

IDAP REPORT – SECTION 4.55(1A) MODIFICATION

Property:	115-127 The Boulevard Strathfield Lot 42 in DP 829284 DA2019.223.3
Proposal:	Section 4.55(1A) Modification including minor works to approved alterations and additions to a heritage item used as an existing educational establishment.
Applicant:	Trinity Grammar School
Owner:	Trinity Grammar School
Date of lodgement:	24 June 2021
Notification period:	6 July – 20 July 2021
Submissions received:	None (0)
Assessment officer:	E Black
Estimated cost of works:	\$4,499,017.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	Yes
Flood affected:	No
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL



Figure 1: Location (shaded in blue)

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for a Section 4.55(1A) Modification to DA 2019/223. The original consent allowed for '*alterations and additions to a heritage item used as an existing educational establishment*'. This minor amendment seeks to replace the existing windows along the western elevation with new windows, change the metal cladding on the southern facade, and minor reconfiguration of the internal layout on the first floor by moving a wall which will result in better pedestrian access and room design.

Site and Locality

The site is identified as 115 -127 The Boulevard Strathfield, and has a legal description of Lot: 42 DP: 829284. It is also known as Trinity Grammar Preparatory School. The site is a regular shaped parcel of land, located on the corner of The Boulevard and the northern side of Llandilo Avenue. The current streetscape is characterised by mainly two (2) storey residential dwellings on substantial lots in green leafy garden settings.

The site has a width of approximately 130m, a depth of 118m and an overall site area of 15,918 m².

The locality surrounding the subject site predominantly contains low density residential housing 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 Strathfield Local Environmental Plan 2012 (SLEP).

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 (CPP) from the 6th July to the 20th July 2021. No submissions were received during this period.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, Development Application 2019/223/3 is recommended for approval.

REPORT IN FULL

Proposal

Council has received an application for a Section 4.55(1A) Modification for minor amendments to the development application for alterations and additions to a heritage item that is used as an existing educational establishment. In essence, this amendment includes minor changes to the external materials and small change to the internal layout of the first floor.

All changes are to the later classroom addition constructed in the late 1960s and 1980's and thus do not affect the local heritage item, "Llandilo House". These changes affect eight of the architectural plans including the demolition plans, floor plans and elevations. More specifically, the changes are as follows:

Upper Ground floor level:

- Existing western elevation windows replaced with new windows – no change noted in the current form and location of these windows.

First floor level:

- Existing western elevation windows replaced with new windows – no change noted in the current form and location of these windows.
- Realignment of internal corridor wall with door opening on first floor to create a larger tiered seating area
- Construction of a new wall on the first floor adjacent to tiered seating area to create a formal circulation corridor, a communication room and a longer set of stairs.

External works:

- Replacement of external finish with non-combustible metal cladding on the southern elevation.

