IDAP REPORT – SECTION 4.55(1A) MODIFICATION

Property:	75 The Boulevarde, Strathfield Lot: 6 DP: 302274 DA2017.185.2
Proposal:	Section 4.55(1A) modification application that involves the removal of the swimming pool and pergola, alterations and additions to the approved dwelling house involving a new lift and extension to the courtyard.
Applicant:	Y Chen
Owner:	Y Chen and Z J Xie
Date of lodgement:	4 June 2021
Notification period:	11 June 2021 to 25 June 2021
Submissions received:	Nil
Assessment officer:	P Santos
Estimated cost of works:	$1,375,000.00 (from the original consent – DA2017/185)
Zoning:	R2-Low Density Residential - SLEP 2012
RECOMMENDATION OF OFFICER:	**APPROVAL**



Figure 1. Aerial imagery of the subject site (outlined) and the immediate locality

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the Section 4.55(1A) modification application that involves the removal of the swimming pool and pergola, alterations and additions to the approved dwelling house involving a new lift and extension to the courtyard.

Site and Locality

The subject site is legally described as Lot 6 DP 302274 and commonly known as 75 The Boulevarde, Strathfield. It is a corner block located on the north-western corner of the intersection of Strathfield Avenue and The Boulevarde.

The site is rectangular in shape and has a primary frontage width of 18.29m and an average depth of 49.83m, with a total area of 914m^2.

The immediate locality is mostly comprised of low density residential developments.

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, subject to the imposed conditions of consent, 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 11 June 2021 to 25 June 2021, where no submissions were received.

Issues

- Initial proposal involving works already undertaken in the basement, this is discussed in more detail in the report; and
- Landscaping.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2017/185 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has initially received an application for the Section 4.55(1A) modification application that involves the removal of the swimming pool and pergola, alterations and additions to the approved dwelling house involving a new lift, extension to the courtyard and enlargement of the basement. However, due to the works already carried out without Council's consent in the basement as confirmed by the provided work-as-executed (WAE) survey prepared by NCAFSURVEY Pty Ltd, dated 1 September 2021, the whole basement has been excluded as part of this application and will be referred to Council's Compliance Team for their investigation.

A consent cannot be granted for works already undertaken.

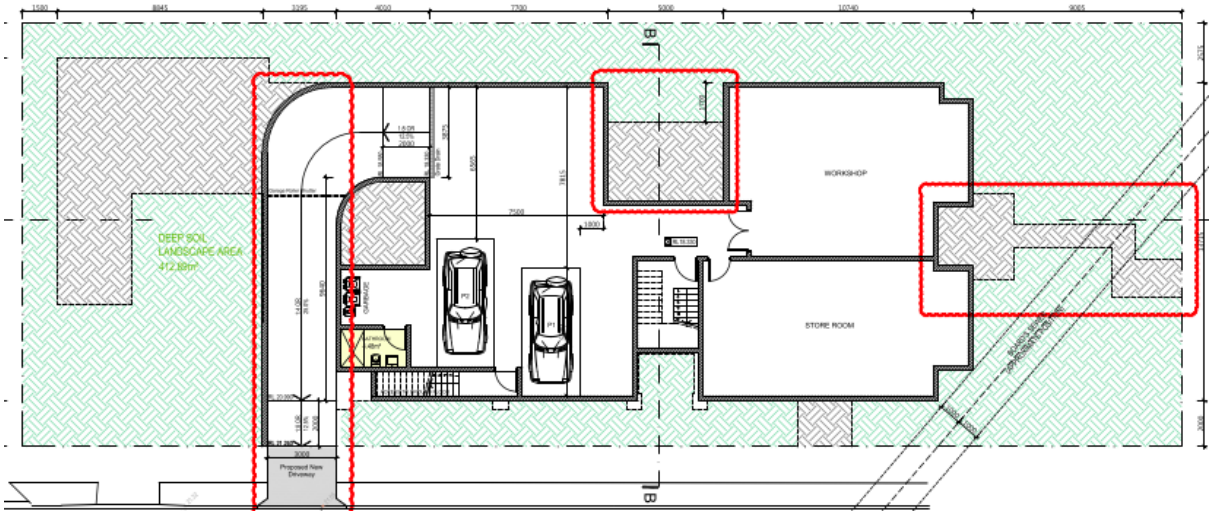


Figure 2. Extract of the approved basement floor plan that is subject to the conditions of consent in the original consent (DA2017/185).

