

IDAP REPORT – SECTION 4.55(1A)

Property:	40 Mackenzie Street Strathfield Lot: 1 DP: 17827 DA2018.53.2
Proposal:	Section 4.55 (1A) Modification Application for internal and external reconfigurations to an approved dwelling house.
Applicant:	G Jeyaganesh
Owner:	Gartheega Jeyaganesh
Date of lodgement:	2 July 2021
Notification period:	13 July 2021 to 27 July 2021
Submissions received:	Nil
Assessment officer:	G I Choice
Estimated cost of works:	\$1,167,795.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	No
Flood affected:	No
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	Approval



Figure 1: Subject site aerial photograph (site highlighted in yellow)

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the Section 4.55 (1A) Modification Application for internal and external reconfigurations to an approved dwelling house.

Site and Locality

The site is identified as 40 Mackenzie Street Strathfield and has a legal description of Lot: 1 DP: 17827 and Lot A in DP 367558 and is commonly known as 40 Mackenzie Street, Strathfield (Figure 1). The site is located on the east side of Mackenzie Street between Arthur Street to the north; and Boyce Avenue to the south. The site is an irregular triangle shaped allotment with a frontage of 39m to the west; rear boundary of 54.4m (north) side boundary length of 38.95m (south-east); and a total site area of 758.6m².

The locality surrounding the subject site contains a mixture single-storey and two-storey residential dwellings with either exposed face brick or rendered finishes to exterior walls and pitched tile roof forms.

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 13 July 2021 to 27 July 2021, where no submissions were received.

Issues

- The proposed basement extension will create additional gross floor area and result in an exceedance of the allowable 0.575:1 floor space ratio for the site.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2018/53/2 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 for internal and external reconfigurations to an approved dwelling house. More specifically, the proposal includes;

Basement level:

- Extension of basement footprint and increase of storage area to align with ground floor wall and footings.
- Increase basement vehicle clearance to 2.3 metres.

Ground floor level:

- Increase ground floor RL of by 250mm.
- Minor internal wall alteration at front entrance.

First floor level:

- Increase first floor FFL by 350mm.
- Removal of approved windows 26 and 38.
- Reduction of window 32.

External works:

- Reduction of vehicular crossing entrance to three (3) metres to comply with SCDCP 2005 controls.

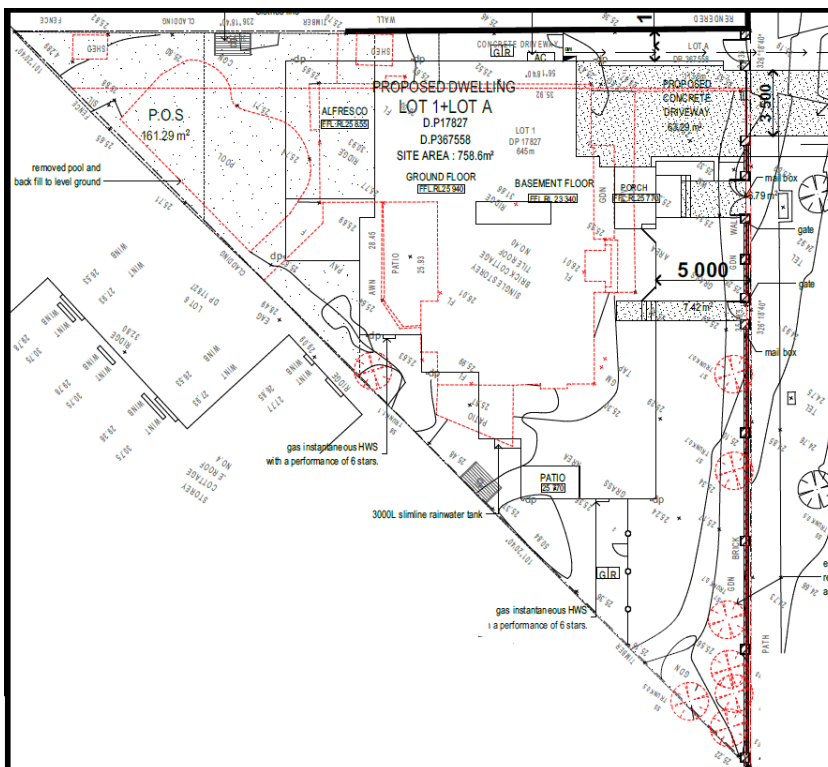


Figure 2: Approved site plan DA 2018/53

[illegible]

