

IDAP REPORT – SECTION 4.55 (1A) MODIFICATION

Property:	39 Cotswold Road STRATHFIELD Lot: 22 DP: 5984 DA2019.179.3
Proposal:	Section 4.55(1A) Modification Application to modify and redesign the approved outbuilding and roof structure and an increase in height of 300mm.
Applicant:	J Jabbour
Owner:	JK Jabbour
Date of lodgement:	24 February 2021
Notification period:	12-26 March 2021
Submissions received:	None
Assessment officer:	E Black
Estimated cost of works:	\$9,000.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	No
Flood affected:	Yes
RECOMMENDATION OF OFFICER:	APPROVAL
Property:	39 Cotswold Road STRATHFIELD DA 2019/179/3



Figure 1: Location of dwelling

EXECUTIVE SUMMARY

Proposal

Council has received an application for the Section 4.55(1A) Modification Application to modify and redesign the approved outbuilding (cabana) and roof structure.

Site and Locality

The site is identified as 39 Cotswold Road STRATHFIELD and has a legal description of Lot: 22 DP: 5984. The site is a rectangular shaped parcel of land and is located on the western side of the street near the corner of Highgate Street.

The site has a width of 20.1m, a depth of 51.3m and an overall site area of 1,031m².

The locality surrounding the subject site contains a mixture of large single and two-storey dwelling houses within a low density residential environment on large lots.

Strathfield Local Environmental Plan

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

Development Control Plan

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

Notification

The application was notified in accordance with Council's Community Participation Plan from 12 March to 26 March 2021, where no submissions were received.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2019/179/3 is recommended for **approval** subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the Section 4.55(1A) Modification Application to modify and redesign the approved outbuilding (cabana) and roof structure. The proposal seeks to provide a cabana with bathroom facilities adjacent to the existing double garage at the rear of the subject site.

More specifically, the proposal includes the following changes:

- An increase of the height of the roof structure over the cabana by 300mm. The Reduced Levels (RL) show that the total height from ground level to the highest point above ground level will be 3.55m high (RL34.65 ground level to RL38.2 total height). The new roof is a semi-circular structure.
- The partial demolition of the existing ground floor bathroom/change room and outdoor kitchen that are attached to the garage.
- The remodelling of the cabana (partially located over the pool) with a kitchenette and fire place (40m²). This will incorporate a glass brick wall to the western side (rear) of the cabana and a full length glass panelled lift door which can be raised to fully open to the pool or can completely enclose the 40m² space on the eastern side (facing the dwelling).
- Storage areas including a room for pool storage (2.6m x 3.2m) and extension of the garage to include storage (0.72m x 3m).
- External bathroom facilities (3m x 1.4m) which includes a toilet, shower and sink.



Figure 2: Illustration showing the proposal's semi-circular roof and new layout.

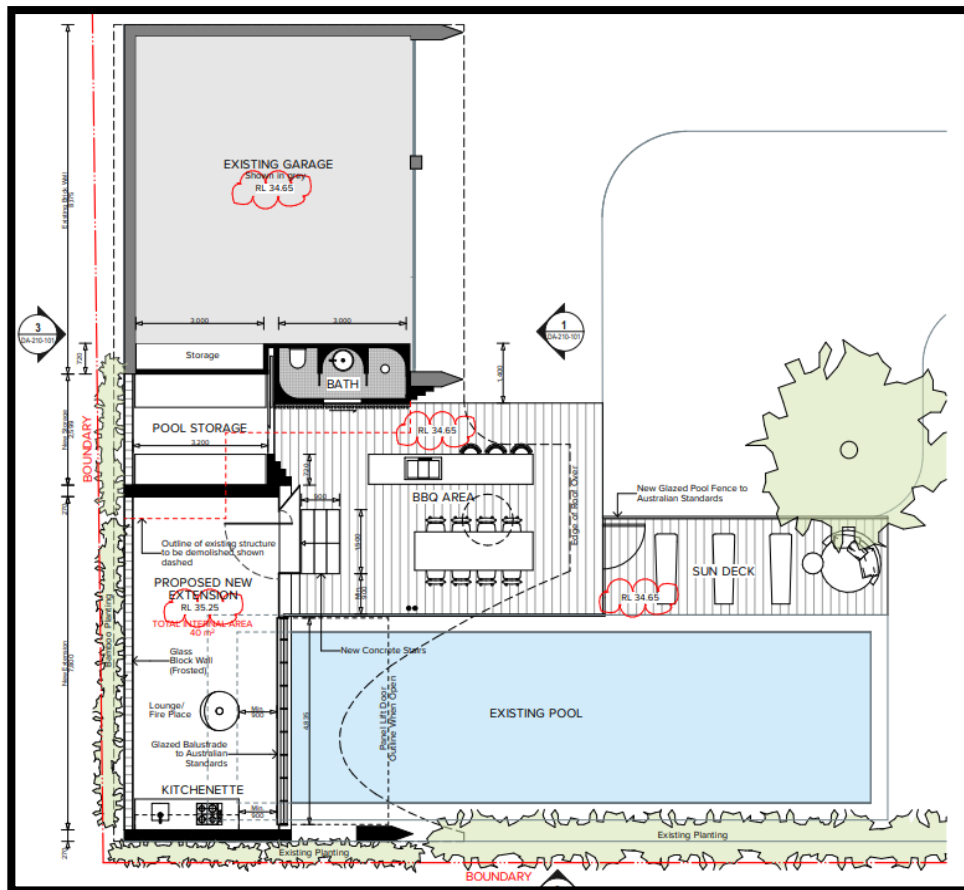


Figure 3: Proposed new layout of the cabana, external bathroom and storage.

