

IDAP REPORT – SECTION 4.56 MODIFICATION

Property:	13 Victoria Street STRATHFIELD Lot 26 in DP 7343 DA 2020/110/2
Proposal:	Section 4.56 Modification Application for internal and external changes to approved dwelling house and pool.
Applicant:	J Zheng
Owner:	Y Liu and M L Zou
Date of lodgement:	24 September 2021
Notification period:	30 September to 14 October 2021
Submissions received:	Two (2) submissions
Assessment officer:	M Rivera
Estimated cost of works:	\$1,750,000.00
Zoning:	R2 – Low Density Residential – SLEP 2012
Heritage:	No
Flood affected:	No
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL

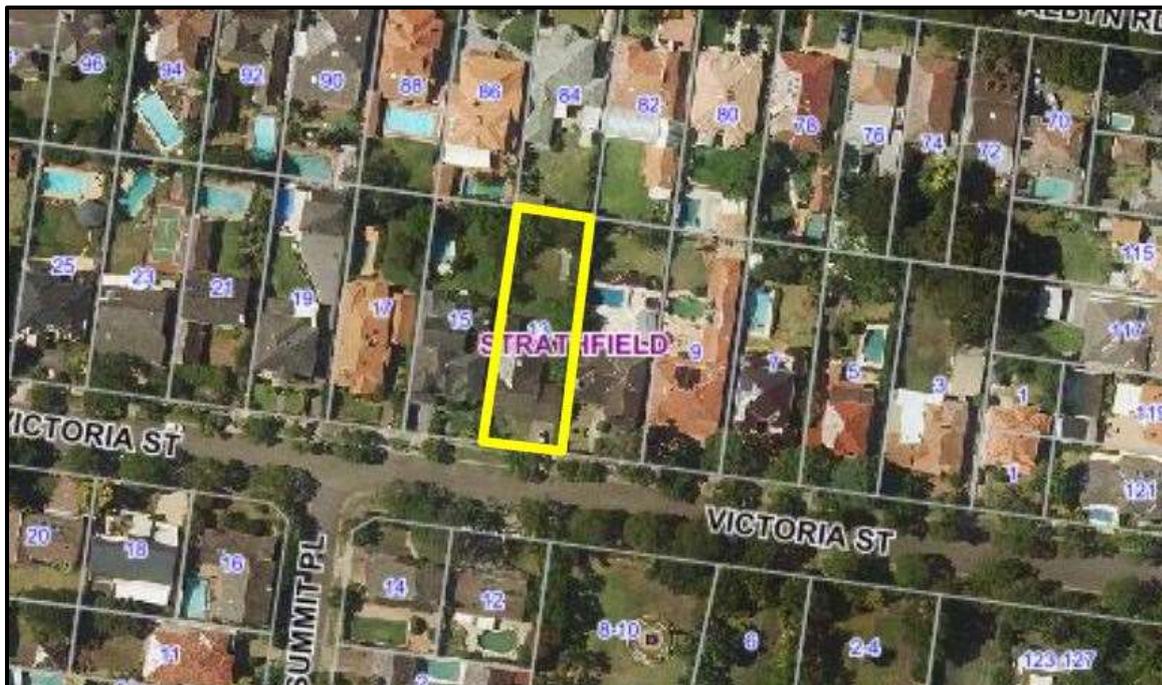


Figure 1: Locality Plan showing subject site (outlined in yellow) and surrounding properties.

EXECUTIVE SUMMARY

Proposal

Approval is being sought for a Section 4.56 Modification Application involving internal and external changes to an approved dwelling house and pool.

Site and Locality

The site is identified as No. 13 Victoria Street, Strathfield and has a legal description of Lot 26 in DP 7343. The site is a regular shaped parcel of land and is located on the northern side of Victoria Street.

The site has a width of 18.595m, a minimum depth of 54.865m and an area of 1,021m². The site is mostly flat with a slight fall from south to north and from west to east.

The locality is predominantly residential and low density in character, and primarily composed of single and multi-storey residential dwellings of variable architectural style. Most buildings feature pitched roof dwellings with a mix of exposed brick and rendered finishes.

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 as amended satisfies all relevant objectives contained within the LEP.

Development Control Plan

The proposed development as amended generally satisfies the provisions of Strathfield Consolidated DCP 2005.

Notification

The application was notified in accordance with Council's Community Participation Plan from 30 September to 19 October 2021. Two (2) submissions were received during this period. The submissions raised the following concerns:

- Privacy impacts from east-facing windows; and
- Privacy impacts from west-facing windows.

Issues

- None.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, Development Application 2020/110/2 is recommended for approval subject to suitable conditions of consent as modified.

REPORT IN FULL

Proposal

Council has received a Section 4.56 Modification Application to modify development consent DA2020/110. This application is for amendments to approved dwelling house and pool and deletion of irrelevant conditions. More specifically, the proposal involves:

- Basement level:
 - Consolidation and extension of the parking area;
 - Floor to ceiling level increased by 50mm to allow for additional headroom required for driveway access;
 - Garden tool, A/C plant and pool equipment and store consolidated and changed into a combined storage room;
- Ground floor:
 - Floor to ceiling level increased by 30mm;
 - Below ground water pump has been added and is located below the alfresco area;
- Roof:
 - Skylight windows added on the roof over the alfresco area and swimming pool.
- Swimming pool:
 - The swimming pool modified to comprise of a rectangle shape;
- Materials and finishes:
 - The finishes of the external wall render and paint has been amended to Dulux antique white USA or similar;
 - The finishes of planter box wall and articulation wall, fascia, quad gutter and garage door have been amended to Colorbond woodland grey colour or similar;
 - The finishes of the powder coated aluminium window and door frame have been amended to dark grey colour or similar; and
- Conditions:
 - Delete Conditions 7, 8 and 86. The proposed construction of a new dwelling does not constitute a change of use of the lot, or significant changes to the existing freshwater or wastewater connections to and from the property. As such, these conditions appear to not be relevant for the current development type and scale.
 - Delete Condition 9. Similar to the above reasoning, the proposed construction of a new dwelling does not constitute a change of use of the lot, nor a significant change to the existing electrical supply to the property. This condition appears to be not relevant for a development of this type and scale.
 - Delete Condition 38. This condition is typically applied to larger, commercial or high-rise residential developments, and is therefore not necessary for a development of this type and scale.

Floor plans, elevations and sections of the approved development and proposed modification are illustrated in Figures 2 to 13.



Figure 2: Approved basement level



Figure 3: Proposed basement level. Changes are annotated in colour.

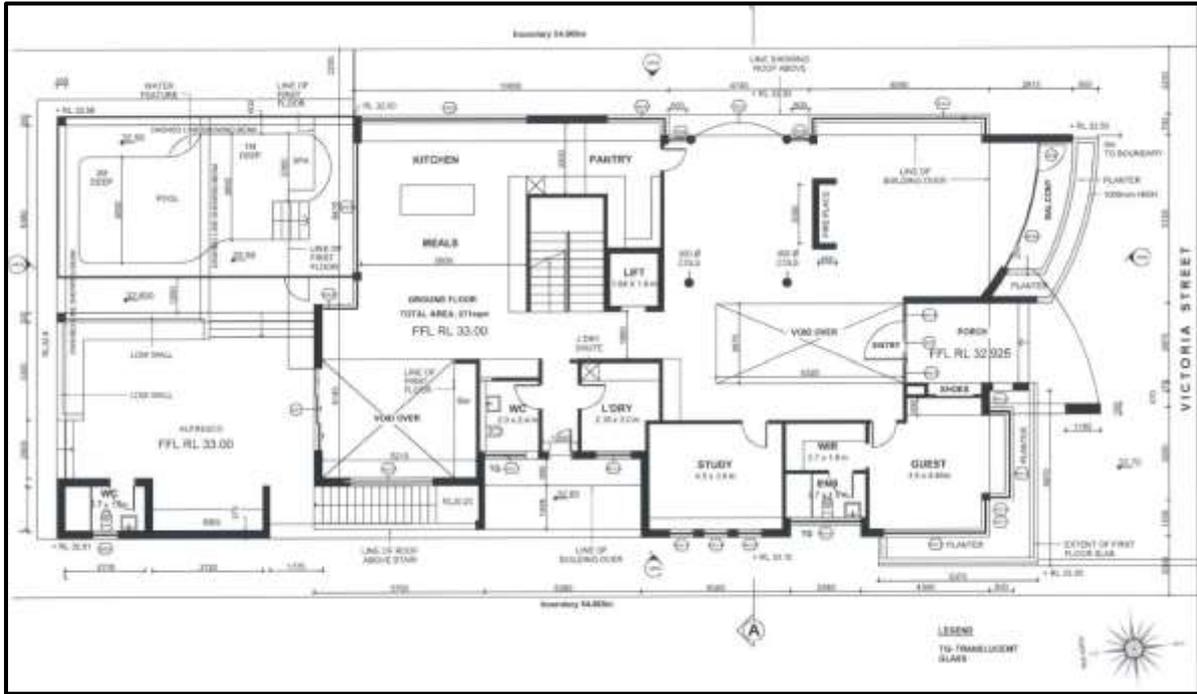


Figure 4: Approved ground floor



Figure 5: Proposed ground floor. Changes are annotated in colour.

