

## ADDENDUM IDAP REPORT

<b>Property:</b>	31 Rickard Road, Strathfield Lot 27 DP 16967 DA2020.1.2
<b>Proposal:</b>	Section 4.55(2) Modification Application for internal and external alterations to approved dwelling house including the reconfiguration of first floor, roof alterations, and changes to external materials.
<b>Applicant:</b>	Archispectrum
<b>Owner:</b>	A Celick
<b>Date of lodgement:</b>	17 May 2021
<b>Date of IDAP Meeting:</b>	29 October 2021
<b>Notification period:</b>	25 May 2021 to 8 June 2021
<b>Submissions received:</b>	One
<b>Assessment officer:</b>	P Santos
<b>Estimated cost of works:</b>	\$1,183,988.00
<b>Zoning:</b>	R2-Low Density Residential - SLEP 2012
<b>RECOMMENDATION OF OFFICER:</b>	APPROVAL

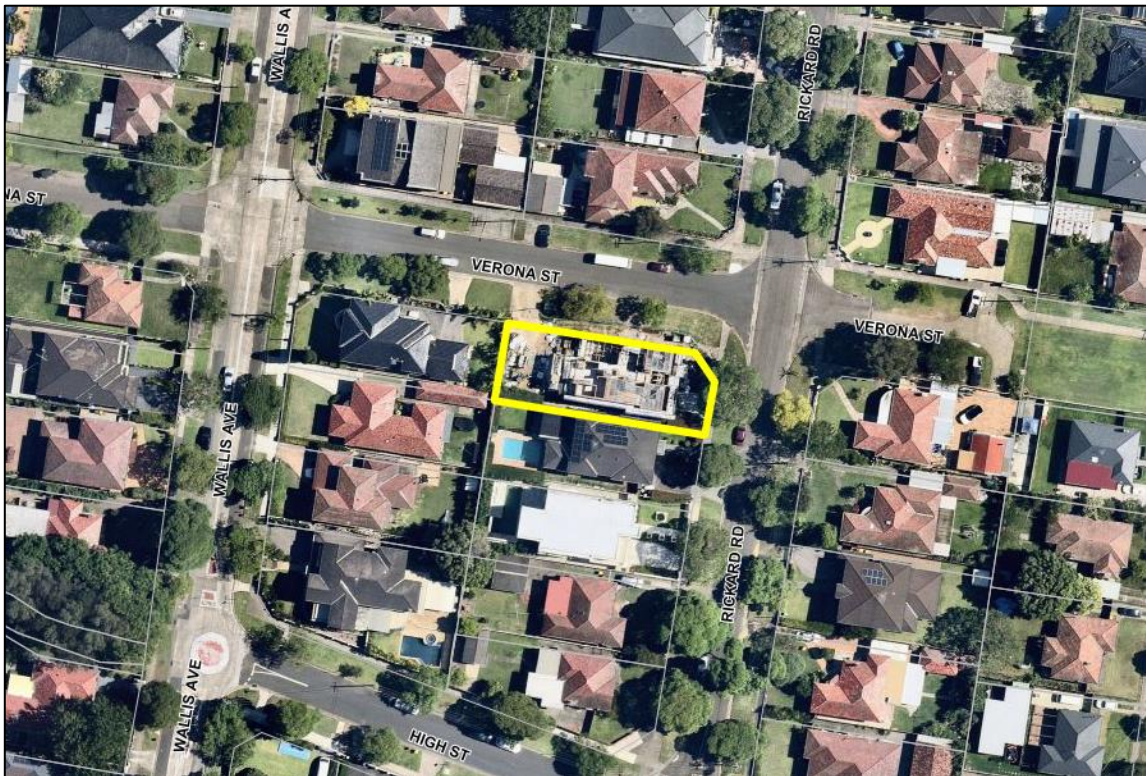


Figure 1. Aerial imagery of the subject site (outlined) and the immediate locality.

## EXECUTIVE SUMMARY

### Proposal

Development consent is being sought for the Section 4.55(2) to modify development consent DA2020/1 seeking the approval for the purpose of internal and external alterations to approved dwelling house including the reconfiguration of first floor, roof alterations, and changes to external materials.

### Background

The application was considered by IDAP on 29 October 2021. At this meeting the panel resolved to defer the application to allow the following matters to be addressed;

- *“...for Council’s Compliance team to inspect the site and basement in order to determine what has been constructed contrary to the original consent and not covered by the Section 4.55 application. The outcome of this inspection to determine the best pathway moving forward.”*

This is discussed in more detail in the body of the report.

### 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 still 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. This is discussed in more detail in the body of the report.

### Notification

The amendments to the application to satisfy the issues raised by IDAP did not require re-notification.

### Conclusion

The Applicant submitted amended plans to Council in response to the matters raised above. The addendum report provides confirmation that the deferred matter has been appropriately resolved through these revised plans.

Accordingly, having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, development application 2020/1/2 is recommended for approval subject to suitable conditions of consent.

## ADDENDUM REPORT

### Proposal

Council has received an application for the Section 4.55(2) to modify development consent DA2020/1 seeking the approval for the purpose of internal and external alterations to approved dwelling house including the reconfiguration of first floor, roof alterations, and changes to external materials.

More specifically, the proposed modifications are:

#### Ground Floor Level

- Change the entry door to a double door, and
- Extension of 0.435m<sup>2</sup> to the south of the guest bedroom ensuite.

#### First Floor Level

- Reduction in size of the void over the entry,
- New laundry chute and linen cupboards/joinery to the north of Bedroom 4 ensuite,
- Reduction in size of Bedroom 2,
- Move the common bathroom to the east,
- Relocation of the linen to accommodate the new void,
- New void over the ground floor living area,
- Relocation of the master bedroom to the south-western corner with a new attached balcony facing the rear.

The proposed modifications result in a reduced GFA. The ground level, as a result of the proposed modification, will have a minimal increased area of approximately 0.570m<sup>2</sup>. The first floor proposed works will have a reduced GFA of 14.6m<sup>2</sup>, from the approved 140.1m<sup>2</sup> to 125.5m<sup>2</sup>.

A concern was raised by Council's IDAP during the 29 October 2021 meeting that works/structures without consent were constructed on the site. Council's Compliance team investigated the construction site and revealed the following structures constructed without approval:

#### Basement

- Storage and basement rooms combined into one larger room with floor area larger than approved. The approved combined storage and basement rooms have the dimensions of 3.58m x 7.4m, with a total area of 26.49m<sup>2</sup>. The constructed combined storage and gym dimensions are 5.75m x 7.4m, resulting to a total area of 41.2m<sup>2</sup>.
- Pool room – the door was relocated from the southern wall to the eastern wall and now opens to the parking spaces.

#### First Floor

- Concrete slab for balcony on the western side.

Despite the above comments from Council's Compliance team, the most recent aerial imagery revealed that works on the first floor related to the proposed modification were already carried out. The slab on the first floor were already laid out.

Figure 2. Approved basement plan in the original DA.

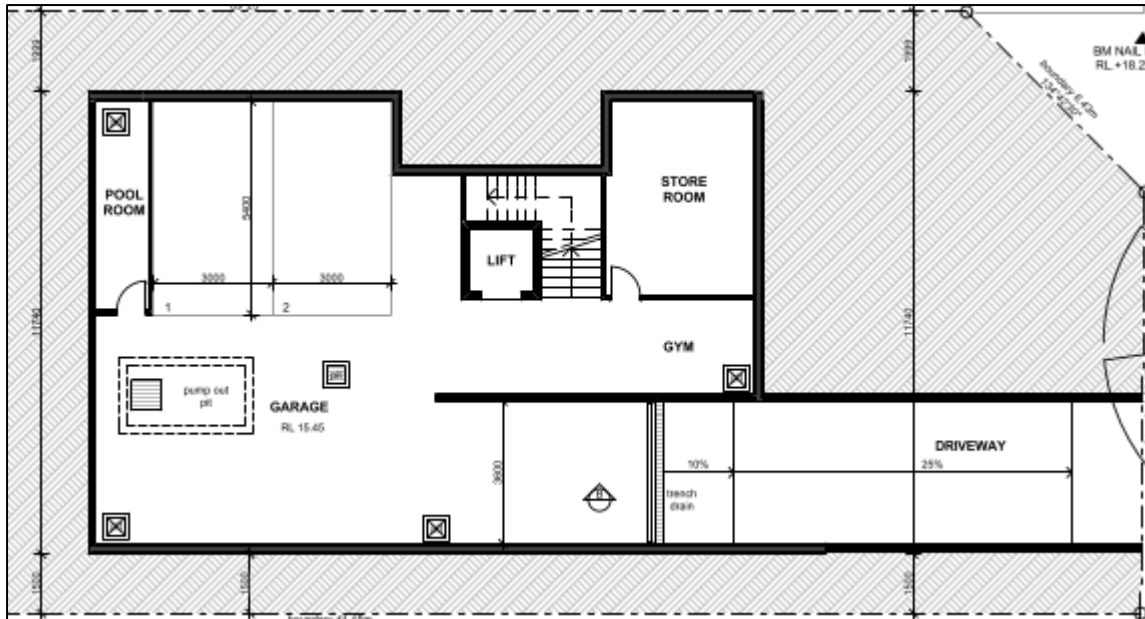


Figure 3. Proposed basement plan in the subject modification application.