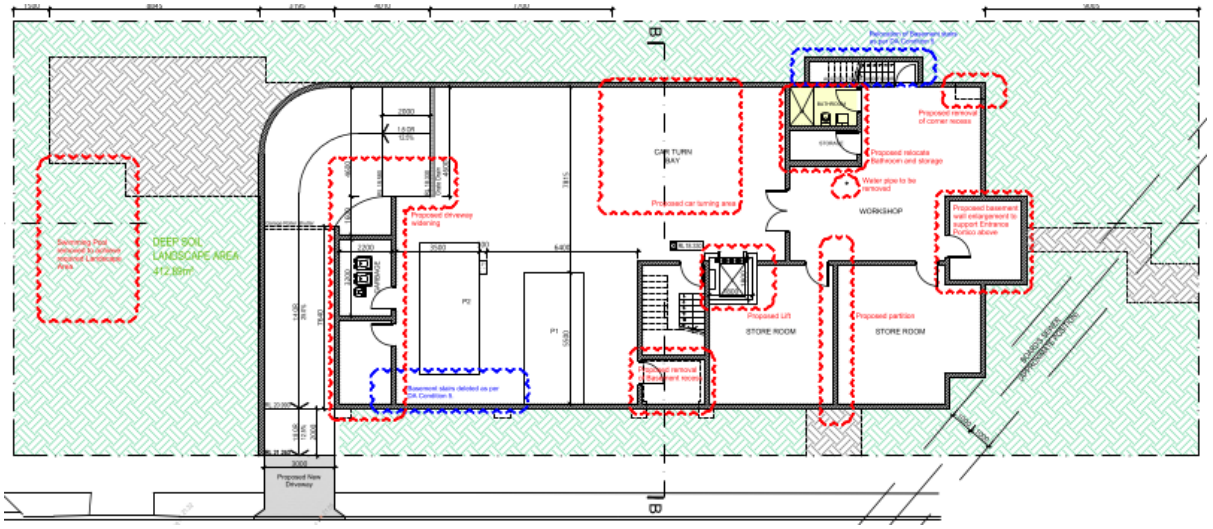


Figure 3. Extract of the proposed basement floor plan in the subject modification application.

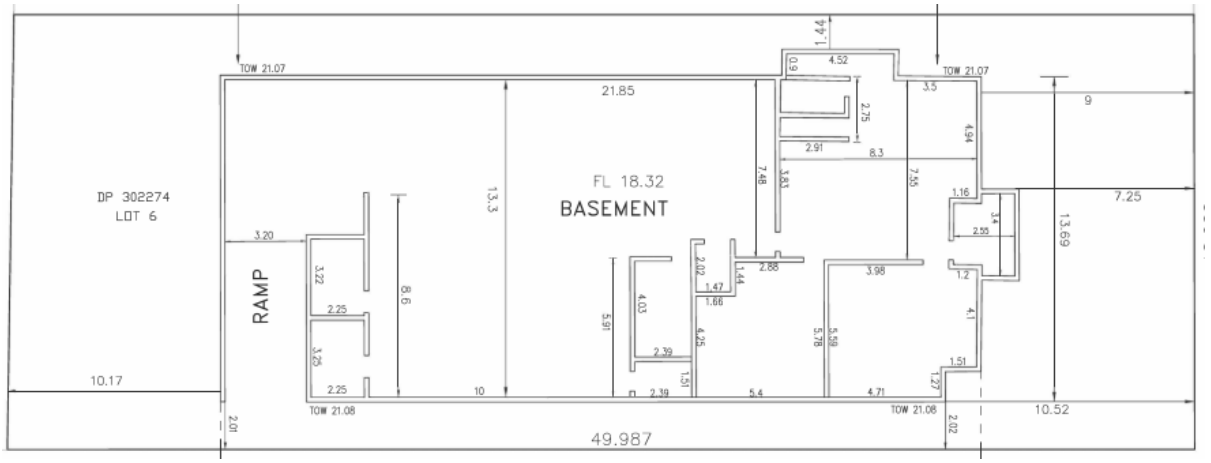


Figure 4. Extract of the provided WAE survey, received by Council on 7/09/2021.

As a result of the above, the proposal in this application has been limited to the following:

<u>Primary Dwelling</u>

- Ground Level
  - Extension of the northern courtyard,
  - Addition of lift servicing all levels, and
  - Internal alterations.
- First Level
  - Internal alternations.

<u>Secondary Dwelling</u>

- Change to the secondary dwelling's window schedule, and
- New skylights above bedroom 1.

<u>External Works</u>

- Deletion of the swimming pool and ancillary pergola above, and
- Fence splay of 1.5m x 1.5m on the south-east corner of the site.

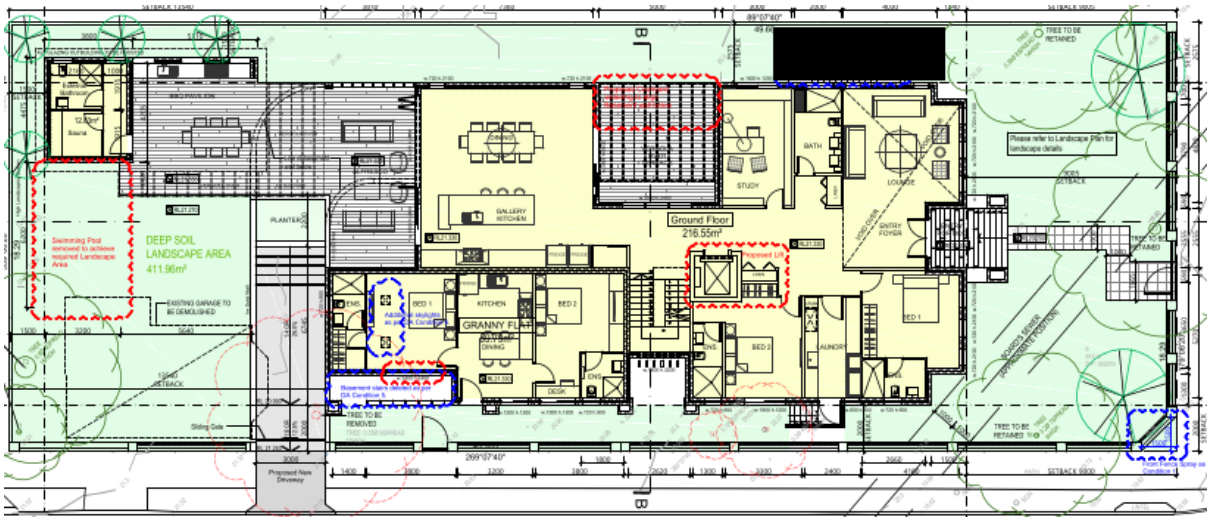


Figure 5. Extract of the proposed ground floor plan.

