio Make Made
Landscape Plan	L/01	22/11/21	B	Aspect Designs
Landscape Details Sheet	L/02	22/11/21	B	Aspect Designs
Drainage Concept Plan and Details	Sheet 1 of 2	03/12/21	B	KD Stormwater Pty Ltd
Drainage Concept Plan and Details	Sheet 1 of 2	03/12/21	B	KD Stormwater Pty Ltd
BASIX Certificate	1209832S_04	16/12/21	-	Energy Rating Group

## SEPRARATE 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) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.
- (b) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (c) Establishing a "works zone";
- (d) Placing or storing materials or equipment;
- (e) Placing or storing waste containers or skip bins;
- (f) Stormwater & ancillary to public infrastructure on private land
- (g) Erecting a structure or carrying out work

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

- (h) Pumping water from the site into the public road;
- (i) Constructing a vehicular crossing or footpath;
- (j) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (k) Stormwater & ancillary works in the road reserve; and
- (l) Pumping concrete from a public road;

These separate activity approvals must be obtained and evidence of the approval provided to the

Certifying Authority prior to the activities commencing.

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

### 3. **Vehicular Crossing - Minor Development**

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

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

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

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

### 4. **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**

### 5. **Fees to be Paid**

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

Payments must be made prior to the issue of the Construction Certificate or prior to the

commencement of work (if there is no associated Construction Certificate).

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

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

<b>Fee Type</b>	<b>Fee</b>
<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://longservice.force.com/bci/s/levy-calculator">https://longservice.force.com/bci/s/levy-calculator</a>	\$7,078.56
Security Damage Deposit	\$18,000.00
Tree Bond	\$10,150.00
Administration Fee for Damage Deposit and Tree Deposit	\$260.00
<b>DEVELOPMENT CONTRIBUTIONS</b>	
Strathfield Section 94 Development Contributions - Roads and Traffic Management	\$1,995.47
Strathfield Section 94 Development Contributions – Local Open Space	\$9,078.81
Strathfield Section 94 Development Contributions – Major Open Space	\$1,997.86
Strathfield Section 94 Development Contributions – Community Facilities	\$531.44
Strathfield Section 94 Development Contributions - Administration	\$172.06

**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 pursuant to the Strathfield Direct Development Contributions Plan 2010-2030.

A Section 7.12 contribution (s94A) has been levied on the subject development pursuant to the Strathfield Indirect Development Contributions Plan.

### Indexation

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

### Timing of Payment

The contribution must be paid and receipted by Council:

- Prior to the release of the Construction Certificate.

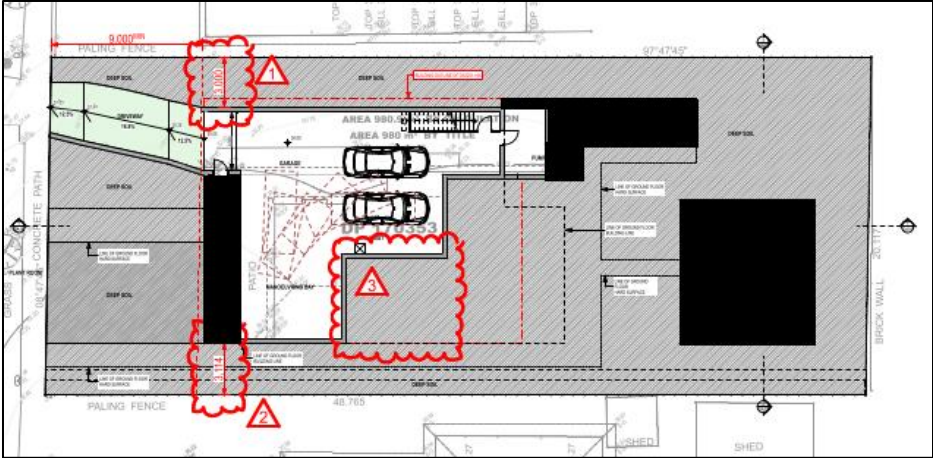
### Further Information

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

## 6. Required Design Changes

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

<p>Landscaping within front setback</p>	<p>The landscaped outcome for the OSD area is to incorporate perimeter landscaping comprised of low ground cover that is not turf. A mix of shrubs and plants similar to those proposed in perimeter areas elsewhere on the landscape plan is a suitable outcome. The perimeter landscaping can be at the edge of the OSD basin inside the OSD area or just outside.</p>
<p>Rear yard tree planting</p>	<p>A <i>Cupaniopsis anacardioides</i> (Tuckeroo) tree is to be planted in the rear yard and situated in a suitable place to allow for optimum growth as identified by an arborist. An alternative native tree may be planted in the rear yard, provided it can reach a mature height of 10m.</p>
<p>Storage and pump room</p>	<p>The construction certificate drawings are to reflect the stamped basement plan and is to exclude the areas that have been redacted black <b>as shown</b></p>

<p>within basement</p>	<p><b>in the diagram below.</b> These include the storage area and part of the pump room.</p> 
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**7. 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: \$18,000.00.
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$130.00
- (c) Submit to Council, before the commencement of work, a 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.

**8. Tree Bond**

A tree bond of \$10,150.00 (calculated in accordance with Council’s adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

A sound protection barrier anchored firmly into the ground 1.8m in height x 2 metres clear of the

base of the tree at any one point and that the fence is to extend up to the back of the kerb and to the edge of the footpath.

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

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

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

#### 9. **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. 1209832S\_04 must be implemented on the plans lodged with the application for the Construction Certificate.

#### 10. **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.

#### 11. **Pre-Construction Dilapidation Report – Private Land**

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

- (a) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.
- (b) 7-11 Cotswold Road – Lot 3 DP 534056 and Lot: 4 DP: 534056
- (c) 128 Homebush Road - Lot: 1 DP: 166562
- (d) 132 Homebush Road - Lot: 1 DP: 166562

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

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

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

#### 12. **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.

#### 13. **On Site Detention**

The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

An on-site detention (OSD) facility designed by a professional engineer who specialises in Hydraulic Engineering must be designed, approved and installed. The design must include the computations of the inlet and outlet hydrographs and stage/storage relationships of the proposed OSD using the following design parameters:

- (a) peak flow rates from the site are to be restricted to a permissible site discharge (PSD) equivalent to the discharge when assuming the site contained a single dwelling, garage, lawn and garden,

- (b) at Annual Recurrence Intervals of 2 years, 10 years and 100 years.

The OSD facility shall be designed to meet all legislated safety requirements and childproof safety fencing around the facility must be provided where the OSD facility is open or above ground when the design peak storage depth is greater than 300mm. A durable metal plate or similar sign is to be placed at the OSD facility and must bear the words:

*"BEWARE: This is an on-site detention basin/tank for rainwater which could overflow during heavy storms."*

Full details shall accompany the application for the Construction Certificate.

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

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

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

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

#### 15. **Stormwater Drainage Plan Details**

Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineering specialising in hydraulic engineering shall be submitted with the Construction Certificate application.

These plans shall be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Management Code.

#### 16. **Waste Manage Plan (WMP)**

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

The WMP is an important planning document that will not only be utilised as part of the development application process, but during construction and for the ongoing use of the

development. The WMP will continue to apply as a working reference for the life of the development.

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

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

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

**18. Structural Details**

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

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

**19. Swimming Pools – Use and Maintenance**

The following apply to the construction, use and maintenance of swimming pools and spas:

- (a) no ground level may be raised or filled except where shown specifically on the approved plans;
- (b) all pool/spa waste water is to be discharged to the sewer according to the requirements of Sydney Water;
- (c) the swimming pool must not be used for commercial or professional purposes;
- (d) drain paved areas to the landscaped areas or a suitable lawful drainage system; and
- (e) arrange any external pool/spa lighting to minimise glare nuisance to adjoining owners.

**20. Off Street Parking – Compliance with AS2890**

All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities), AS 2890.6 (parking for people with disabilities) and AS 2890.2 (for commercial vehicle facilities).

21. **Landscape Plans**

All landscape works shall be carried out in accordance with the approved landscape plans, except as modified by this consent. The landscaping shall be maintained in accordance with the approved plans in perpetuity.

22. **Tree Removal/Pruning Prohibited**

This consent does not approve the removal or pruning (branches or roots) of any trees on the subject property, Council's public footway, public reserves or on neighbouring properties.

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

23. **Demolition & Asbestos**

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

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

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

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

24. **Demolition Notification Requirements**

The following notification requirements apply to this consent:

- (a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
- (b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.

- (c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

**25. Demolition Work Involving Asbestos Removal**

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

**26. Dial Before You Dig**

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

**27. Registered Surveyors Report - During Development Work**

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

- (a) Set out before commencing excavation.
- (b) Floor slabs or foundation wall, before formwork or commencing brickwork.
- (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
- (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
- (e) Completion of any Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.
- (f) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (g) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

Work must not proceed beyond each stage until the Principal Certifier is satisfied that the height and location of the building is proceeding in accordance with the approved plans.



28. **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**

29. **Hours of Construction for Demolition and Building Work**

Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Friday and 8:00am to 1:00pm on Saturdays. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Where the development involves the use of jack hammers/rock breakers and the like, or other heavy machinery, such equipment may only be used between the hours of 7:00am to 5:00pm Monday to Friday only.

**Note:** A penalty infringement notice may be issued for any offence.

30. **Ground Levels and Retaining Walls**

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

31. **Cost of Work to be Borne by the Applicant**

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

32. **Obstruction of Road or Footpath**

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

33. **Swimming Pools – Filling with Water**

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

34. **Excavation Works Near Tree to be Retained**

**A Project Arborist shall be appointed to supervise the protection of trees during construction.**

Excavation around the tree/s to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not be adversely affected.

Where the Tree Protection Zone of trees on site or adjoining sites become compromised by any excavation works, the Project Arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.

**PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

35. **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.

36. **BASIX Compliance Certificate**

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

37. **Post Construction Dilapidation Report – Private Land**

At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to the following adjoining premises:

- (e) 7-11 Cotswold Road – Lot 3 DP 534056 and Lot: 4 DP: 534056
- (f) 128 Homebush Road - Lot: 1 DP: 166562
- (g) 132 Homebush Road - Lot: 1 DP: 166562

The report is to be prepared at the expense of the applicant and submitted to the Principal Certifier prior to the issue of the Occupation Certificate. In ascertaining whether adverse

structural damaged has occurred to the adjoining premises, the Principal Certifier, must compare the post-construction dilapidation report with the pre-construction dilapidation report required by conditions in this consent.

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

**38. Minor Development**

Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface.

**39. Maintenance Schedule – On-site Stormwater Management**

A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted to Council. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.

**40. 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.

**41. Requirements Prior to the Issue of the Occupation Certificate**

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

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

**42. Vehicular Crossing - Minor Development**

The vehicular crossing and/or footpath works shall be constructed by a private contractor at the

expense of the applicant, in accordance with the Works Permit Approval issued by Council's Civic & Urban Services and in accordance with Council's Driveway Specifications.

Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant and in accordance with Council's Driveway Specifications.

The work must be completed before the issue of an Occupation Certificate.

#### 43. **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)**

#### 44. **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.

#### 45. **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.

46. **Greywater System**

In order to conserve and re-use water, Council encourages all developments for new dwellings to incorporate a greywater reuse system. The system can incorporate a *greywater diversion device* or a *domestic greywater treatment system*. Any system installed is to ensure that it complies with the Plumbing Code of Australia, maintained at all times and does not result in any adverse amenity impacts on the subject premises and surrounding properties.

**OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

47. **Requirement for a Construction Certificate**

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

48. **Appointment of a Principal Certifier**

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

- (a) appointed a Principal Certifier for the building work; and
- (b) if relevant, advised the PCA that the work will be undertaken as an Owner -Builder.

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

- (c) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the [Home Building Act 1989](#)) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (d) notify the Principal Certifier of the details of any such appointment; and
- (e) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

49. **Notification of Critical Stage Inspections**

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

- (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and

- (b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

50. **Notice of Commencement**

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

51. **Critical Stage Inspections**

The last critical stage inspection must be undertaken by the Principal Certifier. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 61 of the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021 - NSW Legislation](#).

52. **Notice to be Given Prior to Critical Stage Inspections**

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

53. **Occupation Certificate**

A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

**PRESCRIBED CONDITIONS**

54. **Clause 75 – BASIX Commitments**

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

55. **Clause 69 – Building Code of Australia & Home Building Act 1989**

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

56. **Clause 70 – Erection of Signs**

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

57. **Clause 71 – Home Building Act 1989**

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

**ADVISORY NOTES**

i. **Review of Determination**

Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney East Planning Panel or the Land & Environment Court.

ii. **Appeal Rights**

Division 8.3 (Reviews and appeals) Part 8 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

iii. **Lapsing of Consent**

This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

iv. **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.

v. **Disability Discrimination Act**

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

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

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

- (a) Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au).
- (b) In the Application Form, quote the Development Consent No. (eg. Year/DA 2021/168) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Works Permit applications.