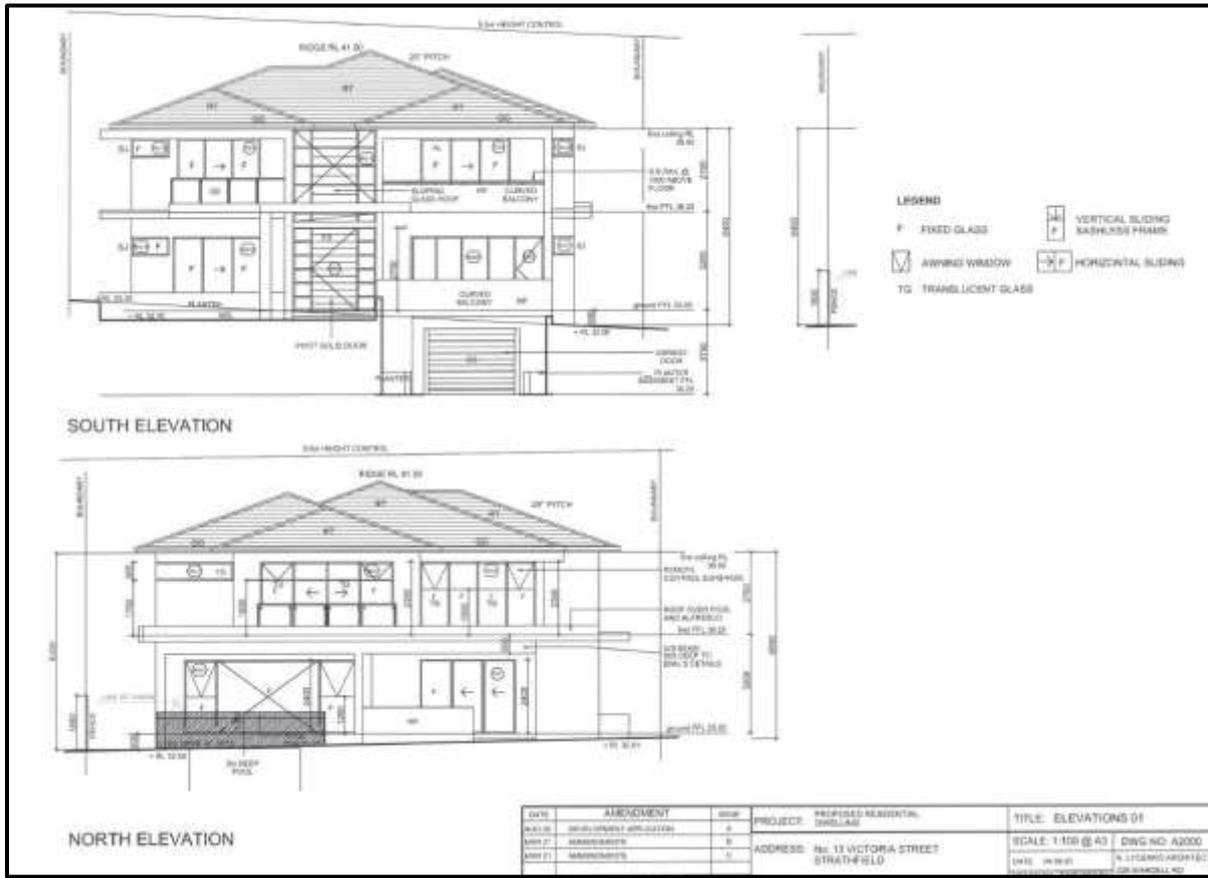


Figure 8: Approved north and south elevations

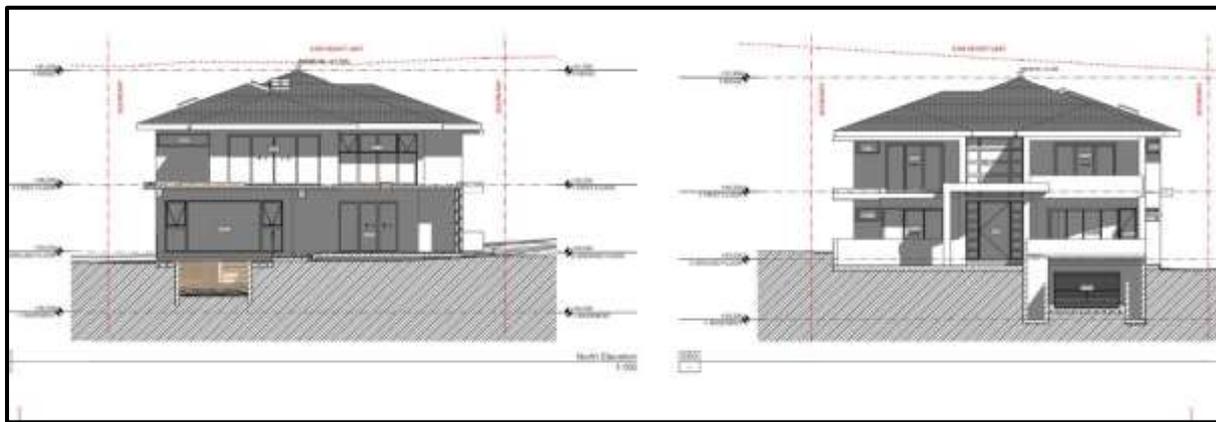


Figure 9: Proposed north and south elevations

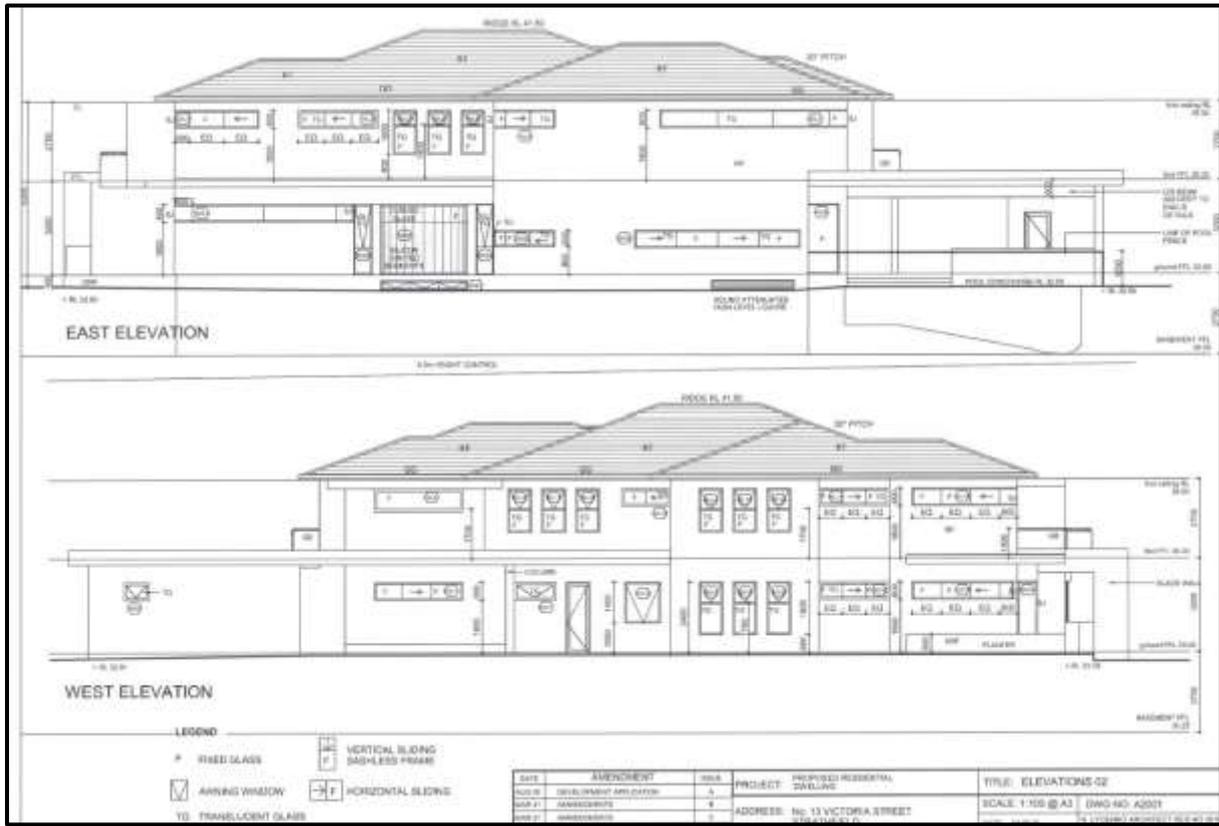


Figure 10: Approved north and south elevations



Figure 11: Proposed north and south elevations



Figure 12: Approved cross section



Figure 13: Proposed cross section

The Site and Locality

The subject site is legally described as Lot 26 in DP 7343 and commonly known as No. 13 Victoria Street, Strathfield. It is located off the northern side of Victoria Street between Homebush Road and Chalmers Road.

The site is a regular shaped parcel of land with a width of 18.595m, a depth of 54.865m and an overall site area of 1021m² and is relatively flat. There is a slight fall from south to north and from west to east.

The site is occupied by an existing dwelling house which is set forward within the front setback relative to the two (2) adjoining properties (refer to Figure 14). Landscaping within the front setback is minimal comprising a grassed lawn area and a large hardstand servicing the

existing garage accessed directly from Victoria Street (refer to Figure 14). The rear yard comprises a grassed lawn area, weeds and two (2) sheds (refer to Figures 15 and 16).



Figure 14: Dwelling house at No. 13 Victoria Street



Figure 15: Rear yard at No. 13 Victoria Street

The locality is predominantly residential and low density in character, and primarily composed of single and multi-storey residential dwellings of variable architectural style (refer to Figures 16 to 19). Most buildings feature pitched roof dwellings with a mix of exposed brick and rendered finishes.

The Victoria Street streetscape features landscaped front setbacks, verges comprising turf, street trees and pedestrian footpaths and local road carriageways.



Figure 16: Dwelling house at No. 11 Victoria Street



Figure 17: Dwelling house at No. 15 Victoria Street



Figure 18: Streetscape on northern side of Victoria Street



Figure 19: Streetscape on southern side of Victoria Street

Background

6 November 2020	Development application (DA2020/110) was refused by the Internal Development Assessment Panel (IDAP). This application was seeking approval for the demolition of existing building and construction of a two storey dwelling with basement level, in-ground pool, boundary fencing and associated landscaping.
23-24 March 2021	Development application (DA2020/110) became a Class 1 matter via the applicant lodging an appeal to the Land and Environment Court (LEC). During the Land and Environment Court (LEC) proceedings, the proposal was modified to include amendments such as a reduction of the finished floor level of the ground floor, changes to the roof form to achieve a pitched roof, a schedule of external colours and materials so that the colours and materials are sympathetic to the neighbouring heritage items, and increased landscaping along both sides of the driveway and along the street fence, to reduce the visual impact of the driveway and garage door.
7 April 2021	The LEC upheld the appeal following Section 34 conciliation.
24 September 2021	The subject Section 4.56 Modification Application (DA2020/110) was lodged with Council.
30 September 2021	The application was placed on exhibition, with the last date for submissions being 19 October 2021. Two (2) submissions were received during this period.

25 October 2021

A site visit was undertaken by Council's assessment officer.

Referrals – Internal and External

The application did not require referrals to any internal and external specialists for further assessment.

Section 4.56 of the EP&A Act 1979

Section 4.56 of the *Environmental Planning and Assessment Act 1979* states as follows:

“4.56 Modifications by consent authorities of consents granted by the Court

(1) A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, modify the development consent if—

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

(b) it has notified the application in accordance with—

(i) the regulations, if the regulations so require, and

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(c) it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.”

With regards to subclause 'a', it is considered that the modifications sought as part of this application are substantially the same development as the development for which the consent was originally granted for. The proposed modification specifically relates minor changes to the approved dwelling house – such as internal changes to the basement, modified shape of swimming pool, provision of skylights, external material and colour changes to dwelling house façade and deletion of irrelevant conditions. It is further noted that the spaces within the ground floor and first floor of the dwelling house and the corresponding window sizes and designs remain unchanged and any potential impacts in relation to these elements are considered near identical to the approved development.

The proposed changes in height and basement protrusion of 50mm and 30mm, respectively; are not considered significant nor likely to generate significant impacts.

On balance, the general design and architectural expression, massing and scale, setbacks, footprint and aesthetic of the approved dwelling house and ancillary structures are considered substantially the same as the approved development.

With regards to subclause 'b', the application was notified as per the previous notification area for the approved development, for at least fourteen (14) days, in accordance with Strathfield Council's CPP. Two (2) submissions were received during notification period.

