

IDAP REPORT – SECTION 4.55(1A) MODIFICATION

Property:	44 Newton Road STRATHFIELD DA 2018/112/2
Proposal:	S4.55(1A) Modification Application involving internal and external alterations, earthworks, relocation of swimming pool and deletion of balcony and deletion of condition 2A of the DA2018/112 development consent which relates to an approved dwelling house.
Applicant:	CK Design Pty Ltd
Owner:	C Moubarak
Date of lodgement:	4 September 2020
Notification period:	14 September 2020 to 28 September 2020
Submissions received:	One
Assessment officer:	P Santos
Estimated cost of works:	\$1,492,107.00
Zoning:	R2 - Low Density Residential - SLEP 2012
Flood affected:	Yes
RECOMMENDATION OF OFFICER:	APPROVAL

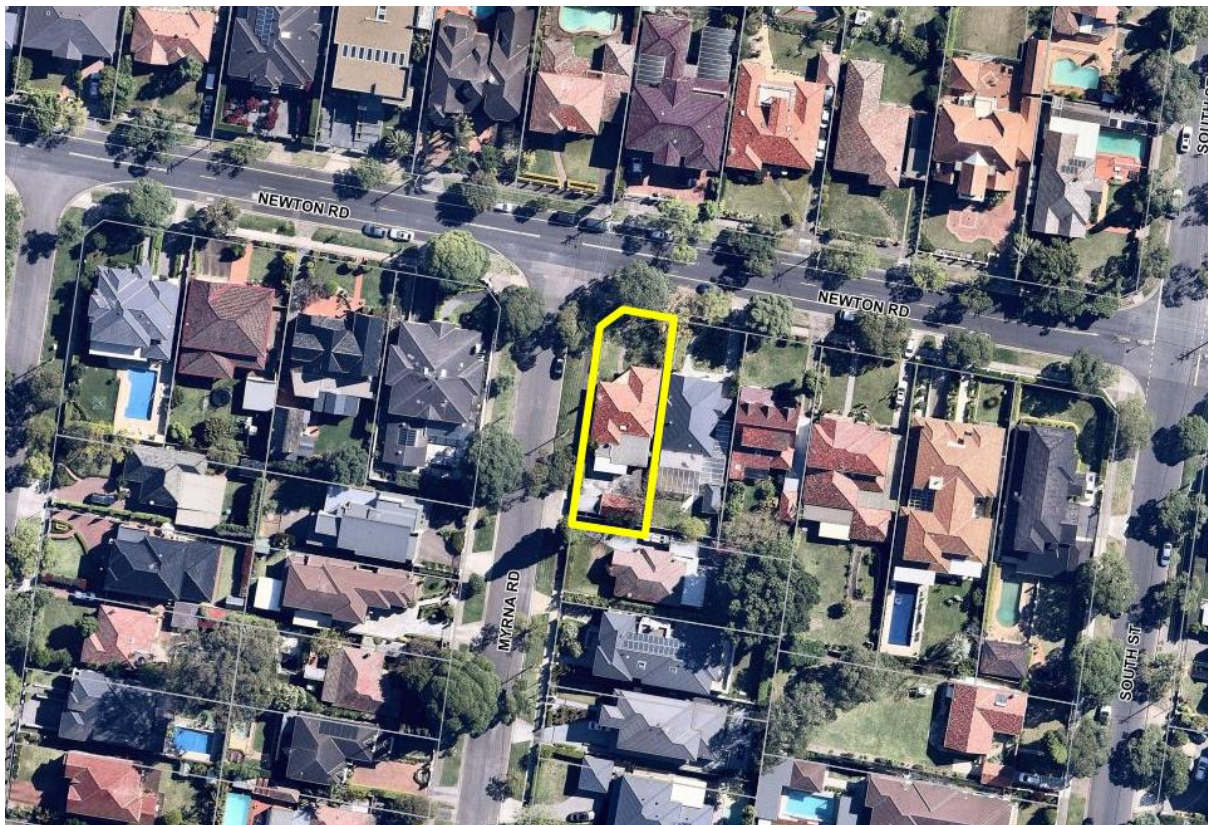


Figure 1. Aerial imagery of the subject site (outlined) and immediate locality

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the S4.55(1A) Modification Application involving internal and external alterations, earthworks, relocation of swimming pool and deletion of balcony and deletion of condition 2A of the DA2018/112 development consent which relates to an approved dwelling house.