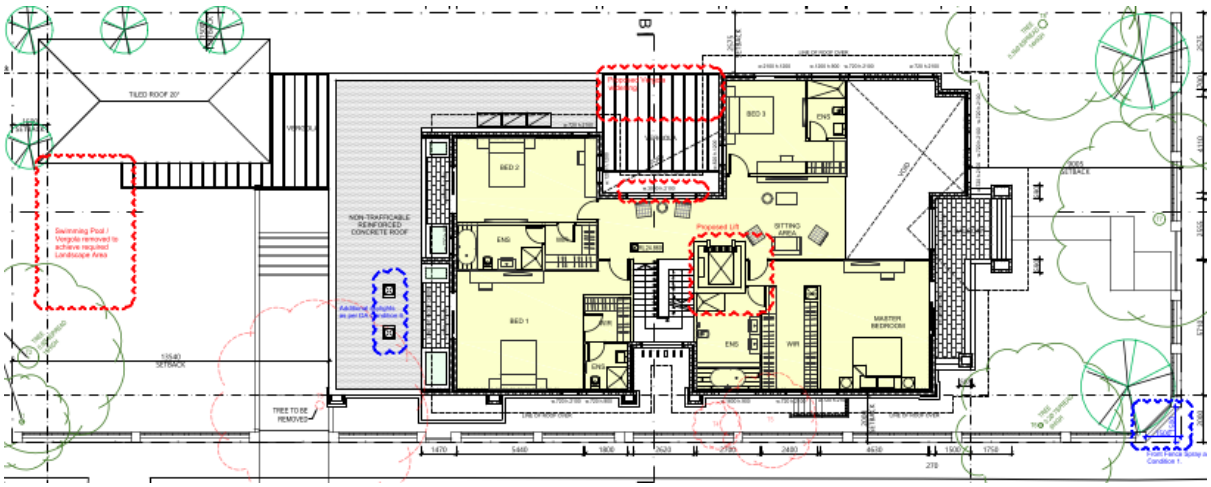


Figure 6. Extract of the proposed first floor plan.

The Site and Locality

The subject site is legally described as Lot 6 DP 302274 and commonly known as 75 The Boulevarde, Strathfield. It is a corner block located on the north-western corner of the intersection of Strathfield Avenue and The Boulevarde.

The site is rectangular in shape and has a primary frontage width of 18.29m and an average depth of 49.83m, with a total area of 914m^2.



Figure 7. A closer aerial imagery of the site (outlined) and the immediate locality.

The site slopes from west (rear) to east (primary front) with a fall of approximately 2.24m.

The site is currently under construction. Figure 4 shows that works were already carried out on the site.

The current streetscape on The Boulevarde is a wide road with both kerbs lined with street trees providing extensive tree canopies. Built-form is predominantly one to two-storey brick wall buildings or rendered with traditional colours. The streetscape on Strathfield Avenue is a mix of old and new design dwelling houses.

The immediate locality is mostly comprised of low density residential developments. Educational establishments such as Santa Sabina College and Santa Sabina College Maria Del Monte are located along The Boulevarde, in close proximity to the site.

Background

9 May 2018 — A consent was granted to DA2017/185 by Council's Internal Development Assessment Panel for the purpose of demolition of existing structures and the construction of a two-storey dwelling with a basement and an attached secondary dwelling (granny flat). The consent was granted with the following notable conditions imposed:

#1 FRONT FENCE – SPLAY (SC)

A 1.5m x 1.5m front splay is to be incorporated in the south-eastern corner of the subject site adjacent to the road intersection at The Boulevarde and Strathfield Avenue. The area created by the splay is to be landscaped with low-lying vegetation.

The amended front fence plans are to be submitted to and approved by the Principal Certifying Authority Council ***prior to the issue of a Construction Certificate.***

(Reason: Maintain streetscape character.)

#4 BASEMENT (SC)

The design of the basement depicted in Basement and Roof Plan, Drawing DA.03, Rev C is to be amended to comply with AS2890.1:2004 – Part 1: Off-Street Car Parking to enable cars to enter and exit the basement in a forward direction.

The amended plans are to be submitted and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

(Reason: To achieve compliance with AS2890.1:2004)

#4A BASEMENT – INTERNAL FLOOR TO CEILING HEIGHT (SC)

The internal floor-to-ceiling height of the basement level workshop and storeroom shall be reduced to a maximum of 2.2m.

The amended plans are to be submitted and approved by the Principal Certifying Authority ***prior to the issue of a Construction Certificate.***

(Reason: To restrict the use of the rooms to non-habitable purposes.)

#5 RE-LOCATION OF BASEMENT STAIRS (SC)

The stairs along the southern elevation of the secondary dwelling (granny flat) providing access from the basement to the outside are to be re-located to the northern elevation of the principal dwelling. The

area of the basement stairs is to be replaced with grass for the use of the secondary dwelling residents.

The amended plans are to be submitted and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

(Reason: Residential amenity.)

