

IDAP REPORT – SECTION 4.55(1A) MODIFICATION

Property:	31 Boden Avenue STRATHFIELD Lot 60 DP 15955 DA2018.115.3
Proposal:	Section 4.55(1A) Modification Application for alterations and additions to building height of approved two (2) storey dwelling.
Applicant:	Vision Group Architects
Owner:	N & R Ghabar
Date of lodgement:	16 February 2022
Notification period:	1 March 2022 to 15 March 2022
Submissions received:	Nil
Assessment officer:	P Santos
Estimated cost of works:	\$1,463,675.00 (same as the original DA)
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	N/A
Flood affected:	Yes
RECOMMENDATION OF OFFICER:	APPROVAL



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

EXECUTIVE SUMMARY

Proposal

Approval is being sought for the modification of development consent DA 2018/115 for the alterations and additions to building height of approved two-storey dwelling.

Site and Locality

The subject site is legally described as Lot 60 DP 15955 and commonly known as 31 Boden Avenue, Strathfield. It is located off the western side of Boden Avenue with the nearest cross section being Ada Avenue.

The site is rectangular in shape and has a frontage of 15.4m to the east, rear boundary of 15.4m to the west, side boundaries with length of 50.29m to the north and south and an area of 766m². The topography of the land is relatively flat.

The site is currently under construction for the purpose of the approved dwelling house in DA2018/115/2. It is noticeable in the succeeding photos below that the roof and parapets, the proposed amendments, the subject of this modification application had already been built rendering the need for a Building Information Certificate to be sought from Council for the structural integrity of the roofs.

Strathfield Local Environmental Plan

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

Development Control Plan

The proposed development as amended do not generally satisfy the development controls of the Strathfield Consolidated DCP 2005, however, deemed acceptable with a merit-assessment of the application. This is discussed in more detail in the body of the report.

Notification

The application was notified in accordance with Council's Community Participation Plan from 1 March 2022 to 15 March 2022, where no submissions were received.

Issues

- Already constructed
- Flat-roof design dwelling roof height

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2018/115/3 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 2018/115 for the alterations and additions to building height of approved two-storey dwelling.

More specifically, the proposal includes:

- Increase the roof height of the roof above the void space to RL 27.07m AHD and the parapet around it to RL 27.4m AHD, from the conditioned roof height of RL26.7m AHD, an increase of 370mm, and the approved parapet roof height of RL 27.2m AHD, an increase of 200mm.

The changes to the roof height over the void space would essentially remove condition #8 of the consent for DA2018/115 ('original DA') which required the roof over the void space to have a maximum height of RL 26.7m AHD.

- Increase the parapet roof height of the roof above bedroom 3 to RL 27.71m AHD from the approved RL 27.5m AHD, an increase of 210mm.
- A new window is proposed to the first floor of the front façade.

It is noted that the proposed works in this modification application has already been constructed or installed.



Figure 2. Extract of the proposed eastern elevation in the subject modification application.