Site and Locality

The site is identified as 44 Newton Road STRATHFIELD and has a legal description of Lot 3 DP 14613. The site is a regular shaped parcel of land and is located on the south-east of the intersection of Newton Road and Myrna Road.

The site has a primary frontage width of 11.38m, a depth of 41.15m and an overall site area of 610.67m².

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

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 to 28 September 2020, where one submission was received raising the following concern/s:

- Overshadowing of trees.

Issues

- Flooding; and
- Ground floor level RL.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2018/112/2 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the S4.55(1A) Modification Application involving internal and external alterations to an approved house, including earthworks, relocation of swimming pool and deletion of balcony and deletion of condition 2A of the DA2018/112 development consent which relates to an approved dwelling house.

More specifically, the proposal includes the following:

Basement level -

- Delete plant room at the rear of the approved parking spaces, as per condition 1 of the development consent; and
- Reduce width of the double parking space to 6.57m, from 7.54m.

Ground floor level -

- Internal alteration; and
- Redesign of the roof over the alfresco area.

First floor level -

- Deletion of balcony off the main bedroom;
- Internal alterations; and
- Reduction in the depth of the approved balcony off bedroom 3.

External works -

- Relocation of the approved in-ground swimming pool at the rear,
- Redesign of the approved alfresco; and
- Excavation of the rear yard to RL 28.85.

Others –

- Deletion of condition 2A.

Note that the development consent in DA2018/112 had the following conditions:

“2. FLOODING

Flood Impact Assessment Report in accordance with Council’s Interim Flood Prone Land Policy shall be submitted to Certifying Authority and Council for approval prior to issue of a construction certificate.”

“2A. DESIGN CHANGES

The following design changes re to be incorporated in amended architectural plans:

- The ground floor is to be lowered by 650mm to a finished RL 29.95;*
- The alfresco area is to be lowered to a maximum RL 29.95;*
- The overall RLs to the top of parapet are to be lowered by 650mm to reflect the lowering of the ground floor.*

Details of the above changes are to be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate and a copy forwarded to Council where Council is not the nominated PCA.”

The request to delete condition 2A was due to the house cannot be constructed with the levels conditioned in the development consent in DA2018/112 because of a flooding issue. A flood report was required, imposed as a condition of consent in the original DA, prior to issue of Construction Certificate.

The Site and Locality

The subject site is legally described as Lot 3 in DP 14613 and is commonly known as 44 Newton Road (Figure 2). The site is a corner allotment located on the southern side of Newton Road and on the eastern side of Myrna Road. The site is rectangular in shape and has a frontage of 15.62m to the north and contains a side boundary of 42.67m, totaling an area of 610.67m².



Figure 2. Closer imagery of the site (outlined) and its immediate locality

Existing development comprises a single storey residential dwelling with exposed face brick exterior walls and a tiled pitch roof form (Figure 3). Vehicular access is obtained via an existing driveway located at the southern end of the property from Myrna Road.



Figure 3. Façade of the existing dwelling house on the subject site



Figure 4. Side elevation of the existing house on the site



Figure 5. Secondary street frontage of the site, showing the secondary street fencing and the current driveway

The current streetscape is primarily characterised by two-storey residential dwellings that have a combination of pitch and flat roof forms with exposed face brick and rendered exterior walls.

Background

17 January 2019	A consent was granted to DA2018/112 for the purpose of demolition of the existing buildings and construction of a single dwelling with basement level, in-ground swimming pool, front boundary fencing and associated landscaping.
04 September 2020	The subject modification application (DA2018/112/2) was lodged with Council.
14 September 2020	The application was publicly exhibited until 28 September 2020.
30 September 2020	Council's Development Planner carried out a site visit.
14 October 2020	An additional information request letter was issued to the applicant via the NSW Planning Portal, raising the following concern/s: <ul style="list-style-type: none"> Floor Space Ratio non-compliance as a result of the deletion of condition 2A.
3 November 2020	A meeting with the applicant and Council Officers occurred. Both parties agreed that the ground floor level to be conditioned to be lowered to RL 30.0, to satisfy the requirements of FSR development standard and also address the flooding issue.

