

IDAP REPORT – SECTION 4.56 MODIFICATION

Property:	14-26 Telopea Avenue HOMEBUSH WEST LOT 110, 111, 112, 113, 114, 115 & 116 in DP 11427 DA2017/21/3
Proposal:	Section 4.56 Modification Application for a part two (2) storey, part three (3) storey townhouse development involving a reduction of dwellings from twenty-five (25) to twenty-two (22), changes to height, roof design, internal layout of dwellings and basement carpark, and alterations of external facade.
Applicant:	Amh Subsidiary Pty Ltd
Owner:	Amh Subsidiary Pty Ltd
Date of lodgement:	1 February 2021
Notification period:	15th February to 1st March 2021
Submissions received:	One
Assessment officer:	G Andonoski
Estimated cost of works:	\$7,600,000.00
Zoning:	R3-Medium Density Residential - SLEP 2012
Heritage:	No
Flood affected:	Yes
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL



Figure 1: Locality Plan showing subject site (outlined in red) and surrounding properties.

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the Section 4.56 Modification Application of a part two (2) storey, part three (3) storey townhouse development involving a reduction of dwellings from twenty-five (25) to twenty-two (22), changes to height, roof design, internal layout of dwellings and basement carpark, and alterations of external facade.

Site and Locality

The site is identified as 14-26 Telopea Avenue HOMEBUSH WEST, comprising of 7 parcels of land and has a legal description of Lots: 110-116 DP: 11427. The site is a slightly irregular rectangular shaped parcel of land and is located on the eastern side of Telopea Avenue.

The site has a variable width of 120.04/120.07m, a depth of 33.18/35.5m and an overall site area of 4017m².

The surrounding streetscape is currently transitioning from low to medium density residential development consistent with the sites R3 Medium Density zoning.

Strathfield Local Environmental Plan (LEP)

The site is zoned R3-Medium 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 (DCP)

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 15 February to 1 March 2021, where one (1) submission was received. The submission is considered to relate to the overall development and was not relevant to the modifications being sought and therefore are not considered further in the assessment.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2017/21/3 is recommended for approval subject to suitable modification of appropriate conditions.

REPORT IN FULL

Proposal

Council has received an application for the Section 4.56 Modification Application for a part two (2) storey, part three (3) storey townhouse development involving a reduction of dwellings from twenty-five (25) to twenty-two (22), changes to height, roof design, internal layout of dwellings and basement carpark, and alterations of the external facade. More specifically, the proposal includes;

- Reduction in the number of dwellings from 25 to 22 (20 x 4 and 2 x 3 bedroom) dwellings.
- Modification to the roof form which also deletes the second floor (3rd level).
- Increase in size of basement garage, providing 20 double garages and parallel visitor parking. Removal of internal ramp and grade to create one level parking area.
- Modification of the internal floor plans of the dwellings resulting in an increased ground floor and more useable floor area.
- Alteration and increase to the ground floor area and rear landscaped yards.
- Modification to the façade design, roof form, building materials and finishes.

The Site and Locality

The subject site is legally described as Lots: 110-116 DP: 11427 and commonly known as 14-26 Telopea Avenue HOMEBUSH WEST. It is located at the south eastern end of Telopea Avenue and encompasses the 90 degree bend in the road, sitting between Parramatta Road and Courallie Avenue.

The site is a slightly irregular rectangular shaped parcel of land with a main frontage of 120m to Telopea Avenue (eastern side), rear boundary of 120m along the open stormwater channel, a side boundary to the secondary street frontage of Telopea Street of 33m (southern end) and side boundary length of 35m adjoining the residential property to the north with an overall site area of 4017m².

The site slopes from the south to the north, has a cross-fall of 1.72m and also has a slight fall across the site (west-east) from Telopea Avenue to the stormwater channel at the rear ranging from 1.0m to 0.65m.

The site was occupied by an industrial warehouse complex (recently demolished) which comprised of single and two storey buildings. Vehicular access is provided to the site via three existing driveways off the main Telopea Avenue frontage and an additional driveway off the secondary southern frontage to Telopea Avenue.

The streetscape is currently transitioning from low to medium density residential development in accordance with the sites R3 Medium Density zoning.

Background

1 June 2017

Strathfield IHAP refused Development Application No. 2017/021 for the demolition of existing site structures and construction of a part two storey and part three storey townhouse development at 14-26 Telopea Avenue, Homebush West.

- 18 December 2017** The Land and Environment Court of NSW approved Development Application No. 2017/021 (Case No. 2017/00193512) for the demolition of existing site structures and construction of a part two storey and part three storey townhouse development at 14-26 Telopea Avenue, Homebush West. As part of the court approval, the number of dwellings was reduced from 28 to 25.
- 18 December 2018** An application to modify the approval under the provision of Section 4.56 of the EP&A Act was lodged with Council for the minor internal and external changes to the approved development.
- 7 February 2019** Approval of the Section 4.56 application by the Strathfield Internal Development Assessment Panel.
- 1 February 2021** Current application lodged with Council.
- 15 February 2021** Notification in accordance with Council's Community Participation Plan for a period of 14 days. One submission received which was not relative to the modifications being sought.
- 1 March 2021** Request for additional information and clarification on a number of matters. Additional information received 9 April 2021.
- 11 May 2021** Further design changes and treatment to elevations requested with modified plans uploaded onto the portal on 26 May 2021. It is these plans that are relied upon for the final assessment.

Referrals – Internal and External

The application was referred internally to Council's Tree Officer, Stormwater Engineer, Traffic Engineer, Waste Officer and Compliance Officer.

Tree Officer Comments

The application was referred to Council's Tree Management Coordinator as the modified application resulted in the removal of three additional trees, which were previously conditions to be retained. Council's Tree Management Coordinator has advised that he has no objection to the proposal and the removal of the additional three (3) trees.

Stormwater Engineer

Council's Development Engineer has reviewed the amended proposal and has no objection to the works, subject to the amendment of the condition that reflects the new plan numbers and an additional condition relating to works near existing drainage easements or drainage reserves.

Traffic Engineer

Council's Traffic Engineer had no objections to the proposed basement layout subject to the applicants and their Traffic report clarifying the number of parking spaces and adaptable parking, and that the previous conditions are maintained subject to changing the conditions referencing the number of spaces and allocation of spaces.

Waste Officer

The proposed modifications reduced the number of dwellings proposed but has maintained the same arrangement with each dwelling having their own bins within the front courtyards

and easy access to the street. Considering the modifications made no change to the waste disposal from the site, the previous conditions will be maintained.

Compliance Officer

The compliance officer raised no objection to the proposal and provided conditions of consent, which will be incorporated into the approval as required based on the previous conditions of consent.

External Referrals

The original application was referred to Water NSW as it was classified as an Integrated Development under the previous Section 91 of the EPA Act 1979 as it required approval under The Water management Act 2000. The General terms of Approval (GTA) were provided on 29 March 2017 and included in the conditions of consent. The proposed modifications will not alter the terms of approval and a subsequent referral was not required with these modifications.

Section 4.55 of the EP&A Act 1979

The application has been lodged under the provisions of s4.56 of the EPA Act as the original determination was made by the Land & Environment Court. The application is not considered to be of minimal environmental impact, however, is considered to be 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. In addition, under the provisions of s4.55 (3), the reasons for the granting on the consent that sought to be modified will be taken into consideration during the detailed assessment of the 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,***

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 R3-Medium 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	Court Approved	S4.56 2019 Approved	Development Proposal	Compliance/ Comment
4.1A Minimum Lot Size	1000m ²	4017m ²	4017m ²	4017m ²	Yes
4.3 Height of Buildings	9.5m	10.45m	10.45m	9.5m	Yes (i) – See Below
4.4 Floor Space Ratio	0.65:1 (2,611m ²)	0.65:1 (2,611m ²)	0.71:1 (2,865m ²)	0.71:1 (2862.06m ²)	No (ii) – See below

Variations to principal Development Standards ((i) and (ii))

The provisions of Clause 4.6 do not apply to an application for the modification of development consent, which seeks to modify a Development Standard. Any variation is to be assessed against the aims and objectives of SLEP 2012. However, based on what has been previously approved both in the Court approved DA and subsequent modification, the proposal will result in a slight reduction in the overall height of the buildings so that they now comply with the LEP HOB of 9.5m. The proposal will also reduce the total FSR by 3sqm, whilst still non-complying, the merits of this were assessed and accepted with the previous modification and are not subject to review or assessment with this application.