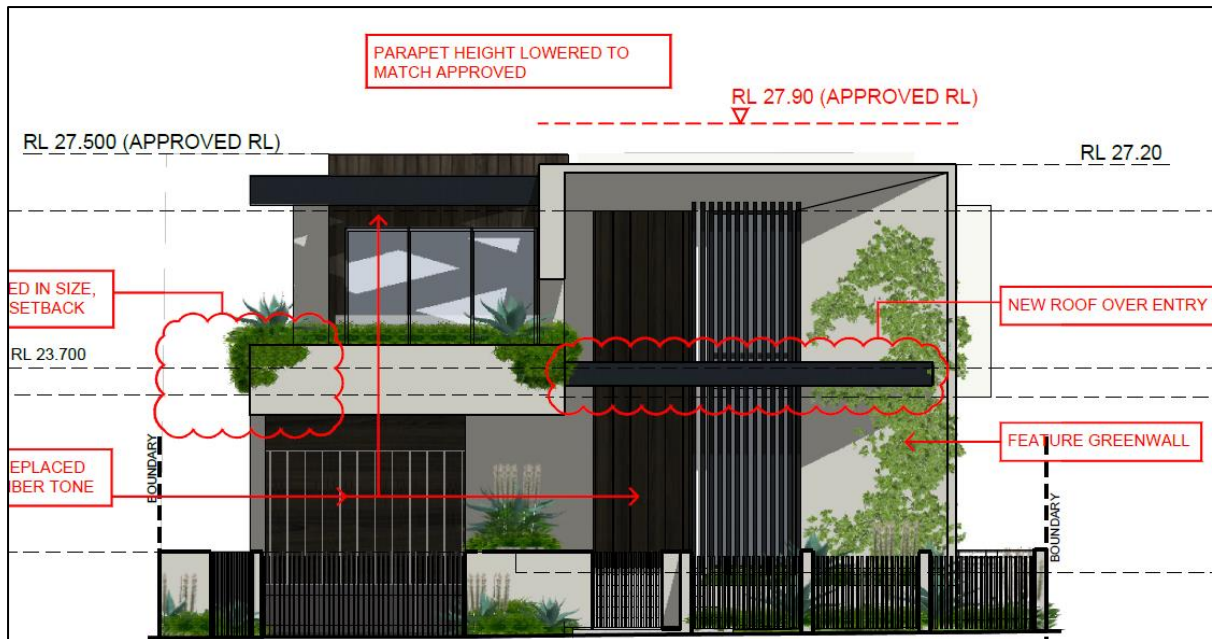


Figure 3. Extract of the approved eastern elevation in the most recent consent – DA2018/115/2.



Figure 4. Extract of the proposed northern elevation in the subject modification application.

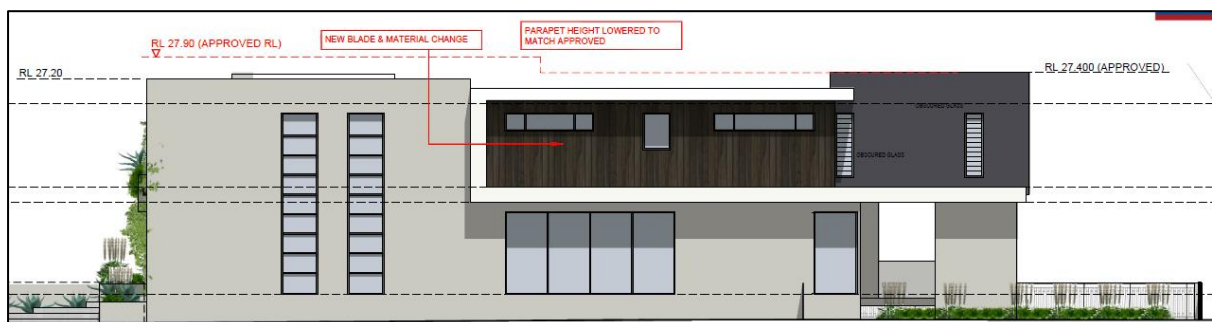


Figure 5. Extract of the approved northern elevation in the most recent consent – DA2018/115/2.

The Site and Locality

The subject site is legally described as Lot 60 DP 15955 and commonly known as 31 Boden Avenue, Strathfield. It is located off the western side of Boden Avenue with the nearest cross section being Ada Avenue.

The site is rectangular in shape and has a frontage of 15.4m to the east, rear boundary of 15.4m to the west, side boundaries with length of 50.29m to the north and south and an area of 766m². The topography of the land is relatively flat.

The site is currently under construction for the purpose of the approved dwelling house in DA2018/115/2. It is noticeable in the succeeding photos below that the roof and parapets, the proposed amendments, the subject of this modification application had already been built rendering the need for a Building Information Certificate to be sought from Council for the structural integrity of the roofs.



Figure 6. Front façade of the house currently under construction on the site.



Figure 7. The subject site (left) and the northern neighbour (right).