Figure 4: Approved basement plan DA 2018/53

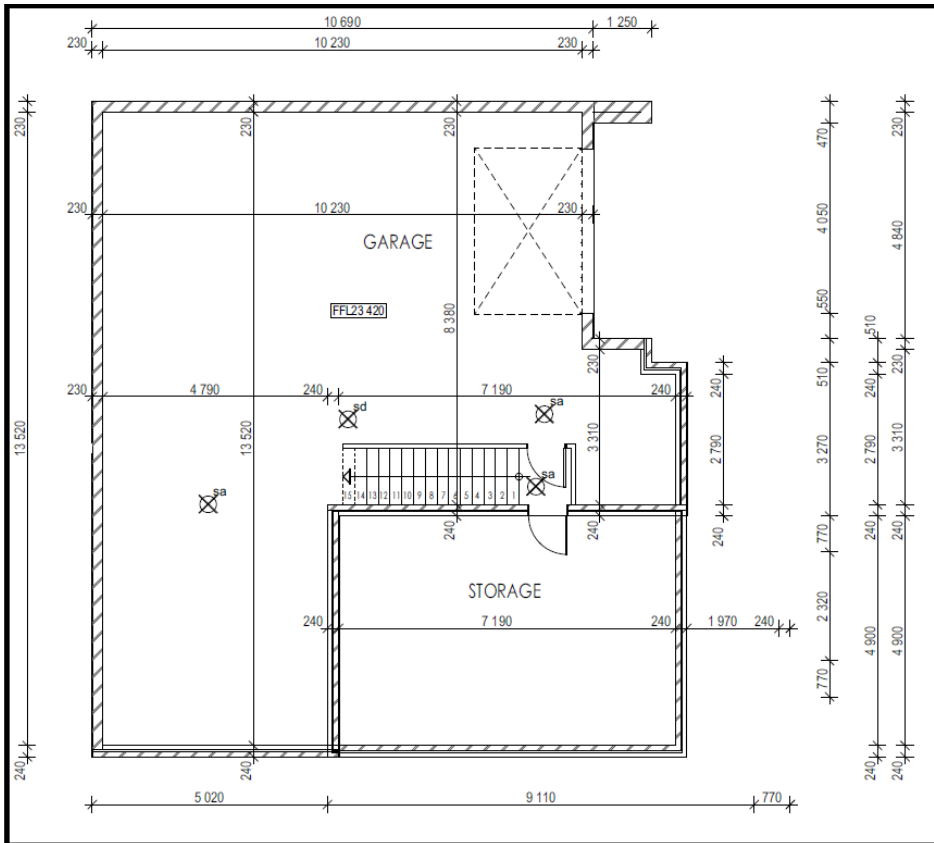


Figure 5: Proposed basement plan DA 2018/53/2

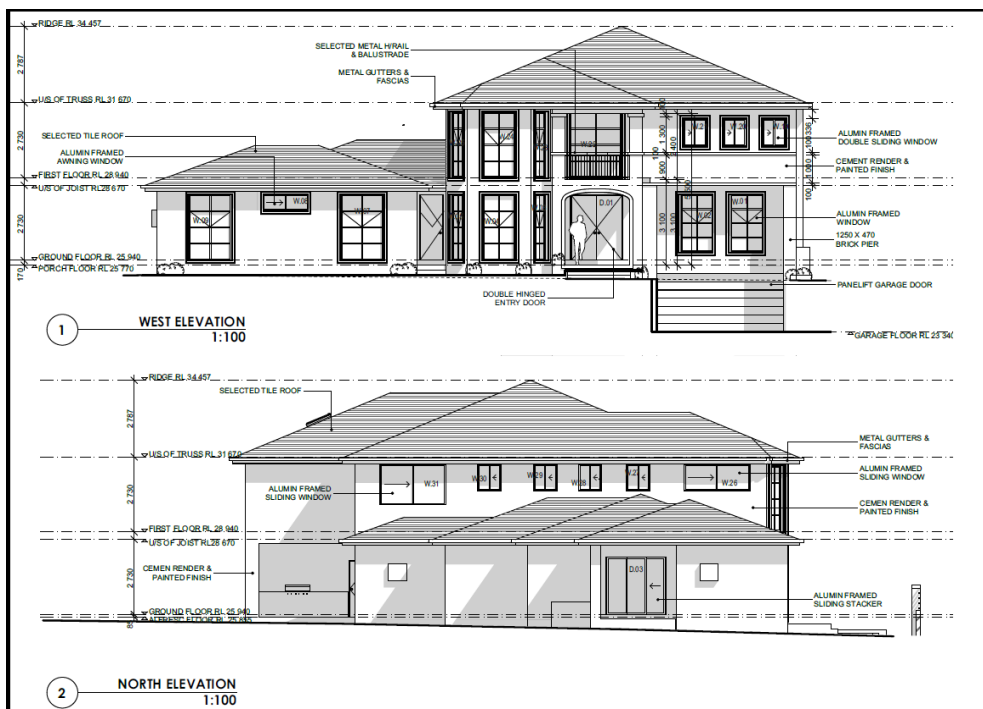


Figure 6: Approved west & north elevations DA 2018/53

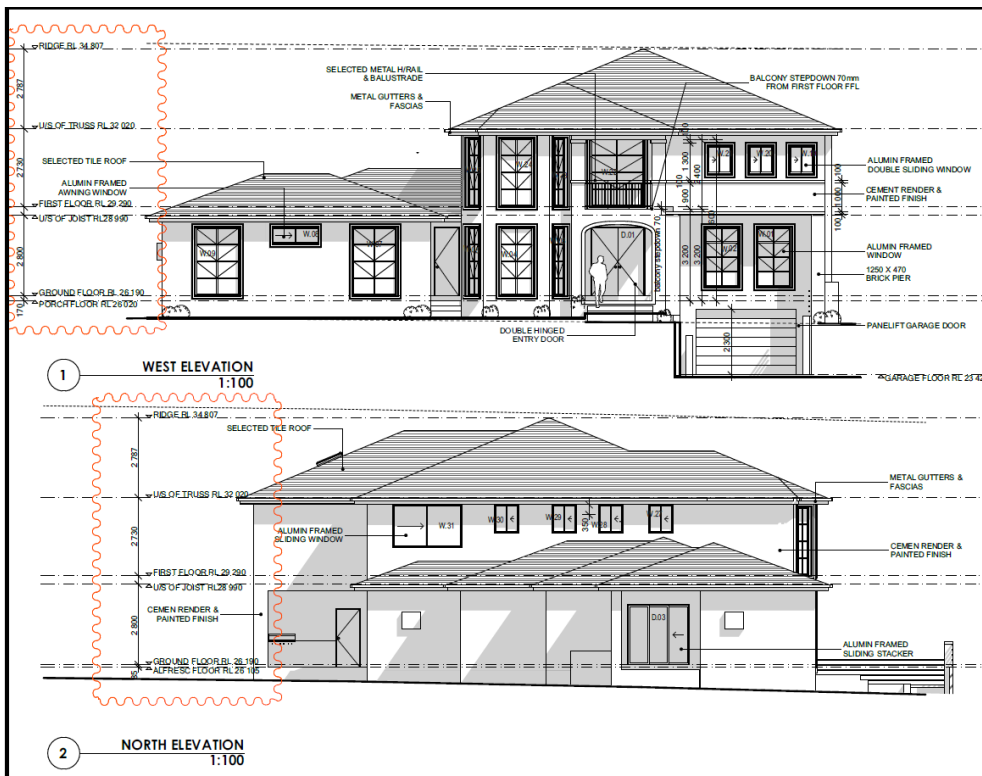


Figure 7: Proposed west and north elevations DA 2018/53/2

The Site and Locality

The site is identified as 40 Mackenzie Street STRATHFIELD and has a legal description of Lot: 1 DP: 17827 and Lot A in DP 367558 and is commonly known as 40 Mackenzie Street, Strathfield (Figure 1). The site is located on the east side of Mackenzie Street between Arthur Street to the north; Broughton Road to the north-east; Boyce Avenue to the south; and Bates Street to the west.

The site is an irregular triangle-shaped allotment with a frontage of 39m to the west; rear boundary of 54.4m (north) side boundary length of 38.95m (south-east); and a total site area of 758.6m². The topography of the site is relatively flat.

The site is occupied by a single-storey brick dwelling, swimming pool and two (2) sheds.

The locality surrounding the subject site contains a mixture single-storey and two-storey residential dwellings with either exposed face brick or rendered finishes to exterior walls and pitched tile roof forms.

Background

25 October 2018

DA 2018/53 for the demolition of existing structures and pool closure and construction of a new two (2) storey residential dwelling with an attached granny flat, basement and front fence was approved.

