

IDAP REPORT – SECTION 4.55 (2) MODIFICATION

Property:	17 Mount Street STRATHFIELD Lot: 1 DP: 1243627 DA2018.175.2
Proposal:	Section 4.55(2) Modification Application for internal and external changes to the approved dwelling house including expansion of basement, altered floor layouts, extension of first floor and windows. <u>Approved Proposal:</u> Demolition of existing structures and construction of a single dwelling with basement level, in-ground swimming pool & front boundary fence.
Applicant:	BJ Architects International
Owner:	T Wu
Date of lodgement:	21 April 2021
Notification period:	26 April – 10 May 2021
Submissions received:	One (1)
Assessment officer:	JG Gillies
Estimated cost of works:	\$1,779,415.00
Zoning:	R2-Low Density Residential - SLEP 2012
RECOMMENDATION OF OFFICER:	APPROVAL



Subject site shown in yellow and surrounds

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the Section 4.55(2) Modification Application for internal and external changes to the approved dwelling house including reconfiguration within the basement, reconfiguration of the ground floor layout, changes to the pool and deck layout, changes to the first floor including expansion of the footprint in the north western corner and changes to the window schedule and façade treatments.

Approved Proposal: Demolition of existing structures and construction of a single dwelling with basement level, inground swimming pool & front boundary fence.

Site and Locality

The site is identified as 17 Mount Street Strathfield and has a legal description of Lot: 1 DP: 1243627. The site is a regular/ shaped parcel of land and is located off the northern side of Mount Street between Kingsland Road and The Boulevarde (Figure 1).

The site has a street frontage of 15.24m, side boundary lengths of 50.37m and an area of 767.4m². The streetscape is characterised by a mix of older, traditional single storey dwellings and modern two (2) storey dwellings including two (2) storey porticos, a mixture of pitched and flat roofs, large garages and basement levels.

Strathfield Local Environmental Plan

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

Development Control Plan

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

Notification

The application was notified in accordance with Council's Community Participation Plan from 26 April – 10 May 2021, where one (1) submission was received raising concerns related to the following:

- Privacy and solar access, and
- Overdevelopment.

Issues

- The first floor amendments increase the dwellings bulk and scale.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2018/175/2 is recommended for approval subject to suitable modified conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the Section 4.55(2) Modification Application for internal and external changes to the approved dwelling house including reconfiguration within the basement, reconfiguration of the ground floor layout, changes to the pool and deck layout, changes to the first floor including expansion of the footprint in the north western corner and changes to the window schedule.

Approved Proposal: Demolition of existing structures and construction of a single dwelling with basement level, in-ground swimming pool & front boundary fence.

More specifically, the proposal includes;

Basement level:

- Internal reconfiguration, with no increase to the footprint. A minor decrease in area is shown on the eastern edge of the basement.

Ground floor level:

- Internal reconfiguration of the ground floor layout within the approved ground floor footprint.
- Reconfiguration of the pool and rear patio/deck. The reconfiguration results in a shallower alfresco area, but longer pool.

First floor level:

- Reconfiguration within the approved footprint and extension of the footprint at the north western corner of the dwelling.

External works:

- Façade changes – The window schedule on all elevations has been modified as follows:
 - South elevation (Mount Street) – changes to window design (no significant increase in glazing) and changes to balcony detail, columns and front door,
 - Eastern and western elevations – changes to the window locations and inclusion of opaque glazing below the 1.7m sill height for previous highlight windows.
 - North elevation – changes to window design (no significant increase in glazing) and changes to alfresco area detail.
- Minor changes to the landscaping outcome, mostly resulting from the reconfigured pool and alfresco area.

The Site and Locality

The subject site is legally described as Lot 1 DP 1243627 and commonly known as 17 Mount Street, Strathfield. It is located off the northern side of Mount Street between Kingsland Road and The Boulevarde (Figure 1 and 2).

The site is generally rectangular in shape and has a street frontage of 15.24m, side boundary lengths of 50.37m and an area of 767.4m². It site slopes from the rear to the front of the site and has a cross-fall of 3.2m. In addition, the site frontage falls 0.8m from west to east.

The streetscape is characterised by a mix of older, traditional single storey dwellings and

modern two (2) storey dwellings including two (2) storey porticos, a mixture of pitched and flat roofs, large garages and basement levels.

The subject site is currently devoid of structures, except for boundary fencing and a low retaining wall.

