

IDAP REPORT – SECTION 4.55(1A)

Property:	2 Ismay Avenue HOMEBUSH Lot: 16 DP: 35204 DA2013.193.4
Proposal:	S4.55 (1A) Modification Application for changes to internal layout and approved materials and finishes.
Applicant:	T Wu
Owner:	T Pei
Date of lodgement:	5 April 2022
Notification period:	14 April 2022 to 1 May 2022
Submissions received:	NIL
Assessment officer:	G I Choice
Estimated cost of works:	\$380,000.00
Zoning:	R3-Medium Density Residential - SLEP 2012
Heritage:	No
Flood affected:	Yes
Is a Clause 4.6 Variation Proposed:	No – Clause 4.6 Variation approved under the original consent to enable an amendment to Clause 4.1A of the SLEP 2012 relating to the minimum lot size for dual occupancy developments in R3 Medium Density zones. No changes are sought to the variation of this standard under this modification application.
RECOMMENDATION OF OFFICER:	APPROVAL

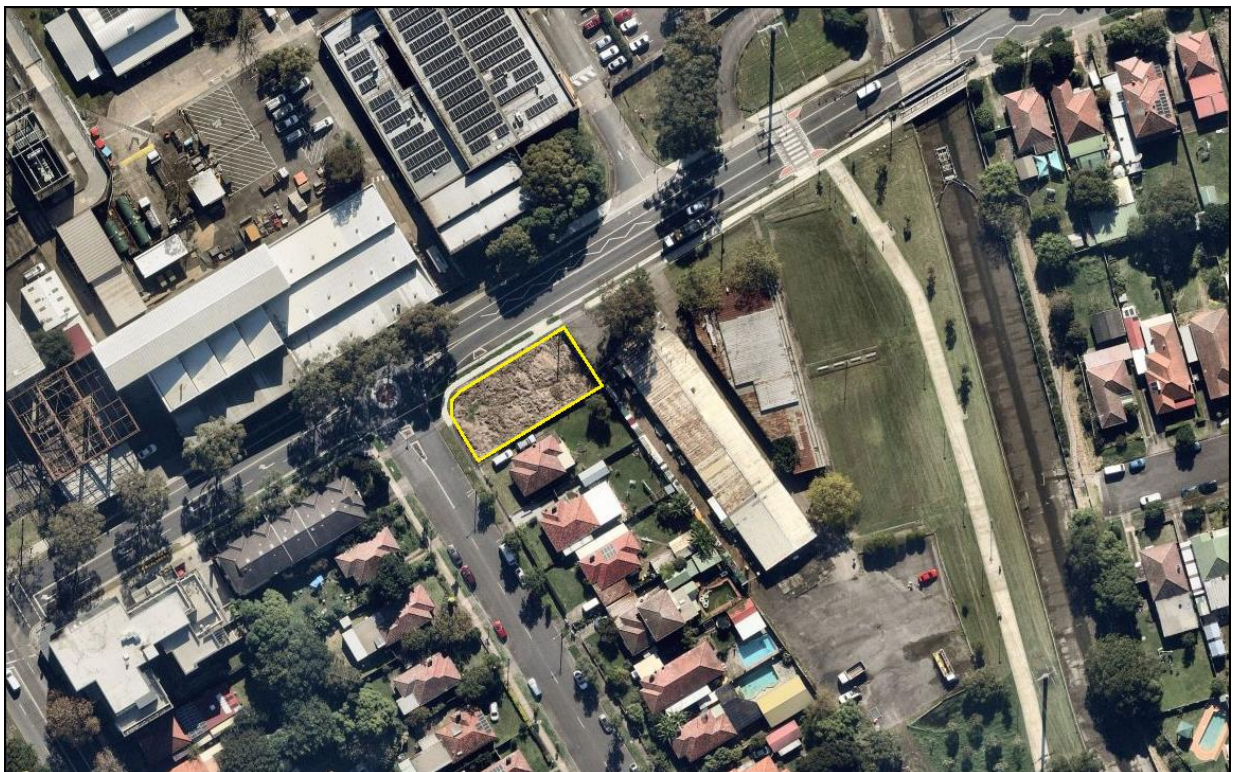


Figure 1: Subject site aerial locality photograph (highlighted in yellow)

EXECUTIVE SUMMARY

Proposal

Approval is being sought for the modification of development consent DA2013/193 for the s4.55(1A) Modification Application for changes to internal layout and approved materials and finishes.

Site and Locality

The site is identified as 2 Ismay Avenue, Homebush. The site is a corner allotment located north-east of Underwood Road with a northern frontage to Pomeroy Street and a western frontage to Ismay Avenue. The site has a total site area of 537.5m².

The site is currently a vacant allotment following the demolition of all structures in accordance with the existing consent. Existing development surrounding the site generally comprises of single and two-storey residential dwellings with facebrick and pitched tile roof forms.

Strathfield Local Environmental Plan

The site is zoned R3-Medium 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. This is discussed in more detail in the body of the report.

Notification

The proposal includes the addition of a fifth bedroom to the approved Unit 2. On this basis, the application was notified from April 2022 to 1 May 2022, where no submissions were received.

Issues

There are no outstanding issues with the subject DA.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2013/193/4 is recommended for approval subject to suitable conditions of consent as modified.

REPORT IN FULL

Proposal

Council has received an application to modify development consent DA 2013/193 for the S4.55(1A) Modification Application for changes to the approved internal layout and approved materials and finishes. More specifically, the proposal includes the following changes:

Unit 1

Ground floor level:

- Slight reduction of GFA associated with change to double-brick

First floor level:

- Slight reduction of GFA associated with change to double-brick

External works:

- Brickwork replaced with smooth render (northern/southern/eastern elevations)
- Minor changes to window sizes and locations

Unit 2

Ground floor level:

- Slight reduction of GFA associated with change to double-brick
- Rumpus room renamed to 'Bed 2' (additional fifth bedroom)
- Reduction of front porch size

First floor level:

- Slight reduction of GFA associated with change to double-brick
- Deletion of bathroom bath

External works:

- Brickwork to replace cladding (northern/southern/eastern/western elevations)
- Minor changes to window sizes and locations

