

ADDENDUM IDAP REPORT

Property:	98 Redmyre Road STRATHFIELD Lot: A DP: 311262 DA2019/148/2 S4.55(2) Modification Application involving internal and external reconfiguration of windows, external appearance and ancillary structures.
Proposal:	
Applicant:	Princeton Piper Pty Ltd
Owner:	Robyn Tartak
Date of lodgement:	10 September 2020
Date of IDAP Meeting:	18 December 2020
Notification period:	18 September - 03 October 2020
Submissions received:	One (1)
Assessment officer:	E Black
Estimated cost of works:	\$2,770,350.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	Yes – site within C14 - Redmyre Rd Heritage Conservation Area
Flood affected:	No
Is a Clause 4.6 Variation Proposed:	No N/A
RECOMMENDATION OF OFFICER:	APPROVAL



Figure 1: The subject site (as highlighted in yellow) and the surrounding context

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the S4.55 (2) Modification application involving internal and external reconfiguration of windows, external appearance and ancillary structures.

Background

The application was considered by IDAP on **18 December 2020**. At this meeting the panel resolved to defer the application to allow the following matters to be addressed;

- Miscalculation of Gross Floor Area (GFA) within the basement level, contemplate design changes and rectify typographical errors.
- Contemplation of design changes. This included changes to the basement footprint as the storage, plant rooms and parking were identified by IDAP as being excessive. Further to this, IDAP identified that the increase in the footprint, bulk and scale of the approved dwelling architecture plans due to the large void areas was unacceptable.
- Clarification of a typographical error of 1600mm change in ceiling height should be 160mm.
- No discussion in relation to introduction of a side facing balcony on the first level on the eastern side.

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 as amended still satisfies all relevant objectives contained within the LEP.

Development Control Plan

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

Notification

The amendments to the application to satisfy the issues raised by IDAP did not require re-notification.

Conclusion

The Applicant submitted an amended basement plan which removed storage and increased vehicular circulation. Further plans were provided in response to the matter raised above. These plans show a minor increase of the modified footprint over what was approved. The Applicant also met with Council Officers to show how the basement was utilized and that the voids were required to allow for internal solar access. The addendum report provides confirmation that the deferred matter has been appropriately resolved through the revised plan and the further information provided.

Accordingly, having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2019/148/2 is recommended for approval subject to suitable conditions of consent.

ADDENDUM REPORT

Proposal

Council has received an application for the S4.55(2) Modification Application involving internal and external reconfiguration including windows, external appearance and ancillary structures.

Background

This report is to be read as an addendum to the report presented to IDAP on 18th December 2020. The subject application was deferred by the panel at this meeting for the following reasons;

- to address the miscalculation of Gross Floor Area (GFA) within the basement level, contemplate design changes and rectify typographical errors.

This included:

- Contemplation of design changes. This included the applicant considering reduction of the basement footprint as the storage, plant rooms and parking were identified by IDAP as being excessive.
- IDAP identified that the increase in the footprint, bulk and scale of the approved dwelling architecture plans due to the large void areas was unacceptable.
- Clarification of a typographical error of 1600mm change in ceiling height should be 160mm.
- No discussion in relation to introduction of a side facing balcony on the first level on the eastern side.

An amended plan and details on the GFA calculations have now been submitted addressing the matters raised by the panel. The applicant further sought to clarify the reasons for not including the plant room space as part of the GFA by a meeting with the panel on the 1st February 2021. This is also shown in submitted spatial plan (MD_SK_001) by Stantec,

Further to this, the applicant has submitted plans showing that there is a minor increase in the footprint (between the approved and modified plans). It was also demonstrated that the increase was to allow for internal voids to access natural light into the building. Without the voids the dwelling would have limited solar access.

The applicant has submitted further calculations and plans which show the difference between the footprint and floorspace between the modified and approved plans is minor.

Referrals – Internal and External

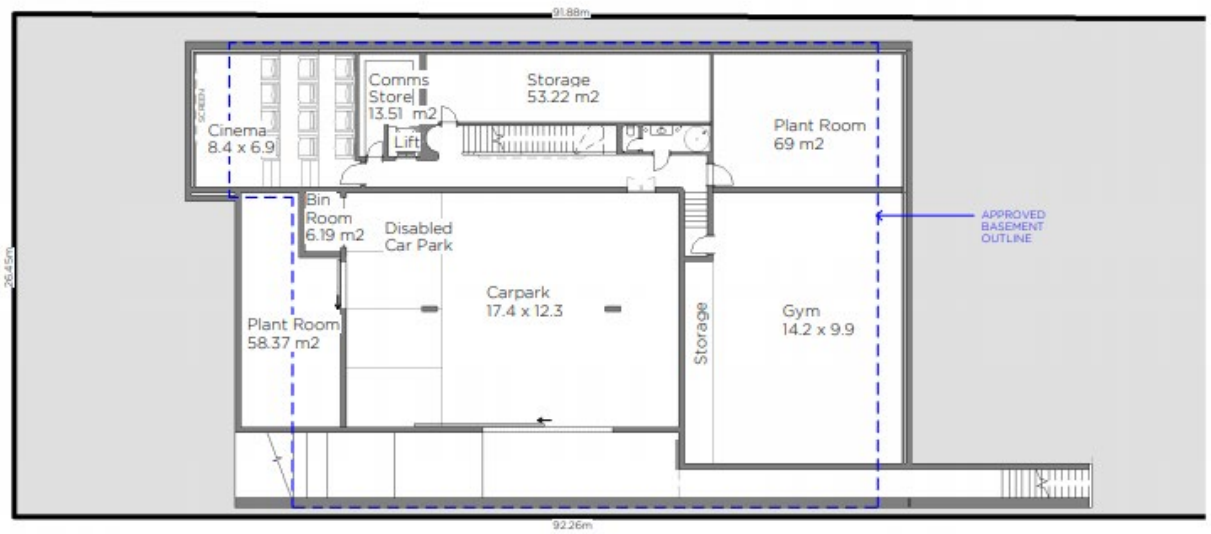
The amendments did not require any additional internal or external referrals.

Assessment

Matters raised by the IDAP meeting, the response by the applicant and an assessment are shown in the following table.

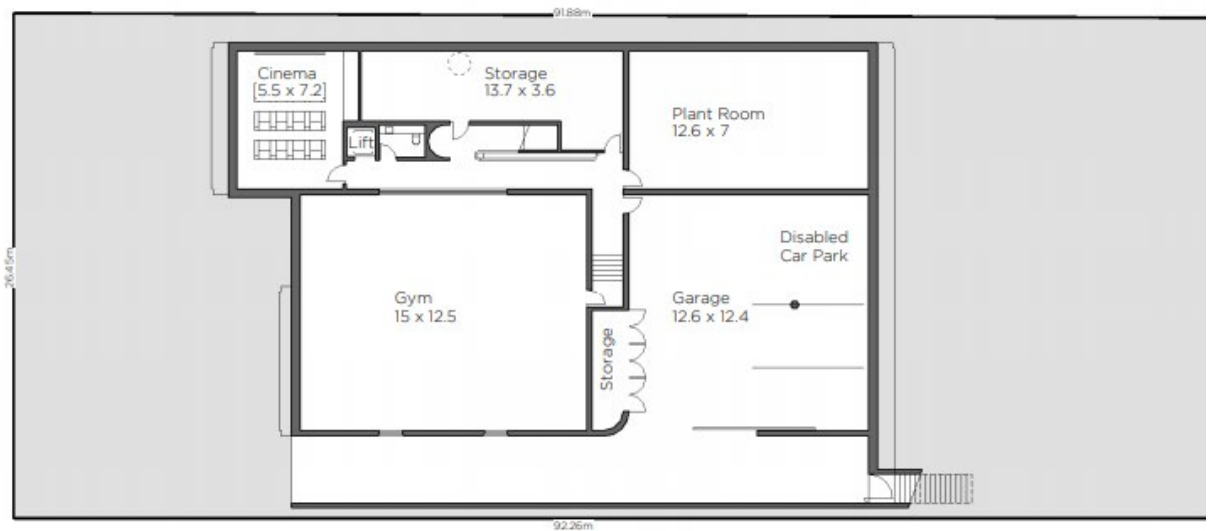
Issue raised by IDAP	Applicants Response	Comment																
Miscalculation of Gross Floor Area (GFA) within the basement level.																		
<p>The new basement is way too excessive and some of the areas should be counted as GFA and towards FSR.</p> <p>Areas of concerns include;</p> <ul style="list-style-type: none">- You cannot justify 2 plans rooms with a total area of approx. 130sqm, when there is also a bin room, Comms room and a number of storage areas/rooms.	<p>The Applicant has submitted GFA basement calculation plans (see Image 2 and 3). The calculations are as follows:</p> <table><tr><td></td><td>Mod</td><td>Approved - Da</td><td>Difference</td></tr><tr><td>STORAGE m²</td><td>53.22</td><td>49</td><td>4.22m2</td></tr><tr><td>PLANT ROOM m²</td><td>127.37</td><td>90.72</td><td>36.65</td></tr><tr><td>TOTAL GFA</td><td>234.67</td><td>281</td><td>-46.33</td></tr></table> <p>The Applicant has submitted new Spatial Plan of the basement which shows the services housed in the plant rooms was provided.</p>		Mod	Approved - Da	Difference	STORAGE m²	53.22	49	4.22m2	PLANT ROOM m²	127.37	90.72	36.65	TOTAL GFA	234.67	281	-46.33	<p>The GFA shows a reduced basement GFA between the approved and modified plans.</p> <p>The spatial plan shows one of the plant room space will be used to house 2 large rain water tanks with a reuse filtration package. The use of this space (69m2) appears acceptable.</p> <p>The 58.37m2 space will house 1000 litre hot water storage tank, 500litre cold water storage for heating and cooling. The use of this space appears acceptable.</p>
	Mod	Approved - Da	Difference															
STORAGE m²	53.22	49	4.22m2															
PLANT ROOM m²	127.37	90.72	36.65															
TOTAL GFA	234.67	281	-46.33															
<p>A storage room of 54sqm is excessive and should not be excluded. An acceptable exclusion for storage should be around 20 sqm.</p>	<p>An amendment has been made to the basement plan which removes the storage in the carparking area.</p>	<p>The applicant already had 49m2 approved as an exclusion for storage which is more than the 20sqm requested by IDAP. The modification includes a minor increase of 4.22m2 of storage space.</p>																
<p>The area marked as storage within the GYM cannot be excluded, this is not storage room and is part of the habitable GYM room.</p>	<p>No amendment – the storage in the gym is not excluded.</p>	<p>The applicant has included calculations which show that the approved storage was 49m2 which included two storage areas.</p>																
<p>Parking within the basement that is required under the DCP controls is the only parking to be excluded. SCDP only requires 2 spaces whilst the application has 4. There is no requirement to have a disabled parking space and then a shared zone. This is effectively four spaces. Two spaces and the access to and from these should count in GFA.</p>	<p>The applicant has counted an additional carparking space in the GFA calculations but not the access to this space.</p>	<p>Three carparking spaces were not originally counted in the GFA on the plans for the approved Development Application.</p> <p>Therefore, it is acceptable to only include the additional parking space within the GFA over what has already been approved.</p>																