Background

- 10 October 2016** Development consent (DA 2016/032) for a two (2) lot Torrens title subdivision of the pre-existing, larger lot that comprised 18 Highgate Street, Strathfield was granted by the Council on 10 October 2016. The subject site was used predominately as a tennis court, ancillary to the host dwelling at 18 Highgate Street.
- 23 May 2019** Strathfield Internal Development Assessment Panel approved DA2018.175
- 21 April 2021** The subject Modification Application was lodged with Strathfield Council.
- 26 April 2021** The subject Modification Application notified for 14 days in accordance with the Strathfield Community Participation Plan (CPP).
- 9 July 2021** A request for further information (RFI) was issued to the Applicant raising the following concerns:
- The expanded basement is not acceptable. Assessment of the parent application (DA2018/175) resulted in a reduction of the basement footprint to minimise excavation and the amended design renewed the same issues.
 - The expanded ground floor is not accepted. Assessment of the parent Application resulted in the need for articulation along the eastern façade and this is to be reinstated.
 - The expanded first floor, which excludes large voids to accommodate an additional sitting area, is not accepted.
 - Changes to the window schedule and façade are acceptable.
- 11 August 2021** The Applicant submitted revised DA material. An extension had been requested by the Applicant due to the Sydney lockdown.

Referrals

Traffic

Council's Traffic Manager provided the following comments regarding the proposal:

Council's CDCP Part A Clause 8.1 requires excavation to be minimised to reduce disturbance to natural ground level. The proposed basement extension to include an

additional turning bay does not meet the aforementioned objective. The original design under the approved DA2018/175 already satisfies the minimum on-street provision requirement whilst allows adequate access which permits vehicles to enter and exit the basement in a forward direction.

Recommendation

The proposed basement extension is not justifiable from a traffic and parking point of view.

Following receipt of this advice in the RFI, the Applicant has reduced the footprint of the basement to be consistent with the approved outcome.

Stormwater

Council's Development Control Engineer offered no objection to the revised Stormwater Management Plan, subject to suitable conditions of consent.

Section 4.55 of the EP&A Act 1979

The application has been lodged under the provisions of s4.55(2) of the EPA Act. The application 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

Applicable SLEP 2012 Clause	Development Standards	Approved (DA2018.175)	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	9.5m	9.14m (8.94m by condition)	9.14m (8.94m by condition)	Yes
4.4 Floor Space Ratio	0.575:1 (441.255 m ²)	0.573:1 439.66m ²	0.57:1 436.9m ²	Yes

Height of Building

The Notice of Determination (NOD) for DA2018.175 includes conditions of consent requiring a reduction in height of the proposed building by 200mm, with the ceiling height of the first floor to be reduced to RL 45.040 and the roof ridge line to be reduced an equal amount.

The Applicant has outlined that the height of the building has been reduced, and this is the case as shown in the Figures 2 and 3 below. However, the changes have not impacted on the visual presence of the dwelling at the street interface and accordingly, the condition will remain in the modified consent.