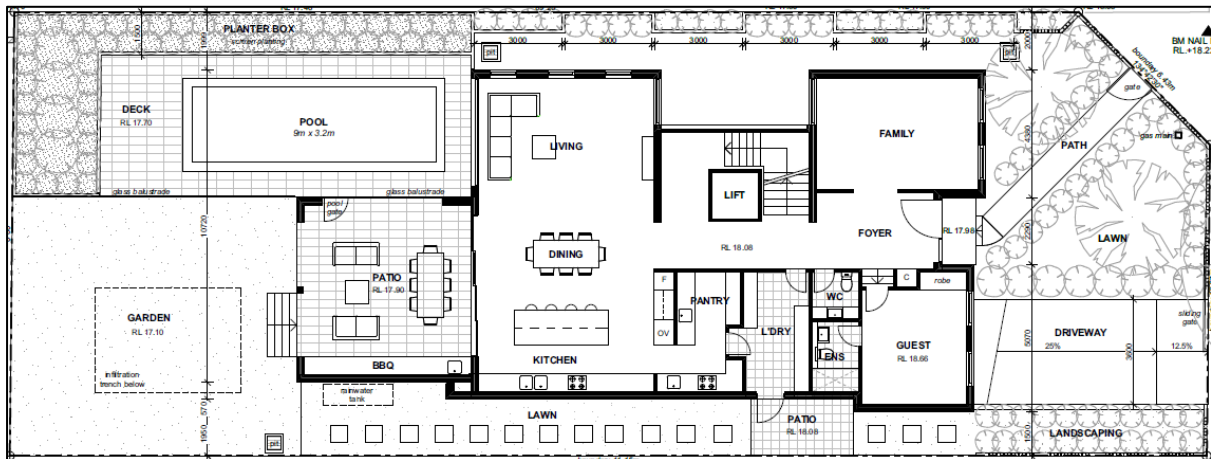


Figure 4. Approved ground floor plan in the original DA.

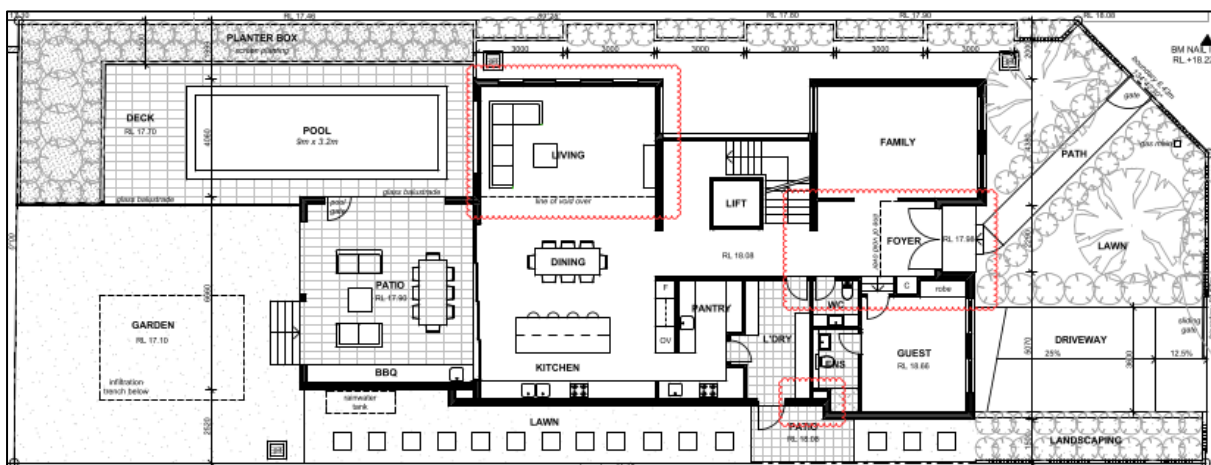


Figure 5. Proposed ground floor plan in the subject modification application.

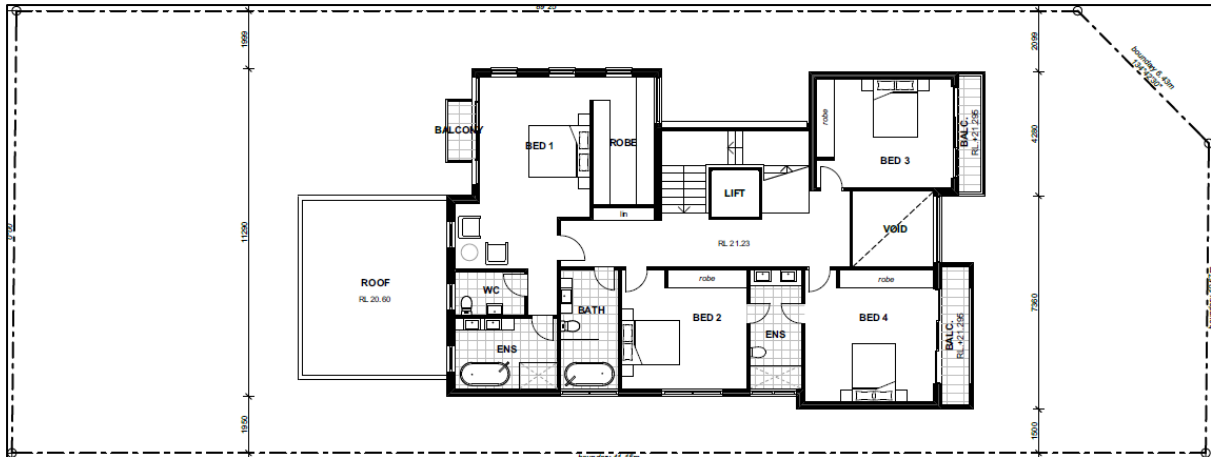


Figure 6. Approved first floor plan in the original DA.

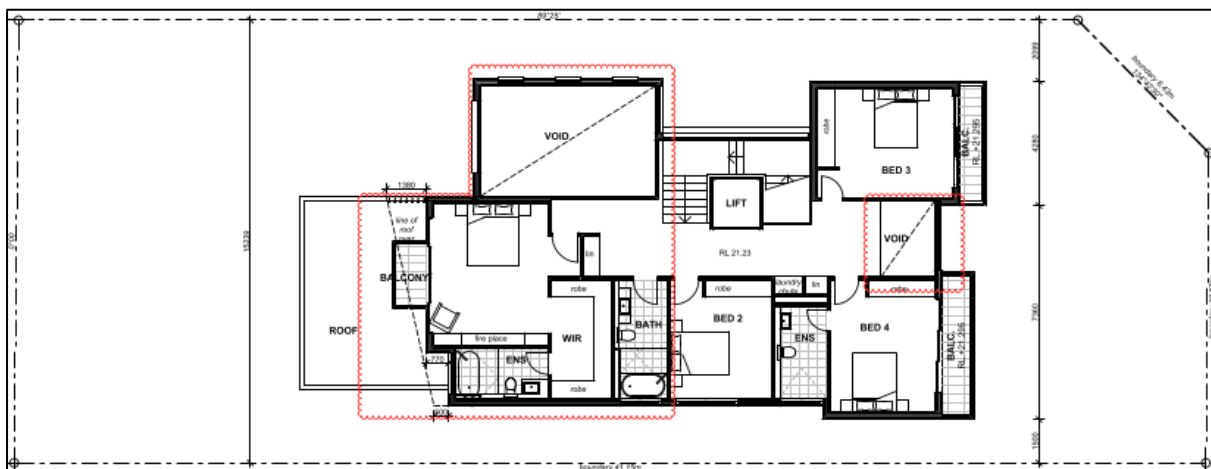


Figure 7. Proposed first floor in the subject modification application.