Background

- | | |
|------------------|--|
| 20 November 2018 | A consent was granted by Council's Internal Development Assessment Panel ('IDAP') for the purpose of demolition of existing structures and construction of a new two-storey residential dwelling with a basement and swimming pool – DA2018/115. |
| 20 July 2020 | The consent DA2018/115 was modified by Council's IDAP for the purpose of redesign and front façade treatment. |
| 10 November 2021 | <p>A Notice of Intention to Issue an Order, dated 8 November 2021, was sent to the proponent with the following terms:</p> <ol style="list-style-type: none"> 1. <i>Conduct all necessary rectification works to ensure the development is carried out in accordance with the approved plans pursuant to Development Consent number DA2018/115/2 issued by Council on 20 July 2020 and Construction Certificate number 200483/02 issued by Accredited Certifier (Charbel El-Rihani BDC2495) on 25 September 2020 and the relevant applicable development standards.</i> 2. <i>Do whatever is necessary so that any building or part of a building that has been unlawfully erected complies with Development Consent number DA2018/115/2 issued by Council 20 July 2020 and Construction Certificate number 200483/02 issued by Accredited Certifier (Charbel El-Rihani BDC2495) on 25 September 2020 and the relevant applicable development standards.</i> |
| 16 February 2022 | The subject modification application was lodged. |
| 05 July 2022 | Council's Planner carried out a site visit. |

Referrals – Internal and External

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

Section 4.55 of the EP&A Act 1979

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

Section 4.15 Assessment – EP&A Act 1979

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

(1) *Matters for consideration – general*

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

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

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

Chapter 2 – Vegetation in non-rural areas

The intent of this Chapter within the SEPP is related to the protection of the biodiversity values of trees and other vegetation on the site.

The proposed development as modified does not result in the removal or loss of any trees or vegetation subject to the provision of this SEPP. As such, the aims and objectives outlined within the SEPP are considered to be satisfied.

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

The additional window to the front façade was not part of the considerations in the BASIX Certificate approved in the original consent. As such, the provisions of BASIX are still considered 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 R2-Low Density Residential and the proposal as modified is a permissible form of development with Council's consent.

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Approved Standard	Development Proposal	Compliance/ Comment
4.3 Height of buildings	9.5m	8.25m	8.46	Yes

Height of Buildings

The proposal continues to satisfy the height of buildings development standard of the SLEP 2012.

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

Part 5 – Miscellaneous Provisions

Flood Planning

It is noted that while the site has been identified as flood affected, the proposed modification works do not have any impact to the flood behaviour and would not pose any risk to life or properties. As such, the proposal is acceptable in this regard

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

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

(iii) any development control plan,

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

Applicable DCP Controls	DCP Controls	Controls Approved in DA2018/115/2	Development Proposal	Compliance/ Comment
Building Envelope				
Heights:				
Parapet height:	0.8m	0.8m	1m	No
Overall height for flat roof dwelling:	7.8m	8.25m	8.46m	No
Solar Access				
POS or habitable windows	3hrs to habitable windows and to 50% of POS	Yes	Yes	Yes

Parapet Height and Solar Access

The assessment of the parapet height has taken into consideration the fact that it is already built. While the height of the parapet exceeds what is allowed by Council in the DCP, it is considered that the 200mm non-compliance is negligible and that there is no additional amenity impact to be caused by this raised height. It is further considered that requiring to comply with the development controls would be onerous and unreasonable.

It is noted that the proposed height in this subject modification application is lower than the approved height in the original DA (DA2018/115).

The solar access for the southern neighbours remains the same as the approved development in DA2018/115/2 as the changes are located at the front part of the dwelling house only, resulting to no impact during the 12noon to 3pm winter solstice.

Ceiling Height Over Void

A condition was imposed in the most recent consent approved in DA2018/115/2 where the roof over the void is to be limited to a height of no more than RL 26.7m AHD. In particular, the condition stated:

“The roof over the void space on the first floor, must have a height of no more than RL26.7”

Taking into consideration that the structures had already been built to a height that does not satisfy the condition – RL 27.07m AHD, with the height difference considered as negligible and no amenity impact, it is deemed unreasonable for Council to request compliance with the condition at this point. As such, the proposed is acceptable.

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 acceptable with regard to the other developments in the locality. Accordingly, the proposal is not considered to have a significant impact on the natural and built environment. The proposed increased in height of 200mm is considered negligible and is acceptable.

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

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

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

In accordance with the provisions of Councils Community Participation Plan, the application was placed on neighbour notification for a period of 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 SCDCP 2005.