4 June 2021	The subject application was lodged.
11 June 2021	The application was put on public exhibition until 25 June 2021. Council received no submissions during this period.
17 August 2021	A site visit was undertaken by Council's Planner.
26 August 2021	An additional information request letter was issued to the applicant via the NSW Planning Portal, raising the following concerns: • Provide a WAE survey to ascertain works carried out on the site.
7 September 2021	The requested information was provided to Council via the NSW Planning Portal.

As previously discussed, the provided WAE survey has confirmed works carried out on the site that triggered the removal of the basement element from the modification application.

Referrals – Internal and External

The nature of the proposal did not warrant an internal or an external referral to be made.

Section 4.55 of the EP&A Act 1979

The application has been lodged under the provisions of s4.55(1A) of the EPA Act. The application is considered to be of minor environmental impact, is substantially the same development for which consent was originally granted, has been notified in accordance with the provisions of Council's CPP and any submissions made will be considered as part of this assessment. In addition, under the provisions of s4.55 (3), the reasons for the granting on the consent that sought to be modified will be taken into consideration during the detailed assessment of the application.

Section 4.15 Assessment – EP&A Act 1979

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

(1) Matters for consideration – general

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

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

Strathfield Local Environmental Plan

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

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

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

Part 4 – Principal Development Standards

Floor Space Ratio

The proposed works in the ground and first floors do not involve increase in the footprint or any works that results to an increase in the GFA. As such, the proposed modifications in the upper two levels of the primary dwelling and secondary dwelling are acceptable.

Part 5 – Miscellaneous Provisions

Miscellaneous Permissible Uses – Secondary Dwelling

The proposal does not alter the approved GFA in the secondary dwelling. As such, it continues to satisfy the provisions of this clause.

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 subject development.

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.

Earthworks

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

Essential Services

The subject site is considered to be adequately serviced for the purposes of the proposed development as modified.

It is considered that the proposed modifications satisfy the aims, objectives and development standards, where relevant, of the Strathfield LEP 2012.

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

A BASIX Certificate has been issued for the proposed development as modified and the commitments required by the BASIX Certificate have been satisfied.

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

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

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

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

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

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

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

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The provisions of the SEPP, in particular Clauses 101 and 102, apply to the site and the development, being a residential accommodation. It is acknowledged that the original consent did not include consideration of the site's proximity to a classified road – The Boulevarde.

While it is recognised that construction works have commenced on the site. These are only related to the basement. No works have been carried out yet for the ground and first floors where the habitable rooms are located. In this regard, a condition of consent is imposed to ensure that acoustic attenuation measures are to be taken into consideration due to the site's proximity to The Boulevarde.

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

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

(iii) any development control plan,

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

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
Landscaping			
Landscaping/Deepsoil Provisions:	45% (411.3m^2)	45% (411.96m^2)	Yes – see comments
Solar Access			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	3 hrs to habitable windows and to 50% of POS	Yes

Landscaping

The submitted plans indicate that the proposed landscaping is 45% (411.96m^2), which satisfies the minimum landscaped area requirement of Council of 45%. However, the submitted Landscape Plan prepared by Sussan Zindo Landscape Architect, drawing # CC-L-01, dated 31 May 2021, show that a significant area within the northern side setback and secondary front setback will be covered with gravel. This is not acceptable as gravels is not an acceptable form of landscaping. For completeness, it does not satisfy the definition of landscaping to be capable of accommodating vegetation.

Taking into consideration the above, a condition of consent will be imposed to require the removal of the gravel and reinstate these areas to be deep soil landscaping that can accommodate vegetation.

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/considered as part of the original development consent.

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

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

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

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

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

In accordance with the provisions of Councils Community Participation Plan, the application was placed on neighbour notification for a period of 14 days where adjoining property owners were notified in writing of the proposal and invited to comment. No submissions were received during this period.

(e) the public interest.

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

Local Infrastructure Contributions

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

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

STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN
It is acknowledged that the original consent had a contributions payment imposed to be paid prior to receipt of a construction certificate. The proposed development in this current modification application does not warrant additional contributions to be paid. As such, the contributions imposed remain unchanged.

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. 2017/185/2 to be approved, subject to the conditions of consent.

1. The original conditions of consent of Development Consent No. 2017/185 as approved for 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:

    - Development description of the original consent to remove references to a swimming pool.
    - #2 Amended Landscaping,

- #7A Deep Soil Landscaping,
- #7B Road Noise,
- #7C Deletion of Swimming Pool,
- #8 Approved Plans and Reference Documentation,
- #15 Landscaping Adjacent Swimming Pools/Spas,
- #41 Landscaping – Landscape Plan Required,
- #48 Swimming Pools / Spas (Construction of),
- #49 Swimming Pools / Spas – Mechanical Plant Enclosure, and
- #70 Swimming Pools / Spas – Registration and Requirements.

Accordingly, Development Consent 2017/185/2 is approved as per the following;



P Santos
Planner

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

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

Report and recommendations have been peer reviewed and concurred with.



G Choice
Planner

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. **FRONT FENCE – SPLAY (SC)**

A 1.5m x 1.5m front splay is to be incorporated in the south-eastern corner of the subject site adjacent to the road intersection at The Boulevarde and Strathfield Avenue. The area created by the splay is to be landscaped with low-lying vegetation.

The amended front fence plans are to be submitted to and approved by the Principal Certifying Authority Council prior to the issue of a Construction Certificate.