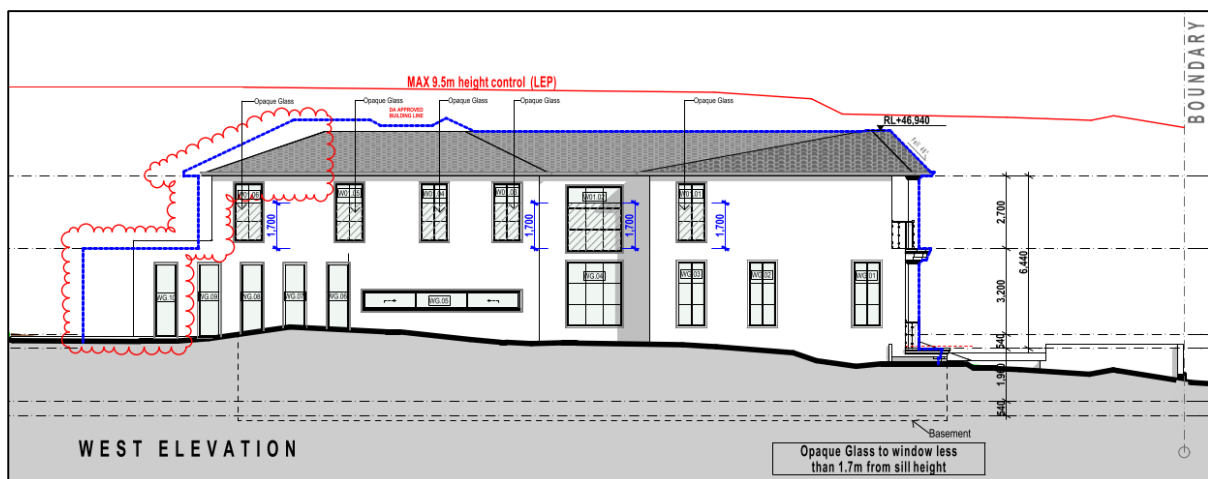


Figure 2 – Changes to the building envelope under the modified design

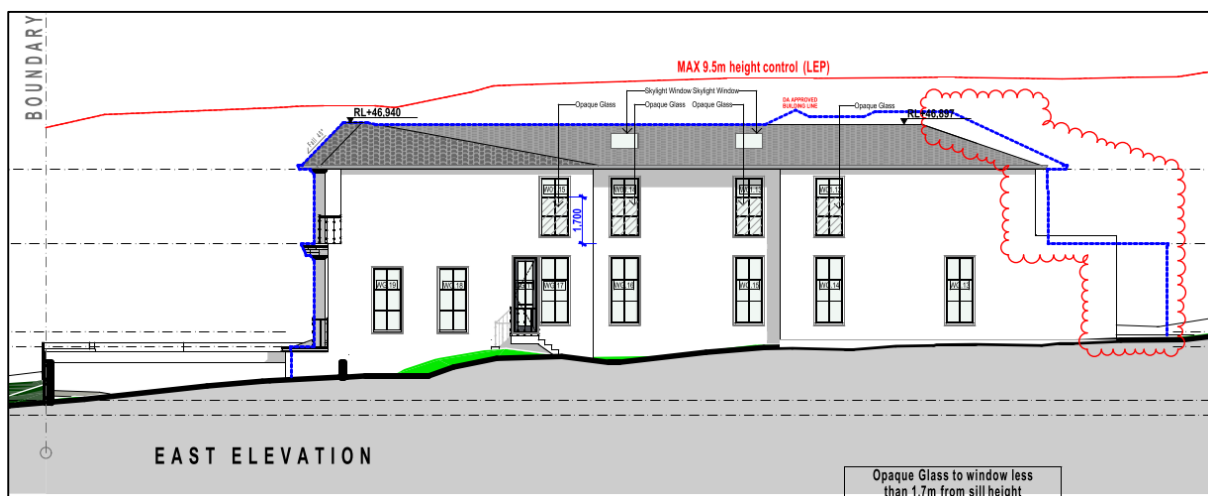


Figure 3 – Changes to the building envelope under the modified design

FSR

The Applicant had been advised during the assessment that the increased gross floor area on the first floor may not be supported, due to the substantial increase in floor area (an additional 47m²) and size of the proposed void (also 47m²). The Applicant has since reduced the additional floor area to 22 m² and void to 26m².