the storage cupboard in the garage turning area is to be counted in GFA	An amendment has been made to the basement plan which removes the storage in the carparking area.	The approved plans did not include the storage in the carpark as part of the GFA. The applicant has now removed this storage space. This will also allow for better manoeuvring of vehicles (see Image 4). This is acceptable.
In the comments under the DCP table, how is a 1600mm change in floor to ceiling height minor or acceptable? Is this a typo? Should it read 160mm ??	The DCP table should read 160mm instead of 1600mm.	The typographical error of 1600mm in the IDAP report should read 160mm.
There is the introduction of a side facing terrace/balcony on the eastern side elevation, yet no discussion of this in the report and not correctly shown on the side elevation. Side facing balconies are not allowed under the DCP.	There is no introduction of a side facing balcony/terrace on the eastern side elevation. This was approved as part of the original application. However, the modification has now decreased the size of this balcony/terrace (See Image 6).	No new balcony on the eastern side. Please see Image 6 below which shows the outline of the approved and modified footprint. Please also see Image 10 of the attached IDAP report which shows the approved first floor east facing terrace/balcony.
There have been the introduction of two large voids on the first floor, which have added to the bulk and scale of the development. The footprint of the first floor has increased significantly to what was approved and is not acceptable.	The applicant has submitted drawings which show the minor differences between the approved and modified footprint. (see Image 6).	When the original approved footprint is overlaid on the new modified footprint the changes in scale and bulk are minor. The applicant has demonstrated that the changes will be minor and therefore acceptable. The solar access is limited inside the dwelling without these voids. As such it is demonstrated that the voids are acceptable.



1 BASEMENT FFL S4.55
1:200

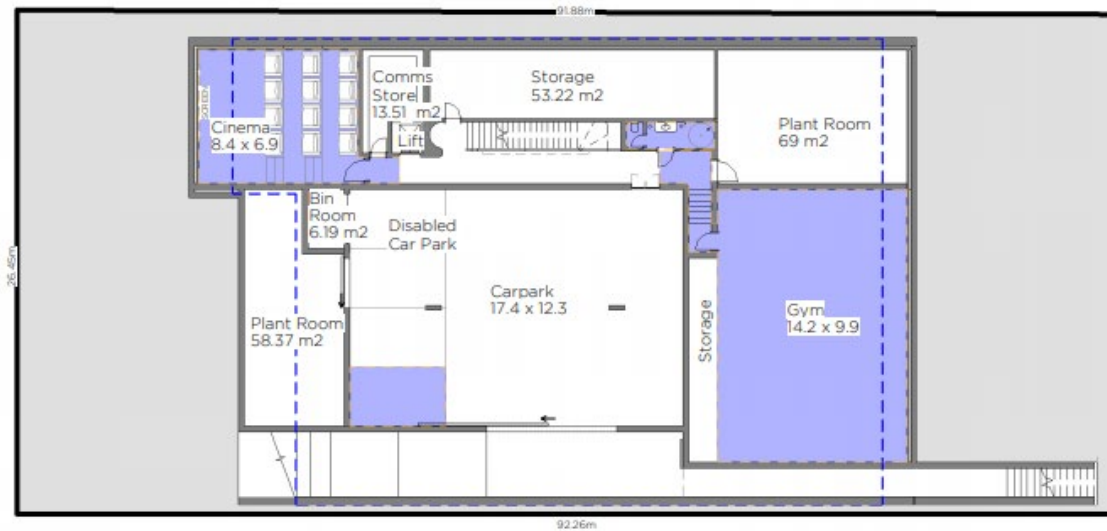
TOTAL STORAGE: 53.22m2
TOTAL PLANT ROOM: 127.37m2



2 BASEMENT FFL APPROVED
1:200

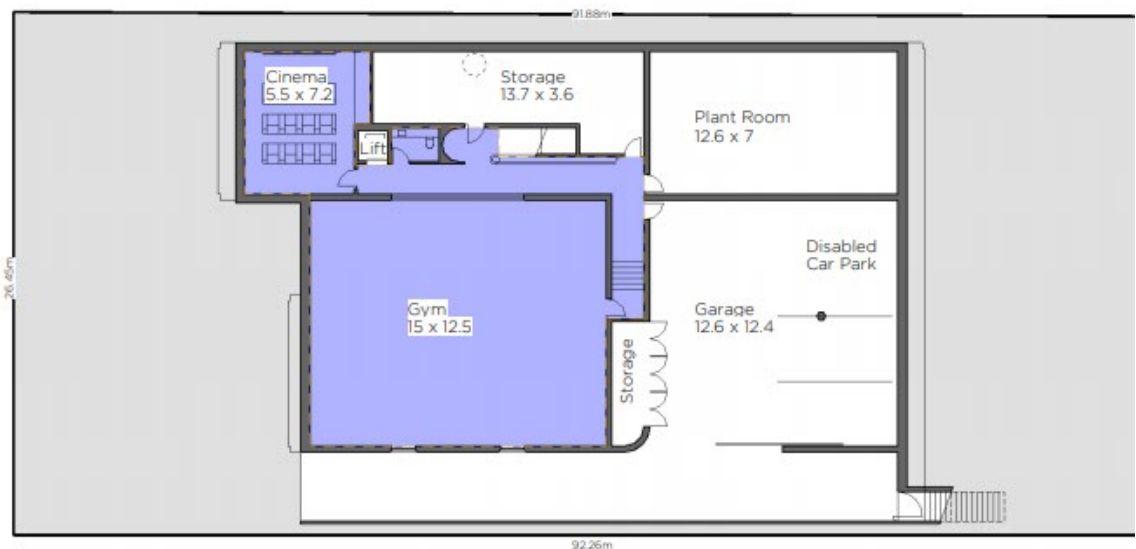
TOTAL STORAGE: 49m2
TOTAL PLANT ROOM: 90.72m2

Image 2: Shows internal changes and calculations



3 BASEMENT FFL S4.55 DATA
1:200

TOTAL GFA: 234.67m²



4 BASEMENT FFL APPROVED DATA
1:200

TOTAL GFA: 281m²

Image 3: Calculation of Gross Floor Area and Building footprint between the approved and modified plans. The previous plan footprint is illustrated with a BLUE DASHED LINE.