Referrals – Internal and External

Stormwater

The application was referred to Council's Development Engineer, who provided the following comments:

"I don't have any objection to the flood impact study from engineering perspective."

"The 1 in 100yr old flood level at proposed building footprint is 29.5m AHD in accordance the Cooks River and Coxs Creek flood study hence the ground floor can be lowered to 30.0m AHD."

In accordance with the above, the proposal can be supported, subject to the conditions of consent, as amended.

Section 4.55 of the EP&A Act 1979

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

Section 4.15 Assessment – EP&A Act 1979

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

(1) *Matters for consideration – general*

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

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

Strathfield Local Environmental Plan

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

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

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

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Approved standards	Compliance/ Comment
4.4 Floor Space Ratio	0.60:1 (369.96m ²)	0.597:1 (364.1m ²)	Yes

Earthworks

The proposal modifications do not result in any additional or significant excavation works and will not have any further detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Flood Planning

The subject site has been identified as being at or below the flood planning level. The application as modified has been reviewed by Council's Engineer who has provided comments in the Referral section of this report.

The proposed development is considered to satisfy the objectives of this clause.

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 (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, where applicable to the proposed changes.

Applicable DCP Controls	DCP Controls	Approved controls	Development Proposal	Compliance/ Comment
Building Envelope				
Setbacks:				
Rear:	6m	3m	2m	No

Landscaping				
Landscaping/Deep Soil Provisions:	41.5% (253.43m ²)	41.72% (254.8m ²)	41.5% (254m ²)	Yes
Vehicle Access and Parking				
Basement: Basement protrusion:	Less than 1.0m	Less than 1.0m (as per the condition)	1.3m	No

Rear Setback

The proposal involves redesign of the layout of the alfresco, resulting to a reduction in the rear setback. The approved rear setback in DA2018/112 was 3m. The current modification application proposes to have a 2m rear setback. Taken from the rear boundary to the face of the alfresco, in accordance with the definition of setback in the SLEP 2012.

The proposed reduced setback is supportable as it will have no adverse amenity impact on to the neighbouring properties. In particular, the part of the non-compliance will be adjacent to the front yard of the southern neighbour.

Vehicular access, Parking and Basements

The proposed development, as modified, satisfies the relevant objectives and controls of the SCDP 2005 in that it provides the minimum number of required parking spaces and adequate vehicular access provisions.

Despite the above, the proposed deletion of condition 2A would result to a ground floor level of RL 30.6. This level would result to the ground floor having a level that is over a metre above the ground. In essence, this would mean that the basement is not a basement, as per its definition in the SLEP 2012, resulting to an increase in the GFA and non-compliance with the FSR.

However, as previously mentioned, the level of the ground floor can be lowered to RL 30.0, as per Council's Engineer. This will result to the ground floor protrusion of 0.7m from the natural ground level. This addresses the concerns regarding the FSR and flooding.

As a result of the above, condition 2A will be amended and not deleted in order to reflect RL 30.0.

ANCILLARY STRUCTURES

Swimming Pools, Spas & Associated Enclosures

The proposed development, as modified, satisfies the relevant objectives and controls with SCDP 2005. The pool has been adequately setback from all adjoining boundaries, allowing for screen panting if required.

The swimming pool fence/enclosure will be required to comply with the swimming pools act and relevant standards in the form of a condition of consent.

PART H – Waste Management (SCDCP 2005)

A waste management plan was submitted with the original application. The existing 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 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. One submission was received raising the following concerns:

1. Overshadowing by Trees

The submission made in relation with the application contains the following comments:

“There are 5 Elaeocarpus Eumundi trees planned to be planted along the front part of the fence between 42 and 44 Newton Rd, Strathfield.”

“Since we moved into the property late last year, we have been considering solar energy which will help the environment.”

“Even with 8 metre height of the trees, this would greatly diminish the capacity of solar panels which if installed, would be in the front part of our roof which is facing north.”