Pursuant to Section 4.55(1A) of the Environmental Planning & Assessment Act 1979 and following detailed assessment of the proposed modifications to Development Consent No. 115/2018 for alterations and additions to building height of approved two-storey dwelling be approved subject to below.

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. 2018/115 as approved except where amended as below.
3. As part of this Section 4.55(1A) application, the following conditions are to be modified, added or deleted;
 - Delete condition #8 First Floor Void Space
 - Add condition #8A: Building Information Certificate
 - Amend condition #9: Approved Plans and Reference Documentation

Accordingly, Development Consent 2018/115/3 is approved as per the following:



Signed:

P Santos
Senior Planner

Date: 12 July 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 additional Section 7.11/7.12 Contributions are not applicable to this modification application.

Report and recommendations have been peer reviewed and concurred with.



Signed:

J Brown
Planner

Date: 12 July 2022

SPECIAL CONDITIONS (SC)

1. USE OF THE DEVELOPMENT (SC)

The proposed development shall not be used as any other use other than a dwelling house, or a use that is specified as exempt development under an applicable Environmental Planning Instrument, subject to its standards.

(Reason: To ensure satisfaction of the provisions under S4 15(1) of the Environmental Planning and Assessment Act 1979)

MODIFIED: 29 May 2020 (DA2018/115/2)

2. USE OF THE STORAGE ROOM WITHIN THE BASEMENT (SC)

The Workshop and Storage and Service Rooms within the basement is not to be used for habitable purposes at any time.

(Reason: To ensure compliance with Clause 4.4C of the SLEP 2012.)

MODIFIED: 29 May 2020 (DA2018/115/2)

3. GEOTECHNICAL REPORT (SC)

Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.

No rock breaking or other machinery for the excavation, drilling, cutting or removal of rock shall be used on the site prior to the acceptance by the principal certifying authority of the following documentation:

- (i) A report by a geotechnical engineer detailing the measures recommended in undertaking the works so as to prevent damage to any adjoining or nearby buildings.
- (ii) The type and size of machinery proposed.
- (iii) The routes of all trucks to convey material to and from the site.

(Reason: To minimise any adverse impact of developments and protect the environment.)

4. FENCING - FRONT FENCE HEIGHT (SC)

Solid fencing forward of the building line shall not exceed a height of 1.5m above natural ground level. Plans demonstrating compliance with this condition are to be submitted to Council for approval.

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

5. FEES - ADDITIONAL DEVELOPMENT APPLICATION FEES (CC)

In accordance with Regulation 50(1)(c) and the table to Regulation 246 of the Environmental Planning and Assessment Act Council must charge a development application fee based on the estimated cost of works applied for. An assessment of the proposed development against Rawlinson's Australian Construction Handbook 2009 has revealed that the estimated cost of \$1,000,000 is inaccurate.

Council's assessment has provided the following revised estimates:

Construction of the new dwelling with basement,	<u>\$1,463,675.27</u>
TOTAL	<u>\$1,463,675.27</u>

On this basis, the applicable Development Application fee is \$4,308.16 including a \$931.75 Plan First fee.

Noting you have paid DA fees of \$3405.00 to Council, an **outstanding fee of \$903.16** is required and must be paid prior to the issue of any Construction Certificate.

(Reason: Statutory requirement.)

6. NON-TRAFFICABLE ROOF (SC)

The roof of the dwelling and alfresco shall be non-trafficable.

(Reason: To ensure the roof remains non-trafficable.)

7. FIRST FLOOR BALCONIES AND SURROUNDING AREAS (SC)

The first floor balconies, both on the first floor must not be extended and the balustrades shall be constructed in accordance with the balcony dimensions as approved in the plans listed under condition #7 of this Notice of Determination. The area surrounding the rear balcony, outside the master bedroom, and the wrap-around planter box surrounding bedroom 3 and the attached balcony, must not be trafficable.

(Reason: To ensure the roof remains non-trafficable and address visual privacy.)

