

IDAP REPORT – SECTION 4.55(1A) MODIFICATION

Property:	16 Wentworth Street, Greenacre DA2019/198/2
Proposal:	Removal of the basement turntables, internal and external alterations to both dwellings (dual occupancy)
Applicant:	ZTA Group Pty Ltd
Owner:	Zakariah Abdul Rahman
Date of lodgement:	5 May 2020
Notification period:	12 May 2020 to 28 May 2020
Submissions received:	None
Assessment officer:	P Santos
Zoning:	R2 - Low Density Residential - SLEP 2012
Flood affected:	No
RECOMMENDATION OF OFFICER:	APPROVAL



Figure 1. Aerial imagery of the subject site and the immediate locality

EXECUTIVE SUMMARY

Proposal

Development consent is sought for the removal of the basement turntables and for internal and external alterations to both dwellings.

Site and Locality

The site is identified as 16 Wentworth Street GREENACRE and has a legal description of Lot 3 DP 36122. The site is a regular shaped parcel of land and is located on the eastern side of Wentworth Street.

The site has a width of 16.77m, a depth of 45.74m and an overall site area of 767m².

The locality surrounding the subject site contains a mixture of low density and industrial developments. The subject site immediately abuts an IN1 General Industrial zone to the east.

Strathfield Local Environmental Plan

The site is zoned R2 - Low Density Residential under the provisions of Strathfield LEP 2012 and the proposal is a permissible form of development with Council's consent. The proposal satisfies all relevant objectives contained within the LEP.

Development Control Plan

The proposed development generally satisfies the provisions of Strathfield Consolidated DCP 2005. This is discussed in more detail in the body of the report.

Notification

The application was notified in accordance with Council's Community Participation Plan from 12 May 2020 to 28 May 2020, where no submissions were received.

Issues

- Side Setbacks;
- Front Balcony to dwelling B; and
- Widening of the driveway at boundary.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2019/198/2 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the removal of the basement turntables, internal and external alterations to both dwellings. More specifically, the proposal includes the following:

Basement:

- Removal of the turntables;
- Internal reconfiguration; and
- Relocation of the garage doors.

Ground Floor:

- Internal reconfiguration;
- Alterations to the façade windows; and
- Extension to the alfresco.

First Floor:

- Extension to the front first floor balcony for dwelling A;
- New front first floor balcony for dwelling B; and
- Internal reconfiguration.

External:

- Alteration to the internal driveway width;
- New rear blade wall feature for both dwellings;
- New blade wall with openings to the front, on both levels, of dwelling A; and
- New blade wall with integrated louvers on both levels, to the front of dwelling B.

The Site and Locality

The subject property is commonly known as 16 Wentworth Street, Greenacre, with a legal description of Lot 3 DP 36122. The immediate locality is predominantly characterised by low density residential development and industrial developments.

The subject site is regular in shape with a width of 16.78m, depth of 45.74m and a site area of 767.3m². Currently, the site is vacant.



Figure 2. Locality plan of the subject site



Figure 2. Subject site during site visit on 23/06/2020

Background

02 April 2020	The development application 2019/198, for the purpose of construction of an attached two storey dual occupancy with basement level parking, was determined by the Strathfield Local Planning Panel
05 May 2020	A modification application of the DA2019/198 was lodged
12 May 2020	The application was publicly exhibited until 28 May 2020
29 May 2020	An additional information request letter was issued to the applicant, raising the following concerns: <ul style="list-style-type: none">• Proposed manoeuvring area (sweepth paths);• Site coverage; and• Landscaping.
12 June 2020	The applicant sought extension for the submission of additional information
29 June 2020	The amended plans and documents were submitted to Council

Referrals – Internal and External

Stormwater

The application was referred to Council's Development Engineer who offered no objections, subject to the conditions of consent.

Traffic

The application was referred to Council's Traffic Manager, who provided the following comments:

"The swept paths contained in the Traffic Statement demonstrate that B85 vehicle can enter and exit the site in a forward direction and are therefore considered satisfactory."

The Traffic Manager has recommended conditions of consent, should the application be supported.

Section 4.55 of the EP&A Act 1979

The application has been lodged under the provisions of s4.55(1A) of the EPA Act. The application is considered to be of minor environmental impact, is substantially the same development for which consent was originally granted, has been notified in accordance with the provisions of Council's CPP and any submissions made will be considered as part of this assessment.

Section 4.15 Assessment – EP&A Act 1979

The following is an assessment of the application with regard to Section 4.15 (1) of the Environmental Planning and Assessment Act 1979.

(1) Matters for consideration – general

In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provision of:***
- (i) any environmental planning instrument,***

Strathfield Local Environmental Plan

The development site is subject to the Strathfield Local Environmental Plan 2012

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

The subject site is zoned R2-Low Density Residential and the proposal as modified is a permissible form of development with Council's consent.

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Approved in DA2019/198	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	9.5m	8.5m	8.5m	Yes
4.4 Floor Space Ratio	0.575:1 (441.08m ²)	0.51:1 (389.4m ²)	0.55:1 (425.4m ²)	Yes

Part 6 – Additional Local Provisions

Flood Planning

The proposed modifications were considered by Council's Engineer who has raised no concerns for the proposal.

STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

No amended BASIX Certificate was provided to Council accompanying this modification application. As such, due to the proposed changes to the dual occupancy, a condition of consent will be imposed requiring amendment to the BASIX Certificate.