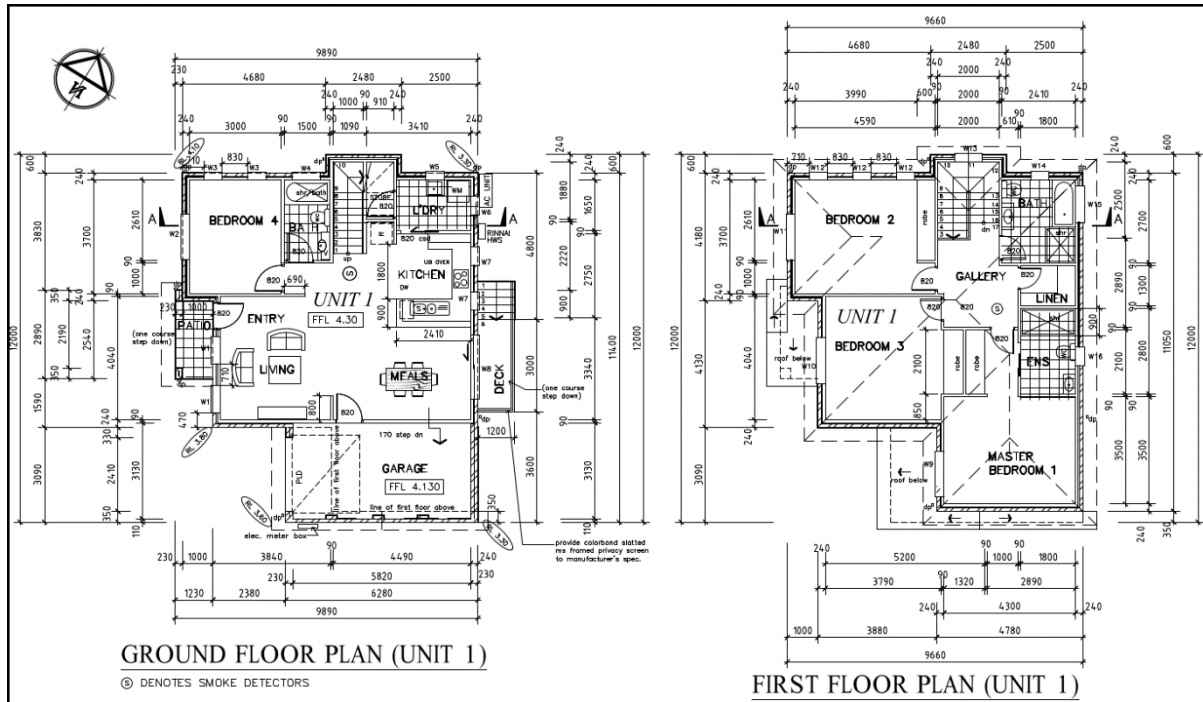


Figure 2: Approved Unit 1 floor plans - DA 2013/193/2

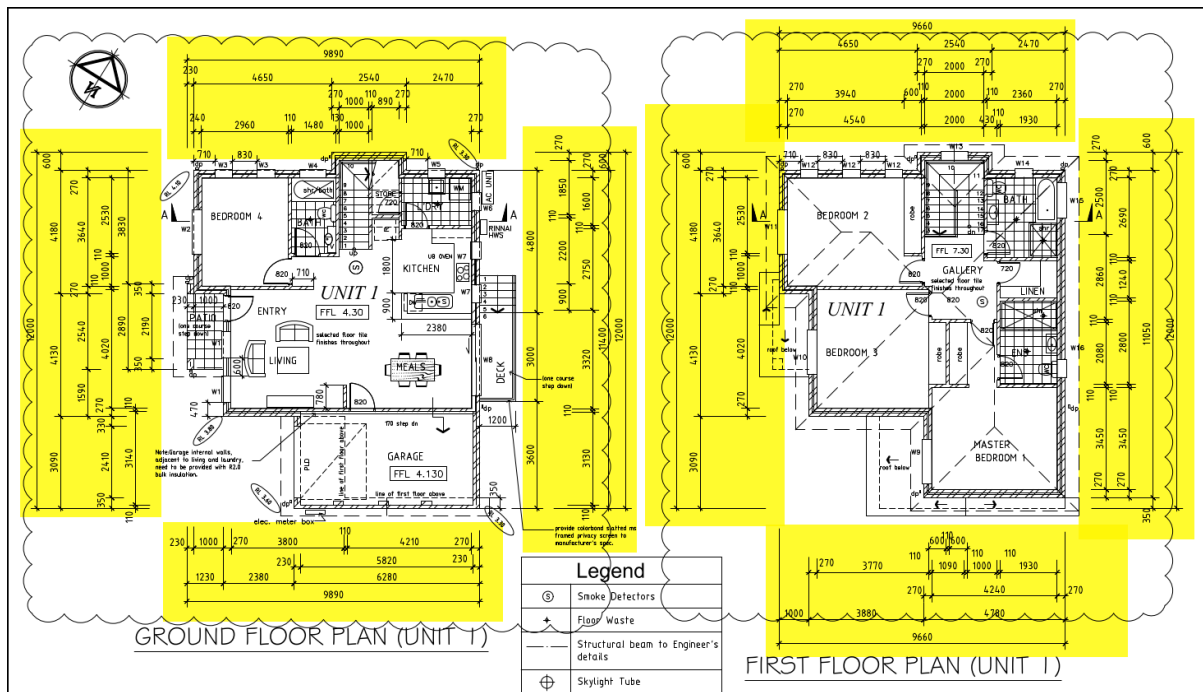


Figure 3: Proposed unit 1 floor plans (changes highlighted in yellow)