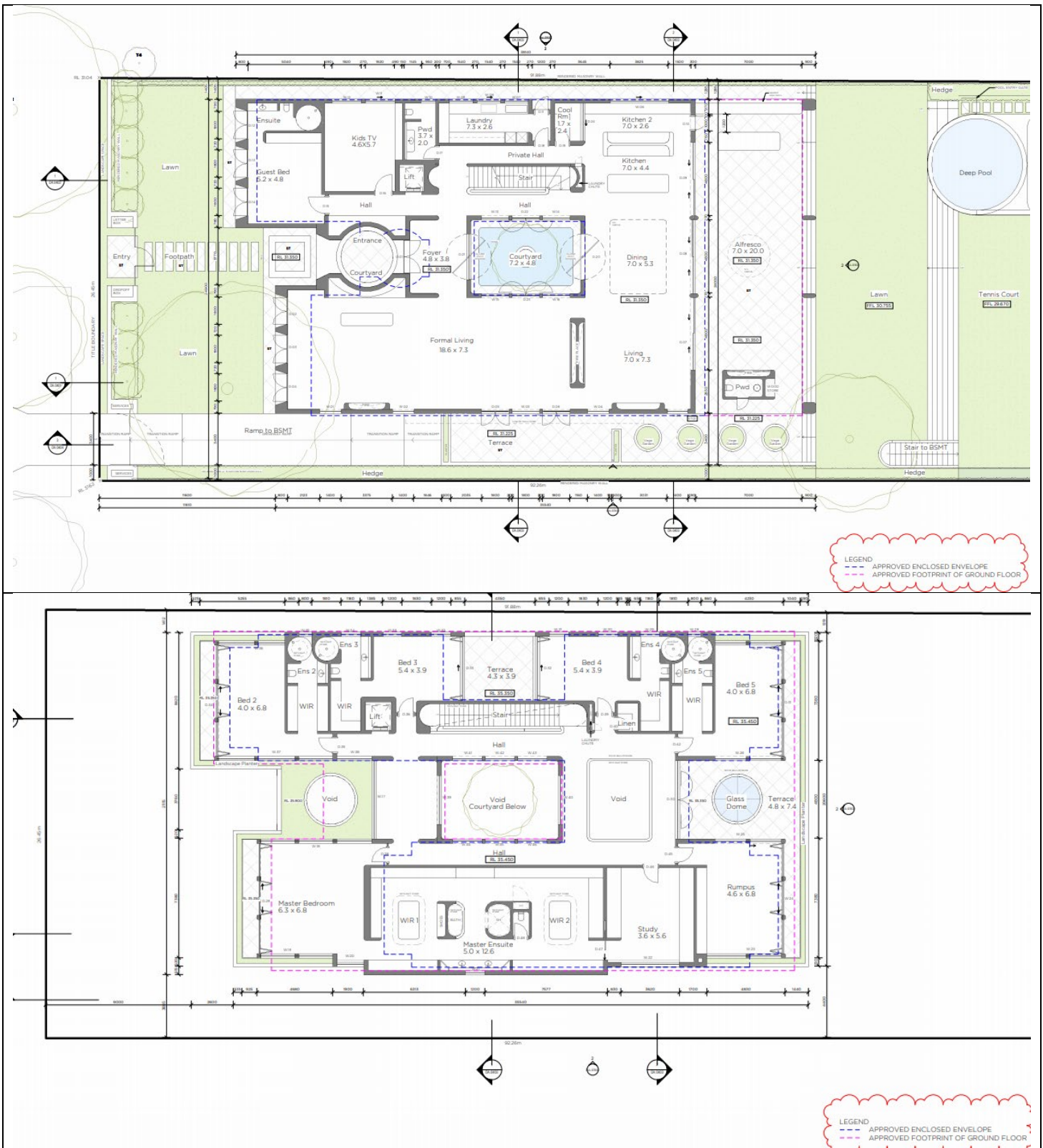


Image 6: Plans demonstrating minor increase in footprint between the approved and modified plans.

Strathfield Local Environmental Plan

It is considered that the proposed development as amended satisfies the aims, objectives and development standards, where relevant, of the Strathfield LEP 2012.

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

The amendments to the application do not result in an amended BASIX Certificate being required and as such the original certificate issued for the proposed development and the commitments required have been satisfied.

The objectives outlined within SEPP55 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 amendments to the development do not result in any changes to the DCP assessment of the original application.

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

The amendments do not impact on the original assessment of this provision.

- (a) 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 amendments do not impact on the original assessment of this provision.

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

The amendments do not impact on the original assessment of this provision.

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

In accordance with the provisions of Councils Community Participation Plan, the amendments to the application were not placed on neighbour notification.

- (e) the public interest.***

The amendments do not impact on the original assessment of this provision.

Local Infrastructure Contributions

The amendments do not impact on the original assessment of this provision, and the appropriate contributions as previously discussed have been included in the proposed conditions of consent.

Conclusion

The application as amended 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 of these changes, it is considered that Development Application No. 2019/148/2 should be approved subject to following conditions being added to, modified or deleted draft consent originally present to IDAP on 18 December 2020.

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
A.02.04 DA.0204	Basement Plan	A C M E Rob Mills Architecture and Interiors	Revision F 15 Nov 2019 Revision 4 2– S4.55 DA Amendment/ 11.08.2020 29.01.2021	17 Nov 2019 10 Sept 2020 01.02.2021
MD-SK-001	Level Basement Multi-Disciplinary Services Spatial	Stantec	A/ Preliminary	01.02.2021

Required Design Changes (CC8003)

The following changes are required to be made and shown on the Construction Certificate plans:

Amendments made in red on approved plans	All changes made in red on the approved plans shall be updated and shown on the Construction Certificate plans.
Deletion of storage space in basement carpark	The storage space within the carpark must be deleted in Drawing No. MD-SK-001, Level Basement Multi-Disciplinary Services Spatial by Stantec.

Signed:



E Black
Specialist Planner Heritage

Date: 9 February 2021

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

Report and recommendations have been peer reviewed and concurred with.

Signed: *DS*
Dragana Strbac
Planner

Date: 9 February 2021

Attachment 1: IDAP REPORT

IDAP REPORT – SECTION 4.55 (2) MODIFICATION

Property:	98 Redmyre Road STRATHFIELD DA2019/148/2 S4.55 (2) Modification Application involving internal and external reconfiguration including windows, external appearance and ancillary structures.
Proposal:	
Applicant:	Princeton Piper Pty Ltd
Owner:	Robyn Tartak
Date of lodgement:	10 September 2020
Notification period:	18 September – 03 October 2020
Submissions received:	1
Assessment officer:	E Black
Estimated cost of works:	\$2,312,660.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	Not a heritage item but within the site is within C14 Redmyre Road Conservation Area
Flood affected:	No
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	Approval



Figure 1: The subject site (as highlighted in yellow) and the surrounding context

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the S4.55 (2) Modification Application involving internal and external changes to the proposed dwelling and its ancillary structures. The changes includes a minor extension of the building footprint, reconfiguration of the internal layout to allow for skylights, changes of the external appearance, a new fence and changes to the ancillary structures.

The justification for these changes are to improve the functionality of the home in particular to allow for natural light for the primary living area at the rear of the home. The changes to the basement are primarily to allow for a minimised ramp entry to improve the appearance of the façade and front garden.

Site and Locality

The site is identified as 98 Redmyre Road, Strathfield and is legally described as Lot: A DP: 311262. The site is a large, rectangular shaped parcel of land (2,417m²) and is located on the southern side of Redmyre Road within the *C14 Redmyre Road Conservation Area*.

The site has a width of 25.91m, a depth of 92.26m and an overall site area of 2417m²

The locality surrounding the subject site contains a mixture of heritage listed two storey dwellings on large lots and two storey late twentieth century dwellings (Regional and Australian Nostalgic) style dwellings on smaller lots.

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 the 18th September to the 3 October 2020 where one submission was received raising the following concerns;

- That they would not tolerate any infringement on their property in relation to a previously proposed drainage easement through their property.

This development **does not** propose or seek permission for a drainage easement through any adjoining property. Thus the objection is irrelevant to this application.

Issues

The following environmental impacts have been identified:

- **Excessive Floor Space Ratio (basement)** – The new plans extends the basement but reduces the Floor Space Ratio. The applicant provided further information on how the additional space is required for the mechanical plant equipment such as, pumps for disposal of rainwater, ventilation, hot water storage, heat pumps and the rainwater tanks.
- **Overshadowing:** Changes to the shape, bulk and setbacks of the building resulting in minor additional overshadowing to 96 and 100 Redmyre Road.
- **Privacy:** The new plans introduce new windows along the eastern elevation for each bedroom on the first floor. The previous plans windows were only ensuite and walk in wardrobe with the bedroom windows facing an internal terrace. The current bedroom windows appear to be almost opposite the neighbouring windows. The applicant has provided further information in terms of increasing the sill height by 10cm for bedroom 3 and 4. As these rooms are not living areas the changes are regarded as adequate.

Conclusion

Having regards to the heads of consideration under Section 4.15 of *the Environmental Planning & Assessment Act 1979*, Development Application 2019/148/2 is recommended for **Approval** subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the S4.55 (2) Modification Application involving internal and external reconfiguration including windows, external appearance and ancillary structures.

More specifically, the proposal includes;

Basement level:

- switching the location of car parking and the gym space;
- increasing in physical size of the basement (164m²) but reducing the Floor Space Ratio (FSR) (53.79m²);
- decreased front setback of the basement level by 2.3m;
- reduced vehicular access ramp length ;
- relocation of lift and powder room;
- extension of a lid over the basement to reduce visual intrusion and allow for extension of the first floor terrace (west elevation); and
- extension of pedestrian passage (west elevation)