(Reason: Maintain streetscape character.)

2. ~~**AMENDED LANDSCAPING (SC)**~~

~~Amended Landscaping Plans are to be submitted and approved by the Principal Certifying Authority so as to reflect the driveway design depicted in Drawing No. DA.02 and DA.03. The amended front fence plans are to be submitted to and approved by the Principal Certifying Authority Council **prior to the issue of a Construction Certificate.**~~

~~(Reason: To achieve consistency between plans.)~~

DELETED: DA2017/185/2 15 October 2021

3. **STORMWATER DESIGN**

The design of the stormwater drainage plan is to be amended so the drainage pipes are equally distanced between each of the street trees No. 9, 10 and 11 to be retained and protected (as identified in the Arborist Report).

The amended plans are to be submitted and approved by Council's Development Engineer and Tree Coordinator prior to the issue of a Construction Certificate.

(Reason: Tree preservation.)

4. **BASEMENT (SC)**

The design of the basement depicted in Basement and Roof Plan, Drawing DA.03, Rev C is to be amended to comply with AS2890.1:2004 – Part 1: Off-Street Car Parking to enable cars to enter and exit the basement in a forward direction.

The amended plans are to be submitted and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

(Reason: To achieve compliance with AS2890.1:2004)

4A. **BASEMENT – INTERNAL FLOOR TO CEILING HEIGHT (SC)**

The internal floor-to-ceiling height of the basement level workshop and storeroom shall be reduced to a maximum of 2.2m.

The amended plans are to be submitted and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

(Reason: To restrict the use of the rooms to non-habitable purposes.)

5. **RE-LOCATION OF BASEMENT STAIRS (SC)**

The stairs along the southern elevation of the secondary dwelling (granny flat) providing access from the basement to the outside are to be re-located to the northern elevation of the principal dwelling. The area of the basement stairs is to be replaced with grass for the use of the secondary dwelling residents.

The amended plans are to be submitted and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

(Reason: Residential amenity.)

6. **SKY LIGHTS (SC)**

Two (2) skylights are to be installed in the non-trafficable roof area on the first floor. The two (2) skylights are to be located above the secondary dwelling (granny flat).

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

7. **PRIVACY MEASURES (SC)**

Prior to the issue of a Construction Certificate, plans are to be amended to include the following privacy measures:

i) A fixed privacy screen is to be installed to the northern elevation of the courtyard and have a minimum height of 2m above the finished floor level of the courtyard. The screen is to be for the entire length of the courtyard.
ii) The northern facing dining room window (closest to the central courtyard) and the study window on the ground floor shall have a sill height of at least 1.7m above the finished floor level or have fixed, obscure glazing in any part of the windows less than 1.7m above the finished floor levels.

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

(Reason: Visual Privacy)

7A. DEEP SOIL LANDSCAPING

The approved Landscape Plan prepared by Sussan Zindo Landscape Architect, drawing #CC-L-01, revision B, dated 31/05/2021, received by Council on 8 June 2021, is to be amended to replace the areas marked as gravel with deep soil landscaping.

(Reason: To comply with the landscaping requirements of Council.)

ADDED: DA2017/185/2 15 October 2021

7B. ROAD NOISE

The site is affected by noise from the The Boulevarde. An Acoustic Report prepared by a suitably qualified acoustic consultant shall be submitted demonstrating that the development has been designed with measures of acoustic attenuation to meet the internal noise levels specified in Clause 102 of State Environmental Planning Policy (Infrastructure) 2007.

The measures of acoustic attenuation shall be reflected on the Construction Certificate plans.

(Reason: Amenity of the occupants)

ADDED: DA2017/185/2 15 October 2021

7C. DELETION OF SWIMMING POOL

To delete any references to the swimming pool.

ADDED: DA2017/185/2 15 October 2021

GENERAL CONDITIONS (GC)

8. **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.2017/185:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
D.01	Demolition Plan	Bechara Chan & Associates	Rev A	14 December 2017
~~DA.02~~	~~Ground Floor First Floor Plan~~	~~Bechara Chan & Associates~~	~~Rev C~~	~~6 April 2018~~
DA.03	Basement and Roof Plan	Bechara Chan & Associates	Rev C	6 April 2018
~~DA.04~~	~~Elevations~~	~~Bechara Chan & Associates~~	~~Rev C~~	~~6 April 2018~~
DA.05	Section A-A, B-B	Bechara Chan & Associates	Rev C	6 April 2018
DA.06	Front Fence Driveway Section	Bechara Chan & Associates	Rev C	6 April 2018
~~L01~~	~~Landscape Plan~~	~~Sussan Zindo~~	~~Rev B~~	~~14 December 2017~~
-	Schedule of Colours & Finishes	Bechara Chan & Associates	-	6 April 2018

S4.55-02	**Ground Floor Plan / First Floor Plan**	**-**	**Revision A / 05/05/2021**	**8 June 2021**
S4.55-04	**Elevations**	**-**	**Revision A / 05/05/2021**	**8 June 2021**
CC-L-01	**Landscape Plan**	**Sussan Zindo**	**Revision B / 31/05/2021**	**8 June 2021**

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No.2017/185:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Aboricultural Impact Assessment Report	Jacksons Nature Works	4 April 2018	6 April 2018
~~BASIX Certificate~~	~~No. 776539M_02~~	~~Issued 13 December 2017~~	~~14 December 2017~~
BASIX Certificate	**776539M_03**	**19 May 2021**	**8 June 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.)