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

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

vii. **Site Safety Fencing**

Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au)).

viii. **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)

ix. **Electricity Supply**

This development may need a connection to the Ausgrid network which may require the network to be extended or its capacity augmented. You are advised to contact Ausgrid on 13 13 65 or [www.ausgrid.com.au](http://www.ausgrid.com.au) (Business and Commercial Services) for further details and information on lodging your application to connect to the network.

x. **Australia Post – Letter Box Size and Location**

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

**RESOLUTION**

That this review application be upheld and approval will granted subject to the conditions attached to the Planning Officer's report as amended by the Panel (Conditions 6 & 34).

FOR: Paul Stein, Brian Kirk, Sue Francis, Robert Jolliffe

AGAINST: NIL

REASON:

The panel concurs with the Planning Officer's report and has added conditions for clarification.

\*\*\*\* End Minutes - Report No. 19\*\*\*\*

TO: Strathfield Local Planning Panel Meeting - 7 July 2022  
 REPORT: SLPP – Report No. 20  
 SUBJECT: DA2021.331- 4 MARION STREET STRATHFIELD  
 LOT 83 DP 12405  
 DA NO. DA2021.331

**RECOMMENDATION**

That Development Application No. DA2021.331 for the demolition and reconstruction of existing dwelling and construction of a two storey addition at the rear with new front fence, landscaping and swimming pool at 4 Marion Street Strathfield be **APPROVED**, subject to the following conditions:

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

- (e) 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.
- (f) To protect the environment.
- (g) To ensure that there is no unacceptable impact on the amenity of the area, or to private and public property.
- (h) It is in the public interest.

**DEVELOPMENT DETAILS**

**1. Approved Plans & Documentation**

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

Description	Reference No.	Date	Revision	Prepared by
Site Plan Proposed	DA07	13 April 2022	E	Patrick O’Carrigan & Partners Pty Ltd
Ground Floor Plan	DA08	13 April 2022	E	Patrick O’Carrigan & Partners Pty Ltd

Lower Ground Floor Plan Proposed	DA09	19 May 2022	E	Patrick O’Carrigan & Partners Pty Ltd
Roof + Stormwater Drainage Plan Proposed	DA10	13 April 2022	E	Patrick O’Carrigan & Partners Pty Ltd
Cross Section A-A Proposed	DA11	19 May 2022	E	Patrick O’Carrigan & Partners Pty Ltd
Front and Rear Elevations	DA12	13 April 2022	E	Patrick O’Carrigan & Partners Pty Ltd
Cross Section B-B Proposed	DA16	13 April 2022	E	Patrick O’Carrigan & Partners Pty Ltd
North Elevation	DA13	19 May 2022	E	Patrick O’Carrigan & Partners Pty Ltd
South Elevation	DA13	19 May 2022	E	Patrick O’Carrigan & Partners Pty Ltd
Schedule of Colours and Materials Proposed	DA19	10 December 2021	D	Patrick O’Carrigan & Partners Pty Ltd
Landscape Plan	L/01	14 December 2021		Discount Landscape Plan
Stormwater Management Plan Pages 1 - 7	211553	8 December 2021	1	C.K. Engineering Services
<b>Document</b>	<b>Reference No.</b>	<b>Date</b>	<b>Revision</b>	<b>Prepared by</b>
Survey	DA01	10 December 2021		Ensure Consulting Pty Ltd

Site Waste Management Plan	210102	N/A	N/A	Patrick O’Carrigan & Partners Pty Ltd
BASIX Certificate	1261896S	07 December 2021	N/A	Patrick O’Carrigan & Partners Pty Ltd
Flood Risk Assessment	211553	August 2021		C.K. Engineering Services

**2. Building Height**

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 33.44 AHD to the rear dwelling roof ridge of the building.

**SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION**

**3. Section 138 Roads Act 1993 and Section 68 Local Government Act 1993**

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

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

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

- (m) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council’s roadways/footways.
- (n) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (o) Establishing a “works zone”;
- (p) Placing or storing materials or equipment;
- (q) Placing or storing waste containers or skip bins;
- (r) Stormwater & ancillary to public infrastructure on private land
- (s) Erecting a structure or carrying out work

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

- (t) Pumping water from the site into the public road;
- (u) Constructing a vehicular crossing or footpath;
- (v) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (w) Stormwater & ancillary works in the road reserve; and
- (x) Pumping concrete from a public road;

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the activities commencing.

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

#### 4. **Vehicular Crossing - Minor Development**

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

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

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

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

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

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

<b>Fee Type</b>	<b>Fee</b>
<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://longservice.force.com/bci/s/levy-calculator">https://longservice.force.com/bci/s/levy-calculator</a>	\$ 4,134.00
Security Damage Deposit	\$ 15,000.00
Tree Bond	\$ 20,350.00
Administration Fee for Damage Deposit	\$ 130.00
Administration Fee for Tree Bond	\$ 130.00
<b>DEVELOPMENT CONTRIBUTIONS</b>	
Strathfield Section 94A Indirect Development Contributions Plan 2017	\$11,814.00

## General Fees

The fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

## Development Contributions

The Section 7.11 contribution (s94) is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area pursuant to the Strathfield Direct Development Contributions Plan 2010-2030.

A Section 7.12 contribution (s94A) has been levied on the subject development pursuant to the Strathfield Indirect Development Contributions Plan.

### Indexation

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

### Timing of Payment

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

### Further Information

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

## 7. Damage Deposit – Minor Works

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

- (d) Pay Council, before the issue of the Construction Certificate, a damage security deposit for the cost of making good any damage caused to any Council property as a result of the development: \$15,000.00
- (e) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$130.00
- (f) 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.

8. **Tree Bond**

A tree bond of \$20,350.00 (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.

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

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

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

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

9. **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. 1261896S must be implemented on the plans lodged with the application for the Construction Certificate.

10. **Erosion & Sedimentation Control**

Erosion and sediment controls must be provided to ensure:

- (i) Compliance with the approved Erosion & Sediment Control Plan
- (j) 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)
- (k) All clean water run-off is diverted around cleared or exposed areas
- (l) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (m) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (n) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining



roadway

- (o) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (p) 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.

#### 11. Compliance with Flood Study

The development shall be designed to conform to the recommendations and conclusions of the submitted flood risk assessment prepared by C.K. Engineering Services ref no. 211553 dated August 2021.

This shall include, but not be limited to, any recommendations for the following:

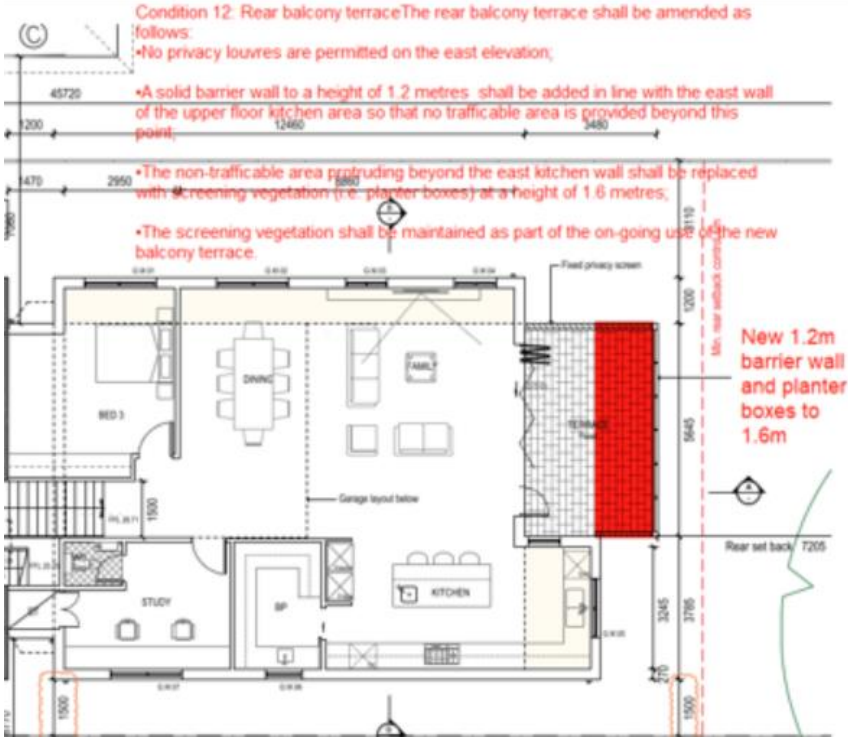
- (a) Minimum floor levels
- (b) Site regrading
- (c) Overland flow path construction

Evidence from professional engineer that specialises in hydraulic engineering that all design requirements have been adhered to shall be submitted with the Construction Certificate application.

#### 12. Required Design Changes

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

Amendments made in red on approved plans	All changes made in red on the approved plans shall be updated and shown on the Construction Certificate plans.
Lower Ground Floor Plan	<p>The excess ground footprint/sub-floor area labelled as 'Unexcavated' shall be redacted from any stamped plans and is to be deleted from any Construction Certificate plans.</p> <p><b>All references to perimeter walls, subfloor areas and 'Unexcavated' areas are to be redacted and deleted from the basement plan and any other architectural plans. The lower ground floor area is not to exceed beyond the area as shown on the approved plans (solid outline of lower ground floor area).</b></p>

<p>Rear balcony terrace</p>	<p>The rear balcony terrace shall be amended as follows and as shown as diagram below marked in red:</p> <ul style="list-style-type: none"> <li>a) No privacy louvres are permitted on the east elevation;</li> <li>b) A solid barrier wall to a height of 1.2 metres shall be added in line with the east wall of the upper floor kitchen area so that no trafficable area is provided beyond this point;</li> <li>c) The non-trafficable area protruding beyond the east kitchen wall shall be replaced with screening vegetation (i.e. planter boxes) at a height of 1.6 metres;</li> <li>d) The screening vegetation shall be maintained as part of the on-going use of the new balcony terrace.</li> </ul>  <p>Condition 12: Rear balcony terrace The rear balcony terrace shall be amended as follows:</p> <ul style="list-style-type: none"> <li>• No privacy louvres are permitted on the east elevation;</li> <li>• A solid barrier wall to a height of 1.2 metres shall be added in line with the east wall of the upper floor kitchen area so that no trafficable area is provided beyond this point;</li> <li>• The non-trafficable area protruding beyond the east kitchen wall shall be replaced with screening vegetation (i.e. planter boxes) at a height of 1.6 metres;</li> <li>• The screening vegetation shall be maintained as part of the on-going use of the new balcony terrace.</li> </ul> <p>New 1.2m barrier wall and planter boxes to 1.6m</p> <p>Rear set back 7205</p>
<p>Front fence flood proof</p>	<p>The front fence vehicular access gate must not open onto Council's public footway. The access gate is to open inwards onto private property.</p>

**13. Stormwater Drainage Plan Details**

Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineering specialising in hydraulic engineering shall be submitted with the Construction Certificate application.

These plans shall be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Management Code.

**14. 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.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan must be kept on site and is to be made available upon request.

**15. Low Reflectivity Roof**

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

**16. Compliance with Swimming Pool Act 1992**

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

**17. Swimming Pools – Use and Maintenance**

The following apply to the construction, use and maintenance of swimming pools and spas:

- (f) no ground level may be raised or filled except where shown specifically on the approved plans;
- (g) all pool/spa waste water is to be discharged to the sewer according to the requirements of Sydney Water;
- (h) the swimming pool must not be used for commercial or professional purposes;
- (i) drain paved areas to the landscaped areas or a suitable lawful drainage system; and
- (j) arrange any external pool/spa lighting to minimise glare nuisance to adjoining owners.

**18. Off Street Parking – Compliance with AS2890**

All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities), AS 2890.6 (parking for people with disabilities) and AS 2890.2 (for commercial vehicle facilities).

**19. Landscape Plan**

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

- (a) Location of existing and proposed structures, services and existing trees;
- (b) A minimum southern side setback of 1.5m to allow for deep soil landscaped area;
- (c) A minimum 295.3m<sup>2</sup> of deep soil landscaped area or 42.4% of the total site;
- (d) Details of earthworks including mounding and retaining walls and planter boxes;
- (e) At least one new canopy tree in the rear yard - to have a minimum mature height of 10m planted within a minimum 50 litre container;
- (f) Location of proposed plants and a plant schedule showing the plant symbol, botanical name/ common name; quantity; pot size/; and mature height x width;
- (g) Details of planting procedure and maintenance;
- (h) Landscape specification;
- (i) Details of drainage and watering systems;
- (j) Details of garden edging and turf; and
- (k) Any required fencing, retaining walls and other structures not shown on other approved architectural and engineering plans.

