

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

<b>Property:</b>	14 Merley Rd, STRATHFIELD LOT: 3 DP: 236123 DA2018.124.3
<b>Proposal:</b>	Section 4.55(1A) Modification Application involving changes to existing dwelling house including the removal of approved first floor, laundry and new shed, reduction of the rear terrace and retention of existing shed.
<b>Applicant:</b>	Mr B Inwood
<b>Owner:</b>	Mr A Feofiloff
<b>Date of lodgement:</b>	8 January 2021
<b>Notification period:</b>	25 January - 9 February 2021
<b>Submissions received:</b>	None
<b>Assessment officer:</b>	E Black
<b>Estimated cost of works:</b>	\$200,000
<b>Zoning:</b>	R2-Low Density Residential - SLEP 2012
<b>Heritage:</b>	Yes- Located in C13 – Merely Road Conservation Area
<b>Flood affected:</b>	Yes
<b>RECOMMENDATION OF OFFICER:</b>	<b>APPROVAL</b>



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

## **EXECUTIVE SUMMARY**

### **Proposal**

Development consent is being sought for a Section 4.55 (1A) modification to an approved development application for alterations and additions to an existing dwelling including a first floor addition (DA2018/124/3). The modifications seek to remove the approved first floor addition, undertake a minor internal change to replace the stairwell with a laundry, reduce the outside rear terrace and retain the existing shed (thus deleting the approved new shed from the plans).

### **Site and Locality**

The subject site is legally described as Lot: 3 DP: 236123 and commonly known as 14 Merely street, Strathfield. It is located on the south side of Merely Road between Dickson and Francis Streets within the Merley Road Heritage Conservation Area.

The site has a width of 15.24m, a depth of 45.72m and an overall site area of 696.6m<sup>2</sup>.

The surrounding locality contains a mixture of modified Californian Bungalow style dwellings in established gardens, schools (primary and a high school) and modern dwellings.

### **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 Development Control Plan 2005 (SCDCP 2005). This is discussed in more detail in the body of the report.

### **Notification**

The application was notified in accordance with Strathfield Council's Community Participation Plan (SCCPP) from 25 January – 9 February 2021, where no submissions were received.

### **Issues**

There are no issues. The proposed modifications will have less environmental impacts than the approved design, under DA 2018/124/2 as the upper level has been removed. This modification thus reduces overshadowing of neighbouring properties, and the rear addition will no longer be able to be viewed from the public domain.

### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2018/124/3 is recommended for approval subject to suitable conditions of consent.

## REPORT IN FULL

### Description of the Proposed Modifications

Council has received an application for modifications to an approved two storey rear addition to an existing dwelling. The previous approved plans included a two storey rear extension to an existing dwelling with the upper level containing a family room, kitchenette and bathroom. This modification seeks to remove this upper level but retain the lower level. More specifically, the modification seeks to amend the following:

- remove the first floor;
- remove the area of the new laundry and replace this with part of a terrace;
- replace the stairs with a new laundry;
- reduce size of the rear terrace; and
- remove construction of the proposed new shed to the side of the dwelling and retain the existing shed.