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

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

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

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

Applicable DCP Controls	DCP Controls	Approved in DA2019/198	Development Proposal	Compliance/ Comment
Building Envelope				
Floor Space Ratio:	0.575:1 (441.08m ²)	0.51:1 (389.4m ²)	0.55:1 (425.4m ²)	Yes
Setbacks:				
Front:	9m	10m	8.4m	No
Side (<3m in height):	0.9 (north)	0.9m	0.9m	Yes
Side (<3m in height):	0.9m (south)	0.9m	0.9m	Yes
Side (>3m in height):	1.5m (north)	1.5m	0.9m	No
Side (>3m in height):	1.5m (south)	1.5m	0.9m	No
Landscaping				
Landscaping/Deepsoil Provisions:	40% (307m ²)		43% (328m ²)	Yes
Vehicle Access and Parking				
Driveway width at Boundary:	3m 1		5.5m 1	No Yes
Vehicular Crossing:	0.5m		>0.5m	Yes
Driveway setback – side:	2 per dwelling		2 per dwelling	Yes
No. of Parking Spaces:				

Front Setback

The proposed development, as approved in the DA2019/198, includes a porch to dwelling B that has a front setback of 8.4m. While the Assessment Report for the DA2019/198 states that the front setback is 10m, this is not the case. Note that the SLEP 2012 defines a setback as –

“...the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and –

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest.”

The supporting posts of the front porch have a front setback of 8.4m, as demonstrated in the approved plans in the DA2019/198. Council's DCP does not have any controls relating to articulation. However, it is recognised in the Survey Plan submitted in the development application prepared by Ensure Consulting Pty Ltd, dated 29 August 2019, that the immediate two dwellings both have front porch with front setbacks of 8m and 10.8m. In this regard, the proposed development's front setback of 8.4m is acceptable.

First Floor Front Balconies

The proposed modification includes the following additions to the western elevation, to both dwellings –

- Dwelling A - 0.5m additional depth to the front first floor balcony; and
- Dwelling B – new balcony.

The SCDGP 2005 requires that a side setback for walls greater than 3m in height must be at least 1.5m. The additional balcony depth to dwelling A and the new balcony for dwelling B will both result to a non-compliance with the development controls.

It is noted that the front balcony of dwelling A was given consent to be constructed at 0.9m in side setback in DA2019/198. As such, it is recognised that requiring the new area to conform with the development controls would be onerous and unreasonable. In this regard, the extension to dwelling A's front balcony is acceptable.

On the other hand, the introduction of a new balcony to the front of dwelling B is not supported. The first floor balcony, which was not part of the initial set of plans lodged with the modification application, will have a side setback of 0.9m. It is acknowledged that the two-storey portico was approved to have a non-compliant side setback in the DA2019/198. However, a new balcony to an already non-compliant side setback will not be permitted.

Accordingly, the first floor balcony of dwelling B, and any opening leading towards it, will need to be removed.

First Floor Rear Balconies

The dwelling houses have rear balconies that were given approval in the original consent. In order to alleviate any potential visual privacy concerns that may arise between the subject site and neighbouring properties, privacy screens will be required on the side of the balconies closest to the side boundaries.

First Floor Rear Blade Walls

The most recent first floor plan prepared by ZTA Group, dated 26/06/2020, demonstrates new blade walls to the rear of both dwellings. The blade walls extend the first floor external walls, when viewed on both side elevations. Unlike the ground floor of both dwellings where there are some articulation because of the courtyards, the first floor do not. The blade walls unnecessarily contribute to the bulk of the building and are not supported.

The new blade walls will be required to be removed.

Landscaping and Open Space

The proposed development satisfies the relevant objectives and controls of the SCDGP 2005. While the modification application involves marginal reduction in the landscaping due to the widened driveway and extended rear alfresco stairs, the controls will still be satisfied.

Vehicular access, Parking and Basements

The proposal includes widening of the approved driveway crossover width at the boundary from 3m to 5.5m. This presents a 2.5m departure from Council's requirements. Council's Traffic Manager has provided a comment in relation with the widening of the driveway to 5.5m, which states –

“The swept paths analysis shows that with a 5.5m opening, the area in front of the garages provides just sufficient manoeuvring space. 3m opening and taper further would restrict vehicle turning.”.

While this is not compliant with the SCDCP 2005 controls for driveway width at property boundary, it is acceptable in this instance.

(iv) *Any matters prescribed by the regulations, that apply to the land to which the development application relates,*

The provisions of this clause are not relevant to the modification and have been addressed/considered as part of the original development consent.

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

The proposed development, as modified, is of a scale and character that is in keeping with other developments being constructed in the locality. Accordingly, the proposal is not considered to have a significant impact on the natural and built environment or any negative social or economic impacts on the locality.

(c) *the suitability of the site for the development,*

It is considered that the proposed development, as modified, is of a scale and design that is suitable for the site having regard to its size and shape, its topography, vegetation and relationship to adjoining developments.

(d) *any submissions made in accordance with this Act or the regulations,*

In accordance with the provisions of Councils Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment.

No submissions were received as a result of the public notification.

(e) *the public interest.*

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

Conclusion

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

Following detailed assessment it is considered that Development Application No. 2019/198/2 should be approved, subject to the conditions of consent, as amended.

- Add condition #7 – First Floor Balcony – Dwelling B (SC)
- Add condition #8 – Privacy Screens (SC)
- Modify condition #9 – Approved Plans and Reference Documentation (GC)

- Modify condition #20 – BASIX Certificate (CC)
- Modify condition #24 - Car Parking - basement car parking requirements (CC)
- Delete condition #53 - Positive Covenant for mechanical parking installations (OC)

Signed: 

Date: 17/08/2020

P Santos
Development Assessment Planner

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

Report and recommendations have been peer reviewed and concurred with.