AMENDED: DA2017/185/2 15 October 2021

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

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 29.803AHD to the ridge of the building.

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

10. **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.)

11. **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.)

12. **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.)

13. **DEMOLITION - SITE SAFETY FENCING (GC)**

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

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

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.)

14. **FENCING - FRONT FENCE HEIGHT (GC)**

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

Brick piers over 1m in height are permitted to support the decorative elements, provided they are equally spaced along the street, and do not exceed a height of 1.8m. Plans demonstrating compliance with this condition are to be submitted to the

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

~~15. **LANDSCAPING ADJACENT SWIMMING POOLS/SPAS (GC)**~~

~~A minimum one (1) metre wide landscape strip is to be provided between the swimming pool and adjacent common boundaries. The landscape strip is to be planted with a continuous row of evergreen shrubs of a minimum five (5) litre container size and capable of achieving a minimum mature height of three (3) metres. Details of the selected plants shall be submitted to and approved by the Principal Certifying Authority. Compliance with this condition shall be certified by the Principal Certifying Authority, prior to occupation of the premises.~~

~~(Reason: Privacy amenity of adjoining properties.)~~

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

New development shall provide at least two (2) canopy trees within the front setback adjacent the front boundary (existing trees may be included). New canopy trees shall be at least three (3) metres high at the time of planting and capable of reaching a mature height of 10m.

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.

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

17. **LANDSCAPING - IRRIGATION OF COMMON AND PRIVATE LANDSCAPE AREAS (GC)**

All common and private landscape areas including all planters of new multi-unit, commercial, mixed-use and industrial development are to have full coverage by a fully automatic irrigation system. The design, materials and installation are to be in accordance with Sydney Water Codes and satisfy all relevant Australian Standards. Details demonstrating compliance shall be submitted to the Principal Certifying Authority, prior occupation of the premises.

(Reason: To ensure appropriate landscape maintenance.)

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

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

Tree No. in Arborist Report	Tree	Location
1	Cinnamomum camphora	Subject site
2	Liquidambar styraciflua	Subject site
3	Citharexylem snionosum	Subject site
4	Cupressocyparis	Subject site
5	Viburnum tinus	Subject site
7	Cupressocyparis	Subject site
8	Celtis Australis	Subject site

All trees permitted to be removed by this consent shall be replaced by species selected from Council's Recommended Tree List.

Replacement trees shall be a minimum 50 litre container size. Trees are to conform to the NATSPEC guide and Guide for assessing the quality of and purchasing of landscape trees by Ross Clarke, 2003. Trees are to be true to type, healthy and

vigorous at time of delivery and planting, shall be pest and disease free, free from injury and wounds and self-supporting; and shall be maintained until maturity.

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

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

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

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

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

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

19. **LANDSCAPING - TREE PRESERVATION (GC)**

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

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

20. **LANDSCAPING – TREES TO BE RETAINED (GC)**

The following trees are to be retained at all times:

Tree	**Height/ Spread (m)**	**Location**	**Protection Zone (m)**	**Structural Root Zone (m)**
6)Lagerstoemia indica	6 x 8	Subject site	3.6	2.25
9)Lophostemon confertus	9 x 7	Road reserve	6.1	2.6
10) Lophostemon confertus	6 x 7	Road reserve	5.3	2.6
11) Lophostemon confertus	8 x 8	Road reserve	6.9	2.8

and protected by the establishment of a **protection zone** (in accordance with Australian Standard AS4970-*Protection of trees on development sites*) before any site

works begin (including any demolition/excavation). The protection zone shall be maintained for the duration of works and implemented as follows:

(a) A minimum 1.8m high barrier (Chain wire mesh panels, plywood or wooden paling fence panels: refer to AS4687-*Temporary fencing and hoardings* for fencing requirements) shall be erected around the perimeter of the stated Protection Zone as measured from the base of the tree (or where practical). Shade cloth or similar should be attached to reduce the transport of dust, other particulate matter and liquids into the protected area. Fence posts and supports should have a diameter greater than 20mm and be located clear of roots. The barrier shall be constructed so as to prevent pedestrian and vehicular entry into the protection zone. The barrier shall not project beyond the kerb onto the roadway or any adjacent footpath.
(b) Signs identifying the Protection Zone should be installed on the fencing and be visible from within the development site. Lettering should comply with *AS4970-2009: Protection of Trees on Development Sites*.
(c) No concrete slurry or wash, building materials, builders' rubble, excavation soil or similar shall be placed or stored within the tree protection zone.
(d) The whole of the tree protection zone shall be mulched to a minimum depth of 75mm.
(e) The tree protection zone shall be regularly watered.
(f) Any major structural roots which are encountered shall be pruned by a qualified Arborist.
(g) No excavation or construction shall be carried out within the stated Structural Root Zone distances from the base of the trunk surface.
(h) Only permeable surfaces (e.g. decomposed granite, gravel, turfpave, permeable paving systems or soft landscaping) are permitted within the canopy spread of the trees to be protected.

21. **MATERIALS – CONSISTENT WITH SUBMITED 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.)

22. **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.)