Part 5 – Miscellaneous Provisions

Heritage Conservation

The subject site is not listed as a heritage item or located within a heritage conservation area. The site does not adjoin nor is in close proximity to a heritage item and as such, the provisions of this clause are not applicable.

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 or 3 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 involves some additional excavation for the basement level along the eastern side boundary adjacent to the open stormwater channel. The depth of the basement has been reduced at the northern end and is now one level. The depth of excavation has been kept to minimum requirement to comply with Council's DCP controls and provide adequate clearance height for adaptable access provisions. All ancillary works have been limited to what is required to provide access to and from the basement. The proposed additional excavation works are unlikely to disrupt or effect existing drainage patterns or soil stability in the locality or effect the future use or development of the land. It is unlikely to effect the existing and likely amenity of adjoining properties and there is no potential for adverse impacts on any waterways, drinking water catchment or environmentally sensitive areas. Council's Engineer has advised it will no impact on the existing stormwater channel nor will it impact on the general terms of approval issued by Water NSW. The proposed excavation works are considered to satisfactorily address the objectives of this clause.

Flood Planning

The subject site has been identified as being at or below the flood planning level. The application as modified has been reviewed by Council's Engineer who has advised that subject to suitable conditions, which were applied to the original consent and which are to be amended as required to suit the modified works, 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

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. The BASIX Certificate will need to be amended to reflect the correct Local Government Area and the lots covered by the application.

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.

As part of the original application a preliminary site investigation was carried out, which recommended a more detailed report be undertaken once the existing structures were demolished and removed. This was condition No.60 – Detailed Site Investigation of the court approved conditions. This condition will remain as is.

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 proposal was referred to Council's Tree Management Officer as the modified application required the removal of three additional trees (8, 9 and 17) which were conditioned for retention in the original approval. The applicant submitted an addendum report prepared by Redgum Horticultural who advised that these trees cannot be retained under the amended design and would have to be removed.

Twelve trees (street trees and site trees) will still be retained as part of this application.

Council's tree management Coordinator reviewed the documentation and had no objection to the proposal and removal of these three additional trees.

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

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

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

(iii) any development control plan,

The proposed development, as modified, is subject to the provisions of the Strathfield Consolidated Development Control Plan 2005. The following comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP, where applicable to the proposed changes;

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
Site Requirements:			
Site Area:	1000sqm	4,017sqm	Yes
Site Width:	30m	120.45m	Yes
Building Envelope			
Building Height/Scale: 2-3 Storey townhouses & unit Finished Ground Floor Level Front Setback	3 storeys <1.2m above NGL 9m Total 12m (3m min)	2 storey <1.2m 4.0 to 7.5m	Yes Yes No(i) - acceptable
Side & Rear Setbacks: Building envelope	3m + 45 degree along side and rear boundaries	Buildings sit within the envelope	Yes

Side setbacks	4m minimum	>4m	Yes
Dwelling Unit & Building Design			
Building Design Adaptable Housing Building Design/footprint	15% (3.3 units)	3 units	Yes (ii) – Conditioned
	6m midpoint separation	No midpoint separation	Yes on merit (iii)
	Max wall length – 30m	<30m	Yes
Unit size & layout >3 bedroom townhouse	50% of townhouses have 1 bedroom on ground floor (11)	90% have a bedroom on ground floor (20 units)	Yes
	120sqm	All units >120sqm	Yes
Energy Efficiency & Water Conservation			
Energy Efficiency	3.5 Star NatHers Rating	Basix Compliance	Yes
Solar Access	3hours to living areas and 50% of POS Solar access maintained to adjoining properties	<3 hours to living areas and <50% to POS No impact on solar access to adjoining properties	No(iv) – acceptable on merit Yes
Streetscape & Building Orientation			
Front Fences	<900mm solid	1.3m-1.5m	No (v) – conditioned
Side & Rear fences	1.8m	1.8m	Yes
Open Space and Landscaping			
Landscape Area	40% (1607sqm)	1862.39sqm (46%)	Yes
Deepsoil	35% of LA (562sqm)	797.42sqm (40%)	Yes
Common Open Space	10% (401sqm)	Nil	No (vi) - NA
Private Open Space	40sqm (4m min)	4 units < 40sqm (23.5 x2, 34.84, 35.88)	No (vii) - acceptable
Access and Parking			
No. of Parking Spaces:	2 spaces per townhouse – 44	44 spaces	Yes
Visitor Parking	1/5 units or part thereof – 5 spaces	5 spaces	Yes (viii)
Designated Car washing Bay	1	1 (part of visitor)	No (viii) - acceptable

Front Setbacks (i);

The front setback along Telopea Avenue varies from 6.1m to 7.5m, and further sets back to the front entry door and main building facade. The proposed setbacks are not inconsistent with those approved in the court consent. The development has a street frontage of 120m facing west along Telopea Avenue, with 18 dwellings addressing this street frontage. The building façade is well articulated, provides changes in materials and roof forms to help break up the streetscape. Whilst the DCP requires a 9 metre setback, this may be reduced where the predominant setback in the street is less than 9 metres. The existing dwellings

between the subject site and Parramatta Road have a setback of approximately 6-6.5m, so the proposal will be complimentary to the existing streetscape. Further to this, the frontage of the development site is 60% of the street frontage of Telopea Avenue, so it will actually become the predominant streetscape.

In relation to the secondary street frontage, the front setback ranges from 2.6m to 3.1m, which is to the blade walls of the dwellings. The main building façade at ground and first is generally setback 4m, with bade walls and balconies encroaching the front setback. Whilst the DCP requires 3m, the proposed setback is considered acceptable when compared to the existing streetscape and the adjoining property to the south-east, which is a residential dwelling with a minimum side setback.

Overall, it is considered that the development will complement the existing streetscape character and given its significant streetscape frontage, will become the predominate streetscape in the locality.

Adaptable Housing (ii);

The DCP requires 15% of the dwellings to be capable of being readily modified to accommodate adaptable housing. Based on 22 units, this would require 3.3 dwellings. The development proposes 3 dwellings that have been designated as adaptable units. Whilst the original consent did not condition the number of adaptable dwellings, the approved plans showed four nominated adaptable dwellings out of 25 (16%).

Given the similarity in the layout of the units, with Units 1-20 having a similar garage and ground floor, all with a bedroom on the ground floor, there is no reason why this provision cannot be complied with and an additional adaptable unit be provided. As such, an appropriate condition will be inserted stipulating this requirement.

6m Midpoint Separation (iii);

Given the orientation of the site with all dwellings having street frontage and presenting to the street, the 6m midpoint provision does not apply to this layout. There is significant articulation between the dwellings as they present to the street and a small separation between dwellings 18 and 19 is present. The articulation, use of materials and façade treatments provide an interesting streetscape and presentation to the street. The removal of the third floor from the original approval also brings the dwellings back to a scale in line with the existing and future desired character.

Solar Access (iv);

Given the orientation of the site (north/south) and the long street frontage to Telopea Avenue, not all dwellings will receive the minimum amount of solar access to the dwellings and their private open space. This is unavoidable due to the orientation, with all units facing the street (west and south). All dwellings have their living areas and private open space at the rear to take advantage of the limited solar access.

This is the same layout at the original court approved development and the solar access is maintained and slightly improved from the original approval.

Given the rear setbacks and orientation of the sites, the development has no impact on the solar access of adjoining properties and is considered acceptable.

Front Fence (v);

The DCP limits the height of front fences, where they are solid to a maximum height of 900mm. Front fences can be higher, where they are open wrought iron or similar. The development generally proposes a white aluminium slat fence which ranges in height between 1300mm to 1500mm, which is considered acceptable. There is a section of front

fence for all dwellings that is solid and of similar height for a width of 2metres, which is used to store and screen the individual garbage bins for each dwelling from the street elevation. This helps break up the fence and provide visual relief, whilst screening the bins from the streetscape elevation. Given that the 240 litre bins are 1060mm high, the solid component of the fence can be restricted to a maximum height of 1200, which will still screen the bin and not impede sight lines or close off the front of the dwellings.

Common Open Space (vi);

The DCP requires 10% of the site area of 100sqm (whichever is greater) of common open space with a minimum dimension of 7 metres and be conveniently located for all residents. Given that the development is for townhouses only, with all townhouses having sufficient private open space there is no need or necessity for the provision of common open space. The original consent, which was for 25 dwellings did not provide any common open space and the modification, which reduces the number of dwellings does not necessitate the need for any common open space.