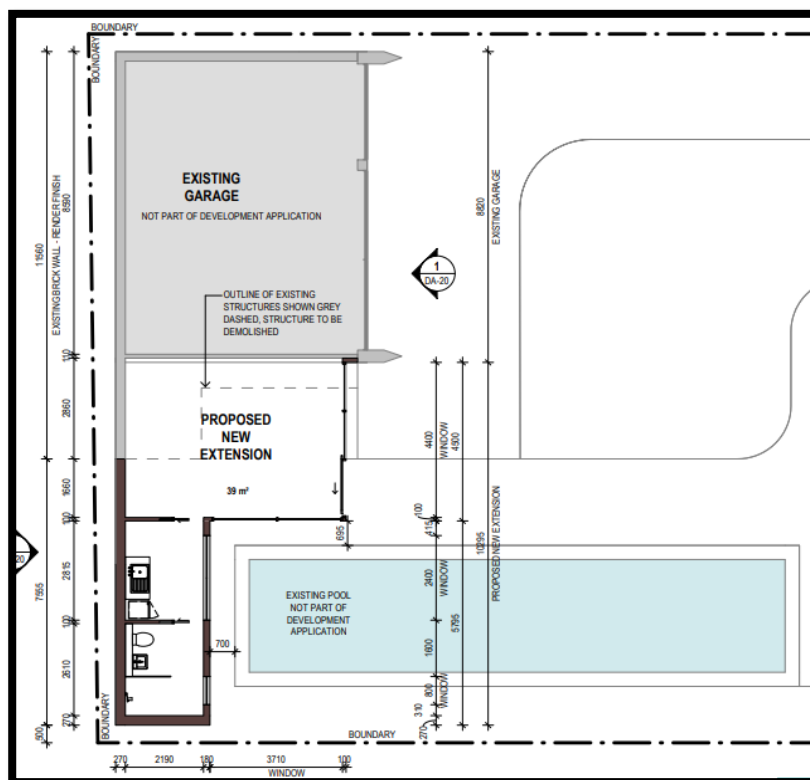


Figure 4: Approved layout of the cabana, external bathroom and storage (DA2019/179).

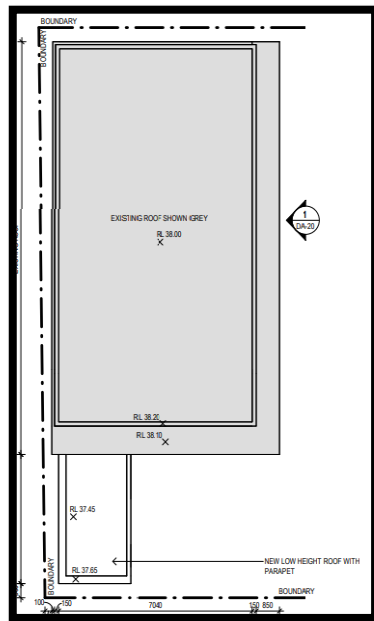


Figure 5: Approved roof plan (DA2019/179)