Image 1: Modification Facade – September 2020



Image 2: Approved Facade – September 2020

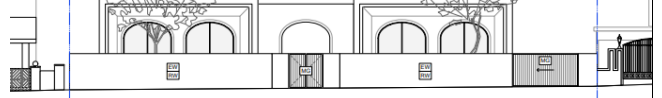


Image 3: Modification front fence

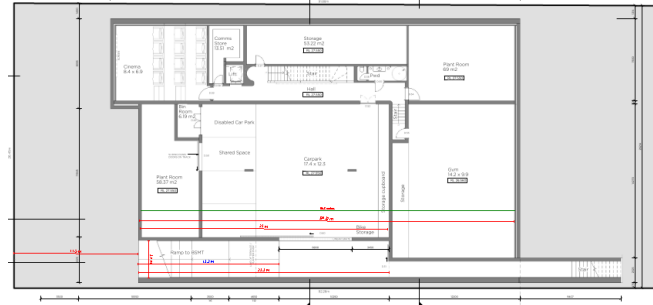


Image 4: Existing Front Fence

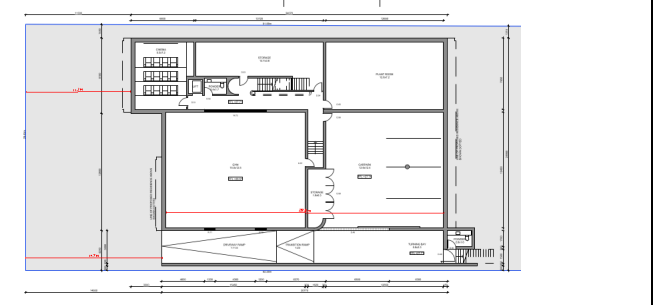


Image 5: Modification Basement – September 2020

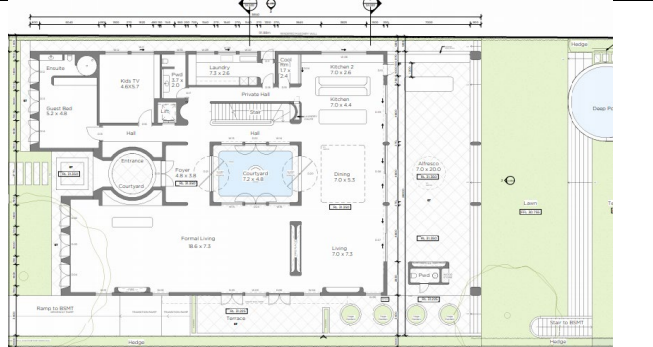


Image 6: Approved Basement – September 2019

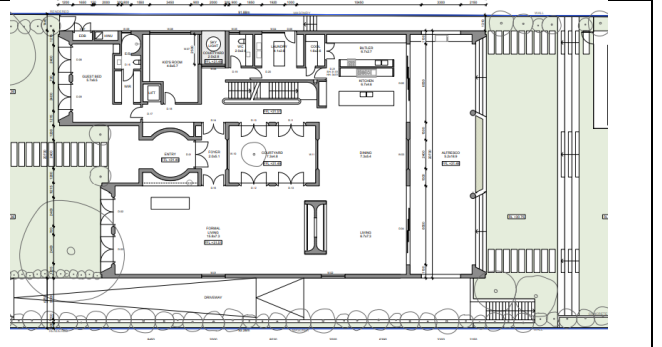


Image 7: Modification Ground Floor – September 2020

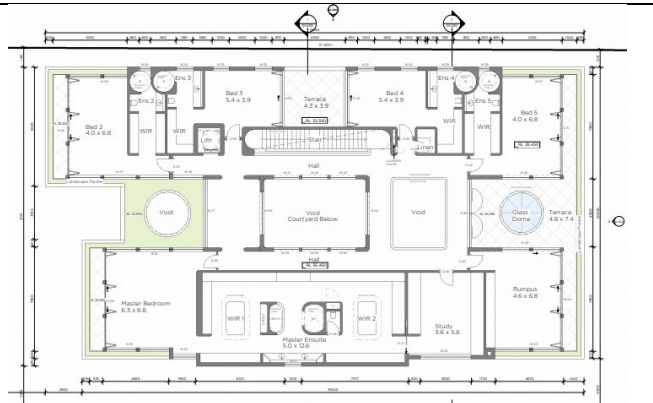


Image 8: Approved Ground Floor – September 2019

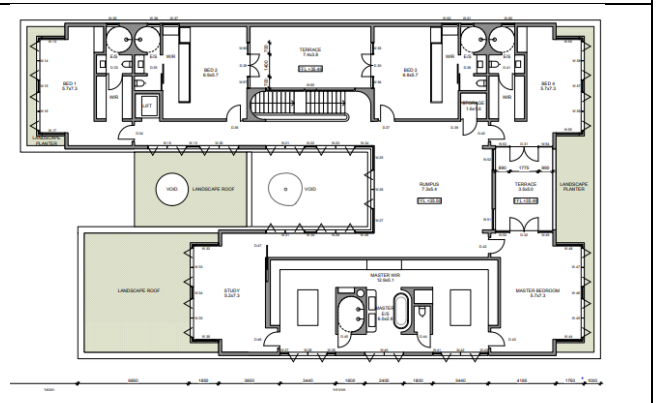


Image 9: Modification First Floor – September 2020

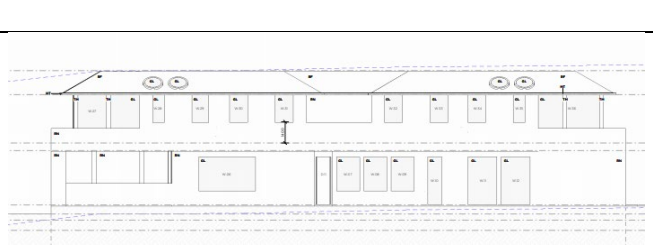


Image 10: Approved First Floor – September 2019

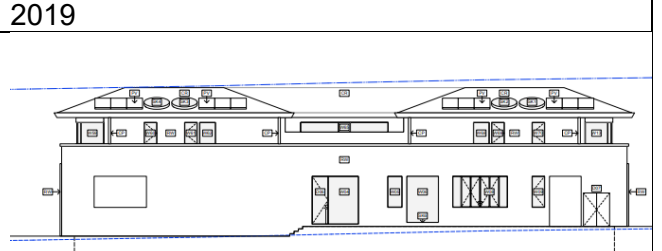


Image 11: Modification Eastern Elevation – September 2020

Image 12: Approved Eastern Elevation – September 2019

Ground floor level:

- Relocated lift and powder room
- Creation of a new west facing terraced area which replaces the windows with French doors (Eastern Elevation)
- Eastern Elevation window for the second kitchen which replaces butler pantry.
- Outside toilet
- Skylights over dining area.
- Decrease of front setback of eastern wing by 2.34m (new front setback 11.6m)
- Decrease of front setback of western wing by 1.38m (new front setback 10.38m)
- Removal of courtyard on western side and expansion of the laundry, powder room and lift into this area.
- Small decrease in internal courtyard (7.3m to 7.2m)
- Increase in Alfresco area (5.2m x 18.9m) to (7m x 20m)
- Façade - 4 arch doors changed to 6 arched doors and changes to entry vestibule.
- Lowering floor level by 1600mm resulting in an increase of floor to ceiling height of 3.6m;
- Extension of terrace to the north, over the ramp to the basement, windows on the north Side changed to doors.

First floor level:

- relocated lift;
- introduction of a skylight over the new void
- reduction to the size of the terrace on the eastern side
- replacement of the rumpus area with a void to enhance sunlight into living areas to improve amenity
- increased depth of the rear/south facing terrace
- reduction to the size of the terrace on the eastern side
- replacement of the south-western master bedroom with a new rumpus room;
- relocation of the study to be adjacent to the new rumpus location
- partial replacement of the landscape roof at the north-western corner with the displaced master bedroom
- minor reduction to the western side boundary setback to better articulate the side elevation
- new windows for each of the four bedrooms (eastern side).
- void (for skylight) replaces rumpus room
- Change in location of windows on Western side (new window for Rumpus and Master Room).

External works (landscape/Garden):

- demolition of the existing Fence
- new Front fence 1 metre forward of the previous existing fence. Fence is still solid with changes to the entry and driveway gate.
- reduction of outbuildings floor space ratio from 40m² to 14.9m². The outbuildings setbacks from the side and rear boundaries have also changed. The eastern setback being 1.20m (previously 2.36m). The rear setback is reduced approximately 3m from 7.95m to 4.56m.
- deletion of 26m long day bed along the rear of the property
- reconfiguration of the outdoor amenities with inclusion of a steam room
- deletion of retreat and inclusion of an undercover terrace
- pool to replace spa
- changes to pool fence (1200mm high)
- change to design of the alfresco and basement stairs

- provision of garden beds behind the new fence
- extension of rear terrace towards north and west
- changes to the drainage system

External façade (dwelling):

Ground level – additional doors from four doors to six doors

- Articulation changed from square to framing each door way
- Decreased setback

First floor – change in windows from 4 to six windows.

Columns of External hardwood delineating the six windows.

Roof Material – changed from copper to terracotta.

The Site and Locality

The subject site is legally described as Lot: A DP: 311262 and commonly known as 98 Redmyre Road STRATHFIELD. The site is within the R2 – Low Density Residential zone, pursuant to the provisions of SLEP 2012. The site is rectangular in shape and located on the southern side of Redmyre Road and has an area of 2417m², a maximum length of more 92.26m and a 25.91m wide frontage (refer to Figure 1).

It is primarily flat with a slight fall of 2.28m to the rear (southern) boundary.

The subject site is mostly modified and currently contains a large two storey dwelling with several ancillary structures such as front boundary masonry fence with gates, a synthetic grass tennis court, in-ground swimming pool, outbuilding and a detached patio/BBQ area (refer to Figures 2 to 5).

The current streetscape is characterised by low density, suburban area characterised by tree-lined streets, large and wide allotments, and dwelling houses of mansion-type and palatial scale and design. The housing styles vary along Redmyre Road and include older designs such as Victorian Italianate, Late Victorian, Early Federation and Federation/Bungalow with scattered residences with more contemporary designs created in the 1980s-1990s.

The site is surrounded by the following properties:

- Adjoining the eastern boundary: dwelling with pool at No.96 Redmyre Road (refer to Figure 7) and dwellings at No. 5 and No. 7 Florence Street;
- Adjoining the western boundary: dwelling at No. 100 Redmyre Road and the access handle for this property (refer to Figure 6);
- Adjoining the rear (southern) boundary: dwelling with pool at No. 5 Elwin Street and dwelling at No. 9 Florence Street; and
- A heritage listed, multi-level Victorian Italianate style dwelling at No. 91 Redmyre Road, Road, north of the site and across the road.