23. **PRIVACY - SCREEN PLANTING TO SIDE AND REAR BOUNDARIES (GC)**

Evergreen shrubs with a minimum 5 litre container size achieving a minimum mature height of 3m shall be planted along the side and rear boundaries to provide suitable privacy screening. Screen planting shall be maintained at all times. Details of the selected plants shall be submitted to and approved by the Principal Certifying Authority. Compliance with this condition shall be certified by the Principal Certifying Authority, prior to occupation of the premises.

(Reason: To maintain privacy amenity to neighbouring residences.)

24. **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. The footway and nature strip at the service entrance must be planked out.
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) 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.
xii) 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.
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.
xiv) 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.

xv) 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.

xvi) 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.

xvii) 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.

xviii) Any work must not prohibit or divert any natural overland flow of water.

xix) Toilet facilities for employees must be provided in accordance with WorkCover NSW.

xx) Protection pads are to be installed to the kerb and gutter where trucks and vehicles enter the site.

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

25. **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.)

26. **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.)

27. **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 (CC)

28. **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.)

29. **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.)

30. **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.)

31. **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.)

32. **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.)

33. **CAR PARKING - VEHICULAR CIRCULATION, AISLE AND RAMP WIDTHS (CC)**

The aisle widths, internal circulation, ramp widths and grades of the car park shall comply with the Roads and Traffic Authority Guidelines and ASNZS 2890.1:2004 - Off-Street Car Parking Code.

Vehicular manoeuvring paths are to be prepared demonstrating that all vehicles can enter or depart the site in a forward direction without encroaching on required car parking spaces.

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

34. **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.

(Reason: Compliance with SCDCP 2005.)

35. **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.)

36. **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.)

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

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)

38. **DILAPIDATION REPORT - PRE-COMMENCEMENT (CC)**

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

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

If access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to Council's satisfaction attempts have been made to obtain access and/or advise the affected property owner of the reason for the

survey and these attempts have been unsuccessful. Written concurrence must be obtained from Council in such circumstances.

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

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

39. **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.)

40. **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.)

~~41. **LANDSCAPING - LANDSCAPE PLAN REQUIRED (CC)**~~

~~A landscape plan prepared by a qualified landscape architect or landscape consultant to a scale of 1:100 or 1:200, conforming to all relevant conditions of consent is to be submitted to the satisfaction of the Principal Certifying Authority with the Construction Certificate application.~~

~~The plan must include the following information:~~

~~i) details demonstrating compliance with SCDCP 2005 in relation to landscaping requirements;~~
~~ii) location of all existing and proposed landscape features including materials to be used;~~
~~iii) all trees to be retained, removed or transplanted;~~
~~iv) existing and proposed finished ground levels;~~
~~v) top and bottom wall levels for both existing and proposed retaining and free standing walls; and~~
~~vi) a detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity. A minimum of 25% of species shall be locally sourced indigenous species. Species shall be predominantly selected from Council's Recommended Tree List.~~

~~Consideration within the design should be given to the scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area, potential views, solar access and privacy for neighbouring development.~~

~~(Reason: Landscape quality.)~~

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42. **LANDSCAPING - MAINTENANCE STRATEGY (CC)**

To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the issue of the Occupation Certificate shall be prepared and provided to the satisfaction of the Principal Certifying Authority with the Construction Certificate application. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

(Reason: Ensure landscape survival.)

43. **PRIVACY - OBSCURE GLAZING IN WET AREAS (CC)**

All bathroom, ensuite and toilet windows shall be installed with obscure glazing. Plans shall be notated accordingly and details demonstrating compliance submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Privacy amenity.)

44. **SECTION 7.11 CONTRIBUTION PAYMENT - DIRECT CONTRIBUTIONS PLAN (CC)**

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

Provision of Community Facilities	$ 1,471.45
Provision of Major Open Space	$ 6,694.65
Provision of Local Open Space	$ 2,294.40
Provision Roads and traffic Management	$ 576.35
Administration	$ 126.88
TOTAL	**$11,163.73**

PLUS

Local Amenity Improvement Levy	**$13,750.00**

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

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

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

Note: A copy of Strathfield Council's Section 7.11 Direct Development Contributions Plan may be downloaded from Council's website.

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

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

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

The deposit is required as security against any damage to Council property during works on the site. The applicant must bear the cost of all restoration works to Council's

property damaged during the course of this development. All building work must be carried out in accordance with the Building Code of Australia.

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

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

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

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

(Reason: Protection of Council infrastructure.)

46. **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.)

47. **STORMWATER DRAINAGE (CC)**

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

i) Grated drains shall be provided along the 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.)

~~48. SWIMMING POOLS / SPAS (CONSTRUCTION OF)~~

~~The approved swimming pool/spa must comply with all relevant legislation including:~~

~~i) Swimming Pools Amendment Act 1992 (as amended);~~
~~ii) Swimming Pools Regulations 2008; and~~
~~iii) Australian Standard AS1926.1-2012 – Safety Barriers for Swimming Pools.~~

~~Details demonstrating compliance with this condition shall be demonstrated to the Principal Certifying Authority, prior to the issue of a Construction Certificate.~~

~~(Reason: Safety and statutory compliance.)~~

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~~49. SWIMMING POOLS / SPAS - MECHANICAL PLANT ENCLOSURE (CC)~~

~~Any mechanical plant associated with the swimming pool and spa shall be acoustically treated to comply with the Protection of the Environment Operations Act 1997. Details are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.~~

~~(Reason: To ensure the acoustic amenity of the neighbouring residents.)~~

DELETED: DA2017/185/2 15 October 2021

50. **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.)

