

IDAP REPORT – SECTION 4.55(1A) OR (2) MODIFICATION

Property:	18 Mintaro Avenue STRATHFIELD DA 2018/14/2
Proposal:	Section 4.55 (2) Modification Application to change the front facade of house and roof
Applicant:	C Azzi
Owner:	C. Azzi
Date of lodgement:	27 May 2020
Notification period:	3 June 2020 to 17 June 2020
Submissions received:	Nil
Assessment officer:	ND
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	No
Flood affected:	Yes
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL

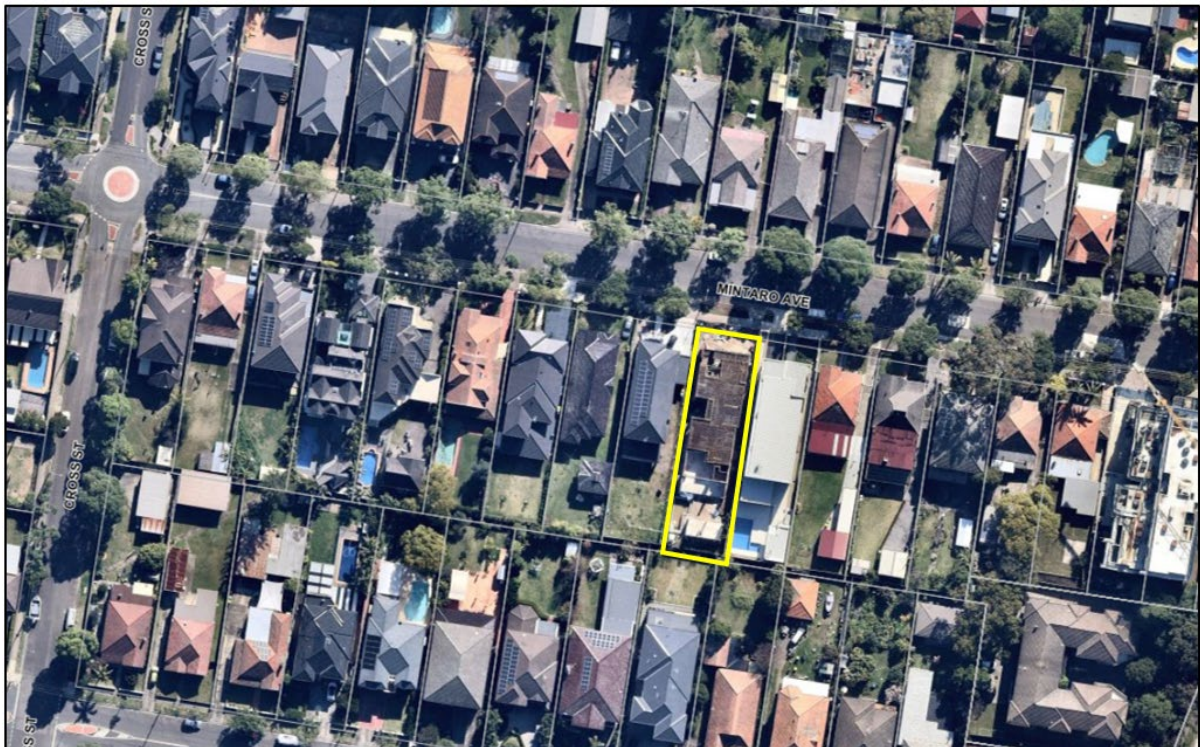


Figure 1: Aerial imagery of the subject site and immediate locality. The subject site is outlined in yellow.

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for a Section 4.55 (2) modification application to alter the front facade of the approved dwelling house and roof.

Site and Locality

The site is identified as 18 Mintaro Avenue Strathfield and has a legal description of Lot: 32 DP: 6969. The site is a regular shaped parcel of land and is located on the southern side of Mintaro Avenue. The site has a width of 13.715m, a depth of 50.985m and an overall site area of 695.6m².

The surrounding streetscape is characterised by a mixture of single and two (2) storey dwelling houses of various ages.

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 generally satisfies the provisions of the Strathfield Consolidated DCP 2005 with any non-compliances discussed in detail in the body of the report.