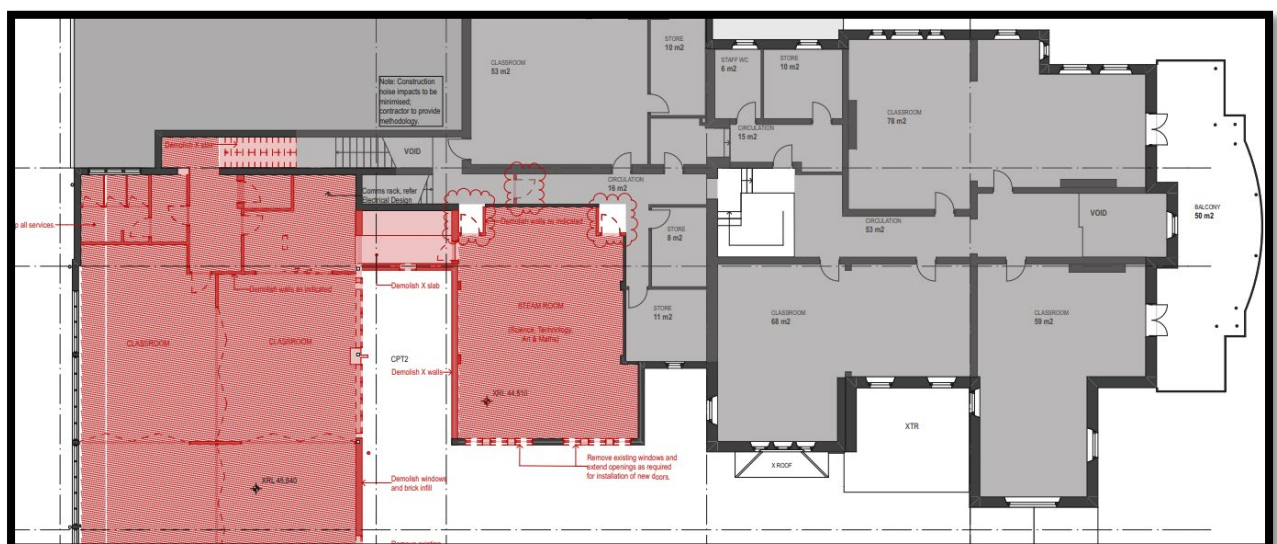


Figure 2: Demolition Plan – First Floor

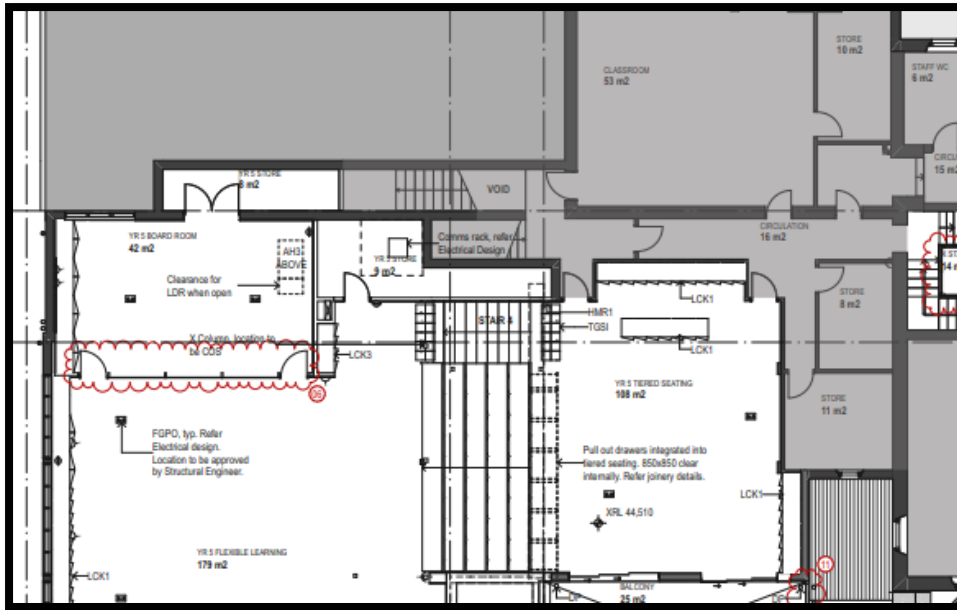


Figure 3: Existing approved First Floor Plan

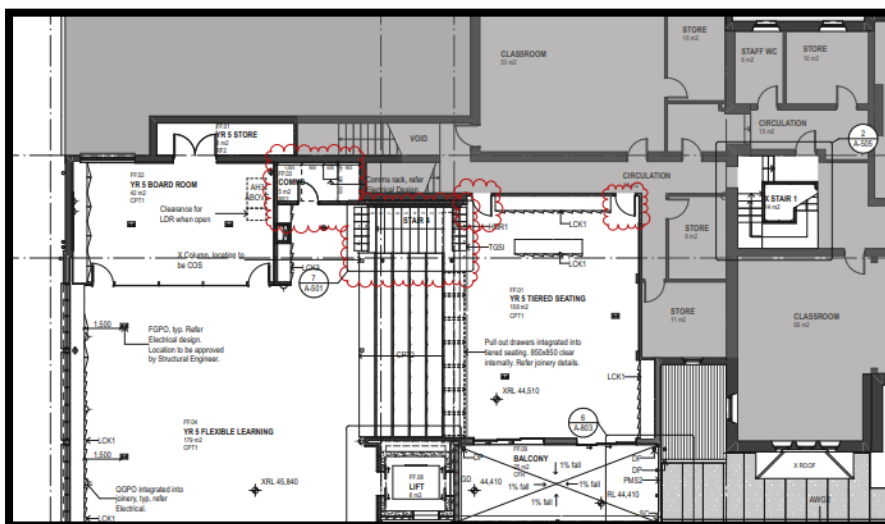


Figure 4: Proposed First Floor Plan

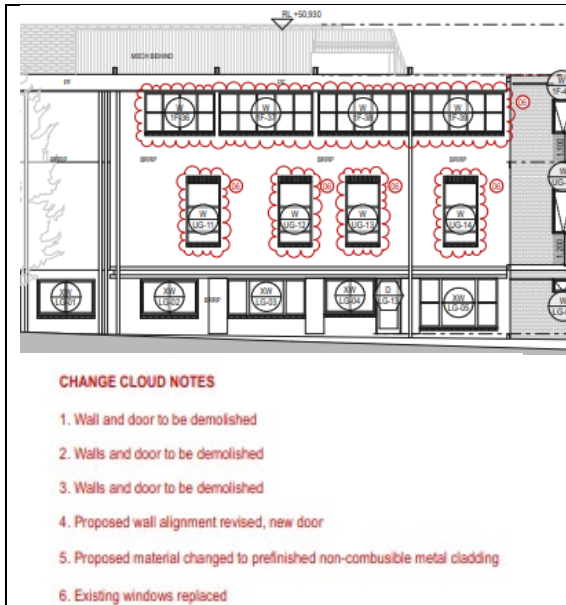


Figure 5: Proposed windows. The plan annotations state that the windows will be replaced.

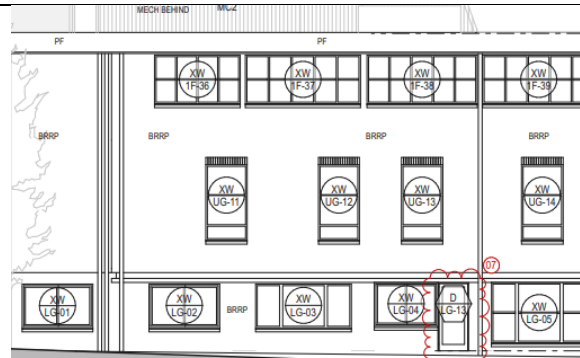


Figure 6: Current approved plan (DA 2019/223/2)

