

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

<b>Property:</b>	62 Bareena Street STRATHFIELD DA 2018/156/3
<b>Proposal:</b>	Section 4.55 (1A) modification application for internal and external reconfiguration of approved two (2) storey dwelling, basement garage, pool and front fence.
<b>Applicant:</b>	A & K Engineering Group
<b>Owner:</b>	DM & M Licenblat
<b>Date of lodgement:</b>	29 September 2020
<b>Notification period:</b>	12 October 2020 to 26 October 2020
<b>Submissions received:</b>	Nil
<b>Assessment officer:</b>	N Doughty
<b>Zoning:</b>	R2-Low Density Residential - SLEP 2012
<b>Heritage:</b>	No
<b>Flood affected:</b>	Yes
<b>Is a Clause 4.6 Variation Proposed:</b>	No
<b>RECOMMENDATION OF OFFICER:</b>	<b>APPROVAL</b>

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**Figure 1:** Locality plan. The subject site is outlined in yellow.

## EXECUTIVE SUMMARY

### Proposal

Development consent is being sought for the S4.55(1A) modification application Section 4.55 (1A) modification application for internal and external reconfiguration of approved two (2) storey dwelling, basement garage, pool and front fence.

### Site and Locality

The site is identified as 62 Bareena Street STRATHFIELD and has a legal description of Lot: 108 DP: 14613. The site is located on a corner allotment and is bounded by Bareena Street to the west and Yarrowee Road to the South. The subject site has a 622.1m<sup>2</sup> site area.

### Strathfield Local Environmental Plan

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

### Development Control Plan

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

### Notification

The application was notified in accordance with Council's Community Participation Plan from 12 October 2020 to 26 October 2020, where no submissions were received.

### Issues

- Streetscape compatibility;
- Driveway width at basement entrance; and
- Visual privacy.

### Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2018/156/03 is recommended for **APPROVAL** subject to the recommended modified conditions of consent.

## REPORT IN FULL

### Proposal

Council has received an application for the S4.55(1A) Modification Application Section 4.55 (1A) modification application for internal and external reconfiguration of approved two storey dwelling, basement garage, pool and front fence. More specifically, the proposal includes;

#### Basement level:

- Increase garage door width from 3.5m to 4.4m;
- Deletion of Condition No. 18 (iii), increasing the width of the driveway from 3m to 4.4m;

#### Ground floor level:

- Addition of corner window to guest bedroom facing Bareena Street;
- Addition of feature column to support front porch;

#### First floor level:

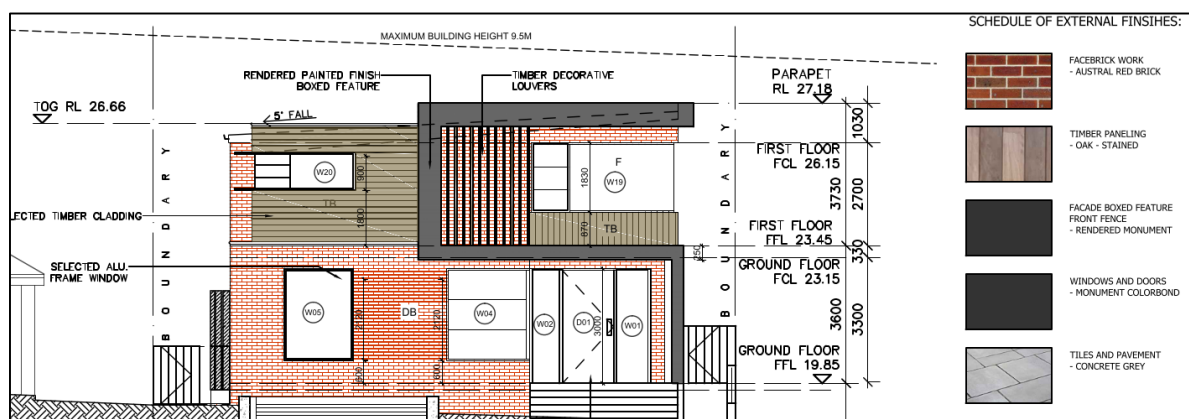
- Addition of corner window to Bedroom 1 ensuite;
- Deletion of planter box adjoining Bedroom 1 ensuite;
- Reconfiguration of Bedroom 1 ensuite;
- Deletion of central courtyard pergola;
- Addition of highlight window to Bedroom 4;
- Addition of Study room;

#### Roof:

- Deletion of parapets to northern boundary and replace with standard guttering;
- Deletion of pitched roof component and replace with flat roof form;
- Change of pitch angle to middle roof component;

#### External façade:

- Modifications to external dwelling façade including addition of louvers, timber panelling, boxed feature; and
- Amendments to window schedule.



