

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

<b>Property:</b>	75 Albert Road STRATHFIELD DA 2020/30/2
<b>Proposal:</b>	S4.55(1A) Modification Application to relocate two (2) windows on the approved secondary dwelling
<b>Applicant:</b>	A Satkunarajah
<b>Owner:</b>	A Satkunarajah and E V Satkunarajah
<b>Date of lodgement:</b>	4 September 2020
<b>Notification period:</b>	14 September 2020 to 28 September 2020
<b>Submissions received:</b>	None
<b>Assessment officer:</b>	P Santos
<b>Estimated cost of works:</b>	\$124,600.00
<b>Zoning:</b>	R2 - Low Density Residential - SLEP 2012
<b>Heritage:</b>	<b>Yes</b> <b>Heritage Item</b> - I68 "Elouera" – Federation Queen Anne style house <b>Heritage Conservation Area</b> – "C7" Albert Road Central Conservation Area, Federation Queen Anne style group
<b>RECOMMENDATION OF OFFICER:</b>	APPROVAL

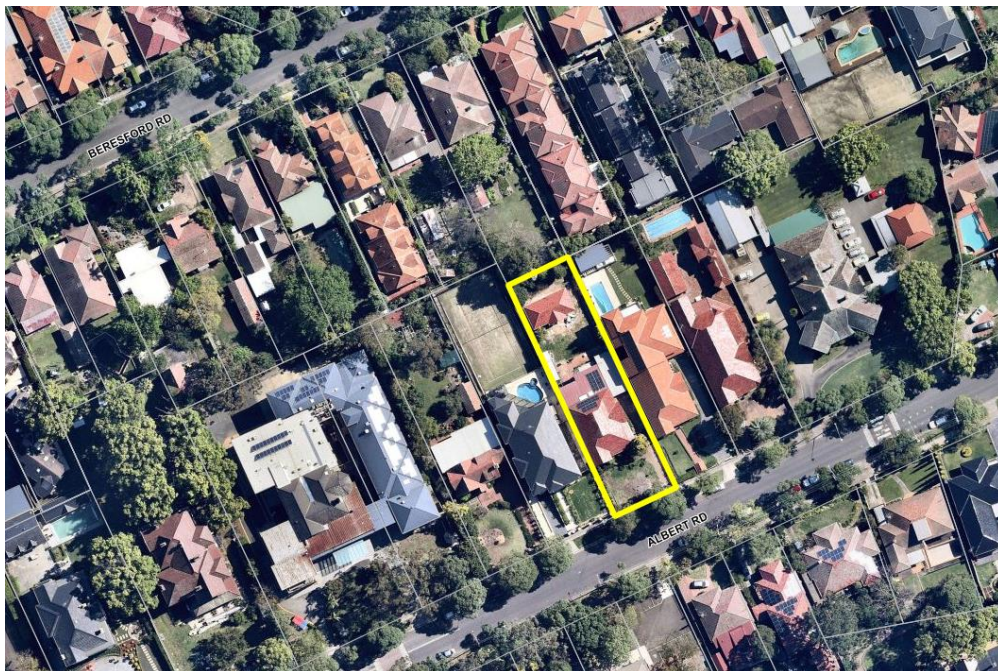


Figure 1. Aerial imagery of the immediate locality of the subject site (outlined)

## **EXECUTIVE SUMMARY**

### **Proposal**

Development consent is being sought for the S4.55(1A) Modification Application to relocate two (2) windows on the approved secondary dwelling.

### **Site and Locality**

The site is identified as 75 Albert Road STRATHFIELD and has a legal description of Lot 1 DP 919133. The site is a regular shaped parcel of land and is located on the northern side of Albert Road.

The site has a width of 18.3m, a depth of 67m and an overall site area of 1,166m<sup>2</sup>.

The locality surrounding the subject site contains a mixture of low-density residential developments and educational establishments.

### **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 14 September 2020 and 28 September 2020, where no submissions were received.

### **Issues**

- South-east elevation windows schedule

### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979* (EP&A Act), Development Application 2020/30/2 is recommended for approval subject to suitable conditions of consent.

## REPORT IN FULL

### Proposal

An application to modify development consent pursuant to S4.55(1A) is received to relocate two (2) windows in both ensuites of the approved secondary dwelling from the eastern/western elevations to the north-west elevation.