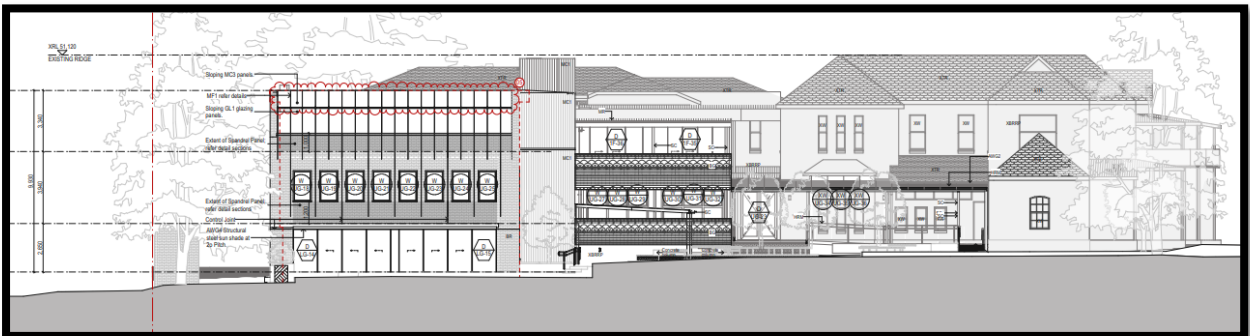


Figure 7: Southern elevation showing the material change to non-combustible.



Figure 8: Photo of western elevation showing the older existing windows to be replaced with similar windows.

Condition No. 6 – Approved Plans and Reference Documentation:

Condition No. 6 of the Notice of Determination for DA2019/223/2 will also be updated to refer to the six (6) modified architectural plans. These plans are:

- DA-011 Demolition Plan – Upper Ground
- DA-012 Demolition Plan – First Floor
- DA-101 Upper Ground Plan
- DA-102 First Floor Plan
- DA-201 South Elevation
- DA-202 West Elevation

The Site and Locality

The subject site is legally described as Lot: 42 DP: 829284 and commonly known as 115-127 The Boulevarde, Strathfield. It is located on the northern side of Llandilo Avenue between The Boulevarde and Kingsland Rd.

The site is rectangular in shape and has a frontage of 130m to the north, secondary frontage of 132m to the south, boundary length of 112m to the east and side boundary length of 125m to the west. It has an area of 15,918m² (1.918 hectares).

The site contains a primary school called '*Trinity Grammar Preparatory School*'. It is occupied by five buildings (Llandilo House, Gymnasium with a music room and afterschool care, Somerset Building, Multipurpose Pavilion and Milverton Building). Vehicular access is provided to the site via an existing private road from Llandilo Avenue to a carpark located within the site. The subject application relates to the classrooms, which face Llandilo Avenue and adjoin Llandilo House.

The current streetscape is characterised by mainly two storey residential dwellings on large lots which include swimming pools, tennis courts and established mature gardens. The dwellings are a mixture of local heritage items as well as modern dwellings.

The surrounding area is characterised by green leafy front yards with high quality large two storey residential homes on large lots.

Background

The Strathfield Local Planning Panel 7th May 2020.
approved the original DA (DA2019/223).
This DA allowed for demolition, additions
and internal reconfiguration of the existing
building and landscaping.

Modification DA2019/223/2 approved. This 26th February 2021
modified Condition 29 which related to fire
safety upgrades. It also made changes to the
mechanical screening and redesigned the
rooftop mechanical plant.

Modification S4.55 (1A) DA2019/223/3 lodged.	24 June 2021
The application was notified in accordance with Council's Community Participation Plan.	6 July – 20 July 2021
Further information request to confirm correct modified plans. A number of plans with the same title had been submitted as part of the application. Two plans were additional plans.	25 August 2021
Written confirmation received from the applicant that the modification only related to six plans not eight plans. The two additional plan were not to be included under <i>Condition No. 6 – Approved Plans and Reference Documentation</i> .	25 August 2021

Referrals – Internal and External

Heritage Referral:

This application was referred to the Heritage Advisor who provided the following comments:

Part of the subject building contains a local heritage item described as '*Item 208 - Trinity Grammar Preparatory School—school building (former "Llandilo"—Victorian mansion)*' under Schedule 5 of SLEP2012. The Heritage Advice provided by *John Oultram Heritage and Design* as part of this application states that the heritage item "Llandilo" will not be affected by the proposed modifications. These modifications only affect the fabric of the newer 1960's and 1980's classroom additions. It also states that the proposed modifications are minor and will have no impact on heritage significance. I concur with this advice and do not object to this modification.

Section 4.55 of the Environmental Planning and Assessment Act (EPA) 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 and is substantially the same development for which the consent was originally granted. It has been notified in accordance with the provisions of Council's Community Participation Plan and no submissions were received.

Under the provisions of s4.55 (3), the consent authority must take into consideration the relevant matters referred to in section 4.15 (1) and the reasons given by the consent authority for the granting of the original consent. A detailed assessment follows below.

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 site is located with Zone R2 Low Density Residential, and whilst educational establishments are a prohibited land use in the R2 zone under the SLEP 2012, the development is permissible by under State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017. The proposed modification results in the development remaining generally consistent with the zone objectives.

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	A 9.5m maximum height of building control applies to the site.	Approved height (due to mechanical plant) 11.52m	No Change
4.4 Floor Space Ratio	0.5:1	approved with an FSR of 0.44:1	No Change.

Part 5 – Miscellaneous Provisions

Heritage Conservation

The proposal has been identified as alterations to a Heritage Item (208) - “Llandilo house” and Heritage Advice was submitted with the application. The application was referred to Council’s Heritage Officer who has advised that the proposed works are satisfactory and thus meet the objectives and clauses of this provision.