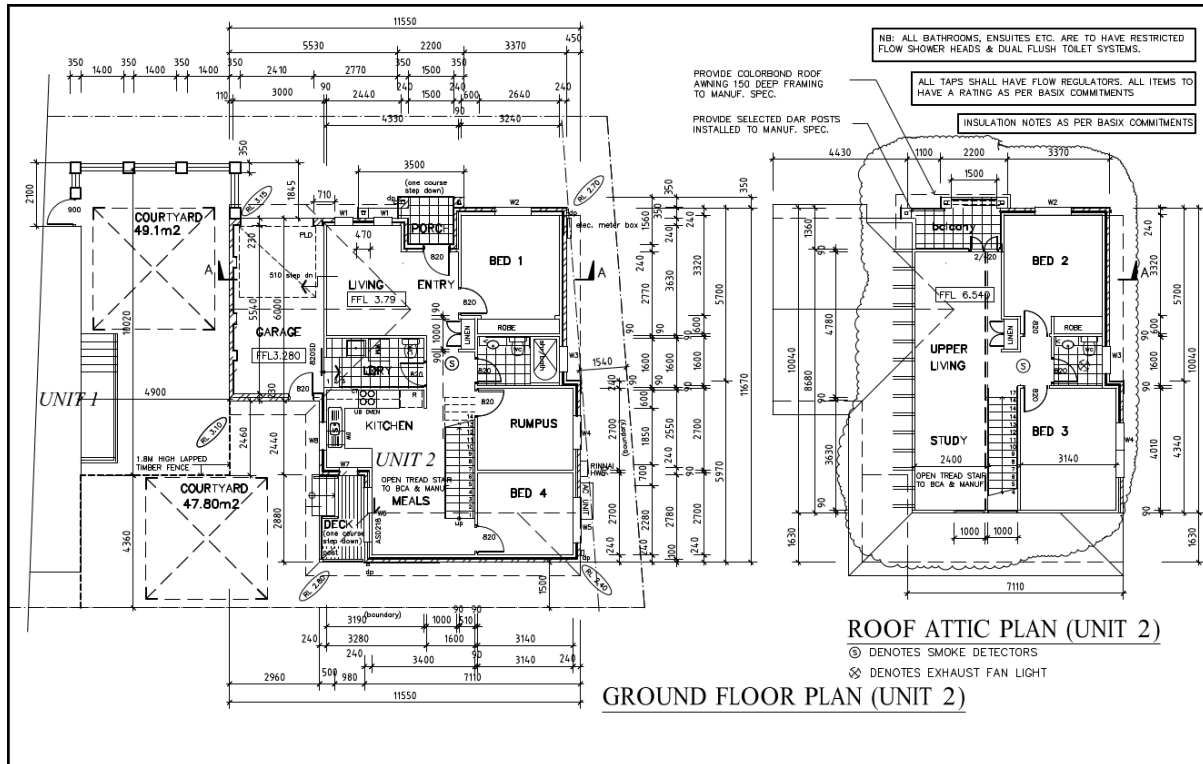


Figure 4: Approved Unit 2 floor plans - DA 2013/193/2

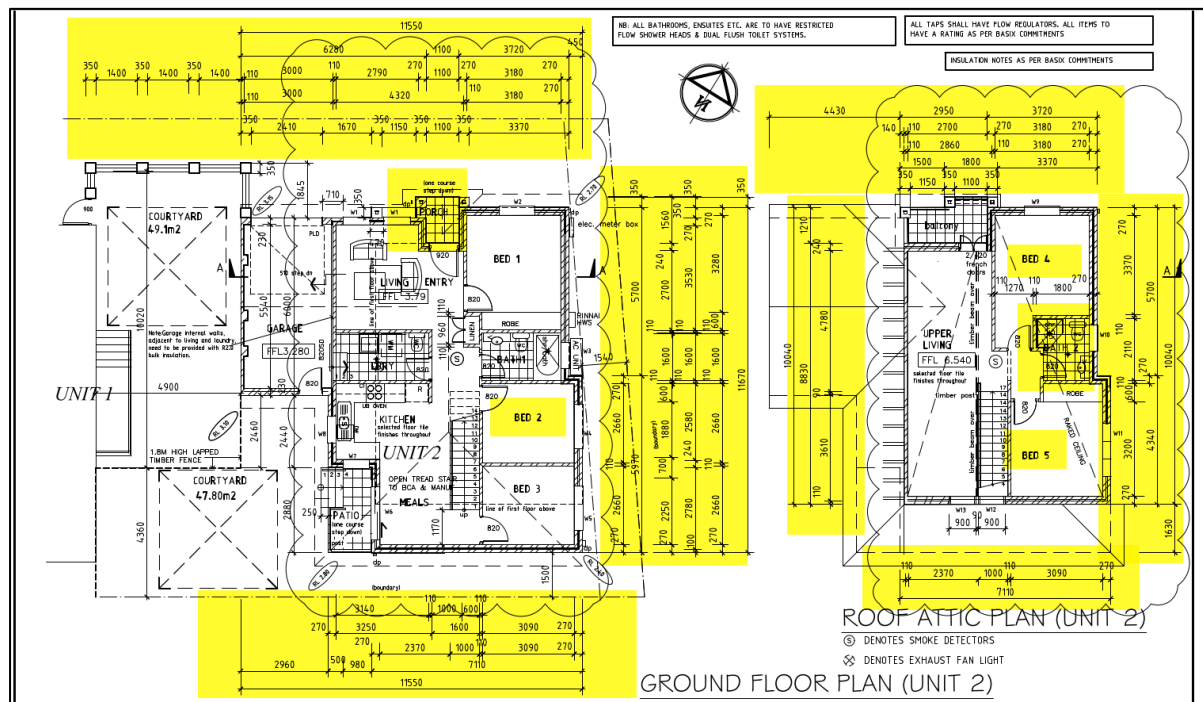


Figure 5: Proposed unit 2 floor plans (changes highlighted in yellow)