Private Open Space (vii);

Under the proposed modifications there are a total of 5 dwellings that do not provide the minimum 40sqm of private open space. Units 15, 16 and 17 have very minor variations ranging from 5.16sqm to 0.9sqm. The variations are minor, with each dwelling have a significant portion of this area under cover ensuring year round use of the private open space with direct access from the living areas with all units having an additional open space of 39sqm at the front of the dwelling. This variation is considered insignificant and can be supported by Council.

Dwellings 2 and 3 have a combined private open space of 46sqm each, which is split between the front and rear yards of each dwelling. The POS in the rear yard has direct access off the living areas and is designed to be an extension of the internal area. The areas will have some protection from the weather. The POS complies with the minimum dimension of 4m and the variation is supported in this instance.

It should be noted that a number of the dwellings in the original Land & Environment Court approval failed to satisfy the minimum 40sqm for POS. This design is considered an improvement on the court approval, reducing the number of dwellings and providing better internal amenity to the occupants of each dwelling.

Visitor Parking/Car Wash Bay (viii);

Based on the DCP Controls, the development requires 2 spaces per dwelling (44 residential spaces) and 1 visitor space per 5 dwellings or part thereof. In this instance (22/5), this equates to 4.4 spaces, which is rounded up to 5 spaces. Further to this, for multi-dwelling housing of more than 10 dwellings/units a designated car wash bay is required. The DCP does not define if this it to be in addition to the visitor spaces or if one of the visitor spaces can be the nominated car wash bay.

The development is proposing 49 car parking spaces, which includes 44 residential spaces and 5 visitor spaces. It is proposed to condition one of the visitor spaces within the basement be nominated as a car wash bay and constructed accordingly.

Given the extensive street frontage of the site and kerb side parking available, it is considered the parking provided on-site is adequate for the development, and there is sufficient kerbside parking for visitors and the shortfall of potentially one parking space is not significant and the variation is supportable.

Privacy and Security

The proposed development, as modified, satisfies the relevant objectives and controls of the SCDCP 2005, in that adequate privacy is maintained between dwellings within the development and to adjoining properties. Any potential overlooking is minimised. There is a highlight window on the ground floor northern elevation facing the adjoining residential property which will not have any privacy impacts and all first floor windows on the rear (southern elevation) are off bedrooms with no balconies.

All dwellings have a balcony and front door facing the street to provide passive surveillance and security to the occupants of the dwellings. Vehicular access is mainly via a secured basement with internal access to each dwelling from their secured parking space/garage. Dwellings 21 and 22 also have garages with direct street access from the northern end of Telopea Avenue.

Separate pedestrian access is available to each dwelling from the street frontage.

Site Facilities and Water Management

The proposed development, as modified, satisfies the relevant objectives and controls of the SCDCP 2005 and complies with Council's Stormwater Management Code. A soil erosion plan has been submitted with the application to prevent or minimise soil disturbances during construction. Council's Development Engineer has raised no objections with the modifications and recommended approval subject to the previous conditions of consent and some minor modifications to reflect the new plans.

Adequate provisions for services (telecommunications and electricity) are available in the street, individual letter boxes will be provided for each dwelling and clothes drying facilities are available within each private courtyard.

Excavation of Site

The proposed development, as modified, is considered to satisfy the relevant objectives and controls of the SCDCP 2005. The excavation has been adequately setback from any adjoining residential property or public roadway. However, as part of the modification, excavation towards the street frontage has increase to provide greater storage rooms within each garage. This has resulted in the excavation encroaching into the tree protection zone of trees 8, 9 and 17, which were originally identified for retention. Council's Tree Officer has raised no objection to the removal of these trees.

The excavation adjoining the Council stormwater drainage channel has been proposed to abut the channel. It is however excavated to a depth below the invert of the channel so as to not have any impact or load distribution onto the channel.

Council's Development Engineer has not raised any objections to the proposed basement adjoining the stormwater channel.

PART H – Waste Management (SCDCP 2005)

A waste management plan was submitted with the original application. The existing plan adequately accommodates the modified development and does not generate any additional waste.

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

The provisions of this clause are not relevant to the modification and have been addressed/considered as part of the original development consent.

(b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

The proposed development, as modified, is of a scale and character that is in keeping with other developments being constructed in the locality. Accordingly, the proposal is not considered to have a significant impact on the natural and built environment or any negative social or economic impacts on the locality.

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

It is considered that the proposed development, as modified, is of a scale and design that is suitable for the site having regard to its size and shape, its topography, vegetation and relationship to adjoining developments.

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

In accordance with the provisions of Councils Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment. One submission was received raising the following concerns:

- That end was flooded pretty badly 10 years ago
- The street is too narrow and it bends, creating a blind spot.
- No parking in the street
- Noise and garbage in the area are disgusting

Comment

The issues raised in the submission do not relate to the amendments being sought in the modification.

Mediation/Public Meeting

As the matters raised in the submission were not relative to the application as modified, there was no need or requirement to discuss these with those who made the submission.

(e) *the public interest.*

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

Local Infrastructure Contributions

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

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

STRATHFIELD DIRECT SECTION 7.11 CONTRIBUTIONS PLAN

Section 7.11 Contributions are applicable to the proposed development as modified, which results in a reduction in the number of dwellings in accordance with the Strathfield Direct Development Contributions Plan 2010-2030 as follows:

Provision Roads and traffic Management	\$ 0.00
Provision of Local Open Space	\$ 50,196.92
Provision of Major Open Space	\$ 116,096.48
Provision of Community Facilities	\$ 55,726.63
Administration	\$ 4,805.17
TOTAL	\$ 226,825.20

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 the modification to Development Application No. 2017/21/3 should be approved subject to conditions as modified and listed below;

Description of Proposal Approved to read;

“Demolition of existing site structures and construction of a two storey town house development comprising of 22 dwellings above a basement carpark”.

The following conditions are to be modified;

1. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)
6. FENCING - FRONT FENCE HEIGHT (GC)
8. LANDSCAPING - TREES PERMITTED TO BE REMOVED (GC)
14. ACCESS - ACCESS FOR PEOPLE WITH DISABILITIES (CC)
16. BASIX COMMITMENTS (CC)
19. CAR PARKING - DISABLED CAR PARKING SPACES (CC)
20. CAR PARKING - REQUIREMENTS FOR MULTIPLE USE BUILDINGS (CC)
38. SECTION 94 CONTRIBUTION PAYMENT - DIRECT CONTRIBUTIONS PLAN (CC)
75. LANDSCAPING - STREET TREE REMOVAL AND REPLACEMENT TREE COST (OC)

The following condition is to be added;

- 59A EXISTING DRAINAGE EASEMENT, DRAINAGE RESERVE OR STORMWATER DRAINAGE SYSTEM BENEFITING COUNCIL (CW)

Signed:
G Andonoski
Specialist Strategic Planner

Date: 8 June 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 modified development application and I also certify that Section 7.11 Contributions are applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed and concurred with.

Signed:
Joseph Gilles

Date: 11 June 2021

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 relating to Development Application No. 2017/021:

Drawing No/	Title/Description	Prepared by	Issue / Revision	Date
DA-001	Cover sheet	Squillace	G	11.09.2017
DA-012	Site Analysis Plan	Squillace	G	11.09.2017
DA-030	Demolition Plan Ground Level	Squillace	B	26.06.2017
DA-101	Floor Plan Basement Level	Squillace	G	11.09.2017
DA-102	Floor Plan Ground Level	Squillace	G-D	11.09.2017 06.12.2018
DA-103	Floor Plan Level 1	Squillace	G-E	11.09.2017 06.12.2018
DA-104	Floor Plan Level 2	Squillace	G	11.09.2017
DA-105	Roof Plan	Squillace	G	11.09.2017
DA-110	Floor Level Diagram	Squillace	G	11.09.2017
DA-201	Elevations North- West	Squillace	G-E	11.09.2017 06.12.2018
DA-202	Elevations South- East	Squillace	G-E	11.09.2017 06.12.2018