Flood Planning

The proposed site has not been identified within the flood planning levels and as such, the provisions of this clause are not applicable to the modification as proposed.

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 proposed modifications do not result in any additional excavation works and will not have any further detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

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.

SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005

All stormwater from the proposed development can be treated in accordance with Council's Stormwater Management Code and would satisfy the relevant planning principles of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

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

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

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

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

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

Clause 35(1) 'Schools—development permitted with consent' provides that development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone. As such, the modified development continues to be permissible within the R2 zone. Clause 35(6) requires the determining authority to take into consideration the design quality of the development against the design quality principles in Schedule 4 of the SEPP. The modified development is considered consistent with the design quality principles in Schedule 4 of this SEPP.

The modifications will allow for updated material such as new windows and non-combustible metal sheeting to be installed. This will improve the safety and thermal comfort of the building. The reconfiguration of the internal space will also improve circulation, the useability and safety of the stairs.

As the proposal does not entail any additional student or staff increase, the development is not 'traffic generating development' and referral to Transport for NSW was not required

- (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;

Part M- Education Establishments

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
Building Envelope			
Setbacks: Front: Secondary: Two storey - Side:	9m 5m (min) 4m	N/A	No change from the approved plans.
Landscaping			
Where sites are within or adjoining Residential 2A or 2B zoned areas maximum site coverage is 60%.	(15,918 m ² x 45%) 7163.10m ²	N/A	No change in the existing and the approved plans.

Part Q- Urban Design Controls

The proposed development, as modified, satisfies the relevant objectives and controls of Part Q. The changes are minor and are mainly for safety reasons such as the non-combustible metal material, layout changes to allow for safer stairs from the upper to lower levels, and new windows along the western side to allow for better insulation and internal passive temperature control.

There are no changes to existing privacy, building envelope, landscaping, fencing, solar access and parking.

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, as modified, does not change its existing scale and character. The modifications are minor and will improve the use and internal comfort of the space. 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 the same as the existing approved development and as such is of a scale and design that is suitable for the site.

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

The new windows will provide for better insulation by meeting the glazing requirements of the *National Construction Code 2019 Section J* as shown in the documentation provided from JHA (dated 25 May 2021). This will increase the public benefit by improving internal temperature control. The changes to the layout will allow for safer pedestrian circulation. The public may also benefit through a potential decrease in low level noise from the schools mechanical unit as a result of better internal passive climate control.

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 CONTRIBUTIONS PLAN

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

Local Amenity Improvement Levy	\$44,990.17
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Conclusion/Recommendation

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. 223/2019/3 be approved as follows:

1. The original conditions of consent of Development Consent No. 223/2019/2 as approved except where amended as below.
2. As part of this Section 4.55(1A) application, the following condition is to be modified:
 - Condition 6 - APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

Accordingly, Development Consent 223/2019/3 is approved by amending condition 6 by changing the following six (6) architectural plans by Tonkin Zulaikha Greer Architects;

- DA-011 Demolition Plan – Upper Ground
- DA-012 Demolition Plan – First Floor
- DA-101 Upper Ground Plan
- DA-102 First Floor Plan
- DA-201 South Elevation
- DA-202 West Elevation

Signed: 

E Black
Specialist Planner Heritage

Date: 24 August 2021



I have reviewed the details of this modified development application and I also certify that Section 7.12 Contributions are applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed and concurred with.

Signed: **MR**
Miguel Rivera
Senior Planner

Date: 31 August 2021

The following conditions of consent are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instrument and/or Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To protect the environment.
- (c) To ensure that there is no unacceptable impact on the amenity of the area, or to private and public property.
- (d) It is in the public interest.

DEVELOPMENT DETAILS

PART B – OTHER CONDITIONS

1. TRANSPORT IMPACT STUDY (OU)

Should further intensification of the use be sought at the site, a transport impact study shall be prepared by a suitably qualified traffic consultant and submitted to Council to the satisfaction of Council's Manager Traffic to address the following:

- ☐ Demonstrate adequate on-site parking provision which satisfies relevant DCP and SEPP requirements.
- ☐ Identify the potential impact associated with the intensification on the road network. Trip generation shall be derived from the RTA Guide to Traffic Generating Developments relevant traffic generation rates, or based on surveys on the existing and similar land uses within the local area.
- ☐ All aspects of the on-site parking layout must comply with AS2890 series.
- ☐ Discuss impacts on public transport, cycling and pedestrian access.
- ☐ A preliminary CTPMP shall be provided to demonstrate the proposed management of the impact in relation to construction traffic.
- ☐ An operational plan shall be included. Consideration should be given to initiatives to encourage modal shift away from private car usage during the on-going use.
- ☐ Mitigations shall be included to address infrastructure upgrade and traffic management requirements.

(Reason: Environmental amenity.)

2. INTERNAL COLOUR (SC)

Delineate the internal walls of the modern fabric in a different colour/material to that of the historical fabric of "Llandilo" house so that the historical fabric is easy to interpret.

(Reason: To enable the historical house to be better interpreted.)

3. NOISE GENERATION (SC)

Noise generated from the mechanical ventilation and air conditioning units shall not give rise to offensive noise as defined under the provisions of the Protection of the

Environmental Operations Act 1997. The sound level output shall not exceed 5 dB (A) above the ambient background level at the received boundary.