Notification

The application was notified in accordance with Council's Community Participation Plan from 3 June 2020 to 17 June 2020. No submissions were received during this period.

Issues

- Streetscape compatibility.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2018/014/02 is recommended for approval subject to the recommended conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the Section 4.55 (2) Modification Application to change the front facade of the approved dwelling and roof (Figure 3). More specifically, the proposal includes;

External:

- Modified schedule of colours and external finishes to entire development façade, including dwelling, detached BBQ area and front fence; and
- Modified front fence design.

Ground floor level:

- Reconfiguration of porch, foyer and staircase area; and
- Modifications to staircase window positions.

First floor level:

- Reconfiguration of staircase and void area; and
- Increase eastern side setback of master bedroom; and
- Modifications to staircase and master bedroom window positions.

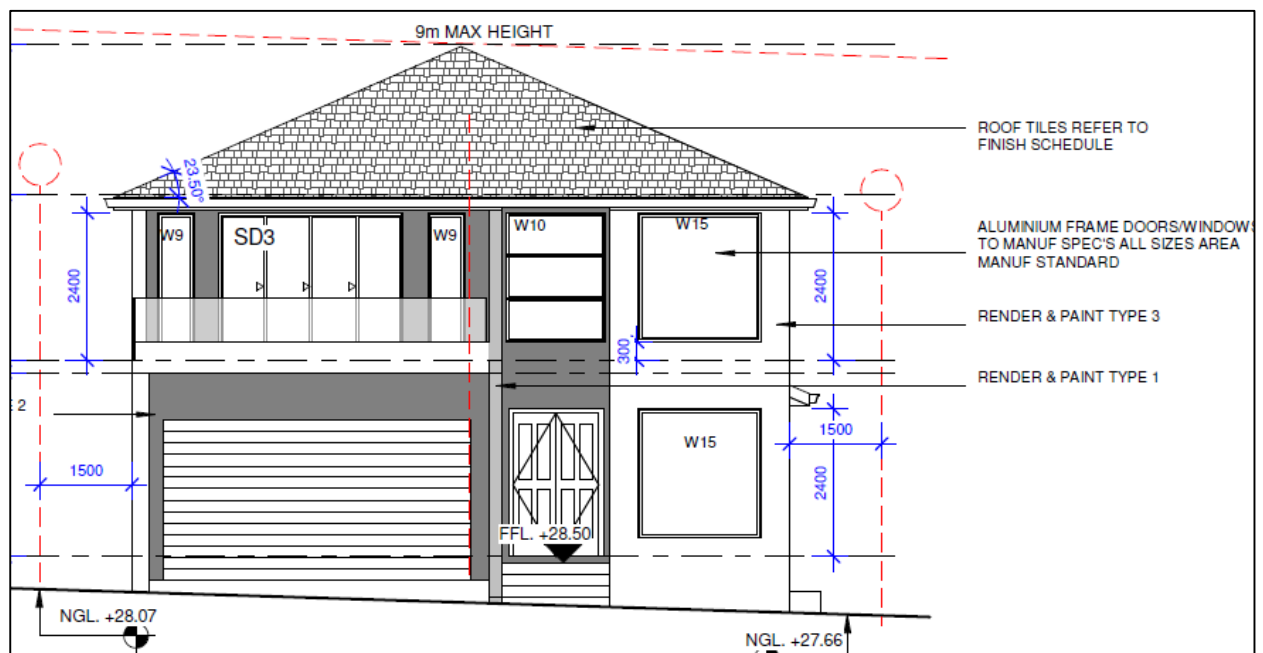


Figure 2: Approved northern elevation (streetscape).