DA-203	Elevations North-East & South-West	Squillace	C	11.09.2017
DA301	Sections-Sheet 1	Squillace	C-E	11.09.2017 06.12.2018
C1.01-SY160674	Cover Sheet, notes and legend	Acor	C	28.04.17
C2.02-SY160674	Civil Plan - Basement	Squillace	A	28.04.17
C1.05-SY160674	Details-Sheet 1	Squillace	B	07.02.17
C1.06-SY160674	Details-Sheet 2	Squillace	B	07.02.17
C1.07-SY160674	Details-Sheet 3	Squillace	B	07.02.17
SY160674	Civil Plan - Siteworks	Squillace	B	07.02.17
C2.01-SY160674	Civil Plan - Siteworks	Squillace	B	07.02.17
C3.01-SY160674	Soil Erosion and Sediment Control Plan	Squillace	B	07.02.17
LPDA 17-189	Landscape Plan Ground Floor	Concept Landscape Architects	C	9.10.17
DA-700	Type 2A	Squillace	B	06.12.2018
DA-701	Type 2B	Squillace	B	06.12.2018
DA-702	Type 3A	Squillace	B	06.12.2018
DA-703	Type 3B	Squillace	A	06.12.2018
DA-704	Type 3C	Squillace	B	06.12.2018
DA-705	Type 3D	Squillace	B	06.12.2018

Drawing No	Title/Description	Prepared by	Issue / Revision	Date
DA-001	Cover sheet	IDG Architects	B	
DA-030	Demolition Plan	IDG Architects	A	09.12.2020
DA-101	Basement Plan	IDG Architects	I	15.03.2021
DA-102	Ground Floor Plan	IDG Architects	I	21.05.2021
DA-103	First Floor Plan	IDG Architects	I	21.05.2021
DA-104	Roof Plan	IDG Architects	H	21.05.2021
DA-201	North & East Elevation	IDG Architects	D	21.05.2021
DA-202	South & West Elevations	IDG Architects	C	21.05.2021
DA-203	West & North East Elevations	IDG Architects	C	21.05.2021
DA301	Sections	IDG Architects	A	09.12.2020
C1.01	Stormwater Cover Sheet & Legend	Acor	A	03.12.2020
C1.02	Stormwater Plan - Notes	Acor	A	03.12.2020

C1.05	Stormwater Plan - Details Sheet 1	Acor	A	03.12.2020
C1.06	Stormwater Plan - Details Sheet 2	Acor	A	03.12.2020
C1.07	Stormwater Plan - Details Sheet 3	Acor	A	03.12.2020
C3.01	Stormwater Plan- Ground Floor	Acor	A	03.12.2020
C3.02	Stormwater Plan – Basement	Acor	A	03.12.2020
C5.01	Soil Erosion and Sediment Control Plan	Acor	A	03.12.2020
LPS4.55 17 - 189 Sheet 1	Hardscape/Site Plan	Conzept Landscape Architects	B	08.12.2020
LPS4.55 17 - 189 Sheet 2	Landscape Plan 01 (2 sheets)	Conzept Landscape Architects	B	08.12.2020
LPS4.55 17 - 189 Sheet 4	Specification + Detail (2 sheets)	Conzept Landscape Architects	B	08.12.2020

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Application No. 2017/021:

Title/ Description	Prepared by	Issue/ Revision	Date
Statement of Environmental Effects	BBC Consulting Planners	Job no. 15-265 - Final	February 2017
Section 4.56 Modification Planning Report	HDC Planning		11 December 2020
Clause 4.6 variation to development standard	BBC Consulting	Job No. 15-265	September 2017
Geotechnical Investigation Report	Morrow Geotechnics Pty Ltd	Ref: P1203_01 rev 1	8 February 2017
Waste Management Plan Construction & Demolition	Squillace Waste Tech Services		10.02.2017 3 December 2020
Acoustic DA Assessment	Acouras Consultancy	Ref: SYD2016-1107- R001B	20.01.2017
Access Review	Morris Goding Accessibility Consulting	Final V2 S4.55 V2	8 February 2017 12 March 2020
BCA Assessment Report	Blackett Maguire Goldsmith	Ref: 160556 – Rev 1 Ref: 200536	8 February 2017 8 February 2017 December 2020

Assessment of Traffic and Parking Implications	Transport and Traffic Planning Associates	Ref: 16252 – Rev E	February 2017
Traffic Management Statement	Traffix – Traffic & Transport Planners	20.527r02v01 20.527r01v02	17 March 2021 4 December 2020
Arboricultural Impact Assessment	Redgum Horticultural	Ref: 2751 Ref:8616(2751)	2 February 2016 16 March 2021
Flood Study	Envirotech	REP- 16-3878-A	19 December 2016
Preliminary Site Investigation	Aargus	Ref: ES6745	14 March 2017
Stormwater Management Plan	Acor Consultants Pty Limited	SY160674 Rev A-B	February 2017 December 2020
BASIX Certificate 789510M-02-03	Outsource Ideas P/I	-	19.10.17 4 December 2020

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

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

Modified: DA 2017/021/3 Dated: 18 June 2021

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 7.00am - 5.00 pm Monday to Friday only.

(Reason: To maintain amenity to adjoining land owners.)

3. 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.)

4. 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.)

5. 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 along the street frontage(s) complying with WorkCover requirements must be obtained including:

- a) 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
- b) 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.)

6. FENCING - FRONT FENCE HEIGHT (GC)

The solid component of the proposed front fence between the building line and front boundary along both frontages of Telopea Avenue is not to exceed a maximum height of 1200mm at any point in relation to the existing ground level and is to be stepped accordingly to suit the slope or fall in the land.

~~Solid fencing forward of the building line (including the building line to a secondary street frontage on a corner site) shall not exceed a height of 1 m above natural ground level. The fence may be topped by an additional maximum 0.8m high open timber picket, wrought iron, palisade or similar element.~~

~~Brick piers over 1 m in height are permitted to support the decorative elements, provided they are equally spaced along the street, and do not exceed a height of 1.8m.~~

Plans demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority, prior to Construction Certificate

(Reason: To ensure a positive contribution to the streetscape in accordance with the Strathfield Consolidated DCP 2005.)

Modified: DA 2017/021/3 Dated: 18 June 2021

7. 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.)

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

- a) The development consent only permits the removal of trees numbered 1, 2, 6, 7, 8, 9, 10, 12, 15, 17, 20, 23 and 26 as identified within the Appendices E and F of the Arboricultural Impact Assessment prepared by Redgum Horticultural dated 2 February 2016 and updated letter dated 16 March 2021 (Ref:6818 loc (2751)).

- b) All trees permitted to be removed by this consent shall be replaced by species selected from Council's Recommended Tree List.
- c) 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.
- d) 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.
- e) Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.
- f) 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.
- g) A minimum 75mm depth of organic mulch shall be placed within an area 0.5m from the base of the tree.
- h) 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.)

Modified: DA 2017/021/3 Dated: 18 June 2021

9. 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:

- a) the Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- b) the Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person; and
- c) 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.)

10. 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:

- a) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- b) Demolition must be carried out by a registered demolition contractor.
- c) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out.
- d) No blasting is to be carried out at any time during construction of the building.
- e) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- f) 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.

- g) Any demolition and excess construction materials are to be recycled wherever practicable.
- h) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- i) 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.
- j) All waste must be contained entirely within the site.
- k) 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.
- l) 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.
- m) 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.
- n) 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.
- o) 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.
- p) 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.
- q) 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.
- r) Any work must not prohibit or divert any natural overland flow of water.
- s) Toilet facilities for employees must be provided in accordance with WorkCover NSW.
- t) Protection pads are to be installed to the kerb and gutter where trucks and vehicles enter the site.

(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.)

11. 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.)

12. SYDNEY WATER - STAMPED PLANS PRIOR TO COMMENCEMENT (GC)

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

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

(Reason: Compliance with Sydney Water requirements.)

13. 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.)

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

14. ACCESS - ACCESS FOR PEOPLE WITH DISABILITIES (CC)

- a) A minimum of four (4) dwellings are to be nominated and designed as adaptable dwellings in accordance with Australian Standards AS 4299-1995 Adaptable Housing (Class C) to ensure the units are internally designed to allow occupation by older people or people with disabilities.
- b) Each adaptable dwelling is to be allocated and provided with a minimum of 1 designated adaptable parking space.
- c) Access for people with disabilities must be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the Disability Discrimination Act 1992. Plans shall be notated demonstrating compliance and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.
- d) An addendum to the Access Report must be submitted to the Principle Certifying Authority prior to the issue of Construction Certificate confirming that the proposed chair lifts for disable access from the basement is suitable and meets the Australian Standards for the proposed development.

Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

(Reason: To provide equitable access for people(s) with disabilities in accordance with the relevant legislation and Australian Standards.)

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15. ARBORIST REPORT -INITIAL (CC)

The applicant must engage a suitably qualified and experienced arborist (Australian Qualification Framework level 5 or above) to assess the impact of the proposed works and determine best practices (e.g. minimise compaction, soil build up and or excavation within the Tree Protection Zone) to ensure the longevity of the trees to be retained. The arborist is to prepare and submit, to the satisfaction of the Principal Certifying Authority, a report prior to the issue of a Construction Certificate, documenting the measures to be employed and certifying that they have been implemented.

(Reason: Qualified assessment of impact of proposed works on trees to be retained on the site.)

16. BASIX COMMITMENTS (CC)

The approved BASIX Certificate shall be revised ~~so as it reflects the correct Local Government Area and identifies all lots that the Certificate relates to~~ ~~as per the amended plans~~ and 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 96 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.)

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

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

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

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

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

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

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

- a) Minimal internal clearance of the basement is 2.2m in accordance with BCA requirements.

- b) 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.
- c) Provision of pump-out systems and stormwater prevention shall be in accordance with Council's Stormwater Management Guide.

(Reason: To ensure suitable development.)

19. CAR PARKING - DISABLED CAR PARKING SPACES (CC)

~~Six~~ Five of the car parking spaces provided as part of the total requirement shall be reserved for disabled persons. These spaces shall be a minimum of 3.2m wide x 5.5m long and located near pedestrian access routes designed for disabled persons. Each space shall be clearly marked as such.

Car parking for people with disabilities shall be provided in accordance with the Building Code of Australia, relevant Australian Standards and with regard to the Disability Discrimination Act 1992. Prior to the issue of a Construction Certificate, the plans shall be notated to demonstrate compliance.

The above details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

(Reason: To ensure adequate parking for persons with a disability.)

Modified: DA 2017/021/3 Dated: 18 June 2021

20. CAR PARKING - REQUIREMENTS FOR MULTIPLE USE BUILDINGS (CC)

The following car parking and service vehicle requirements apply:-

- a) ~~58- 48~~ car spaces shall be provided on the development site. This shall consist of:
 - i) ~~44 47~~ resident spaces (including 4 adaptable spaces allocated to each nominated adaptable dwelling);
 - ii) ~~4 6~~ visitor spaces (including ~~1 2~~ mobility impairment spaces);
 - iii) 1 car wash space;
 - iv) All parking spaces for people with mobility impairment must be in accordance with AS 2890.1.
- b) All car spaces shall be allocated and marked according to this requirement.
- c) If the development is to be strata subdivided, the car park layout must reflect the above allocation and thereafter be regarded as part of the entitlement of that strata lot.
- d) Under no circumstances shall parking spaces be sold, let or otherwise disposed of for use other than in accordance with this condition.
- e) Each car parking space shall have minimum dimensions in accordance with the relevant Australian Standard and be provided on-site in accordance with the approved plans.
- f) The parking bays shall be delineated by line marking.
- g) Visitor spaces shall be clearly line marked and/or signposted and shall only be used by persons visiting residents of the property or commercial/business/retail premises located within the development. Visitor spaces shall not be allocated as permanent residential parking spaces. Access to visitor parking spaces shall not be restricted without development approval and a sign shall be erected at the vehicular entrance indicating the availability of visitor parking.
- h) The following traffic control measures shall be implemented on site:-
 - i) Signage indicating 'Entry Only' shall be prominently displayed at the entrance to the development.

- ii) Signage indicating 'Exit Only' shall be prominently displayed at the exit to the development.
- iii) One-Way directional arrows shall be painted on the driveway pavement to indicate the required vehicular directional movement through the car parking area.

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

(Reason: To ensure car parking provision in accordance with this consent.)

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21. 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:

- a) 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.
- b) 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.
- c) 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.
- d) Location of verge trees, street furniture and service installations.
- e) Superimposition of vehicle turning circles for access into parking spaces.
- f) Certification that the design complies with AS/NZS 2890.1:2004 by a Qualified Engineer.

The certification referred to in (f) 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.)

22. 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.)

23. 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.)

24. 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 81A(2) 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.)

25. 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:

- a) Detailed information on any approvals required from other authorities prior to or during construction.
- b) 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.
- c) 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.
- d) 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.
- e) 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.
- f) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- g) 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.
- h) 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.)

26. COUNCIL PERMITS - FOR ALL ACTIVITIES ON COUNCIL LAND (CC)

a) 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.

b) 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.

c) 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.

d) 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.

e) Hoarding Permit

This permit must be applied for if you intend to erect a Class A (fence type) or Class B (overhead type) hoarding 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.

f) 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.

g) 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)

27. DILAPIDATION REPORT - PRE-COMMENCEMENT (CC)

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

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

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

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

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

28. DRIVEWAY WIDTH - MULTI-UNIT DEVELOPMENT (CC)

The internal driveway must be a minimum 5.50m wide (clear width) for the first 6 metres inside the property so as to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is then to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Safety and traffic management.)

29. DRIVEWAY DESIGN - SPEED HUMP AND STOP SIGN ON EXIT (CC)

The applicant shall install a stop sign and a speed hump at the exit from the site. The stop sign must be accompanied by the associated line marking and the speed hump shall be set back by 1.5 metres from the boundary alignment. The devices shall be designed and constructed in accordance with the provision of all relevant Australian Standards. The building plans shall indicate compliance with this requirement, prior to the issue of a Construction Certificate.

(Reason: Traffic safety and management.)

30. 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:

- a) Compliance with the approved Soil and Water Management Plan.

- b) 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).
- c) All uncontaminated run-off is diverted around cleared or disturbed areas.
- d) 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.
- e) All erosion and sediment controls are fully maintained for the duration of demolition/development works.
- f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways.
- g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.
- h) 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.
- i) 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.)

31. EXCAVATION - AFFECTING ADJOINING LAND (CC)

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

- a) protect and support the adjoining premises from possible damage from the excavation, and
- b) where necessary, underpin the adjoining premises to prevent any such damage.

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

(Reason: Structural safety.)

32. EXCAVATION - DEWATERING (CC)

Any de-watering from the excavation or construction site must comply with the Protection of the Environment Operations Act 1997 and the following:

- a) Ground water or other water to be pumped from the site into Council's stormwater system must be sampled and analysed by a NATA accredited laboratory or Council for compliance with ANZECC Water Quality Guidelines.
- b) If tested by NATA accredited laboratory, the certificate of analysis issued by the laboratory must be forwarded to Council as the appropriate regulatory authority under the Protection of the Environment Operations Act 1997, prior to the commencement of de-watering activities.

- c) Council will grant approval to commence site de-watering to the stormwater based on the water quality results received.
- d) It is the responsibility of the applicant to ensure during de-watering activities, the capacity of the stormwater system is not exceeded, there are no issues associated with erosion or scouring due to the volume of water pumped; and turbidity readings must not at any time exceed the ANZECC recommended 50ppm (parts per million) for receiving waters.

(Reason: To ensure compliance with legislation and to protect the surrounding natural environment.)

33. FLOODING - COMPLY WITH FLOOD IMPACT REPORT (CC)

The applicant shall comply with the flood recommendations provided in the Flood Study Report prepared by envirotech dated 19 December 2016. A certificate from a suitably qualified Engineer shall be submitted to the Certifying Authority stating compliance with these recommendations, prior to the issue of a Construction Certificate.

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

34. GEOTECHNICAL REPORT (CC)

The applicant shall comply with the geotechnical engineering report recommendations provided in the Geotechnical Investigation Report prepared by morrow dated 8 February 2017. A certificate from a suitably qualified Engineer shall be submitted to the Certifying Authority stating compliance with these recommendations, prior to the issue of a Construction Certificate

(Reason: Structural safety.)

35. LANDSCAPING - MAINTENANCE STRATEGY (CC)

To ensure the survival of landscaping following completion of 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.)

36. NOISE AND VIBRATION MANAGEMENT PLAN (CC)

Prior to the issue of a Construction Certificate, a Noise and Vibration Management Plan is to be prepared by a suitably qualified person addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to Council or the Principal Certifying Authority.