MODIFIED: 29 May 2020 (DA2018/115/2)

~~8. FIRST FLOOR VOID SPACE (SC)~~

~~The roof over the void space on the first floor, must have a height of no more than RL26.7~~

~~(Reason: To ensure reduced bulk, contributing to positive streetscape and local amenity.)~~

~~**MODIFIED 13 July 2020**~~

DELETED: DA2018/115/3 15 July 2022

8A. BUILDING INFORMATION CERTIFICATE

A Building Information Certificate is to be lodged with and approved by Council, prior to the issue of an Occupation Certificate, in relation to the structural integrity of all unauthorised building works that were constructed contrary to or not approved as part of the Construction Certificate.

ADDED: DA2018/115/3 15 July 2022

GENERAL CONDITIONS (GC)

9. 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. DA2018/115, and as amended:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
DA-01 DELETED (DA2018/115/2)	Demolition plan	Bechara Chan and Associates Pty Ltd	Issue A, 29/06/2018	15/08/2018

Sheet 01 MODIFIED (DA2018/115/2)	Ground Floor Plan / Basement Plan / Calculation Sheet	Vision Group Architects	Issue B, April 2020	19/05/2020
Sheet 02 MODIFIED (DA2018/115/2)	First Floor Plan / Roof Site Plan	Vision Group Architects	Issue B, April 2020	19/05/2020
Sheet 03 MODIFIED (DA2018/115/2)	Elevations / Sections / Finishes Schedule	Vision Group Architects	Issue B, April 2020	19/05/2020
Sheet 04 MODIFIED (DA2018/115/2)	Front Fence / Driveway Profile / BASIX Commitments	Vision Group Architects	Issue B, April 2020	19/05/2020
Sheet 05 MODIFIED (DA2018/115/2)	First Floor – FSR Map / Ground Floor – FSR Map / Basement Level – FSR Map / Ground Floor – Landscape Map Drawing Title: Elevations / Sections / Finishes Schedule	Vision Group Architects	Issue B, April 2020	19/05/2020
Sheet 07 MODIFIED (DA2018/115/2)	Proposed Shadow Diagram – 22nd June (Mid Winter)	Vision Group Architects	Issue B, April 2020	19/05/2020
LP 01 Sheet 1 of 4 MODIFIED (DA2018/115/2)	Landscape Plan	Dapple Designs	Issue A, 15/05/2020	19/05/2020

LP 01 Sheet 2 of 4 MODIFIED (DA2018/115/2)	Plant List / Specification	Dapple Designs	Issue A, 15/05/2020	19/05/2020
LP 01 Sheet 3 of 4 MODIFIED (DA2018/115/2)	Construction Details	Dapple Designs	Issue A, 15/05/2020	19/05/2020
LP 01 Sheet 4 of 4 MODIFIED (DA2018/115/2)	Front Elevation	Dapple Designs	Issue A, 15/05/2020	19/05/2020
L-01-C DELETED (DA2018/115/2)	Specifications	Site Design Studios	Issue C, 14/09/2018	28/09/2018
H495-S1/3 DELETED (DA2018/115/2)	Stormwater drainage and sediment controls details	TAA Consulting Engineers	Issue A, 25 July 2018	15 August 2018
H495-S2/3 DELETED (DA2018/115/2)	Stormwater drainage and sediment controls details	TAA Consulting Engineers	Issue A, 25 July 2018	15 August 2018
H495-S3/3 DELETED (DA2018/115/2)	Stormwater drainage and sediment controls details	TAA Consulting Engineers	Issue A, 25 July 2018	15 August 2018
Sheet 02	First Floor Plan / Roof Site Plan	Vision Group Architects	Issue F, Feb 2022	16 February 2022
Sheet 03	Elevations / Sections / Finishes Schedule	Vision Group Architects	Issue F, Feb 2022	16 February 2022
Sheet 04	Front Fence / Driveway Profile / Section	Vision Group Architects	Issue F, Feb 2022	16 February 2022

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2018/115:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Flood Impact Statement	TAA Consulting Engineers	25 July 2018	15 August 2018
Basix Certificate No. 1077761S	Greenworld Architectural Drafting	24 February 2020	26 February 2020
Schedule of Colours and Finishes DELETED (DA2018/115/2)	Bechara Chan and Associates Pty Ltd	-	15 August 2018

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

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

MODIFIED: 29 May 2020 (DA2018/115/2)

MODIFIED: DA2018/115/3 15 July 2022

10. CONSTRUCTION HOURS (GC)

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

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

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

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

11. CONSTRUCTION WITHIN BOUNDARIES (GC)

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

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

12. DEMOLITION – GENERALLY (GC)

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

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

13. DEMOLITION - SITE SAFETY FENCING (GC)

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

If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding/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.)