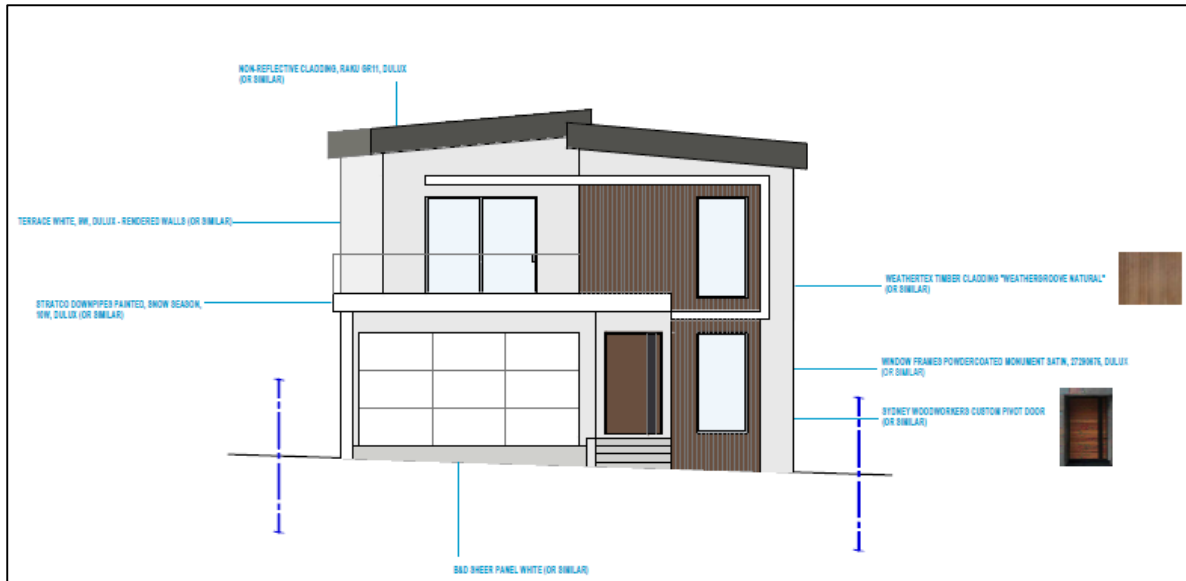


Figure 3: Proposed northern elevation.

The Site and Locality

The site is identified as 18 Mintaro Avenue Strathfield and has a legal description of Lot: 32 DP: 6969. The site is a regular shaped parcel of land and is located on the southern side of Mintaro Avenue (Figure 1). The site has a width of 13.715m, a depth of 50.985m and an overall site area of 695.6m².

The development works approved under the parent consent have commenced (Figure 4). Vehicular access to the site is via Mintaro Avenue.

The surrounding streetscape is characterised by single and two storey dwelling houses of various ages. The roof forms in Mintaro Avenue are predominantly gabled and hipped with exterior walls in facebrick and rendered masonry (Figure 5 and 6).



Figure 4: View of the subject site from Mintaro Avenue.



Figure 5: Dwelling houses immediately to the east of the site.



Figure 6: Dwelling house immediately to the west of the site.

Background

- 7 June 2018: Development consent was granted for DA2018/014 for the demolition of existing structures and construction of a two (2) storey dwelling house, swimming pool and front fence.
- 9 April 2020: Construction Certificate for the approved development was issued by Pyramid Building Certificate.
- 27 May 2020: The subject Section 4.55(2) modification application was submitted to modify development consent DA2018/014.
- 3 June 2020 to
17 June 2020: The subject application was notified in accordance with the requirements of the Strathfield Community Participation Plan.
- 1 July 2020: Correspondence was sent to the Applicant to address the following:
- i) Statement of Environmental Effects to be submitted;
 - ii) Additional details in relation to the schedule of colours and external finishes;
 - iii) Streetscape incompatibility of the modified building form;
 - iv) Streetscape elevation plan to be submitted;
 - v) BASIX Certificate and requirements to be shown on the architectural plans; and
 - vi) Clarification of non-trafficable roof area.
- 21 July 2020: The following amended plans and documents were submitted:
- i) Statement of Environmental Effects;
 - ii) Justification letter addressing the modified roof form;
 - iii) Modified schedule of colours and external finishes; and

iv) Modified architectural plans.

- 29 July 2020: Modified BASIX Certificate for the application was submitted.
- 5 August 2020: Correspondence was sent to Applicant detailing SCDCP 2005 non-compliances regarding streetscape presentation and roof form. Schedule of colours and external finishes for the front fence was requested.
- 11 August 2020: Amended architectural plans submitted which did not satisfactorily address SCDCP 2005 non-compliances.
- 18 August 2020: Telephone conversation with Applicant and project architect to discuss outstanding matters.
- 24 August 2020: Modified architectural plans submitted incorporating a skillion roof element.
- 31 August 2020: Correspondence was sent to the applicant stating that the application as modified does not satisfy the statutory test for 'substantially the same development' under Section 4.55(2) of the *EP&A Act 1979*.
- 8 September 2020: Modified architectural plans submitted incorporating two (2) skillion roof elements, deletion of the pre-cast concrete to the dwelling façade and front fence and deletion of brick cladding.