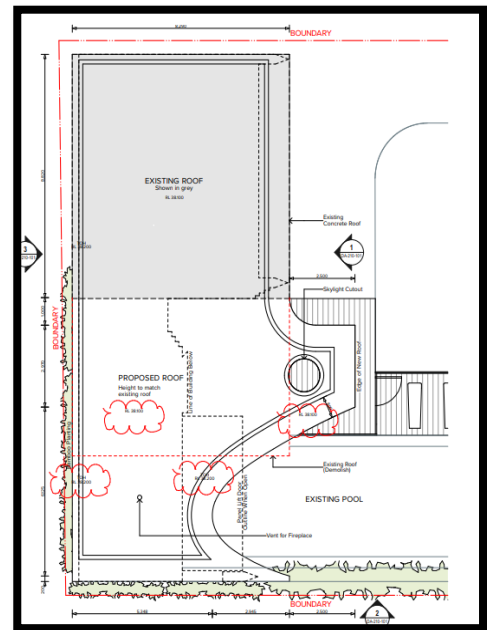


Figure 6: Proposed roof plan

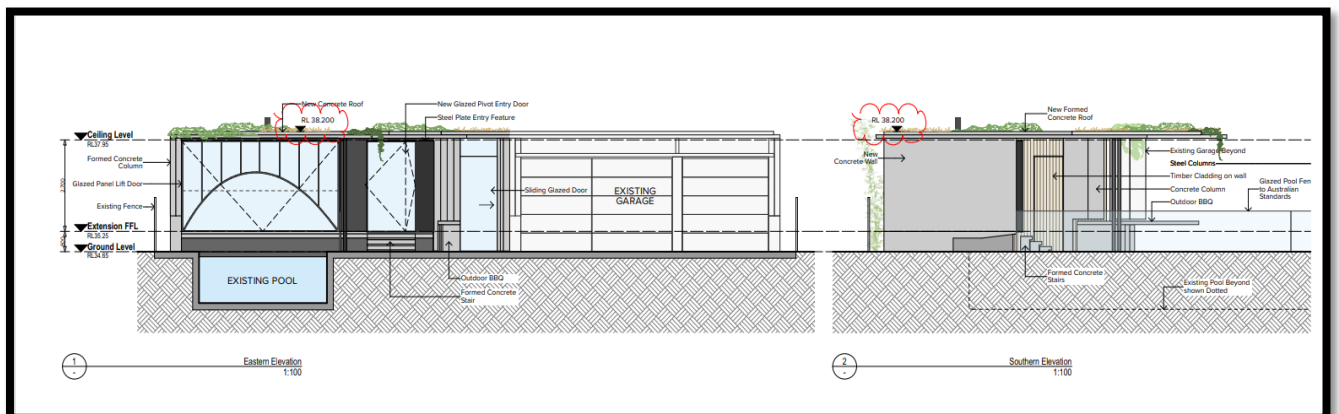


Figure 7: Showing proposed glass enclosed space located over the pool.

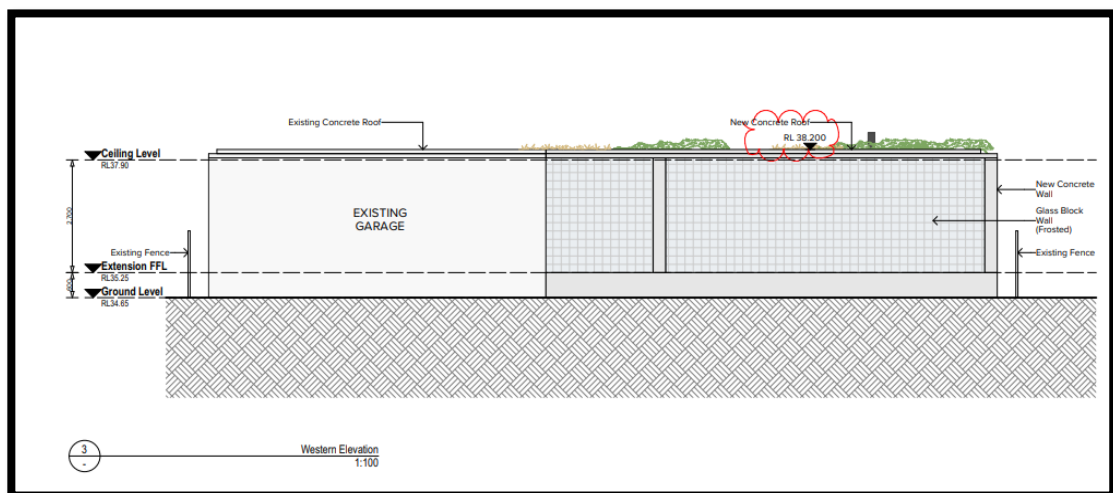


Figure 8: showing the existing garage with the adjoining cabana as viewed from the rear boundary.