(Reason: Environmental amenity)

4. **REMOVAL OF HERITAGE FABRIC - WINDOWS OPENINGS (SC)**

The modification of the two original windows shall be carried out in a way so their original design is evident in the new configuration. The proposed design showing this is to be approved by Council's Heritage Consultant prior to the issue of a Construction Certificate.

(Reason: Historical interpretation)

5. **HERITAGE - SUBMISSION OF PHOTOGRAPHIC RECORD (CC)**

A photographic archival record is to be made of the affected area in accordance with NSW Heritage Council Guidelines 'Photographic Recording of Heritage Items Using Film or Digital Capture' prior to commencement of works or any demolition works and the record lodged with a suitable archive such as Strathfield Local History library.

(Reason: To provide a historic record of heritage significant works on the site for archival purposes.)

GENERAL CONDITIONS (GC)

6. **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. 2019/223**.

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
A-505	X stair 1 upgrades	Tonkin zulaikha greer architects	A/30.09.2020	3/12/2020
DA-010	Demolition plan - lower ground	Tonkin zulaikha greer architects	A/28.10.2020	3/12/2020
DA-011	Demolition plan - upper ground	Tonkin zulaikha greer architects	A/28.10.2020	3/12/2020
DA-011	Demolition plan - upper ground	Tonkin zulaikha greer architects	B/19.05.2021	24/06/2021
DA-012	Demolition plan - first floor	Tonkin zulaikha greer architects	A/28.10.2020	3/12/2020
DA-012	Demolition plan - first floor	Tonkin zulaikha greer architects	C/19.5.2021	24/06/2021
DA-013	Demolition plan - roof	Tonkin zulaikha greer architects	A/28.10.2020	3/12/2020
DA-100	Lower ground plan	Tonkin zulaikha greer architects	A/28.10.2020	3/12/2020

DA-101	Upper ground plan	Tonkin zulaikha greer architects	A/28.10.2020	3/12/2020
DA-101	Upper ground plan	Tonkin zulaikha greer architects	B/19.05.2021	24/06/2021
DA-102	First floor plan	Tonkin zulaikha greer architects	A/28.10.2020	3/12/2020
DA-102	First floor plan	Tonkin zulaikha greer architects	C/19.05.21	24/06/2021
DA-103	Roof level plan	Tonkin zulaikha greer architects	A/28.10.2020	3/12/2020
DA-200	East elevation	Tonkin zulaikha greer architects	A/28.10.2020	3/12/2020
DA-201	South elevation	Tonkin zulaikha greer architects	A/28.10.2020	3/12/2020
DA-201	South elevation	Tonkin zulaikha greer architects	B/19.05.2021	24/06/2021
DA-202	West elevation	Tonkin zulaikha greer architects	A/28.10.2020	3/12/2020
DA-202	West elevation	Tonkin zulaikha greer architects	B/19.05.2021	24/06/2021
DA-203	North elevation	Tonkin zulaikha greer architects	A/28.10.2020	3/12/2020
DA-204	Internal elevation	Tonkin zulaikha greer architects	01/16.12.2019	3/12/2020
DA-300	North south section	Tonkin zulaikha greer architects	A/28.10.2020	3/12/2020
DA-301	East west section	Tonkin zulaikha greer architects	A/28.10.2020	3/12/2020
DA-401	Materials and finishes plan	Tonkin zulaikha greer architects	01/16.12.2019	23/12/2019
L301	Hardworks plan	Xeriscapes	A	3/12/2020
L401	Planting plan	Xeriscapes	A	3/12/2020
L201	Precedent spaces and planting palette	Xeriscapes	A/06.12.2019	23/12/2019
L301	Indicative plant schedule	Xeriscapes	A/06.12.2019	23/12/2019
DA-C03.01	Concept civil works and stormwater plan	Northrop	MS/06.12.19	23/12/2019

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2019/223:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Fire safety audit assessment report	Credwell	28 October 2020	03/12/2020
Proposed section 4.55 application for amendments to the approved proposals for alteration and additions at trinity	John Coultram heritage & design	October 2020	3/12/2020

grammar preparatory school the boulevard, strathfield, nsw Heritage impact statement.			
Waste mangement plan template	The council of trinity grammar school	11 December 2019	23 December 2019
Access review S4.55 application Year 5 and 6 precincts	Funktion	1/22/1020	03/12/2020
Hazardous materials survey report and register Ems142730	Mems – environmental monitoring services	29/09/2014	23 December 2019
Proposed alterations and internal reconfigurations of trinity grammar school strathfield campus .115-127 the boulevard, strathfield - traffic and parking assessment report (ref 19510)	Varga traffic planning pty ltd	11 December 2019	23 December 2019

Modified by 2019/223/2 on 26/02/21.

Modified by 2019/223/3 (3 September 2021).

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.)

7. 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.)

8. 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.)

9. 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.)

10. DEMOLITION - HERITAGE ITEMS (GC)

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

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

(Reason: Heritage conservation.)

11. DEMOLITION - SITE SAFETY FENCING (GC)

Site fencing is to be erected to a minimum height of 1.8m complying with WorkCover Guidelines, to exclude public access to the site, prior to any demolition works occurring and maintained for the duration of the demolition works.

If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding/fencing along the street frontage(s) complying with WorkCover requirements must be obtained including:

- ☐ payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and
- ☐ provision of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy provided to Council.

(Reasons: Statutory requirement and health and safety.)