Referrals – Internal and External

Stormwater

Council's Development Engineer has reviewed the application and offered no objections to the modified proposal. The modified front fence design will not impact on the overland flow of stormwaters through Mintaro Avenue.

Section 4.55 of the *EP&A Act 1979*

The application has been lodged under the provisions of Section 4.55(2) of the *EPA&A Act 1979*.

The application is substantially the same development for which consent was originally granted. In this regard, the proposed residential use of the development does not change, the building envelope as modified has not significantly altered remaining compatible with the surrounding streetscape and the amenity impacts of the neighbouring development in terms of privacy, solar access and overshadowing are essentially the same as that of the approved development.

The application has been notified in accordance with the provisions of Council's Community Participation Plan and no submissions were received during the period. The original development application did not require concurrence.

An assessment of the modification application against the matters referred to in Section 4.15(1) of the *EP&A Act 1979* is included in this report. The recommended report of the parent consent has been taken into consideration and the proposal as modified is consistent with the reasons for the approval.

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	Development Approved	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	9.5m	9.09m	8.5m	Yes
4.4 Floor Space Ratio	0.60:1 (417.36m ²)	0.51:1 385.03m ²	0.59:1 410.42m ² (including voids)	Yes

Comments: The proposed amendments to the building height and floor space ratio from the approved development remain compliant with the development standards and is compatible with the surrounding streetscape.

Part 5 – Miscellaneous Provisions

Heritage Conservation

The subject site is not listed as a heritage item or located within a heritage conservation area. The site does not adjoin nor is in close proximity to a heritage item and as such, the provisions of this clause are not applicable.

Part 6 – Additional Local Provisions

Earthworks

The proposal modifications do not result in any additional excavation works than those approved under the original development consent.

Flood Planning

The subject site has been identified as being affected by the 1 in 100 flood event and is isolated to the front portion of the site only. Council's Development Engineer has reviewed the modified front fence design and has raised no objection. The proposed development is considered to satisfy the objectives of this clause.

Essential Services

The subject site is considered to be adequately serviced for the purposes of the proposed development as modified.

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

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

A BASIX Certificate has been issued for the proposed development as modified and the commitments required by the BASIX Certificate have been satisfied. A condition of consent was imposed under the parent consent to ensure the BASIX Certificate commitments are complied with.

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

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

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

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

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

The proposed development as modified does not result in the removal or loss of any trees or vegetation subject to the provision of this SEPP.

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

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

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

(iii) any development control plan,

The proposed development, 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 Part A the DCP, where applicable to the proposed changes;

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/Comment
Building Envelope			
Heights: Parapet height:	0.8m	0.6m	Yes.
Overall height for flat roof dwelling:	7.8m	8.5m	No. See below.
Setbacks: Front:	9m. Less than 9m may be considered where the predominant setback is less than 9m or not conflict with the character of the existing streetscape.	Whilst the front building façade of the approved dwelling has been modified, the front setback remain as approved (6m). The setback will not conflict with the character of the streetscape.	Yes,
Fencing			
Height (overall/piers):	1.5m (maximum)	1.5m maximum	Yes
Solid Component:	0.7m	0.7m maximum	Yes
Solar Access			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	North-south orientation of the site enables the adjoining properties to comply with the control.	Yes

Building Form and Streetscape Compatibility

The proposed skillion roof form, though not strictly in keeping with the dominant gabled and hipped roof style of the existing streetscape, creates a dual angle roof form that is compatible and dark toned parapet is sympathetic with the dark roof tiles of surrounding dwellings. The rendered masonry and timber cladding external finishes are also compatible with more recently constructed dwellings in Mintaro Avenue. Whilst the 8.5m building height does not numerically comply with the 7.8m building height control for flat roof dwelling houses, the five (5) degree skillion elements achieves a roof-like form that achieves compliance with the objectives of Section 2.1 of Part A the SDCP 2005 to ensure that development respects the predominant height, scale, character, type, form, materials and architectural qualities of the surrounding neighbourhood.