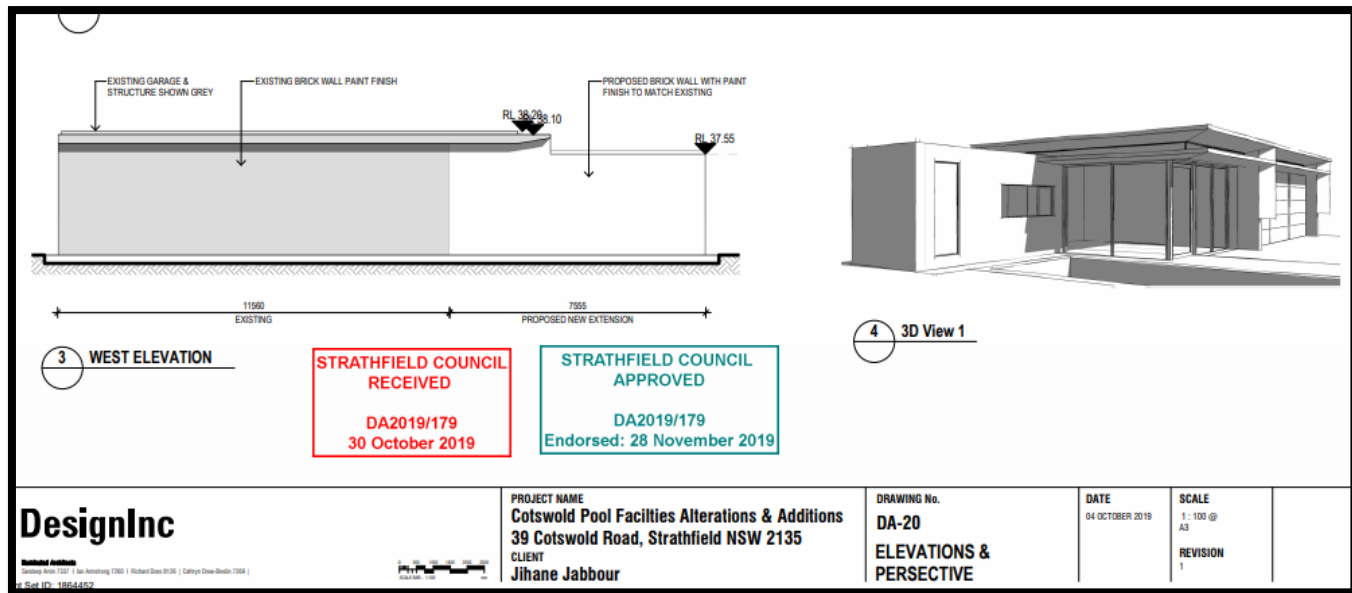


Figure 9: Approved elevation (DA2019/179) which shows an enclosed glass structure and bathroom facilities.

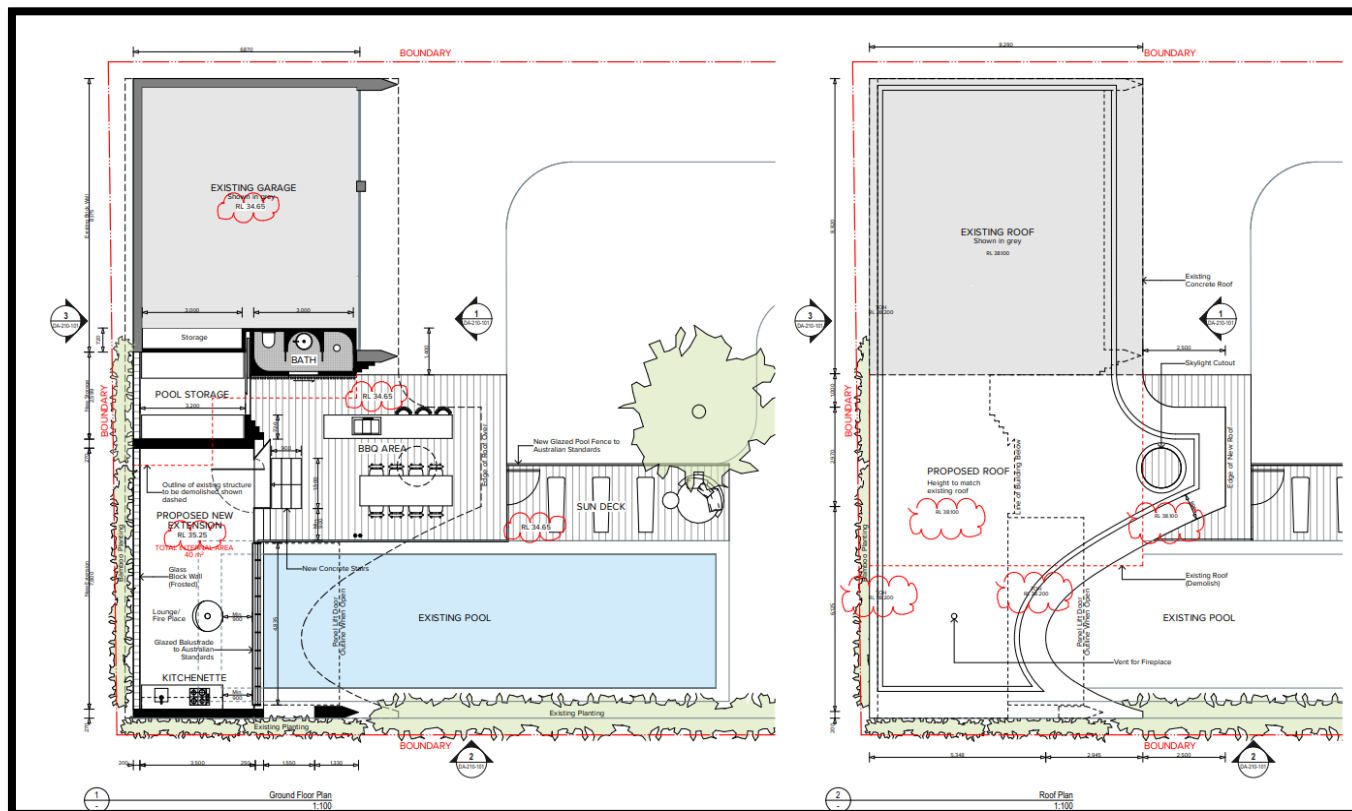


Figure 10: The proposed site plan



Figure 11: Looking towards the west of the site (showing the structures to be demolished).