Signed: **L Gibson**
Senior Planner

Date: 17/08/2020

SPECIAL CONDITIONS (SC)

1. SIDE COURTYARDS (SC)

The side courtyards must be re-designed to be completely open. No privacy screens of any type are to be installed to partially enclose these spaces.

No part of the side courtyards are to be undercover or roofed.

This modification must be included and reflected in the revised set of architectural plans and any other documentation that are to be submitted and approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.

(Reason: To create an appropriate visual break-up of the built form.)

2. STREET TREES (SC)

Two (2) street trees, one (1) on each side of the driveway crossing, must be installed and established within the road reserve, in front of the site.

Any replacement trees must be Water Gum (*Tristaniaopsis laurina*) and must have a minimum container size of 100L.

This modification must be included and reflected in the revised set of architectural plans, landscape plan/s and any other documentation that are to be submitted and approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.

(Reason: To improve streetscape compatibility and to adequately compensate for the removal of the existing street tree.)

3. GARDEN BEDS ALONG THE FRONT SETBACK (SC)

Garden beds (measured at least 1.5m wide) must be established across the entire front setback (except for the areas in behind the gates/pedestrian access and the driveway). These garden beds must contain tall, mature screening plants such as Lilly Pilly (*Syzygium australe*, *Acmena smithii*) and Orange Jessamine (*Murraya paniculata*); that are at least 1.5m tall and appropriately spaced to provide adequate density/coverage.

This modification must be included and reflected in the revised set of architectural plans, landscape plan/s and any other documentation that are to be submitted and approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.

(Reason: To improve streetscape compatibility and screen the basement level and built form.)

4. STEPPING STONES FOR SOUTHERN DWELLING (SC)

Any stepping stones within 500mm from the base of Crepe Myrtle (*Lagerstroemia indica*) must be deleted completely and replaced with grassed lawn area.

This modification must be included and reflected in the revised set of architectural plans, landscape plan/s and any other documentation that are to be submitted and

approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.

(Reason: To ensure this tree is not impacted by addition structures placed above its root system.)

5. LETTER BOXES (SC)

The design and location of any letter boxes must be in accordance with the relevant provisions under Council's DCP.

(Reason: To comply with Council's DCP.)

6. UNIT NUMBERING AND ADDRESSES (SC)

Any unit numbering and changes to the address of the dual occupancy for the site at No. 16 Wentworth Street, Greenacre, are subject to a separate application to Council.

Any unit numbering and changes to the address must be confirmed and approved by Council.

(Reason: Statutory requirement.)

7. FIRST FLOOR BALCONY – DWELLING B

The new balcony on the first floor of dwelling B, attached to the master bedroom, and the associated door, are to be removed and reinstated as a void, as approved in DA2019/198.

The changes are to be reflected on the plans to be submitted to the application of the Construction Certificate.

(Reason: To comply with Council's DCP)

Added: DA2019/198/2 – 21/08/2020

8. PRIVACY SCREENS

The privacy screens proposed on the following elevations are to be fixed or non-operational privacy screens that are open to the weather.

- **Dwelling A – northern elevation next to the courtyard; and**
- **Dwelling B – southern elevation next to the courtyard and the porch.**

The new privacy screens required on the following elevations are to be fixed or non-operational privacy screens that have a height of no less than 1.8m from the FFL of the balconies.

- **Dwelling A – northern elevation, rear balcony; and**
- **Dwelling B – southern elevation, rear balcony.**

(Reason: Compliance with the FSR development standard and visual privacy)

Added: DA2019/198/2 – 21/08/2020

GENERAL CONDITIONS (GC)

8. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/198:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
A100	Site Plan and Calculation Table	ZTA Group	Issue B 10/03/20	12/03/20
A101	Construction Management Plan and Demolition Plan	ZTA Group	Issue B 10/03/20	12/03/20
A200	General Arrangement- Basement	ZTA Group	Issue B 10/03/20	12/03/20
A201	General Arrangement- Ground Floor Plan	ZTA Group	Issue B 10/03/20	12/03/20
A202	General Arrangement- Level 1	ZTA Group	Issue B 10/03/20	12/03/20
A203	Roof Plan	ZTA Group	Issue B 10/03/20	12/03/20
A300	North Elevation	ZTA Group	Issue B 10/03/20	12/03/20
A301	South Elevation	ZTA Group	Issue B 10/03/20	12/03/20
A302	West Elevation	ZTA Group	Issue B 10/03/20	12/03/20
A303	East Elevation	ZTA Group	Issue B 10/03/20	12/03/20
A304	Front Fence / Street Scape Elevation	ZTA Group	Issue B 10/03/20	12/03/20
A400	Section AA; Section BB	ZTA Group	Issue B 10/03/20	12/03/20
A700	External Finish Schedule 1	ZTA Group	Issue B 10/03/20	12/03/20
A701	External Finish Schedule 2	ZTA Group	Issue B 10/03/20	12/03/20
AKT19070-D1	General Notes Plan	AKT Engineering & Consulting	Rev-C 09/03/20	12/03/20