The Plan is to identify amelioration measures to ensure the noise and vibration levels will be in compliance with:

- a) Construction noise management levels established using the Interim Construction Noise Guideline (DECC, 2009);
- b) Vibration criteria established using the assessing vibration: Technical guideline (DEC, 2006) (for human exposure); and
- c) The vibration limits set out in the German Standard DIN 4150-3: Structural Vibration-effects of vibration on structures (for structural damage)

The report that itemises equipment to be used for excavation works. The Plan shall address, but shall not be limited to, the following matters:

- i) Identification of activities carried out and associated noise sources;
- ii) identification of potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment;
- iii) determination of appropriate noise and vibration objectives for each identified sensitive receiver;
- iv) noise and vibration monitoring, reporting and response procedures;
- v) assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles;
- vi) description of specific mitigation treatments, management methods and procedures to be implemented to control noise and vibration during construction;
- vii) construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency;
- viii) procedures for notifying residents of construction activities likely to affect their amenity through noise and vibration; and
- ix) contingency plans to be implemented in the event of non-compliances and/or noise complaints. A register should be kept of complaints received, and the action taken to remediate the issue.

(Reason: To protect acoustic amenity of surrounding properties and the public.)

37. 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.)

38. SECTION 94 CONTRIBUTION PAYMENT - DIRECT CONTRIBUTIONS PLAN (CC)

In accordance with the provisions of Section 94(1)(b) of the Environmental Planning and Assessment Act 1979 and the Strathfield Direct Development Contributions Plan 2010-2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

Provision of Community Facilities	\$62,160.55	\$ 55,726.63
Provision of Major Open Space	\$153,044.33	\$ 116,096.48
Provision of Local Open Space	\$65,765.36	\$ 50,196.92
Provision Roads and Traffic Management	\$0.00—	\$ 0.00
Administration	\$2,911.51	\$ 4,805.17
TOTAL	\$283,881.75	\$ 226,825.20

The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. Contributions shall be indexed at the time of payment in accordance with clause 2.14 of the Strathfield Direct Development Contributions Plan 2010-2030.

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

Please present a copy of this condition when paying the contribution at the Customer Service Centre so that it can be recalculated.

Note: A copy of Strathfield Council's Section 94 Direct Development Contributions Plan may be downloaded from Council's website.

(Reason: To enable the provision of public amenities and services required/anticipated as a consequence of increased demand resulting from the development.)

Modified: DA 2017/021/3 Dated: 18 June 2021

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

A security (damage deposit) of \$33,338.00 (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.)

40. 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.)

41. STORMWATER DRAINAGE (CC)

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

- a) Grated drains shall be provided along the basement entry at the vehicular crossing(s) and are to connect to the internal drainage system.
- b) Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site.
- c) 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
- d) 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.)

42. STORMWATER - SILT ARRESTORS AND GROSS POLLUTANT TRAPS (CC)

Silt and gross pollutant traps shall be fitted in all new stormwater pits and designed in accordance with Council's specification for the management of stormwater. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Environmental protection.)

43. 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):

- a) description of the demolition, excavation and construction works;
- b) site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- c) size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- d) 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;
- e) 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;
- f) any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- g) proposed hours of construction related activities and vehicular movements to and from the site;
- h) current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- i) any activities proposed to be located or impact upon Council's road, footways or any public place;
- j) measures to maintain public safety and convenience;
- k) any proposed road and/or footpath closures;

- l) turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- m) 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;
- n) 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);
- o) a dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- p) material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- q) on-site parking area for employees, tradespersons and construction vehicles as far as possible;
- r) 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
- s) 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.)

44. TREE BONDS (CC)

A tree bond of \$42,900 (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.

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

45. UTILITIES AND TELECOMMUNICATIONS - ELECTRICITY CONNECTION (CC)

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

- a) an underground service line to a suitable existing street pole; or
- b) 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.)

46. UTILITIES AND TELECOMMUNICATIONS - ELECTRICITY SUBSTATION (CC)

Any required electricity substation must be located within the boundaries of the site. Documentary evidence of compliance with the energy authority's requirements, including correspondence from the energy authority is to be provided to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Note: Where an electricity substation is required but no provision has been made to place it within the approved building or its site and no details are provided on the approved development consent plans, a section 96 application is required to be submitted to Council for approval of an appropriate location for the required electricity substation.

(Reason: Access to utility.)

47. 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.)

48. 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.)

49. VENTILATION SYSTEMS - MECHANICAL (CC)

The mechanical ventilation system is to comply with the following:

- a) The Building Code of Australia;
- b) Protection of the Environment Operations Act 1997; and
- c) Australian Standard AS1668-1991.

In addition, odour control measures, such as activated carbon or catalytic oxidisers, must be used to treat ventilation gases prior to discharge. The method of odour control must be designed by a suitably qualified mechanical ventilation engineer.

Details demonstrating compliance with the above are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: To ensure the mechanical ventilation system complies with the relevant requirements/standards.)

50. WASTE MANAGEMENT PLAN (CC)

A Waste Management Plan (WMP) is to be provided in accordance with Part H of Strathfield Consolidated Development Control Plan 2005. All requirements of the approved Waste Management Plan must be implemented during demolition, construction and on-going use of the premises.

The WMP must identify the types of waste that will be generated and all proposals to re-use, recycle or dispose of the waste. The WMP is to be submitted to the Principal Certifying Authority, prior to issue of the Construction Certificate.

(Reason: To ensure appropriate management of waste.)

51. WASTE-BULKWASTE ROOMS (CC)

Bulk waste rooms must be constructed of solid material: cement rendered and steel trowelled to a smooth even surface. The door to the waste room is to be designed and constructed to ensure the room is vermin proof and can be opened from the inside at all times. The waste room is to be ventilated to the external air by natural ventilation or an approved air handling exhaust system.

(Reason: To keep garbage rooms in a clean and sanitary condition to protect public health.)

52. WATER SUSTAINABILITY - WATER SENSITIVE URBAN DESIGN (CC)

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 SDCDP 2005, and be prepared by a suitably qualified professional engineer.

(Reason: To promote Water Sensitive Urban Design.)

53. WATER SUSTAINABILITY - GENERALLY (CC)

Water collected in the rainwater tank must comprise roof water only and not surface water. Water from the rainwater tank must only be used for following purposes and not for human consumption:

- a) toilet flushing;
- b) clothes washing;
- c) garden irrigation;
- d) car washing and similar outdoor uses;
- e) filling swimming pools, spa pools and ornamental ponds; and
- f) fire fighting.

(Reason: To promote sustainable water management practice.)

54. WORKS ZONE - APPROVAL BY COUNCIL'S TRAFFIC COMMITTEE (CC)

An application for a Works Zone' must be submitted to and approved by the Strathfield Council Traffic Committee prior to the commencement of any site work (including demolition).

The suitability of the proposed length and duration of the Works Zone is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted

to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Strathfield Council Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

(Reason: Council requirement.)

55. STORMWATER (CC)

- a) Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to Council's Drainage Channel/Boundary Creek via the proposed OSD tank as depicted on the concept plan prepared by ACOR Consultants issue A and B drawing no. C1.01, C1.02, C1.05, C1.07, C3.01, C3.02 and C5.01 project no. NSW202516 dated 03.12.2020 and 08.12.2020. ~~drawing no. C1.06 dated 07.02.2017, drawing no. C2.02 dated 28.04.2017 and issue B drawing no. C1.01, C1.05, C1.07, C2.01 and C3.01 dated 07.02.2017 project no. Sy160674.~~
- b) Details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with the endorsed concept plans AND the requirements of Council's Stormwater Management Code.
- c) In this project the above engineering plans are satisfactory as Concept plans. The assessment authority, (either (a) Council, or (b) a Private Certifier), is to satisfy themselves of the adequacy of the above plans for the purposes of Construction. They are to independently determine what details, if any, are to be added to the Construction Certificate plans, in order for the issue of the Construction Certificate.
- d) Where a Private Certifier issues the Construction Certificate a copy must be provided to Council, prior to the issue of a Construction Certificate.
- e) On-site stormwater detention storage shall be provided in conjunction with the stormwater disposal system. The storage system shall be designed in accordance with the endorsed concept stormwater plans **AND** Council's Stormwater Management Code. Details of the storage system shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
- f) Temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from site. Plans showing such measures in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated August 1998 shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
- g) The OSD basin must be graded to drain completely and gradients shall not be less than 1 %. Discharge restriction from the OSD shall be by use of appropriately sized short length of reduced diameter pipe and weir; orifice plate shall not be used and a coefficient of 0.8 shall be used for designing the pipe. Details of the storage system shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
- h) A detailed design 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 and shall include, but not be limited to:

Batters, levels, underdrains, high flow bypass details, clean out points, filter media details, mulching details, material specification, planting details, inlet scour protection areas, maintenance access ramps and maintenance schedule(s).

