

ADDENDUM IDAP REPORT

Property:	4 Verona Street STRATHFIELD LOT 2 DP 363927 DA2018.37.2
Proposal:	S4.56 - Modification involving internal and external changes
Applicant:	R Sharma
Owner:	R Sharma
Date of lodgement:	13 May 2022
Date of IDAP Meeting:	29 July 2022
Notification period:	20 May 2022 – 3 June 2022
Submissions received:	Nil
Assessment officer:	J W Brown
Estimated cost of works:	\$1,000,000.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	No
Flood affected:	Yes
Is a Clause 4.6 Variation Proposed:	N/A
RECOMMENDATION OF OFFICER:	APPROVAL

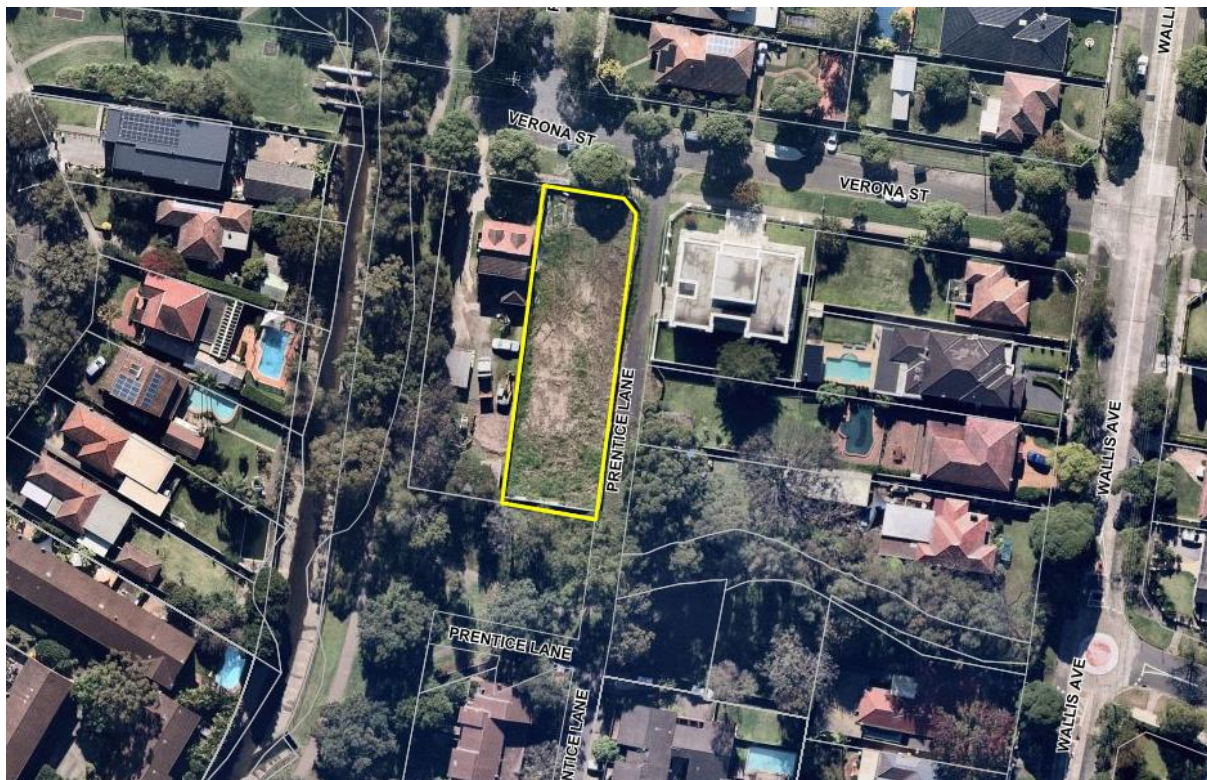


Figure 1: Aerial Image of the site

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the S4.56 - Modification involving internal and external changes.

Background

The application was considered by IDAP on 29 July 2022. At this meeting the panel resolved to defer the application to allow the following matter to be addressed;

- *The applicant has contact Council on the day the IDAP agenda was released requesting the application be deferred to allow them to address the proposed reasons for refusal. Amended plans were then uploaded onto the NSW Planning Portal on 28 July 2022 that claim they address the matters of concern. Given that Council's assessing officer is on leave and cannot review the documents, in order of procedural fairness, it is recommended that the matter be deferred to allow the assessing officer to assess the amended plans and report back to the next available IDAP and no later than 12 August 2022 for determination.*

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 now satisfies all relevant objectives contained within the LEP.