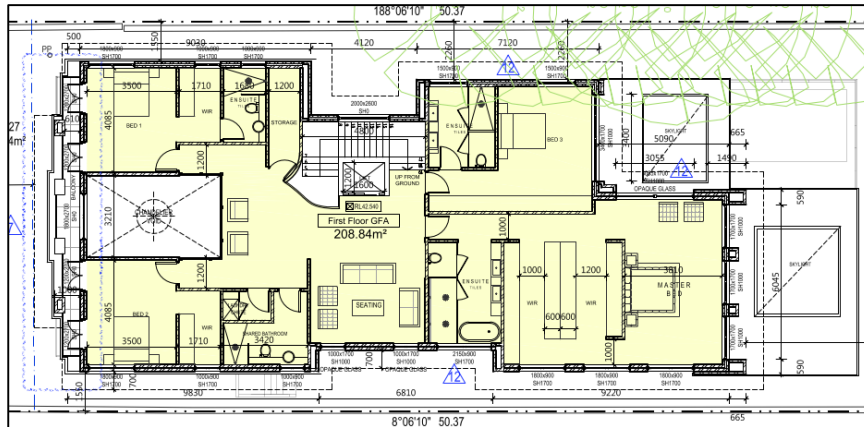


Figure 4 – The approved first floor under DA 2018.175

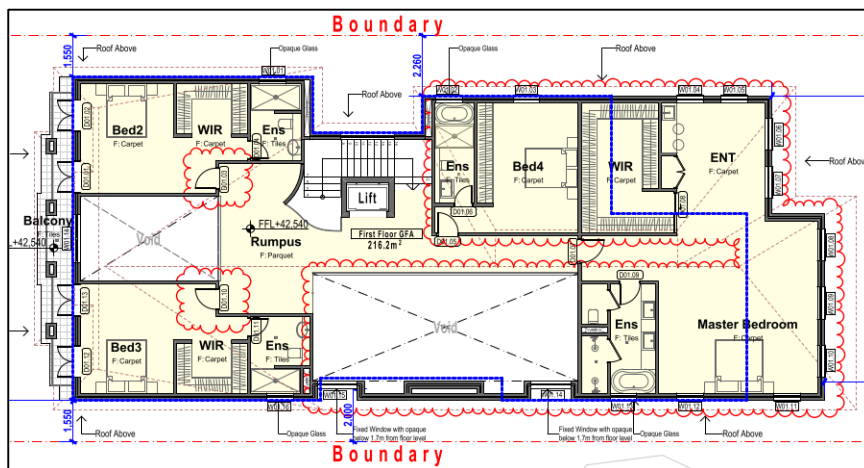


Figure 5 – The first iteration of the modified first floor

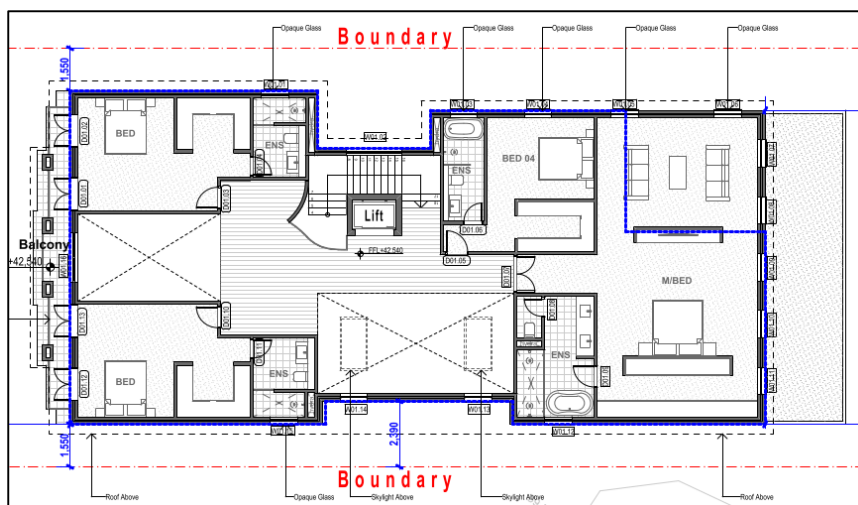


Figure 6 – The final iteration of the modified first floor

The impact of excluding the new void space (26m²) is additional bulk in the north western corner of the dwelling. This additional bulk is acceptable noting that the overall envelope in this location has been reduced. Privacy impacts will be managed through obscured glazing and increases to overshadowing or solar impacts have been demonstrated as negligible.

Exclusion of the new void from FSR is acceptable on merit as the proposed outcome will not substantially increase the bulk and scale of the approved development, especially as the presentation to Mount Street remains the same as the approved outcome. A condition of consent will be imposed to ensure the new void functions accordingly for the life of the development.

Part 5 – Miscellaneous Provisions

None of the provisions under Part 5 of SLEP 2012 are triggered by the proposed modification.

Part 6 – Additional Local Provisions

Acid Sulfate Soils

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

Earthworks

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

Essential Services

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

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

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.

(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	Approved (DA2018.175)	Development Proposal	Compliance/ Comment
Building Envelope				
Floor Space Ratio:				
Heights:				
Floor to ceiling heights:	3.0m	3.2m	3.2m	Existing non-compliance unchanged.
Height to underside of eaves:	7.2m	7.48m	7.48m	
Basement height above NGL:	1.0m	1m	1m	Yes
Number of Storeys/Levels:	2	2	2	Yes
Setbacks:				
Front:	9m	9.5m	9.5m	Yes
Side:	1.2m (min)	1.55m	1.55m	Yes
Side:	1.2m (min)	1.55m	1.55m	Yes
Combined Side				
Setback:	3m (20%)	3.1m	3.1m	Yes
Rear:	6m	9.1m	11.2m	Yes
Landscaping				
Landscaping/Deepsoil Provisions:	330m ² (767.4m ² x 43%)	343.9m ² (44.8%)	334.8m ² (43.6%)	Yes
Private Open Space Area:				Yes
Minimum dimension:	10m ² 3m	>10m ² >3m	>10m ² >3m	Yes

	Fencing			
Height (overall/piers):	1.5m	1.5m	1.5m	Yes
Solid Component:	(maximum)			
Secondary Frontage:	0.7m	0.45m	0.45m	Yes
	1.8m	N/A	N/A	N/A
	Solar Access			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	>3hrs to habitable windows and to 50% of POS	>3hrs to habitable windows and to 50% of POS	Yes
	Vehicle Access and Parking			
Driveway width at Boundary:	3m	3.5m	3.5m	No, refer discussion below
Vehicular Crossing:	1	1	1	Yes
Driveway setback – side:	0.5m	1.55m	1.55m	1.55m
No. of Parking Spaces:	2	2	2	Yes
Basement:				
Basement protrusion:	Less than			
Basement	1.0m	0.7m	1.0m	Yes
ramp/driveway	3.5m	3.5m	3.5m	Yes
Internal height:	2.2m	2.2m	2.2m	Yes
	Ancillary Development			
SWIMMING POOL				
Side/Rear Setback	1.0m	2.2m	2.2m	Yes

Building Envelope

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

- Building scale, height and floor space ratio
- Rhythm of built elements in the streetscape,
- Fenestration and external materials, and
- Street edge

As outlined above, the proposal includes an increase to floor area that complies with SLEP 2012. The expansion of the first floor at the north western corner will not result in significant changes to the bulk and scale of the approved outcome.