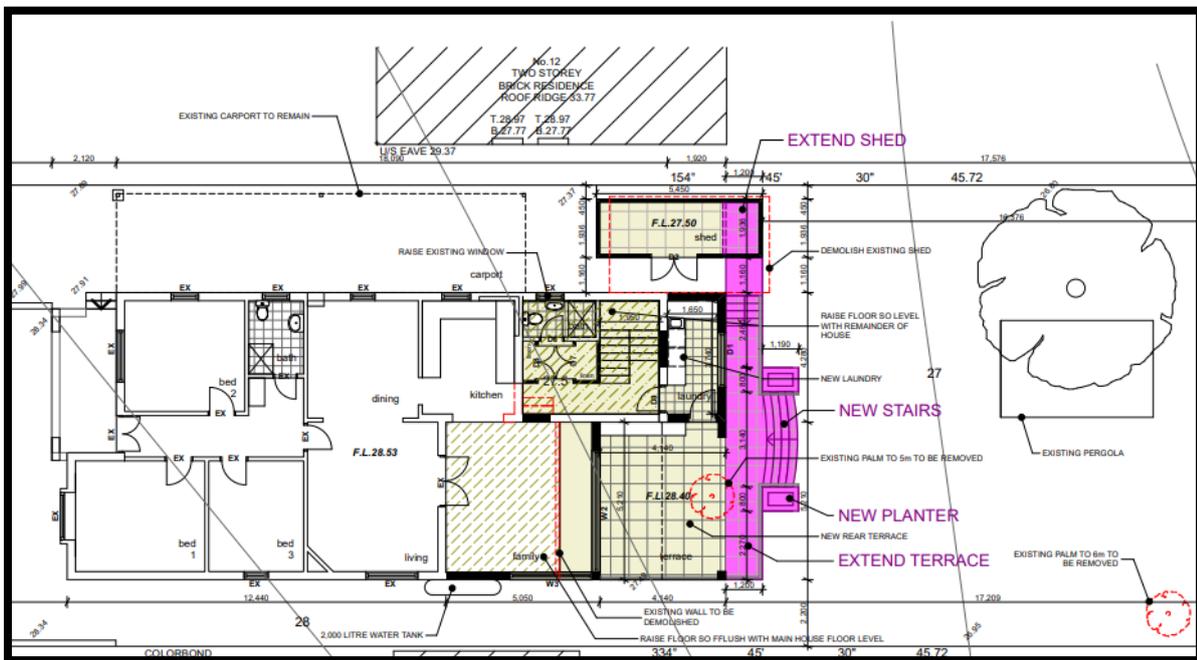


Figure 2: (DA 2018.124.2) - Previous approved Ground Floor Plan

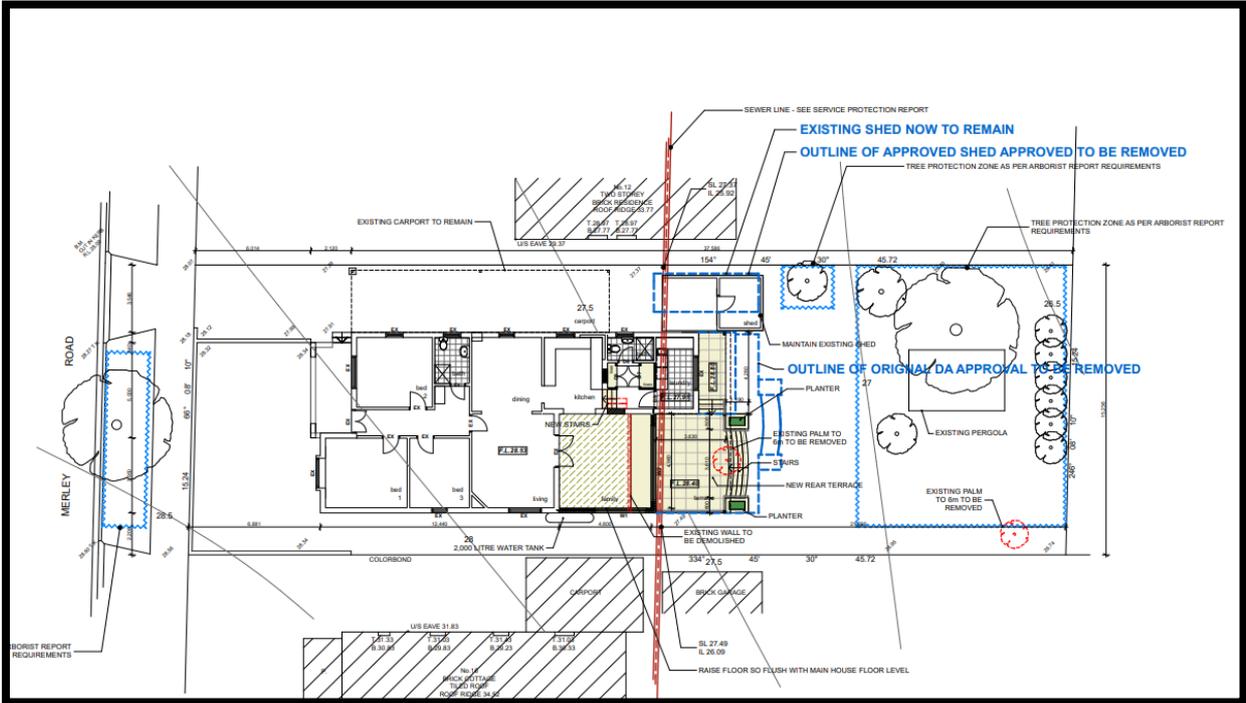


Figure 3: (DA 2018.124.3) – Proposed Modification to the Ground Floor

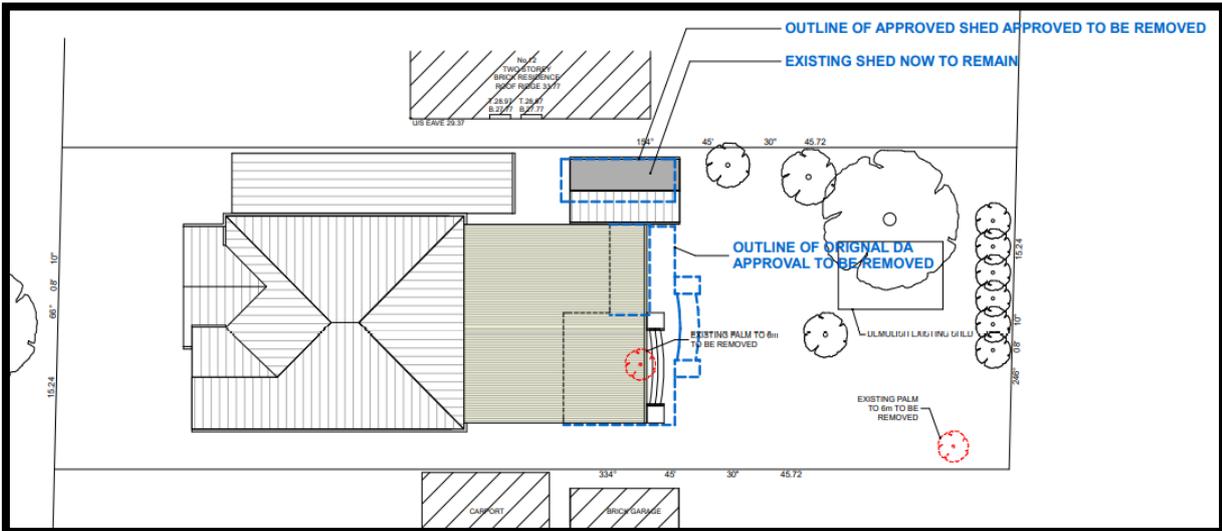


Figure 4: (DA 2018.124.3) - Proposed Modification to the Roof plan

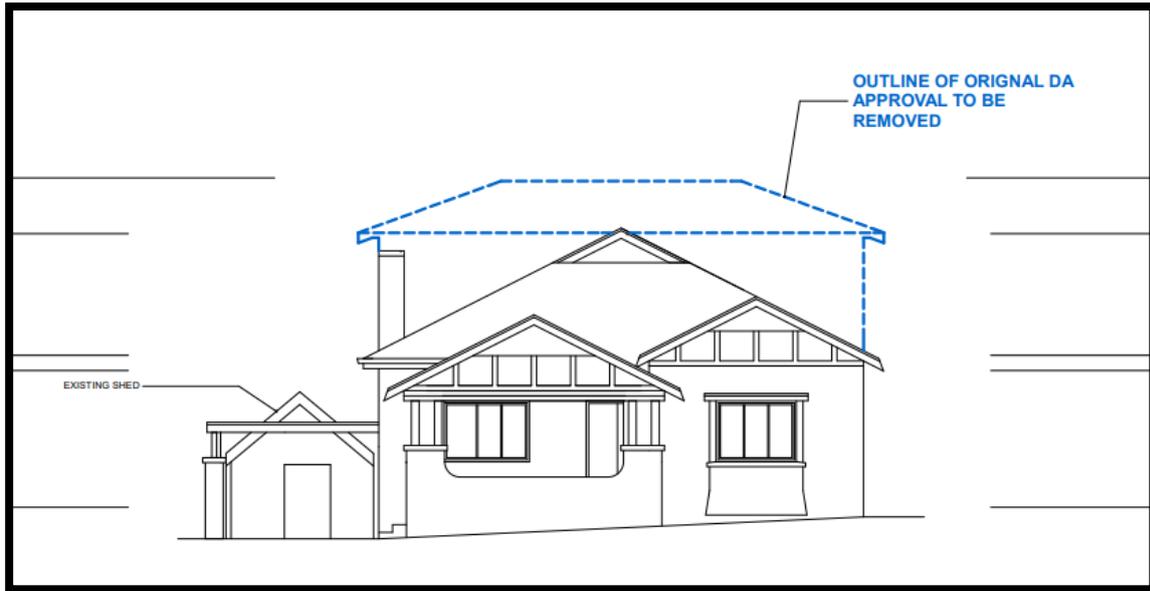


Figure 5: (DA 2018.124.3) - Proposed Modification to the North Elevation

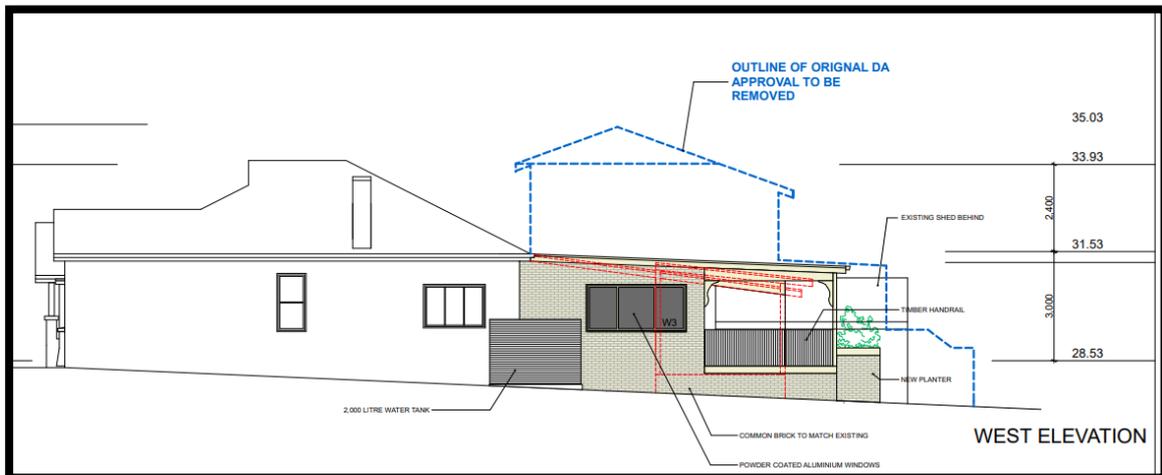


Figure 6: (DA 2018.124.3) - Proposed Modification to the West Elevation

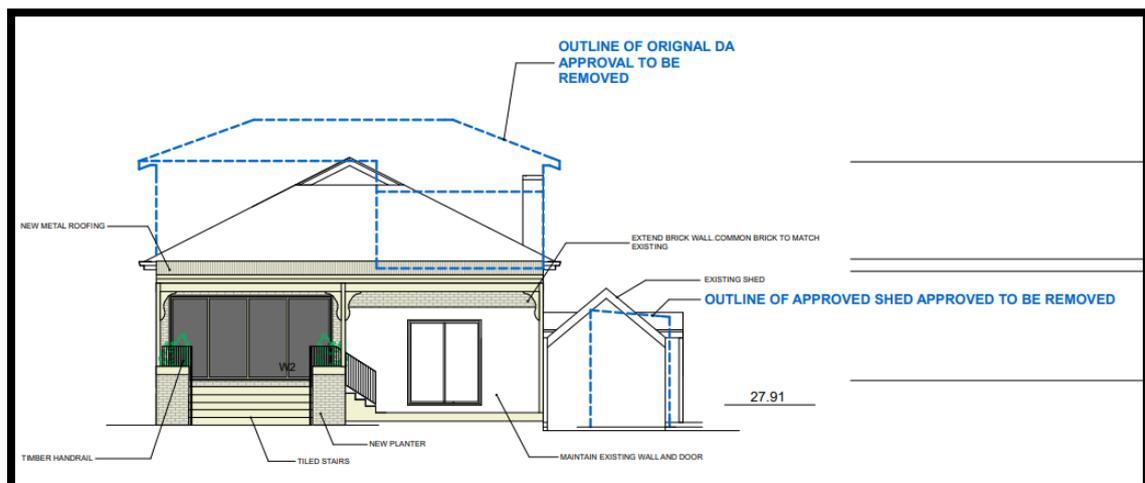
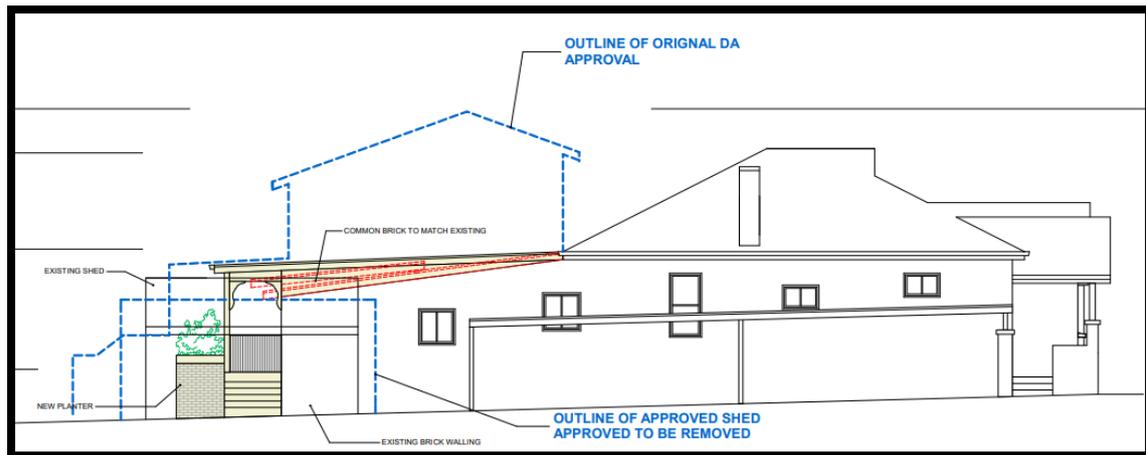
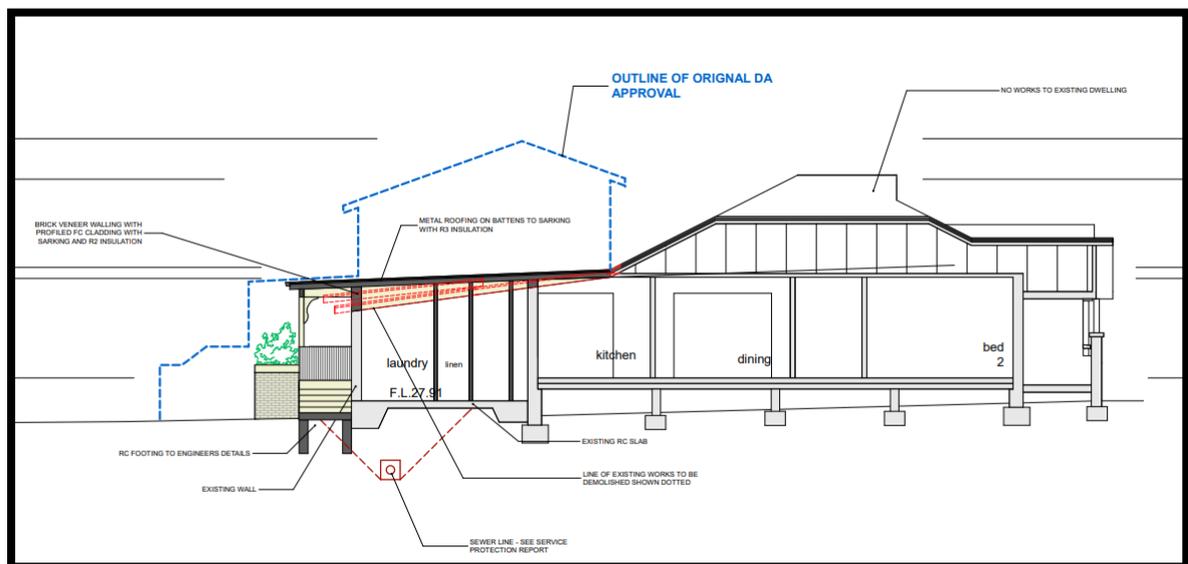


Figure 7: (DA 2018.124.3) - Proposed Modification to the South Elevation



**Figure 8: (DA 2018.124.3) - Proposed Modification to the East Elevation**



**Figure 9: (DA 2018.124.3) - Proposed Modification to the Sectional.**

### The Site and Locality

The subject site is legally described as Lot: 3 DP: 236123 and commonly known as 14 Merely street, Strathfield. It is located on the south side of Merely Road between Dickson and Francis Streets within the C13 - Merley Road Conservation Area, Inter-war bungalow style group.

The site is regular in shape and has a frontage of 15.24m to the north and a rear boundary of 15.24m to the south. The side boundary lengths are 45.72m to the east and west. The site has an area of 696.6m<sup>2</sup>.