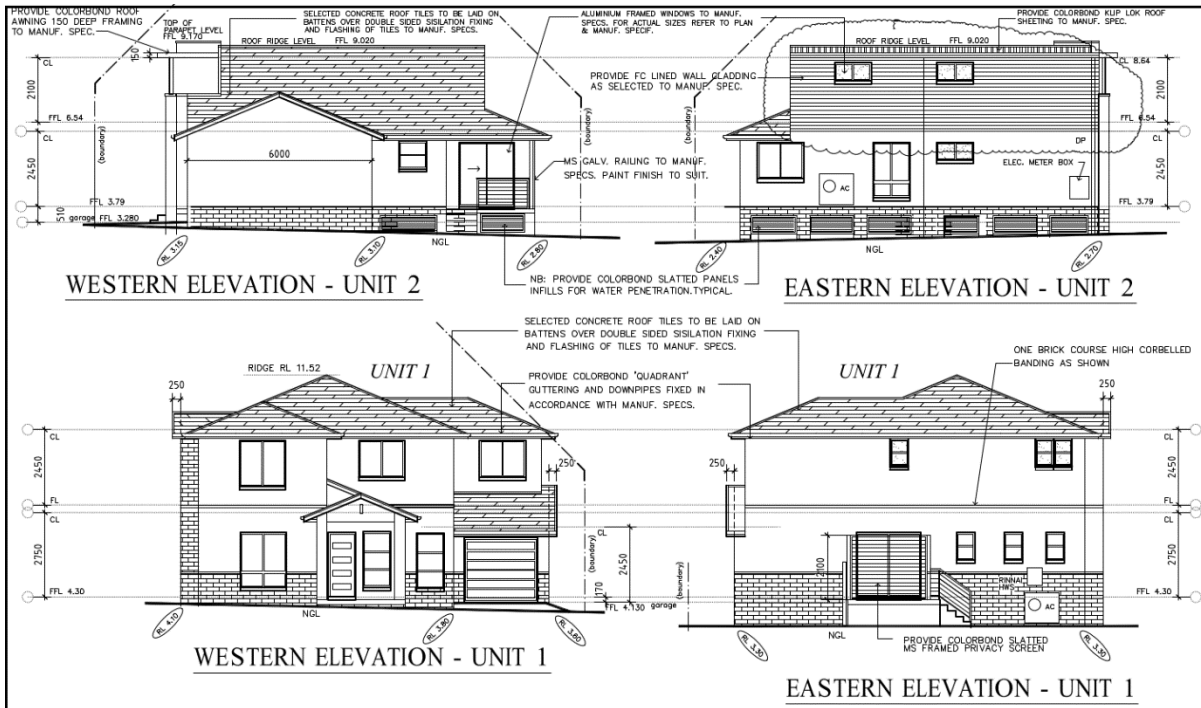


Figure 6: Approved western & eastern elevations - DA 2013/193/2

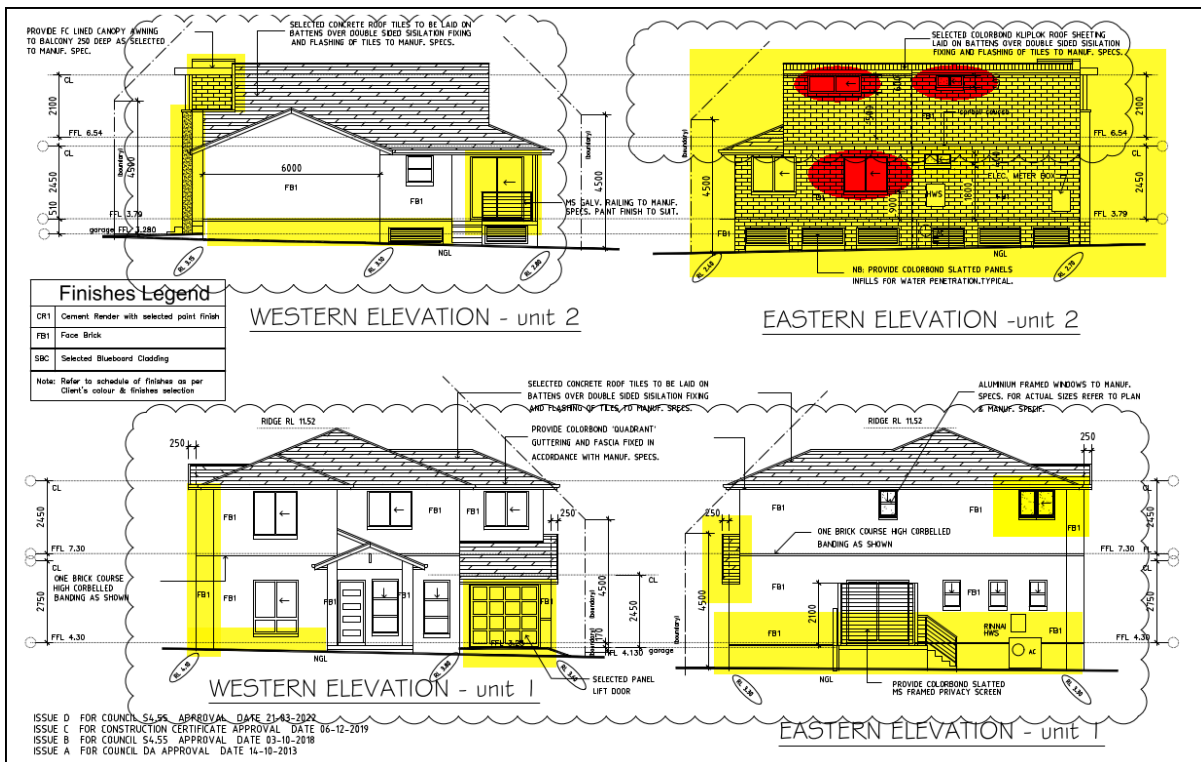


Figure 7: Proposed western & eastern elevations (changes highlighted in yellow/red)