Figure 2: Front of existing dwelling



Figure 3: Front boundary fencing of the existing dwelling



Figure 4: Western portion of rear yard with swimming pool



Figure 5: South-eastern portion of rear yard with synthetic grass tennis court



Figure 6: Access handle for the residence at 100 Redmyre Road



Figure 7: Placement of windows at 96 Redmyre Road

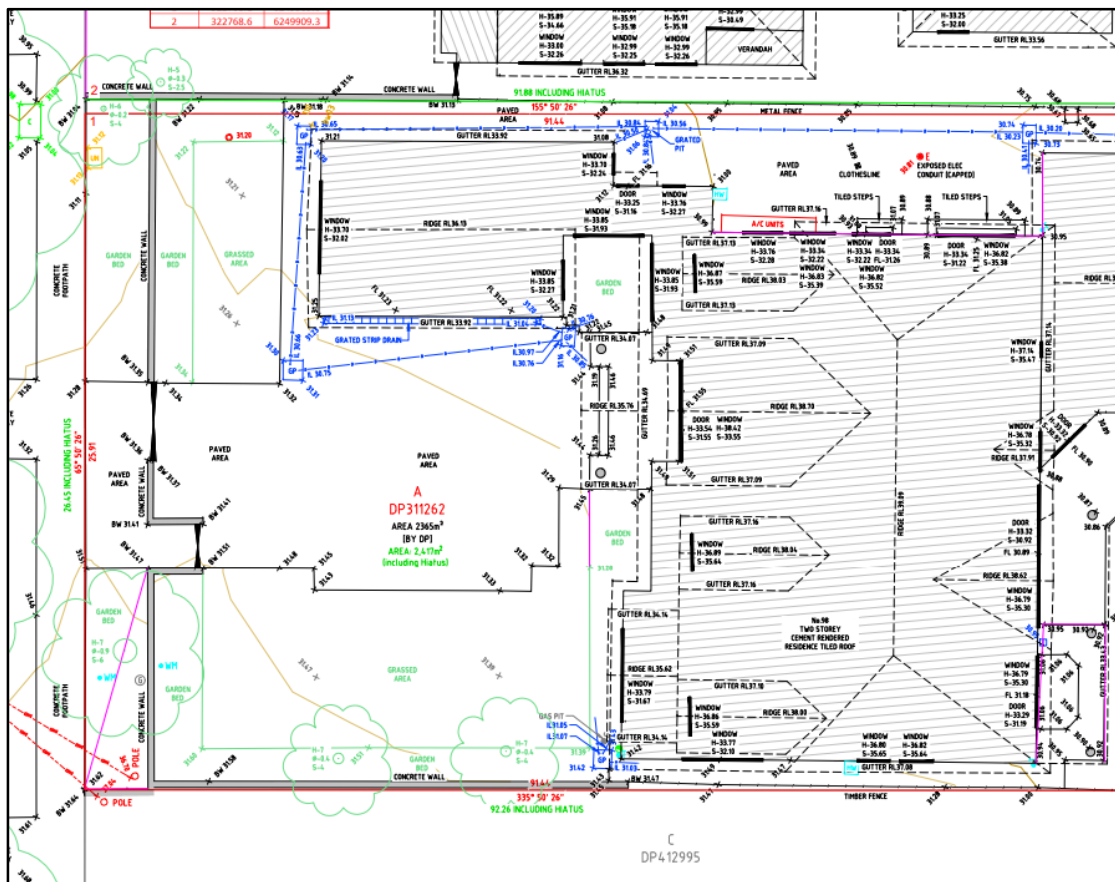


Figure 8: Site survey

Background

The background is as follows:

5 December 2019

- approval given to demolition of all structures on site and the construction of a two storey dwelling with basement, two outbuildings, swimming pool relocation of tennis court and front boundary fencing

10 September 2020

18 September – 03

October 2020

28 October 2020

18 November 2020

11 December 2020

- the subject modification application was lodged
- application notified as per Community Participation Plan (one submission received)
- site visit
- fence details submitted
- Details in regards to plant rooms and eastern elevation windows submitted
- Amendment to Landscape Plans

Referrals – Internal and External

Heritage

The extension of the lid and the addition of the windows in the façade should improve the dwelling within the Conservation Area streetscape. The dwelling being bought forward by a metre is unlikely to impact the conservation area.

The heritage advisor has no objection to the proposal.

Stormwater

The proposed modification has a complex drainage regime that is served by pumps and tanks. Council's engineer has provided comments which are summarised below.

The subject site has a natural fall to the rear, but the site will be served by an OSD/pump that will allow stormwater to be discharged to the street kerb and gutter by means of a gravity pipe via the boundary pit. Water Sensitive Urban Design principles and have been incorporated into drainage design and requirements have been met.

From an engineering perspective, the concept plan is feasible and there are no objections to its approval subject to the standard conditions which will amend the previous stormwater conditions.

Traffic

The proposal retains three on-site parking spaces and the same vehicular access point as the original approval. All aspects comply with AS2890 series.

The traffic engineer has no objection to the proposal.

Section 4.55 of the EP&A Act 1979

The application has been lodged under the provisions of s4.55 (2) of the EPA Act. The application is not considered to be of minimal 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 (2) 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	Comment
4.3 Height of Buildings	9.5m dwelling	9.5m dwelling	9.5m dwelling	Complies
4.4 Floor Space Ratio	0.5:1 (1208.5m ²)	0.487:1 (1156.33m ²)	0.499:1 (1205.09m ²)	Complies

Part 5 – Miscellaneous Provisions

Heritage Conservation

The proposal has been identified is within the C14- Redmyre Road Heritage Conservation Area and a Heritage Impact Statement has been submitted with the application. The application was referred to Council's Heritage Officer who has advised that the proposed works are satisfactory.

It is considered that the proposed works, as modified, satisfactorily address the provisions of this Clause. The proposed works that will not substantially alter the aesthetic or presentation of the approved development and therefore are highly unlikely to have an impact on the Heritage Conservation Area.

Part 6 – Additional Local Provisions

Acid Sulfate Soils

The subject site is identified as having Class 5 Acid Sulfate Soils but is not located within 500m of a Class 1, 2 3 or 4 soils. Therefore, Development Consent under the provisions of this section is not required and as such an Acid Sulfate Soils Management Plan is not required.

Earthworks

The proposal modifications do not result in any additional 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 proposed site has not been identified within the flood planning levels and as such, the provisions of this Clause are not applicable to the modification as proposed.

Essential Services

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

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

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

A BASIX Certificate has been issued for the proposed development as modified and the commitments required by the BASIX Certificate have been satisfied.

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

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

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

The objectives outlined within SEPP 55 are considered to be satisfied.

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

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

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

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

- (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.

- (v) 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	Development Proposal	Compliance/ Comment
Building Envelope			
Floor Space Ratio:	0.5 (1208.5m ²)	0.499 (1156.33m ²)	Yes
Heights: Floor to ceiling heights: Height to underside of eaves: Number of Storeys/Levels:	3.0m 7.2m 2	3.2- 3.6m 7.5m - 8.3m 2	No (see below) No (as approved) Yes
Setbacks: Front: Side (east): Side (west): Combined Side Setback: Rear:	9m 1.2m (min) 1.2m (min) 5.29m (20%) 6m	9m 1.4m 4.4m 5.8m 44.31m	Yes Yes Yes Yes Yes
Landscaping			
Landscaping/Deepsoil Provisions:	(site area 45 %) (1088m ²)	45.13%(1090m ²)	Yes
Private Open Space Area:	10m ²	840m ²	Yes
Minimum dimension:	3m	26.45m	Yes
Fencing			
Height (overall/piers): Solid Component: Secondary Frontage:	1.5m (maximum) 0.7m 1.8m	2.1m-1.5m 2.1m-1.5m	No (Existing height) No (Existing height) (see below)
Solar Access			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	Yes	Yes
Vehicle Access and Parking			
Driveway width at Boundary: Vehicular Crossing: Driveway setback – side: No. of Parking Spaces:	3m 1 0.5m 2	3.4m 1 1m 4	Yes Yes Yes Yes
Basement: Basement protrusion: Basement ramp/driveway Internal height:	Less than 1.0m 3.5m width 2.2m	Less than 1.0m 3.4m 2.8m	Yes Yes No
Ancillary Development			
OUTBUILDINGS Area: Height: Side/Rear setback:	40m ² 3.5m 0.5m	14.9m 3.5m 1.2m	Yes Yes Yes
SWIMMING POOL Side/Rear Setback	1.0m	1.2m -1.69m	Yes

Comment: There is a modification to the ceiling height of 1600mm. This is an acceptable minor change as the building height has not changed.

There is also a modification to the fence (see Image 3 and 4). The new fence will be located along the front boundary whilst the previous was located a metre behind the front boundary. There are minimal design changes to the panel and the height will be the same as the existing. It is therefore unlikely to have an environmental impact on the streetscape.

Building Envelope

The proposed development as modified satisfies the objectives and controls within the development control plan relevant to:

- Building Scale, height and floor space ratio
- Rhythm of Built Elements in the Streetscape,
- External Materials, and
- Street Edge

Landscaping and Open Space

The proposed development as modified satisfies the relevant objectives and controls of the SCDCP 2005. The development is considered to enhance the existing streetscape, adequate areas for deep soil planting have been provided and can accommodate large canopy trees and where possible trees have been retained and protected.

Fencing

The proposed front and side fencing, as modified, satisfies the relevant objectives and controls within SCDCP 2005. It is considered to be sympathetic to the existing and desired character of the locality and is compatible to the height and style of adjoining fences.

Solar Access

Given the orientation of the site, solar access to windows of habitable rooms and to at least 50% of the private open space is achieved or maintained for a minimum period of 3 hours between 9.00am-3:00pm at the winter solstice. Solar access is also achieved or maintained to the private open space of the adjoining premises. The proposed modifications are considered to generally satisfy the relevant objectives and controls of the SCDCP 2005.

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 has been minimised. Windows are offset from adjoining dwellings where required, they are screened, obscured or off low active use rooms so as not to negatively impact on adjoining properties. Balconies are either screened, setback or of limited size so as to not impact on the amenity or privacy of the adjoining dwellings whilst providing good amenity to the occupant of the dwelling.