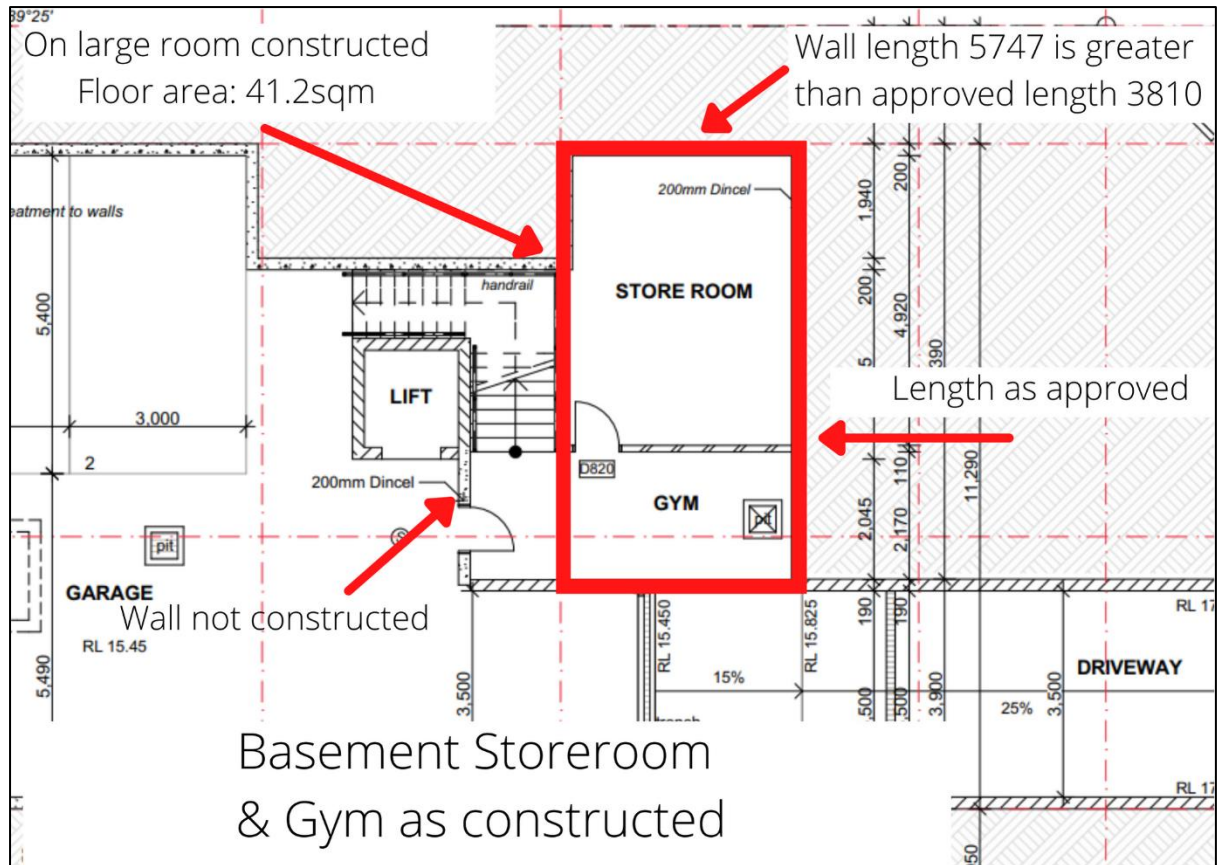


Figure 8. Council's Compliance Officer's mark-up of the basement plan demonstrating the extent of the constructed combined store room and gym.

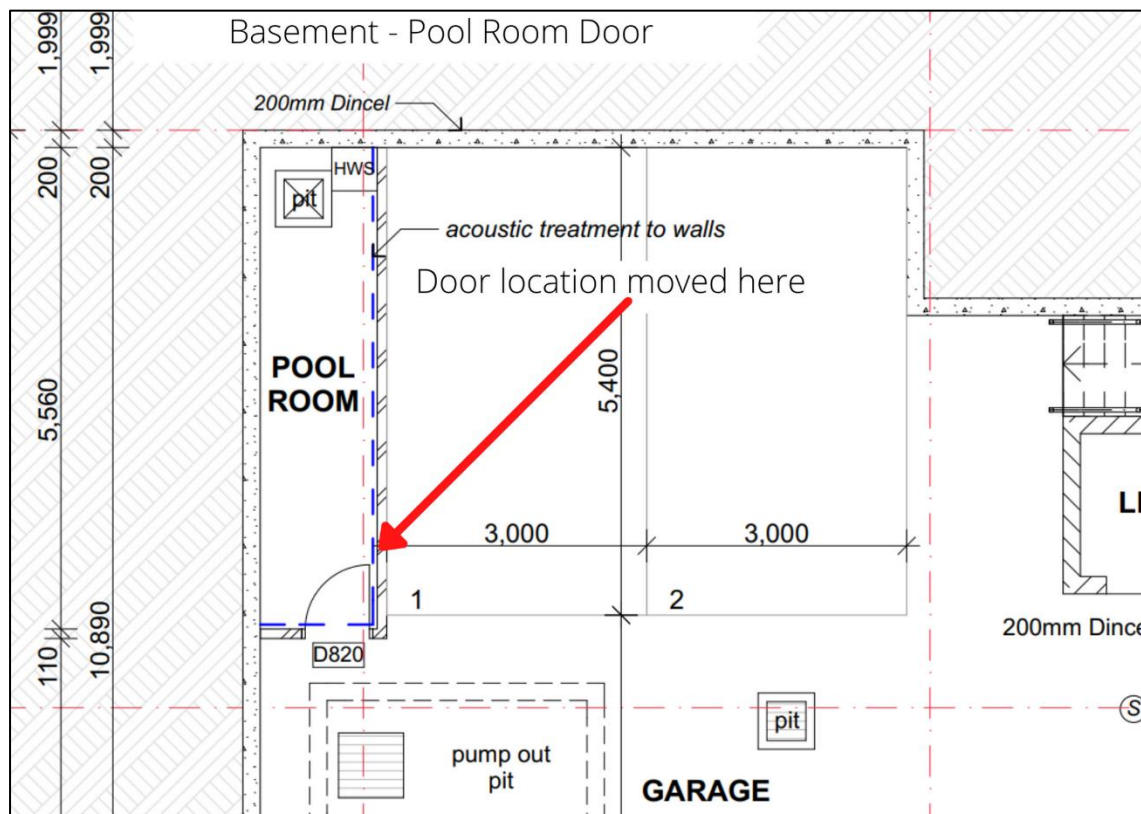


Figure 9. Council's Compliance Officer's mark-up of the basement plan demonstrating the moved door from the southern wall to the eastern wall that opens to the parking spaces.