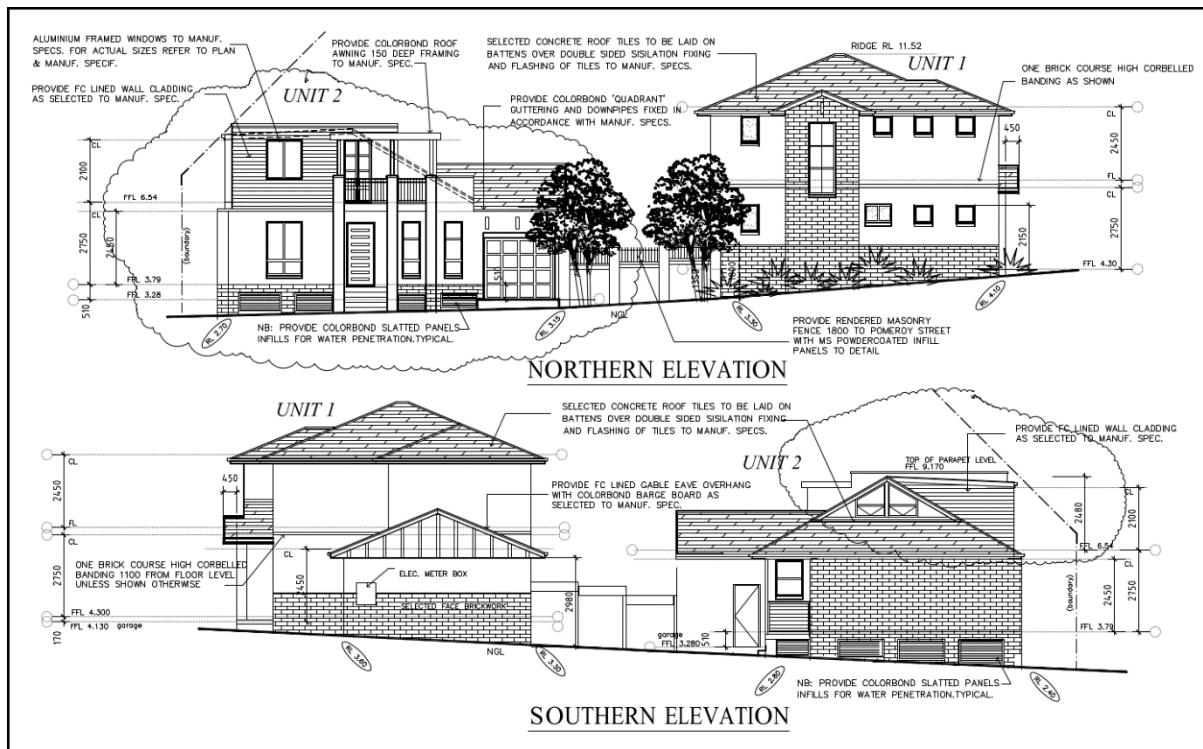


Figure 8: Approved northern & southern elevations - DA 2013/193/2

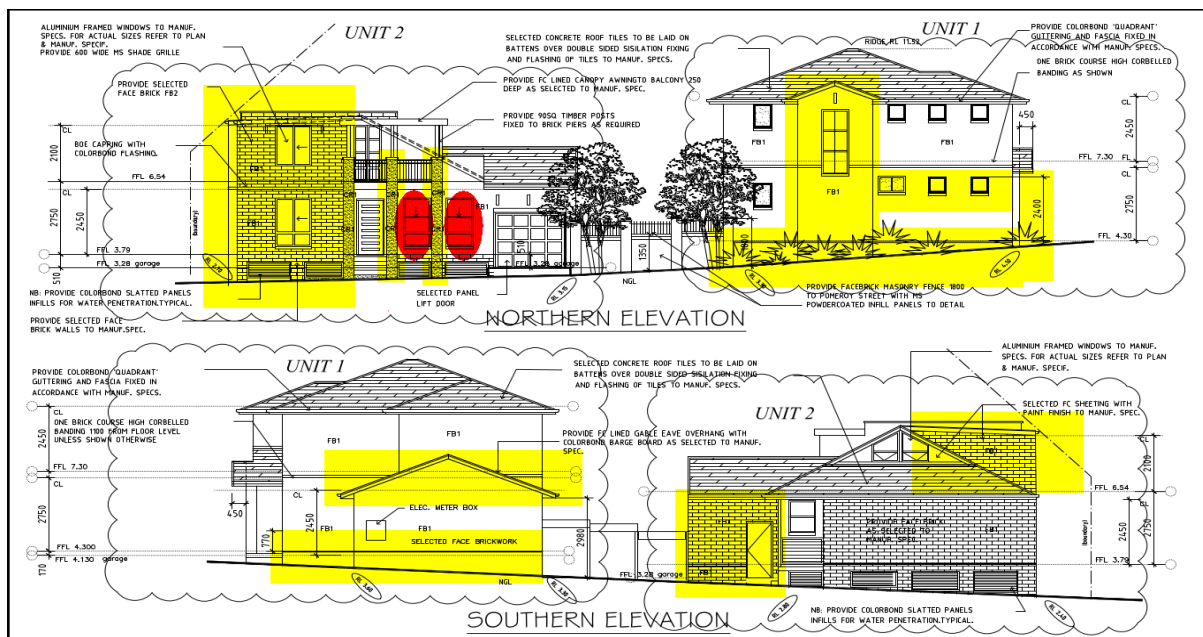


Figure 9: Proposed northern & southern elevations (changes highlighted in yellow/red)

The Site and Locality

The site is legally described as Lot 16 DP 35204 and is commonly known as 2 Ismay Avenue, Homebush. The site is a corner allotment located north-east of Underwood Road with a northern frontage to Pomeroy Street and a western frontage to Ismay Avenue. The site is five-sided, but generally rectangular in shape and has a frontage of 34.8m to the north (Pomeroy Street); a western side boundary length of 16.5m to the east and west; and a total site area of 537.5m².

The site is currently a vacant allotment following the demolition of all structures in accordance with the existing consent (refer to **Figure 10** and **11**). Existing development surrounding the site generally comprises of single and two-storey residential dwellings with facebrick and pitched tile roof forms (**Figures 12** and **13**). There are no heritage significant properties located in the immediate vicinity of the site.



Figure 10: Subject site existing vacant allotment Ismay Ave frontage



Figure 11: Subject site existing vacant allotment Pomeroy Street frontage



Figure 12: Adjoining south-east Ismay Avenue streetscape



Figure 13: Adjacent Ismay Ave Streetscape

Background

15 May 2012	DA 2012/058 for demolition of existing structures and construction of a detached dual occupancy was refused by Council for failing to meet the 560m ² minimum lot size requirement, under the <i>Strathfield Planning Scheme Ordinance 1969</i> .
29 March 2013	The <i>Strathfield Planning Scheme Ordinance 1969</i> was repealed and replaced with the SLEP 2012.
15 January 2014	DA 2013/193 was approved for the demolition of existing structures and construction of a detached dual occupancy development with a new front boundary fence. As part of this consent, a Clause 4.6 Variation was approved, relating to the minimum lot size for a dual occupancy development in an R3 Medium Density zone.

- 2 August 2019 DA 2013/193/2 s 4.55(2) modification application was approved for alterations to the attic storey of Unit 2 of the approved detached dual occupancies.
- 5 April 2022 The subject Section 4.55(1A) Modification Application was lodged via the NSW Planning Portal.
- 27 April 2022 The site was inspected and photographed by the Assessing Officer.
- 1 May 2022 End of neighbour notification period (14/04/2022 – 01/05/2022)
- 11 May 2022 A Council letter request for additional information (RFI) was issued to the Applicant. A revised Statement of Environmental Effects (SEE) was required including
- i. a detailed list of all internal and external changes at ground floor and first floor including changes to floor plan layout, glazing etc.;
 - and
 - ii. a detailed summary of the proposed conditions to be modified.
- 16 May 2022 A revised SEE was submitted via the NSW Planning Portal.

Section 4.55 of the EP&A Act 1979

The application has been lodged under the provisions of s4.55(1A) of the EPA Act. The application is considered to be of minimal environmental impact, is substantially the same development for which consent was originally granted, however the proposed changes include the addition of a fifth bedroom to Unit 2 which technically increases the number of future occupants on the site. The application was notified, however no submissions were received during this assessment. In addition, under the provisions of s4.55 (3), the reasons for the granting on the consent that sought to be modified will be taken into consideration during the detailed assessment of the application.