The design shall be prepared by a suitably qualified professional engineer experienced in Water Sensitive Urban Design in accordance with the approved plans, conditions of consent, Strathfield Council's Development Control Plan Part N - Water Sensitive Urban Design 2005, Strathfield Council WSUD Reference Guideline and WSUD Technical Design Guidelines for South East Queensland (SEQ Healthy Waterways Partnership) Version 1 June 2006 or subsequent updated versions.

(Reason: Stormwater requirements.)

Modified: DA 2017/021/3 Dated: 18 June 2021

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

56. APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY (PCA) (CW)

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

- a) A construction certificate for the building work has been issued by the consent authority or a Principal Certifying Authority.
- b) 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.
- c) The principal certifying authority has, no later than 2 days before the building work commences:
 - o notified the Council of his or her appointment, and
 - o 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.
- d) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - o appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved;
 - o notified the principal certifying authority of such appointment; and
 - o 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.
- e) 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.

(Reason: Statutory requirement.)

57. HOME BUILDING COMPENSATION FUND (CW)

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

- a) 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).
- b) 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).
- c) 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.
- d) 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.)

58. NOTICE OF COMMENCEMENT (CW)

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

- a) 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;
- b) details of the appointment of a Principal Certifying Authority (either Council or another Principal Certifying Authority); and
- c) details of the name, address and licence details of the Builder.

(Reason: Statutory requirement.)

59. TREE PROTECTION MEASURES (CW)

Tree protection measures must be erected around the trees to be retained in accordance with the Recommendation in Section 5 of the submitted Arboricultural Impact Assessment Ref: 2751 prepared by Redgum Horticultural dated 2 February 2016.

(Reason: Tree protection.)

59A EXISTING DRAINAGE EASEMENT, DRAINAGE RESERVE OR STORMWATER DRAINAGE SYSTEM BENEFITING COUNCIL (CW)

Council drainage easement(s) drainage reserve(s) or stormwater system either pass through or are adjacent to the site. No building or other structure must be placed over the drainage easement or stormwater system or within the zone of influence taken from the invert of any pipe.

The applicant must determine the exact location, size and level details of the potentially affected stormwater drainage systems and without causing any damage to the public system ensure its protection. The owner, principal contractor or owner builder must not obstruct or otherwise remove, disconnect or render inoperable the Stormwater Drainage System.

Works such as fences must not obstruct the natural stormwater flowpath or alter the flowpath in such a way as to direct or concentrate stormwater on to neighbouring properties.

Where the relocation or reconstruction of Council's drainage system is approved then all work carried out on Council's assets will revert to the ownership, care, control or management of Council. Therefore, upon handover to Council, the asset must comply with Council's Construction of drainage and associated works specification.

The applicant must meet all costs associated with such works.

Note: This condition does not set aside the need to obtain relevant approvals under the Roads Act 1993 or Local Government Act 1993 for works within Roads and other public places.

(Reason: To protect Council asset).

Added: DA 2017/021/3

Dated: 18 June 2021

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

60. DETAILED SITE INVESTIGATION (DW)

A detailed investigation of the proposed development site must be prepared by a suitably qualified environmental consultant and submitted to Council after demolition of structures as proposed in the Preliminary Site Investigation prepared by Aargus, Ref No. ES6745, dated 14 March 2017. Such investigation must be undertaken in accordance with NSW Environment Protection Authority's Contamination Sites - Guidelines for Consultants reporting on Contamination Sites and Contamination Sites - Sampling Design Guidelines.

(Reason: To ensure site is suitable for the proposed development)

61. REMEDIAL ACTION PLAN (DW)

A Remedial Action Plan (RAP) must be prepared by a suitably qualified environmental consultant and submitted to Council should the detailed investigation reveal contamination exceeding criteria prescribed by the NSW Environment Protection Authority's *Contaminated Sites - Guidelines for the NSW Site Auditor Scheme*.

(Reason: To ensure site is acceptable standard for environmental protection purposes.)

62. SITE REMEDIATION VERIFICATION (DW)

The applicant must provide documentation from a suitably qualified environmental consultant verifying that the site has been remediated in accordance with the NSW Environment Protection Authority's *Contaminated Sites - Guidelines for Consultants Reporting on Contaminated Sites*, the *Contaminated Sites - Sampling Design Guidelines* *Contaminated Sites - Guidelines for the NSW Site Auditor Scheme* and the recommendations of the Detailed Site Assessment or the approved Remedial Action Plan.

(Reason: To ensure site is acceptable standard for environmental protection purposes.)

63. FILL MATERIAL (DW)

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

- a) Virgin excavated material (within the meaning of the Protection of the Environment Operations Act 1997), and
- b) 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.)

64. DRAINAGE WORKS (DW)

- a) The drainage works within public land or connecting to Council's stormwater drainage system the following inspections will be required:-
 - i) After the excavation of pipeline trenches.
 - ii) After the laying of all pipes prior to backfilling.
 - iii) After the completion of all pits and connection points.
- b) A minimum of 48 hours notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Engineering Works and Services section on 9748-9999 during office hours. Work is not to proceed until the works are inspected and approved by Council.
- c) All pits shall be constructed in accordance with Australian Standard AS3500.3.
- d) All subsoil drainage must be designed and constructed to meet the requirements of AS3500;
- e) Grated drains shall be provided along the basement entry at the vehicular crossing(s) and are to connect to the internal drainage system.

(Reason: To maintain public access and safety.)

65. 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.)

66. 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.)

67. 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:

- a) 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.
- b) At the completed height of the building, prior to the placement of concrete form work, or the laying of roofing materials.
- c) 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.)

68. STORMWATER WORKS (DW)

All approved stormwater works are required to be carried out in accordance with the conditions of consent, approved construction certificate plans, "Strathfield Council WSUD Reference Guideline" and the Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands (SEQ Healthy Waterways Partnership) Version 1.1 April 2010 or subsequent versions that may be updated.

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

69. WORKS NEAR TREES (DW)

All required tree protection measures are to be maintained in good condition for the duration of the construction period in accordance with the recommendations within Section 5 of the submitted Arboricultural Impact Assessment Ref: 2751 prepared by Redgum Horticultural dated 2 February 2016.

(Reason: Tree Protection.)

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

70. CAR PARKING - SURPLUS VEHICULAR CROSSINGS (OC)

All surplus vehicular crossings and/or kerb laybacks must be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council. The nature strip is to be restored and the footpath area reinstated. All of the above are to be restored to the satisfaction of Council's Engineer and at full cost to the applicant, prior to the issue of any Occupation Certificate.

(Reason: Maintenance of public infrastructure.)

71. CAR PARKING - VISITOR CAR PARKING SIGNAGE (OC)

A sign shall be erected in a suitable location on the property near the driveway entrance indicating where visitor parking is available on the site. Signage shall also be erected above the visitor parking itself. Details demonstrating compliance shall be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: Adequate access and egress.)

72. 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.)

73. ENGINEERING WORKS (CERTIFICATION OC)

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.)

74. 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:

- a) methods of excavation or construction used to carry out the works;
- b) any damage sustained by the tree/s as a result of the works;
- c) any subsequent remedial works required to be carried out by the consulting arborist as a result of the damage; and
- d) 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.)

75. LANDSCAPING - STREET TREE REMOVAL AND REPLACEMENT TREE COST (OC)

Four (4) ~~Two~~ street trees (tree **8, 9, 10** and 26) can be removed under this approval. The applicant shall meet the full cost to remove the tree and plant a replacement tree of 50 litre container size at the time of planning and selected from Council's Recommended Tree List. Specimens must be in accordance with NATSPEC specifications and guidelines and maintained for a twelve (12) month establishment phase. If the specimen fails to thrive or is otherwise damaged it shall be replaced at full cost to the applicant and maintained for a further twelve (12) months.

The replacement tree is to be planted prior to the issue of any Occupation Certificate.

(Reason: Tree preservation and environmental amenity.)

Modified: DA 2017/17/3

Date: 18 June 2021

76. 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:

- a) all required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- b) 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.)