Figure 12: Looking towards the south-western boundary.



Figure 13: The current existing structures (pool area and garage).



Figure 14: Existing house

The Site and Locality

The subject site is located on the western side of Cotswold Road, between Albyn Road and Highgate Street. The site is legally identified as Lot 22, DP 5984 and known as 39 Cotswold Rd, Strathfield. The subject site has a frontage to Cotswold Road of 20.1m, a depth of 51.3m and a total site area of 1,031m². The site is generally flat.

The site contains an existing two (2) storey dwelling, swimming pool and a detached garage located at the rear of the site (see Figures 13 and 14). Surrounding development on the adjoining lots includes a tennis court to the south at 41 Cotswold Rd and trees along the rear boundary at 162 Homebush Rd (see Figure 15).

The locality is generally characterised by large single and two-storey dwelling houses within a low density residential environment.

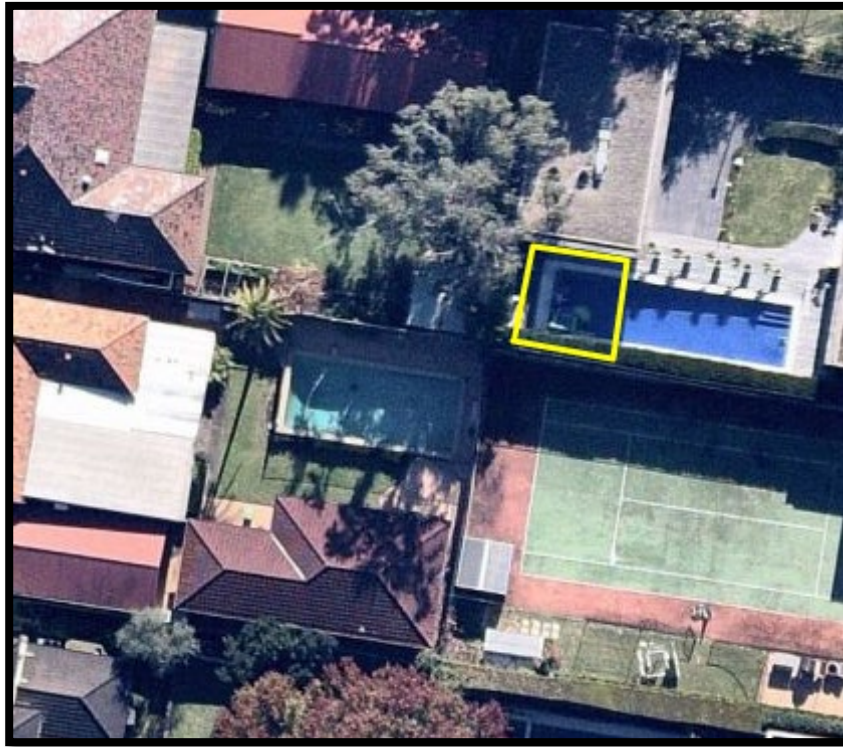


Figure 15: The yellow box indicates location of the proposed cabana

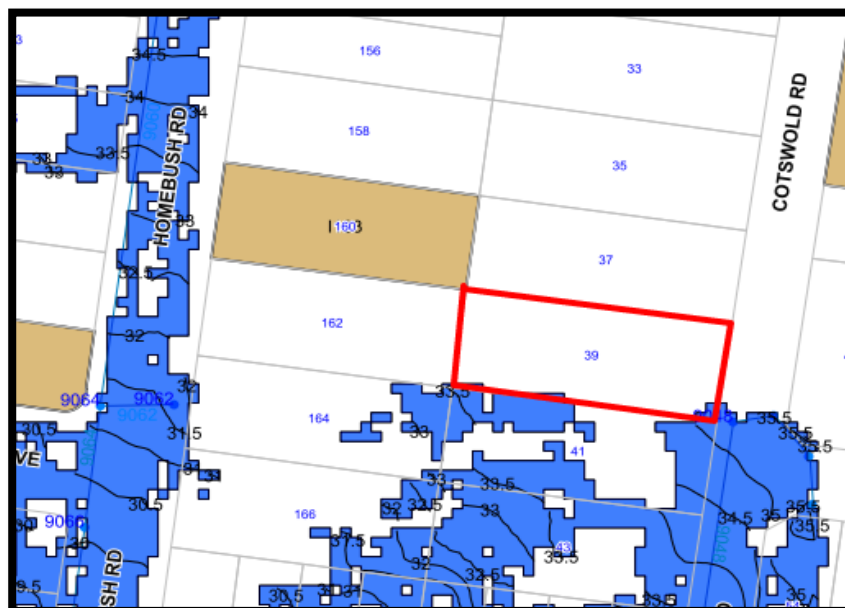


Figure 16: Showing the subject lot outlined in red, flooding (blue) and heritage item (brown)