With regards to subclauses 'c' and 'd', the application was notified as per the CPP to all surrounding neighbours and to all previous objectors for DA2020/110. The assessment of the proposed modification entailed consideration of all concerns/issues raised in the submissions (further detail is contained below).

Clause 4.56 (1A) of the *Environmental Planning and Assessment 1979* states the following:

(1A) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

The reasons for granting consent for the approved development were as follows:

“As the presiding Commissioner, I am satisfied that the decision to grant development consent to the amended application subject to conditions of consent is a decision that the Court can make in the proper exercise of its functions (this being the test applied by s 34(3) of the LEC Act). I formed this state of satisfaction as each of the jurisdictional preconditions identified by the parties is met, for the following reasons:

The site is zoned R2 Low Density Residential under the Strathfield Local Environmental Plan 2012 (“SLEP 2012”), and dwelling houses are permissible in the zone.

The proposed development complies with the applicable development standards in the SLEP 2012, including height and floor space ratio.

Adequate arrangements have been made for stormwater drainage, consistent with cl 6.4(3) of the SLEP 2012.

The amended development application is accompanied by a BASIX Certificate in accordance with the requirements of Schedule 1 of the Environmental Planning and Assessment Regulation 2000.

Consideration has been given as to whether the subject site is contaminated as required by cl 7(1) of State Environmental Planning Policy No 55 – Remediation of Land. As the site has a history of use for the purposes of residential dwelling houses, it is unlikely to be contaminated.

The development application was publicly notified, in response to which two submissions were received, and the content of those submissions have been considered.”

Considering the nature of the proposed modification, the above reasons for granting consent apply. The proposed modifications retain the approved land use as a dwelling house with ancillary structures. Any impacts are considered the same as per the approved development and will be mitigated and managed by the conditions in the consent endorsed by LEC. The proposal does not involve any modifications that would generate any changes to environmental impacts.

The nature of the proposed modification ensures that any changes will reflect a similar compliance as the approved development, with regard to the relevant planning provisions and considerations, including those under the SLEP 2012 and SCDCP 2005.

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 SLEP 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 Development	Proposed Modification	Compliance/ Comment
4.3 Height of Buildings	Max 9.5m	8.6m	8.65m	Yes.
4.4 Floor Space Ratio	Max 0.5:1 510.5m ²	0.5:1 509.3m ²	0.5:1 509.3m ²	Yes. Unchanged from approved development.

Part 5 – Miscellaneous Provisions

Heritage Conservation

The subject site is not listed as a heritage item or located within a heritage conservation area. The site does not adjoin nor is in close proximity to a heritage item and as such, the provisions of this clause are not applicable. The proposed modification is situated in the vicinity of heritage items including I214 – “Bellevue”—Arts and Crafts style house (formerly “Win Bin”) – located diagonally and across the road at No, 8-10 Victoria Street and I86 – “Highclere” – Federation bungalow style house located diagonally and to the rear at No. 86 Albyn Road;(refer to Figure 20). The minor nature of the proposed modifications ensures that any potential impacts on the significance, value and character of this heritage item will be near identical to the approved dwelling house.



Figure 20: Heritage map showing the subject site (shaded in red) and nearby heritage items

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. The provisions of this clause have been assessed by the LEC and are deemed satisfied.

Earthworks

The proposal modifications do not include any changes to the approved excavation and basement works of the approved development. The slight increase in excavation by 50mm for the basement is considered minor and an acceptable outcome.

Essential Services

Clause 6.4 of the SLEP 2012 requires consideration to be given to the adequacy of essential services available to the subject site. The provisions of this clause have been assessed by the LEC and are deemed satisfied.

It is considered that the proposed modifications satisfy the aims, objectives and development standards, where relevant, of the SLEP 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 proposed modification does not change the approved land use of the dwelling house. The objectives outlined within the SEPP are considered to be satisfied by the approved development. The nature of the proposed modification does not trigger the need for additional consideration.

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

The aims and objectives outlined within the SEPP are considered to be satisfied by the approved development. The nature of the proposed modification does not trigger the need for additional consideration.

(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	Approved Development	Proposed Modification	Compliance/ Comment
Building Envelope				
Floor Space Ratio:	Max 0.5:1 510.5m ²	0.48:1 489.3m ²	0.5:1 509.3m ²	Yes.
Heights:				
Floor to ceiling heights:	3.0m	3m	3m	Yes.
Height to underside of eaves:	7.2m	7.1m	7.15m	Yes.
Basement height above NGL:	1.0m	0.55m	0.58m	Yes.
Number of Storeys/Levels:	2	2	2	Yes.
Setbacks:				
Front:	9m	9m	Unchanged from approved development.	Yes.
Side:	1.2m (min)	2.25m (east)		Yes.
Side:	1.2m (min)	2m (west)		Yes.
Combined Side Setback:	3.72 (20%)	4.25m (22.9%)		Yes.
Rear:	6m	10.6m		Yes.
Landscaping				
Landscaping/Deepsoil Provisions:	Min (45%) 459.45m ²	47% 481.5m ²	Unchanged from approved development.	Yes.
Private Open Space Area:	10m ²	160m ²		Yes.
Minimum dimension:	3m	8.7m		Yes.
Fencing				
Height (overall/piers):	1.5m (max)	1.5m	1.5m	Yes.
Solid Component:	0.7m	0.7m	0.7m	Yes.

Solar Access				
POS or habitable windows	3hrs to habitable windows and to 50% of POS	Yes	Yes	Yes.
Vehicle Access and Parking				
Driveway width at Boundary:	3m	3m	Unchanged from approved development.	Yes.
Vehicular Crossing:	1	1		Yes.
Driveway setback – side:	0.5m	3.4m		Yes.
No. of Parking Spaces:	2	3		Yes.
Basement:				
Basement protrusion:	Less than 1.0m	0.5m	0.53m	Yes.
Basement ramp/driveway	3.5m	3.6m	3.2m	Yes.
Internal height:	2.2m	3m	2.8m	Yes.
Ancillary Development				
SWIMMING POOL				
Side/Rear Setback	1.0m	10.6m (rear) 2.25m (side)	Unchanged from approved development.	Yes. Yes.

Building Envelope

The proposed development as modified 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

Landscaping and Open Space

The proposed development as modified satisfies the relevant objectives and controls of the SCDGP 2005. The development is considered to enhance the existing streetscape, adequate areas for deep soil planting have been provided and can accommodate large canopy trees and where possible trees have been retained and protected.

Privacy

The proposed development, as modified, satisfies the relevant objectives and controls of the SCDGP 2005, in that adequate privacy is maintained between adjoining properties and any potential overlooking is minimised. The layout of the ground floor and first floor spaces remain unchanged from the approved dwelling house. As such, any privacy impacts relating to these spaces have been addressed by the LEC proceedings. Further, there are no changes to the windows and openings of the approved development.

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. Despite the additional excavation (by 30mm) the basement has been kept to less than 1m above natural ground level, does not extend beyond the ground floor above, has been designed so that vehicles can enter and exit in a forward direction and maintains a minimum internal height of 2.2m. The only changes to the basement are contained within the building footprint of the approved basement and is a simple reconfiguration of the spaces to comprise of a single storage room.

The removal of the approved storage room immediately adjacent to the parking spaces has facilitated an additional parking space to be provided within the basement. It is noted that this third space has been calculated in the gross floor area and FSR calculations. As indicated above, the proposed modification achieves compliance with the maximum FSR development standard under the SLEP 2012.

Cut and fill

The proposed development, as modified, is considered to satisfy the relevant objectives and controls of the SCDCP 2005, in that the need for cut and fill has been kept to a minimum and existing ground levels have been maintained where appropriate to reduced site disturbance. Existing trees and shrubs have been retained where possible and ground water tables are maintained and impact on overland flow and drainage is minimised.

Water and Soil Management

The proposed development, as modified, satisfies the relevant objectives and controls of the SCDCP 2005 and complies with Council's Stormwater Management Code.

Access, Safety and Security

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

ANCILLARY STRUCTURES

Swimming Pools, Spas & Associated Enclosures

The proposed changes to the swimming pool relate only to its shape. The setback, depth and coping level as well as the finished levels of the pool surrounds remain identical to the approved development. The proposal demonstrates alignment and compliance with the relevant objectives and controls with SCDCP 2005. The consent conditions relating to the pool will be retained in the modified consent.

PART H – Waste Management (SCDCP 2005)

A waste management plan was submitted with the original application. This plan adequately accommodates the proposed modification.

(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 given the minor nature of the proposed modification, its scale and design are considered suitable for the site having regard to its unique constraints, context and setting within a low density residential and urbanised environment.

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

In accordance with the provisions of Councils Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment. Two (2) submissions were received from the No. 11 Victoria Street (east-adjointing neighbour) and No. 15 Victoria Street (west-adjointing neighbour) raising the following concerns:

1. Privacy impacts from windows facing east

Comment: The proposed modification involves no changes to the windows and openings and the internal layouts of the ground floor and first floor of the dwelling house, as approved by the LEC. Any privacy impacts in relation to the proposed modification will be identical to the approved development and these have been addressed by the LEC proceedings.

It noted that the following statement is contained in the LEC judgement:

“The development application was publicly notified, in response to which two submissions were received, and the content of those submissions have been considered.”

These two (2) submissions identified were also from No. 11 Victoria Street and No. 15 Victoria Street and the same issues/concerns were raised. The above statement ensures that a detailed assessment of the privacy and other matters raised in the submissions have been undertaken. Given the nature of the proposed modification, the assessment and consideration of these matters are relevant and are considered sufficiently addressed.

2. Privacy impacts from windows facing west

Comment: See above commentary for Item 1.

(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).

The proposed modifications do not result in the increase or change to the contributions imposed on the original consent.

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 4.56 of the *Environmental Planning & Assessment Act 1979* and following detailed assessment of the proposed modifications to Development Consent No. 2020/110/2 for be approved subject to modified conditions.

1. The proposed modifications does not result in the change to the description of the approved development and is to be maintained.
2. The original conditions of consent of Development Consent No. 2020/110/2 as approved for the demolition of existing structures and the erection of a two (2) storey dwelling, with a covered pool, al fresco dining area, a basement carpark for three (3) cars, landscaping and a front fence with side returns; except were amended as below.
3. As part of this Section 4.56 application, the following conditions are to be modified, added or deleted:
 - Modify Condition 1 to reflect amended plans and proposed changes;
 - Delete Condition 7;
 - Delete Condition 8;
 - Delete Condition 9;
 - Delete Condition 38; and
 - Delete Condition 86.

Accordingly, the proposed modification (DA2020/110/2) is approved as per the following;

MCR

Signed:

**Miguel Rivera
Senior Planner**

Date: 26 October 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 applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed and concurred with.