77. RAINWATER TANKS (OC)

Rainwater tanks must be installed on residential properties by a suitably qualified and licensed plumber and in accordance with the following:

- a) Australian/New Zealand Standard AS/NZS 3500:2003;
- b) NSW Code of Practice Plumbing and Drainage, 2006 produced by Committee on Uniformity of Plumbing and Drainage Regulations in NSW (CUPDR); and
- c) 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.)

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

- a) The constructed stormwater system shall be certified by a suitably qualified civil engineer, in accordance with approved plans, prior to the issue of any Occupation Certificate.
- b) In addition, detailed works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to and approved by the Principal Certifying Authority. Where changes have occurred the plans shall be marked- up in red ink and shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels.
- c) A suitably qualified Engineer is required to inspect and certify the proposed development at the completion of each of the following construction phases (if any):
 - i) Installation of the overflow pit and bulking out/trimming profiling;
 - ii) Installation of under drainage;
 - iii) Installation of cleanout points;
 - iv) Installation of drainage layer;
 - v) Installation of transition layer;
 - vi) Installation of filtration media;
 - vii) Laying of geofabric protection for build-out phase;
 - viii) Laying of turf temporary protection layer, and
 - ix) Final planting.
- d) An Operational Management and Maintenance Report is required to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate outlining the proposed long term operational management and maintenance requirements of the stormwater system on the site.

A schedule or timetable for the proposed regular inspection and monitoring of the devices, maintenance techniques, reporting and record keeping requirements and associated rectification procedure shall be included in the report.

(Reason: Adequate stormwater management.)

79. FLOOD REQUIREMENTS (OC)

- a) The applicant shall comply with the flood recommendations provided in the Flood Study prepared by EnviroTech rev A document no. 16-3878 dated 19 December 2016. A certificate from a suitably qualified Engineer shall be submitted to the Certifying Authority stating compliance with these recommendations prior to the issue of the Occupation Certificate.

- b) All surface inlet drains upstream of the on-site detention basin must be designed so that there is no overflow before the storage is full.
- c) Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage.
- d) The proposed development must be designed so that habitable floors are at a minimum of 500mm above the 1 in 100 year flood level and non-habitable floors are no lower than the 1 in 100 year flood level.
- e) The rainwater tank, hot water tank system, air conditioning units and other flood sensitive equipment must be located above the 1 in 100 year flood level.
- f) 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.
- g) 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: Adequate stormwater management.)

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

A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the:

- i) On-site stormwater detention system **AND**
- ii) All Water Sensitive Urban Design components

incorporated in the development. The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at Land & Property Information NSW. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate.

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

81. SUBDIVISION - EVIDENCE OF CONSOLIDATION (OC)

The existing allotments shall be consolidated into a single lot. Evidence that the plan of consolidation has been registered as a deposited plan with Land and Property Information must be submitted to Council, prior to occupation of the site.

(Reason: Proper management of land.)

82. VENTILATION SYSTEMS - MECHANICAL (OC)

The mechanical ventilation system is to comply with the following:

- i) The Building Code of Australia;
- ii) Protection of the Environment Operations Act 1997; and
- iii) Australian Standard AS1668-1991.

In addition, odour control measures, such as activated carbon or catalytic oxidisers, must be used to treat ventilation gases prior to discharge. The method of odour control must be designed by a suitably qualified mechanical ventilation engineer.

At the completion of the installation of the mechanical exhaust ventilation system, a certificate from a practising mechanical engineer shall be submitted to the Principal Certifying Authority, prior to issue of the Occupation Certificate demonstrating compliance with the above.

(Reason: To ensure the mechanical exhaust ventilation system complies with the relevant requirements/standards.)

83. VENTILATION SYSTEMS - NATURAL (OC)

The natural ventilation system shall be designed, constructed and installed in accordance with the provisions of:

- i) The Building Code of Australia; and
- ii) Protection of the Environment Operations Act 1997.

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

(Reason: To ensure any natural ventilation systems comply with the relevant regulations/standards.)

84. General Terms of Approval - Water NSW

General

- 1.1** An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
- 1.2** The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
- 1.3** Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
 - (a) any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and
 - (b) any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
 - (c) where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
- 1.4** Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
- 1.5** Documentation (referred to as a 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process must be provided. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to excavation

- 1.6** The following shall be included in the initial report:
- (a) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.
 - (b) a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.
 - (c) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.
 - (d) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [Note that groundwater level measurements should be undertaken on a continuous basis using automatic loggers in monitoring bores.]
- 1.7** The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.
- 1.8** Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.
- 1.9** Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.
- 1.10** A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability determined by slug-testing, pump-testing or other means).
- 1.11** A copy of a valid consent for the development shall be provided in the initial report.
- 1.12** The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority.

- 1.13** Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

- 1.14** Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
- 1.15** Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
- 1.16** Measurement and monitoring arrangements to the satisfaction of the approval body are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
- 1.17** Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authority's approval and/or owner's consent/so The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
- 1.18** Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
- 1.19** The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.
- 1.20** Access to groundwater management works used in the activity is to be provided to permit inspection when required by the approval body under appropriate safety procedures.

Following excavation

- 1.21** Following cessation of the dewatering operations, the applicant shall submit the completion report which shall include:
- (a) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and
 - (b) a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and
 - (c) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.

1.22 THE completion report is to be assessed by the approval body prior to any certifying agency's approval for occupation or use of the completed construction.

ADVISORY NOTES

Please note: the following may not apply to all consents.

1.23 DELETE

1.24 DELETE

1.25 DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.



Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's mobile network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

1.26 DIVIDING FENCES

The erection of dividing fences under this consent does not affect the provisions of the Dividing Fences Act 1991. Under this Act, all relevant parties must be in agreement prior to the erection of any approved dividing fence/s under this consent.

Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of or payment for the erection of dividing fences.

If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre or if legal advice or action is required, you may contact the Chamber Magistrate.

1.27 LAPSING OF CONSENT

In accordance with Section 95 of the Environmental Planning and Assessment Act 1979, this Development Consent lapses five (5) years after the date from which it operates unless building, engineering or construction work has physically commenced. A Construction Certificate must be obtained and the works commenced in accordance with the approved plans and specifications within five (5) years from the date of this Development Consent.

1.28 OWNER BUILDERS

Under the Home Building Act 1989 any property owner who intends undertaking construction work to a dwelling or dual occupancy over the value of \$5,000 must complete an approved education course and obtain an owner -builder permit from the Office of Fair Trading (refer www.fairtrading.nsw.gov.au.)

1.29 PROCESS TO MODIFY A CONSENT

The plans and/or conditions of this Consent are binding and may only be modified upon written request to Council under Section 96 of the Environmental Planning and Assessment Act, 1979. The request shall be accompanied by the appropriate fee and application form. You are not to commence any action, works, contractual negotiations, or the like, on the requested modification unless and until the written authorisation of Council is received by way of an amended consent.

1.30 REVIEW OF DETERMINATION

In accordance with the provisions of Section 82A of the Environmental Planning and Assessment Act 1979(as amended) the applicant can request Council to review this determination. The request must be made within a period of 6 months from the date shown on this determination. A fee, as prescribed under Council's current Management Plan - Fees and Charges, is payable for such a review.

1.31 RIGHT OF APPEAL

Section 97 of the Environmental Planning and Assessment Act 1979, gives the applicant the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice. Section 97 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.

1.32 SIGNAGE APPROVAL

A separate development application for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council, prior to the erection or display of any such signs. This does not apply to signs which are classified as being 'exempt development'.

1.33 SKIPS ON COUNCIL FOOTPATH

The applicant must apply to Council's Customer Services Centre and pay the respective minimum ten (10) day application fees and deposit, should a mini-skip type or larger builder's waste container be required to be left on Council's footpath, nature strip or roadway for the removal of any builder's waste etc. These fees must be paid prior to the container's placement. In the event of the container being removed within the ten day period, and the Council being notified, a pro -rata refund will be made. If the container is to remain at the site for longer than ten days, a further fee must be paid before the ten day period expires. No consultation is necessary if placing the container within the property to which this application is related. However, caution should be exercised in placing the bin to ensure no damage occurs to Council property.

1.34 WORKCOVER REQUIREMENTS

The Work Health and Safety Act 2011 and subordinate regulations, codes of practice and guidelines control and regulate the development industry. Further information can be obtained from WorkCover NSW's website.