12. LIGHTING (GC)

Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads.

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external signage associated with the development, without the prior approval of Council.

(Reason: To protect the amenity of surrounding development and protect public safety.)

13. MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULE (GC)

All external materials, finishes and colours are to be consistent with the schedule submitted and approved by Council with the development application.

(Reason: To ensure compliance with this consent.)

14. 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.)

15. 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.)

16. **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.)

17. CLASSIFICATION OF WASTE (GC)

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

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

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

(Reason: To ensure compliance with legislation.)

18. HAZARDOUS GOODS AND WASTE (GC)

Dangerous and hazardous goods shall be stored in accordance with NSW WorkCover requirements and AS1940-2004 - The Storage and Handling of Flammable and Combustible Liquids.

Hazardous waste must be contained, managed and disposed of in a responsible manner in accordance with the Protection of Environment and Operations Act 1997, NSW Environment Protection Authority (EPA) and the New South Wales WorkCover Authority.

Material Safety Data Sheets of all hazardous substances used, such as bleaches and nail products must be kept on site and readily available to all staff. Staff must be trained how to safely use and store these chemicals prior to the commencement of work.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

(Reason: Health and safety.)

19. 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.)

20. 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.)

21. UTILITIES AND SERVICES - PROTECTION OF (GC)

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

- i) all footings and excavation must be located wholly within the site and clear of any easement boundaries;
- ii) all footings and excavation must be located a minimum of 1000mm from the centreline of the pipeline or 500mm from the outside of the pipeline, whichever is the greater distance from the centreline; and
- iii) footings must extend to at least the depth of the invert of the pipeline unless the footings are to be placed on competent bedrock.

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

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

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

(Reason: To ensure protection of Council assets.)

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

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

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.

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.)

23. ACCESS - DISABLED TOILETS (CC)

Plans and details of the disabled toilet/s complying with the relevant Australian Standards, the Building Code of Australia, 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.

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.)

24. 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.)

25. 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.)

26. CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN (CC)

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

- i) Detailed information on any approvals required from other authorities prior to or during construction.
- ii) Traffic management, including details of:
 - ☐ ingress and egress of vehicles to the site;
 - ☐ management of loading and unloading of materials;
 - ☐ the location of heavy vehicle parking off-site; and
 - ☐ designated routes for vehicles to the site.
- iii) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- iv) Erosion and sediment control, detailing measures and procedures consistent with the requirements of Council's guidelines for managing stormwater, including:
 - ☐ the collection and treatment of stormwater and wastewater generated on site prior to discharge; and
 - ☐ procedures to prevent run-off of solid material and waste from the site.
- v) Waste management, including:
 - ☐ details of the types and estimated volumes of waste materials that will be generated;
 - ☐ procedures for maximising reuse and recycling of construction materials; and
 - ☐ details of the off-site disposal or recycling facilities for construction waste.
- vi) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- vii) A soil and water management plan, which includes:
 - ☐ measures to minimise the area of soils exposed at any one time and conserve top soil;
 - ☐ identification and protection of proposed stockpile locations;
 - ☐ preservation of existing vegetation and revegetation;
 - ☐ measures to prevent soil, sand, sediments leaving the site in an uncontrolled manner;
 - ☐ measures to control surface water flows through the site in a manner that diverts clean run-off around disturbed areas, minimises slope gradient and flow distance within disturbed areas, ensures surface run-off occurs at non-erodible velocities, and ensures disturbed areas are promptly rehabilitated;
 - ☐ details of sediment and erosion control measures in place before work commences;

- ☐ measures to ensure materials are not tracked onto the road by vehicles entering or leaving the site; and
 - ☐ details of drainage to protect and drain the site during works.
- viii) Asbestos management procedures:
- ☐ Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies and a current WorkCover Demolition License where works involve demolition. To find a licensed asbestos removalist please see www.workcover.nsw.gov.au
 - ☐ Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m² or less of non-friable asbestos (approximately the size of a small bathroom). Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
 - ☐ Before starting work, a work site-specific permit approving each asbestos project must be obtained from WorkCover NSW. A permit will not be granted without a current WorkCover licence. All removal, repair or disturbance of or to asbestos material must comply with the following:
 - ☐ The Work Health and Safety Act 2011;
 - ☐ The Work Health and Safety Regulation 2011;
 - ☐ How to Safety Remove Asbestos Code of Practice – WorkCover 2011; and
 - ☐ Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace.
 - ☐ Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.
 - ☐ The developer or demolition contractor must notify adjoining residents at least two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of asbestos removal works. Notification is to include, at a minimum:
 - ☐ the date and time when asbestos removal works will commence;
 - ☐ the name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
 - ☐ the full name and license number of the asbestos removalist/s; and
 - ☐ the telephone number of WorkCover's Hotline 13 10 50
 - ☐ warning signs informing all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance; and
 - ☐ appropriate barricades installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

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

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

Works Permit

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

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

Standing Plant Permit

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

Skip Bin Permit

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

Temporary Full or Part Road Closure Permit

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

Hoarding/Fencing Permit

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

Work Zone Permit

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

Ground Anchoring Permit

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

(Reason: Council requirement.)

28. 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.)

29. FIRE SAFETY UPGRADE (CC)

The Construction Certificate plans and specification required to be submitted to the Certifying Authority pursuant to clause 139 of the Environmental Planning and Assessment Regulation 2000, must detail building upgrade works required for the approved use, in accordance with the recommendations and upgrade strategy outlined in the Fire Safety Audit Assessment Report prepared by Credwell Consulting Pty Ltd, dated 28 October 2020, reference C20275-Audit-r1.