**20. Landscape Plans**

All landscape works shall be carried out in accordance with the approved landscape plans. The landscaping shall be maintained in accordance with the approved plans in perpetuity.

**21. Tree Removal/Pruning Prohibited**

This consent does not approve the removal or pruning (branches or roots) of any trees on the subject property, Council's public footway, public reserves or on neighbouring properties.

**22. Tree Protection and Retention**

The following trees shall be retained and protected:

Tree No	Tree Species	Location of Tree	Tree Protection Zone (TPZ)
1	Lophostemon confertus	Street tree located front of 4 Marion Street	9.0 metres

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

### General Tree Protection Measures

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

### Specific Street Tree Protection Measures

- (h) A sound protection barrier anchored firmly into the ground 1.8m in height x 2 metres clear of the base of the tree at any one point and that the fence is to extend up to the back of the kerb and to the edge of the footpath.
- (i) Where the Tree Protection Zone (TPZ) of trees on site or adjoining sites become compromised by any excavation works, the Project Arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.

- (j) Tree Protection Zone around the trees to be retained are not to have soil level changes or services installed in this area, **except as specified by the Project Arborist. Any trenching required for any services are to be dug under the supervision of the Project Arborist.** Any structures proposed to be built in this area of the trees are to utilise pier and beam or cantilevered slab construction.

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

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

### **23. Demolition & Asbestos**

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

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

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

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

### **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. Disposal of Surplus Salvaged Materials**

Salvaged traditional building materials surplus to the requirements of this project including stone, bricks, and structural timber are to be sold to an established dealer in second hand heritage building materials. Documentation of the salvage methodology must be submitted for the approval of Council prior to the commencement of demolition.

### **26. Dial Before You Dig**

The applicant shall contact “Dial Before You Dig on 1100” to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from “Dial Before You

Dig” shall be forwarded to Council’s Engineers for their records.

**27. 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. 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.

**29. Ground Levels and Retaining Walls**

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

**30. Cost of Work to be Borne by the Applicant**

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

**31. Obstruction of Road or Footpath**

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

**32. Swimming Pools – Filling with Water**

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

**33. Excavation Works Near Tree to be Retained**

Excavation around the tree/s to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not be adversely affected.

Where the Tree Protection Zone of trees on site or adjoining sites become compromised by any excavation works, the Project Arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.

**PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

**34. BASIX Certificate**

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

**35. BASIX Compliance Certificate**

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

**36. Completion of Landscape Works**

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

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.

**37. Minor Development**

Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface.

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



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

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

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

**39. Maintenance Schedule – On-site Stormwater Management**

A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted to Council. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.

**40. 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.

**41. 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:

- (f) Compliance with conditions of development consent relating to stormwater;
- (g) The structural adequacy of the On-Site Detention system (OSD);
- (h) 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;
- (i) Pipe invert levels and surface levels to Australian Height Datum;
- (j) 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)**

42. **Swimming Pools – Resuscitation Notice**

An expired air resuscitation warning notice complying with the [Swimming Pools Act 1992](#) must be affixed in a prominent position adjacent to the pool.

43. **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):

- (c) before 8 am or after 8 pm on any Sunday or public holiday, or
- (d) before 7 am or after 8 pm on any other day.

44. **Greywater System**

In order to conserve and re-use water, Council encourages all developments for new dwellings to incorporate a greywater reuse system. The system can incorporate a *greywater diversion device* or a *domestic greywater treatment system*. Any system installed is to ensure that it complies with the Plumbing Code of Australia, maintained at all times and does not result in any adverse amenity impacts on the subject premises and surrounding properties.

**OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

45. **Requirement for a Construction Certificate**

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

46. **Occupation Certificate**

A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

**PRESCRIBED CONDITIONS**

47. **Clause 75 – BASIX Commitments**

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

48. **Clause 69 – Building Code of Australia & Home Building Act 1989**

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

49. **Clause 70 – Erection of Signs**

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

50. **Clause 71 – Home Building Act 1989**

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

## ADVISORY NOTES

i. **Review of Determination**

Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney East Planning Panel or the Land & Environment Court.

ii. **Appeal Rights**

Division 8.3 (Reviews and appeals) Part 8 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

iii. **Lapsing of Consent**

This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

iv. **Access to NSW Legislations (Acts, Regulations and Planning Instruments)**

NSW legislation can be accessed free of charge at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

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

To apply for approval under Section 138 of the [Roads Act 1993](http://www.legislation.nsw.gov.au):

- (d) Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au).
- (e) In the Application Form, quote the Development Consent No. (2021/331) and reference this condition number (Advisory Note No.5)
- (f) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Works Permit applications.

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

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

vi. **Site Safety Fencing**

Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au)).

vii. **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)

viii. **Electricity Supply**

This development may need a connection to the Ausgrid network which may require the network to be extended or its capacity augmented. You are advised to contact Ausgrid on 13 13 65 or

[www.ausgrid.com.au](http://www.ausgrid.com.au) (Business and Commercial Services) for further details and information on lodging your application to connect to the network.

#### **RESOLUTION**

This application be approved subject to the conditions attached to the Planning Officer's report as amended by the Panel (Conditions 12 & 22).

FOR: Paul Stein, Brian Kirk, Sue Francis, Robert Jolliffe

AGAINST: NIL

REASON:

The Panel substantially agrees with Planning Officer's report with amendments to conditions 12 and 22.

\*\*\*\* End Minutes - Report No. 20\*\*\*\*

TO: Strathfield Local Planning Panel Meeting - 7 July 2022  
 REPORT: SLPP – Report No. 21  
 SUBJECT: DA2021.241- 46 ARTHUR STREET STRATHFIELD  
 LOT: 87 DP: 12405  
 DA NO. DA2021.241

**RECOMMENDATION**

That Development Application No. DA2021.241 for the demolition of existing structures and construction of a two (2) storey dwelling house with a basement level, a detached outbuilding and associated landscaping works at 46 Arthur Street Strathfield be **APPROVED**, subject to the following conditions:

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

- (i) 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.
- (j) To protect the environment.
- (k) To ensure that there is no unacceptable impact on the amenity of the area, or to private and public property.
- (l) 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
Cover Sheet with Colour Scheme	1/22	22/04/22	D	Dwell Designs
Site Plan	4/22	22/04/22	D	Dwell Designs
Ground Floor Plan	5/22	22/04/22	D	Dwell Designs

First Floor Plan	6/22	22/04/22	D	Dwell Designs
Basement Floor Plan	7/22	22/04/22	D	Dwell Designs
North West & North East Elevations	8/22	22/04/22	D	Dwell Designs
South East & South West Elevations	9/22	22/04/22	D	Dwell Designs
Building Sections AA & BB	10/22	22/04/22	D	Dwell Designs
Outbuilding Plan & Elevations	11/22	22/04/22	D	Dwell Designs
DA Landscape Concept	1/1	22/04/22	C	Monaco Designs PL
Driveway Sections	14/22	22/04/22	D	Dwell Designs
Doors and Windows List	15/22	22/04/22	D	Dwell Designs
Front Fence Streetscape	17/22	22/04/22	D	Dwell Designs
Demolition Plan	19/22	22/04/22	D	Dwell Designs
Sediment Control Plan	20/22	22/04/22	D	Dwell Design
Colour Scheme	21/22	22/04/22	D	Dwell Designs
Concept Stormwater Basement and Roof Layout and Details	D2	25/08/21	A	Soliman Hanna & Associates

Concept Stormwater Ground Floor Layout and Details	D1	25/08/21	A	Soliman Hanna & Associates
Concept Stormwater First Floor and Roof Layout and Details	D3	25/08/21	A	Soliman Hanna & Associates
<b>Description</b>	<b>Reference No.</b>	<b>Date</b>	<b>Revision</b>	<b>Prepared by</b>
Waste Management Plan		26/08/21		Dwell Design
Arboricultural Impact Report	5908	28/02/22		Monaco Designs PL

## 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;

- (y) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.
- (z) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (aa) Establishing a "works zone";
- (bb) Placing or storing materials or equipment;



- (cc) Placing or storing waste containers or skip bins;
- (dd) Stormwater & ancillary to public infrastructure on private land
- (ee) Erecting a structure or carrying out work

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

- (ff) Pumping water from the site into the public road;
- (gg) Constructing a vehicular crossing or footpath;
- (hh) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (ii) Stormwater & ancillary works in the road reserve; and
- (jj) Pumping concrete from a public road;

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the activities commencing.

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

### 3. Vehicular Crossing - Minor Development

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

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

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

## REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

**4. 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**

**5. Fees to be Paid**

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

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

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

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

Fee Type	Fee
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://longservice.force.com/bci/s/levy-calculator">https://longservice.force.com/bci/s/levy-calculator</a>	\$3,860.00
Security Damage Deposit	\$15,000.00
Tree Bond	\$10,150.00
Administration Fee for Damage Deposit	\$130.00

Administration Fee for Tree Bond	\$130.00
<b>DEVELOPMENT CONTRIBUTIONS</b>	
Strathfield Section 94A Indirect Development Contributions Plan 2017	\$11,029.95

### 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 pursuant to the Strathfield Direct Development Contributions Plan 2010-2030.

A Section 7.12 contribution (s94A) has been levied on the subject development pursuant to the Strathfield Indirect Development Contributions Plan.

#### Indexation

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

#### Timing of Payment

The contribution must be paid and receipted by Council:

- Prior to the release of the Construction Certificate.

#### Further Information

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

## 6. **Damage Deposit – Minor Works**

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

- (g) Pay Council, before the issue of the Construction Certificate, a damage security deposit

for the cost of making good any damage caused to any Council property as a result of the development: \$15,000.

- (h) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$130
- (i) 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.

## 7. **Tree Bond**

A tree bond (Tree 1) – Melaleuca quinquenervia / street tree of \$10,150.00 and an administration fee of \$130 (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

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

## 8. **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.

## 9. **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. 1235662S or any updates to this certificate, must be implemented on the plans lodged with the application for the Construction Certificate.

#### 10. **Erosion & Sedimentation Control**

Erosion and sediment controls must be provided to ensure:

- (q) Compliance with the approved Erosion & Sediment Control Plan
- (r) 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)
- (s) All clean water run-off is diverted around cleared or exposed areas
- (t) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (u) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (v) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (w) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (x) 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.

#### 11. **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.

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

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

- (d) The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour

duration storm. The holding tank shall be capable of holding four hour's runoff from a one-hour duration storm of the 1 in 100 year storm;

- (e) The pump system shall be regularly maintained and serviced, every six (6) months; and
- (f) Any drainage disposal to the street gutter from a pump system must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.

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

### 13. **Stormwater Drainage Plan Details**

Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineering specialising in hydraulic engineering shall be submitted with the Construction Certificate application.

These plans shall be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Management Code.

### 14. **Structural Details**

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

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

### 15. **Off Street Parking – Compliance with AS2890**

All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities), AS 2890.6 (parking for people with disabilities) and AS 2890.2 (for commercial vehicle facilities).

### 16. **Landscape Plans**

All landscape works shall be carried out in accordance with the approved landscape plans. The landscaping shall be maintained in accordance with the approved plans in perpetuity.

### 17. **Tree Removal/Pruning Prohibited**

This consent does not approve the removal or pruning (branches or roots) of any trees on the subject property, Council's public footway, public reserves or on neighbouring properties.

### 18. **Tree Protection and Retention**

The following trees shall be retained and protected:

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
1	Melaleuca quinquenervia	Street tree located front of 46 Arthur Street Strathfield	15.0 metres
5	Cinnamomum camphora	44 Arthur Street Strathfield	6.0 metres

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

### General Tree Protection Measures

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

### Specific Street Tree Protection Measures

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

### Excavation works near tree to be retained

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

further demolition or construction works taking place.

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

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

## 19. Tree Removal & Replacement

### Tree removal

Permission is granted for the removal of the following trees:

Tree No.	Tree species	Number of trees	Location
2	Plumeria acutifolia	1	46 Arthur Street Strathfield
3	Plumeria acutifolia	1	46 Arthur Street Strathfield
4	Jacaranda mimosifolia	1	46 Arthur Street Strathfield

### General Tree Removal Requirements

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

### Tree Replacement

All trees permitted to be removed by this consent shall be replaced one tree for each tree removed by species selected from Council's Recommended Tree List and must have a minimum mature height of 10 metres.

Replacement trees shall be a minimum 100 litre container size. Trees are to conform to the NATSPEC guide and Guide for assessing the quality of and purchasing of landscape trees by Ross Clarke, 2003. Trees are to be true to type, healthy and vigorous at time of delivery and planting, shall be pest and disease free, free from injury and wounds and self-supporting; and shall be maintained until maturity.