Signed:

**Joseph Gillies
Senior Planner**

Date: 26 October 2021

Accordingly, the proposed modification (DA2020/2) is approved as per the following;

REASONS FOR CONDITIONS:

- a) That the terms of the relevant Environmental Planning Instrument, the Building Code of Australia and the relevant Council codes, policies and specifications are complied with,
- b) The protection of the environment,
- c) There are no unacceptable amenity impacts upon the area in the vicinity of the Site (including any private or public property), which may otherwise occur in the carrying out and use of the Approved Development,
- d) That the construction of the Approved Development is in the public interest.

SCHEDULE A - The standard conditions of consent are set out as follows:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation

The development must be carried out in accordance with the plans and documentation listed below, except where amended by other conditions of this Development Consent:

Plan	Drawing No.	Revision	Drawn by	Dated
	<i>Architectural Plans</i>			

Demolition Plan	A11	C	Lycenko Architect	March 21
Site Analysis	A12	C	Lycenko Architect	March 21
Site Plan	A01	C	Lycenko Architect	March 21
Basement Floor Plan	A1000	C	Lycenko Architect	March 21
Ground Floor Plan	A1001	C	Lycenko Architect	March 21
First Floor Plan	A1002	C	Lycenko Architect	March 21
Roof Plan	A1003	C	Lycenko Architect	March 21
South and North Elevations	A2000	C	Lycenko Architect	March 21
East and West Elevations	A2001	C	Lycenko Architect	March 21
Section A-A	A08	C	Lycenko Architect	March 21
Site Plan	A003	A	Texco Design	24 Sept 2021
Basement and Ground Floor Plan	A101	A	Texco Design	24 Sept 2021
First Floor and Roof Plan	A102	A	Texco Design	24 Sept 2021
North, South, West and East Elevation	A201	A	Texco Design	24 Sept 2021
Front Fence Elevation	A202	A	Texco Design	24 Sept 2021
Section AA, BB and CC	A301	A	Texco Design	24 Sept 2021
Material Schedule	A401	A	Texco Design	24 Sept 2021
Window and Door Schedule	AR11	A	Lycenko Architect	-
Streetscape Analysis	A09	C	Lycenko Architect	March 21
Area Calculations	AR17	A	Lycenko Architect	-

<i>Landscape Plans</i>				
Landscape Plan	D890_LP_01	B	Creative Planning Solutions	29 March 2021
<i>Stormwater Management Plans</i>				
Basement Drainage Plan and Details	Sheet 2 of 2	DG2053	KD Stormwater P/L	4 June 2020
Drainage Plan and Details	Sheet 1 of 2	DG2053	KD Stormwater P/L	4 June 2020
<i>Survey</i>				
Detailed Survey Drawing	19054-01	-	Daw & Walton P/L	2 December 2019

Document(s)	Dated
Schedule of Materials and Finishes prepared by Lycenko Architect	-
Statement of Environmental Effects prepared by Lycenko Architect	June 2020
BASIX Certificate #1108558S_2	22 March 2021
Statement of Heritage Impact prepared GBA Heritage	17 June 2020

Reason: To ensure that the development is carried out in accordance with this Development Consent .

MODIFIED BY DA2020/110/2 DATE: 29 October 2021

2. Inconsistency between documents

In the event of any inconsistency between conditions of this Development Consent and the drawings and documents referred to above, the conditions of this Development Consent shall prevail.

Reason: To ensure that the development is carried out in accordance with this Development Consent.

SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

3. Section 138 Roads Act 1993 and Section 68 Local Government Act 1993

Unless otherwise specified by a condition of this Consent, this Consent does not authorise the undertaking of any works on public infrastructure.

Separate approval is required to be obtained, pursuant to Section 138 of the [Roads Act 1993](#) and Section 68 of the [Local Government Act 1993](#) for any of the activities listed below, that may be carried out in, on or over a public road (including the footpath).

Prior to the commencement of any of the following activities on any public infrastructure (including a road or footpath or any place outside the Site boundaries), an application for consent is required to be made and approved by the relevant authority:

- (a) Placement or storage of materials or equipment, including waste containers or skip bins,
- (b) Erecting a structure or the carrying out of any work,
- (c) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like,
- (d) Pumping concrete from a public road,
- (e) Pumping water from the Site into the public road,
- (f) Constructing a vehicular crossing or footpath,
- (g) Establishing a “works zone”,
- (h) Digging up or disturbing the surface of a public road (e.g. Opening the road to connect to utility providers),
- (i) Stormwater and any ancillary works in the road reserve or on public infrastructure or on private land,
- (j) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council’s footpath or any roads for which the Council is the “roads authority” as that term is defined in the Local Government Act 1993.

4. Vehicular Crossing

Prior to the commencement of any works related to the construction of a vehicular crossing, the applicant must apply for and obtain separate approval under Section 138 of the [Roads Act 1993](#).

To apply for a Roads Act approval, the applicant must complete the *Works Permit Application Form* which can be downloaded from Strathfield Council’s Website at www.strathfield.nsw.gov.au.

The application form is then to be lodged with the Council (with the associated fees) at Council’s Customer Service Centre, during business hours. Refer to Civic & Urban Services Section in Council’s adopted *Fees and Charges* for the administrative and inspection charges associated with *Works Permit* applications.

An approval for a new or modified vehicular crossing must contain the approved access or alignment levels, which are required to construct the crossing. Once approved, all work must be carried out to comply with Council’s specifications applicable at the time of the grant of approval, prior to the issue of an Occupation Certificate.

5. Building – Hoarding Application

Prior to the demolition of the existing structures on the Site, or the commencement of any work above ground level, a separate application must be made to the Council for approval for the erection of an 'A class' (fence type) or a 'B class' (overhead type) hoarding or 'C type' scaffold, in accordance with the requirements of SafeWork NSW.

Any of these types of hoardings are required to be erected on that portion of the footway or roadway outside the Site, where the existing structure is within 3 metres of the street boundary.

An application for this work under Section 68 of the [Local Government Act 1993](#) and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under Section 68 of the [Local Government Act 1993](#) and Section 138 of the [Roads Act 1993](#):

- (a) A Site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
- (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
- (c) The 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 (available at www.strathfield.nsw.gov.au) before the commencement of work; and
- (d) A Public Risk Insurance Policy with a minimum cover of \$20 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 and a copy provided to Council. The Policy is to note Council as an interested party.

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AGENCIES

6. Sydney Water – Tap inTM

This separate activity approval must be obtained and, prior to the issue of the Construction Certificate, evidence of the approval provided to the Certifying Authority.

The relevant Application Forms for these activities can be downloaded from Council's website www.strathfield.nsw.gov.au. For further information, please contact Council's Customer Service Centre on (02) 9748 9999.

The approved plans must be submitted to a Sydney Water Tap inTM to determine whether the Approved Development 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.

7. ~~Notice of Requirements for a Section 73 Certificate~~

~~The Notice of requirements must be submitted prior to the commencement of work. A Section 73 Compliance Certificate will be required at the completion of development in accordance with further conditions.~~

~~A Notice of Requirements of what will eventually be required when issuing a Section 73 Compliance Certificate under the [Sydney Water Act 1994](#) must be obtained from Sydney Water Corporation. An application must be made through an authorised Water Servicing Co-ordinator. Please refer to the 'Plumbing, building and developing' section of the web site www.sydneywater.com.au then refer to 'Providers' under 'Developing' or telephone 13-20-92 for assistance.~~

~~Following the making of the application, a 'Notice of Requirements' will be issued to advise of the water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.~~

DELETED BY DA2020/110/2 DATE: 29 October 2021

8. ~~Section 73 Compliance Certificate~~

~~A Section 73 Compliance Certificate under the [Sydney Water Act 1994](#) must be submitted to the PCA prior to the issue of the Occupation Certificate.~~

DELETED BY DA2020/110/2 DATE: 29 October 2021

9. ~~Electricity Supply~~

~~An application is required to be made to Ausgrid for a network connection.~~

~~This may require the network to be extended or its capacity augmented. Evidence of this application being lodged with Ausgrid is required to be provided to the Certifying Authority prior to the issue of a Construction Certificate.~~

~~Ausgrid can be contacted on 13 13 65 or www.ausgrid.com.au (Business and Commercial Services).~~

DELETED BY DA2020/110/2 DATE: 29 October 2021

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION:

10. ~~Dial Before Your Dig~~

~~Prior to the issuing of the Construction Certificate, and prior to the carrying out of any development on the Site, the applicant must contact "Dial Before You Dig on 1100" to obtain a Service Diagram.~~

The sequence number obtained from “Dial Before You Dig” must be forwarded to Council’s Engineers for their records.

11. Site Sign – Soil & Erosion Control Measures

Prior to the commencement of any works (including demolition and excavation), a durable Site Sign, which will be issued by Council in conjunction with this Consent, must be erected in a prominent location on Site. The Site Sign warns of the penalties which apply to pollution, the storing of materials on the road or footpath and breaches of any of the conditions of this Consent insofar as they relate to erosion and sediment controls. surveyor

The Site Sign must remain in a prominent location on the Site up until the completion of all Site and building works.

12. Sediment controls

Prior to the commencement of any works on the Site, any sediment and erosion control measures must be installed along the contour immediately downslope of any future disturbed areas.

The form of the sediment controls to be installed on the Site must be determined by reference to the Landcom manual: ‘Managing Urban Stormwater: Soils and Construction’.

Any erosion controls must be maintained in an operational condition until the construction works associated with the approved development have been completed and the Site is fully stabilised. Following any heavy or prolonged rainfall period, any sediment must be removed from the sediment and erosion control measures that have been put in place.

Reason: To protect and enhance the natural environment.

13. Ground Levels and Retaining Walls

The ground levels of the Site must not be altered in any way (such as by excavation, raising or filling), and no retaining walls are to be constructed on any of the Site’s boundaries, except where indicated on approved plans (or otherwise separately approved by Council).

14. Swimming Pools – Filling with Water

Prior to the issue of an Occupation Certificate, the Certifier is to be satisfied that the pool must not be filled until the safety fences that comply with the relevant Australian Standard have been erected in accordance with the approved plans and specifications and inspected by the PCA.

Safety fences and gates must at all times be maintained in compliance with applicable provisions of the Swimming Pools Act and Regulations made thereunder.

15. Asbestos works and Demolition

Any works involving asbestos products and materials, including asbestos-cement-sheeting (ie. Fibro), must be carried out in accordance with the guidelines for asbestos work published by WorkCover Authority of NSW.

In particular, any work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the [Work Health and Safety Regulation 2011](#).

All demolition work must comply with the provisions of Australian Standard AS2601:2001 – Demolition of Structures, NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#).

The work plans required by AS2601:2001 must be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the PCA prior to the commencement of works. For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#) unless specified in the Act and/or Regulation that a license is not required.

All demolition work including the removal of asbestos, must be undertaken in accordance with the [Demolition Code of Practice](#) (NSW Work Cover July 2015)

Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: www.SafeWork.nsw.gov.au.