In relation to the height of the building and visual presence, the parent application assessment identified the need for a reduction in scale. The Notice of Determination (NOD) for DA2018/175 includes conditions of consent requiring a reduction in height of the proposed building by 200mm, with the ceiling height of the first floor to be reduced to RL 45,040 and the roof ridge line to be reduced and equal amount.

The rear of the building has been reduced in height however this has not had a marked impact on the visual presence of the dwelling at the street interface and accordingly, the condition will remain.

Privacy

The proposed development, as modified, satisfies the relevant objectives and controls of the SCDCP 2005, in that adequate privacy is maintained between adjoining properties and any potential overlooking is minimised.

The modified design incorporates amendments to the window schedule, with obscured glazing below the 1.7m sill height for a number of windows along the eastern and western façades, where many of these windows had previously presented as highlight windows. The use of obscured glazing will allow for improved solar access, natural heating and will not create additional privacy implications for neighbouring dwellings and occupants. The use of obscured glazing is continued into the new sitting room located in the north western corner of the dwelling.

The modified development maintains the 1.55m side setback, which increases to 2.2m for certain parts of the dwelling.

Vehicular access, Parking and Basements

The proposed development, as modified, satisfies the relevant objectives and controls of the SCDCP 2005 in that it provides the minimum number of required parking spaces and adequate vehicular access provisions.

The proposed driveway and crossover are misaligned, which reflects the approved outcome. This is likely the result of street tree retention efforts and the need for a 3.5m wide driveway internally.

The basement design incorporates a notable gap between the ground floor and basement ceiling, resulting in a basement that comes close to non-compliance with the 1m maximum. The requirement to lower the building by 200mm will address the impact of this outcome on the elevated front portion of building. The elevated basement level is absorbed into the first storey elevation and does not result in a three storey building appearance.

ANCILLARY STRUCTURES

Swimming Pools, Spas & Associated Enclosures

The proposed development, as modified, satisfies the relevant objectives and controls with SCDCP 2005. The pool has been adequately setback from all adjoining boundaries, allowing for screen planting if required. The pool pump equipment has been located in a sound proof enclosure and the pool coping has been designed to suit the existing ground level of the site. The swimming pool fence/enclosure will comply with the swimming pools act and relevant standards.

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 Council's Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment. One (1) submission was received raising the following concerns:

1. **The obscured glass will be replaced with normal glass following receipt of the occupation certificate. It is requested fixed screens be added to the windows.**

Comment: This outcome would be able to be dealt with by Council's compliance team and the privacy screens are equally interchangeable, possibly more so.

2. **The addition in the north western corner is an overdevelopment that will impact on privacy, sunlight and general amenity. Privacy screens are requested for the new area.**

Comment: The new sitting room area also incorporates obscured glazing and the comments above apply. The solar access diagrams submitted with the Application demonstrate that the neighbouring property at 15 Mount Street receive adequate sunlight to living areas and private open space that comply with the minimum three (3) hours under the DCP. It is also noted that the extension is located on the opposite side to the objector's property.

(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 7.12 Contributions would usually be applicable to a development of this nature. However, Section 4.5 of the Strathfield Indirect Development Contributions Plan sets out exemptions to the levy whereby it includes the following:

“The levy will not be imposed in respect of development where:

- other than the subdivision of land, where a condition under section 94 of the EP&A Act has been imposed under a previous development consent relating to the subdivision of the land on which the development is proposed to be carried out.”*

Development consent (DA 2016/032) for a two (2) lot Torrens title subdivision of a pre-existing, larger lot that comprised 18 Highgate Street, Strathfield was granted by the Council on 10 October 2016. This application created the subject site, (i.e. Lot 1 DP 1243627). Condition 8 of that consent required the payment of a contribution under section 94 of the EP&A Act. Therefore, the current proposal is exempt from paying further Section 7.12 contributions.

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 SCDP 2005.

Pursuant to Section 4.55(2) of the Environmental Planning & Assessment Act 1979 and following detailed assessment of the proposed modifications to Development Consent No. 2018/17 for Demolition of existing structures and construction of a single dwelling with basement level, in-ground swimming pool & front boundary fence at 17 Mount Street, Strathfield be approved subject to the following:

1. The original conditions of consent of Development Consent No. 2018/175 as approved, except were amended as below.
2. As part of this Section 4.55(2) application, the following conditions are to be modified, added or deleted;
 - Delete Condition 4 Alfresco Opening – No longer applicable in the current design.
 - Modify Condition 5 – Amend Approved Plans and Reference Documentation.
 - Add Condition 37 – Areas marked as Voids must remain so for the life of the development.