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

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

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

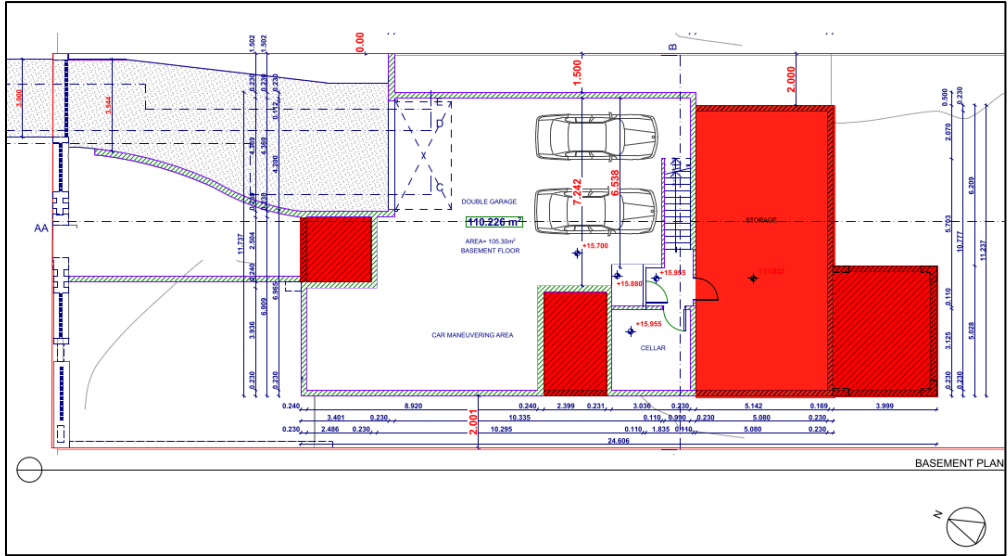
A minimum 75mm depth of organic mulch shall be placed within an area 0.5m from the base of the tree.



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

**20. Required Design Changes**

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

<p>Amendments made in red on approved plans</p>	<p>All changes made in red on the approved plans shall be updated and shown on the Construction Certificate plans.</p>
<p>Basement Storage and Subfloor</p>	<p>The storage room and unnamed subfloor areas are to be deleted from the plans and will not form part of the development consent <b>as shown on red in the diagram below.</b></p> 

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

**21. Demolition & Asbestos**

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

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

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

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

## 22. Demolition Notification Requirements

The following notification requirements apply to this consent:

- (d) 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.
- (e) 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.
- (f) 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.

## 23. 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](#).

## 24. Dial Before You Dig

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

## 25. 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**

### **26. Tree Removal on Private Land**

The trees identified as 'to be removed/pruned' on the approved plans or by conditions of this consent shall be removed in accordance with *AS4373 -2007* and the *Amenity Tree Industry Code of Practice* (SafeWork NSW, August 1998).

### **27. Excavation Works Near Tree to be Retained**

Excavation around the tree/s to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not be adversely affected.

Where the Tree Protection Zone of trees on site or adjoining sites become compromised by any excavation works, the Project Arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.

### **28. 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.

### **29. Ground Levels and Retaining Walls**

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

## **PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

**30. 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.

**31. 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:

- (k) Compliance with conditions of development consent relating to stormwater;
- (l) 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;
- (m) Pipe invert levels and surface levels to Australian Height Datum;
- (n) 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.

**32. 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.

**33. BASIX Compliance Certificate**

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

**34. Completion of Landscape Works**

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

**35. Minor Development**

Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or

interlocking pavers to provide a dust-free surface.

**36. Vehicular Crossing - Minor Development**

The vehicular crossing and/or footpath works shall be constructed by a private contractor at the expense of the applicant, in accordance with the Works Permit Approval issued by Council's Civic & Urban Services and in accordance with Council's Driveway Specifications.

Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant and in accordance with Council's Driveway Specifications.

The work must be completed before the issue of an Occupation Certificate.

**OPERATIONAL CONDITIONS (ON-GOING)**

**37. Entering & Exiting of Vehicles**

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

**38. Greywater System**

In order to conserve and re-use water, Council encourages all developments for new dwellings to incorporate a greywater reuse system. The system can incorporate a *greywater diversion device* or a *domestic greywater treatment system*. Any system installed is to ensure that it complies with the Plumbing Code of Australia, maintained at all times and does not result in any adverse amenity impacts on the subject premises and surrounding properties.

**OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**39. Requirement for a Construction Certificate**

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

**40. Appointment of a Principal Certifier**

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

- (f) appointed a Principal Certifier for the building work; and
- (g) 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:

- (h) 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
- (i) notify the Principal Certifier of the details of any such appointment; and
- (j) 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.

**41. Notification of Critical Stage Inspections**

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

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

**42. Notice of Commencement**

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

**43. Critical Stage Inspections**

The last critical stage inspection must be undertaken by the Principal Certifier. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 61 of the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021 - NSW Legislation](#).

**44. Notice to be Given Prior to Critical Stage Inspections**

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

**45. Occupation Certificate**

A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

**PRESCRIBED CONDITIONS**

46. **Clause 75 – BASIX Commitments**

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

47. **Clause 69 – Building Code of Australia & Home Building Act 1989**

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

48. **Clause 70 – Erection of Signs**

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

49. **Clause 71 – Home Building Act 1989**

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

50. **Clause 74 – 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.

### ADVISORY NOTES

i. **Review of Determination**

Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney East Planning Panel or the Land & Environment Court.

ii. **Appeal Rights**

Division 8.3 (Reviews and appeals) Part 8 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

iii. **Lapsing of Consent**

This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

iv. **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.

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

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

- (g) Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au).
- (h) In the Application Form, quote the Development Consent No. (eg. Year/DA 2021/241) and reference this condition number (e.g. Condition 23)
- (i) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Works Permit applications.

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

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



vi. **Site Safety Fencing**

Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au)).

vii. **Electricity Supply**

This development may need a connection to the Ausgrid network which may require the network to be extended or its capacity augmented. You are advised to contact Ausgrid on 13 13 65 or [www.ausgrid.com.au](http://www.ausgrid.com.au) (Business and Commercial Services) for further details and information on lodging your application to connect to the network.

viii. **Australia Post – Letter Box Size and Location**

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

ix. **Residential Waste**

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

**RESOLUTION**

This application be approved subject to the conditions attached to the Planning Officer's report as amended by the Panel (Condition 20).

FOR: Paul Stein, Brian Kirk, Sue Francis, Robert Jolliffe

AGAINST: NIL

REASON:

The Panel consider the further extension of the basement beyond the approved would be contrary to the objectives of Clause 6.2 of the Strathfield LEP 2012.

The basement is of adequate size and further enlargement is not beneficial to the environmental outcomes.

\*\*\*\* End Minutes - Report No. 21\*\*\*\*

TO: Strathfield Local Planning Panel Meeting - 7 July 2022  
 REPORT: SLPP – Report No. 22  
 SUBJECT: DA2020.80.2- 2 EASTBOURNE ROAD HOMEBUSH WEST  
 LOT: 0 SP: 32811  
 DA NO. DA2020.80.2

**RECOMMENDATION**

Pursuant to Section 4.56 of the *Environmental Planning & Assessment Act 1979* and following detailed assessment of the proposed modifications to Development Consent No. 2020/80 for alterations and additions, including changes to basement levels, internal unit configuration, layout and numbers and external façade to approved five (5) storey infill housing residential flat building development be **APPROVED**, subject to:

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

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

**DEVELOPMENT DETAILS**

**1. Approved Plans & Documentation**

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

Description	Reference No.	Date	Revision	Prepared by
Site Plan	SP.01	12-Aug 2021	H	Bechara Chan & Associates Pty Ltd
Basement 1	DA.01	12-Aug 2021	H	Bechara Chan & Associates Pty Ltd

Basement 2	DA.02	12 Aug 2021	H	Bechara Chan & Associates Pty Ltd
Ground Floor	DA.03	12 Aug 2021	H	Bechara Chan & Associates Pty Ltd
First Floor	DA.04	12 Aug 2021	H	Bechara Chan & Associates Pty Ltd
Second Floor	DA.05	12 Aug 2021	H	Bechara Chan & Associates Pty Ltd
Third Floor	DA.06	12 Aug 2021	H	Bechara Chan & Associates Pty Ltd
Fourth Floor	DA.07	12 Aug 2021	H	Bechara Chan & Associates Pty Ltd
Roof Plan	DA.08	12 Aug 2021	H	Bechara Chan & Associates Pty Ltd
Adaptable & Liveable Layouts	DA.09	12 Aug 2021	H	Bechara Chan & Associates Pty Ltd
Demolition Plan	DM.01	12 Aug 2021	H	Bechara Chan & Associates Pty Ltd
Elevations	DA.10	12 Aug 2021	H	Bechara Chan & Associates Pty Ltd
Side (South) Elevation	DA.11	12 Aug 2021	H	Bechara Chan & Associates Pty Ltd
Sections	DA.12	12 Aug 2021	H	Bechara Chan & Associates Pty Ltd
Adaptable Layouts	DA.13	12 Aug 2021	H	Bechara Chan & Associates Pty Ltd
Driveway & Basement Section	DA.14	12 Aug 2021	H	Bechara Chan & Associates Pty Ltd

Stormwater Plans	Sheets 1-5	13 Aug 2021	G	SGC Consulting Engineers
Erosion and Sediment Control Plan	SW400	13 Aug 2021	G	SGC Consulting Engineers
Landscape Planning Plan 1/2	L01/2-K24906	11 Aug 2021	G	Michael Siu – Landscape Architects
Roof Details notes Schedules 2/2	L02/2-K24906	11 Aug 2021	G	Michael Siu – Landscape Architects
Waste Management Plan	-	12 Dec 2021	G	No author
Arboricultural Impact Report	-	1 July 2021	-	Landscape Matrix
Arborist Letter	-	13 Aug 2021	-	Landscape Matrix
Traffic Letter	-	13 Aug 2021	-	Varga Traffic Planning
Flood Planning Report	-	27 Aug 2020	B	ZAIT Engineering Solutions Pty Ltd
BASIX Certificate	No.1086934M-02	2 July 2021	-	Greenworld Architectural Drafting
Demolition Plan	DA-004	24 May 2022	B	Urbanlink Pty Ltd
Site Plan	DA-005	24 May 2022	B	Urbanlink Pty Ltd
Ground Floor Plan	DA-101	6 June 2022	C	Urbanlink Pty Ltd
Level 01 Plan	DA-102	6 June	C	Urbanlink Pty Ltd

		2022		
<b>Level 02 Plan</b>	<b>DA-103</b>	<b>6 June 2022</b>	<b>C</b>	<b>Urbanlink Pty Ltd</b>
<b>Level 03 Plan</b>	<b>DA-104</b>	<b>6 June 2022</b>	<b>C</b>	<b>Urbanlink Pty Ltd</b>
<b>Level 04 Plan</b>	<b>DA-105</b>	<b>6 June 2022</b>	<b>C</b>	<b>Urbanlink Pty Ltd</b>
<b>Roof Plan</b>	<b>DA-106</b>	<b>6 June 2022</b>	<b>C</b>	<b>Urbanlink Pty Ltd</b>
<b>West and East Elevation Plan</b>	<b>DA-201</b>	<b>24 May 2022</b>	<b>B</b>	<b>Urbanlink Pty Ltd</b>
<b>North Elevation Plan</b>	<b>DA-202</b>	<b>24 May 2022</b>	<b>B</b>	<b>Urbanlink Pty Ltd</b>
<b>South Elevation Plan</b>	<b>DA-203</b>	<b>24 May 2022</b>	<b>B</b>	<b>Urbanlink Pty Ltd</b>
<b>Section A</b>	<b>DA-301</b>	<b>24 May 2022</b>	<b>B</b>	<b>Urbanlink Pty Ltd</b>
<b>Section B &amp; Ramp Detail</b>	<b>DA-302</b>	<b>24 May 2022</b>	<b>B</b>	<b>Urbanlink Pty Ltd</b>
<b>External Finishes Plan</b>	<b>DA-902</b>	<b>24 May 2022</b>	<b>B</b>	<b>Urbanlink Pty Ltd</b>
<b>Arborist Letter</b>		<b>2<sup>nd</sup> June 2022</b>	<b>-</b>	<b>Landscape Matrix</b>
<b>Arboricultural Impact Report</b>	<b>-</b>	<b>6 June 2022</b>	<b>-</b>	<b>Landscape Matrix</b>
<b>Stormwater Concept Plan</b>	<b>Sheets 1-7</b>	<b>1 April 2022</b>	<b>D</b>	<b>SGC Engineering</b>

**MODIFIED: DA2020.80.2 7 July 2022**

2. **Building Height (DD5003)**

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) ~~38.60~~ **38.515** AHD to the ridge of the building.