Reason: To ensure public safety.

16. Notice of commencement

At least 48 hours prior to the commencement of any demolition, excavation or building works, a notice of commencement of building works or a subdivision lodgement form and an appointment of the Principal Certifier form shall be submitted to Council.

Reason: Statutory requirement.

17. Notification of builder's details

Prior to the commencement of any works, the Principal Certifier must be notified in writing of the name and contractor licence number of the owner or builder intending to carry out the approved works.

Reason: Statutory requirement.

18. Demolition Notification Requirements

The following notification requirements apply to this Consent:

- (a) Five (5) working days prior to the carrying out of any demolition works, the developer or builder must notify all adjoining residents either side and immediately at the rear of the demolition Site. Such notification is to be a clearly written notice giving the date demolition will commence, contact details of the developer or builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any).

- (b) Five (5) working days prior to demolition, the developer or builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents who have been advised of the date of the commencement of the demolition.
- (c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the Site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the Site to an approved waste facility.

19. Dilapidation survey and reports (private property)

Prior to the commencement of any demolition or excavation works on the Site, the Principal Certifier must be satisfied that dilapidation reports on the visible and structural condition of all structures upon the lands identified in the following paragraph have been completed and submitted to Council.

A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining premises including but not limited to all All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer, including:

- a) 15 Victoria St, Strathfield,
- b) 11 Victoria St, Strathfield.

The dilapidation reports must include a photographic survey of the properties referred to above and detail their physical condition, both internally and externally, including such items as walls, ceilings, roof and structural members. The reports must be completed by a consulting structural or geotechnical engineer (as determined necessary by that professional based on the extent of the approved excavations and any recommendations of the geotechnical report approved under this Consent).

A copy of the pre-construction dilapidation report is to be provided to the owners or occupiers of the adjoining properties (subject of the dilapidation report), a minimum of 5 working days prior to the commencement of work. Evidence confirming that a copy of the pre-construction dilapidation report was delivered to the Owners or occupiers of the adjoining properties must be provided to the PCA.

Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, those circumstances shall be reported to Council to obtain Council's agreement to complete the report without access. Reasonable notice is a request for access in no sooner than 14 days between 8.00am-6.00pm.

A copy of the dilapidation reports are to be provided to Council prior to the carrying out of any excavation works on the Site. The dilapidation reports are for record keeping purposes only and may be used by an applicant or affected property owner to assist in any civil action that may be required to resolve any dispute over damage to adjoining properties arising from the works approved under this Consent.

Reason: To record prior to the commencement of works in the Site, the structural condition of any properties that are likely to be affected during the construction of the approved development.

20. Construction and traffic management plan

A construction traffic management plan (**CTMP**) is to be submitted to Council and approved prior to the commencement of any works.

The CTMP is to consist of a report with traffic control plans attached.

The CTMP is to contain commitments, which must be followed by the demolition and excavation contractor, builder, owner and subcontractors. The CTMP applies to all persons carrying out works comprising demolition, excavation and construction of the development. Specifically, the Report is to contain the following information:

- construction vehicle routes for approach to and departure from the Site in all directions, and in particular the CTMP is to differentiate between a route taken by a loaded and empty vehicle,
- a Site plan showing any entry and exit points,
- swept paths on the Site plan showing access and egress for a 12.5m long heavy rigid vehicle and a 19.0m articulated vehicle,
- swept path analysis plans showing the existing trees approved to be retained and any tree protective fencing requirements (consistent with this Development Consent). These plans must be to scale to ensure that any truck access and tree fencing requirements do not conflict
- the locations for Site offices must be shown, including any materials storage areas (which are to be located outside the tree protection zones).

The traffic control plans are to be prepared by an RMS accredited consultant. One traffic control plan must be provided to Council for each of the following stages of the works:

- demolition,
- excavation,
- concrete pour,
- construction of vehicular crossing and reinstatement of footpath, and
- traffic control for vehicles reversing into or out of the site.

Traffic controllers must be in place at the Site's entry and exit points to control heavy vehicle movements and to maintain the safety of pedestrians and other road users.

For safety and amenity, construction vehicle access to the Site is prohibited during school drop-off (8.00am to 9.30am) and pick up (2.30pm to 4.00pm) times on school days.

When a satisfactory CTMP is received by Council and the relevant fees paid in accordance with Council's adopted fees and charges, a letter of approval will be issued by the Council with conditions attached. All traffic management at the Site must comply with the approved CTMP as well as any conditions of approval imposed by Council. No works may be carried out unless Council has approved the CTMP.

Reason: To ensure that appropriate measures have been made to minimise impacts upon surrounding roads during the construction of the approved development.

21. Erosion and drainage management

Earthworks and the demolition of any existing buildings must not commence until an erosion and sediment control plan (**ESC Plan**) is submitted to and approved by the Principal Certifier. The ESC Plan must comply with the guidelines set out in the NSW Department of Housing manual "Managing Urban Stormwater: Soils and Construction". Erosion and sediment control works must be implemented in accordance with the erosion and sediment control plan.

Reason: To preserve and enhance the natural environment.

22. Existing Drainage Easement, Drainage Reserve or Stormwater Drainage System Benefiting Council

Council drainage easement(s) drainage reserve(s) or stormwater system either pass through or are adjacent to the Site. No building or other structure must be placed over the drainage easement or stormwater system or within the zone of influence taken from the invert of any pipe.

The applicant must determine the exact location, size and level details of the potentially affected stormwater drainage systems and without causing any damage to the public system ensure its protection. The owner, principal contractor or owner builder must not obstruct or otherwise remove, disconnect or render inoperable the Stormwater Drainage System.

Works such as fences must not obstruct the natural stormwater flowpath or alter the flowpath in such a way as to direct or concentrate stormwater on to neighbouring properties.

Where the relocation or reconstruction of Council's drainage system is approved then all work carried out on Council's assets will revert to the ownership, care, control or management of Council. Therefore, upon handover to Council, the asset must comply with Council's Construction of drainage and associated works specification.

The applicant must meet all costs associated with such works.

This condition does not set aside the need to obtain relevant approvals under the [Roads Act 1993](#) or [Local Government Act 1993](#) for works within Roads and other public places.

23. Registered Surveyors Report - During Development Work (CW9014)

A report must be submitted to the PCA at each of the following applicable stages of construction:

- (a) Set out before commencing excavation.*
- (b) Floor slabs or foundation wall, before formwork or commencing brickwork.*
- (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.*

- (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.*
- (e) Completion of any Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.*
- (f) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.*
- (g) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.*

Work must not proceed beyond each stage until the PCA is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

Progress certificates are to be prepared in response to subparagraphs (a) to (g) listed above, and must be provided to the Principal Certifying Authority at the time of the relevant progress inspections are carried out. Under no circumstances is work to be permitted to proceed until such progress certificates are submitted to and approved by the Principal Certifying Authority.

Reason: To ensure compliance with the approved plans

24. Construction waste management plan

Prior to the commencement of any works, the Principal Certifier must be satisfied that a Waste Management Plan (**WMP**), prepared by a suitably qualified person, has been prepared in compliance with the requirements contained within Part H of Strathfield Development Control Plan 2005 (**DCP**).

A WMP will become part of this Development Consent.

As the WMP will continue to apply as a working reference for the life of the development, at least one copy of the WMP is to be available on Site at all times during construction. Copies of any demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on Site at all times during construction

Reason: To ensure appropriate management of construction waste.

25. Noise and vibration management plan (Part 1)

Prior to the commencement of any works on the Site, a noise and vibration management plan is to be prepared by a suitably qualified expert to address the likely noise and vibration from works associated with the demolition, excavation and construction of the approved development.

The noise and vibration management plan is to:

- i. Be provided to the Principal Certifier,
- ii. Identify any amelioration measures to be imposed in order to achieve the best practice objectives of Australian Standard 2436-2010 - Guide to noise and vibration control on construction, demolition and maintenance sites and of NSW Department of Environment and Climate Change Interim Construction Noise Guidelines, and
- iii. Be prepared in consultation with the geotechnical engineer who prepared the geotechnical report endorsed at Condition 1 to ensure all equipment to be used for excavation works are itemised in the noise and vibration management plan.

The noise and vibration management plan must address, but not be limited to, the following matters:

- identification of the specific activities that will be carried out and any associated noise sources,
- identification of all potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment,
- the construction noise objective specified by AS 2436-2010 and the NSW Environment Protection Authority Interim Construction Noise Guidelines at Condition 24
- the construction vibration criteria specified in the conditions of this consent
- determination of appropriate noise and vibration objectives for each identified sensitive receiver,
- noise and vibration monitoring, reporting and response procedures,
- assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles and any traffic diversions,
- description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction,
- construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency,
- procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration,
- contingency plans to be implemented in the event of non-compliances and/or noise complaints.

Reason: To protect the amenity of surrounding residents during construction.

26. Vibration

The Principal Certifier must be satisfied that vibration levels emitted from activities associated with the demolition, excavation, construction and fitout of the approved development and its associated infrastructure comply with the values referenced in Table 2.2 of the Environment Protection Authority Assessing Vibration - a Technical Guideline.

Reason: To protect residential amenity during construction of the approved development.

27. Control of construction noise (Australian Standard)

During excavation, demolition and construction phases, any noise generated from the Site must be controlled so as to comply with the best practice objectives of AS 2436-2010 and NSW Environment Protection Authority Interim Construction Noise Guidelines.

Reason: To protect the amenity of neighbouring properties.

28. Support for Council roads, footpaths, drainage reserves

All Council-owned property adjoining the construction Site must be fully supported at all times during all demolition, excavation or the carrying out of any other building works.

Before the commencement of any works, details of any shoring, propping and anchoring of works adjoining Council-owned property must be prepared by a qualified structural engineer or geotechnical engineer and be submitted to and approved by the Principal Certifier.

A copy of these details must also be forwarded to Council. Any backfilling of excavations adjoining Council-owned property or any void(s) remaining at the completion of construction between the approved building and any Council-owned property must be fully compacted prior to the completion of works.

Reason: To protect Council's infrastructure.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE:

29. Construction Certificate plans

The Construction Certificate plans must be consistent with the approved plans and documents referred to in Condition No. 1 of this Development Consent.

Reason: To ensure that the works are carried out in compliance with this Development Consent.

30. Amended architectural plans

Prior to the issue of a Construction Certificate, the Principal Certifier must be satisfied that the approved plans listed in Condition 1 hereto, have been amended so as to comply with the following requirements of this condition as well as other conditions of this Development Consent.

Prior to the issue of the Construction Certificate, an appropriately qualified professional must submit evidence to the Principal Certifier to confirm that this condition has been complied with.

Reason: To ensure that the approved development complies with this Development Consent.

31. Completion of Landscape Works

At the completion of all works, a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape or Arboricultural Consultant certifying that the landscaping works have been completed in compliance with the approved Landscape Plan and that a maintenance program has been established.