**Figure 2:** Proposed Bareena Street elevation

### The Site and Locality

The subject site is legally described as Lot 108 in DP 14613 and is commonly known as 62 Bareena Street, Strathfield. The site is located on a corner allotment and is bounded by



Bareena Road to the west and Yarrowee Road to the south. The subject site has an area of 622.1m<sup>2</sup> (Figure 1).

The site is rectangular in shape and has a primary frontage to Bareena Street of 12.19m and a depth of 38.10m. Existing development on the site comprises of a single storey residential dwelling with exposed face brick to exterior walls and a tiled pitch roof form (Figure 3). Vehicular access is provided to the site via a driveway on the eastern end of the secondary site frontage, along Yarrowee Road.



**Figure 3:** View of the existing dwelling from the corner of Bareena Street and Yarrowee Road.

The surrounding streetscape is undergoing a process of transition with a mixture of traditional-style dwelling featuring single storey brick exterior walls and pitched tiled roof forms and recently constructed two (2) storey and basement level dwellings with a mixture of flat and pitched roof forms, geometrically shaped features finished in rendered masonry and cladding (Figure 4 and 5).





**Figure 4:** Existing dwellings at No. 54 and 56 Bareena Street.



**Figure 5:** Existing dwellings at No. 58 and 60 Bareena Street.

## **Background**

<b>7 March 2019:</b>	DA2018/156 was approved by IDAP involving the demolition of the existing building and the construction of a single dwelling with basement level, in-ground swimming pool and boundary fencing.
<b>14 January 2020</b>	Modification application DA2018/156/02 was approved under delegation involving extension to the basement level, lift and amendments to the window schedule.
<b>29 September 2020</b>	The subject modification application was submitted to Council.
<b>16 October 2020</b>	Correspondence was sent to the applicant requesting an amended schedule of colours and external materials and coloured elevation plans.
<b>16 October 2020</b>	A site visited was conducted by the assessing officer.
<b>21 October 2020</b>	Correspondence was sent to the applicant stating that the proposes modifications did not satisfy the statutory test for 'substantially the same development' under Section 4.55(1A) of the <i>EP&amp;A Act</i> .
<b>21 October 2020</b>	Amended Statement of Environmental Effects submitted.
<b>12 October 2020 to 26 October 2020</b>	The subject application was notified for a period of (14) days and no submissions were received.
<b>6 November 2020</b>	Amended elevation plans and schedule of colours and external finishes submitted.

## **Referrals – Internal and External**

### **Traffic Comments**

Council's Traffic Engineer does not support the deletion of Condition No. 18(iii) and the proposed increase to the width of the basement entrance from 3.5m 4.4m. Council's Traffic Engineer noted that no justification for the variation accompanied the application.

The comments provided by Council's Traffic Engineer are concurred with and the deletion of Condition No. 18(iii) requiring the width of the basement entrance to be no more than 3.5m to remain.

### **Stormwater Comments**

Council's Development Engineer raised no objection to the proposed modifications, subject to the recommended conditions of consent.

## **Section 4.55 of the EP&A Act 1979**

The application has been lodged under the provisions of S4.55(1A) of the *EP&A Act*. The application is considered to be of minor environmental impact in terms of amenity impacts to neighbouring development and environmental impacts. The application is considered to be substantially the same development for which consent was originally granted. In this regard, the proposed residential use of the development does not change, the building envelope as modified has not significantly altered and remains compatible with the surrounding streetscape. The amenity impacts to the surrounding development in terms of privacy, solar access and overshadowing are essentially the same as that of the approved development.