Accordingly, Development Consent 175/2018/2 is approved as per the following;

Signed:

**JG Gillies
Senior Planner**

Date: 13/10/2021



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

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

Report and recommendations have been peer reviewed and concurred with.

Signed:
Miguel Rivera
Senior Planner

Date: 13/10/2021

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 and is recommended for approval subject to the imposition of the following conditions: The following conditions of consent are imposed for the following reasons:

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

SPECIAL CONDITIONS (SC)

1. HEIGHT OF THE BUILDING (SC)

The following design changes are to be incorporated in amended architectural plans:

- i. The floor level of the first floor of the dwelling is to be lowered by 200mm to RL 42.340 (based on AHD)
- ii. The ceiling level of the first floor of the dwelling is to be lowered by 200mm to RL 45.040 (AHD)
- iii. The roof ridges of the dwelling are to be lowered by 200mm to reflect the lowering of the first floor level.

Details of the above changes are to be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate and a copy forwarded to the Council where Council is not the nominated PCA.

(Reason: To reduce the bulk and scale of the dwelling.)

2. SETBACK FROM TREES (SC)

The dwelling and swimming pool (including the associated excavation and filling works, footings, utilities, pipes, pits and paving) are to be setback a minimum 3.6m from the conifers located on 19 Mount Street, adjacent to the shared side boundary.

(Reason: To maintain the health of the adjoining trees.)

3. **NON-TRAFFICABLE ROOF (SC)**

All parts of the roof of the dwelling shall be non-trafficable, except for the purpose of maintenance only.

(Reason: To protect the privacy of adjoining properties.)

4. ~~ALFRESCO OPENING (SC)~~

~~The opening in the eastern elevation of the rear alfresco is to be infilled with a privacy screen up to a minimum height of 1.7m measured from the respective floor level of the alfresco. The privacy screen is to be:~~

~~a structure that provides a screen or visual barrier between a window of a habitable room or an outdoor area on a lot and an adjoining lot that:~~

~~(i) has no individual opening more than 30mm wide, and~~

~~(ii) has a total area of all openings that is no more than 30% of the surface area of the screen or barrier, or~~

~~(b) a window, the whole of which has translucent glass and is fixed and not able to be opened~~

~~(Reason: To protect the privacy of the adjoining property.)~~

DELETED DA2018.175.2 15 October 2021

GENERAL CONDITIONS (GC)

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

The development, except where modified by a condition of this 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. 2018/175/2:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
DA.02	Ground Floor Plan Level 1 Plan	Bechara Chan & Associates	E — 27/02/2019	28/02/2019
DA.03	Roof & Site Plan Basement Plan	Bechara Chan & Associates	E — 27/02/2019	28/02/2019
DA.04	Elevations Section A-A, B-B	Bechara Chan & Associates	E — 27/02/2019	28/02/2019
DA.05	Driveway Section Front Fence Elevation	Bechara Chan & Associates	E — 27/02/2019	28/02/2019
A101	Site Plan and Basement Plan	BJ Architects	A 05/08/2021	11/08/2021

A102	Ground Floor and First Floor Plan	BJ Architects	A 05/08/2021	11/08/2021
A201	Elevation and Section	BJ Architects	A 05/08/2021	11/08/2021
L-01	Landscape Plan	Sussan Zinde Landscape Architect	B—14/02/2019	28/02/2019
LP01	Landscape Plan	Affordable Design Studio	B 09/04/2021	11/08/2021
LP02	Plant Schedule and Specification	Affordable Design Studio	B 09/04/2021	11/08/2021
LP03	Landscape Details	Affordable Design Studio	B 09/04/2021	11/08/2021
A8423— SW01	Sediment and Erosion Control Plan	Alpha Engineering & Development	C—22/02/2019	28/02/2019
A8423— SW02	Basement and Drainage Plan	Alpha Engineering & Development	C—22/02/2019	28/02/2019
A8423— SW03	Ground Floor and First Floor Drainage Plan	Alpha Engineering & Development	C—22/02/2019	28/02/2019
A8423— SW04	Stormwater Sections and Details	Alpha Engineering & Development	C—22/02/2019	28/02/2019
2021232 S1	Stormwater Drainage Plan	MBC Engineering	Rev 3 10/08/2021	11/08/2021
2021232 S2	Stormwater Drainage Plan	MBC Engineering	Rev 3 10/08/2021	11/08/2021
2021232 S3	Sediment and Erosion Control Plan	MBC Engineering	Rev 3 10/08/2021	11/08/2021

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2018/175:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Schedule of Colours and Finishes	Bechara Chan & Associates	B – 25/02/2019	28/02/2019
BASIX Certificate No. 979602S	Eco Certificates Pty Ltd	-	21/12/2019
BASIX Certificate No. 1190974S_02	AENEC	-	11/08/2021

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.)