Background

2012 -2014:	Current House additions approved (circ interwar house) and occupied under complying development approval . This includes the brick garage, in ground pool and outside toilet.
11 March 2019:	Development application received for a studio on-top of the double garage and outdoor kitchen. Notification attracted objections.
17 May 2019:	DA2019/034 was withdrawn by the applicant for alterations to the existing garage and construction of a secondary dwelling above.
30 October 2019:	The subject development application (DA2019/179) for demolition of outdoor kitchen and bathroom and construction of a cabana. This attracted one objection stating unauthorised works on boundary.
28 November 2019:	Application (DA2019/179) approved. This included extension of bathroom facilities along boundary. The total overall addition was for 39m ² . This space is enclosed with a sliding door and is attached to a metal clad building which includes a toilet and sink area.
6 March 2020:	DA2019/179/2 - 4.55 (1) – error – removal of condition approved.
24 February 2021:	The subject modification application DA2019/179/3 was lodged.
12-26 March 2021:	The subject modification application DA2019/179/3 was notified in accordance with the CPP. Notification period ended on 26 March 2021 and no submissions was received.
4 May 2021:	Re-assigned to assessing officer
2 June 2021:	A site visit was undertaken by Council's assessing officer.
8 June 2021:	Additional information on existing floor space was requested by Council's assessing officer. This included that the applicant provide Council with the existing floor plans.
9 June 2021:	Applicant was unable to locate existing floor plans to show FSR. Applicant has forwarded previous and current Statement of Environmental Effects stipulating that there is only a 1m overall increase in FSR between the approved and proposed development. Assessment has now been undertaken on measurements of the existing approved structure in relation to the modified struture.
6 July 2021	Internal advice received from Council's Senior Building Surveyor

Referrals – Internal and External

The proposal was internally referred to Council's Senior Building Surveyor who stated that *"the existing swimming pool fence does not comply, and will need be modified to accommodate the proposed works."*

The following condition was provided:

Modified Special Condition

The swimming pool fence is required to comply with the Swimming Pools Act 1992, Swimming Pool Regulation 2018 and the Building Code of Australia. Details of compliance are to be illustrated on the plans lodged with the application for the Construction Certificate.

Section 4.55 of the EP&A Act 1979

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

Strathfield Local Environmental Plan

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

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

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

Part 4 – Principal Development Standards

The previous delegated report stated that the approved outbuilding did not require assessment against the provisions of the SLEP 2012. The previously approved outbuilding had a total floor space of 39.6m². The proposed outbuilding will have a floor space of 40m². This is a minor increase over the previously approved design of 0.4m². This is a minor increase with no environmental effects and therefore is considered acceptable.

The height of the cabana is proposed to be 3.55m which is below the development standard of 9.5m for building heights.

Part 5 – Miscellaneous Provisions

Heritage Conservation

The rear of the site is located diagonally from a local heritage item (163 - Swanwick"—Federation house). The proposed development is unlikely to be visible from the heritage item and therefore will have no impact on the heritage item.

Flood Planning

The extent of flood affectation is negligible and therefore the proposed development does not require a Flood Impact Statement. The provisions of this Clause are considered to be satisfied.

Part 6 – Additional Local Provisions

Acid Sulfate Soils

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

Earthworks

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

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

The value of works is less than \$50,000 and as a result there is no requirement for the application to be assessed in accordance with the BASIX SEPP.

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

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

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

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

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

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

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

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

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

(iii) *any development control plan,*

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

Applicable DCP Controls (Part A – Dwelling Houses and Ancillary Structures)	DCP Controls	Development Proposal	Compliance/ Comment
12.2.2 Outbuildings. Setbacks: (West) Front: South Side: North Side: (East) Rear:	Behind building line 0.5m 0.5m 0.5m	Behind building line 8.175m 0.5m 0.5m	Complies Complies Complies Complies
Floor Space	40m ²	40m ²	Complies
4.2.2 Building Height Heights: Overall height for outbuildings:	3.5m	3.55m	Does not comply.
Landscaping/Deepsoil Provisions	N/A	No change from current	No change to current situation.
Stormwater Disposal Provisions	N/A	N/A	No change in disposal method from approved DA.

Comments: The overall height for outbuildings does not comply. A condition is included to reduce the height by 50mm.

Building Envelope

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

- building scale, height and floor space ratio

Landscaping and Open Space

The proposed modification is contained within a developed area that already contains a terrace and pool area. Therefore, there is no change to the open space.

Privacy

The proposed development satisfies the relevant objectives and controls of the SCDP 2005. The views from the outbuilding are towards the existing dwelling on site. It will not overlook neighbouring properties.

Cut and fill

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

Existing trees and shrubs have been retained where possible and ground water tables are maintained and impact on overland flow and drainage is minimised.

Water and Soil Management

The proposed development, 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.

ANCILLARY STRUCTURES

Outbuildings

The proposed development satisfies the relevant objectives and controls the SCDCP 2005 with the exception of the height being in excess of 3.5m and the inclusion of cooking facilities in the kitchenette. The original Condition 3 (DA2019/179) has been modified to reduce the height of the cabana to the required 3.5m.