The application has been notified in accordance with the provisions of Council's Community Participation Plan and no submissions were received. As assessment of the modification application against the matters referred to in Section 4.15(1) of the *EP&A Act* is included in this report. The recommended report of the parent consent has been taken into consideration and the proposal as modified is consistent with the reasons for the approval.

## **Section 4.15 Assessment – EP&A Act 1979**

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

### **(1) *Matters for consideration – general***

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

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

## **Strathfield Local Environmental Plan**

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

## **Part 2 – Permitted or Prohibited Development**

## Clause 2.1 – Land Use Zones

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

## **Part 4 – Principal Development Standards**

Applicable SLEP 2012 Clause	Development Standards	Development Approved	Development Proposed	Compliance/ Comment
<b>4.4</b> Floor Space Ratio	0.60:1 (373.26m <sup>2</sup> )	0.55:1 (338.68m <sup>2</sup> )	0.56:1 (650.71m <sup>2</sup> )	Yes

**Comments:** The proposed modification will increase the floor space ratio of the development by 12.03m<sup>2</sup> which is still compliant with the FSR development standard of 0.60:1 (373.26m<sup>2</sup>) under the SLEP 2012. The additional floor area is a result of the extension of the ensuite and inclusion of a study room on the first floor.

## **Part 5 – Miscellaneous Provisions**

There are no relevant provisions contained within Part 5 of the SLEP 2012 that are applicable to this development.

## **Part 6 – Additional Local Provisions**

### **Earthworks**

The proposal modifications do not result in any additional 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 proposed modifications do not alter the compatibility of the development in relation to the flood affectation of the site. The flood affected areas of the site are located outside of the approved dwelling footprint.

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

A modified BASIX Certificate accompanied the subject application demonstrating compliance with the required targets for water, energy and thermal comfort.

### **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;

### **Building Envelope and Streetscape Compatibility**

The amendments to the external dwelling façade maintain the composition of colours and external materials in the approved development being oak-stained timber panelling and louvres, extensive use of Austral red brick and 'monument' rendered masonry. The design outcome is compatible with the original housing stock and more recently constructed dwellings in the immediate streetscape. The proposed FSR increase is of a minor scale and will result in a dwelling that is compatible in terms of bulk and scale with the surrounding streetscape.

### **Privacy**

The proposed development, as modified, satisfies the relevant objectives and controls of the SCDCP 2005, in that adequate privacy is maintained between adjoining properties and any potential overlooking is minimised. The modified and additional window locations (W04, W21, 20 and W26) are sufficiently offset from adjoining dwellings so as not to negatively impact on adjoining properties.

### **Vehicular access, Parking and Basements**

The modification application seeks to delete Condition No. 18 (iii) of the development consent and increase the width of the basement entrance from 3.5m to 4.4m. Condition No. 18(iii) is a standard condition requiring the width of basement entrances to be no more than 3.5m and no justification for the variation accompanied the subject application. The application was referred to Council's Traffic Engineer for comment who did not support the proposed modification. Accordingly, it is recommended that Condition No. 18(iii) is unaltered. The proposed internal reconfiguration of the laundry, lift access and cellar is minor and is considered acceptable.

### **Water and Soil Management**

The proposed development, as modified, satisfies the relevant objectives and controls of the SCDCP 2005 and complies with Council's Stormwater Management Code. A soil erosion plan has been submitted with the application to prevent or minimise soil disturbances during construction.

### **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 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. The proposed window amendments are suitably located so as to not create any amenity or privacy concerns. Overall, the modification is not considered to result in any additional adverse environmental or social impacts that what was approved under the development consent.

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

The approved development as modified by the subject modification application does not alter the suitability of the development to the site. The modifications sought as part of this application involve minimal environmental impact resulting in a design that is suitable for the site having regard to its size and shape, its topography, vegetation and relationship to adjoining development.

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

In accordance with the provisions of Councils Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment. No submissions were received as a result.

**(e) *the public interest.***

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

### **Local Infrastructure Contributions**

Section 7.13 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure.