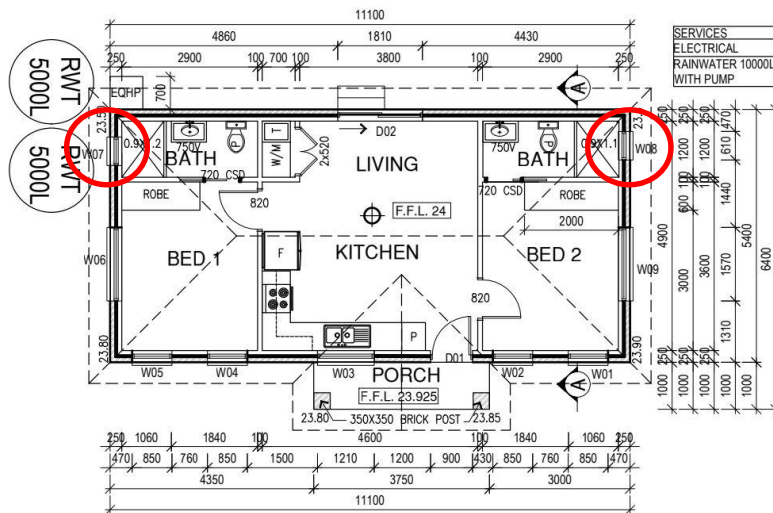


Figure 2. Approved ensuite windows (circled in red)

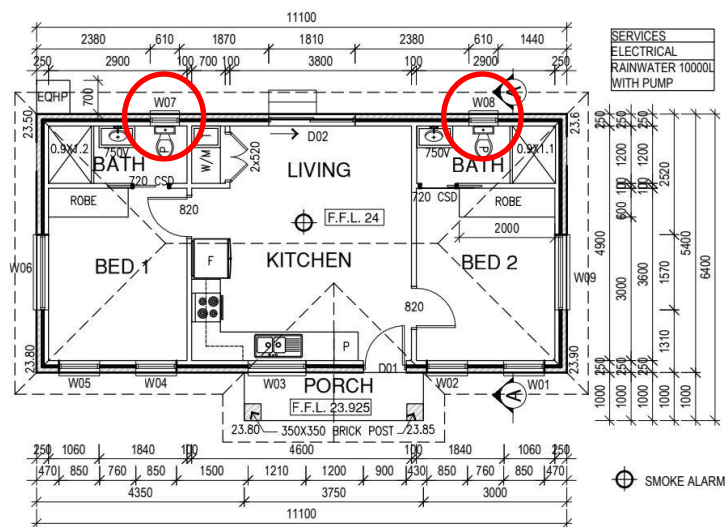


Figure 3. Proposed changes to ensuite windows (circled in red)

It is also noted that the proposed modification plans incorporated structural features that differ from the approved development in DA2020/30, in particular along the south-east elevation.

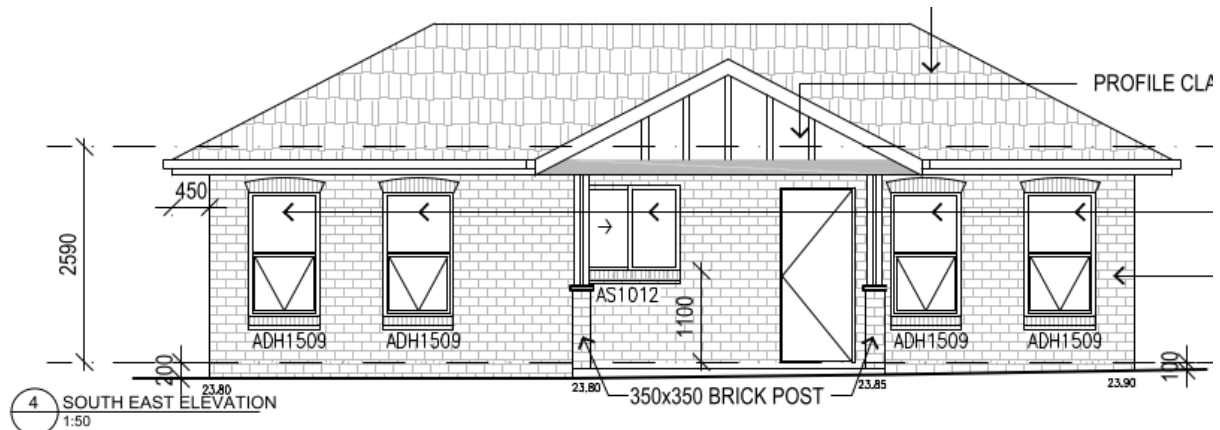


Figure 4. Extract of the approved south-east elevation of the secondary dwelling in the original DA