A new condition to remove the cooking facilities from the plans has also been imposed as this is not permitted within the outbuilding under Part A of the SCDCP 2005 clause 12.2.2 outbuildings which state:

7. No kitchen facilities will be permitted in an outbuilding. A small fridge and a sink alone are not considered to constitute a kitchen.

The other controls have been met. The proposed cabana is within the 40m² requirement and maintains the required 0.5m setbacks from the western (rear) and southern (side) boundaries.

In addition, it is likely that the new design will have a positive effect by reducing noise from the site as the entire entertainment space can be enclosed.

Swimming Pools, Spas & Associated Enclosures:

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005. The pool is existing, however the situation with the associated enclosure will change. As such, a special condition has been imposed to ensure the enclosure will comply with the *Swimming Pools Act 1992, Swimming Pool Regulation 2018 and the Building Code of Australia*.

PART H – Waste Management (SCDCP 2005)

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

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

The provisions of this clause are not relevant to the modification and have been addressed 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 will be located away from adjoining dwellings to the rear of the garden and therefore will not impact on overshadowing or privacy of adjoining properties. It will enclose a current entertainment area which will reduce noise. 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. No submissions were received.

(e) *the public interest.*

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

Local Infrastructure Contributions

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

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

STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

Section 7.12 Contributions are not applicable to the proposed development in accordance with the *Strathfield Indirect Development Contributions Plan 2010*. The costs of works are \$9,000.00 which is under \$100,000 threshold which triggers a contribution payment.

Conclusion

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

Pursuant to Section 4.55(1A) of the Environmental Planning & Assessment Act 1979 and following detailed assessment of the proposed modifications to Development Consent No. 179/2019/3 for demolition of outdoor kitchen and bathroom and construction of an outbuilding at 39 Cotswold Rd Strathfield are **APPROVED**, subject to:

1. The original conditions of consent as approved on 28 November 2019
2. As modified by the Section 4.55(1) Application (DA2019/179/2)
3. As modified by Section 4.55(1) Application (DA2019/129/3) involving modification of Condition No.2 and Condition No. 3 and imposition of a new conditions No.1a and No.2a as follows:

1A. Modified Special Condition (Swimming Pool Fence)

The swimming pool fence is required to comply with the Swimming Pools Act 1992, Swimming Pool Regulation 2018 and the Building Code of Australia. Details of compliance are to be illustrated on the plans lodged with the application for the Construction Certificate.

(Modified by DA2019/179/3 – 6 July 2021)

2. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/179:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
DA-10	Ground Floor & Roof Plan	Design Inc	Revision 1 4 October 2019	30 October 2019
DA-110-001	GA Plans	TURNER	C	24 February 2021
DA-20	Elevations & Perspective	Design Inc	Revision 1 4 October 2019	30 October 2019
DA-210-101	GA Elevations	TURNER	C	24 February 2021
1353- S1/1	Stormwater Drainage & Sediment Control Plan	Design Inc	Revision 1 4 October 2019	30 October 2019

(Modified by DA2019/179/3 – 6 July 2021)

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/179:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Waste Management Plan	Buildform	Revision 1 October 2019	30 October 2019

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

2A. Required Design Changes

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

Amendments made in red on approved plans	All changes made in red on the approved plans shall be updated and shown on the Construction Certificate plans.
Removal of Kitchenette	Amended plans and details are required to show only a sink and fridge with the removal of the word kitchenette and the image of the cook top.
Reduction of height	The overall height is to be reduced by 50mm.

(Modified by DA2019/179/3 – 6 July 2021)

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

The maximum height of the outbuilding measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) ~~38.20AHD and the bathroom and kitchen area is not to exceed 37.65~~ **38.15** AHD to the roof ridge of the building. (Reason: To ensure the approved building height is complied with.)

(Modified by DA2019/179/3 – 6 July 2021)

Signed:



E Black
Specialist Planner Heritage

Date: 20 July 2021



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



I have reviewed the details of this development application and I also certify that Section 7.11/7.12 Contributions are not applicable to this development;

Report and recommendations have been peer reviewed and concurred with.

Signed: 
Jake Brown
Planner

Date: 21 July 2021

SPECIAL CONDITIONS (SC)

1. **OUTBUILDING SETBACKS (SC)**

The outbuilding shall be setback a minimum of 0.5m from the eastern rear boundary and southern side boundary.

(Reason: To maintain amenity of adjoining landowners.)

2. **USE OF OUTBUILDING (SC)**

The outbuilding is not to be used for habitable purposes.

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

1a. **Modified Special Condition (Swimming Pool Fence)**

The swimming pool fence is required to comply with the Swimming Pools Act 1992, Swimming Pool Regulation 2018 and the Building Code of Australia. Details of compliance are to be illustrated on the plans lodged with the application for the Construction Certificate.