This Section 4.55(1A) application does not trigger any changes to the original condition of consent requiring payment of a Section 7.12 contribution in accordance with Council's Indirection 7.12 Contributions Plan

### **Conclusion**

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

Following detailed assessment it is considered that Development Application No. 2018/156/03 should be **APPROVED**, subject to:

- The original conditions of consent of Development Application No. (DA2018/156) as approved by IDAP on 7 March 2019 for the demolition of the existing building and the construction of a single dwelling with basement level, in-ground swimming pool and boundary fencing.
- As modified by Section 4.55(1A) application (DA2018/156/02) approved by delegated authority on 14 January 2020 involving basement level extensions, installation of a lift and amendments to the window schedule;
- As modified by the Section 4.55(1A) modification application (DA2018/156/03) as follows:
- Modification to Condition 1 to reflect the amended plans and reference documentation.

**Signed: N. Doughty**  
**Planning Officer**

**Date: 23 November 2020**

- ☒ I confirm that I have determined the abovementioned development application with the delegations assigned to my position;
- ☒ I have reviewed the details of this modified development application and I also certify that Section 7.11/7.12 Contributions are not applicable to this development;

Report and recommendations have been peer reviewed and concurred with.

**Signed: M. Rivera**  
**Senior Planner**

**Date: 24 November 2020**

## GENERAL CONDITIONS (GC)

### 1. 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. DA2018/156:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
<del>A—104</del>  <b>DELETED:</b> <b>DA2018/156/03</b>  <b>27 NOVEMBER 2020</b>	<del>Driveway Location Plan</del>	<del>Huppauf Chesterman Architects</del>	<del>Issue A</del> <del>Revision A</del> <del>24—September 2018</del>	<del>2—November 2018</del>
<del>A—200</del>  <b>DELETED:</b> <b>DA2018/156/03</b>  <b>27 NOVEMBER 2020</b>	<del>Bareena Street Elevation</del>	<del>Huppauf Chesterman Architects</del>	<del>Issue A</del> <del>Revision A</del> <del>24—September 2018</del>	<del>2—November 2018</del>
<del>A—201</del>  <b>DELETED:</b> <b>DA2018/156/03</b>  <b>27 NOVEMBER 2020</b>	<del>Bareena Street—and Rear Elevation</del>	<del>Huppauf Chesterman Architects</del>	<del>Issue A</del> <del>Revision A</del> <del>24—September 2018</del>	<del>2—November 2018</del>
<b>006</b>  <b>MODIFIED:</b> <b>DA2018/156/03</b>  <b>27 NOVEMBER 2020</b>	<b>East &amp; West Elevations</b>	<b>A&amp;K Engineering Group</b>	<b>Issue B 16</b> <b>October 2020</b>	<b>6 November 2020</b>
<del>A301</del>  <b>009</b>  <b>MODIFIED:</b> <b>DA2018/156/03</b>  <b>27 NOVEMBER 2020</b>	<del>Section C</del>	<del>OHA—Design Workshop</del>  <b>A&amp;K Engineering Group</b>	<del>Revision B</del> <del>28—November 2019</del>  <b>Issue A 8</b> <b>September 2020</b>	<del>28—November 2019</del>  <b>6 November 2020</b>