## SOUTH EAST ELEVATION

Figure 5. Extract of the proposed south-east elevation of the secondary dwelling in the current modification application

In particular, the four (4) windows along the elevation appear enlarged and of alternate materiality and the gable roof above the porch includes alternate horizontal cladding. The features as originally approved were at the request of Council's Heritage Advisor. These changes were not nominated on the modified application form and do not form part of the application. A condition of consent is recommended to delete the differentiated elements and to reinstate the originally approved elements in the south-east elevation.

### The Site and Locality

The subject site is commonly known as No. 75 Albert Road, Strathfield and has a legal description of Lot 1 DP 919133. It is located on the North West side of Albert Road, with Homebush Road being the nearest cross road.

The site is regular in shape and has an area of 1,166.22m<sup>2</sup>, an average width of 18.29m and an average depth of 67.06m. The land gradually falls towards the rear at gradient of approximately 3.96 degrees or 6.93%.



A single-storey brick dwelling house currently occupies the site. Construction of the approved secondary dwelling is underway at the rear of the subject site. See Figure 6 below.



Figure 6. A closer aerial imagery of the immediate locality of the subject site (outlined)

## **Background**

- |                   |  |
|-------------------|--|
| 27 March 2020     | Development consent was granted to DA2020/30 under the delegation of Strathfield Internal Development Assessment Panel (IDAP).       |
| 04 September 2020 | The modification application, DA2020/30/2, was lodged.   |
| 14 September 2020 | The modification application was publicly notified until 28 September 2020. No submissions were received during notification period. |

## **Referrals – Internal and External**

### **Heritage**

The application was referred to Council's Heritage Advisor, who offered no objections to the relocation of the two windows located within the ensuites. However, the changes to the window schedule marked on the architectural plan were not supported. Council's Heritage Advisor provided the following comment/s –

*"That the current plans in the portal are not supported on heritage grounds and the original comments provided still apply to this modification."*

In support of the comment above, note that Council's Heritage Advisor provided the following comments in the original DA.

*“Redesign of windows and form to better reflect those of the federation period, include gables and pitched roof. It appears that the windows aren’t well balanced and could be missing two along the frontage. A small brick wall and corresponding turned timber posts could improve the plan.”*

*“To use period materials (wooden windows, marseilles red tiles, flat surfaced bricks)”*

The approved plans in DA2020/30 manifest satisfaction of the comments made by Council’s Heritage Advisor in the application.

### **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 5 – Miscellaneous Provisions**

##### **Heritage Conservation**

The site is located in a Heritage Conservation Area (C7 – Albert Road Central Conservation Area, Federation Queen Anne style) and is a local Heritage Item I68 – “Eloura” – Federation Queen Anne Style House. Hence, the application warranted a referral to Council’s Heritage Advisor, pursuant to Clause 5.10 of the SLEP 2012. Details of the referral have been discussed in the Internal and External Referrals section of this report.

The proposed relocation of the windows in the two ensuites of the approved secondary dwelling to the north-west elevation is supported on heritage grounds. However, the change

in the window schedule of the south-east elevation is not supported and must be reverted back to the approved windows in the DA2020/30. This is to ensure that the secondary dwelling better reflect the heritage significance of the item (I68 - Elouera) located within the site and the conservation area (C7) of the immediate locality.



*Figure 5. Front elevation of the primary dwelling house, extracted from the Assessment Report in the DA2020/30, dated 27 March 2020*

#### **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.

#### **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 Council's records give 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 the DCP.

### **Privacy**

The proposed development as modified satisfies the relevant objectives and controls of the SCDCP 2005. The changes proposed are contained to bathrooms and there is minimal opportunities for overlooking.

### **PART H – Waste Management (SCDCP 2005)**

A waste management plan was submitted with the original application, which satisfies Part H. The existing plan is considered applicable to 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 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 modified development to relocate the two ensuite windows is of a scale and character that is in keeping with the other dwellings 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 proposal 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.