“Therefore, I object to the planting of the 5 Elaeocarpus Eumundi trees and hope they will plant some shorter trees or plants to enable us to use solar energy for the benefit of the environment.”

Note that the submission and the concern raised is not relevant to the proposed modifications in the current application. The modification application does not involve planting of any trees. The trees were discussed and considered in the original DA (DA2018/112).

(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 prescribes in part as follows:

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

STRATHFIELD INDIRECT SECTION SECTION 7.12 CONTRIBUTIONS PLAN

Section 7.12 Contributions are applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan. Development contribution was levied accordingly in the original DA (DA2018/112).

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. 2018/112/2 should be approved.

- Delete condition #1 Deletion of Plant Room;
- Delete condition #2 Flooding;
- Modify condition #2A Design Changes; and
- Modify condition #3 Approved Plans and Reference Documentation.

Signed:

Date: 5/11/2020

P Santos

Development Assessment Planner



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



I have reviewed the details of this modified development application and I also certify that Section 7.11/7.12 Contributions are applicable to this development and had been levied accordingly in the original DA (DA2018/112);

Report and recommendations have been peer reviewed and concurred with.

Signed:

Date: 10/11/2020

J Gillies

Senior Planner

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 (GC)

1. ~~DELETION OF PLANT ROOM~~

~~The Plant room at the rear of the basement shall be deleted. Amended plans reflecting the reduced basement shall be submitted to and approved by Council prior to the issue of a Construction Certificate.~~

~~(Reason: The basement complies with the development controls contained within SDCP 2005.)~~

Deleted DA2018/112/2: 13/11/2020

2. ~~FLOODING~~

~~Flood Impact Assessment Report in accordance with Council's Interim Flood Prone Land Policy shall be submitted to Certifying Authority and Council for approval prior to issue of a construction certificate.~~

~~(Reason: To mitigate flood risk and associated damage.)~~

Deleted DA2018/112/2: 13/11/2020

2A. ~~DESIGN CHANGES~~

The following design changes re to be incorporated in amended architectural plans:

- i. The ground floor is to be lowered by ~~650mm~~ **600mm** to a finished RL ~~29.95~~ **30.00**;
- ii. The alfresco area is to be lowered to a maximum RL ~~29.95~~ **29.90**;
- iii. The overall RLs to the top of parapet are to be lowered by ~~650mm~~ **600mm** to reflect the lowering of the ground floor; and
- iv. **The top of the swimming pool and its ancillary coping should have a level of RL 29.50, as approved in DA2018/112.**

Details of the above changes are to be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate and a copy forwarded to Council where Council is not the nominated PCA.

Modified DA2018/112/2: 13/11/2020

2B. ~~DILAPIDATION REPORT - PRE-COMMENCEMENT~~

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

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

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

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

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

2C. **GEOTECHNICAL REPORT**

A comprehensive geotechnical engineering report assessing the impact and safety of the proposed works shall be prepared by a suitably experienced and qualified geotechnician and submitted with any Construction Certificate. The report must include the results of subsurface investigations involving either test pits to rock, or preferably the drilling of cored boreholes (to 1m below the proposed final excavation level). The report shall provide:

- i) An indication of the nature and depth of any uncontrolled fill at the site;
- ii) An indication of the nature and condition of the material to be excavated;
- iii) Indications of groundwater or seepages;
- iv) Required temporary measures for support of any excavations deeper than 1m adjacent to property boundaries;
- v) A statement of required excavation methods in rock and measures required to restrict ground vibrations; and
- vi) Other geo-technical information or issues considered relevant to design and construction monitoring.

(Reason: Structural safety.)