A103  <b>005</b>  <b>MODIFIED:</b> <b>DA2018/156/02</b>  <b>DELEGATED 1</b> <b>DECEMBER</b> <b>2019</b>	Roof Plan	<del>OHA Design Workshop</del>  <b>A&amp;K Engineering Group</b>	<del>Revision B</del> <del>28 November</del> <del>2019</del>  <b>Issue A 8</b> <b>September</b> <b>2020</b>	<del>28 November</del> <del>2019</del>  <b>6 November</b> <b>2020</b>
A100  <b>003</b>  <b>MODIFIED:</b> <b>DA2018/156/03</b>  <b>27 NOVEMBER</b> <b>2020</b>	Ground Floor	<del>OHA Design Workshop</del>  <b>A&amp;K Engineering Group</b>	<del>Revision B</del> <del>28 November</del> <del>2019</del>  <b>Issue A 8</b> <b>September</b> <b>2020</b>	<del>28 November</del> <del>2019</del>  <b>6 November</b> <b>2020</b>
A102  <b>004</b>  <b>MODIFIED:</b> <b>DA2018/156/03</b>  <b>27 NOVEMBER</b> <b>2020</b>	First Floor	<del>Huppaulf</del> <del>Chesterman</del> <del>Architects</del>  <b>A&amp;K Engineering Group</b>	<del>Revision B</del> <del>May 2018</del>  <b>Issue A 8</b> <b>September</b> <b>2020</b>	<del>10 December</del> <del>2018</del>  <b>6 November</b> <b>2020</b>
A102  <b>MODIFIED:</b> <b>DA2018/156/03</b>  <b>27 NOVEMBER</b> <b>2020</b>	Basement	<del>OHA Design Workshop</del>  <b>A&amp;K Engineering Group</b>	<del>Revision B</del> <del>28 November</del> <del>2019</del>  <b>Issue A</b> <b>8 September</b> <b>2020</b>	<del>28 November</del> <del>2019</del>  <b>6 November</b> <b>2020</b>
A9108-SW01  <b>DELETED:</b> <b>DA2018/156/03</b>  <b>27 NOVEMBER</b> <b>2020</b>	<del>Sediment and Erosion Control Plan</del>	<del>Alpha Engineering &amp; Development</del>	<del>Revision H</del> <del>23 September</del> <del>2019</del>	<del>10 October</del> <del>2019</del>
A9108-SW02  <b>DELETED:</b> <b>DA2018/156/03</b>	<del>Basement Drainage Plan</del>	<del>Alpha Engineering &amp; Development</del>	<del>Revision H</del> <del>23 September</del> <del>2019</del>	<del>10 October</del> <del>2019</del>

<b>27 NOVEMBER 2020</b>				
A9108-SW03  <b>DELETED:</b> <b>DA2018/156/03</b>  <b>27 NOVEMBER 2020</b>	Ground Floor Drainage Plan	Alpha Engineering & Development	Revision H 23 September 2019	10 October 2019
A9108-SW04  <b>DELETED:</b> <b>DA2018/156/03</b>  <b>27 NOVEMBER 2020</b>	First Floor & Roof Drainage Plan	Alpha Engineering & Development	Revision H 23 September 2019	10 October 2019
A9108-SW05  <b>DELETED:</b> <b>DA2018/156/03</b>  <b>27 NOVEMBER 2020</b>	Stormwater Sections and Details	Alpha Engineering & Development	Revision H 23 September 2019	10 October 2019
Sheet 2 of 6  <b>MODIFIED:</b> <b>DA2018/156/03</b>  <b>27 NOVEMBER 2020</b>	Stormwater Detail Plan	C.K. Engineering Services	Issue 0  21 September 2020	29 September 2020
Sheet 3 of 6  <b>MODIFIED:</b> <b>DA2018/156/03</b>  <b>27 NOVEMBER 2020</b>	Basement Plan	C.K. Engineering Services	Issue 0  21 September 2020	29 September 2020
Sheet 4 of 6  <b>MODIFIED:</b> <b>DA2018/156/03</b>  <b>27 NOVEMBER 2020</b>	On-Site Detention Details	C.K. Engineering Services	Issue 0  21 September 2020	29 September 2020

<b>Sheet 5 of 6</b>  <b>MODIFIED:</b> <b>DA2018/156/03</b>  <b>27 NOVEMBER</b> <b>2020</b>	<b>On-Site Detention Details</b>	<b>C.K. Engineering Services</b>	<b>Issue 0</b>  <b>21 September</b> <b>2020</b>	<b>29 September</b> <b>2020</b>
<b>Sheet 6 of 6</b>  <b>MODIFIED:</b> <b>DA2018/156/03</b>  <b>27 NOVEMBER</b> <b>2020</b>	<b>Erosion &amp; Sediment Control Plan</b>	<b>C.K. Engineering Services</b>	<b>Issue 0</b>  <b>21 September</b> <b>2020</b>	<b>29 September</b> <b>2020</b>
LS01	Existing trees	Melissa Wilson Landscape Architects	24 September 2018	2 November 2018
LS02	Groundfloor landscape	Melissa Wilson Landscape Architects	24 September 2018	2 November 2018
A502  <b>DELETED:</b> <b>DA2018/156/03</b>  <b>27 NOVEMBER</b> <b>2020</b>	<del>Door and Window Details 3</del>	<del>OHA Design Workshop</del>	<del>Revision B</del> <del>28 November</del> <del>2019</del>	<del>28 November</del> <del>2019</del>
011  <b>MODIFIED:</b> <b>DA2018/156/03</b>  <b>27 NOVEMBER</b> <b>2020</b>	<b>Window Schedule 1</b>	<b>A&amp;K Engineering Group</b>	<b>Issue A 8</b> <b>September</b> <b>2020</b>	<b>6 November</b> <b>2020</b>
<b>ADDED:</b> <b>DA2018/156/03</b>  <b>27 NOVEMBER</b> <b>2020</b>	<b>Window Schedule 2</b>	<b>A&amp;K Engineering Group</b>	<b>Issue A 8</b> <b>September</b> <b>2020</b>	<b>6 November</b> <b>2020</b>
A004  001  <b>MODIFIED:</b> <b>DA2018/156/03</b>	Site Plan	<del>OHA Design Workshop</del>  <b>A&amp;K Engineering Group</b>	<del>Revision B</del> <del>28 November</del> <del>2019</del>  <b>Issue A 8</b> <b>September</b> <b>2020</b>	<del>28 November</del> <del>2019</del>  <b>6 November</b> <b>2020</b>