**(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 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. This section prescribes in part as follows:

A consent authority may impose a condition under section 7.11 or 7.12 only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division). The contributions had been levied accordingly in DA2020/30.

**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 SCDP 2005.

Following detailed assessment it is considered that Development Application No. 2020/30/2 should be approved, subject to the conditions of consent, as modified:

- Add condition #2A – Required Design Change; and
- Modify condition #3 – Approved Plans and Reference Documentation.

**Signed:**

**Date: 01 October 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 not applicable to this development.

Report and recommendations have been peer reviewed and concurred with.



**Signed:**

**M Rivera**  
**Planner**

**Date: 07 October 2020**

## **PART A - PRESCRIBED CONDITIONS**

### **BASIX Commitments**

- A The applicant shall comply with the prescribed conditions of development consent under clause 97A of the Environmental Planning and Assessment Regulation 2000.

### **National Construction Code and Home Building Act 1989**

- B The applicant shall comply with the prescribed conditions of development consent under clauses 98, 98A and 98B of the Environmental Planning and Assessment Regulation 2000.

### **Long Service Levy**

- C Payment of the Long Service Levy as required by section 6.8(b) of the Environmental Planning & Assessment Act 1979 and section 34 of the Building and Construction Industry Long Service Payments Act 1986 for all building work over \$25,000. (Note: The cost of the building work must be rounded to the nearest \$100.)
- D The Long Service Levy shall be paid at Council's Customer Service Centre or evidence of direct payment to the Long Service Payments Corporation shall be provided to Council **prior to the issue of a Construction Certificate**.

### **Shoring and Adequacy of Adjoining Property**

- E Pursuant to Clause 98E and Clause 136H of the Environmental Planning and Assessment Regulation 2000, if a development (subject of a Development Consent or Complying Development Certificate) involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- protect and support the adjoining premises from possible damage from the excavation
  - where necessary, underpin the adjoining premises to prevent any such damage.

If the person with the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.



## SPECIAL CONDITIONS (SC)

### 1. **ABSORPTION TRENCH**

In accordance with Council's stormwater management code roof or paved areas draining to an absorption trench shall be limited to 40m<sup>2</sup>. Amended plans reflecting compliance with the stormwater management code requirement shall be submitted to Council for approval prior to issue of a Construction Certificate.

(Reason: Compliance with Council's requirement)

### 2. **CONSTRUCTION ON PIERS**

To protect any tree that will be situated less than 4m from the secondary dwelling, as a result of the development, the construction must be on piers. The piers and any opening below the building are to be covered by a feature/structure that is treated sympathetically with the approved schedule of finishes. Amended plans reflecting compliance with this condition are to be submitted to Council for approval prior to issue of a Construction Certificate.

(Reason: Protection of tree in close proximity of the development)

### 2A. **REQUIRED DESIGN CHANGE**

**The south-east elevation demonstrated in the submitted plans for the current modification application prepared by In House Granny Flats, dated 15/08/2020, does not form part of this application and consent. The amendments to the window schedule do not form part of the modified application.**

**The design must be reverted back to the approved south-east elevation in the DA2020/30.**

**ADDED DA2020/30/2: 09/10/2020**

## GENERAL CONDITIONS (GC)

### 3. **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. 2020/30/2:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
DA02	Site Plan & Site Analysis	In House Granny Flats	10 / 12/03/2020	16/03/2020
DA03	Ground Floor Plan	In House Granny Flats	10 / 12/03/2020	16/03/2020
DA04	Elevations	In House Granny Flats	10 / 12/03/2020	16/03/2020
DA05	Elevations	In House Granny Flats	10 / 12/03/2020	16/03/2020

DA06	Section	In House Granny Flats	10 / 12/03/2020	16/03/2020
DA08	Landscape Plan	In House Granny Flats	10 / 12/03/2020	16/03/2020
<b>DA03</b>	<b>Ground Floor Plan Granny Flat</b>	<b>In House Granny Flats</b>	<b>13 / 15.08.2020</b>	<b>04/09/2020</b>
<b>DA04</b>	<b>Elevations Granny Flat</b>	<b>In House Granny Flats</b>	<b>13 / 15.08.2020</b>	<b>04/09/2020</b>
<b>DA05</b>	<b>Elevations Granny Flat</b>	<b>In House Granny Flats</b>	<b>13 / 15.08.2020</b>	<b>04/09/2020</b>