**MODIFIED: DA2020.80.2 7 July 2022**

**SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION**

3. **Section 138 Roads Act 1993 and Section 68 Local Government Act 1993 (SA6002)**

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.

#### 4. **Vehicular Crossing – Major Development (SA6004)**

The following vehicular crossing and road frontage works will be required to facilitate access to and from the proposed development site:

- (a) Construct a 1.5 metre wide footpath for the full length of the frontage of the site in Eastbourne Road in accordance with Council's Specifications applying at the time construction approval is sought.
- (b) The thickness and design of the driveway shall be in accordance with Council's Specifications applying at the time construction approval is sought.
- (c) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant. The work shall be carried out in accordance with Council's specification, applying at the time construction approval is sought.

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

#### 5. **Building – Hoarding Application (SA6007)**

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.

6. **Below Ground Anchors – Information to be Submitted with S68 Application under LGA 1993 and S138 Application under Roads Act 1993 (SA6008)**

In the event that the excavation associated with the basement carpark is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways, an application must be lodged with Council under Section 68 of the [Local Government Act 1993](#) and the [Roads Act 1993](#) for approval, prior to commencement of those works. The following details must be submitted.

- (a) That cable anchors will be stressed released when the building extends above ground level to the satisfaction of Council.
- (b) The applicant has indemnified Council from all public liability claims arising from the proposed works, and provide adequate insurance cover to the satisfaction of council.
- (c) Documentary evidence of such insurance cover to the value of \$20 million.
- (d) The applicant must register a non-terminating bank guarantee in favour of Council for the amount of \$20,000.  

The guarantee will be released when the cables are stress released. In this regard it will be necessary for a certificate to be submitted to Council from a structural engineer at that time verifying that the cables have been stress released.
- (e) That in the event of any works taking place on Council's roadways/footways adjoining the property while the anchors are still stressed, all costs associated with overcoming the difficulties caused by the presence of the 'live' anchors will be borne by the applicant.

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

7. **Sydney Water – Tap in™ (RC7012)**

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.

8. **Notice of Requirements for a Section 73 Certificate (RC7013)**

A Notice of Requirements of what will eventually be required when issuing a Section 73 Compliance Certificate under the [Sydney Water Act 1994](#) must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the 'Plumbing, building and developing' section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to 'Providers' under 'Developing' or telephone 13 20 92 for assistance.

Following application, a 'Notice of Requirements' will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The Notice of requirements must be submitted prior to the commencement of work. A Section 73 Compliance Certificate will be required at the completion of development in accordance with further conditions.

9. **Section 73 Compliance Certificate (RC7014)**

A Section 73 Compliance Certificate under the [Sydney Water Act 1994](#) must be submitted to the PCA prior to the issue of the Occupation/Subdivision Certificate.

10. **NSW POLICE (RC7018)**

The following conditions are endorsed by NSW Police and must be considered and incorporated into the final design and ongoing operations of the approved development:

**Premises Identification**

To assist emergency services to locate the premises, the street number of the premises must be clearly displayed at the front of the premises.

**Lighting**

Security lighting must be provided in the final design. This lighting must be designed to deny criminals the advantage of being able to operate unobserved. Higher lighting levels may be required for vulnerable areas. Adequate, uniform lighting must cover the entire property. Light levels must be appropriate for the users, activities and tasks of an area.

**Closed Circuit Television (CCTV)**

CCTV can enhance the physical security of the location and assist in the identification of people involved in anti-social or criminal behaviour. It acts as a deterrent and improve surveillance.

Cameras must be installed in and around all premises, especially at entry/exit points to maximise surveillance opportunities.

Digital and monitored technology must be used to record images from the cameras  
Installed surveillance equipment must be maintained in working order and regularly maintained and tested.

### **Signage**

Warning signs must be strategically posted around the perimeter of the property, particularly near entry points to warn intruders of security measures

Example: Warning: these premises are under constant surveillance  
Warning: don't leave valuables inside your vehicle

Directional signage must be posted at decision making points (e.g. entry/egress points) to provide guidance to patrons whilst driving their vehicles. Knowing how and where to enter, exit and find assistance within a car park can impact perceptions of safety, victim vulnerability and crime opportunity.

### **Landscaping**

During operations any new trees and shrubs should be trimmed to reduce concealment opportunities and increase visibility to and from the business. Any obstacle or rubbish must be removed from the property boundaries, footpaths, driveways, car parks and buildings to restrict concealment and prevent offenders scaling any building within the confines of the site.

### **Design Features**

The design features must ensure no natural ladders occur whereby an offender could climb the building to gain entry through a balcony.

### **Fire and Safety Measures**

The final design must comprise fire safety measures to prevent the start and spread of fire, and to ensure and promote the safety of occupants. All Australian standards in fire safety must be adhered to in any development proposal. These standards include fire escapes, evacuation procedures, evacuation assembly point etc. A copy of these Operating Orders must be provided to the nearest police station with contact person details.

### **Overcrowding and Illegal Renovations**

During operations the premises must not facilitate overcrowding and illegal renovations. The relevant Owners Corporation and/or Strata Corporation and Strathfield Council must ensure that all compliance issues are monitored and built/operated in accordance with this development consent.

### **Other Issues**

During operations the development must ensure alarm systems and smoke detectors work properly and fire doors and sprinklers are built/maintained for purpose.

The Owners Corporation has a duty under the Strata Schemes Management Act, 1996 to act to prevent breaches of the development control laws where it is aware of such breaches. Over tenancing is illegal, as well owners would bear the substantial costs of the over use of the building's facilities.

It is recommended that security access via access cards are incorporated into the access design of the development. Safety is reduced when the number of strangers is restricted entering the building. Access cards are one way of reducing unauthorised entry.

**PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

**11. Fees to be Paid (CC8001)**

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

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

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

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

<b>Fee Type</b>	<b>Fee</b>
<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>	\$ 41,270.00
Security Damage Deposit	\$ 33,000.00
Administration Fee for Damage Deposit	\$ 130.00
Tree Bond	\$ 3,050.00
Administration Fee for Tree Bond	\$ 130.00
<b>DEVELOPMENT CONTRIBUTIONS</b>	
See separate Condition under "Prior to the Issue of Occupation Certificate"	

**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 contributions (s94) have been imposed on this consent in accordance with the *Ministerial Directions – Timing of Payments* and are deferred until the issuing of the first occupation certificate.

However, if no construction certificate in respect to the erection of any building to which this consent relates has been issued on or before 25 September 2022, the monetary contribution must be paid before the issue of the any construction certificate after that date for any such building.

#### Indexation

The 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.

#### 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).

## 12. **Required Design Changes (CC8003)**

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

Front fence	The front boundary fence shall be constructed to a height of 1m so to maintain passive surveillance between the front entrance and the street. Details of the fence confirming a maximum fence height of 1m must be illustrated on the plans lodged with the application for the Construction Certificate.
Wash bay	One designated wash bay must be provided in the basement, clearly signposted/linemarked. The space should not be shared by other uses. Any adjustments required as a result of this space must be illustrated on the plans lodged with the application for the Construction Certificate.
Roof Top Communal Open space Facilities	Multiple bench seating provided to roof top communal open space area with a minimum of two (2) kitchenette areas each with BBQ facilities for occupant use.

**MODIFIED: DA2020.80.2 7 July 2022**

**13. Damage Deposit – Major Works (CC8009)**

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

- (a) Pay Council, before the issue of the Construction Certificate, a security damage deposit for the cost of making good any damage caused to any Council property as a result of the development: \$33,000.00
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$130.00
- (c) Submit to Council, before the commencement of work, a dilapidation report of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

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

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

**14. Tree Bond (CC8010)**

A tree bond of \$3,050.00 (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.

**15. Site Management Plan (CC8011)**

**Major Development**

A Site Management Plan must be submitted with the application for a Construction Certificate, and include the following:

- (a) location of protective site fencing;
- (b) location of site storage areas/sheds/equipment;
- (c) location of building materials for construction, e.g. stockpiles
- (d) provisions for public safety;
- (e) dust control measures;
- (f) method used to provide site access location and materials used;
- (g) details of methods of disposal of demolition materials, according to Waste Management Plan and which should be used or recycled wherever practicable;
- (h) method used to provide protective measures for tree preservation;
- (i) provisions for temporary sanitary facilities;
- (j) location and size of waste containers/skip bins, according to the Waste Management Plan and including resource recovery methods;
- (k) details of proposed sediment and erosion control measures;
- (l) method used to provide construction noise and vibration management;
- (m) construction and demolition traffic management details.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan must be kept on site and is to be made available upon request.

16. **SEPP 65 Design Verification Statement (CC8012)**

A design verification statement, prepared by a qualified designer, shall be submitted to the Certifying Authority verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out under Schedule 1 of [State Environmental Planning Policy No 65 — Design Quality of Residential Flat Development](#).

17. **BASIX Commitments (CC8014)**

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. ~~1086934M\_02 dated 2 July 2024~~ **1086934M\_03 dated 3 March 2022** must be implemented on the plans lodged with the application for the Construction Certificate.

**MODIFIED: DA2020.80.2 7 July 2022**

18. **Erosion & Sedimentation Control (CC8036)**

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.

**19. Pre-Construction Dilapidation Report – Private Land (CC8037)**

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

- (a) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.
- (b) The southern portion of No. 120 The Crescent, Homebush West
- (c) The southern portion of No. 121 The Crescent, Homebush West
- (d) The southern portion of No. 122 The Crescent, Homebush West
- (e) The southern portion of No. 123 The Crescent, Homebush West
- (f) No. 4 Eastbourne Road, Homebush West

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

A copy of the pre-construction dilapidation report is to be provided to the adjoining properties (subject of the dilapidation report), a minimum of 5 working days prior to the commencement of



work. Evidence confirming that a copy of the pre-construction dilapidation report was delivered to the adjoining properties must be provided to the PCA.

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

**20. Stormwater System (CC8038)**

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.

**21. On Site Detention (CC8039)**

The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

An on-site detention (OSD) facility designed by a professional engineer who specialises in Hydraulic Engineering must be designed, approved and installed. The design must include the computations of the inlet and outlet hydrographs and stage/storage relationships of the proposed OSD using the following design parameters:

- (a) peak flow rates from the site are to be restricted to a permissible site discharge (PSD) equivalent to the discharge when assuming the site contained a single dwelling, garage, lawn and garden,
- (b) at Annual Recurrence Intervals of 2 years, 10 years and 100 years.

The OSD facility shall be designed to meet all legislated safety requirements and childproof safety fencing around the facility must be provided where the OSD facility is open or above ground when the design peak storage depth is greater than 300mm. A durable metal plate or similar sign is to be placed at the OSD facility and must bear the words:

"BEWARE: This is an on-site detention basin/tank for rainwater which could overflow during heavy storms."

Full details shall accompany the application for the Construction Certificate.

**22. Detailed Stormwater Drainage Design (CC8040)**

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

**23. Compliance with Flood Study (CC8042)**

The development shall be designed to conform to the recommendations and conclusions of the submitted flood study titled Floor Planning Report, prepared by ZAIT Engineering Solutions Pty Ltd and dated 27 August 2020.

This shall include, but not be limited to, any recommendations for the following:

- (a) Minimum floor levels
- (b) Fencing
- (c) Site regrading
- (d) Overland flow path construction
- (e) Protection of the basement from inundation of surface waters

Evidence from professional engineer that specialises in hydraulic engineering that all design requirements have been adhered to shall be submitted with the Construction Certificate application.

**24. Water Sustainability – Water Sensitive Urban Design (CC8043)**

Details of the Water Sensitive Urban Design (WSUD) components (stormwater treatment measures) shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. Details shall demonstrate compliance with the water conservation and stormwater quality targets set out under Sections 3.1 and 3.2 respectively under Part N of the SCDPC 2005, and be prepared by a suitably qualified professional engineer.

**25. Pump-Out System Design for Stormwater Disposal (CC8046)**

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

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

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

**26. Waste Management Plan (WMP) (CC8049)**

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.

**27. Fire Safety Measures (CC8052)**

Prior to the issue of a construction certificate a list of the existing and proposed essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a PCA. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or PCA will then issue a Fire Safety Schedule for the building.

**28. Structural Details (CC8053)**

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.

**29. Engineer's Certificate (CC8056)**

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.

**30. Access for Persons with a Disability (CC8057)**

Access for persons with disabilities must be provided to the premises/building in accordance with the requirements of the Premises Standards, the Building Code of Australia, and AS 1428.1. Details must be submitted with the Construction Certificate Application for approval.