Vehicular access, Parking and Basements

The proposed development, as modified, satisfies the relevant objectives and controls of the SCDCP 2005 in that it provides the minimum number of required parking spaces and

adequate vehicular access provisions. (The basement has been kept to less than 1m above natural ground level, does not extend beyond the ground floor above, has been designed so that vehicles can enter and exit in a forward direction and maintains a minimum internal height of 2.2m – delete if no basement)

Cut and fill

The proposed development, as modified, is considered to satisfy the relevant objectives and controls of the SCDP 2005, in that the need for cut and fill has been kept to a minimum and existing ground levels have been maintained where appropriate to reduced site disturbance.

Water and Soil Management

The proposed development, as modified, satisfies the relevant objectives and controls of the SCDP 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.

Access, Safety and Security

The proposed development, as modified, satisfies the relevant objectives and controls of the SCDP 2005. Separate pedestrian and vehicle access provisions are provided, passive surveillance of the public street has been provided providing safety and perception of safety in the street.

ANCILLARY STRUCTURES

Outbuildings

The proposed development, as modified, satisfies the relevant objectives and controls the SCDP 2005 complying with the height, setbacks and floor space controls.

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 planting if required. The pool pump equipment has been located in a sound proof enclosure and the pool coping has been designed to suit the existing ground level of the site. The swimming pool fence/enclosure will comply with the swimming pools act and relevant standards.

PART H – Waste Management (SCDP 2005)

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

PART P – Heritage (SCDP 2005)

The changes to the façade and new fence are similar to the approved development. Overall the proposal essentially the same aesthetic and presentation and is considered acceptable on heritage grounds.

- (vi) ***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. The proposal modification retains the approved dwelling house land use- ensuring site suitability.

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

In accordance with the provisions of Council's 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 concern:

"To put on record we reiterate that we will not tolerate any infringement on our property arising from the above mentioned development."

The submission was concerned with a possible stormwater easement being placed over their property due to the slope of the land at the rear. This proposal pumps the water to the street and therefore there will be no infringement on any neighbouring property.

(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 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).

SECTION 7.12 CONTRIBUTIONS PLAN

Section 7.12 Contributions are applicable and to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan. These are based on construction costs and are therefore amended from \$27,703.50 as follows:

Local Amenity Improvement Levy

\$23,126.60

Signed: E Black
Specialist Planner - Heritage

Date: 14 December 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 applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed and concurred with.

Signed: Miguel Rivera
Senior Planner

Date: 14 December 2020

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. 148/2019/2 should be **approved**.

- The original conditions of consent of Development Application No. DA2019/148 as approved under the Strathfield Local Planning Panel Meeting on 5 December 2019 for Demolition of existing structures on site and the construction of a two (2) storey dwelling with basement level, two (2) outbuildings, swimming pool, relocation of tennis court and front boundary fencing.
- As modified by the Section 4.55(2) application (DA2020/148/02) as follows:
- Modify Condition 1 – Approved Plans and Documentation
- Add Condition 1A - Required Design Changes to increase sill height of bedroom 3 and 4 to 1500mm.
- Amend the Development Contributions from \$27,703.50 to \$23,126.60
- Amendment of Stormwater Conditions in relation to the new stormwater plan.

Accordingly, Development Consent No. DA2020/148/2 is approved as per the following:

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.

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. DA2019/148:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
A.00.01 DA.0001	Demolition Plan	A C M E Rob Mills Architecture and Interiors	Revision G 5 Sept 2019 Revision 1 – S4.55 DA Amendment/ 11.08.2020	17 Nov 2019 10 Sept 2020
A.01.01 DA.0101	Site/Roof Plan	A C M E Rob Mills Architecture and Interiors	Revision F 13 Nov 2019 Revision 1 – S4.55 DA Amendment/ 11.08.2020	17 Nov 2019 10 Sept 2020
A.02.01 DA.0201	Ground Floor Plan: - Front	A C M E Rob Mills Architecture and Interiors	Revision F 13 Nov 2019 Revision 1 – S4.55 DA Amendment/ 11.08.2020	17 Nov 2019 10 Sept 2020
A.02.02 DA.0202	Ground Floor -Plan: -Rear	A C M E Rob Mills Architecture and Interiors	Revision F 13 Nov 2019 Revision 1 – S4.55 DA Amendment/ 11.08.2020	17 Nov 2019 10 Sept 2020
A.02.03 DA.0203	First Floor Plan	A C M E Rob Mills Architecture and Interiors	Revision E 28 Oct 2019 Revision 1 – S4.55 DA Amendment/ 11.08.2020	17 Nov 2019 10 Sept 2020
A.02.04 DA.0204	Basement Plan	A C M E Rob Mills Architecture and Interiors	Revision F 15 Nov 2019 Revision 1 – S4.55 DA Amendment/ 11.08.2020	17 Nov 2019 10 Sept 2020
A.03.01 DA.0301	Streetscape – Redmyre Road	A C M E Rob Mills Architecture and Interiors	Revision E 28 Oct 2019 Revision 1 – S4.55 DA Amendment/ 11.08.2020	17 Nov 2019 10 Sept 2020
A.03.02 DA.0302	Elevations- North + South	A C M E Rob Mills Architecture and Interiors	Revision F 13 Nov 2019 Revision 1 – S4.55 DA Amendment/ 11.08.2020	17 Nov 2019 10 Sept 2020

A.03.03 DA.0303	Elevations -East	A C M E Rob Mills Architecture and Interiors	Revision F 13 Nov 2019 Revision 1 – S4.55 DA Amendment/ 11.08.2020	17 Nov 2019 10 Sept 2020
A.03.04 DA.0304	Elevations -West	A C M E Rob Mills Architecture and Interiors	Revision F 13 Nov 2019 Revision 1 – S4.55 DA Amendment/ 11.08.2020	17 Nov 2019 10 Sept 2020
A.04.01 DA.0401	Section A	A C M E Rob Mills Architecture and Interiors	Revision F 13 Nov 2019 Revision 1 – S4.55 DA Amendment/ 11.08.2020	17 Nov 2019 10 Sept 2020
A.04.02 DA.0402	Section B	A C M E Rob Mills Architecture and Interiors	Revision F 13 Nov 2019 Revision 1 – S4.55 DA Amendment/ 11.08.2020	17 Nov 2019 10 Sept 2020
A.04.03 DA.0403	Section C & D	A C M E Rob Mills Architecture and Interiors	Revision F 13 Nov 2019 Revision 1 – S4.55 DA Amendment/ 11.08.2020	17 Nov 2019 10 Sept 2020
A.04.04 DA.0404	Section: Driveway Details	A C M E Rob Mills Architecture and Interiors	Revision D 5 Sept 2019 Revision 1 – S4.55 DA Amendment/ 11.08.2020	17 Nov 2019 10 Sept 2020
A.05.01 DA.0501	External Material Finishes Materials and Finishes	A C M E Rob Mills Architecture and Interiors	Revision F 13 Nov 2019 Revision 1 – S4.55 DA Amendment/ 11.08.2020	17 Nov 2019 10 Sept 2020
LA-DA-01	Landscape Schedules & Notes	360 degrees Landscape Architect	Revision F 26 Nov 2019 Revision H 10 November 2020	26 Nov 2019 11 Dec 2020
LA-DA-02	Landscape Statement & Diagrams	360 degrees Landscape Architect	Revision F 26 Nov 2019 Revision G 20 August 2020	26 Nov 2019 10 Sept 2020

LA-DA-03	Site Plans	360 degrees Landscape Architect	Revision F 26 Nov 2019 Revision H 20 August 2020	26 Nov 2019 10 Sept 2020
LA-DA-04	Tree Protection & Removal Plan	360 degrees Landscape Architect	Revision F 26 Nov 2019	26 Nov 2019
LA-DA-05	Landscape Plan 1 – Ground Floor Front Garden	360 degrees Landscape Architect	Revision F 26 Nov 2019 Revision H 10 November 2020	26 Nov 2019 11 Dec 2020
LA-DA-06	Landscape Plan 2 – Ground Floor Rear Garden	360 degrees Landscape Architect	Revision F 26 Nov 2019 Revision G 20 August 2020	26 Nov 2019 10 Sept 2020
LA-DA-07	Landscape Plan 3 – Level 01	360 degrees Landscape Architect	Revision F 26 Nov 2019 Revision G 20 August 2020	26 Nov 2019 10 Sept 2020
LA-DA-08	Landscape Section 1 – Rear Garden	360 degrees Landscape Architect	Revision F 26 Nov 2019 Revision G 20 August 2020	26 Nov 2019 10 Sept 2020
LA-DA-09	Landscape Section 2 – Rear Garden	360 degrees Landscape Architect	Revision F 26 Nov 2019	26 Nov 2019 10 Sept 2020
LA-DA-10	Planting Palette – Ground Floor	360 degrees Landscape Architect	Revision F 26 Nov 2019 Revision F 20 August 2020	26 Nov 2019 10 Sept 2020
LA-DA-11	Planting Palette – Level 01	360 degrees Landscape Architect	Revision F 26 Nov 2019 Revision E 20 August 2020	26 Nov 2019 10 Sept 2020
A9045 – COVER A20144 – COVER	General Notes	Alpha Engineering & Development	Revision G 11 Sept 2019 Revision B 18.08.2020	13 Sept 2019 10 Sept 2020
A9045 – SW01 A20144 – SW01	Sediment and Erosion Control Plan	Alpha Engineering & Development	Revision G 11 Sept 2019 Revision B 18.08.2020	13 Sept 2019 10 Sept 2020
A9045 – SW02	Basement Drainage Plan	Alpha Engineering & Development	Revision G 11 Sept 2019 Revision B	13 Sept 2019 10 Sept 2020