Figure 7: Proposed streetscape elevation

Fencing

The modification application seeks to alter the design of the front fence to a pier and infill style with a maximum 1.5m height. The front fence style with horizontal infill is consistent with the surrounding streetscape and tapers to the west in response to the gradient of the site.

Privacy

The proposed development, as modified, satisfies the relevant objectives and controls of the SCDP 2005, in that adequate privacy is maintained between adjoining properties and any potential overlooking is minimised. The modified windows on the western elevation are detailed with privacy screens so as not to negatively impact on adjoining properties.

PART H – Waste Management (SCDCP 2005)

A waste management plan was submitted with the original application. The approved waste management plan adequately accommodates the modified development.

(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 that is suitable for the site having regards to the its topography and vegetation.

(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 written submissions were received.

(e) the public interest.

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

Local Infrastructure Contributions

Section 7.13 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. This Section 4.55 modification application does not trigger any changes to the original conditions of consent requiring payment of a Section 7.12 contribution in accordance with Council's contribution plan.

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. 14/2018/2 should be **APPROVED**, subject to:

1. The original conditions of consent to Development Application No. 2018/014 as approved by the Strathfield Internal Development Assessment Panel on 7 June 2018 for the demolition of existing structures and construction of a two (2) storey dwelling house, swimming pool and front fence;
2. As modified by the Section 4.55(2) application DA2018/014/02 as follows:
 - Modifications to Condition No. 4 and 5 to reflect the modified plans; and
 - Modification to Condition No. 10 to reflect the modified front fence.

Signed: ND
Planning Officer

Date: 9 September 2020

☒ I confirm that I have determined the abovementioned development application with the delegations assigned to my position;

☒ I have reviewed the details of this modified development application and I also certify that Section 7.11/7.12 Contributions are not applicable to this development;

Report and recommendations have been peer reviewed.

Signed: JC
Senior Planner

Date: 24 August 2020

SPECIAL CONDITIONS (SC)

1. LANDSCAPING (SC)

An amended Landscaping Plan is to be submitted indicating a minimum 41% of the site area as deep soil landscaping. The amended Landscaping Plan is to be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

(Reason: To ensure appropriate landscaping on the site).

2. LANDSCAPING – STREET TREE PLANTING (SC)

The applicant is to plant one (1) new street tree in the nature strip in front of 18 Minatro Avenue. This tree is to be of the species *Callistemon viminalis*.

New tree 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.

The tree is 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.

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.)

3. SCREENING TO WINDOWS (SC)

Windows labelled W3, W6 (living room), W6 (dining room) as identified on Plan Number 3.02, Revision A, dated 7.02.18 (Elevation Sheet 2) shall either be designed as a highlight window with a minimum sill height of 1.7m above the floor or provided with either fixed obscure glazing or privacy screening capable of precluding views to adjoining properties. Details demonstrating compliance with this requirement are to be submitted to and approved by the Principal Certifying Authority **prior to the issue of Construction Certificate**

4. OUTBUILDING HEIGHT (SC)

The overall height of the outdoor barbeque area must not exceed ~~a maximum of RL31.45~~ **3.5m** from natural ground level. Details demonstrating compliance with the above measures shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

GENERAL CONDITIONS (GC)

5. 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. 2018/014:

Drawing No.	Title/Description	Prepared by	Issue/Revision & Date	Date received by Council
1.02	Demolition Plan & Streetscape	Ridge Designs	Revision A 7/02/18	7/02/18
2.01	Ground Floor Plan	Ridge Designs	Revision A 7/02/18	7/02/18
2.02	First Floor Plan	Ridge Designs	Revision A 7/02/18	7/02/18
2.03	Roof Plan	Ridge Designs	Revision A 7/02/18	7/02/18
3.01	Elevation Sheet 1	Ridge Designs	Revision A 7/02/18	7/02/18
3.02	Elevation Sheet 2	Ridge Designs	Revision A 7/02/18	7/02/18
4.01	Sections Sheet 1	Ridge Designs	Revision A 7/02/18	7/02/18
4.02	Section & Fence Detail	Ridge Designs	Revision B 22/05/18	22/05/18
4.03	BBQ Area and Pool Detail	Ridge Designs	Revision A 7/02/18	7/02/18
101	Stormwater Concept Plan	Ridge Designs	Revision B 15/01/18	7/02/18
104	Stormwater Concept Plan	Ridge Designs	Revision B 15/01/18	7/02/18
01	Site Plan & Ground floor Plan	AKBD	Issue B, Rev 4	8 September 2020
02	Site Plan & First Floor Plan	AKBD	Issue B, Rev 4	8 September 2020
03	Site Plan & Roof Plan	AKBD	Issue B, Rev 4	8 September 2020
04	Ground Floor Plan	AKBD	Issue B, Rev 4	8 September 2020
05	First Floor Plan	AKBD	Issue B, Rev 4	8 September 2020
06	Roof Plan	AKBD	Issue B, Rev 4	8 September 2020
07	North Elevation	AKBD	Issue B, Rev 4	8 September 2020
08	East Elevation	AKBD	Issue B, Rev 4	8 September 2020
09	South Elevation	AKBD	Issue B, Rev 4	8 September 2020
10	West Elevation	AKBD	Issue B, Rev 4	8 September 2020

11	Section	AKBD	Issue B, Rev 4	8 September 2020
12	Driveway	AKBD	Issue B, Rev 4	8 September 2020
13	Front Fence	AKBD	Issue B, Rev 4	8 September 2020
14	Schedule of Colours and Finishes	AKBD	Issue B, Rev 4	8 September 2020
15	Cabana Elevations & Pool Section	AKBD	Issue B, Rev 4	8 September 2020

MODIFIED: DA2018/014/02 -11 September 2020

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2018/014:

Title/Description	Prepared By	Issue/Revision & Date	Date received by Council
Statement of Environmental Effects	Ridge Designs	Revision A 19/01/2018	7/02/18
BASIX Certificate	Ridge Designs	19/01/2018	7/02/18
External Finishes Schedule	Ridge Designs	-	22/05/18
BASIX Certificate	No. 1087297S_02	Issued on 29 July 2020	29 July 2020
Waste Management Plan	Ridge Designs	Revision A 16/01/2018	7/02/18

MODIFIED: DA2018/014/02 -11 September 2020

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.)

6. **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.)

7. **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.)

8. 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.)

9. 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.)

10. FENCING - FRONT FENCE HEIGHT (GC)

~~Solid fencing forward of the building line (including the building line to a secondary street frontage on a corner site) shall not exceed a height of 1m above natural ground level. The fence may be topped by an additional maximum 0.8m high open timber picket, wrought iron, palisade or similar element.~~

~~Brick piers over 1m in height are permitted to support the decorative elements, provided they are equally spaced along the street, and do not exceed a height of 1.2m.~~

The front fence shall not exceed a height of 1.5m. Amended plans demonstrating compliance with this condition shall be submitted and approved by the Principal Certifying Authority to the issue of the Construction Certificate.

(Reason: To ensure a positive contribution to the streetscape in accordance with the Strathfield Consolidated DCP 2005.)

11. **LANDSCAPING ADJACENT SWIMMING POOLS/SPAS (GC)**

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

(Reason: Privacy amenity of adjoining properties.)

12. **LANDSCAPING - CANOPY TREES IN FRONT SETBACK (GC)**

New development shall provide at least two (2) canopy trees within the front setback adjacent the front boundary (existing trees may be included). New canopy trees shall be at least three (3) metres high at the time of planting and capable of reaching a mature height of 10m.

Species shall be selected from Council's Recommended Tree List (Available from Council's website or from the Customer Service Centre). Compliance with this condition is to be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: To ensure the landscape character of the locality is maintained.)

13. **LANDSCAPING - TREES PERMITTED TO BE REMOVED (GC)**

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

Tree	Height/Spread (m)	Location
1) Lophstemon confertus	10 x 8	Road reserve
2) Morus alba	4 x 4	Rear yard

All 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.)