The site slopes 2m from the northern frontage to south.

The site is occupied by a single storey interwar – Californian Bungalow style dwelling. A fibro shed and BBQ area is located to the rear of the site. Vehicular access is provided to the site via an existing concrete driveway located along the eastern side of the house to an existing carport adjoining the dwelling.

The current streetscape is characterised by Californian Bungalow style dwellings. Many with second storey character additions. The rear of the site overlooks the playground equipment of the Marie Bashir Public School.

The surrounding area is characterised by mainly two storey modern and period houses. It is located close to St Patrick College.



**Figure 10 – Front of existing dwelling.**



**Figure 11 – Rear view from the yard.**



**Figure 12 - Rear of the dwelling on the subject site.**



**Figure 13: Showing neighbouring development and existing carport.**

## **Background**

6 September 2018	A development application (2018/124) seeking alteration and additions to the existing building was lodged. This application included a two storey addition (including a bed and bathroom), a new shed, terrace, and minor internal alterations.
28 February 2019	DA2019/187 was approved by Strathfield Council's Internal Development Assessment Panel (IDAP).
16 August 2019	Modification 4.55 (2) - 2018/124/2 was lodged. This application sought a minor amendment to extend the shed and the terrace and provide new stairs and a planter box.
15 November 2019	DA2019/187/2 was approved by Strathfield Council's Internal Development Assessment Panel (IDAP).
8 January 2021	Modification 4.55 (1A) (2018/124/3) was lodged. This current application seeks to remove the upper storey and new shed and reconfigure the ground level plan.
25 January – 9 February 2021	The application was notified in accordance with the SCCPP.
24 March 2021	The planning officer visited the site to aid in the assessment of this proposed modification.

## **Referrals – Internal and External**

### **Stormwater Engineer comments:**

Council's Stormwater Engineer offered no objections with the proposed modification subject to modified conditions of consent.

### **Heritage Advisor comments:**

Council's Heritage Advisor did not object with the proposed modification on heritage grounds. The Heritage Advisor stated that the resulting modification will have no effect on the streetscape and therefore was consistent with the relevant heritage controls for Heritage Conservation areas under Part P – Heritage (Section 4 and 5).