MODIFIED

DA2018.175.2

15 October 2021

5. CONSTRUCTION HOURS (GC)

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

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

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

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

6. CONSTRUCTION WITHIN BOUNDARIES (GC)

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

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

7. DEMOLITION - SITE SAFETY FENCING (GC)

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

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

payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and

provision of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy provided to Council.

(Reasons: Statutory requirement and health and safety.)

8. ENVIRONMENTAL PROTECTION – TREE (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 Section 4, Tree protection measures, and Appendix C Tree Protection Zone Sign, of Australian Standard AS4970 - 2009,

Protection of Trees on Development Sites, prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

In this regard the street tree and all protected trees on or adjacent to the site will be protected as described below;

- i. A Tree Protection (Management) Plan prepared by a AQF Level 5 Arborist is to be available on site at all times prior to the issue of the Constriction Certificate, for all demolition and site works. This Tree Protection (Management) Plan must be shown on the demand of Authorised Council staff.
- ii. Protective perimeter fencing must be consistent with AS 4687, using metal fence posts greater than 20mm diameter and solid or chain wire mesh 2 metres in height supported on concrete pads/feet at 2-2.5 metre spacing. Fencing placement should not be closer than 2.5 metres from the trunk of each protected tree, or at a distance as specified by the approved Tree Protection (Management) Plan and approved by Council's Tree Management Officer. Shade cloth is to be used to prevent entry of dust and contaminated liquids into the root protection area.
- iii. Signs must be placed on the Fencing. These signs must comply with AS1319. The signs must state the purpose of the fencing and the name and contact details of the builder and the appointed AQF Level 5 consultant arborist.
- iv. Root protection is to be provided in the form of mulching to a depth of 50-100mm, inside of the fenced tree protection zone.
- v. Ground (Root) Trunk and Branch Protection must comply with the diagram of Figure 4 of AS4970 – 2009. Ground protection within the tree protection zone and drip line should be in the form of heavy steel plates or timber rumble boards over mulch or aggregate. Trunk and branch protection should be to a minimum height of 2 metres and must include measures to protect the tree/s against damage from the movement of trucks, plant equipment and materials at greater heights above ground level.
- vi. Temporary signs, cables, wires must not be attached to, or suspended, on any street tree or protected tree.
- vii. Above ground utilities must not be placed within the canopy of an existing protected tree, or create the future need for clearance pruning.
- viii. Below ground utilities/services must not be located inside the fenced tree protection zone.
- ix. Scaffolding must not be located in the fenced tree protection zone unless authorised by the approved Tree Protection (Management) Plan and Council's Tree Management Officer
- x. Council must be notified in writing within 24 hours, for all temporary removal of the tree protection fencing ground (root) trunk and branch protection within the root protection area.
- xi. Pruning of a street tree is prohibited without the written consent of Council.

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

9. MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULE (GC)

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

(Reason: To ensure compliance with this consent.)

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

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

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

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

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

(Reason: Statutory requirement.)

11. SYDNEY WATER - TAP IN™ (GC)

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

(Reason: Compliance with Sydney Water requirements.)

12. 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.)

13. **PUBLIC INFRASTRUCTURE (DW)**

The applicant must comply with the requirements (including financial costs) of any relevant utility provide (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 development.

(Reason: To maintain public infrastructure and/or services.)

14. **SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION) (GC)**

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

- i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. Protection pads are to be installed to the kerb, gutter and nature strip where trucks and vehicles enter the site.
- iv) No blasting is to be carried out at any time during construction of the building.
- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- x) All waste must be contained entirely within the site.
- xi) A site plan including temporary waste storage locations, construction material storage areas and vehicular access to and from the site must be included with application.

- xii) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling and must be presented to Council and/or Principal Certifying Authority upon request.
- xiv) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- xv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- xvi) Public footways, include nature strips and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.
- xvii) Building operations such as brick-cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- xviii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- xix) Any work must not prohibit or divert any natural overland flow of water.
- xx) Toilet facilities for employees must be provided in accordance with WorkCover NSW.

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

15. **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.)

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

16. **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.)

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

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

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

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

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

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

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

- 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.)

19. 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.)

20. 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.)

21. 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.)

22. GEOTECHNICAL REPORT (CC)

A comprehensive geotechnical engineering report assessing the impact and safety of the proposed works shall be prepared by a suitably experienced and qualified geopractitioner and submitted with any Construction Certificate. The report must include the results of subsurface investigations involving either test pits to rock, or preferably the drilling of cored boreholes (to 1m below the proposed final excavation level). The report shall provide:

- i) an indication of the nature and depth of any uncontrolled fill at the site;
- ii) an indication of the nature and condition of the material to be excavated;
- iii) indications of groundwater or seepages;
- iv) required temporary measures for support of any excavations deeper than 1m adjacent to property boundaries;
- v) a statement of required excavation methods in rock and measures required to restrict ground vibrations; and
- vi) other geo-technical information or issues considered relevant to design and construction monitoring.