14. LANDSCAPING - TREE PRESERVATION (GC)

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

All healthy trees and shrubs identified for retention on the approved drawings are to be suitably protected in accordance with Australian Standard AS4970 – 2009, Protection of Trees on Development Sites prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

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

15. 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.)

16. 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 a practicing Chartered Professional Engineer on the National Professional Engineer's Register (NPER) at Engineers Australia 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.)

17. SYDNEY WATER - STAMPED PLANS PRIOR TO COMMENCEMENT (GC)

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

For Quick Check agent details please refer to the web site www.sydneywater.com.au (see Building Developing and Plumbing then Quick Check) or telephone 13 20 92. The consent authority or a Certifying Authority must ensure that a Quick Check agent/Sydney Water has stamped the plans before the commencement of work.

(Reason: Compliance with Sydney Water requirements.)

18. 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.)

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

19. BASIX COMMITMENTS (CC)

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

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

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

(Reason: Statutory compliance.)

20. 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.)

21. CAR PARKING - VEHICULAR ACCESS RAMPS (CC)

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

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

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

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

22. 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.)

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

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

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

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

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

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

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

(Reason: Compliance with SCDCP 2005.)

25. 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.)

26. 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)

27. **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.)

28. 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.)

29. TRAFFIC - CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CC)

A Construction Traffic Management Plan (CTMP) is to be prepared by an appropriately qualified Traffic Management Consultant and submitted to and approved by Council's Engineering Section, prior to the commencement of any works including demolition.

The following matters should be addressed in the CTMP (where applicable):

- i) description of the demolition, excavation and construction works;
- ii) site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- iii) size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- iv) proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- v) impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;
- vi) any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- vii) proposed hours of construction related activities and vehicular movements to and from the site;
- viii) current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- ix) any activities proposed to be located or impact upon Council's road, footways or any public place;
- x) measures to maintain public safety and convenience;
- xi) any proposed road and/or footpath closures;
- xii) turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- xiii) locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;
- xiv) location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
- xv) a dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- xvi) material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;

- xvii) on-site parking area for employees, tradespersons and construction vehicles as far as possible;
- xviii) proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and
- xix) how it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.

(Reason: To mitigate traffic impacts on the surrounding area during the construction period.)

30. 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.)

31. WATER SUSTAINABILITY – GENERALLY (CC)

Water collected in the rainwater tank must comprise roof water only and not surface water. Water from the rainwater tank must only be used for following purposes and not for human consumption:

- i) Toilet flushing;
- ii) Clothes washing;
- iii) Garden irrigation;
- iv) Car washing and similar outdoor uses;
- v) Filling swimming pools, spa pools and ornamental ponds; and
- vi) Fire fighting.

(Reason: To promote sustainable water management practice.)

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

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

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

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

(Reason: Council requirement.)

33. **SECTION 7.11 CONTRIBUTION PAYMENT - INDIRECT CONTRIBUTIONS PLAN)
(CC)**

In accordance with the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979 and the Strathfield Indirect Development Contributions Plan 2010-2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

Local Amenity Improvement Levy	\$7,500.00
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The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. The amount of the contribution under this condition shall be indexed in accordance with clause 4.12 of the Strathfield Indirect Development Contributions Plan 2010-2030.

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

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

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

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

**CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS
(CW)**

34. **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 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.)

35. **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 (DW)

36. **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.)

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

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

(Reason: To maintain public access and safety.)

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

38. CAR PARKING - SURPLUS VEHICULAR CROSSINGS (OC)

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

(Reason: Maintenance of public infrastructure.)

39. 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 a suitably Qualified Engineer, with Corporate Membership standing in the Institution of Engineers Australia and registered on the National Professional Engineers Register (NPER) under the appropriate professional category, 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.)

40. RAINWATER TANKS (OC)

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

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

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

(Reason: To protect public health and amenity.)

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

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

(Reason: Adequate stormwater management.)

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

42. **LOADING AND UNLOADING - NO OBSTRUCTION OF PUBLIC ROAD OR FOOTWAY (OU)**

All loading and unloading operations including fork lift trucks or other similar loading, lifting and/or carrying appliances used in conjunction with the premises, shall be carried out wholly within the boundaries of the site, at all times. There shall be no obstruction of any public roadway or footway at any time, without the prior

(Reason: Public safety.)