### **Section 4.55 Assessment – EP&A Act 1979**

The application was lodged under the provisions of Section 4.55(1A) of the Environmental Planning and Assessment Act 1979. This section states the following:

*1A) **Modifications involving minimal environmental impact** A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—*

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with—*
  - (i) the regulations, if the regulations so require, or*
  - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

*Subsections (1), (2) and (5) do not apply to such a modification.*

In regards to subclause 'a', it is considered that the proposed modifications sought as part of this application, will be of a minimal environmental impact in terms of neighbouring amenity and visual impacts to the public domain. It is likely that the proposed removal of the upper storey will have less of an environmental impact on neighbouring privacy, overshadowing and streetscape than the approved development.

In regards to subclause 'b', Council is satisfied that the development to which the consent as modified relates, is substantially the same development for which the consent was originally granted and before that consent as originally granted was modified for the following reasons:

- The proposed modifications specifically relates to an addition to the rear of the property.
- The proposed modifications results in the substantially the same architecture plans with the exception of deletion of the 0909-03A first floor Plan.
- The outside terrace remains as per the previous approved plan but is reduced in size.
- The proposed development is materially the same.

With regards to subclause 'c', the modification application as sought, was notified for at least 14 days, in accordance with Strathfield Council's Community Participation Plan (SCCPP). No submissions were received during notification period. With regards to subclauses 'c' and 'd', the original application and modification (DA2018/124 and DA2018/124/2) also did not receive any submissions during notification period.

Section 4.55(3) of the Environmental Planning and Assessment 1979 also applies to the modification application. Clause 3 states the following:

*“(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application”.*

The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified. The original application was approved by the Internal Development Approval Panel (IDAP) on the 28 February 2019. The reason for granting consent was that:

*“The proposal is considered an acceptable outcome for the site which will not compromise the amenity of the adjoining residents or detract from the heritage characteristics of the Merley Road Heritage Conservation Area.” (Section 4.15 (c) suitability of the site)*

The development as proposed to be modified is consistent with the above statement. The modifications will not compromise amenity or detract from the Heritage Conservation Area. Accordingly, it is satisfied that the reasons given for the grant of the original consent are consistent with the subject application.

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

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

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

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

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

#### **Strathfield Local Environmental Plan**

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

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

##### **Clause 2.1 – Land Use Zones**

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

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

Applicable SLEP 2012 Clause	Development Standards	Approved	Development Proposal	Compliance/ Comment
<b>4.3</b> Height of Buildings	9.5m	7.2m	3.7m	Complies
<b>4.4</b> Floor Space Ratio	0.60:1 (417.96m <sup>2</sup> ) Site size (696.6m <sup>2</sup> )	0.30:1 (211.69m <sup>2</sup> )	0.21:1 (148.1m <sup>2</sup> )	Complies

## Part 5 – Miscellaneous Provisions

### Heritage Conservation

The proposal is within a 'C13 – Merely Road Heritage Conservation Area'. 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 amended, satisfactorily address the provisions of this Clause.

## 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 does not include any significant excavation or basement works. Any excavation for footings or levelling of the site is considered to be minor and is unlikely to have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

### Flood Planning

The subject site has been identified as being at or below the flood planning level. The application has been reviewed by Council's Engineer who has advised that subject to suitable conditions, the development is considered compatible with the flood hazard of the land, will not result in significant adverse effects on flood behaviour or environment and is not likely to result in unsustainable social and economic loss. The proposed development is considered to satisfy the objectives of this clause.

### Essential Services

Clause 6.4 of the SLEP 2012 requires consideration to be given to the adequacy of essential services available to the subject site. The subject site is located within a well serviced area and features existing water and electricity connection and access to Council's stormwater drainage system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development

It is considered that the proposed development satisfies 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 submitted with the proposed development 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 SEPP55 are considered to be satisfied.

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

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

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

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

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

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

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

**(iii) any development control plan,**

The proposed development 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.

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
<b>Building Envelope</b>			
<b>Floor Space Ratio:</b>			

<b>Heights:</b>			
Floor to ceiling heights:	3.0m	3.0	Complies
Height to underside of eaves:	7.2m	3.7	Complies
Number of Storeys/Levels:	2	1	Complies
<b>Setbacks:</b>			
East Side:	1.2m (min)	2.2m	Complies
West Side:	1.2m (min)	3.8m	Complies
Combined Side Setback:	3m (20%)	6m	Complies
Rear:	6m	16.6m	Complies
<b>Landscaping</b>			
Landscaping/Deepsoil Provisions:	(site area 41.5 *%) (289m <sup>2</sup> )	Site area 62% (436.34m <sup>2</sup> )	Complies

### Building Envelope

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

- Building Scale, height and floor space ratio
- Fenestration and External Materials, and
- Street Edge

### PROVIDE ANY ADDITIONAL COMMENTS IF REQUIRED

#### Landscaping and Open Space

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005. The development will not impact the landscape of the existing streetscape. The reduced footprint of both the shed and the terrace will increase the areas for deep soil planting and no additional tree removal is proposed.

#### Solar Access

This modification will reduce the scale and footprint of the previously approved modification. It will improve the solar access to private open space and to the private open space of the adjoining premises. The proposal is considered to generally satisfy the relevant objectives and controls of the SCDCP 2005.

#### Privacy

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005, in that adequate privacy is maintained between adjoining properties and any potential overlooking is minimised. The addition is only single storey and does not overlook neighbouring yards as they are obscured by existing vegetation and fences.

#### Vehicular access and Parking

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005 in that it does not reduce the number of required parking spaces and adequate vehicular access provisions are maintained.

### **Cut and fill**

The proposed development is considered to satisfy the relevant objectives and controls of the SCDCP 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. Existing trees and shrubs have been retained where possible and ground water tables are maintained and impact on overland flow and drainage is minimised.

### **Water and Soil Management**

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

### **Access, Safety and Security**

The proposed development satisfies the relevant objectives and controls of the SCDCP 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.

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

In accordance with Part H of SCDCP 2005, a waste management plan was submitted with the application. The plan details measure for waste during demolition and construction, and the on-going waste generated by the development during its use. It is considered that this plan adequately address Part H and considered satisfactory.