**30A. Silver Level Universal Design**

Prior to the issue of a Construction Certificate, certification shall be submitted to the Principal Certifying Authority demonstrating that at least 20% of the residential units meet the silver level Universal Design Guide requirements of the Livable Housing Design. In order to meet the requirements, the following must be achieved:

- a) A safe continuous and step free path of travel from the street entrance and/or parking area to a dwelling entrance that is level.
- b) Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces.
- c) A toilet on the ground (or entry) level that provides easy access.
- d) A bathroom that contains a hobless (step-free) shower recess.
- e) Reinforced walls around the toilet, shower and bath to support the safe installation of grabrails at a later date.
- f) A continuous handrail on one side of any stairway where there is a rise or more than one metre.
- g) Stairways are designed to reduce the likelihood of injury and also enable future adaptation.

**ADDED: DA2020.80.2 7 July 2022**

### **30B. Adaptable Housing**

Prior to the issue of a Construction Certificate, certification shall be submitted to the Principal Certifying Authority demonstrating that at least 15% of residential units meet the adaptable housing requirements as per Australian Standard AS 4299-1995 Adaptable Housing.

**ADDED: DA2020.80.2 7 July 2022**

### **30C. Engineering report for Plenums**

Prior to the issue of a Construction Certificate, certification shall be submitted to the Principal Certifying Authority demonstrating that the openable plenums proposed to units are capable of operating effectively and thus able to achieve the minimum 60% of cross ventilation to units of the building.

**ADDED: DA2020.80.2 7 July 2022**

### **31. Commonwealth Disability (Access to Premises) Standard (CC8058)**

The Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standards) applies to all applications (i.e. Construction Certificate). This requires any new building, part of a building and the affected part of the existing building to comply with the Premises Standards, the Building Code of Australia and AS 1428.

### **32. Off Street Parking – Compliance with AS2890 (CC8066)**

All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car

parking facilities), AS 2890.6 (parking for people with disabilities) and AS 2890.2 (for commercial vehicle facilities).

**33. Construction Traffic Management Plan [Large Developments Only] (CC8067)**

A Construction Traffic Management Plan detailing:

- (a) construction vehicle routes;
- (b) anticipated number of trucks per day;
- (c) hours of construction;
- (d) Access arrangements; and
- (e) Proposed traffic measures to minimise impacts of construction vehicles

Must be submitted for the approval of Council's Engineers. Council's Engineers must specify in writing that they are satisfied with the Traffic Management Plan prior to the issue of the Construction Certificate.

**34. Acoustic Requirements (CC8073)**

Compliance with submitted Acoustic Report

The Construction Certificate plans shall demonstrate compliance with the Acoustic Report submitted and approved by Council, titled DA Noise Impact Assessment (revision 2), prepared by Acoustic Logic and dated 28 June 2021.

All mechanical services in the building should be enclosed with acoustic barriers, enclosures, attenuators and/or acoustic louvres to reduce the impact of noise.

**35. Enclosure of Fire Hydrant (CC8082)**

Prior to the issue of a Construction Certificate, the Certifying Authority is to be provided with detailed plans indicating that all fire hydrant, sprinkler valves and the like are enclosed in accordance with the requirements of AS 2419.1 – 2005 Fire Hydrant Installations.

**36. Waste Management Plan (CC8084)**

A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to and approved by the Certifying Authority prior to the issue of any Construction Certificate.

The WMP must reflect the following waste collection requirements (during operations of the approved development):

- Building Manager is to move bins to road reserve for kerbside collection by Council on the evening prior to waste collection day. Waste collection is to be undertaken by Council.
- Building Manager must ensure all bins are returned into the site within one (1) hour of collection by Council.

WMP should also indicate how waste education will be provided, in order to minimise waste disposal, contamination and to increase recycling. Educational signage is to be installed in waste rooms and commons areas.

[EPA's Better Practice Guide for Waste Management in Multi-unit Dwellings](#) and [Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities](#) should be used to inform design and waste management outcomes in new and existing development.

### 37. **Waste, Recycling and Bulky Storage Rooms (CC8085)**

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 – seven (7) x 660 litre mobile bins.
- (b) Domestic Recycling – seven (7) x 660 litre mobile bins.

At a minimum rate of 1.1m<sup>2</sup> per 240L bin, 2.03m<sup>2</sup> per 660L bin, 2.7m<sup>2</sup> per 1100L bin and located in an area to suitably facilitate servicing on waste collection day.

The layout of the waste and recycling storage room 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.

Detailed plans of waste and recycling storage rooms must be submitted along with Waste Management Plan and Waste and Recycling Storage Room/Area Design Checklist.

Details of any specialised waste disposal equipment to be used in the development such as compactors (carousel and linear), bin tugs, chutes, crushers, bunding, oil water separators (coalescing plate separators), etc. to be provided to Council for approval.

Bulk collection area must be provided at a rate of 4m<sup>2</sup> per 10 units and should be located adjacent to waste and recycling storage rooms.

### 38. **Kerbside Waste Collection (CC8086)**

Waste collection is to be undertaken as follows:

- Building Manager is to move bins to road reserve for kerbside collection by Council on the evening prior to waste collection day. Waste collection is to be undertaken by Council.
- Building Manager must ensure all bins are returned into the site within one (1) hour of

collection by Council.

Waste servicing and collection arrangements should be clearly depicted and annotated on architectural drawings.

**39. High Density Multi Unit Dwellings (CC8088)**

For high density, Multi Unit Dwellings 660L or 1100L wheeled bins should be used.

Development must provide onsite underground or at-grade collection of waste. Details of any specialised waste disposal equipment to be used in the development, such as compactors (carousel and linear), bin tugs, chutes, crushers, bunding, oil water separators (coalescing plate separators), etc. to be provided to Council for approval.

Waste education must be provided through signs in common areas indicating how to avoid, reduce, reuse and recycle waste.

**40. Landscape Plans (CC8095)**

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.

**41. Compliance with Submitted Arborist Report (CC8097)**

The recommendations outlined in the Arboricultural Impact Report prepared by Landscape Matrix and dated ~~1 July 2021~~ **6 June 2022** and in the Arborist Letter prepared by Landscape Matrix and dated ~~13 August 2021~~ **2 June 2022** must be implemented throughout the relevant stages of construction. Details of tree protection measures to be implemented must be detailed and lodged with the Construction Certificate application for approval and shall be in accordance with Section 4 - *Australian Standard AS 4970-2009: Protection of trees on development sites*.

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

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
4	Casuarina glauca (Swamp Oak)	Site	3.7
5	Callistemon salignus (Pink Tips, Willow Bottlebrush)	Site	4.3
10	Callistemon salignus (Pink Tips, Willow Bottlebrush)	Site	3.2
11	Corymbia citriodora (Lemon Scented Gum)	Site	8.2
12	Callistemon salignus	Site	3

	(Pink Tips, Willow Bottlebrush)		
13	Callistemon salignus (Pink Tips, Willow Bottlebrush)	Site	3.4
15	Casuarina glauca (Swamp Oak)	Site	5.8
16	Corymbia citriodora (Lemon Scented Gum)	Site	5.9
18	Corymbia maculate (Spotted Gum)	Site	6.3
19	Callistemon salignus (Pink Tips, Willow Bottlebrush)	Site	2.6
22	Callistemon salignus (Pink tips, Willow Bottlebrush)	Site	2.4

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**42. Tree Protection and Retention (CC8098)**

The following trees shall be retained and protected:

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
1	Lophostemon confertus (Brushbox)	Street tree	11
2	Lophostemon confertus (Brushbox)	Street tree	5.5
3	Lophostemon confertus (Brushbox)	Street tree	6.7
4	Casuarina glauca (Swamp Oak)	Site	3.7
5	Callistemon salignus (Pink Tips, Willow Bottlebrush)	Site	4.3
10	Callistemon salignus (Pink Tips, Willow Bottlebrush)	Site	3.2
11	Corymbia citriodora (Lemon Scented Gum)	Site	8.2
12	Callistemon salignus (Pink Tips, Willow)	Site	3



	Bottlebrush)		
13	Callistemon salignus (Pink Tips, Willow Bottlebrush)	Site	3.4
15	Casuarina glauca (Swamp Oak)	Site	5.8
16	Corymbia citriodora (Lemon Scented Gum)	Site	5.9
18	Corymbia maculate (Spotted Gum)	Site	6.3
19	Callistemon salignus (Pink Tips, Willow Bottlebrush)	Site	2.6
22	Callistemon salignus (Pink tips, Willow Bottlebrush)	Site	2.4

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

#### **General Tree Protection Measures**

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

#### **Excavation works near tree to be retained**

- (g) Excavations around the trees to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not adversely be affected.

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

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

**43. Tree Pruning (CC8099)**

Approval is given for the following works to be undertaken to trees on the site:

Tree No.	Tree Species	Location of Tree	Approved Works
11	Corymbia citriodora (Lemon Scented Gum)	Site	Limited pruning of the trees outer crown, in accordance with photograph 5 on page 27 of Arboricultural Impact Report prepared by Landscape Matrix and dated 1 July 2021

Branches up to 30mm in diameter, and no more than 10% of the entire crown is to be pruned as part of this approval. The pruning shall not give the crown an unbalanced appearance. All pruning work must be undertaken by a minimum level 2 (AQF 3) qualified Arborist who is currently a member or eligible for membership to Arboriculture Australia (AA) or the Tree Contractors Association Australia (TCAA), in accordance with AS4373—Pruning of Amenity Trees.

**44. Tree Removal & Replacement (CC8100)**

**Tree removal**

Permission is granted for the removal of the following trees:

Tree No.	Tree species	Number of trees	Location
6	Casuarina glauca (Swamp Oak)	1	Site
7	Callistemon salignus (Pink Tips, Willow Bottlebrush)	1	Site
8	Callistemon salignus (Pink Tips, Willow Bottlebrush)	1	Site
9	Callistemon salignus (Pink Tips, Willow Bottlebrush)	1	Site

14	Grevillea robusta (Silky Oak)	1	Site
17	Callistemon salignus (Pink Tips, Willow Bottlebrush)	1	Site
20	Grevillea robusta (Silky Oak)	1	Site
21	Corymbia maculate (Spotted Gum)	1	Site
23A	Ligustrum lucidum (Large Leaved Privet)	1	Site
24	Corymbia citriodora (Lemon Scented Gum)	1	Site
25	Callistemon salignus (Pink Tips, Willow Bottlebrush)	1	Site
26	Callistemon salignus (Pink Tips, Willow Bottlebrush)	1	Site
27	Grevillea robusta (Silky Oak)	1	Site
28	Casuarina glauca (Swamp Oak)	1	Site
29	Casuarina glauca (Swamp Oak)	1	Site

### **General Tree Removal Requirements**

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

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

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

#### **45. Demolition & Asbestos (CW9001)**

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

**46. Demolition Notification Requirements (CW9002)**

The following notification requirements apply to this consent:

- (g) 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.
- (h) 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.
- (i) 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.

**47. Demolition Work Involving Asbestos Removal (CW9003)**

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](#).

**48. Dial Before Your Dig (CW9010)**

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.

**49. Dilapidation Report on Public Land – Major Development Only (CW9011)**

Prior to the commencement of works (including demolition and excavation), a dilapidation report must be prepared for the Council infrastructure adjoining the development site. The report must include the following:

- (a) Photographs showing the existing condition of the road pavement fronting the site,

- (b) Photographs showing the existing condition of the kerb and gutter fronting the site,
- (c) Photographs showing the existing condition of the footpath pavement fronting the site,
- (d) Photographs showing the existing condition of any retaining walls within the footway or road, and
- (e) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- (f) The full name and signature of the structural engineer.
- (g) The Dilapidation Report must be prepared by a qualified structural engineer. The report must be provided to the PCA and a copy provided to the Council.

The Dilapidation Report must be prepared by a professional engineer. The report must be provided to the PCA and a copy provided to the Council.

The report is to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

**Note:** Council will use this report to determine whether to refund the damage deposit after the completion of works.

#### 50. **Registered Surveyors Report - During Development Work (CW9014)**

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

- (a) Set out before commencing excavation.
- (b) Floor slabs or foundation wall, before formwork or commencing brickwork.
- (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
- (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
- (e) Completion of any Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.
- (f) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (g) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

Work must not proceed beyond each stage until the PCA is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

**51. Utility Arrangements (CW9015)**

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 applicant's expense.

**52. Structural Engineers Details – Supporting Council Road/Footway (CW9017)**

Prior to the commencement of work in connection with the excavation of the site associated with the basement carpark, structural engineer's details relating to the method of supporting Council's roadways/footways must be submitted to the satisfaction of Council.

**53. Dust Control (CW9019)**

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

**Major Works**

The following measures must be implemented (in part or in total) to control the emission of dust:

- a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- b) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be contaminated or allowed to enter the stormwater system.
- c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- d) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- e) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- f) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours.

**DURING CONSTRUCTION**

**54. Site Sign – Soil & Erosion Control Measures (CO1001)**

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.

**55. Hours of Construction for Demolition and Building Work (CO1002)**

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.