AKT19070-D2	Basement Floor Plan	AKT Engineering & Consulting	Rev-C 09/03/20	12/03/20
AKT19070-D3	Concept Stormwater Plan	AKT Engineering & Consulting	Rev-C 09/03/20	12/03/20
AKT19070-D4	OSD Details Plan	AKT Engineering & Consulting	Rev-C 09/03/20	12/03/20
AKT19070 LP100	Landscape Plan	AKT Engineering & Consulting	Rev C 09/03/20	12/03/20
A100	Site Plan	ZTA Group	Issue A 26/06/2020	26/06/2020
A200	General Arrangement - Basement	ZTA Group	Issue A 26/06/2020	26/06/2020
A200.1	General Arrangement - Basement	ZTA Group	Issue A 26/06/2020	26/06/2020
A201	General Arrangement – Ground Floor Plan	ZTA Group	Issue A 26/06/2020	26/06/2020
A201.1	General Arrangement – Ground Floor 1:200	ZTA Group	Issue A 26/06/2020	26/06/2020
A202	General Arrangement – Level 1	ZTA Group	Issue A 26/06/2020	26/06/2020
A202.1	General Arrangement Level 1:200	ZTA Group	Issue A 26/06/2020	26/06/2020
A203	General Arrangement – Roof Plan	ZTA Group	Issue A 26/06/2020	26/06/2020
A300	North Elevation	ZTA Group	Issue A 26/06/2020	26/06/2020
A301	South Elevation	ZTA Group	Issue A 26/06/2020	26/06/2020
A302	West Elevation	ZTA Group	Issue A 26/06/2020	26/06/2020
A303	East Elevation	ZTA Group	Issue A 26/06/2020	26/06/2020
A304	Front Fence / Street Scape Elevation	ZTA Group	Issue A 26/06/2020	26/06/2020
A400	Section AA; Section BB	ZTA Group	Issue A 26/06/2020	26/06/2020
A500	External Finish Schedule 1	ZTA Group	Issue A 26/06/2020	26/06/2020
A501	External Finish Schedule 2	ZTA Group	Issue A 26/06/2020	26/06/2020

A600	Landscape Diagram	ZTA Group	Issue A 26/06/2020	26/06/2020
D1	General Notes Plan	AKT Engineering & Consulting P/L	Revision D 29/04/2020	06/05/2020
D2	Basement Floor Plan	AKT Engineering & Consulting P/L	Revision D 29/04/2020	06/05/2020
D3	Concept Stormwater Plan	AKT Engineering & Consulting P/L	Revision D 29/04/2020	06/05/2020
D4	OSD Details Plan	AKT Engineering & Consulting P/L	Revision D 29/04/2020	06/05/2020

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/198:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
BASIX Certificate No. 1058636M_03	AKT Engineering & Consulting	12/03/20	12/03/20
Hydraulic Design Certificate	AKT Engineering & Consulting	12/03/20	12/03/20

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

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

Modified: DA2019/198/2 – 21/08/2020

7. CONSTRUCTION HOURS (GC)

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

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

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

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

8. CONSTRUCTION WITHIN BOUNDARIES (GC)

The development including but not limited to footings, walls, roof barges and guttering must be constructed wholly within the boundary of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath or adjoining land.

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

9. DEMOLITION – GENERALLY (GC)

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

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

10. DEMOLITION - SITE SAFETY FENCING (GC)

Site fencing is to be erected to a minimum height of 1.8m complying with WorkCover Guidelines, to exclude public access to the site, prior to any demolition works occurring and maintained for the duration of the demolition works.

If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding/fencing along the street frontage(s) complying with WorkCover requirements must be obtained including:

- 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 before the commencement of work; and
- Provision of a Public Risk Insurance Policy with a minimum cover of \$10 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 with a copy provided to Council.

(Reasons: Statutory requirement and health and safety.)

11. LANDSCAPING - TREES PERMITTED TO BE REMOVED (GC)

The following listed trees are permitted to be removed to accommodate the proposed development:

All trees – **one (1) street tree and four (4) site trees in total**, as shown to be removed as submitted on the approved Site Plan and Calculation Table, A100, Issue B and dated 5 March 2020, are permitted to be removed to accommodate the proposed development.

All site trees permitted to be removed by this consent shall be replaced (2 trees 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 50 litre container size. Trees are to conform to the NATSPEC guide and Guide for assessing the quality of and purchasing of landscape trees by Ross Clarke, 2003. Trees are to be true to type, healthy and vigorous at time of delivery and planting, shall be pest and disease free, free from injury and wounds and self-supporting; and shall be maintained until maturity.

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

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

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

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

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

(Reason: To ensure appropriate planting back onto the site.)

12. ENVIRONMENTAL PROTECTION – TREE (GC)

All street trees and trees on private property that are protected under Council's controls, shall be retained except where Council's prior written consent has been obtained. The existing Crepe Myrtle (*Lagerstroemia indica*) in the south-western portion of the site must be retained. The felling, lopping, topping, ringbarking, wilful destruction or removal of any tree/s unless in conformity with this approval or subsequent approval is prohibited.

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

In this regard the street tree and all protected trees on or adjacent to the site will be protected as described below;

- i. A Tree Protection (Management) Plan prepared by a AQF Level 5 Arborist is to be available on site at all times prior to the issue of the Construction Certificate, for all demolition and site works. This Tree Protection (Management) Plan must be shown on the demand of Authorised Council staff.
- ii. Protective perimeter fencing must be consistent with AS 4687, using metal fence posts greater than 20mm diameter and solid or chain wire mesh 2 metres in height supported on concrete pads/feet at 2-2.5 metre spacing. Fencing placement should not be closer than 2.5 metres from the trunk of each protected tree, or at a distance as specified by the approved Tree Protection (Management) Plan and approved by Council's Tree Management Officer. Shade cloth is to be used to prevent entry of dust and contaminated liquids into the root protection area.
- iii. Signs must be placed on the Fencing. These signs must comply with AS1319. The signs must state the purpose of the fencing and the name and contact details of the builder and the appointed AQF Level 5 consultant arborist.
- iv. Root protection is to be provided in the form of mulching to a depth of 50-100mm, inside of the fenced tree protection zone.
- v. Ground (Root) Trunk and Branch Protection must comply with the diagram of Figure 4 of AS4970 – 2009. Ground protection within the tree protection zone and drip line should be in the form of heavy steel

plates or timber rumble boards over mulch or aggregate. Trunk and branch protection should be to a minimum height of 2 metres and must include measures to protect the tree/s against damage from the movement of trucks, plant equipment and materials at greater heights above ground level.