Section 4.15 Assessment – EP&A Act 1979

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

(1) *Matters for consideration – general*

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

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

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

An amended BASIX Certificate was submitted for the proposed development as modified and the commitments required by the BASIX Certificate have been satisfied.

Strathfield Local Environmental Plan

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

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

The subject site is zoned R3-Medium Density Residential and the proposal as modified is a permissible form of development with Council's consent.

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	Maximum 9.5m	No change to the approved 8m	Yes
4.4 Floor Space Ratio	(0.65:1 x 537.5m ²) or 349.4m ²	0.52:1 or 275.3m ²	Yes

Part 5 – Miscellaneous Provisions

There are no changes to the development that relate to the provisions under Part 5 of the SLEP 2012. The objectives under Part 5 of the SLEP 2012 are therefore considered to be satisfied.

Part 6 – Additional Local Provisions

The relevant provisions contained within Part 6 of the SLEP 2012 are addressed below as part of this assessment:

Acid sulfate soils

The site is affected by Class 5 soils and is situated approximately 15.5m from land affected by Class 2 soils. As proposed modifications will not result additional excavation, an Acid Sulfate Management Report is not required in this instance. The objectives under this Clause are therefore considered to have been satisfied.

Flood planning

It is considered that the proposed modifications will not alter the approved development's compliance with the relevant provisions under Clause 6.3 of the SLEP 2012.

Earthworks

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

Essential Services

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

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

- (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 is an assessment of the proposal's compliance with the relevant provisions contained within Part B of the SCDCP 2005.

PART B – DUAL OCCUPANCY HOUSING (SCDCP 2005)

The proposal (as modified) is acceptable with regards to the objectives for a detached dual occupancy, as set out under Part B of the SCDCP 2005.

No changes are sought to the approved building height of Unit 1 or Unit 2 or the approved floor to ceiling heights. The proposed floor space ratio is marginally reduced as a result of the incorporation of double-brick and remains compliant with Clause 4.4 of the SLEP 2012. The proposed modifications will not alter the existing development consent with regard to approved site coverage, setbacks, building envelope, landscaping, fencing or vehicle access.

Streetscape and building orientation and materials

Changes are sought to the external fabric finish, colour schedule or orientation of Unit 1 and 2. These changes comprise the removal of the approved brickwork of the Unit 1 exterior to be replaced with additional smooth render finish; and additional brickwork to the exterior of Unit 2 (see **Figure(s) 6 to 9**). It is considered that the minor changes to the size and position of several windows will not adversely impact privacy of the adjoining resident.

The proposed modifications incorporate various other design elements that will achieve a sympathetic design outcome. This includes an appropriate colour schedule and fabric finishes that are evident on other dwellings located in proximity to the site.

Overall, it is considered that amendments to the approved dual occupancy development are generally compatible with other dwellings located in proximity to the site and will assist in maintaining the existing streetscape amenity.

Landscaping and Open Space

The proposed development as modified satisfies does not alter the approved landscape plan.

Solar Access

Given the orientation of the site, solar access to windows of habitable rooms and to at least 50% of the private open space is achieved or maintained for a minimum period of 3 hours between 9.00am-3:00pm at the winter solstice. Solar access is also achieved or maintained to the private open space of the adjoining premises. The proposed modifications are considered to generally satisfy the relevant objectives and controls of the SCDP 2005.

Privacy

The proposed development, as modified, satisfies the relevant objectives and controls of the SCDP 2005, in that adequate privacy is maintained between adjoining properties and any potential overlooking is minimised. Windows are offset from adjoining dwellings where required, they are screened, obscured or off low active use rooms so as not to negatively impact on adjoining properties. Balconies are either screened, setback or of limited size so as to not impact on the amenity or privacy of the adjoining dwellings whilst providing good amenity to the occupant of the dwelling.

Vehicular access, Parking and Basements

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

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. A soil erosion plan has been submitted with the application to prevent or minimise soil disturbances during construction.

PART H – Waste Management (SCDCP 2005)

A waste management plan was submitted with the original application. The existing plan adequately accommodates the modified development.

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

The provisions of this clause are not relevant to the modification and have been addressed/considered as part of the original development consent.

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

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

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

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

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

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

(e) *the public interest.*

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

Local Infrastructure Contributions

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

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

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 SCDP 2005.

Pursuant to Section 4.55(1A) of the Environmental Planning & Assessment Act 1979 and following detailed assessment of the proposed modifications to Development Consent No. 193/2013 for changes to internal layout and approved materials and finishes be approved.

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. 2013/193 as approved for the demolition of existing structures and construction of a detached dual occupancy and a new front fence except were amended as below.
3. As part of this Section 4.55(1A) application, the following conditions are to be modified, added or deleted:
 - Condition 1 to be modified to include amended plans

Accordingly, Development Consent 193/2013/4 is approved as per the following;



Signed:
G I Choice
Planner

Date: 1 June 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 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:

Date: 1 June 2022

L Gibson
Senior Planner

Approved Plans & Documentation

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

Description	Reference No.	Date	Revision	Prepared by
Site Plan	Sheet 1 Job No. 21054	3 October 2018 21 March 2022	A D	Fedele Design Pty Ltd
Ground Floor Plan & First Floor Plan Unit 1	Sheet 2 Job No. 21054	18 March 2019 21 March 2022	A D	Fedele Design Pty Ltd
Ground Floor Plan & Roof Attic Plan Unit 2	Sheet 2 Job No. 21054	18 March 2019 21 March 2022	A D	Fedele Design Pty Ltd
Northern and Southern Elevations	Sheet 4 Job No. 21054	18 March 2019 21 March 2022	A D	Fedele Design Pty Ltd
Eastern and Western Elevations	Sheet 5 Job No. 21054	18 March 2019 21 March 2022	A D	Fedele Design Pty Ltd

Section and Eave Detail	Sheet 6 Job No. 21054	18 March 2019 21 March 2022	A D	Fedele Design Pty Ltd
Private Open Space, Landscaped Area – Soft Soil, Western (Isamay Avenue/Streetscape) Elevation), Northern (Pomroy Streetscape) Elevation	Sheet 7 Job No. 21054	18 March 2019 21 March 2022	A D	Fedele Design Pty Ltd
Roof Plan	Sheet 8 Job No. 21054	18 March 2019 21 March 2022	A D	Fedele Design Pty Ltd
Soil Erosion and Sediment Control Plan	Sheet 10 Job No. 21054 Sheet 9 Job No. 21054	3 October 2018 21 March 2022	B D	Fedele Design Pty Ltd
Demolition Plan prepared by received	Sheet 13 Job No. 21054	18 March 2019	A	Fedele Design Pty Ltd
Landscape Plan prepared by received by Council 30 October 2013.				Monaco Designs Pty Ltd
Colours and Finishes Schedule	Received by Council 30 October 2013 Received by Council 14 March 2022	-	-	Fedele Design Pty Ltd
Hydraulic Details	Dwg No. 2012084 H1	Received by Council 30 October 2013		ANA Civil and Structural Engineers