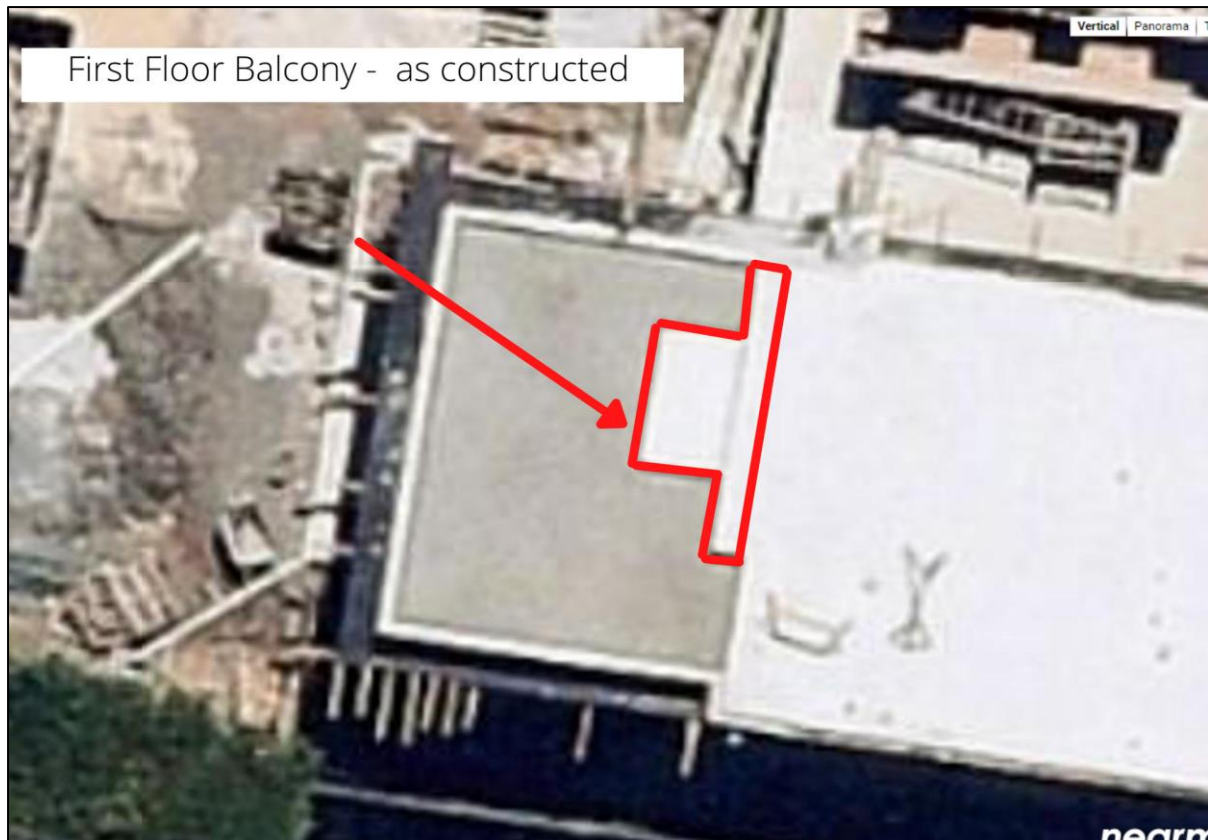


Figure 10. Recent aerial imagery of the subject site with Council's Compliance Officer highlighting the constructed 1<sup>st</sup> floor balcony concrete pad.

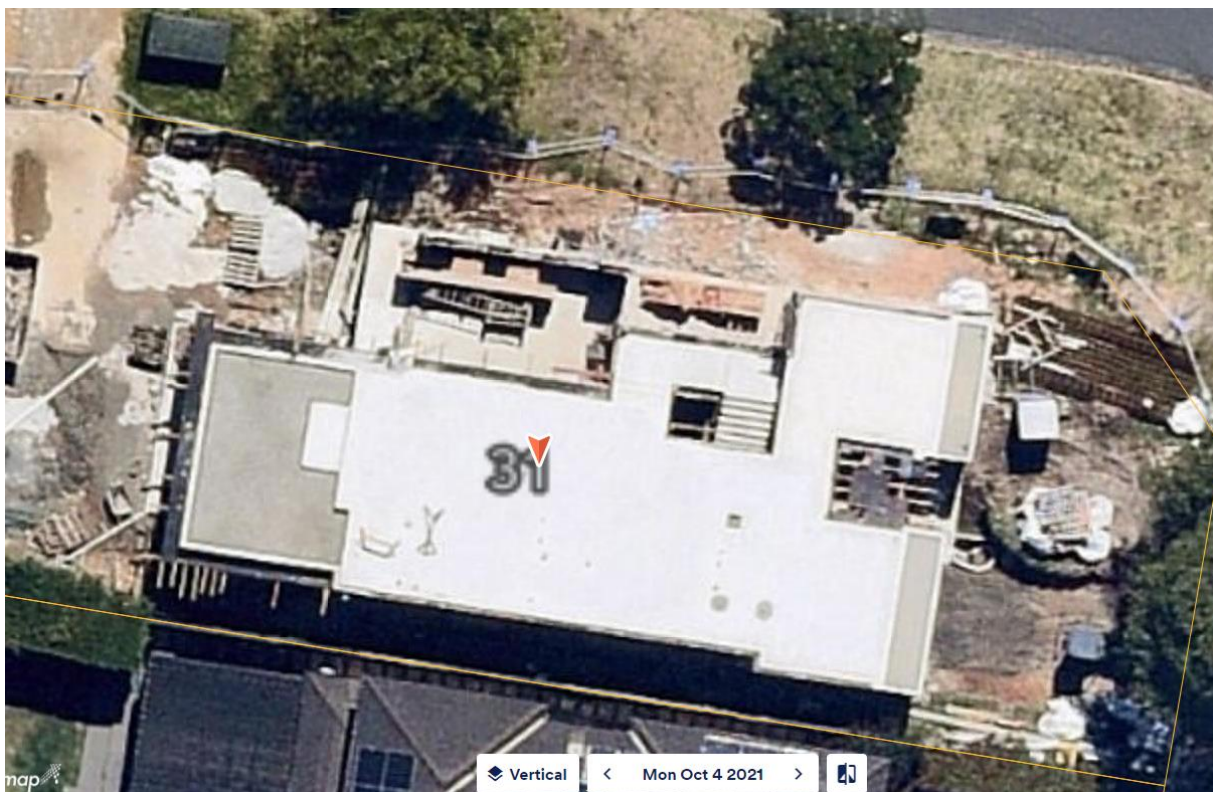


Figure 11. Aerial imagery of the subject site taken on 4 October 2021 showing slab of first floor already constructed (source: Nearmap).



Figure 12. Aerial imagery of the subject site taken on 21 December 2021 showing wall frames up (source: Nearmap).

## **Background**

5 June 2020	IDAP approved DA2020/1 for the purpose of demolition of existing building and construction of a two-storey dwelling with basement level, in-ground swimming pool and boundary fencing.
17 May 2021	The subject modification application was lodged.
29 October 2021	Council's IDAP deferred the determination for Council's Compliance team to carry out inspection of the site. This is discussed in more detail below.

This report is to be read as an addendum to the report presented to IDAP on 29 October 2021. The subject application was deferred by the panel at this meeting for the following reasons:

- *“...for Council's Compliance team to inspect the site and basement in order to determine what has been constructed contrary to the original consent and not covered by the Section 4.55 application. The outcome of this inspection to determine the best pathway moving forward.”*

As discussed previously, Council's Compliance team carried out an investigation that revealed the following:

#### Basement

- Storage and basement rooms combined into one larger room with floor area larger than approved. The approved combined storage and basement rooms have the dimensions of 3.58m x 7.4m, with a total area of 26.49m<sup>2</sup>. The constructed combined storage and gym dimensions are 5.75m x 7.4m, resulting to a total area of 41.2m<sup>2</sup>.
- Pool room – the door was relocated from the southern wall to the eastern wall and now opens to the parking spaces.

#### First Floor

- Concrete slab for balcony on the western side.

The above resulted to changes in the proposal with the constructed structures to be conditioned to seek a Building Information Certificate from Council.

#### Assessment

##### **Matters Raised By IDAP**

The matters raised by IDAP on 29 October 2021 were to ascertain what works were already carried out and if this will change the modification works proposed.

As previously identified, there were works carried out on the site without council approval such as the works in the basement and on the first floor.

#### Basement

Note that the proposed modification does not include any works in the basement level. However, the investigation of Council's Compliance team revealed that the approved storage and gym rooms were constructed bigger than what was approved. See Figure 8 above. As such, an assessment of the works undertaken is provided in this report for the purpose of providing a Planning comment to be utilised by Council's Compliance team for any future action.

Comments from the Compliance Officer revealed that no wall exists in-between the gym and storage making it a bigger, combined room. The Construction Certificate stamped plans reveal that a wall going south from the eastern wall of the lift (west of the stairs) to enclose the gym was given approval by the certifier – Compass Building Certification Pty Ltd, dated 10/11/2020. However, this wall was not constructed in accordance with the CC stamped plans and was relocated to the south of the wall between the store room and the stairs (Figure 8).