- vi. Temporary signs, cables, wires must not be attached to, or suspended, on any street tree or protected tree.
- vii. Above ground utilities must not be placed within the canopy of an existing protected tree, or create the future need for clearance pruning.
- viii. Below ground utilities/services must not be located inside the fenced tree protection zone.
- ix. Scaffolding must not be located in the fenced tree protection zone unless authorised by the approved Tree Protection (Management) Plan and Council's Tree Management Officer
- x. Council must be notified in writing within 24 hours, for all temporary removal of the tree protection fencing ground (root) trunk and branch protection within the root protection area.
- xi. Pruning of a street tree is prohibited without the written consent of Council.

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

13. **LIGHTING (GC)**

Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads.

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external signage associated with the development, without the prior approval of Council.

(Reason: To protect the amenity of surrounding development and protect public safety.)

14. **MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULE (GC)**

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

(Reason: To ensure compliance with this consent.)

15. **PRINCIPAL CERTIFYING AUTHORITY (PCA) IDENTIFICATION SIGN (GC)**

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

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

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

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

(Reason: Statutory requirement.)

16. **SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)**

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

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

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

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

17. STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)

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

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

18. SYDNEY WATER - TAP IN™ (GC)

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

(Reason: Compliance with Sydney Water requirements.)

19. UTILITIES AND SERVICES - PROTECTION OF (GC)

Any footings or excavation to be located or undertaken adjacent to Council's stormwater must be designed to address the following requirements:

- i) All footings and excavation must be located wholly within the site and clear of any easement boundaries;

- ii) All footings and excavation must be located a minimum of 1000mm from the centreline of the pipeline or 500mm from the outside of the pipeline, whichever is the greater distance from the centreline; and
- iii) Footings must extend to at least the depth of the invert of the pipeline unless the footings are to be placed on competent bedrock.

If permanent excavation is proposed beneath the obvert of the pipeline, suitable means to protect the excavation and proposed retaining structures from seepage or other water flow from the pipeline and surrounding subsoil, must be provided. The design must be prepared by a qualified practicing Structural/Civil Engineer.

Construction plans must be approved by the appropriate utility's office (e.g. council, Sydney Water Corporation) to demonstrate that the development complies with the utility's requirements.

The applicant must provide written evidence (e.g. compliance certificate, formal advice) of compliance with the requirements of all relevant utility providers (e.g. Water, Energy, Telecommunications, Gas).

(Reason: To ensure protection of Council assets.)

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

20. BASIX COMMITMENTS (CC)

An amended BASIX Certificate is to be submitted to the Principal Certifying Authority reflecting the relevant changes proposed in this modification application. All commitments in the BASIX Certificate must be shown on the plans accompanying the Construction Certificate application.

~~The approved amended BASIX Certificate, as required in a condition of consent of this modification application, shall be submitted to the Principal Certifying Authority with the application for a Construction Certificate.~~

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

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

(Reason: Statutory compliance.)

Modified: DA2019/198/2 – 21/08/2020

21. BUILDING CODE OF AUSTRALIA - COMPLIANCE WITH (CC)

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

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

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

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

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

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

- i) Minimal internal clearance of the basement is 2.2m in accordance with BCA requirements.
- ii) Driveways shall comply with Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and achieve a maximum gradient of 1:4.
- iii) **Basement entries and ramps/driveways within the property are to be no more than 3.5 5.5m wide.**
- iv) Provision of pump-out systems and stormwater prevention shall be in accordance with Council's Stormwater Management Guide.
- ~~v) Provision of vehicle turntables shall be in accordance with approved drawing no A200 dated 5 March 2020.~~

(Reason: To ensure suitable development.)

Modified: DA2019/198/2 – 21/08/2020

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

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

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

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

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

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

(Reason: To ensure compliance with statutory provisions.)

25. **COUNCIL PERMITS – FOR ALL ACTIVITIES ON COUNCIL LAND (CC)**

Works Permit

(as per Section 68 of the Local Government Act 1993 and Section 138 and 139 of the Roads Act 1993)

A Works Permit is required for construction of a vehicular crossing (driveway), new stormwater down pipe connection to kerb and gutter, new footpath and/or stormwater connection. A Works Permit Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Standing Plant Permit

This permit must be applied for where it is intended to park a concrete pump, crane or other plant on the roadway or footpath. A Standing Plant Permit Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website. Please note a Road Closure Permit is not required for standing plant.

Skip Bin Permit

This permit must be applied for if you intend to place a skip bin on the roadway or footpath. A Skip Bin Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Temporary Full or Part Road Closure Permit

This permit must be applied for if you require a full or a part road closure to take place to assist in your construction works. Please use the Works Permit Application Form, which is available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website. Please note a Road Closure Permit is not required for standing plant.

Hoarding/Fencing Permit

This permit must be applied for if you intend to erect a Class A (fence type) or Class B (overhead type) hoarding/fencing along the street frontage(s). A Hoarding Permit Application Form is available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Work Zone Permit

This permit must be applied for if you require permanent parking along the kerbside at the front of the site during construction works. A Work Zone Permit Application Form is available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Ground Anchoring Permit

This permit must be applied for, for the installation of ground anchors under Council's footway/road reserve. It does not cover ground anchors under private properties. A separate approval is required to be obtained from Roads and Maritime Services (RMS) if it is proposed to install ground anchors under a State or Classified Regional Road (please refer to the end of this application form for more information).