Document	Reference No.	Date	Revision	Prepared by
Flood Impact Statement	2011-084	Received by Council 30 October 2013.	1	ANA Civil and Structural Engineers
BASIX	Certificate No. 497822M_04 Certificate No. 497822M_04	29 January 2019. 23 December 2021	-	Building & Energy Consultant Australia
Waste Management Plan		Received by Council 30 October 2013		T Wu

MODIFIED: DA2013/193/04 3 June 2022

1A. SECTION 7.11 CONTRIBUTION PAYMENT - DIRECT CONTRIBUTIONS PLAN (CC)

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

Provision of Community Facilities	\$221.74
Provision of Major Open Space	\$1,008.85
Provision of Local Open Space	\$222.01
Provision Roads and Traffic Management	\$53.31
Administration	\$19.12
TOTAL	\$1,525.03

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

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

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

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

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

- Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction associated with this consent.

3. The Principal Certifying Authority must be appointed prior to work commencing to supervise the work and authorise occupation/use of the building when completed.
4. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and any approved Traffic Management Plan are to be retained on site at all times.

General

5. The building shall not be occupied or used until the development has been completed in accordance with the conditions of this consent, construction has been completed in accordance with the Construction Certificate and an Occupation Certificate has been issued by the Principal Certifying Authority.
6. A Works Permit shall be obtained from Council's Customer Service Centre at least 48 hours prior to undertaking any works on public/Council-controlled areas. The permit must be retained on site at all times.
7. **Prior to the issue of a Construction Certificate**, photographs documenting any existing damage to the kerb and gutter and footpaths adjacent to the property shall be submitted to the consent authority. In the absence of this documentation, the applicant is liable for all damage that occurs to Councils' assets.
8. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$10million and shall provide proof of such cover to Council prior to carrying out works.

Financial Matters

9. In accordance with the provisions of Section 94(1)(b) of the Environmental Planning and Assessment Act 1979 and the Strathfield Direct Development Contributions Plan 2010-2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

Provision of Community Facilities	\$1,571.50
Provision of Major Open Space	\$7,563.50
Provision of Local Open Space	\$4,277.00
Provision Roads and traffic Management	\$158.00
Administration	\$322.00
TOTAL	\$13,892.00

The total amount of the contribution is valid as at the date of determination and is subject to annual indexation. If the contribution is paid after 1st July in any year, the amount of the contribution under this condition shall be indexed in accordance with clause 2.14 of the Strathfield Direct Development Contributions Plan 2010-2030.

The required contribution shall be paid **prior to the issue of a Construction Certificate or as otherwise specified in writing by Council.**

10. A security payment of \$6,254.00 in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council **prior to the issue of a Construction Certificate**. The security payment is GST inclusive and comprises the following:

Refundable tree protection bond	\$2,000.00
Refundable works bond	\$4,000.00
Non-refundable administration fee (\$127/bd)	\$254.00
TOTAL	\$6,254.00

The security payment covers the following matters and will be released upon satisfactory completion of these items:

- (a) road and stormwater drainage works in roadways and public areas;
 - (b) connection to Council's stormwater drainage system;
 - (c) installation and maintenance of sediment control measures for the duration of construction activities;
 - (d) tree final inspection to ensure that Council's street trees have been retained, protected or replanted in accordance with conditions of consent and/or Arborists' report for the post final inspection twelve (12) month period; and
 - (e) Ensuring no damage occurs to or building debris/materials are left on Council land including footpath, nature strip, kerb and gutter. The security bond may be used to recover the costs incurred by Council in cleaning and restoring the land to its original condition.
11. Fees are payable where Council is appointed as principal certifying authority to carry out the post-approval inspections. A quotation for the fees can be obtained by contacting Council and the fees shall be paid **prior to the carrying out of any of the inspections**.

Any re-inspection which is necessary due to site access not being available, defective work, or the matter not being ready for inspection will be charged in accordance with Council's Fees and Charges Policy. Council will advise in writing if an additional re-inspection is required and the re-inspection fee shall be paid **prior to release of the damage deposit**. If the additional fee is not paid it will be deducted from the damage deposit.

Drainage/Stormwater

12. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity fed system to a silt arrestor pit to the existing Council Pit on Ismay Ave as depicted on the stormwater drainage concept plans **PREPARED BY ANA CIVIL & STRUCTURAL ENGINEERS SHEETS NO.1 & 2 OF 2, JOB NO.2012084 DATED 17.04.2012. ONLY ROOF AREA IS PERMITTED TO DRAIN TO THE PROPOSED BELOW GROUND RAINWATER TANKS.**
13. Details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with the endorsed concept plans and the requirements of Council's Stormwater Management Code.

In this project the above engineering plans are satisfactory as Concept plans. The assessment authority, (either (a) Council, or (b) a Private Certifier), is to satisfy themselves of the adequacy of the above plans for the purposes of Construction. They are to independently determine what details, if any, are to be added to the Construction Certificate plans, in order for the issue of the Construction Certificate.

Where a Private Certifier issues the Construction Certificate a copy must be provided to Council, **prior to the issue of a Construction Certificate.**

14. The driveway access and footpath crossing(s) shall be designed to fully comply with the relevant section of AS 2890.1.-2004 and Council's issued alignment levels. Engineering certification indicating compliance with this condition is to be submitted with the Construction Certificate application.

15. **Prior to the issue of an Occupation Certificate** written verification from a suitably qualified professional civil engineer shall be obtained, stating that all stormwater drainage and related work has been constructed in accordance with the approved plans.

In addition, detailed works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to and approved by the Principal Certifying Authority. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels.

16. Temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from site. Plans showing such measures in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated August 1998 shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**

17. For drainage works within public land or connecting to Council's stormwater drainage system the following inspections will be required:-

- (a) After the excavation of pipeline trenches.
- (b) After the laying of all pipes prior to backfilling.
- (c) After the completion of all pits and connection points.