51. **TREE BONDS (CC)**

A tree bond of **$19,800.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

52. **VEHICULAR CROSSINGS - WORKS PERMIT FOR CONSTRUCTION OF (CC)**

Full-width, heavy-duty concrete vehicular crossing(s) shall be provided across the footpath at the entrance(s) and/or exit(s) to the site and designed in accordance with Council's guidelines and specifications. In this regard, a Works Permit is to be obtained (available from Council's Customer Services Centre or downloaded from Council's website), and the appropriate fees and charges paid, prior to the lodgement of a Construction Certificate.

(Reason: To ensure appropriate access to the site can be achieved.)

53. **WASTE MANAGEMENT PLAN (CC)**

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

The WMP must identify the types of waste that will be generated, all proposals to re-use, recycle or dispose of the waste and designs of the waste storage and collection areas. The WMP is to be submitted to council for comment prior to approval by the Principal Certifying Authority, approval must be provided prior to the issuing of the Construction Certificate.

Full compliance must be given to the endorsed Waste Management Plan submitted for the proposed development. Copies of any weighbridge receipts from all approved waste disposal facilities shall be retained for presentation to the Principal Certifying Authority upon request.

NOTE: The property must be inspected by a Council Waste Officer prior to the issue of an Occupation Certificate so as to ensure that the correct number of general waste and recycling bins are ordered from Strathfield Council.

(Reason: To ensure appropriate management of waste.)

54. **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.)

55. **WATER HEATING SYSTEMS - LOCATION OF (CC)**

Water heating systems shall be located so as not to be visible from public places and the ground level of adjoining properties. Details (type and location) of the water heaters shall be submitted to and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: To maintain streetscape character.)

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

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

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

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.)

57. HOME BUILDING COMPENSATION FUND (CW)

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

i) A contract of insurance in accordance with Part 6 of the Home Building Act 1989 is entered into and in force, where such a contract is required under that Act (this is a prescribed condition of consent pursuant to clause 981(b) Environmental Planning and Assessment Regulation 2000.
ii) The PCA is satisfied that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each

case if required by the Home Building Act 1989 (unless the work is to be carried out by an owner-builder).

iii) If the work is to be carried out by an owner builder, that the owner builder is the holder of any owner -builder permit required under the Home Building Act 1989.

iv) Written notice of the following information has been provided to Council (this is a prescribed condition of consent pursuant to clause 98B of the Environmental Planning and Assessment Regulation 2000):

- In the case of work for which a principal contractor is required to be appointed:
- the name and licence number of the principal contractor; and
- the name of the insurer by which the work is insured under Part 6 of the Home Building Act 1989.

In the case of work to be done by an owner-builder:

- the name of the owner-builder; and
- if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989, the number of the owner-builder permits.

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

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

(Reason: Statutory requirement.)

58. **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)

59. **FILL MATERIAL (DW)**

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

i) Virgin excavated material (within the meaning of the Protection of the Environment Operations Act 1997), and

ii) any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

Any (b)-type material received at the development site must be accompanied by documentation certifying by an appropriately qualified environmental consultant the materials compliance with the exemption conditions; and this documentation must be provided to the Principal Certifying Authority on request.

(Reason: To ensure imported fill is of an acceptable standard for environmental protection purposes.)

60. **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.)

61. **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.)

62. **SITE REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION**

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 Standards 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. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
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.
x) All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
xi) 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.

xii) All materials on site or being delivered to the site are to generally be contained within the site. The requirement s 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.

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 and recycling.

xiv) 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.

xv) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.

xvi) 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.

xvii) 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.

xviii) Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

(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.)

63. **SURVEY REPORT OF APPROVED LEVELS DURING AND POST CONSTRUCTION (DW)**

A Survey Certificate to Australian Height Datum shall be prepared by a Registered Surveyor as follows:

i) At the completion of the first structural floor level prior to the pouring of concrete indicating the level of that floor and the relationship of the building to the boundaries.

ii) At the completed height of the building, prior to the placement of concrete inform work, or the laying of roofing materials.

iii) At the completion of the development.

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

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

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

64. 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.)

65. 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.)

66. 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.)

67. **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.)

68. **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.)

69. **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.)

~~70. **SWIMMING POOLS / SPAS - REGISTRATION AND REQUIREMENTS (OC)**~~

~~The approved swimming pool/spa must comply with all relevant legislation including:~~

~~i) Swimming Pools Amendment Act 1992 (as amended);~~
~~ii) Swimming Pools Regulations 2008; and~~
~~iii) Australian Standard AS1926.1-2012 – Safety Barriers for Swimming Pools.~~

~~Swimming pool owners must register their swimming pool or spa on the NSW Swimming Pool Register. A copy of a valid certificate of compliance or relevant occupation certificate must be attached to new residential tenancy agreements to rent property with a swimming pool or spa pool. Note: This requirement does not apply to a lot in strata or community title schemes with more than two lots.~~

~~A copy of a valid certificate of compliance or relevant occupation certificate must be attached to new residential tenancy agreements to rent property with a swimming pool or spa pool. Note: This requirement does not apply to a lot in strata or community title schemes with more than two lots; or for any off the plan contacts.~~

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

~~(Reason: Safety and statutory compliance.)~~

DELETED: DA2017/185/2 15 October 2021

SIGNED on behalf of
Strathfield Municipal Council

GEOFF BAKER
PUBLIC OFFICER

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.