2 July 2021	Council received DA 2018/53/2 Section 4.55(1A) Modification Application for internal and external reconfigurations to an approved dwelling house.
27 July 2021	Neighbour notification period complete.
10 August 2021	<p>An additional information request letter was issued by Council to the Applicant which identified the following issues:</p> <ul style="list-style-type: none">i) The basement extension will result in an additional calculable GFA resulting in an FSR of 0.6:1 (59.9%) and could not be supported as the development would exceed the maximum allowable 0.575:1 as per Clause 4.4C of the SLEP 2012.ii) Additional comments were required to clarify minor alterations not mentioned in the DA 2018/53/2 description of changes.
12 August 2021	Further justification was sought from the Applicant for the basement extension including comments from a structural engineer and/or swept path analysis.
8 September 2021	Second request for further justification was sought from the Applicant for the basement extension including comments from a structural engineer and/or swept path analysis.
8 September 2021	A swept path analysis of the approved basement was provided (as discussed elsewhere in this report).

Council notes that the issues identified regarding the proposed basement extension remain unresolved. The applicant has not provided evidence from a structural engineer to support the claim that a basement extension is necessary to calibrate with the ground floor footings. The proposed development is assessed on the information available.

NOTE: Due to NSW government Health Order following the COVID-19 outbreak in greater Sydney, the Assessing Officer was unable to attend the site and subsequently relies on the site inspection photos taken during the unauthorised excavation inspection on 24 May 2021. The application has been assessed utilising a thorough suite of photographic evidence provided by Council's Building and Compliance Officers, Council's geographic information systems data and other available information relating to the existing site conditions.

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 and relevant clauses are discussed in this section.

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

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

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	9.5m	Approved: 8.25m Proposed: 8.6m	Yes
4.4 Floor Space Ratio	0.575:1 Site area: 758.6m ² FSR: 436.2m ²	Approved GFA: 429.15m ² Approved FSR: 0.56:1 Assessed GFA: 452.9m ² Assessed FSR: 0.6:1 or (59.7%)	No – see comment

Variations to principal Development Standards

The provisions of Clause 4.6 do not apply to an application for the modification of development consent, which seeks to modify a Development Standard. Any variation is to be assessed against the aims and objectives of SLEP 2012

Basement extension and variation to FSR

Clause 4.4C of the SLEP 2012 provides a maximum floor space ratio (FSR) for the 758.6m² site of 0.575:1 (436.2m²). Gross floor area (GFA) and FSR are calculated using the following definition:

“Gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, ...but excludes

(e) any basement:

(i) storage, and

(ii) vehicular access, loading areas, garbage and services, and...

(g) car parking to meet any requirements of the consent authority (including access to that car parking), and

The subject application proposes an extension of the basement footprint including a significant increase in the basement storage room from 25.9m² to 35.2m² and an additional 16.5m² of basement floor area not associated with the approved two (2) car space layout (see **Figures 4 & 5**). The justification offered in the cover letter prepared by G. Jeyaganesh (dated 20 June 2021) is to align the basement wall with the ground floor wall and footings. An assessment by Council's Development Engineer has determined that such an extension is not necessary on structural engineering grounds given the relatively flat topography of the site.

Further to the discussion, the Applicant has argued that the proposed basement extension will provide greater manoeuvring for a single vehicle to enter and exit the basement area in a forward direction rather than the two (2) car parking layout within the basement level as approved in DA 2018/53. A preliminary assessment by Council's Traffic Engineer has determined that the assessable swept path of the proposed basement plan is practically the same as that of the approved basement plan for a single vehicle. Additionally, the proposed single vehicle swept path design - if utilised - will result in a parking shortfall of one (1) parking space as per SCDCP 2005 (Part A: 8.2.2) parking rates for single dwellings. It is also noted that an increase of basement storage area from 25.9m² to 35.2m² has no relevance to improved vehicle access.

It is considered that the proposed basement modification provides insufficient information to demonstrate how the approved two (2) space car parking area will be improved as a result of the increased floor area. An assessment of the proposal has determined that the additional floor space is not required to satisfy parking requirements associated with the approved development. Therefore, the additional basement floor space cannot be excluded from GFA calculations.

As the proposal does not provide sufficient planning grounds to justify a non-compliance with the Clause 4.4 development standard for floor space ratio, the variation cannot be supported.