Reason: To ensure adequate landscaping of the Site.

32. BASIX Commitments

The approved BASIX Certificate must be submitted to the Accredited Certifier with the application for a Construction Certificate.

All measures and commitments as detailed in the BASIX Certificate No.11085585 must be implemented on the plans lodged with the application for the Construction Certificate.

33. Statement of compliance with Australian Standards

The approved demolition work must comply with the provisions of Australian Standard AS2601: 2001 *The Demolition of Structures*.

The applicant must provide work plans required by AS2601: 2001 and a written statement from a suitably qualified person that the proposal contained in the work plan complies with the safety requirements of the Standard. The work plan and the statement of compliance must be submitted to the Principal Certifier for its approval, prior to the commencement of any works.

Reason: To ensure compliance with the Australian Standards.

34. Long service levy

A Construction Certificate must not be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

Reason: Statutory requirement.

35. Builder's indemnity insurance

The Applicant, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the Principal Certifier for endorsement of the plans accompanying the Construction Certificate.

It is the responsibility of the Applicant, builder or developer to arrange the builder's indemnity insurance for residential building work over the value of \$20,000. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at less than \$20,000, nor to work undertaken by persons holding

an owner/builder's permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

Reason: Statutory requirement.

36. Outdoor lighting

Prior to the issue of any Construction Certificate, the Principal Certifier must be satisfied that all outdoor lighting complies with AS/NZS 4282:2019 *Control of the obtrusive effects of outdoor lighting* and is mounted, screened and directed so as not to create a nuisance or light spill onto buildings on adjoining lots or public places.

Lighting at vehicular access points to the approved development must be provided to comply with AS/NZS 1158 Set:2010 *Lighting for roads and public spaces*.

Details demonstrating compliance with these requirements are to be submitted to the Principal Certifier prior to the issue of a Construction Certificate.

Reason: To provide high quality external lighting for security without any adverse impacts on public amenity from excessive illumination.

37. Low Reflectivity Roof

Roofing materials must be low glare and reflectivity. Details of finished external materials including colours and texture must be provided to the Certifying Authority.

38. Prohibition of external service pipes and the like

~~Proposed water pipes, waste pipes, stack work, duct work, mechanical ventilation plant and the like must be located within the approved building.~~

~~Details confirming compliance with this condition must be shown on the Construction Certificate plans and detailed with the Construction Certificate specifications. Any required external vents or vent pipes on the roof or above the eaves must be shown on Construction Certificate plans and detailed with Construction Certificate specifications.~~

~~No external vents or roof vent pipes are to be visible from any place unless detailed upon the plans approved under this Development Consent. Where there is any proposal to fit external service pipes or the like, this must be detailed in an application to modify this Development Consent (under S4.56 of the EP&A Act) and submitted to Council for determination.~~

~~Vent pipes required by Sydney Water, plumbing and service pipes must not be placed on the front elevation of the approved building or on the front roof elevation. The Applicant, owner and builder must protect the appearance of the approved building from any public places in the immediate vicinity of the Site, and the appearance of the streetscape by removing from view, any external services (excluding vent pipes required by Sydney Water and those detailed on the Development Consent plans).~~

~~**Reason:** To protect the streetscape and the aesthetic integrity of the approved development.~~

DELETED BY DA2020/110/2 DATE: 29 October 2021

39. Excavation for services

Prior to the issue of the Construction Certificate, the Principal Certifier must be satisfied that no proposed underground services (ie: water, sewerage, drainage, gas or other service) unless previously approved by conditions of this Consent, are located within the canopy spread of any tree on the Site or on any adjoining allotments, that is protected under Council's Tree Preservation Order.

Alternatively, where underground services must be located within the canopy spread of any protected tree/s the drainage plan must be endorsed by the project arborist outlining any tree protection measures that may be required. A plan detailing the routes of these services and any trees that are protected under Council's Tree Preservation Order must be submitted to and approved by the Principal Certifier.

Reason: To ensure the protection of trees

40. Basement excavation

During construction and excavation of the basement and the carrying out of any other associated basement works, if drainage of waste or by-products is required, any necessary measures to ensure effective drainage, are to be carried out in compliance with the Strathfield Council Stormwater Management Policy. The management of any waste is to occur in compliance with the provisions of the Protection of the Environment Operations Act 1997.

If during excavation of the basement, groundwater is encountered, the Applicant must obtain from the Certifier, a referral to the NSW DPI Water. If dewatering is required during construction, an aquifer interference approval must be obtained. All requirements of NSW DPI Water are to be met during the design, excavation and construction of the basement.

Reason: To protect the environment.

41. Off Street Parking – Compliance with AS2890

All driveways, access ramps, vehicular crossings and car parking spaces must be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities), AS 2890.6 (parking for people with disabilities) and AS 2890.2 (for commercial vehicle facilities).

42. Driveway crossing levels

Prior to the issue of the Construction Certificate, any driveway and associated footpath levels for any new, reconstructed or extended sections of driveway crossings between the Site's boundary and road alignment must be obtained from the Council. Such levels are only able to be issued by Council under the Roads Act 1993. All footpath crossings and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings".

Specifications will be issued with alignment levels after completion of the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must

attach a copy of the relevant development application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment.

This Development Consent authorises works wholly within the Site.

This Development Consent does not imply approval of footpath or driveway levels, materials or the location of any driveway crossings within the road reserve, regardless of whether this information is shown on the development application plans.

The grading of such footpaths or driveways outside the Site must comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the Site is the sole responsibility of the applicant. The required alignment levels fixed by Council may impact upon these levels.

The construction of footpaths and driveways outside the Site in materials other than those approved by Council is not permitted.

Reason: To provide suitable vehicular access without disruption to pedestrian and vehicular traffic.

43. Driveway grades - basement car parks

Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil or traffic engineer and be submitted for to and approved by the Principal Certifier. These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level. The traffic engineer shall provide specific written certification on the plans that:

- Vehicular access can be attained using grades of 20% (1 in 5) maximum, and
- All changes in grade (transitions) comply with Australian Standard 2890.1 -"Off-street car parking" (refer clause 2.5.3) to prevent the scraping of the underside of vehicles.

If a new driveway crossing is proposed, the longitudinal sections must incorporate the driveway crossing levels as issued by Council upon prior application.

Reason: To provide suitable vehicular access without disruption to pedestrian and vehicular traffic.

44. Fire Safety Measures and Certification

- (a) Prior to the issue of a construction certificate a list of the existing and proposed essential fire safety measures that are to be provided for the Site and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a PCA.

Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or PCA will then issue a Fire Safety Schedule for the building.

- (b) Prior to the issue of any Occupation Certificate, a fire safety certificate must be obtained as required by Part 9, Division 4 of the Environmental Planning and Assessment Regulation 2000.

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

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

An interim fire safety certificate must be provided before an interim Occupation Certificate can be used for a building under Clause 153(2) of the Environmental Planning & Assessment Regulation 2000. A final fire safety certificate must be provided before an interim Occupation Certificate can be used for a building under Clause 153(1) of the Environmental Planning & Assessment Regulation 2000. A copy of the fire safety certificate and fire safety schedule shall be: i) submitted to Strathfield Council;

- ii) Submitted to the Commissioner of the NSW Fire Brigade; and

- iii) Prominently displayed in the approved building.

Reason: Fire safety and statutory requirement.

45. Structural Details

Engineer's details prepared by a practising Structural Engineer must be applied to the construction of all reinforced concrete work, structural beams, columns & other structural members. The details are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works.

A copy must be forwarded to Council where Council is not the PCA.

Detailed engineering plans for the driveway must be submitted with the Construction Certificate application for approval that show:

- (a) **Longitudinal and cross sections, gradients, access onto the proposed lots, type of construction materials designed in accordance with Council's Subdivision standards and AS/NZS2890.1-2004.**
- (b) **Suitable underground provision for the supply of all relevant services to the proposed lots (proposed position of pipes and conduits).**
- (c) **The full length of the driveway designed with a minimum 150mm thick reinforced concrete and minimum of 2.7m wide pavement/kerb face to kerb face width, and a non-slip surface, and**
- (d) **Meets all other requirements under Part A of the DCP.**

46. Paving

Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface.

47. Ausgrid requirements

Prior to issue of any Construction Certificate, Ausgrid must be contacted regarding power supply for the approved development. A written response, detailing Ausgrid's full requirements (including any need for underground cabling, substations or similar within or in the vicinity of the development) must be submitted and approved by the Principal Certifier, prior to issue of any Construction Certificate.

Any structures or other Ausgrid requirements must be indicated on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifier and Ausgrid. Ausgrid's requirements must be met in full prior to the issue of an Occupation Certificate.

Reason: To ensure compliance with Ausgrid's requirements.

48. Underground services

All electrical services (existing and proposed) shall be undergrounded from the approved building to the appropriate power pole(s) or other connection point(s).

The undergrounding of services must not disturb the root systems of any existing trees and must be undertaken in accordance with the requirements of the relevant service provider. Documentary evidence that the relevant service provider has been consulted and that their requirements have been met is to be provided to the Principal Certifier prior to the issue of any Construction Certificate. All electrical and telephone services to the Site must be placed underground and any redundant poles are to be removed.

Reason: To provide infrastructure that facilitates the future improvement of the streetscape by location of service lines below ground.

49. Stormwater Drainage Plan Details

Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits are to be prepared by a professional engineering specialising in hydraulic engineering and are to be submitted with the Construction Certificate application.

These plans must be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Management Code.

50. Geotechnical Report

Geotechnical Report: The applicant must submit a Geotechnical Report, prepared by a professional engineer specialising in geotechnical engineering who holds the relevant Certificate of accreditation as required under the *Building Professionals Act 2005*. The geotechnical report is to be submitted before the issue of the Construction Certificate and is to include:

- (a) Investigations certifying the stability of the site and specifying the design constraints to be placed on the foundation, any earthworks or stabilization works and any excavations.
- (b) Dilapidation Reports on the adjoining properties including, but not limited to 11 and 15 Victoria Avenue, prior to any excavation of site works. The Dilapidation Report is to include assessments on, but not limited to, the dwellings at those addresses and any external paths, grounds etc. This must be submitted to the PCA and the adjoining residents as part of the application for the Construction Certificate. Adjoining residents are to be provided with the report five (5) working days prior to any works on the site.
- (c) On-site guidance by a vibration specialist during the early part of excavation.
- (d) Measures to minimise vibration damage and loss of support to other buildings. Where possible any excavation into rock is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures. Where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence) the report shall detail the maximum size of hammer to be used and provide all reasonable recommendations to manage impacts.
- (e) Sides of the excavation are to be pierced prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.
- (f) Other geo-technical information or issues considered relevant to design and construction monitoring.