### **PART P – Heritage (SCDCP 2005)**

An assessment of the proposal against the relevant objectives and development controls contained within Part P of SCDCP 2005, which relate to this application, is included below:

#### *5. Additional controls for development within the Residential Conservation Areas*

##### *5:3 Building Form*

<b>Clause</b>	<b>Control</b>	<b>Complies</b>
1	Any development proposal should retain the particular building character of each Residential Conservation Area as identified in the particular Statement of Significance for the Area.	Yes
2	Extensions should be sited to the rear of a dwelling within a Conservation Area, and are to be consistent and complement the existing dwelling. Alterations to the original main part of a building (other than a non-conforming building), including front and side facades, verandahs and roof forms, are discouraged.	Yes

**Comments:** The proposed works are located at the rear of the approved development, ensuring that the original dwelling and its original architectural features are conserved. The removal of the first storey from the rear of the property, will ensure that there is no visual change to the Heritage Conservation Area.

**5.9.10: Merely Road Heritage Conservation Area**

Clause	5.9.10.2 Development Controls	Complies
1	Gables should be restored, repaired or replaced to follow the consistent pattern throughout the Conservation Area.	N/A
2	Replacement roof materials are to match original materials on dwellings within this Conservation Area, such as unglazed terra cotta Marseilles tiles.	N/A
3	The original shape and materials of the front and side walls of dwellings within this Conservation Area shall not be altered. Face brickwork with render should be repaired or replaced where appropriate.	N/A
4	Existing original front verandahs are to be kept and repaired or reinstated where necessary.	N/A

**Comments:** The subject modification application does not propose any works relevant to Section 5.9.10.

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

The requirements of Australian Standard AS2601–1991: *The Demolition of Structures* is relevant to the determination of a development application for the demolition of a building.

The proposed development does involve the demolition of part of a building. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

**(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 subject site is located within the Merley Road Heritage Conservation Area which is typified by its distinctive building form, comprising of Interwar Californian bungalow style period houses. The proposed amendments are positioned behind the existing dwelling and cannot be seen from the public domain. The removal of the second storey addition will result in less overshadowing and increased privacy for neighbouring properties. Accordingly, the proposal is not considered to have any 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 is of a scale and design that is suitable for the site having regard to its size and shape, its topography, vegetation and relationship to adjoining developments.

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

In accordance with the provisions of 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. No submissions were received.

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

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

**Local Infrastructure Contributions**

Section 7.13 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. This section prescribes in part as follows:

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

**STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN**

Section 7.12 Contributions are applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan as follows:

Local Amenity Improvement Levy	\$1,000.00
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**Conclusion**

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

Following detailed assessment it is considered that Development Application 2018.124.3 should be approved.



**Signed:**

**E Black  
Specialist Planner Heritage**

**Date: 6 May 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: **JG**  
**Joe Gillies**  
**Senior Planning Officer**

Date: **11 May 2021**

Pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, the proposed modification(s) to Development Consent No. 2018/124/2 involving amendments to approved alterations and additions by removing the upper level, altering the internal layout, reducing the rear terrace and retaining the existing garden shed at 14 Merley Road, Strathfield be **APPROVED**, subject to:

- Modification of description to remove reference to the first floor addition.
- Modification to Condition No. 3 relating to the approved plans and documents.
- Modification to Condition No. 3 to remove 0909-03A First floor Plan.
- Remove Special Condition 2 – Shed Setback.

Accordingly, Development Consent No. DA2018/124/3 is approved as following:

#### **Development Description:**

Alterations and additions to an existing dwellings ~~including a first floor addition~~ in the Merley Road Heritage Conservation Area.

#### **SPECIAL CONDITIONS (GC)**

##### **1. LANDSCAPE PLAN – AMENDED (SC)**

Tree Nos. 3-8 as identified in the Arboricultural Impact Assessment prepared by The Ents Tree Consultancy dated 5<sup>th</sup> October 2018 and received by Council on 25 October 2018 are to be retained.

Amended plans identifying their retention shall be submitted and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

(Reason: To ensure consistency between plans.)

##### **2. ~~SHED – SETBACK (SC)~~**

~~The detached shed shall be located at least 500mm from the eastern side boundary.~~

~~Amended plans demonstrating compliance with this condition shall be submitted and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**~~

~~(Reason: Compliance with SCDCP 2005).~~

(Modified by DA2018/124/03 on 10 May 2021)

## GENERAL CONDITIONS (GC)

### 3. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

The development, except where modified by a condition(s) of consent, is to be carried out in accordance with the following plans and reference documentation:

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No.2018/124:

Drawing No.	Title/Description	Prepared by	Issue /Revision	Date received by Council
0909-02A	Ground Floor	Brad Inwood Architects	—	16 August 2019
<b>0909-02B</b>	<b>Ground Floor</b>	<b>Brad Inwood Architects</b>		<b>8 January 2021</b>
0909-03A	First Floor	Brad Inwood Architects	—	16 August 2019
0909-04A	Roof Plan	Brad Inwood Architects	-	16 August 2019
<b>0909-04B</b>	<b>Roof Plan</b>	<b>Brad Inwood Architects</b>	-	<b>8 January 2021</b>
0909-05A	Section	Brad Inwood Architects	-	6 August 2019
<b>0909-05B</b>	<b>Section</b>	<b>Brad Inwood Architects</b>	-	<b>8 January 2021</b>
0909-06A	Elevations 01	Brad Inwood Architects	-	16 August 2019
<b>0909-06B</b>	<b>Elevations 01</b>	<b>Brad Inwood Architects</b>	-	<b>8 January 2021</b>
0909-07A	Elevations 02	Brad Inwood Architects	-	16 August 2019
<b>0909-07B</b>	<b>Elevations 02</b>	<b>Brad Inwood Architects</b>	-	<b>8 January 2021</b>
0909-08	Erosion & Sedimentation	Brad Inwood Architects	-	6 September 2018
<b>0909-08A</b>	<b>Erosion &amp; Sedimentation</b>	<b>Brad Inwood Architects</b>	-	<b>8 January 2021</b>