A minimum of 48 hours notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Engineering Works and Services section on 9748-9999 during office hours. Work is not to proceed until the works are inspected and approved by Council.

18. All pits shall be constructed in accordance with Australian Standard AS3500.3.
19. All subsoil drainage must be designed to meet the requirements of AS3500.
20. Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage.
21. Allowance shall be made for surface runoff from adjacent properties(if any), and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties.

22. The Flood Recommendations provided in the Flood Impact Report prepared by ANA Civil & Structural Engineers reference no.2011-084 Revision 1 dated July 17,2012. shall be complied with and a Flood Certificate is to be submitted stating compliance with such **prior to the issue of a Construction Certificate/use of building.**

Landscaping/Tree Matters

23. The trees listed below shall be retained at all times:

<u>Tree</u>	<u>Height/ Spread (m)</u>	<u>Location</u>	<u>Protection Zone (m)</u>	<u>Structural Root Zone (m)</u>
2 x Bottle Brush (Callistemon spp)	4/4	Pomeroy Street frontage	3.6m	2.0m

and protected by the establishment of a **protection zone** (in accordance with Australian Standard AS4970-*Protection of trees on development sites*) before any site works begin (including any demolition/excavation). The protection zone shall be maintained for the duration of works and implemented as follows:

- (a) A minimum 1.8m high barrier (Chain wire mesh panels, plywood or wooden paling fence panels: refer to AS4687-*Temporary fencing and hoardings* for fencing requirements) shall be erected around the perimeter of the stated Protection Zone as measured from the base of the tree (or where practical). Shade cloth or similar should be attached to reduce the transport of dust, other particulate matter and liquids into the protected area. Fence posts and supports should have a diameter greater than 20mm and be located clear of roots. The barrier shall be constructed so as to prevent pedestrian and vehicular entry into the protection zone. The barrier shall not project beyond the kerb onto the roadway or any adjacent footpath.
 - (b) Signs identifying the Protection Zone should be installed on the fencing and be visible from within the development site. Lettering should comply with AS 1319-*Safety signs for the occupational environment*.
 - (c) No concrete slurry or wash, building materials, builders' rubble, excavation soil or similar shall be placed or stored within the tree protection zone.
 - (d) The whole of the tree protection zone shall be mulched to a minimum depth of 75mm.
 - (e) The tree protection zone shall be regularly watered.
 - (f) Any major structural roots which are encountered shall be pruned by a qualified Arborist.
 - (g) **No excavation or construction shall be carried out** within the stated *Structural Root Zone* distances from the base of the trunk surface.
 - (h) Only permeable surfaces (e.g. decomposed granite, gravel, turfpave, permeable paving systems or soft landscaping) are permitted within the canopy spread of the trees to be protected.
24. All noxious weeds on the site shall be removed and destroyed as per their classification under the *Noxious Weeds Act 1993*.
25. General maintenance of Council's nature strip adjoining the development site, including regular lawn mowing, edging, irrigation of the lawn and street trees and restricting the storage of materials, rubbish and parking or driving of vehicles on the nature strip, must be carried out during the full period of all approved works (including any demolition and excavation).

Construction Matters

26. The proposed development shall comply with the National Construction Code and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate.**
27. Footings shall be designed in accordance with the soil classification of H, or Highly Reactive (unless determined to the contrary by a suitably qualified person).
28. If the soil conditions require it retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and adequate provision must be made for drainage.
29. Certification shall be obtained from a registered surveyor at the following stage(s) of construction confirming that the building has been constructed in accordance with the approved plans including any approved amendments (S.96 approvals) and plans and details required by Council as conditions of development consent:
 - (a) footings excavation prior to placement of concrete;
 - (b) car park/garage level prior to placement of concrete or pavement;
 - (c) ground floor and first floor levels;
 - (d) roof ridge height;
 - (e) all floors of the building, roof eaves and all roof ridges;
 - (f) wall setbacks from property boundaries and street alignment;
 - (g) dimensions and areas of balconies/courtyards;
 - (h) vehicular ramp gradients.

Copies of the surveyor's certificates must be submitted to and accepted by Council at the stages nominated above.

30. All construction, demolition and excavation work shall be restricted to 7am and 5pm (Eastern Standard Time) on Mondays to Saturdays (inclusive) and prohibited on Sundays and public holidays.

Building Matters

31. Identification numbers are to be clearly displayed at the front of the premises and be easily visible from the street.
32. Where building intruder alarms are installed in the building they shall be fitted with an automated "cut-off" timing device and operated as per the Protection of the Environment Operations (Noise Control) Regulation 2008.

Sustainability

33. Water collected in the rainwater tank must be roof water only and not surface water. Water from the rainwater tank must only be used for following purposes and not for human consumption:
 - (a) Toilet flushing;
 - (b) Clothes washing;
 - (c) Garden irrigation;
 - (d) Car washing and similar outdoor uses;
 - (e) Filling swimming pools, spa pools and ornamental ponds; and
 - (f) Fire fighting.

Demolition

34. Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.
35. The demolition of the building shall be carried out by a licensed demolition contractor. A copy of the licence shall be submitted to Council and the Principal Certifying Authority **prior to any work commencing on site.**
36. Details demonstrating that excavated and demolished materials including asbestos-based materials will be disposed of at an approved site shall be submitted to the Principal Certifying Authority **prior to any work commencing on site.**
37. The cleared ground surface of the site shall be suitably stabilised to prevent the generation of dust and the erosion of soil on the site.

Fire Safety Measures

38. Upon completion of works a final fire safety certificate is to be issued from a properly qualified person in respect of each essential fire safety measure installed within the building and specified in the fire safety schedule. The final fire safety certificate shall be provided **prior to the issue of an Occupation Certificate.**
39. As soon as practicable after a final safety certificate is issued, the owner of the building to which it relates:
 - (a) shall submit a copy of the fire safety certificate (together with a copy of any current fire safety schedule) to the Commissioner of NSW Fire Brigades;
 - (b) shall submit a copy of the fire safety certificate (together with a copy of any current fire safety schedule) to Council for registration; and
 - (c) shall ensure the current fire safety schedule is prominently displayed in the building.

Subdivision

40. Strata subdivision of the dual occupancy is not approved under the subject application.

Waste Management

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

You are reminded that the other conditions and terms of the original consent still apply and must be complied with.

An amended Construction Certificate may also be required, if the modification relates to changes to the building.