51. Swimming Pools – Use and Maintenance

The following apply to the construction, use and maintenance of swimming pools and spas:

- (a) **no ground level may be raised or filled except where shown specifically on the approved plans;**
- (b) **all pool/spa waste water is to be discharged to the sewer according to the requirements of Sydney Water;**
- (c) **the swimming pool must not be used for commercial or professional purposes;**
- (d) **paved areas are to drain to the landscaped areas or a suitable lawful drainage system; and**
- (e) **any external pool/spa lighting must be designed , installed and maintained to minimise glare nuisance to adjoining owners.**

52. Swimming Pools – Resuscitation Notice

An expired air resuscitation warning notice complying with the [Swimming Pools Act 1992](#) must be affixed in a prominent position adjacent to the pool.

53. Private Swimming Pools & Spas – Pump Noise

The swimming pool/spa pump and associated equipment must be located so that the noise emitted does not exceed 5dB(A) above the background level. If this cannot be achieved, a ventilated and sound-proofed enclosure must enclose the pump to achieve the required noise levels.

The swimming pool is to be provided with a timer that limits the operation of the recirculation and filtration equipment operation such that they do not emit noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):

- (a) before 8 am or after 8 pm on any Sunday or public holiday, or
- (b) before 7 am or after 8 pm on any other day.

54. Maintenance of Landscaping

All trees and plants forming part of the approved landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas.

55. ENVIRONMENTAL PROTECTION – TREE MANAGEMENT

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.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE OR PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION (WHICHEVER COMES FIRST):

56. Fees to be Paid

The fees listed in the table below must be paid in accordance with the conditions of this Consent and Council's adopted Fees and Charges applicable at the time of payment (available at www.strathfield.nsw.gov.au).

Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate). Please contact council prior to the payment of s7.11 or s7.12 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

A summary of the fees to be paid are listed below:

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	\$6,353.32
Security Damage Deposit	\$15,000.00
Tree Bond	\$20,000.00
Administration Fee for Damage Deposit	\$127.00

57. General Fees

The fees and contributions set out above at conditions 65 and 66 above and in conditions 68, 69 and 70 below, are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

58. Development Contributions

The Section 7.11 contribution is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

TOTAL Section 7.11 Development Contributions \$18,152.37

The Section 7.11 contribution (s94) is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the are

Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Development Contributions Plan.

Timing of Payment

The contribution must be paid and receipted by Council:

- Prior to the release of the Construction Certificate.

Further Information

A copy of the *current Development Contributions Plans* may be inspected at Council's Customer Service Centre at 65 Homebush Road, Strathfield or on Council's website www.strathfield.nsw.gov.au.

- Prior to the release of the Construction Certificate.

59. Damage Deposit

In order to insure against damage to Council property the following is required:

- (a) Pay Council, before the issue of the Construction Certificate, a security damage deposit for the cost of making good any damage caused to any Council property as a result of the development: \$15,000.00
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$127.00
- (c) Submit to Council, before the commencement of work, a dilapidation report of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will review the dilapidation report and the WorksAs-Executed Drawings (if applicable) and inspect the public works.

The damage deposit will be refunded in full upon completion of work where no damage occurs and where Council is satisfied with the completion of works. Alternatively, the damage deposit will be forfeited or partly refunded based on the damage incurred.

60. Tree Bond

A tree bond of \$20,000 (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 request for 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, and will be held until tree/s have fully recovered from the construction damage or where replacement/planted trees have become fully established and are over 6 metres in height.

61. Infrastructure damage security bond and inspection fee

To ensure that any damage to Council-owned property which occurs as a result of any construction activity on the Site is rectified in a timely matter:

- (a) All work or activity undertaken pursuant to this Development Consent must be undertaken in a manner so as to avoid damage to Council property and must not jeopardise the safety of any person using or occupying the adjacent public areas.

- (b) The applicant, builder, developer or any person acting in reliance upon this Consent is responsible for making good any damage to Council-owned property and for the removal from Council-owned property of any waste bin(s), building materials, sediment, silt, or any other material(s) or article(s).
- (c) The Infrastructure damage security bond and infrastructure inspection fee must be paid to Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.
- (d) In consideration of payment of the infrastructure damage security bond and infrastructure inspection fee, Council will undertake such inspections of Council-owned property as Council considers necessary and will also undertake (on behalf of the applicant), such restoration work to Council-owned property, if any, that Council considers necessary as a consequence of the carrying out of the construction of the approved development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (c) above. Restoration work to be undertaken by Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure damage security bond payable pursuant to this condition.
- (e) **Release of the bond** – Upon receipt of the Final Occupation Certificate, Council will undertake an inspection of Council's Infrastructure and release the bond if no damage is found.

If there is damage found to Council-owned property the bond will not be released until the damage has been rectified to Council's satisfaction.

- (f) In this condition:

"Council property" includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

"Infrastructure damage security bond and infrastructure inspection fee" means the Infrastructure damage security bond and infrastructure inspection fee as calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council property associated with this condition.

Reason: To maintain public infrastructure.

CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES:

62. Road opening permit

The opening of any footway, roadway, road shoulder or any part of the road reserve must not be carried out without a road opening permit first being obtained from Council (upon payment of the required fee).

Reason: Statutory requirement (Roads Act 1993 Section 138) and to maintain the integrity of Council's infrastructure.

63. Control of construction noise (Noise and vibration management plan)

During any demolition, excavation or building works, any noise generated from the Site must be controlled so as to comply with the recommendations of the approved noise and vibration management plan.

Reason: To ensure reasonable standards of amenity to neighbouring properties.

64. Site notice

A site notice must be erected on the Site prior to any work commencing and must be displayed throughout the works period.

The site notice must:

- be prominently displayed at the boundaries of the Site for the purposes of informing the public that unauthorised entry to the Site is not permitted,
- display project details including, but not limited to the details of the builder, Principal Certifier and structural engineer,
- be durable and weatherproof,
- display the approved hours of work, the name of the site or project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice,
- be mounted at a height of 1.6 metres above natural ground on the perimeter hoardings or fencing and state that unauthorised entry to the Site is not permitted

Reason: To ensure public safety and public information.

65. Dust control

During excavation, demolition and construction, adequate measures must be taken to prevent dust from affecting the amenity of the neighbourhood. The following measures must be adopted:

- physical barriers shall be placed around or over dust sources to prevent wind or activity from generating dust,
- earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed,
- all materials shall be stored or stockpiled at the best locations,
- the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
- all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust,
- all equipment wheels shall be washed before exiting the Site using manual or automated sprayers and drive-through washing bays,
- gates shall be closed between vehicle movements and shall be fitted with shade cloth,
- cleaning of footpaths and roadways shall be carried out at least daily, • no advertising or signage is permitted to be attached to dust cloth material.

Reason: To protect the environment and the amenity of surrounding properties.

66. Toilet facilities

1. Toilet facilities must be available or provided at the work Site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons working at the Site.
2. Each toilet must:
 - a. be a standard flushing toilet connected to a public sewer, or
 - b. have an on-site effluent disposal system approved under the Local Government Act 1993 <<https://www.legislation.nsw.gov.au/>>, or
 - c. be a temporary chemical closet approved under the Local Government Act 1993 <<https://www.legislation.nsw.gov.au/>>.

Reason: Statutory requirement.

67. Construction signage

All construction signs must comply with the following requirements, that such signs:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m²
- are removed within 14 days of the completion of all construction works

Reason: To ensure compliance with Council's controls regarding signage.

68. Approval for rock anchors

Approval is to be obtained from the property owner for any anchors proposed beneath adjoining private property. If such approval cannot be obtained, then the excavated faces are to be shored or propped in accordance with the recommendations of the geotechnical and structural engineers.

Reason: To ensure the ongoing safety and protection of property.

69. Road reserve safety

All public footways and roadways fronting and adjacent to the Site must be maintained in a safe condition at all times during the construction of the approved development.

Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement or route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction Site.

Where any public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. If pedestrian circulation is required to be diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed to comply with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

Reason: To ensure safe public footways and roadways during construction.

70. Services

Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority.

These works shall be at no cost to Council. It is the applicants' full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the approved development upon utility services (including water, phone, gas and the like). Council accepts no responsibility for any matter arising from this approval involving utility services provided by another authority.

Reason: Provision of utility services.

71. Temporary rock anchors

If the use of temporary rock anchors extending into the road reserve is proposed, then prior approval must be obtained from Council and Transport for NSW in accordance with Section 138 of the Roads Act 1993.

In seeking such approval, the Applicant is to submit details of all the works requiring approval and those works are not to commence until approval has been granted. The design of the proposed works is to include details of the following:

- How the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road,
- That the locations of the rock anchors are registered with Dial Before You Dig,
- That approval of all utility authorities likely to use the public road has been obtained. Confirmation that all temporary rock anchors are to be located outside the allocations for the various utilities (as adopted by the Streets Opening Coordination Council).
- That any remaining de-stressed rock anchors are sufficiently isolated from the structure such that they cannot damage the structure if pulled during future excavations or work in the public road.
- That signs will be placed and maintained on the approved building stating that distressed rock anchors remain in the public road and include a contact number for the construction company contact person. The signs are to be at least 600mm x 450mm with lettering on the signs is to be no less than 75mm high. The signs are to be at not more than 60m spacing. At least one sign must be visible from all locations on the footpath outside the Site. The wording on the signs is to be submitted to Council's Director Technical Services for approval before any signs are installed.

Permanent rock anchors are not to be used where any part of the anchor extends outside the development Site into public areas or road reserves.

All works in the public road are to be carried out in accordance with the Conditions of Construction issued with any approval of works granted under Section 138 of the Roads Act 1993.

Reason: To ensure the ongoing safety and protection of property.

72. Removal of weeds

All urban environmental weed species as listed in the Biosecurity Act 2015 (NSW), Council's Weed Management Policy or weed species listed within Council's Development Control Plan shall be removed from the Site prior to the completion of building works.

Reason: To protect the environment.

73. On site retention of waste docket

All demolition, excavation and construction waste docket are to be retained on Site, or at a suitable location, in order to confirm which facility received materials generated from the site for recycling or disposal.

Each docket is to be an official receipt from a facility authorised to accept the material type, for disposal or processing.

This information is to be made available at the request of an Authorised Officer of Council.

Reason: To protect the environment.

74. Prescribed conditions

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation.

For the purposes of section 4.17 (11) (previously s80A (11)) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- the work must be carried out in accordance with the requirements of the Building Code of Australia
- 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, that such a contract of insurance is in force before any works commence
- if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the building, structure or work from possible damage from the excavation, and
- (b) where necessary, underpin the building, structure or work to prevent any such damage.

Reason: Statutory requirement.

75. Hours of work

Demolition, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12 noon Saturday. No work and no deliveries are to take place on Sundays and public holidays.

Excavation using machinery must be limited to between 7.00am and 5.00pm Monday to Friday, with a respite break of 45 minutes between 12 noon and 1.00pm. No excavation using machinery is to occur on Saturdays, Sundays or public holidays.