(Reason: Council requirement.)

26. **EROSION AND SEDIMENTATION CONTROL PLAN (CC)**

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

- i) Compliance with the approved Soil and Water Management Plan.
- ii) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval).
- iii) All uncontaminated run-off is diverted around cleared or disturbed areas.
- iv) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways.
- v) All erosion and sediment controls are fully maintained for the duration of demolition/ development works.
- vi) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways.
- vii) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.
- viii) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the Australian Water Quality guidelines for Fresh and Marine Waters.
- ix) Pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

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

(Reason: Environmental protection.)

27. LANDSCAPING - MAINTENANCE STRATEGY (CC)

To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the issue of the Occupation Certificate shall be prepared and provided to the satisfaction of the Principal Certifying Authority with the Construction Certificate application. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

(Reason: Ensure landscape survival.)

28. NOISE – CONSTRUCTION CC)

All works carried out on site during construction/demolition/excavation/earthworks shall comply with the NSW Protection of the Environment Operations Act 1997, the Department of Environment and Climate Changes “Interim construction noise guideline” and AS 2436-2010 – “Guide to noise and vibration control on construction, demolition and maintenance sites” for the control of construction noise which specifies that:

- Construction period of 4 weeks and under – The L90 Level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 20 dB(A) at the boundary.
- Construction period greater than 4 weeks but not exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 10 dB(A) at the boundary.
- Construction period exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 5 dB(A) at the boundary.

Should complaints of a noise nuisance be substantiated, Council may require the acoustic treatment of the premises to ensure compliance with the NSW Department of Environment and Climate Changes “Interim construction noise guideline” and AS 2436-2010 – “Guide to noise and vibration control, demolition and maintenance sites” for the control of construction noise. A further acoustic assessment and report will be required to be provided to Council assessing the premises in working order.

(Reason: Noise attenuation.)

29. **SECTION 7.11 CONTRIBUTION PAYMENT - DIRECT CONTRIBUTIONS PLAN (CC)**

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

Provision of Community Facilities	\$ 3,013.35
Provision of Major Open Space	\$13,709.85
Provision of Local Open Space	\$ 3,016.96
Provision Roads and traffic Management	\$ 0.00
Administration	\$ 259.83
Total	\$20,000.00

The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. Contributions shall be indexed at the time of payment in accordance with clause 2.14 of the Strathfield Direct Development Contributions Plan 2010-2030.

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

Please present a copy of this condition when paying the contribution at the Customer Service Centre so that it can be recalculated.

Note: A copy of Strathfield Council's Section 7.11 Direct Development Contributions Plan may be downloaded from Council's website.

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

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

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

(Reason: Compliance and amenity.)

31. **STORMWATER DRAINAGE (CC)**

The following stormwater precautions are required to be provided on the site:

- i) Grated drains shall be provided along the driveway/basement entry at the vehicular crossing(s) and are to connect to the internal drainage system.
- ii) Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site.
- iii) Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties
- iv) Boundary fencing shall be erected in such a manner as not to interfere with the natural flow of ground and surface water to the detriment of any other party.

(Reason: To ensure the site is drained appropriately and does not interfere with the natural flow of flood waters.)

32. **SECURITY PAYMENT – DAMAGE DEPOSIT FOR COUNCIL INFRASTRUCTURE (CC)**

A security (damage deposit) of \$12,200.00 (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

The deposit is required as security against any damage to Council property 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. All building work must be carried out in accordance with the Building Code of Australia.

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.

Any costs associated with works necessary to be carried out to rectify any damages caused by the development, shall be deducted from the Damage Deposit.

Note: Should Council property adjoining the site be defective e.g. cracked footpath, broken kerb etc., this should be reported in writing, or by photographic record, submitted to Council at least seven (7) days prior to the commencement of any work on site. This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

The damage deposit shall be refunded upon completion of all works upon receipt of a Final Occupation Certificate stage and inspection by Council.

(Reason: Protection of Council infrastructure.)

33. UTILITIES AND TELECOMMUNICATIONS - ELECTRICITY CONNECTION (CC)

Provision must be made for connection to future underground distributions mains. This must be achieved by installing:

- i) an underground service line to a suitable existing street pole; or
- ii) sheathed underground consumers mains to a customer pole erected near the front property boundary (within 1 metre).

Note: A limit of one (1) pole per site will apply.

Any costs associated with the relocation of the above are at the requestor's expense. Any disturbance to public land as a result of the undergrounding of services shall be restored at no cost to Council.

Details are to be submitted to the Principal Certifying Authority with the Construction Certificate Application.

(Reason: Environmental amenity.)

34. UTILITIES AND TELECOMMUNICATIONS - TELECOMMUNICATIONS ASSETS (CC)

Provision must be made for relocation of telecommunications network assets including underground placement of any existing aerial cables and infrastructure. Any costs associated with the relocation of the above are at the requestor's expense. Any disturbance to public land as a result of the undergrounding of services shall be restored at no cost to Council.

Details are to be submitted to the Principal Certifying Authority with the Construction Certificate application.

(Reason: To ensure suitable relocation of telecommunications infrastructure if required.)

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

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

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

36. WORKS WITHIN THE ROAD RESERVE (CC)

Detailed drawings including long and short sections and specifications of all works within existing roads (including but not limited to structures, road works, driveway crossings, footpaths and stormwater drainage) shall be submitted to and approved by Council under Section 138 of the Roads Act 1993 and all fees and charges paid, prior to the issue of a Construction Certificate.

Detailed drawings and specifications are to be prepared and certified by an appropriately qualified Civil Engineer.