<b>27 NOVEMBER 2020</b>				
<b>008</b>  <b>MODIFIED: DA2018/156/03</b>  <b>27 NOVEMBER 2020</b>	<b>Section C</b>	<b>A&amp;K Engineering Group</b>	<b>Issue A 8 September 2020</b>	<b>6 November 2020</b>
<b>010</b>  <b>MODIFIED: DA2018/156/03</b>  <b>27 NOVEMBER 2020</b>	<b>Pool Details</b>	<b>A&amp;K Engineering Group</b>	<b>Issue A 8 September 2020</b>	<b>29 September 2020</b>
<b>014</b>  <b>MODIFIED: DA2018/156/03</b>  <b>27 NOVEMBER 2020</b>	<b>Driveway Details 1</b>	<b>A&amp;K Engineering Group</b>	<b>Issue A 8 September 2020</b>	<b>29 September 2020</b>
<b>015</b>  <b>MODIFIED: DA2018/156/03</b>  <b>27 NOVEMBER 2020</b>	<b>Driveway 2</b>	<b>A&amp;K Engineering Group</b>	<b>Issue A 8 September 2020</b>	<b>29 September 2020</b>

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2018/156:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Arboricultural Impact Assessment Report & Method Statement	Glenyss Laws Consulting Arborist	7 August 2018	2 November 2018
Traffic Report	Transport and Traffic Planning Associates	13 July 2018	2 November 2018
Waste Management Plan	Melissa Licenblat	-	2 November 2018
BASIX Certificate	<del>Dural group Pty Ltd</del>	<del>2 October 2019</del>	<del>10 October 2019</del>
<b>MODIFIED: DA2018/156/03</b>	<b>A&amp;k Engineering Group Pty Ltd</b>	<b>28 September 2020</b>	<b>29 September 2020</b>

<b>27 NOVEMBER 2020</b>			
<b>NATHERS Certificate</b>  <b>DELETED: DA2018/156/03</b>  <b>27 NOVEMBER 2020</b>	<b>OHA Design Workshop</b>	<b>2 October 2019</b>	<b>10 October 2019</b>
<b>ABSA</b>  <b>ADDED: DA2018/156/03</b>  <b>27 NOVEMBER 2020</b>	<b>GEC Consulting Pty Ltd</b>	<b>15 September 2020</b>	<b>29 September 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.)

**2. BUILDING HEIGHT - MAXIMUM RL TO BE COMPLIED WITH (GC)**

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 27.18.

(Reason: To ensure the approved building height is complied with.)

**3. 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.)

**4. 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.)

**5. 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.)

**6. 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.)

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

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

(Reason: Privacy amenity of adjoining properties.)

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

All street trees and trees on private property that are protected under Council's controls, shall be retained except where Council's prior written consent has been obtained. The 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.)

#### 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. **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.)

## 12. **WASTE – TRACKABLE (GC)**

Removal of trackable waste (as defined by the NSW Environment Protection Authority) from the site must comply with the Protection of the Environment Operations (Waste) Regulation 2005 for the transportation, treatment and disposal of waste materials. Waste materials must not be disposed on land without permission of the land owner and must with the provisions of the Protection of the Environment and Operations Act 1997.