**56. Ground Levels and Retaining Walls (CO1003)**

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

**57. Obstruction of Road or Footpath (CO1013)**

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

**58. Construction Management Plan (CO1015)**

The owner/applicant is to ensure that the approved Construction Traffic management Plan is to be strictly complied with and kept on site at all times during construction works.

**59. Tree Removal on Private Land (CO1024)**

The trees identified as 'to be removed/pruned' on the approved plans or by conditions of this consent shall be removed in accordance with *AS4373 -2007* and the *Amenity Tree Industry Code of Practice* (SafeWork NSW, August 1998).

**60. Excavation Works Near Tree to be Retained (CO1025)**

Excavation around the tree/s to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not be adversely affected.

Where the Tree Protection Zone of trees on site or adjoining sites become compromised by any excavation works, the Project Arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.

61. **Acid Sulfate Soils (Special Condition)**

The construction works must be monitored for the presence of acid sulfate soil and the following measures are recommended during construction.

Suspect acid sulfate soils should be noted for signs of reaction (eg oxidation). Common reaction includes pungent odour being released into the air, discoloration of soil (eg green and blue tinge) and leaching of iron from the soil.

Sampling of soil and laboratory analysis should be carried out to confirm acid sulfate if required.

In the event where acid sulfate soils are identified, a detailed acid sulfate soil management plan must be submitted to Council.

**PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

62. **Restriction on Use of Land – Clause 38(1) SEPP (Affordable Rental Housing) - Residential Flat Buildings - Social Housing Providers (OC1102)**

**MODIFIED: DA2020.80.2 7 July 2022**

63. **Restriction on Use of Land – Clause 17(1) SEPP (Affordable Rental Housing) - Infill Affordable Housing (OC1103)**

For ten (10) years from the date of the issue of the Occupation Certificate:

- (a) The dwellings proposed to be used for the purposes of affordable housing, identified on the approved plans as Units ~~G.01, G.06, 1.01, 1.02, 1.07, 2.06, 2.07, 3.02, 3.04 and 4.04~~ **G.04, G.05, G.06, G.07, G.08, G.09, L.107, L.207, L.307** will be used for the purpose of affordable housing, and
- (b) All accommodation that is used for affordable housing will be managed by a registered community housing provider.

A Restriction of Use of the Land is to be created using Section 88E of the [Conveyancing Act 1919](#) over the subject property. This Restriction shall ensure that the requirements of Clause 17(1) of [State Environmental Planning Policy \(Affordable Rental Housing\) 2009](#) are met and shall be worded as follows:

*For a continuous period of ten (10) years from the date of issue of any occupation certificate (being an Interim or Final Occupation Certificate) the following Restrictions on the Use of the Land will apply:*

- i. The dwellings proposed to be used for the purposes of affordable housing, identified on the approved plans as Units G.04, G.05, G.06, G.07, G.08, G.09, L.107, L.207, L.307 will be used for the purpose of affordable housing, and*
- ii. All accommodation that is used for affordable housing will be managed by a registered community housing provider.*



*This Restriction shall benefit Council and Council is to be nominated as the Authority to release, vary or modify this Restriction.*

This Restriction on Use of Land shall be registered on the title of the land, prior to of the issue of any Occupation Certificate. Documentary evidence of the registration of this Restriction on title is to be supplied to the PCA with the application for any Occupation Certificate.

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**64. BASIX Certificate (OC1104)**

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.

**65. BASIX Compliance Certificate (OC1105)**

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

**66. Completion of Landscape Works (OC1106)**

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

**67. Post Construction Dilapidation Report – Private Land (OC1107)**

At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to the following adjoining premises:

- (a) The southern portion of No. 120 The Crescent, Homebush West
- (b) The southern portion of No. 121 The Crescent, Homebush West
- (c) The southern portion of No. 122 The Crescent, Homebush West
- (d) The southern portion of No. 123 The Crescent, Homebush West
- (e) No. 4 Eastbourne Road, Homebush West

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

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

68. **Allocation of Parking Spaces (OC1108)**

Parking associated with the development is to be allocated as follows:

- ~~(a) Residential dwellings: 27 (including 6 accessible spaces)~~
  - ~~i) With the following minimum requirements applicable~~
  - ~~ii) 9 for 1 bedroom units (including 3 for affordable units)~~
  - ~~iii) 13 for 2 bedroom units (including 3 for affordable units)~~
  - ~~iv) 5 for 3 bedroom units (including 2 for affordable units)~~
- ~~(b) Residential visitors: 5~~
- ~~(c) Wash bay: 1~~
  
- (a) Residential dwellings: 29 (including 7 accessible spaces)**
  - i) With the following minimum requirements applicable**
  - ii) 9 for 1 bedroom units (PLUS an additional 3 for affordable units)**
  - iii) 8 for 2 bedroom units (PLUS an additional 4 for affordable units)**
  - iv) 5 for 3 bedroom units**
- (b) Residential visitors: 7**
- (c) Wash bay: 1**

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69. **Major Development (OC1110)**

Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface. All car parking spaces are to be line marked in accordance with AS1742, 'Australian Standard Manual of Uniform Traffic Control Devices' and the relevant guidelines published by the RMS.

70. **SEPP 65 Design Verification Statement (OC1111)**

The PCA must not issue an Occupation Certificate to authorise a person to commence occupation of the residential flat development unless the PCA has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of [State Environmental Planning Policy No 65—Design Quality of Residential Flat Development](#).

71. **Restriction to User and Positive Covenant for On-Site Detention Facility (OC1117)**

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as

appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines, water sensitive urban design, surface flow path, finished pavement and ground levels etc.).

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

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

**72. Maintenance Schedule – On-site Stormwater Management (OC1118)**

A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted to Council. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.

**73. Stormwater Certification of the Constructed Drainage Works (Minor) (OC1119)**

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.

**74. Requirements Prior to the Issue of the Occupation Certificate (OC1125)**

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) Construct any new vehicle crossings required.
- (d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.
- (e) A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the PCA prior to the issue of the Occupation Certificate.
- (f) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.

- (g) The construction of the building shall be completed in accordance with the conditions and specifications of the Section 68 Activity Approval.

**75. Vehicular Crossing - Minor Development (OC1126)**

The vehicular crossing and/or footpath works shall be constructed by a private contractor at the expense of the applicant, in accordance with the Works Permit Approval issued by Council's Civic & Urban Services and in accordance with Council's Driveway Specifications.

Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant and in accordance with Council's Driveway Specifications.

The work must be completed before the issue of an Occupation Certificate.

**76. Completion of Major Works (OC1128)**

Prior to the issue of a Final Occupation Certificate, the following works must be completed at the applicant's expense to the satisfaction of Council's Engineering Services section:

- (a) Stormwater pipes, pits and connections to public stormwater systems within the road related area;
- (b) Driveways and vehicular crossings within the road related area;
- (c) Removal of redundant driveways and vehicular crossings;
- (d) New footpaths within the road related area;
- (e) Relocation of existing power/light pole
- (f) Relocation/provision of street signs
- (g) New or replacement street trees;
- (h) New footway verges, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street.
- (i) New or reinstated kerb and guttering within the road related area; and
- (j) New or reinstated road surface pavement within the road.

Council's Engineering Services Section must advise in writing that the works have been completed to their satisfaction prior to the issue of the Occupation Certificate. [Note: The damage deposit paid to Council will not be released until the works have been completed to Council's satisfaction.

**77. Flood Prone Land – Survey of Levels (OC1131)**

A registered surveyor shall verify the levels of the design runoff overland flow path and finished floor levels to Australian Height Datum. The surveyor is also to verify that the flow paths and

finished floor levels have been built to the design levels, dimensions and surface finishes as specified in the approved plans.

**78. Fire Safety Certificate Before Occupation or Use (OC1133)**

In accordance with Clause 153 of the [Environmental Planning and Assessment Regulation 2000](#), on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 174 of the [Environmental Planning and Assessment Regulation, 2000](#). In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state:

- (a) That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so.
- (b) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the attached Schedule.

A copy of the certificate is to be given by the applicant to the Commissioner of Fire & Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

**79. Slip Resistance (OC1134)**

At completion of work an in-situ (on-site) test, in wet and dry conditions, must be carried out on the pedestrian floor surfaces used in the foyers, public corridors/hallways, stairs and ramps as well as the floor surfaces in wet rooms in any commercial/retail/residential units to ascertain the actual slip resistance of such surfaces taking into consideration the effects of grout, the gradients of the surface and changes from one material to another. The in-situ test must be carried out in accordance with AS/NZS 4663:2002. Proof of compliance must be submitted with the application for the Occupation Certificate for approval.

**80. Noise Domestic Air conditioner and Heat pump Water Heaters (less than 450mm from boundary) (OC1142)**

Prior to the issue of any Occupation Certificate, a report prepared by a professional acoustic engineer must be submitted to the PCA to certify that the design and construction of the air conditioner / heat pump water heaters shall not produce a sound level exceeding 5 dB(A) above the ambient background level at the closest neighbouring boundary between the hours of 8:00am and 10:00pm on Saturdays, Sundays and Public Holidays and between the hours of 7:00am and 10:00pm on any other day. Outside the specified hours, the sound level output for the running of air conditioner shall not exceed the ambient background noise level.

**81. Notice to Council – Allocation of Street Addresses (OC1156)**

Prior to the issue of any Occupation Certificate, 'as-built' drawings detailing the installed and allocated street/unit address and numbering must be submitted to the satisfaction of Council.

82. **Section 7.11 Direct Development Contributions to be Paid (OC1158)**

<b>DEVELOPMENT CONTRIBUTIONS</b>	
Strathfield Section 94 Development Contributions – Roads and Traffic Management	\$ 14,435.98
Strathfield Section 94 Development Contributions – Local Open Space	\$ 77,065.21
Strathfield Section 94 Development Contributions – Major Open Space	\$ 224,862.33
Strathfield Section 94 Development Contributions – Community Facilities	\$ 49,423.54
Strathfield Section 94 Development Contributions – Administration	\$ 5,614.07
<b>DEVELOPMENT CONTRIBUTIONS</b>	
<b>Strathfield Section 94 Development Contributions - Roads and Traffic Management</b>	<b>\$ 15,657.44</b>
<b>Strathfield Section 94 Development Contributions – Local Open Space</b>	<b>\$ 79,639.51</b>
<b>Strathfield Section 94 Development Contributions – Major Open Space</b>	<b>\$ 232,373.65</b>
<b>Strathfield Section 94 Development Contributions – Community Facilities</b>	<b>\$ 51,074.49</b>
<b>Strathfield Section 94 Development Contributions - Administration</b>	<b>\$ 5,756.42</b>
<b>TOTAL</b>	<b>\$384,501.52</b>

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.

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.

Please contact council prior to the payment of s7.11 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.

Timing of Payment

The contribution must be paid and receipted by Council and evidence of such payment is to be provided to the Principle Certifying Authority prior to the issue of any 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).

**MODIFIED: DA2020.80.2 7 July 2022**

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

#### **83. Maintenance of Landscaping (OG1305)**

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

#### **84. Noise Control (OG1313)**

The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the [Protection of the Environment Operations Act 1997](#) (as amended).

#### **85. Use of Outdoor Communal Area (Special Condition)**

Use of the outdoor communal area must be limited to the day and evening time periods (7am-10pm weekdays, 8am-10pm weekends) to reduce noise impacts.

#### **86. Final Acoustic Report – Verification of Noise Report (OG1315)**

Within three months from the issue of an Occupation Certificate, an acoustic assessment is to be carried out by an appropriately qualified acoustic consultant, in accordance with the [EPA's Industrial Noise Policy](#) and submitted to Council for consideration. This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report (submitted by Acoustic Logic titled DA Noise Impact Assessment Rev 2 and dated 28 June 2021 are effective in attenuating noise to an acceptable noise level and that the use is not calculated to give rise to 'offensive noise' as defined under the provision of the [Protection of the Environment Operation Act 1997](#) (as amended).

#### **87. Outdoor Lighting (OG1326)**

To avoid annoyance to the occupants of adjoining premises or glare to motorist on nearby roads, outdoor lighting must comply with *AS 4282-1997: Control of the obtrusive effects of outdoor lighting*.

**88. Lighting – General Nuisance (OG1327)**

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare.

Flashing, moving or intermittent lights or signs are prohibited.

**89. Amenity of the Neighbourhood (OG1328)**

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.

**90. Activities and Storage of Goods Outside Buildings (OG1329)**

There shall be no activities including storing or depositing of any goods or maintenance to any machinery external to the building with the exception of waste receptacles.

**91. Standing of Vehicles on Public Roads (OG1362)**

No motor vehicles awaiting repair or under repair, or waiting delivery, shall be stored, parked, or otherwise permitted to stand in a public street. All such vehicles shall be accommodated within the premises.