14. LANDSCAPING ADJACENT SWIMMING POOLS/SPAS (GC)

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

(Reason: Privacy amenity of adjoining properties.)

MODIFIED: 29 May 2020 (DA2018/115/2)

15. LANDSCAPING - CANOPY TREES IN FRONT SETBACK (GC)

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

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

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

16. 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.)

17. 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.)

18. STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)

A detailed Stormwater Management Plan (SWMP) in line with Council's Stormwater Management Code is to be prepared and certified by a practicing Chartered Professional Engineer on the National Professional Engineer's Register (NPER) at Engineers Australia and submitted to the Principal Certifying Authority and Council, prior to the issue of a Construction Certificate. The SWMP is to be based on the approved development as modified by any conditions of consent.

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

19. SYDNEY WATER - STAMPED PLANS PRIOR TO COMMENCEMENT (GC)

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

For Quick Check agent details please refer to the web site www.sydneywater.com.au (see Building Developing and Plumbing then Quick Check) or telephone 13 20 92. The consent authority or a Certifying Authority must ensure that a Quick Check agent/Sydney Water has stamped the plans before the commencement of work.

(Reason: Compliance with Sydney Water requirements.)

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

20. 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 and submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate.

(Reason: Statutory compliance.)

MODIFIED: 29 May 2020 (DA2018/115/2)

21. PRIVACY SCREEN (CC)

A privacy screen with a height no less than 1.8m from the FFL of the balcony attached to bedroom 3 must be constructed along the southern side of the balcony. Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority, prior to issue of the Construction Certificate.

(Reason: To ensure the roof remains non-trafficable and address visual privacy.)

MODIFIED: 29 May 2020 (DA2018/115/2)

22. WINDOWS TO BE OPAQUE

The two two-storey windows on the northern elevation of the dwelling house shall have an opaque finish. Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority, prior to issue of the Construction Certificate.

(Reason: To ensure privacy between existing and future neighbouring dwellings while maintaining solar access)

MODIFIED: 29 May 2020 (DA2018/115/2)

23. 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.)

24. 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.)

25. CAR PARKING - VEHICULAR ACCESS RAMPS (CC)

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

- i) Longitudinal section along the extreme wheel paths of each driveway/access ramp at a scale of 1:25 demonstrating compliance with the scraping provisions of AS/NZS 2890.1:2004. It shall include all levels and grades, including those levels stipulated as boundary levels, both existing and proposed. It shall extend from the centre-line of the roadway through to the parking area.
- ii) Sections showing the clearance to the underside of any overhead structure (minimum headroom requirements 2200mm minimum for standard headroom clearance or 2400mm where disabled access provisions are to be provided) demonstrating compliance with the provisions of AS/NZS 2890.1:2004.
- iii) Longitudinal section along the gutter line showing how it is intended to transition the vehicular crossing into the existing kerb and gutter. Boundary levels shall generally run parallel with the kerb levels.
- iv) Location of verge trees, street furniture and service installations.
- v) Superimposition of vehicle turning circles for access into parking spaces.
- vi) Certification that the design complies with AS/NZS 2890.1:2004 by a Qualified Engineer.

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

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

26. 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.)

27. 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.)

28. DILAPIDATION REPORT - PRE-COMMENCEMENT (CC)

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

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

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

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

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

29. 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.)

30. 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.

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

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

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

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

32. 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.)

33. EROSION AND SEDIMENTATION CONTROL PLAN (CC)

An Erosion and Sediment Control Plan is to be prepared where construction or excavation activity requires the disturbance of the soil surface and existing vegetation. Details including drawings and specifications must provide adequate measures for erosion and sediment control to ensure:

- i) Compliance with the approved Soil and Water Management Plan.
- ii) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval).
- iii) All uncontaminated run-off is diverted around cleared or disturbed areas.
- iv) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways.
- v) All erosion and sediment controls are fully maintained for the duration of demolition/ development works.
- vi) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways.
- vii) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.