The draft notice of determination shall retain the existing approved basement floor plan and a condition is imposed requiring an amended section plan to reduce the basement footprint to the originally approved DA 2018/53 dimensions.

State Environmental Planning Policy

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

A BASIX Certificate has been not been issued for the proposed development as modified and the commitments required by the BASIX Certificate have been satisfied. Condition 24 of the DA 2018/53 consent requires an amended BASIX Certificate to be submitted to the Principal Certifying Authority and it considered that specific targets of water and energy efficiency and thermal comfort can be achieved.

(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 proposed modifications do not alter the approved setbacks, landscaping or vehicle access; and do not result in additional impacts to visual privacy. The following comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP, where applicable to the proposed changes;

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
Building Envelope			
Floor Space Ratio:	0.575:1 Site area: 758.6m ² FSR: 436.2m ²	Approved GFA: 429.15m ² Approved FSR: 0.56:1 Assessed GFA: 452.9m ² Assessed FSR: 0.6:1 or (59.7%)	No – see Clause 4.4 section of this report for further discussion.
Heights:			

Floor to ceiling heights:	3.0m	No change to approved	Yes
Basement height above NGL:	1.0m	0.3m	Yes
Number of Storeys/Levels:	2	2	Yes
Setbacks:		No change to approved setbacks	Yes
Solar Access			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	Achieved	Yes
Basement vehicle clearance	Min 2.2m	2.3m	Yes

Cut and fill

The proposed basement extension including an increase in the basement storage room from 25.9m² to 35.2m² and an additional 16.5m² of basement floor area is unsubstantiated on environmental planning grounds. Hence, the proposed basement footprint modification fails to minimise cut and fill to reduce disturbance as the additional excavation associated with the extension is unjustified. This proposed modification is considered unacceptable as discussed elsewhere in this report.

Water and Soil Management

The proposed development, as modified, satisfies the relevant objectives and controls of the SCDP 2005 and complies with Council's Stormwater Management Code. A soil erosion plan was submitted with the approved DA 2018/53 to prevent or minimise soil disturbances during construction.

Access, Safety and Security

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

PART H – Waste Management (SCDP 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/considered as part of the original development consent.

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

The proposed development, as modified, is of a scale and character that is in keeping with other developments being constructed in the locality. The dwelling remains compliant with Clause 4.3 despite the minor increase of RLs and roof ridge height. The removal and modifications to windows are acceptable and will not result in a significant reduction of amenity for future occupants. It is considered that matters pertaining to the proposed basement extension, non-compliance with FSR and excessive cut and fill have been addressed with appropriate conditions and should not preclude the additional modifications to the dwelling design from being realised.

Subject to the exclusion of the basement plan from the proposed modifications, 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,*

Subject to the exclusive measures as discussed elsewhere in this report, 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 14 days where adjoining property owners were notified in writing of the proposal and invited to comment. Council received no submissions.

(e) *the public interest.*

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

Local Infrastructure Contributions

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

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

This Section 4.55(1A) application does not trigger any changes to the original condition of consent requiring payment of a Section 7.11 contribution in accordance with Strathfield Council's Indirect Development Contributions Plan.

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. 2018/53/2 for Section 4.55 (1A) Modification Application for internal and external reconfigurations to an approved dwelling house, it is recommended that DA2018/53/2 be approved subject to conditions.

1. The original conditions of consent of Development Consent 2018/53 as approved for the demolition of existing structures and pool enclosure and construction of a new two (2) storey residential dwelling with an attached granny flat, basement and front fence except were amended as below.
2. As part of this Section 4.55(1A) application, the following conditions are to be modified, added or deleted;
 - Modify Condition 1 by deleting details of Window 32 (as this has been addressed) and adding text requiring amended sections plan to reduce basement area to approved dimensions of DA 2018/53.
 - Amend Condition 2 to update plans schedule

Accordingly, Development Consent 2018/53/2 be approved as per the following;



Signed:
G I Choice
Planner

Date: 14 September 2021

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

Report and recommendations have been peer reviewed and concurred with.



Signed:
Jake Brown
Planner

Date: 14 September 2021

CONDITIONS

PART A - PRESCRIBED CONDITIONS

BASIX Commitments

- A The applicant shall comply with the prescribed conditions of development consent under clause 97A of the Environmental Planning and Assessment Regulation 2000.

National Construction Code and Home Building Act 1989

- B The applicant shall comply with the prescribed conditions of development consent under clauses 98, 98A and 98B of the Environmental Planning and Assessment Regulation 2000.