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. DA2018/112:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
A3-03	Basix Commitments	CK Design	10 September 2018	4 December 2018
A3-05	Site Plan & Demolition	CK Design	10 September 2018	4 December 2018
A3-06	Basement Plan	CK Design	10 September 2018	4 December 2018
A3-07	Ground Floor Plan	CK Design	10 September 2018	4 December 2018

A3-08	First Floor Plan	CK Design	10 September 2018	4 December 2018
A3-09	Roof plan	CK Design	10 September 2018	4 December 2018
A3-10	Elevations	CK Design	10 September 2018	4 December 2018
A3-11	Elevations	CK Design	10 September 2018	4 December 2018
A3-12	Section and Pool details	CK Design	10 September 2018	4 December 2018
A3-16	Schedule of finishes	CK Design	10 September 2018	4 December 2018
A3-17	Fence details	CK Design	10 September 2018	4 December 2018
A3-19	Perspective	CK Design	10 September 2018	4 December 2018
SWDP02	Stormwater Design Plan Total Site + Basement	CEC	12 July 2018	6 August 2018
SWDP03	Stormwater Design Plan Ground Floor + First Floor + Roof	CEC	12 July 2018	6 August 2018
SWDP04	Detailed Sections	CEC	12 July 2018	6 August 2018
L-01	Landscape Plan	RFA Landscape Architects	17 July 2018	6 August 2018
A3-21	Sediment Control Plan	CK Design	17 July 2018	6 August 2018
A3-22	Driveway Profile	CK Design	17 July 2018	6 August 2018
A3-04	Basement Plan	CK Design	19/08/2020	04/09/2020
A3-05	Site Plan	CK Design	19/08/2020	04/09/2020
A3-06	Ground Floor Plan	CK Design	19/08/2020	04/09/2020
A3-07	First Floor Plan	CK Design	19/08/2020	04/09/2020
A3-08	Roof Plan	CK Design	August 2020	04/09/2020
A3-09	Elevations	CK Design	August 2020	04/09/2020
A3-10	Elevations	CK Design	19/08/2020	04/09/2020
A3-11	Section and Pool Details	CK Design	August 2020	04/09/2020

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2018/112:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Statement of Environmental Effects	D-Plan Urban planning Consultants Pty Ltd	31 July 2018	6 August 2018
Arboricultural Impact Assessment Report	Allied Tree Consultancy	September 2018	
Demolition, Construction & Use of Premises	CK Design	6 August 2018	6 August 2018

BASIX Certificate	Outsource Ideas P/I	1 August 2018	6 August 2018
BASIX Certificate (Cert. #: 945419S_03)	Outsource Ideas P/I	27/08/2020	4/09/2020

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.)

Modified DA2018/112/2: 13/11/2020

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. 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.)

6. 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.)

7. 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.)

8. 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.)

9. 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.)

10. 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.)

11. PROTECTION OF EXISTING TREES – FRONT FENCE (GC)

The masonry brick boundary fence is to be constructed so as to support all brick in-fill panels using a lintel. This lintel is to be installed above ground level along the entire length of each in-fill panel.

(Reason: Environmental protection, protection of existing tree roots and landscape amenity.)

12. **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.)

13. 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.)

14. 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.)

15. 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.)

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

16. 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.)

17. 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.)

18. CAR PARKING - BASEMENT CAR PARKING REQUIREMENTS (CC)

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

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

(Reason: To ensure suitable development.)

19. **TREE BONDS (CC)**

A tree bond of **\$6,600** for each street tree adjacent to the site and proposed works (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

This bond will be held for 12 months following the issue of the Occupation certificate. A refund of the Tree Bond must be made in writing.

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

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

20. **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.)

21. 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.)

22. 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.)

23. 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.)

24. SWIMMING POOLS / SPAS (CONSTRUCTION OF)

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

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

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

(Reason: Safety and statutory compliance.)

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

Works Permit

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

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

Standing Plant Permit

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

Skip Bin Permit

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

Temporary Full or Part Road Closure Permit

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

Hoarding/Fencing Permit

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

Work Zone Permit

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

Ground Anchoring Permit

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

(Reason: Council requirement.)

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

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

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

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

(Reason: Environmental protection.)

27. **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	\$14,921.07
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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.)

28. **SECURITY PAYMENT - DAMAGE DEPOSIT FOR COUNCIL INFRASTRUCTURE (CC)**

A security (damage deposit) of **\$15, 000.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

The deposit is required as security against any damage to Council property during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development. All building work must be carried out in accordance with the Building Code of Australia.

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

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

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

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

(Reason: Protection of Council infrastructure.)

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

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

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

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

(Reason: Structural safety.)

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

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

(Reason: Compliance and amenity.)