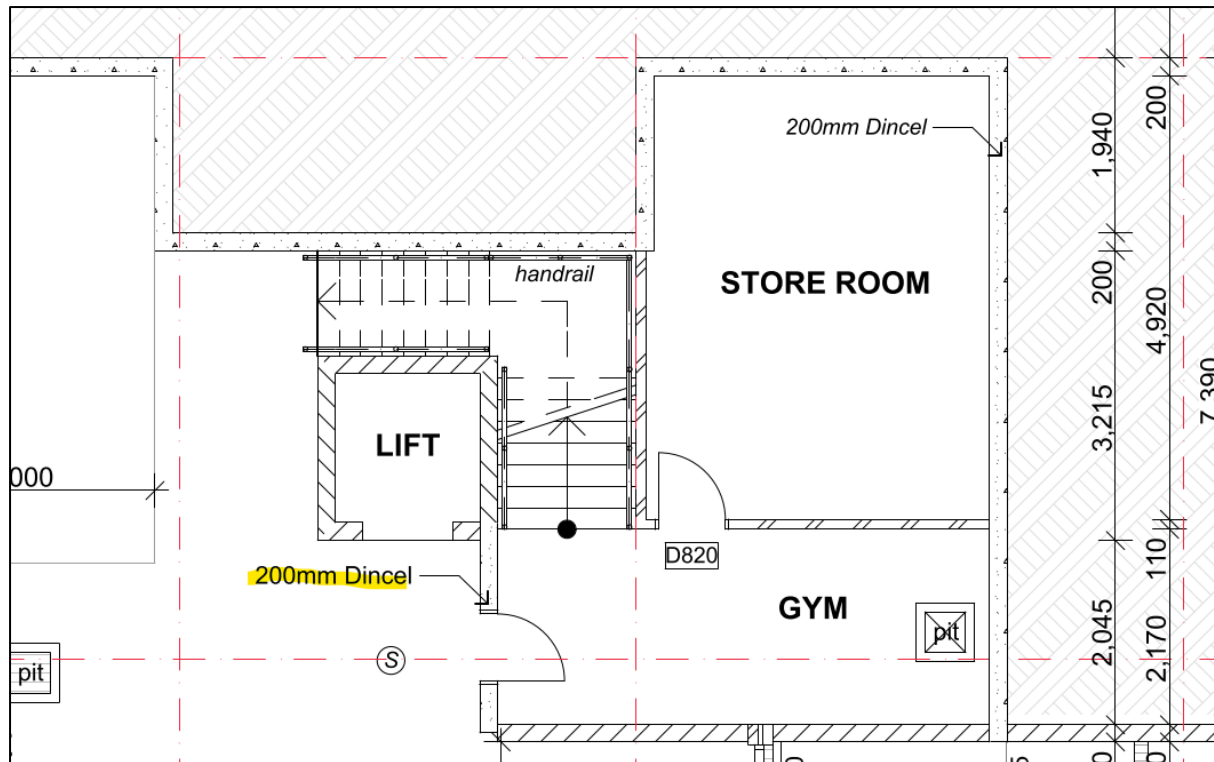


Figure 13. Extract of the CC stamped plans, dated 10/11/2020.

Firstly, the concern about the size being bigger than the approved plans is not supportable. The approved internal dimensions of the store room in the CC stamped plans is 3.81m x 4.92m (18.75m<sup>2</sup>) and the gym - 2.17m x 5.46m (11.85m<sup>2</sup>). The Compliance Officer's report exposed that the store room and gym, combined into a bigger room, with the reduced width for the gym as a result of the unauthorised wall construction, has the following dimensions – 5.75m x 7.2m (41.4m<sup>2</sup>). An increase of about 11m<sup>2</sup> of additional space in the basement.

The additional space in the basement will not be supported as it provides an opportunity for a bigger area in the basement that can be converted to a habitable room. Notwithstanding that a gym is considered a habitable room in *Hatch v Northern Beaches Council [2019] NSWLEC 1422*. The basement rooms, when converted in the future, with the Council being none-the-wiser, will leave rooms with very poor amenity and non-compliant with the BCA requirements. As such, as previously mentioned, the bigger dimension is not supported and must be reverted back to the approved store room and gym room sizes.

In a similar vein, the unauthorised wall constructed west of the gym is not supported as it is an extra room in the basement that is enclosed. Whereas in the original DA, or in the CC stamped plans, the gym room cannot be enclosed by itself and is open from the ground floor due to the stairs void.

Secondly, the east-west wall in-between the store room and gym is not constructed yet. However, as this relates to an existing consent, it is unsure if this will be carried out at a later stage or not. In this case, there is no action that can be done at this point.

### Floor Space Ratio

The approved FSR in the original consent (DA2020/1) in accordance with the report that went to Council's IDAP on 5/06/2020 was 0.52:1 (321.1m<sup>2</sup>). The proposal involves a reduced FSR of 0.50:1 (307.12m<sup>2</sup>), with the gym in the basement included in the calculation as it is a habitable room. The proposed FSR in this modification application is well below the maximum permitted on the site – 0.6:1 (369.96m<sup>2</sup>).

The proposal satisfies Clause 4.4C development standard of the SLEP 2012 and as such, acceptable.

### Pool Room

The Council's Compliance Officer's comments identified that the door in the pool room was constructed on the eastern wall and not in the approved southern wall. This results to a door that opens up to the approved parking spaces.

The approved parking spaces in the basement has a combined width of 6m. See Figure 14 below. It is noted that the Australian Standards for double parking spaces with walls on both sides are to have a minimum dimension of 2.4m for each space. This means that the combined parking width required for the two parking spaces is 4.8m, resulting to a surplus of 1.2m area wide between the pool room and the parking spaces, adequate for the door to be opened.

No adverse amenity or environmental impact is envisaged to incur due to the relocation of the door, as such, the door in its new location is acceptable.

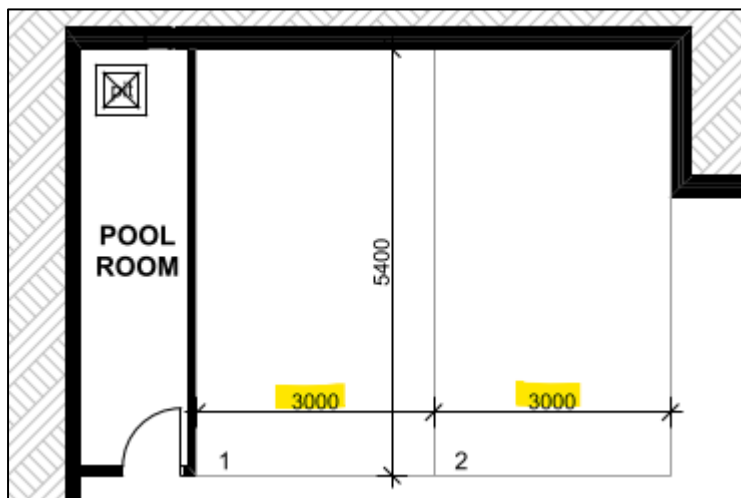


Figure 14. Extract of the approved basement floor plan in DA2020/1.

### First Floor and Balcony Slab

Council's investigation revealed that the first floor slab had already been poured and had already taken into consideration the voids and new rear balcony in the current modification application. Nevertheless, the application is assessed for its use and the construction matter will be dealt with a future BIC from Council, as a result of a condition of consent imposed in this approval.

The first floor layout is acceptable and does not have any adverse amenity or environmental impact. The balcony has the dimensions that are considered adequate by the SCDP 2005 and as a result, this is acceptable. However, it is considered that the balcony is over the roof of the alfresco. To alleviate the potential of the alfresco roof to be used as part of the upper-floor balcony, a condition of consent will be imposed for the area outside the footprint of the balcony to be non-trafficable.

#### Landscaping

The proposal involves a negligible reduction in landscaping on the site. The approved landscaping in the original DA was 43.69% (269.4m<sup>2</sup>) in the Planner's report that went to Council's IDAP on 5 June 2020. The proposed landscaping in the modification application is 43.3% (266.9m<sup>2</sup>), which satisfies the minimum required by the DCP of 41% (255.6m<sup>2</sup>).

#### Strathfield Local Environmental Plan

It is considered that the proposed development as amended satisfies the aims, objectives and development standards, where relevant, of the Strathfield LEP 2012.