Long Service Levy

- C Payment of the Long Service Levy as required by section 6.8(b) of the Environmental Planning & Assessment Act 1979 and section 34 of the Building and Construction Industry Long Service Payments Act 1986 for all building work over \$25,000. (Note: The cost of the building work must be rounded to the nearest \$100.)

- D The Long Service Levy shall be paid at Council's Customer Service Centre or evidence of direct payment to the Long Service Payments Corporation shall be provided to Council **prior to the issue of a Construction Certificate.**

Shoring and Adequacy of Adjoining Property

- E Pursuant to Clause 98E and Clause 136H of the Environmental Planning and Assessment Regulation 2000, if a development (subject of a Development Consent or Complying Development Certificate) involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

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

If the person with the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.

SPECIAL CONDITIONS (SC)

1. **SILL HEIGHT OF BEDROOM WINDOW (SC) SECTIONS PLAN**

~~The sill height of the upper level bedroom 2 window (Window 32) is to be a minimum of 1500mm from the finished floor level. Details shall be submitted to and approved by Council prior to the issue of the Construction Certificate.~~

~~(Reason: To maintain privacy of adjoining residences)~~

The sections plan shall be amended to incorporate the approved DA 2018/53 Basement Floor Plan footprint. Details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

MODIFIED: DA2018/53/2 17 September 2021

GENERAL CONDITIONS (GC)

2. **Approved Plans & Documentation**

The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Description	Reference No.	Prepared by	Revision	Date
Site Plan	A1000	Sia Designarch	Revision A / 23 December 2018	27 April 2018 5 June 2021

			D1	
Ground Floor Plan	A1100	Sia Designarch	Revision A / 23 December 2018 D1	27 April 2018 5 June 2021
First Floor Plan	A1101	Sia Designarch	Revision A / 23 December 2018 D1	27 April 2018 5 June 2021
Basement Floor Plan	A1102	Sia Designarch	Revision A / 23 December 2018	27 April 2018
Roof Plan	A1200	Sia Designarch	Revision A / 23 December 2018 D1	27 April 2018 5 June 2021
Elevations	A1300	Sia Designarch	Revision A / 23 December 2018 D1	27 April 2018 5 June 2021
Elevations	A1301	Sia Designarch	Revision A / 23 December 2018 D1	27 April 2018 5 June 2021
Sections	A1400	Sia Designarch	Revision A / 23 December 2018 D1	27 April 2018 5 June 2021
Window Schedule	A1600	Sia Designarch	Revision A / 23 December 2018 D1	27 April 2018 5 June 2021
Erosion and Sediment Control	AESC1	Sia Designarch	Revision A / 23 December 2018 D1	27 April 2018 5 June 2021
Landscape Plan	LP	Sia Designarch	Revision A / 23	27 April 2018

			December 2018 D1	5 June 2021
Schedule of Finishes	SOF	Sia Designarch	Revision A/ 23 December 2018 D1	27 April 2018 5 June 2021
Streetscape Elevations	SSE	Sia Designarch	Revision A/ 23 December 2018 D1	27 April 2018 5 June 2021
Driveway Section	-	-	-	-
Document	Reference No.	Prepared by	Revision	Date
Arboriculture Impact Assessment Report and Tree Protection Plan		Urban Tree Care		19 August 2018
Waste Management Plan		Gartheega Jeyaganesh		27 April 2018
BASIX Certificate	882538M_03	Sustainability-Z Pty Ltd	3	20 August 2018

MODIFIED: DA2018/53/2 17 September 2021

3. 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.)

4. 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.)

5. 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.)

6. 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:

- i. 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
- ii. 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.)

7. LANDSCAPING - TREE PRESERVATION (GC)

The trees numbered 1, 2, 3 and 9 and any other street trees and trees on private property that are protected under Council's controls, shall be retained except where Council's prior written consent has been obtained. The felling, lopping, topping, ringbarking, wilful destruction or removal of any tree/s unless in conformity with this approval or subsequent approval is prohibited.

All healthy trees and shrubs identified for retention on the approved drawings are to be suitably protected in accordance with Australian Standard AS4970 – 2009, Protection of Trees on Development Sites prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

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

8. 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.)

9. PRINCIPAL CERTIFYING AUTHORITY (PCA) IDENTIFICATION SIGN (GC)

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

- 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.)

10. STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)

A detailed Stormwater Management Plan (SWMP) in line with Council's Stormwater Management Code is to be prepared and certified by a practicing Chartered Professional Engineer on the National Professional Engineer's Register (NPER) at Engineers Australia and submitted to the Principal Certifying Authority and Council, prior to the issue of a Construction Certificate. The SWMP is to be based on the approved development as modified by any conditions of consent.

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

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

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

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

(Reason: Compliance with Sydney Water requirements.)

12. 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.)

13. **LANDSCAPING - CANOPY TREES IN FRONT SETBACK (GC)**

New development shall provide at least **four (4)** canopy trees within the front setback adjacent the front boundary (existing trees may be included). New canopy trees shall be planted from 200 litre containers at the time of planting and capable of reaching a mature height of 10m.

The new trees must not be planted closer than 1.5 metres from a structure or property boundary.

Species shall be selected from Council's Recommended Tree List (Available from Council's website or from the Customer Service Centre). Compliance with this condition is to be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

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

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

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

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

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

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

(Reason: To ensure the landscape character of the locality is maintained.)

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

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

Tree No. in Arborist Report	Tree	Location
4, 5, 6, 7, 8, 10, 11 and 12	Various species	Front and rear yards

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

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

15. **SITE ACCESS AND UTILITY SERVICES - TREE PRESERVATION (GC)**

All street trees and trees on private property are protected under Council's planning controls.

All healthy trees and shrubs identified for retention on the approved drawings are to be suitably protected in accordance with Australian Standard AS4970 - 2009, Protection of Trees on Development Sites.

All protected trees are to be pruned in accordance with AS 4373 – 2007, Pruning of amenity trees, by and Australian Qualification framework level 3 qualified arborist.

Existing utility connections are to be maintained so that they do not impact on the canopy or root systems of Council's trees. No new utility services (including the temporary or permanent relocation of domestic power pole and connections) are to be located within the canopy or root zone of Councils Street trees without the written consent of Council.

The pruning of a Council tree for site access without Council's written consent is prohibited. Applicants are to make an application for street tree pruning 28 days prior to commencement of all demolition or site works. Applications for site access pruning are to include precise detailed information and support documentation regarding the branches to be pruned. As a general rule clearance pruning of branches of greater than 50mm diameter and a clearance height of 3.5 metres will not be approved.

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

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

16. CAR PARKING - VEHICULAR ACCESS RAMPS (CC)

Vehicular access ramps shall comply with the provisions of AS/NZS 2890.1:2004. Plans to be submitted shall contain the following details:

- i) Longitudinal section along the extreme wheel paths of each driveway/access ramp at a scale of 1:25 demonstrating compliance with the scraping provisions of AS/NZS 2890.1:2004. It shall include all levels and grades, including those levels stipulated as boundary levels, both existing and proposed. It shall extend from the centre-line of the roadway through to the parking area.
- ii) Sections showing the clearance to the underside of any overhead structure (minimum headroom requirements 2200mm minimum for standard headroom clearance or 2400mm where disabled access provisions are to be provided) demonstrating compliance with the provisions of AS/NZS 2890.1:2004.
- iii) Longitudinal section along the gutter line showing how it is intended to transition the vehicular crossing into the existing kerb and gutter. Boundary levels shall generally run parallel with the kerb levels.
- iv) Location of verge trees, street furniture and service installations.
- v) Superimposition of vehicle turning circles for access into parking spaces.
- vi) Certification that the design complies with AS/NZS 2890.1:2004 by a Qualified Engineer.

The certification referred to in (vi) above shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate (for the design) and to the Principal Certifying Authority prior to the issue of any Occupation Certificate for the 'as-built works'.

(Reason: To ensure adequate vehicular access can be achieved.)

17. CAR PARKING - COMPLIANCE WITH AS/NZS 2890.1:2004 (CC)

Car parking dimensions must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

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

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

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

Demolition of any part of a building triggers 'commencement of erection of building' pursuant of section 4.19 of the EP&A Act 1979. Accordingly, demolition works must not commence until a Construction Certificate has been issued, a Principal Certifying Authority has been appointed and a Notice of Commencement has been issued.

(Reason: To ensure compliance with statutory provisions.)

19. 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.)

20. **CAR PARKING - VEHICULAR CROSSING WIDTH AT PROPERTY BOUNDARY (CC)**

Vehicular crossings are to have a maximum width of 3m at the property boundary. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

The vehicular crossing (and all associated excavation works) must not be constructed closer than 2 metres from a retained protected street tree.