Where it is necessary for works to occur outside of these hours (ie) placement of concrete for large floor areas on large residential/commercial developments or where building processes require the use of oversized trucks or cranes that are restricted by Transport for NSW (TfNSW) from travelling during daylight hours to deliver, erect or remove machinery, tower cranes, pre-cast panels, beams, tanks or service equipment to or from the Site, approval for such activities must be sought and granted from the Council under an "outside of hours works permit". Upon Council's receipt of such application, any surrounding properties likely to be affected by the proposed works will be notified.

Failure to obtain a permit to work outside of the approved hours will result in on the spot fines being issued.

Reason: To ensure reasonable standards of amenity for occupants of neighbouring properties.

76. Combustibility of external walls and cladding

All external walls, including attachments, must comply with the relevant requirements of the Building Code of Australia (BCA) and the Building Products (Safety) Act 2017.

Prior to the issue of any Construction Certificate the Principal Certifier must:

1. Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls, including finishes and cladding such as synthetic or aluminium composite panels, comply with the relevant requirements of the BCA and the Building Products (Safety) Act 2017; and
2. Ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the BCA as proposed and as built and does not include a building product listed as unsafe or banned under the Building Products (Safety) Act 2017.

Prior to the issue of any Occupation Certificate the Principal Certifier must:

1. Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls, including finishes and cladding such as synthetic or aluminium composite panels, comply with the relevant requirements of the BCA and the Building Products (Safety) Act 2017; and
2. Ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the BCA as proposed and as built and does not include a building product listed as unsafe or banned under the Building Products (Safety) Act 2017.

Reason: To ensure the safety of occupants.

77. Engineering fees

For the purpose of any development related inspections by Council engineers, the corresponding fees set out in Council's adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any approval being granted under the Roads Act 1993.

Reason: To protect public infrastructure.

78. Site fencing

The Site must be secured and fenced prior to works commencing. All excavation, demolition and construction works shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

If the work involved in the excavation, demolition or construction of the approved development is likely to cause any pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or the construction of the approved building involves the enclosure of a public place, a hoarding or fence must be erected between the work Site and the public place.

If necessary, a hoarding is to be erected so as to prevent any substance from, or in connection with the building works falling into the public place.

Separate approval is required prior to the commencement of works to erect any hoarding or temporary fence on public property.

The work Site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons on public property.

At the completion of work each day, the Site shall be secured or locked to prevent access

Any hoarding, fence or awning is to be removed when the construction work has been completed.

Reason: To ensure public safety.

79. Post-construction dilapidation report

A suitably qualified person shall prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works associated with the development have created any structural damage to adjoining buildings (as identified in Condition 20 of this Development Consent) infrastructure and roads. The report is to be submitted to the Principal Certifier.

In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Principal Certifier must:

- compare the post-construction dilapidation report with the pre-construction dilapidation report, and
- obtain written confirmation from the relevant authorities that no adverse structural damage has occurred to their infrastructure and roads.

The report is to be prepared at the expense of the applicant and submitted to the PCA prior to the issue of the Occupation Certificate. In ascertaining whether adverse structural damage has occurred to the adjoining premises, the PCA, must compare the post-construction dilapidation report with the pre-construction dilapidation report required by conditions in this consent.

Evidence confirming that a copy of the post-construction dilapidation report was delivered to the adjoining properties subject of the dilapidation report must be provided to the PCA prior to the issue of any Occupation Certificate.

A copy of this report is to be forwarded to Council at the completion of construction works.

Reason: Management of records.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE:

80. Compliance with BASIX Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifier must be satisfied that all commitments listed in approved BASIX Certificate (referred to under Condition No 1) have been complied with.

Reason: Statutory requirement.

81. Mechanical ventilation

In the event that the Site will have mechanical ventilation at the time of construction or the future post construction of the approved building, the following condition must be satisfied.

Following completion, installation and testing of all the mechanical ventilation systems, the Principal Certifier shall be satisfied of the following prior to the issue of any Occupation Certificate:

1. The installation and performance of the mechanical systems complies with:

- The Building Code of Australia,
 - Australian Standard AS1668, and
 - Australian Standard AS3666 where applicable.
2. When in operation, any mechanical ventilation system in isolation and in association with other mechanical ventilation equipment, must not be audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and public holidays. The operation of the units outside these restricted hours must not emit a noise level of greater than 5dbA above the background when measured at the nearest adjoining boundary.

Written confirmation from an acoustic engineer that the approved development achieves the above requirements is to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To protect the amenity of surrounding properties.

82. Completion of landscape works

At the completion of all works, a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape or Arboricultural Consultant certifying that the works have been completed in compliance with the Landscape Plan approved hereto at Condition 1, and that a maintenance program has been established.

Prior to the issue of an Occupation Certificate, the Certifier is to be satisfied that all landscape works, including the removal of all environmental weed species in accordance with Part O of the DCP, have been undertaken in accordance with the approved plan(s) and conditions of this Consent.

Reason: To ensure that the landscape works are consistent with the Development Consent.

83. Mechanical noise control

Prior to the issue of an Occupation Certificate, the Principal Certifier must be satisfied that the mechanical ventilation systems and other plant (including but not limited to air conditioners, car park and garbage room exhaust, roller shutter doors and lifts) when in operation either as an individual piece of equipment or in combination with other equipment will not exceed:

- more than 5dB(A) above the background noise (LA90, 15 min) level during the day, and
- the background level at night (10.00pm - 7.00am) when measured at the boundary of the nearest potentially affected residential occupancies.

The background (LA90, 15 min) level is to be determined without the source noise present. Written confirmation from an acoustic engineer that the development achieves the above requirements is to be submitted to the Principal Certifier.

Reason: To protect the amenity of the occupants and neighbouring residents.

84. Certification of drainage works

Prior to issue of the Occupation Certificate, the Principal Certifier is to be satisfied that:

- the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans,
- the minimum retention and on-site detention storage volume requirements of the DCP have been achieved,
- retained water is connected and available for use,
- all grates potentially accessible by children are secured,
- components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2003 and the Building Code of Australia, and
- all enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

Evidence from a qualified and experienced consulting civil or hydraulic engineer documenting compliance with this condition is to be provided to Council prior to the issue of an Occupation Certificate.

Reason: To protect the environment.

85. WAE plans for stormwater management and disposal

Prior to issue of the Occupation Certificate, a registered surveyor must provide a works as executed survey of the completed stormwater drainage and management systems. The survey must be submitted to and approved by the Principal Certifier prior to issue of the Occupation Certificate. The survey must indicate:

- as built (reduced) surface and invert levels for all drainage pits,
- gradients of drainage lines, materials and dimensions,
- as built (reduced) level(s) at the approved point of discharge to the public drainage system,
- as built location and internal dimensions of all detention and retention structures on the property (in plan-view) and horizontal distances to nearest adjacent boundaries and structures on the Site,
- the achieved storage volumes of the installed retention and detention storages and derivative calculations,
- as built locations of all access pits and grates in the detention and retention system(s), including dimensions,
- the size of the orifice or control fitted to any on-site detention system,
- dimensions of the discharge control pit and access grates,
- the maximum depth of storage possible over the outlet control,
- top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system.

The works as executed plan(s) must show the as-built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifier stamped construction certificate stormwater plans.

Reason: To protect the environment.

86. ~~Sydney Water Section 73 Compliance Certificate~~

~~Prior to the issue of an Occupation Certificate a Section 73 Sydney Water Compliance Certificate must be obtained and submitted to the Principal Certifier~~

~~Reason: Statutory requirement.~~

DELETED BY DA2020/110/2 DATE: 29 October 2021

87. On-site detention system marker plate

A marker plate is to be permanently attached and displayed within the immediate vicinity of the On-Site Detention System prior to the issue of the Occupation Certificate.

This marker plate can be purchased from Council.

Reason: To prevent unlawful alteration.

88. Certification of as-constructed driveway

Prior to the issue of an Occupation Certificate, the Principal Certifier is to be satisfied that:

- the as-constructed driveway complies with the approved Construction Certificate plans,
- the completed vehicle access and accommodation arrangements comply with Australian Standard 2890.1 - 2004 "Off-Street car parking" in terms of minimum parking space dimensions,
- finished driveway gradients and transitions will not result in the scraping of the underside of cars,
- the vehicular headroom requirements of:
 - Australian Standard 2890.1 - "Off-street car parking".

Evidence from a suitably qualified and experienced traffic or civil engineer indicating compliance with the above is to be provided to and approved by the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure that vehicular access and accommodation areas are compliant with the consent.

89. Reinstatement of redundant crossings and completion of infrastructure works

Prior to issue of an Occupation Certificate, and upon completion of any works which may cause damage to Council's property, the Principal Certifier must obtain a signed inspection form from Council which states that the following works in the road reserve have been completed:

1. new concrete driveway crossing in accordance with levels and specifications issued by Council,

2. removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter (reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials),
3. full repair and resealing of any road surface damaged during construction,
4. full replacement of damaged sections of grass verge to match existing, and
5. reconstruction of kerb and gutter with associated road pavement restoration for the full frontage of the development Site.

This inspection may not be carried out by the Principal Certifier because restoration of Council property outside the boundary of the site is not a matter listed in Clause 161 of the Environmental Planning and Assessment Regulation 2000.

All works must be completed in accordance with Australian Standards for Road and Drainage Works. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the Site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

Reason: To protect the public infrastructure.

90. Outdoor Lighting

Prior to the issue of the Occupation Certificate, the Principal Certifier must be satisfied that all outdoor lighting complies with AS/NZS 4282:2019 *Control of the obtrusive effects of outdoor lighting* and is mounted, screened and directed in a way so as not to create a nuisance or light spill on to buildings on adjoining lots or public places.

Lighting at vehicular access points to the approved development must be provided in compliance with AS/NZS 1158 Set:2010 *Lighting for roads and public spaces*.

Reason: To provide high quality external lighting for security without adverse impacts on public amenity from excessive illumination.

91. Swimming Pools – Filling with Water

The approved swimming pool must not be filled with water until the safety fences have been completed in accordance with Australian Standards and satisfy the compliance requirements of the Swimming Pools Act 1992.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

92. Compliance with Swimming Pool Act 1992

The alterations and additions to the dwelling house and/or the construction of the new dwelling house subject of this consent must not generate any non-compliances with the Swimming Pools Act 1992, Swimming Pool Regulation 2018 and the Building Code of Australia. Details of compliance to be illustrated on the plans lodged with the application for the Construction Certificate.

93. COUNCIL PERMITS AND CONSENTS

The Application Forms and applicable fees and charges for each of the following permits, can be downloaded from Council's website.

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.

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.

Skip Bin Permit

This permit must be applied for if you intend to place a skip bin on the roadway or footpath.

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.

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).

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.

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.

Afterhours or Out of Hours Work Consent

This permit must be applied for seven (7) days before the date of the commencement of the works approved by this development consent.

No construction works or associated activities of any kind are permitted to be undertaken outside of permitted hours of operation as provided for by the conditions of consent without express authorisation from Council to do so.