(Reason: To ensure compliance with legislation.)

## 13. **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.)



**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](http://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.)

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

**15. DILAPIDATION REPORT - PRE-COMMENCEMENT (CC)**

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 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.)

**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. 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.)

**20. 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.)

**21. 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 SCDGP 2005.)

**22. 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.)

**23. 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.

#### 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.)

## 24. **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.)

## 25. **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.)



26. **SECTION 7.12 CONTRIBUTION PAYMENT - INDIRECT CONTRIBUTIONS PLAN)  
(CC)**

In accordance with the provisions of Section 7.13 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	<b>\$15,000</b>
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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 7.12 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.)

27. **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.)

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

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

(Reason: Compliance and amenity.)

**29. 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.)

**30. SWIMMING POOLS / SPAS - MECHANICAL PLANT ENCLOSURE (CC)**

Any mechanical plant associated with the swimming pool and spa shall be acoustically treated to comply with the Protection of the Environment Operations Act 1997. Details are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: To ensure the acoustic amenity of the neighbouring residents.)

**31. 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.)

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

#### **32. HOME BUILDING COMPENSATION FUND (CW)**

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

- i) A contract of insurance in accordance with Part 6 of the Home Building Act 1989 is entered into and in force, where such a contract is required under that Act (this is a prescribed condition of consent pursuant to clause 981(b) Environmental Planning and Assessment Regulation 2000.
- ii) The PCA is satisfied that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the Home Building Act 1989 (unless the work is to be carried out by an owner-builder).
- iii) If the work is to be carried out by an owner builder, that the owner builder is the holder of any owner -builder permit required under the Home Building Act 1989.
- iv) Written notice of the following information has been provided to Council (this is a prescribed condition of consent pursuant to clause 98B of the Environmental Planning and Assessment Regulation 2000):
  - In the case of work for which a principal contractor is required to be appointed:
    - the name and licence number of the principal contractor; and
    - the name of the insurer by which the work is insured under Part 6 of the Home Building Act 1989.
  - In the case of work to be done by an owner-builder:
    - the name of the owner-builder; and
    - if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989, the number of the owner-builder permits.

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

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

(Reason: Statutory requirement.)

#### **33. APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY (PCA) (CW)**

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

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

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

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

(Reason: Statutory requirement.)

#### 34. **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)**

### **35. 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.)

### **36. 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 inform 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)**

### **37. 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.)

### **38. 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.)

**39. LANDSCAPING - ARBORIST'S FOLLOW UP REPORT OF TREE/S TO BE RETAINED (OC)**

As part of the on-going assessment of the tree/s to be retained, the consulting arborist engaged by the applicant is to assess their health and any impacts suffered by them as a result of the proposed approved development, prior to the issue of an Occupation Certificate. Findings are to be compiled in a detailed report and submitted to the Principle Certifying Authority, which documents the following:

- i) Methods of excavation or construction used to carry out the works;
- ii) Any damage sustained by the tree/s as a result of the works;
- iii) Any subsequent remedial works required to be carried out by the consulting arborist as a result of the damage; and
- iv) Any future or on-going remedial work required to be carried out to ensure the long term retention of the tree/s.

(Reason: To ensure the survival of trees to be retained.)

**40. 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.)

41. **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.)

42. **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.)

43. **SWIMMING POOLS / SPAS - REGISTRATION AND REQUIREMENTS (OC)**

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.

Swimming pool owners must register their swimming pool or spa on the NSW Swimming Pool Register. A copy of a valid certificate of compliance or relevant occupation certificate must be attached to new residential tenancy agreements to rent property with a swimming pool or spa pool. Note: This requirement does not apply to a lot in strata or community title schemes with more than two lots.

A copy of a valid certificate of compliance or relevant occupation certificate must be attached to new residential tenancy agreements to rent property with a swimming pool or spa pool. Note: This requirement does not apply to a lot in strata or community title schemes with more than two lots; or for any off the plan contacts.

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

(Reason: Safety and statutory compliance.)