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2020/30:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Schedule of Colours & Finishes	In House Granny Flat	12/03/2020	16/03/2020
<del>BASIX Certificate (Certificate # 1041547S_04)</del>	<del>Inhouse Pty Ltd</del>	<del>16/12/2019</del>	<del>11/02/2020</del>
Waste Management Plan	Inhouse Granny Flat	17/12/2019	11/02/2020

**Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2020/30:**

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
<b>BASIX Certificate (Certificate # 1041547S_05)</b>	<b>Inhouse Pty Ltd</b>	<b>15/08/2020</b>	<b>04/09/2020</b>

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 DA2020/30/2: 09/10/2020**

#### 4. **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.)

**5. 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.

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

**6. ENVIRONMENTAL PROTECTION – TREE (GC)**

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

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

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.)

#### 7. **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.)

#### 8. **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.)

#### 9. **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.)

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

(Reason: Compliance with Sydney Water requirements.)

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

**11. BASIX COMMITMENTS (CC)**

The BASIX Certificate must be amended to reflect the correct window schedule on the south-east elevation of the secondary dwelling, in accordance with condition #2A. The amended 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.)

**MODIFIED DA2020/30/2: 09/10/2020**

**12. 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](http://www.homebuildingact.gov.au) 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.)

**13. 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.)

**14. 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.)

### 15. **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.)

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

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

(Reason: Privacy amenity.)

**17. 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	<b>\$1,878.64</b>
Provision of Major Open Space	<b>\$8,547.23</b>
Provision of Local Open Space	<b>\$2,929.32</b>
Provision Roads and Traffic Management	<b>\$794.95</b>
Administration	<b>\$161.99</b>
<b>TOTAL</b>	<b>\$14,312.13</b>

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.)

**18. 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.)

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

### **19. 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.

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.)

### **20. 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)**

### **21. HERITAGE - HISTORIC RELICS FOUND DURING WORKS (DW)**

Should any potentially historic relics be discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Division of the NSW Department of Environment and Heritage should be informed in accordance with Section 146 of the Heritage Act 1977. 'Relics' are any deposit, artefact, object or material evidence that relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and are of State or local heritage significance.

Should any potentially significant Aboriginal material be discovered on the site, all excavation or disturbance of the area is to stop immediately and the Heritage Division of the NSW Department of Environment and Heritage is to be informed in accordance with Section 91 of the National Parks and Wildlife Act 1974.

(Reason: To ensure the proper management and preservation of potentially significant archaeological material.)

### **22. 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.)

### **23. 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.)

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

### **24. 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.)

**25. 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.)

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

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

(Reason: Adequate stormwater management.)

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**SIGNED** on behalf of  
Strathfield Municipal Council



GEOFF BAKER  
PUBLIC OFFICER

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**PART A - PRESCRIBED CONDITIONS**

**BASIX Commitments**

- A The applicant shall comply with the prescribed conditions of development consent under clause 97A of the Environmental Planning and Assessment Regulation 2000.

### **National Construction Code and Home Building Act 1989**

- B The applicant shall comply with the prescribed conditions of development consent under clauses 98, 98A and 98B of the Environmental Planning and Assessment Regulation 2000.

### **Long Service Levy**

- C Payment of the Long Service Levy as required by section 6.8(b) of the Environmental Planning & Assessment Act 1979 and section 34 of the Building and Construction Industry Long Service Payments Act 1986 for all building work over \$25,000. (Note: The cost of the building work must be rounded to the nearest \$100.)
- D The Long Service Levy shall be paid at Council's Customer Service Centre or evidence of direct payment to the Long Service Payments Corporation shall be provided to Council **prior to the issue of a Construction Certificate**.

### **Shoring and Adequacy of Adjoining Property**

- E Pursuant to Clause 98E and Clause 136H of the Environmental Planning and Assessment Regulation 2000, if a development (subject of a Development Consent or Complying Development Certificate) involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- protect and support the adjoining premises from possible damage from the excavation
  - where necessary, underpin the adjoining premises to prevent any such damage.

If the person with the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.

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

Other contact details for the Department are:

Phone: 9895 0111

E-Mail: [enquiry@fairtrading.nsw.gov.au](mailto: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.