Pruning of the branches and roots of Council trees is prohibited unless approved by Council in writing.

All Council trees are to be protected in accordance with Australian Standard AS4970 - 2009 , Protection of Trees on Development Sites.

Upon completion of the works, the Applicant is to provide to Council with electronic copies of 'Work as Executed Plans'. The plans are to show relevant dimensions and finished levels and are to be certified by a surveyor.

The Applicant is to provide to Council, in an approved format, details of all public infrastructure created as part of the works.

All civil engineering works adjacent/near/outside No. 16 Wentworth Street, Greenacre are to be fully supervised by Council. A maintenance period of six (6) months shall apply to the work, after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions.

(Reason: To ensure compliance of engineering works/Council assets are constructed to acceptable standards for engineering works.)

37. DUST CONTROL (CC)

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 minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like and shall be modified as directed by the Council should it fail to adequately control any dust nuisance.

Major Works

The following measures must be implemented (in part or in total) as directed by Council 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 or as directed by Council.

(Reason: Environmental amenity.)

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

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

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

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

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

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

(Reason: Statutory requirement.)

39. HOME BUILDING COMPENSATION FUND (CW)

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

- i) A contract of insurance in accordance with Part 6 of the Home Building Act 1989 is entered into and in force, where such a contract is required under that Act (this is a prescribed condition of consent pursuant to clause 981(b) Environmental Planning and Assessment Regulation 2000).

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

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

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

(Reason: Statutory requirement.)

40. NOTICE OF COMMENCEMENT (CW)

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

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

(Reason: Statutory requirement.)

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

41. CONTAMINATED LAND UNEXPECTED FINDS (DW)

In the instance works cause the generation of odours or uncovering of unexpected contaminants works are to immediately cease, Council is to be notified and a suitably qualified environmental scientist appointed to further assess the site.

The contaminated land situation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by Strathfield Council's Environmental Services Manager.

Note: Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the contaminated land situation and review any new contamination information. The applicant must also adhere to any additional conditions which may be imposed by the accredited site auditor.

(Reason: To ensure compliance with statutory requirements.)

42. FILL MATERIAL (DW)

The only waste derived material which may be received at the development site is:

- i) Virgin excavated material (within the meaning of the Protection of the Environment Operations Act 1997), and
- ii) any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

Any (b)-type material received at the development site must be accompanied by documentation certifying by an appropriately qualified environmental consultant the materials compliance with the exemption conditions; and this documentation must be provided to the Principal Certifying Authority on request.

(Reason: To ensure imported fill is of an acceptable standard for environmental protection purposes.)

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

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

(Reason: To maintain public access and safety.)

44. PUBLIC INFRASTRUCTURE AND SERVICES (DW)

The applicant must comply with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc.) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

(Reason: To maintain public infrastructure and/or services.)

45. SURVEY REPORT OF APPROVED LEVELS DURING AND POST CONSTRUCTION (DW)

A Survey Certificate to Australian Height Datum shall be prepared by a Registered Surveyor as follows:

- i) At the completion of the first structural floor level prior to the pouring of concrete indicating the level of that floor and the relationship of the building to the boundaries.
- ii) At the completed height of the building, prior to the placement of concrete in form work, or the laying of roofing materials.
- iii) At the completion of the development.

Progress certificates in response to points (1) through to (3) shall be provided to the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances is work allowed to proceed until such survey information is submitted to and approved by the Principal Certifying Authority.

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

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

46. ATTACHED DWELLINGS - CROSS EASEMENT FOR SUPPORT (OC)

A cross easement for support must be registered with Land and Property Information (LPI) NSW, prior to the issue of a Final Occupation Certificate.

(Reason: To protect the rights of residents of both dwellings and long term structural integrity of the party wall between the dwellings.)

47. ENGINEERING WORKS (CERTIFICATION OF)

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

- i) The stormwater drainage system; and/or
- ii) The car parking arrangement and area; and/or
- iii) Any related footpath crossing works; and/or
- iv) The proposed basement pump and well system; and/or
- v) The proposed driveway and layback; and/or
- vi) Any other civil works

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

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

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

(Reason: Asset management.)

48. OCCUPATION OF BUILDING (OC)

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

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

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

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

(Reason: Statutory requirement.)

49. **RAINWATER TANKS (OC)**

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

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

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

(Reason: To protect public health and amenity.)

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

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

(Reason: Adequate stormwater management.)

51. ~~**POSITIVE COVENANT FOR MECHANICAL PARKING INSTALLATIONS (OC)**~~

~~Prior to the issue of any Occupation Certificate, the applicant must 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 mechanical parking installations (vehicle turntables, car lifts, ramp traffic signal system, car stackers, etc.). On completion of construction work, mechanical parking installations are to be certified by a professional engineer with works-as-excavated drawings supplied to the Principal Certifying Authority detailing:~~

- ~~(a) Compliance with conditions of development consent relating to the mechanical parking installations including vehicle turntables, car lifts, etc.~~
- ~~(b) That the works have been constructed in accordance with the approved design.~~
- ~~(c) Binding the owners and future owners to be responsible for the ongoing maintenance required in terms of the mechanical parking installations.~~

~~(Reason: To ensure the mechanical parking installations are maintained to an appropriate operational standard.)~~

- ~~(i) Enter upon the land and remove any waste products using any vehicle or equipment as necessary;~~
- ~~(d) The owner of the lot burdened shall be solely responsible for the cost of maintaining in good and sufficient repair at all times the internal roads or access ways used by Strathfield Council for the purpose of exercising its rights as set out in clause (a) above.~~

~~The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at Land & Property Information NSW. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority.~~

~~(Reason: To ensure appropriate collection of waste.)~~

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CONDITIONS TO BE SATISFIED DURING THE OPERATIONS/USE OF THE PREMISES (OU)

52. VEHICULAR ACCESS (OU)

All vehicles must enter/exit the premises must do so in a forward direction at all times.