0909-09A	Site Management Plan	Brad Inwood Architects	-	16 August 2019
<del>0909-12A</del>	<del>Colours &amp; Materials</del>	<del>Brad Inwood Architects</del>	<del>-</del>	<del>25 October 2018</del>
<b>0909-11B</b>	<b>Colours &amp; Materials</b>	<b>Brad Inwood Architects</b>	<b>-</b>	<b>8 January 2021</b>
1345-01	Landscape Plan	Acevski Landscape Designs	- A	16 August 2019
1345-02	Landscape Plan	Acevski Landscape Designs	-	16 August 2019
1345-03	Landscape Plan	Acevski Landscape Designs	-	16 August 2019
D001	Proposed Drainage Plan	CW Consultants	Rev 2	16 August 2019
<b>D001</b>	<b>Proposed Drainage Plan</b>	<b>CW Consultants</b>	<b>Rev 3</b>	<b>8 January 2021</b>

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No.2018/124/3:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Arboricultural Impact Assessment	The Ents Tree Consultancy	Dated 5 October 2018	25 October 2018
BASIX Certificate <b>MODIFIED: DA2018/124/02 15 November 2019</b>	No. A326923_04	Issued 11 August 2019	16 August 2019
<b>BASIX Certificate</b>	<b>No. A326923_05</b>	<b>Issued 19 December 2020</b>	<b>8 January 2021</b>
Heritage Impact Statement	Watermark Planning and Brad Inwood Architects	Dated 8 August 2018	6 September 2018
<b>Heritage Impact Statement</b>	<b>BIARCHITECTS ARCHITECTURE AND HERITAGE</b>	<b>19/12/2020</b>	<b>8 January 2021</b>
<del>Construction &amp; Site Management Plan</del>	<del>Brad Inwood Architects</del>	<del>_____</del>	<del>6 September 2018</del>
<b>Construction &amp; Site Management Plan Erosion and Sedimentation Plan Landscape Plan</b>	<b>Brad Inwood Architects</b>	<b>-</b>	<b>8 January 2021</b>
Construction Noise & Vibration Management Plan	Brad Inwood Architects	Dated 29 August 2018	6 September 2018

Demolition Work Plan	Brad Inwood Architects	-	<del>6 September 2018</del> 8 January 2021
Waste Management Plan	Brad Inwood Architects	-	6 September 2018

In the event of any inconsistency, the conditions of this consent shall prevail.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council.)

**MODIFIED DA2018/124/3 on 10 May 2021**

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

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 35.03AHD to the roof ridge of the building.

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

**5. 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.)

**6. CONSTRUCTION WITHIN BOUNDARIES (GC)**

The development including but not limited to footings, walls, roof barges and guttering must be constructed wholly within the boundary of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath or adjoining land.

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

**7. 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.)

**8. 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.)

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

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

Tree No. in Arborist Report	Tree	Location
1	<i>Syagrus romanzoffiana</i> Cocos Palm	Western side boundary
2	<i>Archontophoenix cunninghamiana</i> Bangalow Palm	Rear yard

All trees recommended to be removed as submitted in the Arboricultural Impact Assessment prepared by The Ents Tree Consultancy dated 5<sup>th</sup> October 2018 and received by Council on 25 October 2018 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.)

#### 10. ENVIRONMENTAL PROTECTION – TREE (GC)

The trees listed below shall be retained at all times:

Tree No. Arborist Report	Tree	Height/ Spread (m)	Location	Protection Zone (m)	Structural Root Zone (m)
3	<i>Howea forsteriana</i> Lord Howe Island Palm	6 x 4	Eastern side boundary	2	1.5
4	<i>Livistona australis</i> Cabbage Palm	6 x 5	Rear yard	4.2	2.35
5	<i>Arbutus unedo</i> Irish Strawberry	6 x 6	Eastern side boundary	3	2.15
6	<i>Liquidambar styraciflua</i> Sweetgum	17 x 14	Rear yard	7.2	2.85
7	6 x <i>Cupressus macrocarpa</i> Gold Monterey Cypress	5 x 4	Rear property boundary	4.2	2.35
8	<i>Lophostemon confertus</i> Brush Box	9 x 11	Road Reserve	6	2.7

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 recommendations, including Tree Protection Fencing contained in the Arboricultural Impact Assessment prepared by The Ents Tree Consultancy dated 5<sup>th</sup> October 2018 and received by Council on 25 October 2018 are to be implemented and complied with.

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

**11. 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.)

**12. 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.)

**13. 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)
- x) 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.
- xi) All waste must be contained entirely within the site.

- xii) 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.
- xiii) 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.
- xiv) 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.
- xv) 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.
- xvi) 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.
- xvii) 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.
- xviii) 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.
- xix) 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.
- xx) Any work must not prohibit or divert any natural overland flow of water.
- xxi) 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.)

#### 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 a practicing Chartered Professional Engineer on the National Professional Engineer's Register (NPER) at Engineers Australia and submitted to the Principal Certifying Authority and Council, prior to the issue of a Construction Certificate. The SWMP is to be based on the approved development as modified by any conditions of consent.

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

#### 15. **SYDNEY WATER - STAMPED PLANS PRIOR TO COMMENCEMENT (GC)**

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

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

(Reason: Compliance with Sydney Water requirements.)

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

### **16. BASIX COMMITMENTS (CC)**

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

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

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

(Reason: Statutory compliance.)

### **17. BUILDING CODE OF AUSTRALIA - COMPLIANCE WITH (CC)**

All architectural drawings, specifications and related documentation shall comply with the Building Code of Australia (BCA). All work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by the consent commences.

Details demonstrating compliance with this condition are to be submitted to the Principle Certifying Authority, prior to issue of the Construction Certificate.

(Reason: This is a 'prescribed' condition under clause 98(1) of the Environmental Planning and Assessment Regulation 2000.)