(Reason: Structural safety.)

23. 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.)

24. SWIMMING POOLS / SPAS (CONSTRUCTION OF) (CC)

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.)

25. 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.)

26. TREE BONDS (CC)

A tree bond of **\$6,600.00** (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.

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

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

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

27. SECURITY PAYMENT – DAMAGE DEPOSIT FOR COUNCIL INFRASTRUCTURE (CC)

A security (damage deposit) of **\$15,000.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

The deposit is required as security against any damage to Council property during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development. All building work must be carried out in accordance with the Building Code of Australia.

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

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

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

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

(Reason: Protection of Council infrastructure)

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

Works Permit

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

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

Standing Plant Permit

This permit must be applied for where it is intended to park a concrete pump, crane or other plant on the roadway or footpath. A Standing Plant Permit Application Form is

available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website. Please note a Road Closure Permit is not required for standing plant.

Skip Bin Permit

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

Temporary Full or Part Road Closure Permit

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

Hoarding/Fencing Permit

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

Work Zone Permit

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

Ground Anchoring Permit

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

(Reason: Council requirement.)

29. **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.)

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

30. 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 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.)

31. 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 PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE (POC)

32. 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.)

33. 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.)

34. SWIMMING POOL/ SPA – PUMP NOISE (OC)

The swimming pool or spa pump(s) must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2017 and shall not:

- emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open);
 - (i) before 8am and after 8pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7am and after 8pm on any other day; or
- emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90, 15 minutes) by more than 5 dB(A). The source noise level must be measured as a LAeq 15 minutes.

(Reason: Noise control and amenity.)

35. ENGINEERING WORKS (CERTIFICATION OF) (OC)

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

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

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

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

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

(Reason: Asset management.)

36. STORMWATER – CERTIFICATION AND RESTRICTION AS TO USER FOR STORMWATER CONTROLLED SYSTEMS (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.)

37. VOIDS

All areas shown as voids on the approved plans must remain voids for the life of the development.

ADDED DA2018.175.2 15 October 2021

END CONDITIONS

ADVISORY NOTES

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

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

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

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

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

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

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

- v. The applicant and Owner are advised that the Commonwealth Disability Discrimination Act 1992 may apply to this particular proposal. Approval of this application does not imply or confer compliance with this Act. Applicants and owners should satisfy themselves as to compliance and make their own enquiries to the Australian Human Rights Commission. Attention is also drawn to the provisions of Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility.
- vi. Information regarding the location of underground services may be obtained from Dial Before You Dig (Telephone 1100 or www.dialbeforeyoudig.com.au). Inquirers should provide DBYD with the street/road name and number, side of street/road and the nearest cross street/road.
- vii. A Construction Certificate shall be obtained in accordance with Section 6.7 of the Act, prior to the commencement of any work on site. Council can provide this service for you and you may contact Council's Development Assessment Unit on 9748 9999 for further information.
- viii. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of the building.
- ix. The use of Council's footway in accordance with this consent shall not occur until an agreement with Council is entered into for the use of the footway and the applicable fees paid.
- x. Section 8.2 of the Act allows the applicant/owner to request Council to review the determination of the application. Any such request must be made within six (6) months of this Notice of Determination being issued and be accompanied by the required fee.

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

- (a) a determination in respect of designated development, or
- (b) a determination in respect of crown development, or
- (c) a complying development.

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

www.fairtrading.nsw.gov.au
Other contact details for the Department are:
Phone: 9895 0111
E-Mail: enquiry@fairtrading.nsw.gov.au
- xvi. Applicants are advised to ensure all gutters are designed and installed in accordance with the National Construction Code and the relevant Australian Standards.
- xvii. In accordance with Clause 162A of the Environmental Planning and Assessment Regulation 2000, critical stage inspections are to be carried out by the Principal Certifying Authority (PCA) or by another authority if the PCA so agrees. Failure to undertake these inspections can prevent the issue of an Occupation Certificate and may result in penalties.
- xviii. Where Council is appointed as the Principal Certifying Authority (PCA), a Certificate of Adequacy prepared by a suitably qualified and experienced Structural Engineer, shall be provided with the Construction Certificate application stating that the existing structure is suitable to support the additional loads proposed to be placed upon it and that it complies with the Structural Provisions of the National Construction Code (NCC).
- xix. For the purposes of improved resident safety, it is recommended that the windows of dwellings be fitted with appropriate devices capable of being locked into a fixed position with such openings generally being a maximum of 100mm wide provided that compliance with the NCC in terms of lighting and ventilation is still achieved.