Modified by DA2019/223/2 on 26/02/21.

(Reason: Fire safety.)

30. FIRE SAFETY SCHEDULE (CC)

A Fire Safety Schedule specifying the fire safety measures (both current and proposed) which should be implemented in the building premises must be submitted with the Construction Certificate application, in accordance with Part 9 of Clause 168 of the Environmental Planning and Assessment Regulation 2000.

Note: A Construction Certificate cannot be issued until a Fire Safety Schedule is received.

(Reason: Compliance with the Environmental Planning and Assessment Act 1979.)

31. NOISE – VIBRATION (CC)

The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

(Reason: Noise attenuation.)

32. NOISE – PLANT (CC)

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

(Reason: Safety and amenity.)

33. NOISE – CONSTRUCTION (CC)

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

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

Should complaints of a noise nuisance be substantiated, Council may require the acoustic treatment of the premises to ensure compliance with the NSW Department of Environment and Climate Changes “Interim construction noise guideline” and AS 2436-2010 – “Guide to noise and vibration control, demolition and maintenance sites” for the

control of construction noise. A further acoustic assessment and report will be required to be provided to Council assessing the premises in working order.

(Reason: Noise attenuation.)

34. **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.)

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

In accordance with the provisions of Section 7.13 of the Environmental Planning and Assessment Act 1979 and the Strathfield Indirect Development Contributions Plan 2010-2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

Local Amenity Improvement Levy	\$44,990.17
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The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. The amount of the contribution under this condition shall be indexed in accordance with clause 4.12 of the Strathfield Indirect Development Contributions Plan 2010-2030.

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

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

Note: A copy of Strathfield Council's Section 7.12 Indirect Development Contributions Plan may be downloaded from Council's website.

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

36. **STORMWATER DRAINAGE (CC)**

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

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

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

37. **TRAFFIC - CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CC)**

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

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

- i) description of the demolition, excavation and construction works;
- ii) site plan/s showing the site, roads, footpaths, site access points and vehicular movements;

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

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

38. **VENTILATION SYSTEMS – MECHANICAL (CC)**

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.

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.)

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

(Reason: To promote Water Sensitive Urban Design.)

40. 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:

- i) Toilet flushing;
- ii) Clothes washing;
- iii) Garden irrigation;
- iv) Car washing and similar outdoor uses;
- v) Filling swimming pools, spa pools and ornamental ponds; and
- vi) Fire fighting.

(Reason: To promote sustainable water management practice.)

41. 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.)

42. DUST CONTROL (CC)

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

Major Works

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

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

(Reason: Environmental amenity.)

42A. Building Works To Comply With BCA – Heritage Buildings Or Buildings Within Conservation Area (CC8021)

Any building works required to ensure compliance with the BCA or new building standards, such as the fire upgrade, not specified in the approved plan and documentation, must not damage existing fabric and building features of the original building listed under Schedule 5 of the Local Environmental Plan 2012 as “208 - Trinity Grammar Preparatory School—school building (former “Llandilo”—Victorian mansion)”. If such upgrading works will potentially impact on existing original fabric and features, not specified in the approved plan and documentation, details of the works must be submitted and approved by Council’s Heritage Advisor prior to issue of a Construction Certificate. This condition does not apply to any recent (c.1970s) additions to the dwelling.

Added by DA2019/223/2 on 26/02/21.

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

43. 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.)

44. **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)

45. 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.)

46. 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)

47. 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.)

48. ENGINEERING WORKS (CERTIFICATION OF)

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

- i) the stormwater drainage system; and/or
- ii) 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.)

49. FIRE SAFETY CERTIFICATION (OC)

A fire safety certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment Regulation 2000, prior to the issue of any Occupation Certificate.

A fire safety certificate is a certificate issued by the owner of a building to the effect that each essential fire safety measure specified in the current fire safety schedule for the part of the building to which the certificate relates:

- i) has been assessed by a properly qualified person; and
- ii) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

An interim fire safety certificate must be provided before an interim occupation certificate can be used for a building under Clause 153(2) of the Environmental Planning & Assessment Regulation 2000.

A final fire safety certificate must be provided before an interim occupation certificate can be used for a building under Clause 153(1) of the Environmental Planning & Assessment Regulation 2000.

A copy of the fire safety certificate and fire safety schedule shall be:

- i) submitted to Strathfield Council;
- ii) submitted to the Commissioner of the New South Wales Fire Brigade; and
- iii) prominently displayed in the building.

(Reason: Fire safety and statutory requirement.)

50. 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.)

51. 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.)

52. 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.)

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

53. ACOUSTIC COMPLIANCE – GENERAL OPERATION OF PREMISES

The proposed use of the premise and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environmental Operations Act 1997 (as amended) and Regulations.

54. FIRE SAFETY ANNUAL STATEMENT (OU)

Pursuant to Part 9, Division 5 of the Environmental Planning and Assessment Regulation (as amended) the owner of the building shall provide to Council an Annual Fire Safety Statement from an appropriately qualified person certifying the essential fire safety measures in the building. The Annual Fire Safety Statement shall be submitted within 12 months of the issue of the fire safety certificate, and then on an annual basis.

A copy of the Fire Safety Statement obtained and Fire Safety Schedule shall also be:

- i) Forwarded to the Commissioner of the New South Wales Fire Brigade; and
- ii) Prominently displayed in the building.