A20144 – SW02			18.08.2020	
A9045 – SW03 A20144 – SW03	Ground Floor Drainage Plan – Sheet 1	Alpha Engineering & Development	Revision G 11 Sept 2019 Revision B 18.08.2020	13 Sept 2019 10 Sept 2020
A9045 – SW04 A20144 – SW04	First Floor Drainage Plan – Sheet 2	Alpha Engineering & Development	Revision G 11 Sept 2019 Revision B 18.08.202011.08.2020	13 Sept 2019 10 Sept 2020
A9045 – SW05 A20144 – SW05	First Floor Drainage Plan	Alpha Engineering & Development	Revision G 11 Sept 2019 Revision B 18.08.2020	13 Sept 2019 10 Sept 2020
A9045 – SW06 A20144 SW06	Roof Drainage Plan	Alpha Engineering & Development	Revision G 11 Sept 2019 Revision B 18.08.2020	13 Sept 2019 10 Sept 2020
A9045 – SW07 A20144 – SW07	Stormwater Sections and Details	Alpha Engineering & Development	Revision G 11 Sept 2019 Revision B 18.08.2020	13 Sept 2019 10 Sept 2020
A9045 – SW08 A20144 – SW08	Stormwater Sections and Details	Alpha Engineering & Development	Revision G 11 Sept 2019 Revision B 18.08.2020	13 Sept 2019 10 Sept 2020
A9045 – SW09 A20144 – SW09	WSUD Design & MUSIC Model	Alpha Engineering & Development	Revision G 11 Sept 2019 Revision B 18.08.2020	13 Sept 2019 10 Sept 2020

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. ~~DA2019/148~~:DA2019/148/2

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Statement of Environmental Effects	Aaron Sutherland	Sept 2019	13 Sept 2019
Section 4.55 Planning Statement	Aaron Sutherland	August 2020	10 Sept 2020
Email – Re: Fence Details	Sam Yasseen	18 November 2020	18 November 2020
Heritage Impact Statement	POC+P Architects	Issue D 9 Sept 2019	13 Sept 2019
Heritage Architectural Services – S 4.55 Statement for Modifications to an approved New residence in a Heritage	POC+P Architects	18 August 2020	10 Sept 2020

Conservation Area at 98 Redmyre Road, Strathfield Supplementary report			
Arboricultural Impact Assessment Report	Jackson Nature Works	4 Sept 2019	13 Sept 2019
Waste Management Plan	Princeton Piper Pty Ltd	Issue 01 Sept 2019	13 Sept 2019
BASIX Certificate 1036106S_02	GEC Consulting Pty Ltd	10 Sept 2019	13 Sept 2019
Assessor Certificate	GEC Consulting Pty Ltd	13 Aug 2019	13 Sept 2019

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.)

1A. Required Design Changes (CC8003)

The following changes are required to be made and shown on the Construction Certificate plans:

Window Privacy **The sill height of the window/s within Bedroom 3 and 4 to be increased to be a minimum height of 1.5m above floor level.**

Modified-DA 2019/148/2-18 December 2020

2. 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.)

3. 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.)

4. 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.)

5. LANDSCAPING - IRRIGATION OF COMMON AND PRIVATE LANDSCAPE AREAS (GC)

All common and private landscape areas including all planters of new multi-unit, commercial, mixed-use and industrial development are to have full coverage by a fully automatic irrigation system. The design, materials and installation are to be in accordance with Sydney Water Codes and satisfy all relevant Australian Standards. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior occupation of the premises.

(Reason: To ensure appropriate landscape maintenance.)

5A. LANDSCAPING- ADDITIONAL LANDSCAPING (GC)

The 3 tier platform seating located adjacent to the western boundary between the concrete retaining wall and the first set of stairs and the 3 tier platform seating located to the north of swimming pool/spa between the 2 sets of stairs are to be deleted and replaced with 1metre high landscape planter beds.

These beds are to be planted with shrubs grown to a height of 1 metre.

(Reason: To improve the landscape quality of the rear garden area)

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

All trees shown to be removed as submitted on the approved Tree Protection & Removal Plan by 360 degrees Landscape Architect, LA-DA-04, Revision F and dated 26/11/19 are permitted to be removed to accommodate the proposed development.

All trees permitted to be removed by this consent shall be replaced (2 trees for each tree removed) by species selected from Council's Recommended Tree List and must have a minimum mature height of 10 metres.

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

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

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

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

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

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

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

7. 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.)

8. MATERIALS – SCHEDULE OF EXTERNAL FINISHES TO BE SUBMITTED (GC)

A schedule detailing all external materials, colours and finishes including windows, doors and roofing materials shall be submitted to Council for approval.

All external materials, colours and finishes including windows and doors and roofing materials must be of high quality and compatible with those of the surrounding streetscape and locality.

The final colour of the copper roof of the new dwelling must be the same as the colour indicated on the approved External Material Finishes, Project No. 19:63, Drawing No. A.05.01, Revision D, prepared by A C M E, and dated 5 September 2019.

All external materials and colours shall be of low glare and reflectivity.

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

(Reason: To ensure a positive contribution to the streetscape and to minimise excessive glare and reflectivity.)

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. **CLASSIFICATION OF WASTE (GC)**

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be tested and classified in accordance with the provisions of the protection of the environment operations act 1997 and the NSW EPA waste classification guidelines, part 1: classification of waste (November 2014). Testing is required prior to off-site disposal. In accordance with DECC waste classification guidelines (2014) materials identified for off-site disposal must be removed by a suitably qualified contractor to an appropriately licensed waste facility.

Note: attention is drawn to part 4 of the NSW DECC waste classification guidelines (2014) which makes particular reference to the management and disposal of acid & potential acid sulfate soils. The classification of the material is essential to determine where the waste may be legally taken. The protection of the environment operations act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or group a liquid waste advice should be sought from the EPA.

Evidence that the requirements specified above have been satisfied must be provided to the Council and/or Principal Certifying Authority prior to the issue of an occupation certificate. Where an occupation certificate is not required this evidence must be provided to the satisfaction of Council.

(Reason: To ensure compliance with legislation.)

14. **STORMWATER MANAGEMENT PLAN – CERTIFICATION REQUIREMENT (GC)**

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

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

Stormwater System (CC8038)

The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system in accordance with Council stormwater management code and AS/NZS 3500.3: 2015 (as amended), prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

Modified- DA2019/148/2-18 December 2020

14A **On Site Detention (CC8039)**

The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

An on-site detention (OSD) facility designed by a professional engineer who specialises in Hydraulic Engineering must be designed, approved and installed. The design must include the computations of the inlet and outlet hydrographs and stage/storage relationships of the proposed OSD using the following design parameters:

- (a) Peak flow rates from the site are to be restricted to a permissible site discharge (PSD) equivalent to the discharge when assuming the site contained a single dwelling, garage, lawn and garden,
- (b) At Annual Recurrence Intervals of 2 years, 10 years and 100 years.

The OSD facility shall be designed to meet all legislated safety requirements and childproof safety fencing around the facility must be provided where the OSD facility is open or above ground when the design peak storage depth is greater than 300mm. A durable metal plate or similar sign is to be placed at the OSD facility and must bear the words:

"BEWARE: This is an on-site detention basin/tank for rainwater which could overflow during heavy storms."

Full details shall accompany the application for the Construction Certificate.

Water Sustainability – Water Sensitive Urban Design (CC8043)

Details of the Water Sensitive Urban Design (WSUD) components (stormwater treatment measures) shall be submitted to and approved by the Principal Certifying

Authority prior to the issue of a Construction Certificate. Details shall demonstrate compliance with the water conservation and stormwater quality targets set out under Sections 3.1 and 3.2 respectively under Part N of the SCDCP 2005, and be prepared by a suitably qualified professional engineer.

Pump-Out System Design for Stormwater Disposal (CC8046)

The design of the pump-out system for storm water disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria:

- (a) The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm. The holding tank shall be capable of holding four hour's runoff from a one-hour duration storm of the 1 in 100 year storm;
- (b) The pump system shall be regularly maintained and serviced, every six (6) months; and
- (c) Any drainage disposal to the street gutter from a pump system must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.

Details and certification of compliance from a professional engineer specialising in civil engineering shall be provided for approval with the Construction Certificate application.

ADDED- DA2019/148/2-18 December 2020

15. SYDNEY WATER - TAP IN TM (GC)

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

(Reason: Compliance with Sydney Water requirements.)

16. ~~UTILITIES AND SERVICES - PROTECTION OF (GC)~~

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

- ~~i) all footings and excavation must be located wholly within the site and clear of any easement boundaries;~~
- ~~ii) all footings and excavation must be located a minimum of 1000mm from the centreline of the pipeline or 500mm from the outside of the pipeline, whichever is the greater distance from the centreline; and~~

- ~~iii) footings must extend to at least the depth of the invert of the pipeline unless the footings are to be placed on competent bedrock.~~

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

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

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

~~(Reason: To ensure protection of Council assets.)~~

DELETED-DA2019/148/2-15 DECEMBER 2020

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

17. 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.)

18. 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.)

19. **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) The internal clearance of the basement is 2.2m in accordance with BCA requirements. The maximum floor to ceiling height within the entire basement must be 2.2m to ensure that the basement level is not utilised for habitable purposes.
- 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.)