(Modified by DA2019/179/3 – 6 July 2021)

GENERAL CONDITIONS (GC)

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

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/179:

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Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Waste Management Plan	Buildform	Revision 1 October 2019	30 October 2019

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

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

2A. Required Design Changes

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

Amendments made in red on approved plans	All changes made in red on the approved plans shall be updated and shown on the Construction Certificate plans.
Removal of Kitchenette	Amended plans and details are required to show only a sink and fridge with the removal of the word kitchenette and the image of the cook top.
Reduction of height	The overall height is to be reduced by 50mm.

(Modified by DA2019/179/3 – 6 July 2021)

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

The maximum height of the outbuilding measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) **38.15AHD** and the bathroom and kitchen area ~~is not to exceed 37.65AHD to the roof ridge of the building.~~

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

(Modified by DA2019/179/3 – 6 July 2021)

5. CONSTRUCTION HOURS (GC)

No construction or any other work related activities shall be carried out on the site outside the hours of 7.00 am to 5.00 pm Mondays to Fridays and 8am to 1pm Saturdays.

No building activities are to be carried out at any time on a Sunday or public holiday.

Where the development involves the use of jackhammers/rock breakers and the like or other heavy machinery, such equipment may only be used between the hours of 7.00 am - 5.00 pm Monday to Friday only.

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

6. CONSTRUCTION WITHIN BOUNDARIES (GC)

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

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

7. DEMOLITION – GENERALLY (GC)

Alteration and demolition of the existing building is limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is not shown to be altered or demolished.

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

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

All external materials, colours and finishes including windows and doors and roofing materials must be of high quality and compatible with those of the surrounding streetscape and locality. All external materials and colours shall be of low glare and reflectivity. Details demonstrating compliance with this condition shall be provided to the Principal Certifying Authority, prior to the issue of any Construction Certificate.

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

9. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)

All of the following are to be satisfied/complied with during demolition, construction and any other site works:

- i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. Protection pads are to be installed to the kerb, gutter and nature strip where trucks and vehicles enter the site.
- iv) No blasting is to be carried out at any time during construction of the building.

- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- x) All waste must be contained entirely within the site.
- xi) A site plan including temporary waste storage locations, construction material storage areas and vehicular access to and from the site must be included with application.
- xii) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling and must be presented to Council and/or Principal Certifying Authority upon request.
- xiv) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- xv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- xvi) Public footways, include nature strips and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.
- xvii) Building operations such as brick-cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- xviii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- xix) Any work must not prohibit or divert any natural overland flow of water.
- xx) Toilet facilities for employees must be provided in accordance with WorkCover NSW.

(Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area.)

10. **PRINCIPAL CERTIFYING AUTHORITY (PCA) IDENTIFICATION SIGN (GC)**

Prior to commencement of any work, signage must be erected in a prominent position on the work site identifying:

- i) the Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- ii) the Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person; and
- iii) the sign must state that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.

This clause does not apply to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

(Reason: Statutory requirement.)

11. 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.)

12. STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)

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

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

13. SYDNEY WATER - TAP IN™ (GC)

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

(Reason: Compliance with Sydney Water requirements.)

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

14. EROSION AND SEDIMENTATION CONTROL PLAN (CC)

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

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

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

(Reason: Environmental protection.)

15. **DELETED: DA2019/179 18 FEBRUARY 2020**

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

16. **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.)

17. **COMMENCEMENT OF WORKS (NO WORKS UNTIL A CC IS OBTAINED)**

Building work, demolition or excavation must not be carried out until a Construction Certificate has been issued by either Strathfield Council or a Principal Certifying Authority.

Demolition of any part of a building triggers 'commencement of erection of building' pursuant of section 4.19 of the EP&A Act 1979. Accordingly, demolition works must not

commence until a Construction Certificate has been issued, a Principal Certifying Authority has been appointed and a Notice of Commencement has been issued.

(Reason: To ensure compliance with statutory provisions.)

18. 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.)

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

A security (damage deposit) of **\$330.00** (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.)

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

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

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

- i) A construction certificate for the building work has been issued by the consent authority or a Principal Certifying Authority.
- ii) The person having the benefit of the development consent has appointed a principal certifying authority for the building work, and notified the principal certifying authority that the person will carry out the building work as an owner/builder, if that is the case.
- iii) The principal certifying authority has, no later than 2 days before the building work commences:
 - notified the Council of his or her appointment, and

- notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- iv) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved;
 - notified the principal certifying authority of such appointment; and
 - unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- v) The person having the person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

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

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

(Reason: Statutory requirement.)

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

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

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

(Reason: Statutory requirement.)

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

22. **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.)

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

23. 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.)

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

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

(Reason: Adequate stormwater management.)

25. OCCUPATION OF BUILDING (OC)

A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of section 109H (4) of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

The Principal Certifying Authority is required to be satisfied, amongst other things, that:

- i) all required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- ii) any preconditions to the issue of the certificate required by a development consent have been met.

Note: New building includes an altered portion of, or an extension to, an existing building.

(Reason: Statutory requirement.)

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

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