Development Control Plan

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

Notification

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

Conclusion

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

Accordingly, having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2018/37 is recommended for approval subject to suitable conditions of consent.

1.2 ADDENDUM REPORT

Proposal

Council has received an application for the S4.56 - Modification involving internal and external changes.

Background

This report is to be read as an addendum to the report presented to IDAP on 29 July 2022. The subject application was deferred by the panel at this meeting for the following reason;

The applicant has contact Council on the day the IDAP agenda was released requesting the application be deferred to allow them to address the proposed reasons for refusal. Amended plans were then uploaded onto the NSW Planning Portal on 28 July 2022 that claim they address the matters of concern. Given that Council's assessing officer is on leave and cannot review the documents, in order of procedural fairness, it is recommended that the matter be deferred to allow the assessing officer to assess the amended plans and report back to the next available IDAP and no later than 12 August 2022 for determination.

Amended plans and details have now been submitted addressing the matter raised by the panel and the refusal report. More specifically, the revised plans and details address the following;

- Removing the proposed 1.5m fill in the rear yard
- Reducing the size of the basement and excavation
- Removal of balconies abutting the boundary



Figure 2: Court Approved Site Plan

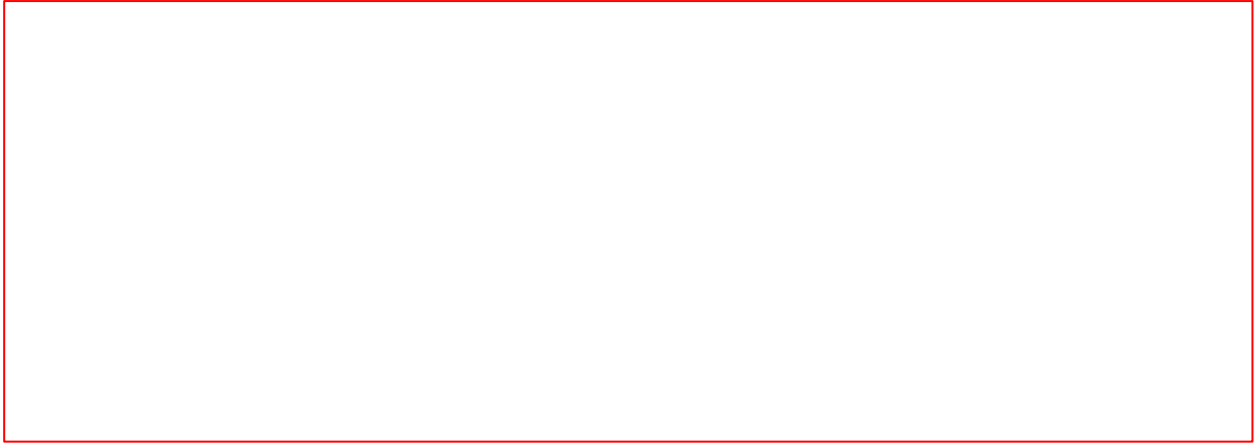


Figure 3: The recommended refusal Site Plan



Figure 4: Site Plan submitted 28 July 2022



Figure 5: Court Approved Basement Plan



Figure 6: The recommended refusal Basement Plan



Figure 7: Basement Plan submitted 28 July 2022