- viii) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the Australian Water Quality guidelines for Fresh and Marine Waters.
- ix) Pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

Details of the proposed soil erosion and sedimentation controls are to be submitted to the Principal Certifying Authority with the Construction Certificate Application. Under no circumstances are any works to commence, prior to these details being approved by the Principal Certifying Authority and the controls being in place on the site.

(Reason: Environmental protection.)

34. 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.)

35. FLOODING - COMPLY WITH FLOOD IMPACT REPORT (CC)

The applicant shall comply with the flood recommendations provided in the Flood Impact Statement and the Engineering Statement – Flooding Issues prepared by TAA Consulting Engineers dated 25 July 2018 and 25 September 2018. A certificate from a suitably qualified Engineer shall be submitted to the Certifying Authority stating compliance with these recommendations, prior to the issue of a Construction Certificate.

(Reason: To mitigate flood risk and associated damage.)

36. SECTION 7.11 CONTRIBUTION PAYMENT - INDIRECT CONTRIBUTIONS PLAN) (CC)

In accordance with the provisions of Section 7.11 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	\$14,636.75
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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 7.11 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.)

37. 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.)

STORMWATER DRAINAGE (CC)

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

- i) Grated drains shall be provided along the driveway/basement entry at the vehicular crossing(s) and are to connect to the internal drainage system.
- ii) Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site.
- iii) Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties
- iv) Boundary fencing shall be erected in such a manner as not to interfere with the natural flow of ground and surface water to the detriment of any other party.

(Reason: To ensure the site is drained appropriately and does not interfere with the natural flow of flood waters.)

38. TRAFFIC - CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CC)

A Construction Traffic Management Plan (CTMP) is to be prepared by an appropriately qualified Traffic Management Consultant and submitted to and approved by Council's Engineering Section, prior to the commencement of any works including demolition.

The following matters should be addressed in the CTMP (where applicable):

- i) description of the demolition, excavation and construction works;
- ii) site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- iii) size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- iv) proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- v) impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;

- vi) any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- vii) proposed hours of construction related activities and vehicular movements to and from the site;
- viii) current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- ix) any activities proposed to be located or impact upon Council's road, footways or any public place;
- x) measures to maintain public safety and convenience;
- xi) any proposed road and/or footpath closures;
- xii) turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- xiii) locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;
- xiv) location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
- xv) a dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- xvi) material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- xvii) on-site parking area for employees, tradespersons and construction vehicles as far as possible;
- xviii) proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and
- xix) how it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.

(Reason: To mitigate traffic impacts on the surrounding area during the construction period.)

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

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

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

- i) A construction certificate for the building work has been issued by the consent authority or a Principal Certifying Authority.
- ii) The person having the benefit of the development consent has appointed a principal certifying authority for the building work, and notified the principal certifying authority that the person will carry out the building work as an owner/builder, if that is the case.
- iii) The principal certifying authority has, no later than 2 days before the building work commences:
 - ☐ notified the Council of his or her appointment, and
 - ☐ notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work.

- iv) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - ☐ appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved;
 - ☐ notified the principal certifying authority of such appointment; and
 - ☐ unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- v) The person having the person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

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

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

(Reason: Statutory requirement.)

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 (DW)

41. 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.)

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.)

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

43. 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.)

44. 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.)

45. 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.)

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 a suitably Qualified Engineer, with Corporate Membership standing in the Institution of Engineers Australia and registered on the National Professional Engineers Register (NPER) under the appropriate professional category, demonstrating that:

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

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

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

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

(Reason: Asset management.)

47. 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.)

48. SETBACKS FROM SIDE BOUNDARIES

The basement level shall be setback a minimum of 1550mm from each side boundary.

SIGNED on behalf of
Strathfield Municipal Council


GEOFF BAKER
PUBLIC OFFICER

END CONDITIONS

ADVISORY NOTES

i. **Review of Determination**

Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney East Planning Panel or the Land & Environment Court.

ii. **Appeal Rights**

Division 8.3 (Reviews and appeals) Part 8 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

iii. **Lapsing of Consent**

This consent will lapse unless the development is physically commenced prior to the date specified in this determination, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.