(Reason: Compliance with SCDCP 2005.)

21. **SECTION 7.11 CONTRIBUTION PAYMENT - INDIRECT CONTRIBUTIONS PLAN) (CC)**

In accordance with the provisions of Section 7.11 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	\$11,677.95
---------------------------------------	--------------------

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 7.11 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.)

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

A security (damage deposit) of **\$15,000.00** (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.)

23. **TREE BONDS (CC)**

A tree bond of **\$19,800** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

The deposit is required as security against any damage to existing trees to be retained on Council's road reserve, during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development.

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

A refund of the Tree Bond must be made in writing.

Tree Bonds may be forfeited if a tree is dead, made dangerous or has been terminally damaged, or will be held until tree/s have fully recovered from the construction damage or were replacement/planted trees have become fully established and are over 6 metres in height.

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

24. **BASIX COMMITMENTS (CC)**

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

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

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

(Reason: Statutory compliance.)

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

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

- i) Minimal internal clearance of the basement is 2.2m in accordance with BCA requirements.
- ii) Driveways shall comply with Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and achieve a maximum gradient of 1:4.
- iii) Basement entries and ramps/driveways within the property are to be no more than 3.5m wide.
- iv) Provision of pump-out systems and stormwater prevention shall be in accordance with Council's Stormwater Management Guide.

(Reason: To ensure suitable development.)

26. 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.)

27. 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.)

28. EXCAVATION - AFFECTING ADJOINING LAND (CC)

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

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

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

(Reason: Structural safety.)

29. STORMWATER - RAINWATER RE-USE (CC)

A rainwater re-use system shall be provided in accordance with either the BASIX minimum requirements, any relevant Council Rainwater Policy and/or specification of the management of stormwater, whichever is applicable. A detailed stormwater plan showing the proposed re-use system shall be submitted to and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Compliance and amenity.)

30. 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.)

31. FEES - ADDITIONAL DEVELOPMENT APPLICATION FEES (CC)

In accordance with Regulation 50(1)(c) and the table to Regulation 246 of the Environmental Planning and Assessment Act Council must charge a development application fee based on the estimated cost of works applied for.

The construction costs of the approved development are estimated at **\$1,67,795.96** and the applicable Development Application Fee on this amount would be \$3,768.75. As a Development Application fee of \$2,997.00 was paid when lodging the application, the difference of **\$771.75** shall be paid to Council prior to the issue of a Construction Certificate.

(Reason: Statutory requirement.)

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

32. 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:
 - a) notified the Council of his or her appointment, and
 - b) 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:
 - a) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved;
 - b) notified the principal certifying authority of such appointment; and
 - c) 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 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.)

33. HOME BUILDING COMPENSATION FUND (CW)

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

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

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

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

(Reason: Statutory requirement.)

34. NOTICE OF COMMENCEMENT (CW)

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

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

(Reason: Statutory requirement.)

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

35. 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.)

36. 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 (OC)

37. CAR PARKING - SURPLUS VEHICULAR CROSSINGS (OC)

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

(Reason: Maintenance of public infrastructure.)

38. ENGINEERING WORKS (CERTIFICATION OF)

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

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

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

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

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

(Reason: Asset management.)

39. RAINWATER TANKS (OC)

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

- i) Australian/New Zealand Standard AS/NZS 3500:2003;
- ii) NSW Code of Practice Plumbing and Drainage, 2006 produced by Committee on Uniformity of Plumbing and Drainage Regulations in NSW (CUPDR); and
- iii) Council's rainwater tank policy.

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

(Reason: To protect public health and amenity.)

40. LANDSCAPING - ARBORIST'S FOLLOW UP REPORT OF TREE/S TO BE RETAINED (OC)

As part of the on-going assessment of the tree/s to be retained, the consulting arborist engaged by the applicant is to assess their health and any impacts suffered by them as a result of the proposed approved development, prior to the issue of an Occupation Certificate. Findings are to be compiled in a detailed report and submitted to the Principle Certifying Authority, which documents the following:

- i) methods of excavation or construction used to carry out the works;
- ii) any damage sustained by the tree/s as a result of the works;
- iii) any subsequent remedial works required to be carried out by the consulting arborist as a result of the damage; and
- iv) any future or on-going remedial work required to be carried out to ensure the long term retention of the tree/s.

(Reason: To ensure the survival of trees to be retained.)

41. 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.)

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.