### **18. 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.)

19. **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](http://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 10m<sup>2</sup> 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 Safely 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.)

## 20. **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.)

## 21. **HERITAGE - REUSE OF SIGNIFICANT BUILDING ELEMENTS (CC)**

The reuse and recycling of significant elements such as bricks, sandstone blocks, verandah thresholds, wall vents, ceiling roses and timber joinery etc. is required. The recycling is to occur, preferably on site and/or to suitable professional recycling yards specialising in the recycling of historic building materials. Removal and storage of these materials is to be carefully carried out by the workers and a specific stockpile area is to be designated and protected. A detailed plan for execution of the above requirements is to be submitted to and approved by Council's Heritage Advisor, prior to issue of a Construction Certificate.

(Reason: To allow for preservation of cultural resources within the Strathfield Council area.)

**22. DEMOLITION - HERITAGE ITEMS (GC)**

Alterations to, and demolition of, the existing building shall be limited to that documented on the approved plans (by way of notation) or conditioned in this consent. No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

Should any portion of the existing building which is indicated on the approved plans to be retained, be damaged for whatever reason, all the works in the area of this damaged portion are to cease and written notification given to Council. No work is to resume until the written approval of Council is obtained.

(Reason: Heritage conservation.)

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

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

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

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

**24. 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.)

**25. 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	\$1,000.00
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The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. The amount of the contribution under this condition shall be indexed in accordance with clause 4.12 of the Strathfield Indirect Development Contributions Plan 2010-2030.

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

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

Note: A copy of Strathfield Council's Section 7.12 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.)

**(Modified by DA2018/124/03 on 10 May 2021)**

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

A security (damage deposit) of **\$5,200.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

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

(Reason: Protection of Council infrastructure.)

27. **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.)

## 28. **TREE BONDS (CC)**

A tree bond of **\$6,600.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

The deposit is required as security against any damage to 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.)

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

### **29. 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.)

**30. HOME BUILDING COMPENSATION FUND (CW)**

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

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

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

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

(Reason: Statutory requirement.)

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

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

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

(Reason: Statutory requirement.)

## **CONDITIONS TO BE SATISFIED DURING DEMOLITION AND BUILDING WORKS (DW)**

### **32. 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.)

### **33. PUBLIC INFRASTRUCTURE AND SERVICES (DW)**

The applicant must comply with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc.) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

(Reason: To maintain public infrastructure and/or services.)

### **34. 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 form work, or the laying of roofing materials.
- iii) At the completion of the development.

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

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

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

### **35. DRAINAGE SYSTEM - MAINTENANCE OF EXISTING SYSTEM (OC)**

Where elements of the existing drainage system are to be utilised, the existing drainage system shall be overhauled and maintained clear of silt and accumulated debris. Silt and the like shall be removed, not flushed from the system.

A certificate shall be provided by a suitably qualified person (a registered plumber or a person of equivalent or greater experience or qualification) to the satisfaction of the Principal Certifying Authority, prior to the issue of any Occupation Certificate to confirm that the system is in good working order and adequate to accept additional flows having regard to any relevant standards and/or Sydney Water requirements.

(Reason: Maintenance and environment.)

36. **ENGINEERING WORKS (CERTIFICATION OF)**

Prior to occupation of the premises, a Work As Executed (WAE) Plan of all engineering and/or drainage works is to be submitted to the Principal Certifying Authority. The WAE Plan is to be certified by a suitably Qualified Engineer, with Corporate Membership standing in the Institution of Engineers Australia and registered on the National Professional Engineers Register (NPER) under the appropriate professional category, demonstrating that:

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

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

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

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

(Reason: Asset management.)

37. **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.)

38. **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.)

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

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

(Reason: Adequate stormwater management.)

40. **STORMWATER - COVENANT AND RESTRICTION AS TO USER FOR STORMWATER CONTROLLED SYSTEMS (OC)**

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, 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 the 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.

(Reason: To ensure the on-site detention and/or pump system is maintained to an appropriate operational standard.)

You are reminded that the other conditions and terms of the original consent still apply and must be complied with.

An amended Construction Certificate may also be required, if the modification relates to changes to the building.

## **ADVISORY NOTES**

### **1. Review of Determination**

Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney East Planning Panel or the Land & Environment Court.

### **2. Appeal Rights**

Division 8.3 (Reviews and appeals) Part 8 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

### **3. Lapsing of Consent**

This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

### **4. Access to NSW Legislations (Acts, Regulations and Planning Instruments)**

NSW legislation can be accessed free of charge at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

### **5. Long Service Levy**

The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

## 6. Disability Discrimination Act

This application has been assessed in accordance with the [Environmental Planning and Assessment Act 1979](#). No guarantee is given that the proposal complies with the [Disability Discrimination Act 1992](#). The applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The [Disability Discrimination Act 1992](#) covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which refers to AS1428.1-Design for Access and Mobility.

## 7. Stormwater & Ancillary Works – Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993

To apply for approval under Section 138 of the [Roads Act 1993](#):

- (a) Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au).
- (b) In the Application Form, quote the Development Consent No. (eg. DA2020/155) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Works Permit applications.

An approval for a new or modified vehicular crossing will contain the approved access and/or alignment levels which will be required to construct the crossing and/or footpath. Once approved, all work shall be carried out by a private contractor in accordance with Council's specifications prior to the issue of an Occupation Certificate.

The developer must meet all costs of the extension, relocation or reconstruction of any part of Council's drainage system (including design drawings and easements) required to carry out the approved development.

## 8. Site Safety Fencing

Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au)).

## **9. Register your Swimming Pool**

All swimming pools in NSW are required to be registered. Fines apply for pools that are not registered. To register please visit: [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au)

## **10. Australia Post – Letter Box Size and Location**

The size and location of letterboxes servicing the development are to comply with the requirements and standard of Australia Post (see attached link: [https://auspost.com.au/content/dam/auspost\\_corp/media/documents/Appendix-02.pdf](https://auspost.com.au/content/dam/auspost_corp/media/documents/Appendix-02.pdf) )