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

The amendments to the application do not result in an amended BASIX Certificate being required and as such the original certificate issued for the proposed development and the commitments required have been satisfied.

The objectives outlined within SEPP55 are considered to be satisfied.

- (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 amendments to the development do not result in any changes to the DCP assessment of the original application.

- (iv) *Any matters prescribed by the regulations, that apply to the land to which the development application relates,***

The provisions of this section continue to not be relevant to the modification application and have been addressed/considered as part of the original development consent.

- (a) *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 amendments do not impact on the original assessment of this provision. The proposal, despite the unauthorised works that can be resolved by a BIC, does not pose adverse amenity impacts to neighbouring properties and maintain the approved setbacks in the original DA. No visual privacy concerns or solar access restrictions will be caused by the proposed development when constructed, subject to the conditions of consent.

The reintroduction of the void over the living area is considered excessive and is capable to be filled-in with habitable rooms without Council knowing. I note that the void is in the initial design in the original DA but was amended and removed. Council's records of the original DA revealed that there were no concerns raised about the void that resulted to its removal. Nevertheless, even with the void footprint calculated in the FSR, in the event that this space be converted into a habitable area without the knowledge of Council, the total GFA will still be under the maximum permissible on the site. As such, the void is acceptable.

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

The amendments do not impact on the original assessment of this provision.

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

In accordance with the provisions of Councils Community Participation Plan, the amendments to the application were not placed on neighbour notification.

**(e) *the public interest.***

The amendments do not impact on the original assessment of this provision.

### **Local Infrastructure Contributions**

The amendments do not impact on the original assessment of this provision, and the appropriate contributions as previously discussed have been included in the proposed conditions of consent.

### **Conclusion**

The application as amended has been assessed having regard to the Heads of Consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*, the provisions of the SLEP 2012 and SCDP 2005.

Following detailed assessment of these changes, it is considered that Development Application No. 2020/1/2 should be approved subject to following conditions being added to, modified or deleted draft consent originally present to IDAP on 29 October 2021.

- Amend condition #1: Approved Plans and Reference Documentation,
- Add condition #1A: Building Information Certificate, and
- Add condition #2A: Alfresco Roof – Non-Trafficable.



Signed:

**P Santos**  
**Senior Planner**

**Date: 22 March 2022**

- ☒ I confirm that I have determined the abovementioned development application with the delegations assigned to my position.
- ☒ I have reviewed the details of this development application and I also certify that Section 7.11/7.12 Contributions are applicable to this development and have been levied accordingly.

### **PART A - PRESCRIBED CONDITIONS**

#### **BASIX Commitments**

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

#### **National Construction Code and Home Building Act 1989**

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

#### **Long Service Levy**

- C Payment of the Long Service Levy as required by section 6.8(b) of the Environmental Planning & Assessment Act 1979 and section 34 of the Building and Construction Industry Long Service Payments Act 1986 for all building work over \$25,000. (Note: The cost of the building work must be rounded to the nearest \$100.)
- D The Long Service Levy shall be paid at Council's Customer Service Centre or evidence of direct payment to the Long Service Payments Corporation shall be provided to Council **prior to the issue of a Construction Certificate.**

#### **Shoring and Adequacy of Adjoining Property**

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

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

## **GENERAL CONDITIONS (GC)**

### **1. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)**

The development, except where modified by a condition(s) of consent, is to be carried out in accordance with the following plans and reference documentation:

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2020/001, as amended:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
DA02	Demolition Plan	Archispectrum	D	1 June 2020
DA03	Proposed Basement Plan	Archispectrum	D	1 June 2020
DA04	Proposed Ground Floor Plan	Archispectrum	D	1 June 2020
DA05	Proposed First Floor Plan	Archispectrum	D	1 June 2020
DA06	Proposed Site and Roof Plan	Archispectrum	D	1 June 2020
DA07	Proposed Elevations	Archispectrum	D	1 June 2020
DA08	Proposed South Elevation and Section A-A Plan	Archispectrum	D	1 June 2020
DA13	Proposed Landscape Plan	Archispectrum	D	1 June 2020
DA14	External Finishes Plan	Archispectrum	D	1 June 2020
DA15	Erosion & Sediment Control Plan	Archispectrum	D	1 June 2020
DA16	Driveway Ramp and Section B-B	Archispectrum	D	1 June 2020
DA21	Boundary Fence Details	Archispectrum	D	1 June 2020
Sheet 1	Driveway Plan	ACE Civil & Hydraulic Engineers	Dated 19 May 2020	20 May 2020
Sheet 1 - 7	Drainage Plan	ACE Civil & Hydraulic Engineers	Dated 20 December 2019	6 January 2020
<b>DA04</b>	<b>Proposed Ground Floor Plan</b>	<b>Archispectrum</b>	<b>C / 21/10/2021</b>	<b>25/10/2021</b>

<b>DA05</b>	<b>Proposed First Floor Plan</b>	<b>Archispectrum</b>	<b>C / 21/10/2021</b>	<b>25/10/2021</b>
<b>DA06</b>	<b>Proposed Site &amp; Roof Plan</b>	<b>Archispectrum</b>	<b>C / 21/10/2021</b>	<b>25/10/2021</b>
<b>DA07</b>	<b>Proposed Elevations</b>	<b>Archispectrum</b>	<b>C / 21/10/2021</b>	<b>25/10/2021</b>
<b>DA08</b>	<b>Proposed South Elevation &amp; Section A-A</b>	<b>Archispectrum</b>	<b>C / 21/10/2021</b>	<b>25/10/2021</b>
<b>DA13</b>	<b>Landscape Plan</b>	<b>Archispectrum</b>	<b>C / 21/10/2021</b>	<b>25/10/2021</b>
<b>DA14</b>	<b>External Finishes</b>	<b>Archispectrum</b>	<b>C / 21/10/2021</b>	<b>25/10/2021</b>

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. 2020/001, as amended:

<b>Title / Description</b>	<b>Prepared by</b>	<b>Issue/Revision &amp; Date</b>	<b>Date received by Council</b>
<b>BASIX</b>	-	<del>Issued 20 December 2019, Cert No.1068055S</del>	<del>6 January 2020</del>
Waste Management Plan	Archispectrum	Issue A – December 2019	6 January 2020
Construction Impact Assessment and Management Plan	George Palmer	18 May 2020	21 May 2020
<b>BASIX Certificate / 1068055S_03</b>	<b>Greenworld Architectural Drafting</b>	<b>9 April 2021</b>	<b>17 May 2021</b>

In the event of any inconsistency, the conditions of this consent shall prevail.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council.)

**AMENDED: DA2020/1/2 1 April 2022**

#### **1A. BUILDING INFORMATION CERTIFICATE (BIC)**

**A Building Information Certificate is to be lodged with Council in relation to structural integrity of the works undertaken as detailed and discussed in the Planner's Addendum IDAP Report.**

**ADDED: DA2020/1/2 1 April 2022**

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

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 24.45AHD to the roof ridge of the building.

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

**2A. ALFRESCO ROOF – NON-TRAFFICABLE**

**The roof of the alfresco, that is outside the footprint of the rear first floor balcony, is to be non-trafficable.**

**ADDED: DA2020/1/2 1 April 2022**

**3. CONSTRUCTION HOURS (GC)**

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

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

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

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

**4. CONSTRUCTION WITHIN BOUNDARIES (GC)**

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

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

**5. DEMOLITION – GENERALLY (GC)**

Alteration and demolition of the existing building is limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is not shown to be altered or demolished.

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

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

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

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

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

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

(Reasons: Statutory requirement and health and safety.)

## 7. **LANDSCAPING - CANOPY TREES IN FRONT AND REAR SETBACK (GC)**

The development is to provide 3 canopy trees within the grounds of the property from 300 litre containers. One (1) canopy tree is to be planted in the rear yard and have a potential mature height of 15 metres. Two (2) canopy trees are to be planted in the front yard and have a potential mature height of 10 metres.