(Reason: Fire safety.)

END CONDITIONS

ADVISORY NOTES

- i. If an Underground Storage Tank or Underground Petroleum Storage System is decommissioned, a validation report for the storage site must be provided to Council no later than 60 days after the system is decommissioned, or if remediation of the site is required, no later than 60 days after the remediation is completed. Any validation report must be prepared in accordance with DECC guidelines.

Note: These requirements do not apply to any decommissioning of a storage system that took place before 1 June 2008. Significant penalties apply for non-compliance by individuals and corporations.

- ii. Council encourages the reuse and recycling of waste materials during demolition and construction. In this regard, separation and recycling should be undertaken as follows:

- Masonry products (bricks, concrete, concrete tile roofs) should be sent for crushing/recycling;
- Timber waste to be separated and sent for recycling;
- Metals to be separated and sent for recycling;
- Clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- Mixed waste (plastic wrapping, cardboard etc.) to be sent to a licensed recycling or disposal facility.

The above can be achieved by constructing a minimum of five (5) trade waste compounds on the site. Each waste compound should be adequately sized to enclose the waste and all waste should be adequately secured and contained within the designated areas and not be permitted to leave the site. Personal waste should not litter the site. Copies of any weighbridge receipts should be kept for presentation to the Principal Certifying Authority.

- iii. All existing trees on the site and all street trees are covered by Council's Tree Preservation Order and shall not be removed, lopped or pruned unless there is express permission stipulated in a condition of this consent or there is written approval from the Council.
- iv. Prior to occupation of any multi-unit development the applicant should arrange for the supply and delivery of a suitable number of mobile garbage receptacles and recycling receptacles.

The waste receptacle must be to the approval of Strathfield Municipal Council to ensure that receptacles are compatible with Council's waste collection vehicles and meet the requirements of any conditions of consent. Council does not supply waste storage bins free of charge and payment will need to be made to Council prior to delivery of the required bins. A waste service availability charge will apply to the development site from the date of issue of the occupation certificate. The charge is for the collection of domestic waste from all residential dwelling units and is payable by the owner of the development site.

- v. The applicant and Owner are advised that the Commonwealth Disability Discrimination Act 1992 may apply to this particular proposal. Approval of this application does not imply or confer compliance with this Act. Applicants and owners should satisfy themselves as to compliance and make their own enquiries to the

Australian Human Rights Commission. Attention is also drawn to the provisions of Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility.

- vi. Information regarding the location of underground services may be obtained from Dial Before You Dig (Telephone 1100 or www.dialbeforeyoudig.com.au). Inquirers should provide DBYD with the street/road name and number, side of street/road and the nearest cross street/road.
- vii. A Construction Certificate shall be obtained in accordance with Section 6.7 of the Act, prior to the commencement of any work on site. Council can provide this service for you and you may contact Council's Development Assessment Unit on 9748 9999 for further information.
- viii. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of the building.
- ix. The use of Council's footway in accordance with this consent shall not occur until an agreement with Council is entered into for the use of the footway and the applicable fees paid.
- x. Section 8.2 of the Act allows the applicant/owner to request Council to review the determination of the application. Any such request must be made within six (6) months of this Notice of Determination being issued and be accompanied by the required fee.

An application under this Section of Act cannot be made for:

- (a) a determination in respect of designated development, or
 - (b) a determination in respect of crown development, or
 - (c) a complying development.
- xi. If you are dissatisfied with this decision, Section 8.7 of the Act gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this Notice of Determination.
 - xii. Section 9.77 and Division 9.6 of the Act provides that any person who contravenes or causes or permits to be contravened the conditions of this consent or the Tree Preservation Order shall be guilty of an offence.
 - xiii. Section 9.37 and Division 9.6 of the Act provides that a person guilty of an offence against this Act may be liable to penalties. Penalty infringement notices (on-the-spot fines) can also be issued for breaches of the conditions of development consent.
 - xiv. The contributions required under Section 7.11 of the Act are set out in the Section 94 Contributions Plan which can be viewed at Council's Customer Service Centre, 65 Homebush Road, Strathfield during normal business hours.
 - xv. Approved Insurers for Residential Building work under the Home Building Act 1989 are listed on the Department of Fair Trading's website:

www.fairtrading.nsw.gov.au

Other contact details for the Department are:

Phone: 9895 0111

E-Mail: enquiry@fairtrading.nsw.gov.au

- xvi. Applicants are advised to ensure all gutters are designed and installed in accordance with the National Construction Code and the relevant Australian Standards.
- xvii. In accordance with Clause 162A of the Environmental Planning and Assessment Regulation 2000, critical stage inspections are to be carried out by the Principal Certifying Authority (PCA) or by another authority if the PCA so agrees. Failure to undertake these inspections can prevent the issue of an Occupation Certificate and may result in penalties.
- xviii. Where Council is appointed as the Principal Certifying Authority (PCA), a Certificate of Adequacy prepared by a suitably qualified and experienced Structural Engineer, shall be provided with the Construction Certificate application stating that the existing structure is suitable to support the additional loads proposed to be placed upon it and that it complies with the Structural Provisions of the National Construction Code (NCC).
- xix. For the purposes of improved resident safety, it is recommended that the windows of dwellings be fitted with appropriate devices capable of being locked into a fixed position with such openings generally being a maximum of 100mm wide provided that compliance with the NCC in terms of lighting and ventilation is still achieved.