(Reason: Traffic safety.)

ADVISORY NOTES

- i. If an Underground Storage Tank or Underground Petroleum Storage System is decommissioned, a validation report for the storage site must be provided to Council no later than 60 days after the system is decommissioned, or if remediation of the site is required, no later than 60 days after the remediation is completed. Any validation report must be prepared in accordance with DECC guidelines.

Note: These requirements do not apply to any decommissioning of a storage system that took place before 1 June 2008. Significant penalties apply for non-compliance by individuals and corporations.

- ii. Council encourages the reuse and recycling of waste materials during demolition and construction. In this regard, separation and recycling should be undertaken as follows:
- Masonry products (bricks, concrete, concrete tile roofs) should be sent for crushing/recycling;
 - Timber waste to be separated and sent for recycling;
 - Metals to be separated and sent for recycling;
 - Clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
 - Mixed waste (plastic wrapping, cardboard etc.) to be sent to a licensed recycling or disposal facility.

The above can be achieved by constructing a minimum of five (5) trade waste compounds on the site. Each waste compound should be adequately sized to enclose the waste and all waste should be adequately secured and contained within the designated areas and not be permitted to leave the site. Personal waste should not

litter the site. Copies of any weighbridge receipts should be kept for presentation to the Principal Certifying Authority.

- iii. All existing trees on the site and all street trees are covered by Council's Tree Preservation Order and shall not be removed, lopped or pruned unless there is express permission stipulated in a condition of this consent or there is written approval from the Council.
- iv. Prior to occupation of any multi-unit development the applicant should arrange for the supply and delivery of a suitable number of mobile garbage receptacles and recycling receptacles.

The waste receptacle must be to the approval of Strathfield Municipal Council to ensure that receptacles are compatible with Council's waste collection vehicles and meet the requirements of any conditions of consent. Council does not supply waste storage bins free of charge and payment will need to be made to Council prior to delivery of the required bins. A waste service availability charge will apply to the development site from the date of issue of the occupation certificate. The charge is for the collection of domestic waste from all residential dwelling units and is payable by the owner of the development site.

- v. The applicant and Owner are advised that the Commonwealth Disability Discrimination Act 1992 may apply to this particular proposal. Approval of this application does not imply or confer compliance with this Act. Applicants and owners should satisfy themselves as to compliance and make their own enquiries to the Australian Human Rights Commission. Attention is also drawn to the provisions of Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility.
- vi. Information regarding the location of underground services may be obtained from Dial Before You Dig (Telephone 1100 or www.dialbeforeyoudig.com.au). Inquirers should provide DBYD with the street/road name and number, side of street/road and the nearest cross street/road.
- vii. A Construction Certificate shall be obtained in accordance with Section 6.7 of the Act, prior to the commencement of any work on site. Council can provide this service for you and you may contact Council's Development Assessment Unit on 9748 9999 for further information.
- viii. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of the building.
- ix. The use of Council's footway in accordance with this consent shall not occur until an agreement with Council is entered into for the use of the footway and the applicable fees paid.
- x. Section 8.2 of the Act allows the applicant/owner to request Council to review the determination of the application. Any such request must be made within six (6) months of this Notice of Determination being issued and be accompanied by the required fee.

An application under this Section of Act cannot be made for:

- (a) a determination in respect of designated development, or
- (b) a determination in respect of crown development, or
- (c) a complying development.

- xi. If you are dissatisfied with this decision, Section 8.7 of the Act gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this Notice of Determination.
- xii. Section 9.77 and Division 9.6 of the Act provides that any person who contravenes or causes or permits to be contravened the conditions of this consent or the Tree Preservation Order shall be guilty of an offence.
- xiii. Section 9.37 and Division 9.6 of the Act provides that a person guilty of an offence against this Act may be liable to penalties. Penalty infringement notices (on-the-spot fines) can also be issued for breaches of the conditions of development consent.
- xiv. The contributions required under Section 7.11 of the Act are set out in the Section 94 Contributions Plan which can be viewed at Council's Customer Service Centre, 65 Homebush Road, Strathfield during normal business hours.
- xv. Approved Insurers for Residential Building work under the Home Building Act 1989 are listed on the Department of Fair Trading's website:

www.fairtrading.nsw.gov.au
Other contact details for the Department are:
Phone: 9895 0111
E-Mail: enquiry@fairtrading.nsw.gov.au
- xvi. Applicants are advised to ensure all gutters are designed and installed in accordance with the National Construction Code and the relevant Australian Standards.
- xvii. In accordance with Clause 162A of the Environmental Planning and Assessment Regulation 2000, critical stage inspections are to be carried out by the Principal Certifying Authority (PCA) or by another authority if the PCA so agrees. Failure to undertake these inspections can prevent the issue of an Occupation Certificate and may result in penalties.
- xviii. Where Council is appointed as the Principal Certifying Authority (PCA), a Certificate of Adequacy prepared by a suitably qualified and experienced Structural Engineer, shall be provided with the Construction Certificate application stating that the existing structure is suitable to support the additional loads proposed to be placed upon it and that it complies with the Structural Provisions of the National Construction Code (NCC).
- xix. For the purposes of improved resident safety, it is recommended that the windows of dwellings be fitted with appropriate devices capable of being locked into a fixed position with such openings generally being a maximum of 100mm wide provided that compliance with the NCC in terms of lighting and ventilation is still achieved.