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

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

## 8. **ENVIRONMENTAL PROTECTION – TREE (GC)**

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

All healthy trees and shrubs identified for retention on the approved drawings are to be suitably protected in accordance with Section 4, Tree protection measures, and Appendix C Tree Protection Zone Sign, of Australian Standard AS4970 - 2009, Protection of Trees on Development Sites, prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

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

- i. A Tree Protection (Management) Plan prepared by a AQF Level 5 Arborist is to be available on site at all times prior to the issue of the Construction Certificate, for all demolition and site works. This Tree Protection (Management ) Plan must be shown on the demand of Authorised Council staff.
- ii. Protective perimeter fencing must be consistent with AS 4687, using metal fence posts greater than 20mm diameter and solid or chain wire mesh 2 metres in height supported on concrete pads/feet at 2-2.5 metre spacing. Fencing placement should not be closer than 2.5 metres from the trunk of each protected tree, or at a distance as specified by the approved Tree Protection (Management) Plan and approved by Council's Tree Management Officer. Shade cloth is to be used to prevent entry of dust and contaminated liquids into the root protection area.
- iii. Signs must be placed on the Fencing. These signs must comply with AS1319. The signs must state the purpose of the fencing and the name and contact details of the builder and the appointed AQF Level 5 consultant arborist.
- iv. Root protection is to be provided in the form of mulching to a depth of 50-100mm, inside of the fenced tree protection zone.
- v. Ground (Root) Trunk and Branch Protection must comply with the diagram of Figure 4 of AS4970 – 2009. Ground protection within the tree protection zone and

drip line should be in the form of heavy steel plates or timber rumble boards over mulch or aggregate. Trunk and branch protection should be to a minimum height of 2 metres and must include measures to protect the tree/s against damage from the movement of trucks, plant equipment and materials at greater heights above ground level.

- vi. Temporary signs, cables, wires must not be attached to, or suspended, on any street tree or protected tree.
- vii. Above ground utilities must not be placed within the canopy of an existing protected tree, or create the future need for clearance pruning.
- viii. Below ground utilities/services must not be located inside the fenced tree protection zone.
- ix. Scaffolding must not be located in the fenced tree protection zone unless authorised by the approved Tree Protection (Management) Plan and Council's Tree Management Officer
- x. Council must be notified in writing within 24 hours, for all temporary removal of the tree protection fencing ground (root) trunk and branch protection within the root protection area.
- xi. Pruning of a street tree is prohibited without the written consent of Council.

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

**9. MATERIALS – CONSISTENT WITH SUBMITTED SCHEDULE (GC)**

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

(Reason: To ensure compliance with this consent.)

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

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

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

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

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

(Reason: Statutory requirement.)

## 11. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)

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

- i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. Protection pads are to be installed to the kerb, gutter and nature strip where trucks and vehicles enter the site.
- iv) No blasting is to be carried out at any time during construction of the building.
- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- x) All waste must be contained entirely within the site.
- xi) A site plan including temporary waste storage locations, construction material storage areas and vehicular access to and from the site must be included with application.
- xii) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling and must be presented to Council and/or Principal Certifying Authority upon request.
- xiv) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- xv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- xvi) Public footways, include nature strips and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.
- xvii) Building operations such as brick-cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.

- xviii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- xix) Any work must not prohibit or divert any natural overland flow of water.
- xx) Toilet facilities for employees must be provided in accordance with WorkCover NSW.

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

## 12. **STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)**

A detailed Stormwater Management Plan (SWMP) in line with Council's Stormwater Management Code is to be prepared and certified by an Accredited Civil/Hydraulic Engineer and submitted to the Principal Certifying Authority and Council, prior to the issue of a Construction Certificate. The SWMP is to be based on the approved development as modified by any conditions of consent.

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

## 13. **SYDNEY WATER - TAP IN <sup>TM</sup> (GC)**

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

(Reason: Compliance with Sydney Water requirements.)

## 14. **UTILITIES AND SERVICES - PROTECTION OF (GC)**

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

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

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

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

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

(Reason: To ensure protection of Council assets.)

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

### **15. BASIX COMMITMENTS (CC)**

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

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

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

(Reason: Statutory compliance.)

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

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

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

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

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

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

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

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

(Reason: To ensure suitable development.)

**18. CAR PARKING - VEHICULAR ACCESS RAMPS (CC)**

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

- i) (Other sub-conditions imposed by development engineer)
- ii) A minimum 1mx1m splay shall be provided at the vehicular access driveway on both sides of driveway along the property boundary, to maintain sight distances for pedestrians and motorists. The areas should be kept clear from obstructions and only allow ground cover landscaping, as per Council SCDP Part A Clause 5.2.4.
- iii) Certification that the design complies with AS/NZS 2890.1:2004 and Council SCDP by a Qualified Engineer.

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

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

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

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

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

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

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

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

(Reason: Compliance with SCDCP 2005.)

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

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

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

(Reason: To ensure compliance with statutory provisions.)

**22. CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN (CC)**

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

- i) Detailed information on any approvals required from other authorities prior to or during construction.
- ii) Traffic management, including details of:
  - ingress and egress of vehicles to the site;
  - management of loading and unloading of materials;
  - the location of heavy vehicle parking off-site; and
  - designated routes for vehicles to the site.
- iii) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- iv) Erosion and sediment control, detailing measures and procedures consistent with the requirements of Council's guidelines for managing stormwater, including:
  - the collection and treatment of stormwater and wastewater generated on site prior to discharge; and
  - procedures to prevent run-off of solid material and waste from the site.
- v) Waste management, including:
  - details of the types and estimated volumes of waste materials that will be generated;
  - procedures for maximising reuse and recycling of construction materials; and
  - details of the off-site disposal or recycling facilities for construction waste.
- vi) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.

- vii) A soil and water management plan, which includes:
  - measures to minimise the area of soils exposed at any one time and conserve top soil;
  - identification and protection of proposed stockpile locations;
  - preservation of existing vegetation and revegetation;
  - measures to prevent soil, sand, sediments leaving the site in an uncontrolled manner;
  - measures to control surface water flows through the site in a manner that diverts clean run-off around disturbed areas, minimises slope gradient and flow distance within disturbed areas, ensures surface run-off occurs at non-erodible velocities, and ensures disturbed areas are promptly rehabilitated;
  - details of sediment and erosion control measures in place before work commences;
  - measures to ensure materials are not tracked onto the road by vehicles entering or leaving the site; and
  - details of drainage to protect and drain the site during works.
- viii) Asbestos management procedures:
  - Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies and a current WorkCover Demolition License where works involve demolition. To find a licensed asbestos removalist please see [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)
  - Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m<sup>2</sup> or less of non-friable asbestos (approximately the size of a small bathroom). Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
  - Before starting work, a work site-specific permit approving each asbestos project must be obtained from WorkCover NSW. A permit will not be granted without a current WorkCover licence. All removal, repair or disturbance of or to asbestos material must comply with the following:
    - The Work Health and Safety Act 2011;
    - The Work Health and Safety Regulation 2011;
    - How to Safety Remove Asbestos Code of Practice – WorkCover 2011; and
    - Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace.
  - Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.
  - The developer or demolition contractor must notify adjoining residents at least two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of asbestos removal works. Notification is to include, at a minimum:
    - the date and time when asbestos removal works will commence;
    - the name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
    - the full name and license number of the asbestos removalist/s; and
    - the telephone number of WorkCover's Hotline 13 10 50
    - warning signs informing all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so

they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance; and

- appropriate barricades installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

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

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

### Works Permit

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

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

### Standing Plant Permit

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

### Skip Bin Permit

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

### Temporary Full or Part Road Closure Permit

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

### Hoarding/Fencing Permit

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

### Work Zone Permit

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

#### Ground Anchoring Permit

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

(Reason: Council requirement.)

#### **24. DILAPIDATION REPORT - PRE-COMMENCEMENT (CC)**

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

The Dilapidation Report is to be prepared by a suitably Qualified Engineer with current Corporate Membership with the Institution of Engineers, Australia or Geotechnical Practitioner. The report shall include a photographic survey of adjoining properties including No.33 Rickard Road detailing the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other such items.

If access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to Council's satisfaction attempts have been made to obtain access and/or advise the affected property owner of the reason for the survey and these attempts have been unsuccessful. Written concurrence must be obtained from Council in such circumstances.

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

#### **25. EXCAVATION - AFFECTING ADJOINING LAND (CC)**

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

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

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

(Reason: Structural safety.)

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

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

(Reason: Ensure landscape survival.)

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

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

(Reason: Privacy amenity.)