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

31. **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.)

32. 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)

33. 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.)

34. 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.)

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

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

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

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

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

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

36. 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.)

37. 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.)

38. 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.)

39. 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.)

SIGNED on behalf of
Strathfield Municipal Council



GEOFF BAKER
PUBLIC OFFICER

ADVISORY NOTES

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

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

- ii. Council encourages the reuse and recycling of waste materials during demolition and construction. In this regard, separation and recycling should be undertaken as follows:

- Masonry products (bricks, concrete, concrete tile roofs) should be sent for crushing/recycling;
- Timber waste to be separated and sent for recycling;
- Metals to be separated and sent for recycling;
- Clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- Mixed waste (plastic wrapping, cardboard etc.) to be sent to a licensed recycling or disposal facility.

The above can be achieved by constructing a minimum of five (5) trade waste compounds on the site. Each waste compound should be adequately sized to enclose the waste and all waste should be adequately secured and contained within the designated areas and not be permitted to leave the site. Personal waste should not litter the site. Copies of any weighbridge receipts should be kept for presentation to the Principal Certifying Authority.

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

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

- v. The applicant and Owner are advised that the Commonwealth Disability Discrimination Act 1992 may apply to this particular proposal. Approval of this application does not imply or confer compliance with this Act. Applicants and owners should satisfy themselves as to compliance and make their own enquiries to the Australian Human Rights Commission. Attention is also drawn to the provisions of Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility.
- vi. Information regarding the location of underground services may be obtained from Dial Before You Dig (Telephone 1100 or www.dialbeforeyoudig.com.au). Inquirers should provide DBYD with the street/road name and number, side of street/road and the nearest cross street/road.
- vii. A Construction Certificate shall be obtained in accordance with Section 6.7 of the Act, prior to the commencement of any work on site. Council can provide this service for you and you may contact Council's Development Assessment Unit on 9748 9999 for further information.
- viii. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of the building.

- ix. The use of Council's footway in accordance with this consent shall not occur until an agreement with Council is entered into for the use of the footway and the applicable fees paid.
- x. Section 8.2 of the Act allows the applicant/owner to request Council to review the determination of the application. Any such request must be made within six (6) months of this Notice of Determination being issued and be accompanied by the required fee.

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

- (a) a determination in respect of designated development, or
 - (b) a determination in respect of crown development, or
 - (c) a complying development.
- xi. If you are dissatisfied with this decision, Section 8.7 of the Act gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this Notice of Determination.
- xii. Section 9.77 and Division 9.6 of the Act provides that any person who contravenes or causes or permits to be contravened the conditions of this consent or the Tree Preservation Order shall be guilty of an offence.
- xiii. Section 9.37 and Division 9.6 of the Act provides that a person guilty of an offence against this Act may be liable to penalties. Penalty infringement notices (on-the-spot fines) can also be issued for breaches of the conditions of development consent.
- xiv. The contributions required under Section 7.11 of the Act are set out in the Section 94 Contributions Plan which can be viewed at Council's Customer Service Centre, 65 Homebush Road, Strathfield during normal business hours.
- xv. Approved Insurers for Residential Building work under the Home Building Act 1989 are listed on the Department of Fair Trading's website:
www.fairtrading.nsw.gov.au
Other contact details for the Department are:
Phone: 9895 0111
E-Mail: enquiry@fairtrading.nsw.gov.au
- xvi. Applicants are advised to ensure all gutters are designed and installed in accordance with the National Construction Code and the relevant Australian Standards.
- xvii. In accordance with Clause 162A of the Environmental Planning and Assessment Regulation 2000, critical stage inspections are to be carried out by the Principal Certifying Authority (PCA) or by another authority if the PCA so agrees. Failure to undertake these inspections can prevent the issue of an Occupation Certificate and may result in penalties.
- xviii. Where Council is appointed as the Principal Certifying Authority (PCA), a Certificate of Adequacy prepared by a suitably qualified and experienced Structural Engineer, shall be provided with the Construction Certificate application stating that the existing structure is suitable to support the additional loads proposed to be placed upon it and that it complies with the Structural Provisions of the National Construction Code (NCC).

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.