**92. Loading & Unloading of Vehicles (OG1363)**

All loading and unloading of vehicles in relation to the use of the premises shall take place wholly within a dedicated loading dock/area.

**93. Entering & Exiting of Vehicles (OG1364)**

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

**94. Schedule of Existing Fire Measures to be Maintained (OG1367)**

The following statutory safety measures are existing and shall be fully maintained in accordance with the approved standard and inspected annually:

- (a) Access panels, door and hoppers to fire resisting shafts - minimum standard AS 1905.1 - 2015.
- (b) Automatic fail safe devices - minimum standard Part D of BCA.
- (c) Automatic fire detection and alarm systems - minimum standard AS 1670.2015, and AS1670.3 & 4 – 2004
- (d) Automatic fire suppression systems - minimum standard AS 2118.1 – 2006.



- (e) Emergency lighting - minimum standard AS 2293.1 - 2005.
- (f) Emergency lifts - minimum standard AS 1735.1,2,11, 3, 7, 8, 12, 14, 15, 16 (as currently applicable).
- (g) Emergency warning and intercommunication systems -minimum standard AS 4428.4 – Fire detection, warning, control and intercom systems.
- (h) Exit signs - minimum standard AS 2293.1 - 2005.
- (i) Fire control centres and rooms - minimum standard BCA.
- (j) Fire dampers - minimum standard AS 1682.1 & AS 1682.2 - 2015.
- (k) Fire doors - minimum standard AS 1905.2 - 2005.
- (l) Fire hydrant systems - minimum standard AS 2419.1 -2005.
- (m) Fire seals protecting openings in fire resisting components of the building -minimum standard Part C of BCA.1
- (n) Fire shutters - minimum standard AS 1905.2. - 2005.
- (o) Fire windows - minimum standard AS 1905.1- 2015.
- (p) Hose reel systems - minimum standard AS 2441 - 2005.
- (q) Lightweight construction - minimum standard Part C of BCA.
- (r) Mechanical air handling systems - minimum standard AS 1668.2 - 2012.
- (s) Perimeter vehicle access for emergency vehicles - minimum standard Part C of BCA.1
- (t) Portable fire extinguishers - minimum standard AS 2444 - 2001.
- (u) Safety curtains in proscenium openings - minimum standard Part H of BCA.
- (v) Smoke and heat vents - minimum standard AS 2665. - 2001.
- (w) Smoke dampers - minimum standard AS 1682.1 and 2 - 2015.
- (x) Smoke detectors and heat detectors - minimum standard AS 3786 - 2014 and AS 1670.1 - 2015.
- (y) Smoke doors - minimum standard AS 1905.1 -2015.
- (z) Solid core doors - minimum standard Part C of BCA.
- (aa) Stand-by power systems - Spec. G. 3.8 of BCA and AS 2665. - 2001.

(bb) Wall wetting sprinkler and drencher systems - minimum standard AS 2118.2. -2010.

(cc) Warning and operations signs - minimum standard is BCA.1

95. **Annual Fire Safety Statement (OG1368)**

The owner of the building premises must ensure the Council is given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:

- (a) Within 12 months after the date on which the fire safety certificate was received.
- (b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.
- (c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the [Environmental Planning and Assessment Regulation 2000](#).
- (d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.

96. **Responsibility of Owners Corporation (OG1371)**

The Owners Corporation shall be responsible for presenting all approved waste and recycling receptacles for collection, and returning all receptacles to the Main Waste Collection Room, as soon as practicable after they have been serviced.

The Owners Corporation shall also be responsible for maintaining all equipment, systems, facilities and storage areas used in conjunction with the provision of waste management services in accordance with all applicable regulatory requirements, relevant health and environmental standards, and to the satisfaction of Council.

97. **Greywater System (OG1373)**

In order to conserve and re-use water, Council encourages all developments for multi-unit residential dwellings to incorporate a greywater reuse system. The system can incorporate a greywater diversion device or a domestic greywater treatment system. Any system installed is to ensure that it complies with the Plumbing Code of Australia, maintained at all times and does not result in any adverse amenity impacts on the subject premises and surrounding properties.

98. **Waste Collection (Special Condition)**

The following waste collection requirements apply to the ongoing operations of the approved development:

- Building Manager is to move bins to road reserve for kerbside collection by Council on the evening prior to waste collection day. Waste collection is to be undertaken by Council.
- Building Manager must ensure all bins are returned into the site within one (1) hour of collection by Council.

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

### **99. Requirement for a Construction Certificate (OR1401)**

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

### **100. Appointment of a PCA (OR1402)**

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.

### **101. Notification of Critical Stage Inspections (OR1403)**

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.

### **102. Notice of Commencement (OR1404)**

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.

### **103. Subdivision Work – Construction Certificate & Appointment of PCA. (OR1405)**

Subdivision work in accordance with a development consent cannot commence until:

- (a) A Construction Certificate has been issued; and
- (b) The applicant has appointed a PCA for the subdivision work.

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

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

**104. Subdivision Work – Notice of Commencement (OR1406)**

The beneficiary of the development consent must give at least two days notice to the Council and the PCA of their intention to commence the subdivision works.

**105. Critical Stage Inspections (OR1407)**

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](#).

**106. Notice to be Given Prior to Critical Stage Inspections (OR1408)**

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.

**107. Occupation Certificate (OR1409)**

A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

**PRESCRIBED CONDITIONS**

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).

**108. Clause 97A – BASIX Commitments (PC1501)**

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

**109. Clause 98 – Building Code of Australia & Home Building Act 1989 (PC1502)**

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.

**110. Clause 98A – Erection of Signs (PC1503)**

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.

**111. Clause 98B – Home Building Act 1989 (PC1504)**

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](#).

**112. Clause 98C - Entertainment Venues (PC1505)**

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

**113. Clause 98D – Erection of Sign for Maximum Number of Persons (PC1506)**

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.

**114. Clause 98E – Protection & Support of Adjoining Premises (PC1507)**

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.

**~~115. Clause 98E – Site Excavation (PC1508) – (do not use anymore – archived)~~**

~~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.~~

**DELETED: DA2020.80.2 7 July 2022**

116. **15.9 Clause 98F – Build to Rent Housing**

- (1) For the purposes of section 4.17(11) of the Act, the requirements set out in this clause are **prescribed** as conditions of development consent for development permitted under Part 2, Division 6A of [State Environmental Planning Policy \(Affordable Rental Housing\) 2009](#).
- (2) During the relevant period—
  - a) the development must contain at least 50 dwellings occupied, or intended to be occupied, by individuals under residential tenancy agreements, and
  - b) for development on land in Zone B3 Commercial Core—any building to which the development relates must not be subdivided into separate lots, and
  - c) for development on land in another zone—the tenanted component of the development must not be subdivided into separate lots, and
  - d) the tenanted component of the development—
    - (i) must be owned and controlled by 1 person, and
    - (ii) must be operated by 1 managing agent, who provides on-site management.
- (3) In this clause—**relevant period** means—
  - a) for development on land in Zone B3 Commercial Core—for the period commencing on the day an occupation certificate is issued for all parts of the building or buildings to which the development relates and continuing in perpetuity, or
  - b) for development on other land—for a period of 15 years commencing on the day an occupation certificate is issued for all parts of the building or buildings to which the development relates.

**tenanted component** has the same meaning as in clause 41A of [State Environmental Planning Policy \(Affordable Rental Housing\) 2009](#).

### ADVICES

i. **Access to NSW Legislations (Acts, Regulations and Planning Instruments) (AD1601)**

NSW legislation can be accessed free of charge at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

ii. **Long Service Levy (AD1602)**

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.

iii. **Disability Discrimination Act (AD1603)**

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

iv. **Stormwater & Ancillary Works – Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993 (AD1605)**

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

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

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

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

v. **Site Safety Fencing (AD1606)**

Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au)).

vi. **Noise (AD1612)**

Council will generally enforce noise related conditions in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nlgq.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) published by the Department of Environment and Conservation. Other state government authorities also regulate the [Protection of the Environment Operations Act 1997](#).

Useful links relating to Noise:

- (a) Community Justice Centres—free mediation service provided by the NSW Government ([www.cjc.nsw.gov.au](http://www.cjc.nsw.gov.au)).
- (b) Department of Environment and Conservation NSW, Noise Policy Section web page ([www.environment.nsw.gov.au/noise](http://www.environment.nsw.gov.au/noise)).
- (c) New South Wales Government Legislation home page for access to all NSW legislation, including the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Noise Control Regulation 2000* ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)).
- (d) Australian Acoustical Society—professional society of noise-related professionals ([www.acoustics.asn.au/index.php](http://www.acoustics.asn.au/index.php)).
- (e) Association of Australian Acoustical Consultants—professional society of noise related professionals ([www.aaac.org.au](http://www.aaac.org.au)).
- (f) Department of Gaming and Racing - ([www.dgr.nsw.gov.au](http://www.dgr.nsw.gov.au)).

vii. **Solid Fuel Heaters (AD1614)**

A copy of the 'Selecting, installing and operating domestic solid fuel heaters' can be found at: <http://www.environment.nsw.gov.au/resources/woodsmoke/woodguide.pdf>

viii. **Additional information on Legionnaires Disease (AD1615)**

NSW Guidelines for the Control of Legionnaires' Disease can be found on the NSW Health website: <http://www.health.nsw.gov.au>

ix. **Torrens Title Subdivisions (AD1617)**

- (a) The Section 73 Certificate required must be a separate certificate for this development consent. Any other Section 73 Certificates (e.g. for the construction of the building) cannot be accepted to approve the Subdivision Certificate.
- (b) A Subdivision Certificate cannot be issued unless all relevant conditions of the development consent that are to be satisfied prior to the issue of the Subdivision Certificate have been complied with.
- (c) Council will check the consent conditions on the relevant subdivision consent. Failure to



submit the required information will delay endorsement of the plan of subdivision.

- (d) Plans of subdivision, Administration Sheets, 88B Instruments and copies must not be folded.
- (e) All Subdivision Plans, Deposited Plan Administration Sheets and Section 88B Instruments shall be submitted to Council enclosed in a protective cardboard tube (to prevent damage during transfer).
- (f) A Subdivision Certificate cannot be issued unless all relevant conditions of the development consent that are to be satisfied prior to the issue of the Subdivision Certificate have been complied with.

x. **Strata Subdivisions (AD1618)**

- (a) Council will check the consent conditions on the relevant Strata Subdivision consent. Failure to submit the required information will delay endorsement of the plan of subdivision.
- (b) Council will undertake the required inspections to satisfy the requirements of the **Strata Schemes Development Regulation 2016** to determine the Strata Certificate.
- (c) Strata Plans, Administration Sheets, 88B Instruments and copies must not be folded.
- (d) All Strata Plans, Strata Plan Administration Sheets and 88B Instruments shall be submitted to Council enclosed in a protective cardboard tube (to prevent damage during transfer).

xi. **Stratum Subdivisions (AD1619)**

- (a) A Subdivision Certificate cannot be issued unless all relevant conditions of the development consent that are to be satisfied prior to the issue of the Subdivision Certificate have been complied with.
- (b) Council will check the consent conditions on the relevant subdivision consent. Failure to submit the required information will delay endorsement of the plan of subdivision.
- (c) Plans of subdivision, Administration Sheets, Section 88B Instruments and copies must not be folded.
- (d) All Subdivision Plans, Deposited Plan Administration Sheets and Section 88B Instruments shall be submitted to Council enclosed in a protective cardboard tube (to prevent damage during transfer).
- (e) Certification from the Registered Surveyor that all services (including but not limited to stormwater drainage, gas, electricity, telephone cable) as constructed or to be constructed are/will be contained within each lot or within the necessary easements to accommodate such services.

xii. **Sydney Water Section 73 Certificates (AD1620)**

The Section 73 Certificate must be a separate certificate that relates specifically to this development consent. For example, if the development consent relates to the subdivision of the land, a Section 73 Certificate for the construction of the building that is subject to a different development consent will not suffice.

xiii. **Electricity Supply (AD1621)**

This development may need a connection to the Ausgrid network which may require the network to be extended or its capacity augmented. You are advised to contact Ausgrid on 13 13 65 or [www.ausgrid.com.au](http://www.ausgrid.com.au) (Business and Commercial Services) for further details and information on lodging your application to connect to the network.

xiv. **Australia Post – Letter Box Size and Location (AD1622)**

The size and location of letterboxes servicing the development are to comply with the requirements and standard of Australia Post (see attached link:

[https://auspost.com.au/content/dam/auspost\\_corp/media/documents/Appendix-02.pdf](https://auspost.com.au/content/dam/auspost_corp/media/documents/Appendix-02.pdf)

**RESOLUTION**

The Panel has no jurisdiction to entertain the modification application, which must be referred Sydney East Regional Planning Panel.

\*\*\*\* End Minutes - Report No. 22\*\*\*\*