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

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

Local Amenity Improvement Levy	<b>\$11,839.88</b>
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The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. The amount of the contribution under this condition shall be indexed in accordance with clause 4.12 of the Strathfield Indirect Development Contributions Plan 2010-2030.

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

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

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

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

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

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

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

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

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

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

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

(Reason: Protection of Council infrastructure.)

30. **STORMWATER - RAINWATER RE-USE (CC)**

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

(Reason: Compliance and amenity.)

31. **SWIMMING POOLS / SPAS (CONSTRUCTION OF)**

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

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

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

(Reason: Safety and statutory compliance.)

**29. SWIMMING POOLS / SPAS - MECHANICAL PLANT ENCLOSURE (CC)**

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

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

**33. TREE BONDS (CC)**

A tree bond of **\$40,000.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

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

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

The mechanical ventilation system is to comply with the following:

- i) The Building Code of Australia;
- ii) Protection of the Environment Operations Act 1997; and
- iii) Australian Standard AS1668-1991.

In addition, odour control measures, such as activated carbon or catalytic oxidisers, must be used to treat ventilation gases prior to discharge. The method of odour control must be designed by a suitably qualified mechanical ventilation engineer.

Details demonstrating compliance with the above are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: To ensure the mechanical ventilation system complies with the relevant requirements/standards.)

**35. WATER SUSTAINABILITY – GENERALLY (CC)**

Water collected in the rainwater tank must comprise roof water only and not surface water. Water from the rainwater tank must only be used for following purposes and not for human consumption:

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

(Reason: To promote sustainable water management practice.)

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

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

(Reason: To maintain streetscape character.)

**37. WORKS ZONE - APPROVAL BY COUNCIL'S TRAFFIC COMMITTEE (CC)**

An application for a 'Works Zone' must be submitted to and approved by the Strathfield Council Traffic Committee prior to the commencement of any site work (including demolition).

The suitability of the proposed length and duration of the Works Zone is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Strathfield Council Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

(Reason: Council requirement.)

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

### **38. APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY (PCA) (CW)**

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

- i) A construction certificate for the building work has been issued by the consent authority or a Principal Certifying Authority.
- ii) The person having the benefit of the development consent has appointed a principal certifying authority for the building work, and notified the principal certifying authority that the person will carry out the building work as an owner/builder, if that is the case.
- iii) The principal certifying authority has, no later than 2 days before the building work commences:
  - notified the Council of his or her appointment, and
  - notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- iv) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
  - appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved;
  - notified the principal certifying authority of such appointment; and
  - unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- v) The person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

**Note:** If the principal certifying authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.

Under the Environment Planning and Assessment (Quality of Construction) Act, 2003, a sign must be erected in a prominent position on the work site showing the name, address and telephone number of the principal certifying authority; the name of the principal contractor (if any) for the building work and a telephone number at which that person may be contacted outside working hours. That sign must also state that unauthorised entry is prohibited. The sign must not be removed until all work has been completed.

(Reason: Statutory requirement.)

### **39. HOME BUILDING COMPENSATION FUND (CW)**

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

- i) A contract of insurance in accordance with Part 6 of the Home Building Act 1989 is entered into and in force, where such a contract is required under that Act (this is a prescribed condition of consent pursuant to clause 981(b) Environmental Planning and Assessment Regulation 2000.

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

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

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

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

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

(Reason: Statutory requirement.)

#### 40. **NOTICE OF COMMENCEMENT (CW)**

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

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

(Reason: Statutory requirement.)

## **CONDITIONS TO BE SATISFIED DURING DEMOLITION AND BUILDING WORKS (DBW)**

### **41. FILL MATERIAL (DW)**

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

- i) Virgin excavated material (within the meaning of the Protection of the Environment Operations Act 1997), and
- ii) any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

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

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

### **42. OBSTRUCTION OF PUBLIC WAY NOT PERMITTED DURING WORKS (DW)**

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without the prior approval of Council.

(Reason: To maintain public access and safety.)

### **43. PUBLIC INFRASTRUCTURE AND SERVICES (DW)**

The applicant must comply with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc.) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

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

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

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

- i) At the completion of the first structural floor level prior to the pouring of concrete indicating the level of that floor and the relationship of the building to the boundaries.
- ii) At the completed height of the building, prior to the placement of concrete in form work, or the laying of roofing materials.
- iii) At the completion of the development.

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

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

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

### 45. CAR PARKING - SURPLUS VEHICULAR CROSSINGS (OC)

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

(Reason: Maintenance of public infrastructure.)

### 46. ENGINEERING WORKS (CERTIFICATION OF)

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

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

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

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

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

(Reason: Asset management.)

### 47. OCCUPATION OF BUILDING (OC)

A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of section 109H (4) of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

The Principal Certifying Authority is required to be satisfied, amongst other things, that:

- i) All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and

- ii) Any preconditions to the issue of the certificate required by a development consent have been met.

Note: New building includes an altered portion of, or an extension to, an existing building.

(Reason: Statutory requirement.)

#### 48. **RAINWATER TANKS (OC)**

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

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

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

(Reason: To protect public health and amenity.)

#### 49. **STORMWATER - CERTIFICATION OF THE CONSTRUCTED DRAINAGE SYSTEM (OC)**

The constructed stormwater system shall be certified by a suitably qualified person, in accordance with Council's Stormwater Management Code, prior to the issue of any Occupation Certificate.

(Reason: Adequate stormwater management.)

#### 50. **SWIMMING POOLS / SPAS - REGISTRATION AND REQUIREMENTS (OC)**

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

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

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

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

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

(Reason: Safety and statutory compliance.)

**SIGNED** on behalf of  
Strathfield Municipal Council



GEOFF BAKER  
PUBLIC OFFICER

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### ADVISORY NOTES

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

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

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

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

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

- iii. All existing trees on the site and all street trees are covered by Council's Tree Preservation Order and shall not be removed, lopped or pruned unless there is express permission stipulated in a condition of this consent or there is written approval from the Council.

- iv. Prior to occupation of any multi-unit development the applicant should arrange for the supply and delivery of a suitable number of mobile garbage receptacles and recycling receptacles.

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

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

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

- (a) a determination in respect of designated development, or
  - (b) a determination in respect of crown development, or
  - (c) a complying development.
- xi. If you are dissatisfied with this decision, Section 8.7 of the Act gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this Notice of Determination.
- xii. Section 9.77 and Division 9.6 of the Act provides that any person who contravenes or causes or permits to be contravened the conditions of this consent or the Tree Preservation Order shall be guilty of an offence.

- xiii. Section 9.37 and Division 9.6 of the Act provides that a person guilty of an offence against this Act may be liable to penalties. Penalty infringement notices (on-the-spot fines) can also be issued for breaches of the conditions of development consent.
- xiv. The contributions required under Section 7.11 of the Act are set out in the Section 94 Contributions Plan which can be viewed at Council's Customer Service Centre, 65 Homebush Road, Strathfield during normal business hours.
- xv. Approved Insurers for Residential Building work under the Home Building Act 1989 are listed on the Department of Fair Trading's website:  
  
[www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)  
Other contact details for the Department are:  
Phone: 9895 0111  
E-Mail: [enquiry@fairtrading.nsw.gov.au](mailto:enquiry@fairtrading.nsw.gov.au)
- xvi. Applicants are advised to ensure all gutters are designed and installed in accordance with the National Construction Code and the relevant Australian Standards.
- xvii. In accordance with Clause 162A of the Environmental Planning and Assessment Regulation 2000, critical stage inspections are to be carried out by the Principal Certifying Authority (PCA) or by another authority if the PCA so agrees. Failure to undertake these inspections can prevent the issue of an Occupation Certificate and may result in penalties.
- xviii. Where Council is appointed as the Principal Certifying Authority (PCA), a Certificate of Adequacy prepared by a suitably qualified and experienced Structural Engineer, shall be provided with the Construction Certificate application stating that the existing structure is suitable to support the additional loads proposed to be placed upon it and that it complies with the Structural Provisions of the National Construction Code (NCC).
- xix. For the purposes of improved resident safety, it is recommended that the windows of dwellings be fitted with appropriate devices capable of being locked into a fixed position with such openings generally being a maximum of 100mm wide provided that compliance with the NCC in terms of lighting and ventilation is still achieved.