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 CIRCULATION, AISLE AND RAMP WIDTHS (CC)**

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

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

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

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. **CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN (CC)**

The applicant must prepare and submit a Construction and Environmental Management Plan (CEMP) to the Principal Certifying Authority, including:

- i) Detailed information on any approvals required from other authorities prior to or during construction.
- ii) Traffic management, including details of:
 - ☐ ingress and egress of vehicles to the site;
 - ☐ management of loading and unloading of materials;
 - ☐ the location of heavy vehicle parking off-site; and
 - ☐ designated routes for vehicles to the site.
- iii) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- iv) Erosion and sediment control, detailing measures and procedures consistent with the requirements of Council's guidelines for managing stormwater, including:
 - ☐ the collection and treatment of stormwater and wastewater generated on site prior to discharge; and
 - ☐ procedures to prevent run-off of solid material and waste from the site.
- v) Waste management, including:
 - ☐ details of the types and estimated volumes of waste materials that will be generated;
 - ☐ procedures for maximising reuse and recycling of construction materials; and
 - ☐ details of the off-site disposal or recycling facilities for construction waste.
- vi) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- vii) A soil and water management plan, which includes:

- ☐ measures to minimise the area of soils exposed at any one time and conserve top soil;
 - ☐ identification and protection of proposed stockpile locations;
 - ☐ preservation of existing vegetation and revegetation;
 - ☐ measures to prevent soil, sand, sediments leaving the site in an uncontrolled manner;
 - ☐ measures to control surface water flows through the site in a manner that diverts clean run-off around disturbed areas, minimises slope gradient and flow distance within disturbed areas, ensures surface run-off occurs at non-erodible velocities, and ensures disturbed areas are promptly rehabilitated;
 - ☐ details of sediment and erosion control measures in place before work commences;
 - ☐ measures to ensure materials are not tracked onto the road by vehicles entering or leaving the site; and
 - ☐ details of drainage to protect and drain the site during works.
- viii) Asbestos management procedures:
- ☐ Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies and a current WorkCover Demolition License where works involve demolition. To find a licensed asbestos removalist please see www.workcover.nsw.gov.au
 - ☐ Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m² or less of non-friable asbestos (approximately the size of a small bathroom). Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
 - ☐ Before starting work, a work site-specific permit approving each asbestos project must be obtained from WorkCover NSW. A permit will not be granted without a current WorkCover licence. All removal, repair or disturbance of or to asbestos material must comply with the following:
 - ☐ The Work Health and Safety Act 2011;
 - ☐ The Work Health and Safety Regulation 2011;
 - ☐ How to Safety Remove Asbestos Code of Practice – WorkCover 2011; and
 - ☐ Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace.
 - ☐ Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.
 - ☐ The developer or demolition contractor must notify adjoining residents at least two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of asbestos removal works. Notification is to include, at a minimum:
 - ☐ the date and time when asbestos removal works will commence;
 - ☐ the name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
 - ☐ the full name and license number of the asbestos removalist/s; and
 - ☐ the telephone number of WorkCover's Hotline 13 10 50
 - ☐ warning signs informing all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in

- accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance; and
- appropriate barricades installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

(Reason: Safety, amenity and protection of public infrastructure and the environment.)

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

Works Permit

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

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

Standing Plant Permit

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

Skip Bin Permit

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

Temporary Full or Part Road Closure Permit

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

Hoarding/Fencing Permit

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

Work Zone Permit

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

Ground Anchoring Permit

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

(Reason: Council requirement.)

26. EROSION AND SEDIMENTATION CONTROL PLAN (CC)

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

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

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

(Reason: Environmental protection.)

27. LANDSCAPING - MAINTENANCE STRATEGY (CC)

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

(Reason: Ensure landscape survival.)

28. LANDSCAPING ON SLAB (CC)

To ensure the site landscaping thrives, the on slab landscaping shown on the approved landscaping plan is to be designed to include a minimum soil depth of 650mm for shrubs and trees; and 300mm for grass and ground covers. Adequate drainage provision and a permanent, automatic irrigation system conforming to Sydney Water requirements shall be included. Details demonstrating compliance shall be submitted to the Principal Certifying Authority with the Construction Certificate application.

(Reason: Ensure landscape survival.)

29. **LANDSCAPING - TREE REPLACEMENT SPECIES (CC)**

The landscape plan submitted with the Construction Certificate application shall incorporate the following replacement tree/s to ensure the preservation of the landscape character of the area. The tree species must be selected from Strathfield Council's Recommended Tree List and each replacement tree must have a minimum container/pot size of 100L.

Note: Strathfield Council's Recommended Tree List is available on Council's website.

(Reason: Preservation of the landscape character of the area.)

30. **LANDSCAPING - TREE TRANSPLANTATION METHOD STATEMENT (CC)**

A Tree Transplantation Method Statement (TTMS) shall be submitted with the Construction Certificate application to the satisfaction of the Principal Certifying Authority. The TTMS is to relate to the following approved tree/s to be transplanted:

- ☐ The Canary Island Date Palm (*Phoenix canariensis*) located in the front setback as indicated in the approved Landscape Plan.

The method statement shall be prepared by a qualified arborist or horticulturist and shall detail the following:

- i) pre-transplantation schedule of works;
- ii) preparation of transplant site;
- iii) transplantation method; and
- iv) post-transplantation after-care and duration.

The above details shall be reflected in the final Landscape Plan submitted with the Construction Certificate application.

Tree transplantation shall take place in accordance with the Transplant method Statement approved with the Construction Certificate and under the supervision of a AQF Level 5 project Arborist.

(Reason: Tree preservation.)

31. **NOISE – PLANT (CC)**

All works carried out on site during construction/demolition/excavation or earthworks shall comply with the NSW Protection of the Environment Operations Act 1997. Approved and effective silencing measures shall be provided and maintained on all power-operated plant used on site if required.

(Reason: Safety and amenity.)

32. **NOISE – CONSTRUCTION CC)**

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

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

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

(Reason: Noise attenuation.)

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

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

(Reason: Privacy amenity.)

34. **ROOF TOP PLANTER BEDS (CC)**

The roof top planter beds shall remain non-trafficable except during necessary maintenance of these areas including the landscaped beds. No permanent structures or furniture shall be erected on the roof top planter beds. Plans shall be notated accordingly and details demonstrating compliance demonstrated to the Principal Certifying Authority, prior to the issue of any Construction Certificate.

(Reason: To preserve the amenity of adjoining residences and the public domain.)

35. **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

~~\$27,703.50~~ **\$23,126.60**

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.)

36. **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.)

~~37. **STORMWATER DRAINAGE (CC)**~~

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

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

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

38. **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.)

39. 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.)

40. TRAFFIC - CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CC)

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

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

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

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

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

41. TREE BONDS (CC)

A tree bond of **\$20,000** (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.

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 were 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.)

42. UTILITIES AND TELECOMMUNICATIONS - ELECTRICITY CONNECTION (CC)

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

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

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

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

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

(Reason: Environmental amenity.)

43. UTILITIES AND TELECOMMUNICATIONS - TELECOMMUNICATIONS ASSETS (CC)

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

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

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

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

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

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

45. WATER HEATING SYSTEMS - LOCATION OF (CC)

Water heating systems shall be located so as not to be visible from public places and the ground level of adjoining properties. Details (type and location) of the water heaters shall be submitted to and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: To maintain streetscape character.)

46. WORKS WITHIN THE ROAD RESERVE (CC)

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

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

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

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

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

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

All civil engineering works adjacent/near/outside No. 98 Redmyre Road, Strathfield are to be fully supervised by Council. A maintenance period of six (6) months shall apply to the work, after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions.

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

47. **DUST CONTROL (CC)**

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation and building works. If necessary, water sprays shall be used on the site to reduce the emission of dust. Screening shall consist of minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like and shall be modified as directed by the Council should it fail to adequately control any dust nuisance.

Major Works

The following measures must be implemented (in part or in total) as directed by Council to control the emission of dust:

- (a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- (b) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be contaminated or allowed to enter the stormwater system
- (c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- (d) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (e) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (f) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours or as directed by Council.

(Reason: Environmental amenity.)

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

48. **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.)

49. **NOTICE OF COMMENCEMENT (CW)**

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

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

(Reason: Statutory requirement.)

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

50. **CONTAMINATED LAND UNEXPECTED FINDS (DW)**

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

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

Note: Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the contaminated land situation and review any new

contamination information. The applicant must also adhere to any additional conditions which may be imposed by the accredited site auditor.

(Reason: To ensure compliance with statutory requirements.)

51. FILL MATERIAL (DW)

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

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

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

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

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

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

(Reason: To maintain public access and safety.)

53. 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.)

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

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

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

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

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

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

54A Restriction to User and Positive Covenant for On-Site Detention Facility (OC1117)

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility (on-site detention, pump-out, charged lines, water sensitive urban design, surface flow path, finished pavement and ground levels etc.).

Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement no less than 1200mm wide over the proposed drainage line or service concurrently with any subdivision registration.

The wording on the 88E and or 88B Instrument is to make reference to the Council file where the Construction plans and the Work As Executed (as built), plans are held. Typical wording can be obtained from Council's Specification for the Management of Stormwater document.

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55. ENGINEERING WORKS (CERTIFICATION OF)

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

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

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

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

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

(Reason: Asset management.)

56. 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.)

57. 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.)

58. 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.)

59. 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.)

60. 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.)

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

61. TENNIS COURTS - ONGOING USE OF (OU)

The approved tennis court(s) shall be in accordance with the following:

- i) The tennis court shall not be used for any commercial or business purpose.
- ii) The tennis court shall be enclosed to a maximum height of 3.6m with plastic coated chain wire on suitable galvanised iron pipe frame. The colour of the chain wire shall be black or dark green.
- iii) The tennis court shall not be illuminated without the prior consent of Council.

(Reason: To maintain amenity to adjoining residences.)

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).

- xix. For the purposes of improved resident safety, it is recommended that the windows of dwellings be fitted with appropriate devices capable of being locked into a fixed position with such openings generally being a maximum of 100mm wide provided that compliance with the NCC in terms of lighting and ventilation is still achieved.