Figure 8: Court Approved Floor Plan

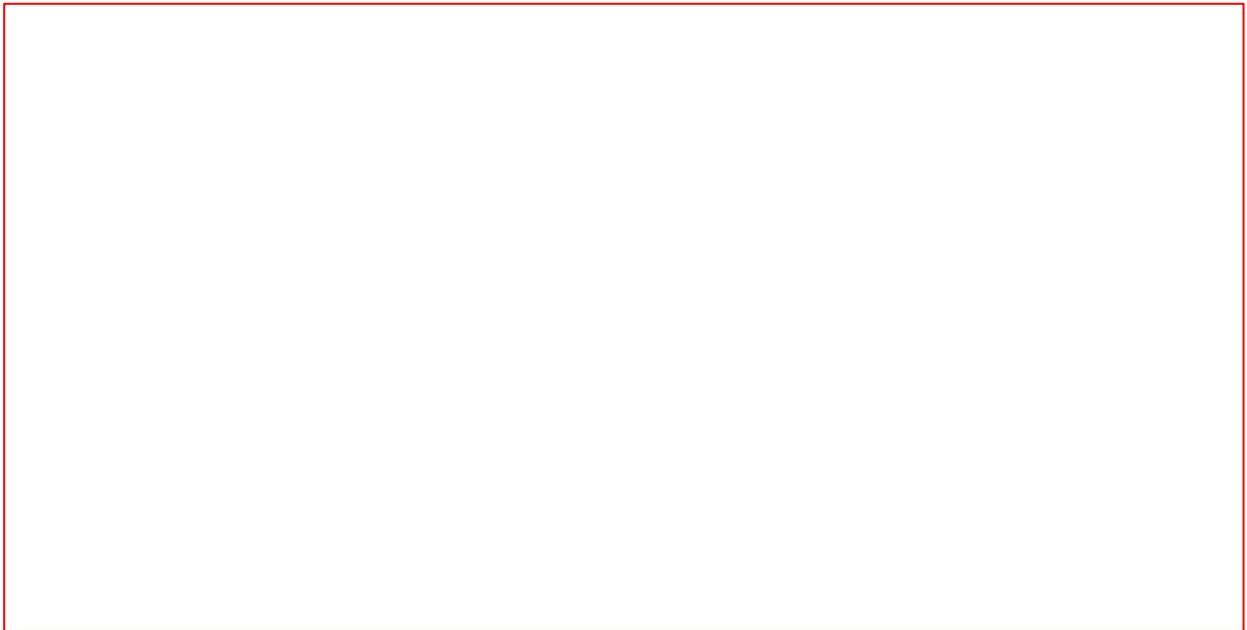


Figure 9: The recommended refusal Floor Plan

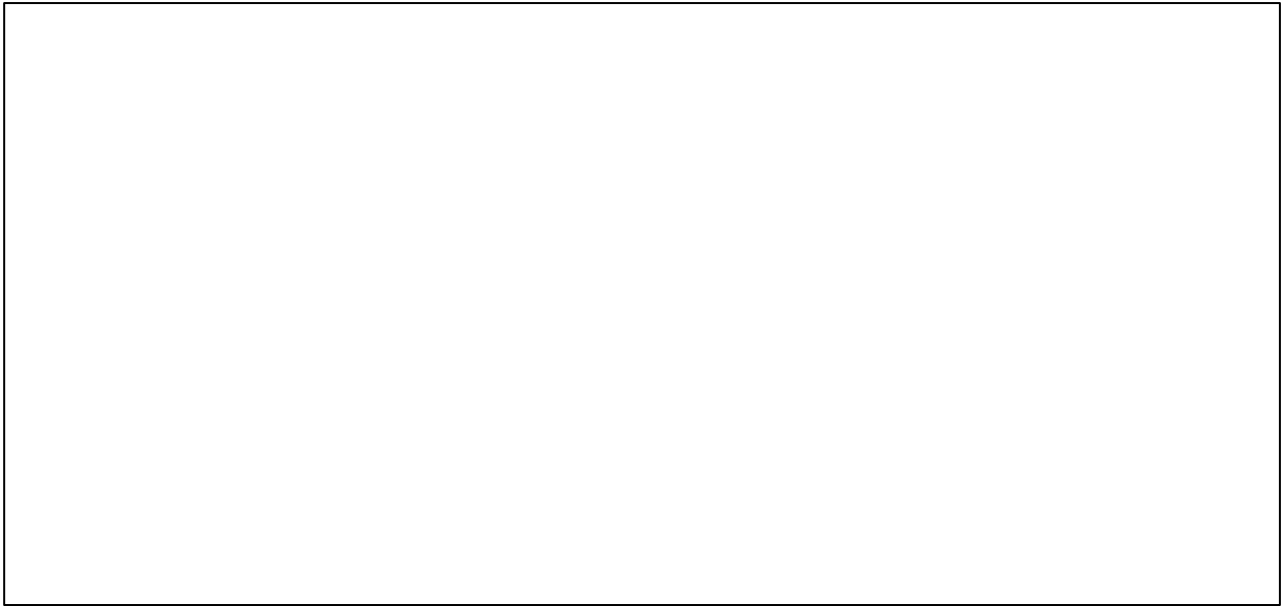


Figure 10: Floor Plan submitted 28 July 2022

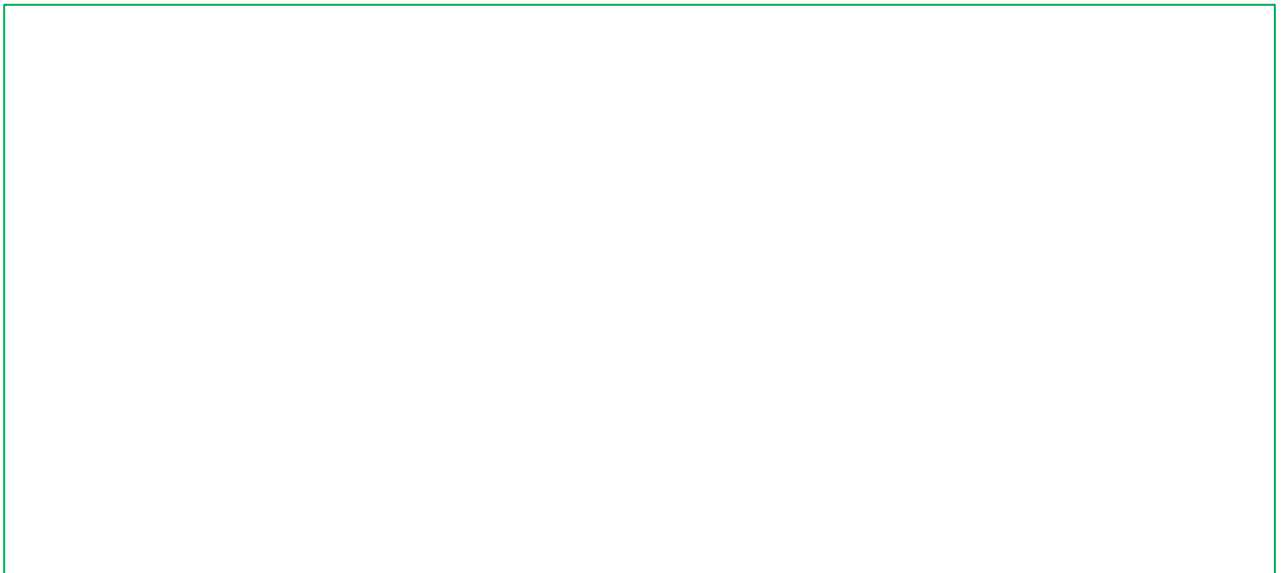


Figure 11: Court Approved First Floor Plan



Figure 12: The recommended refusal First Floor Plan

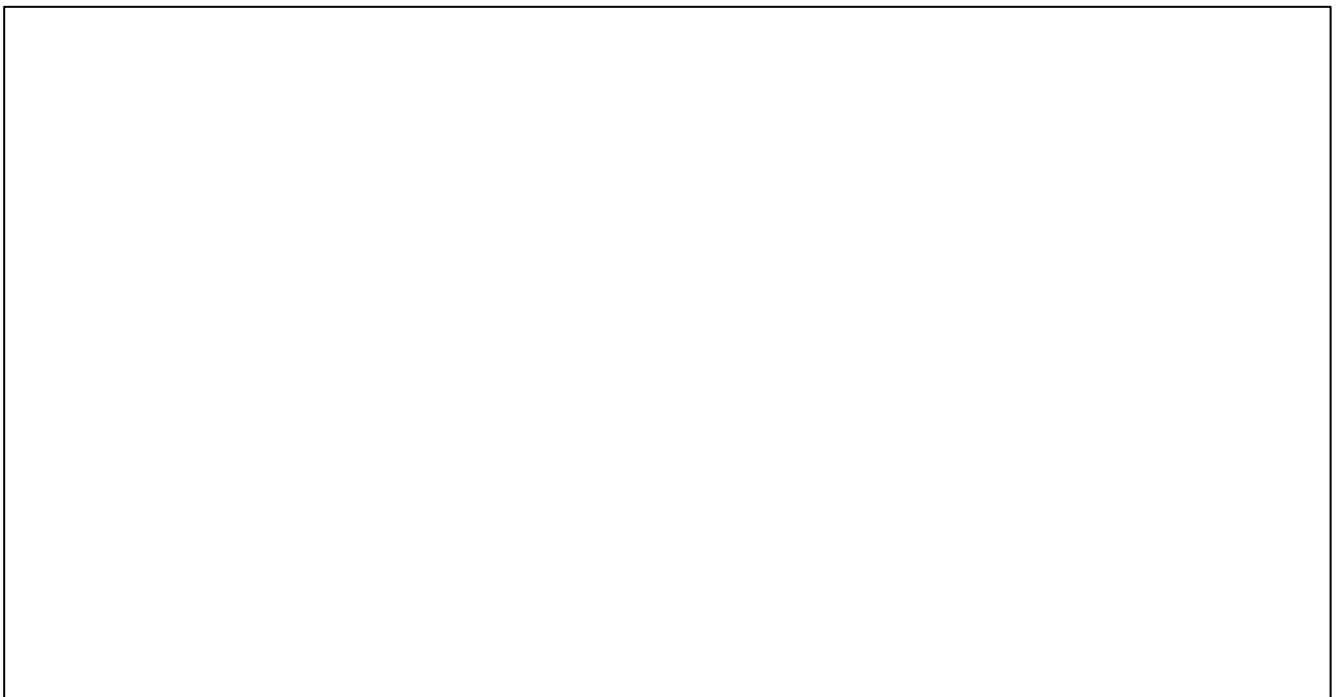


Figure 13: First Floor Plan submitted 28 July 2022



Figure 14: Court approved North (above) and South (below) elevation

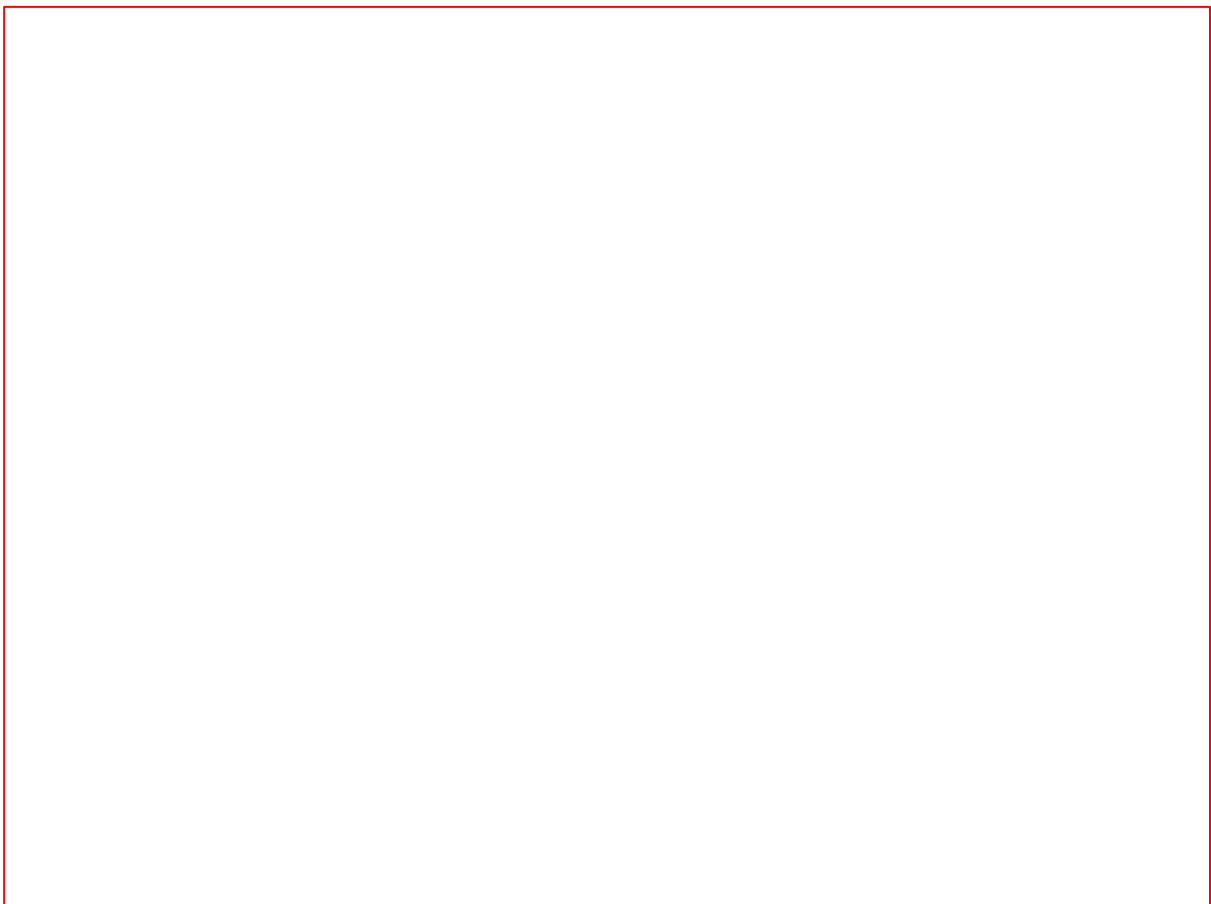


Figure 15: North (above) and South (below) elevation recommended for refusal

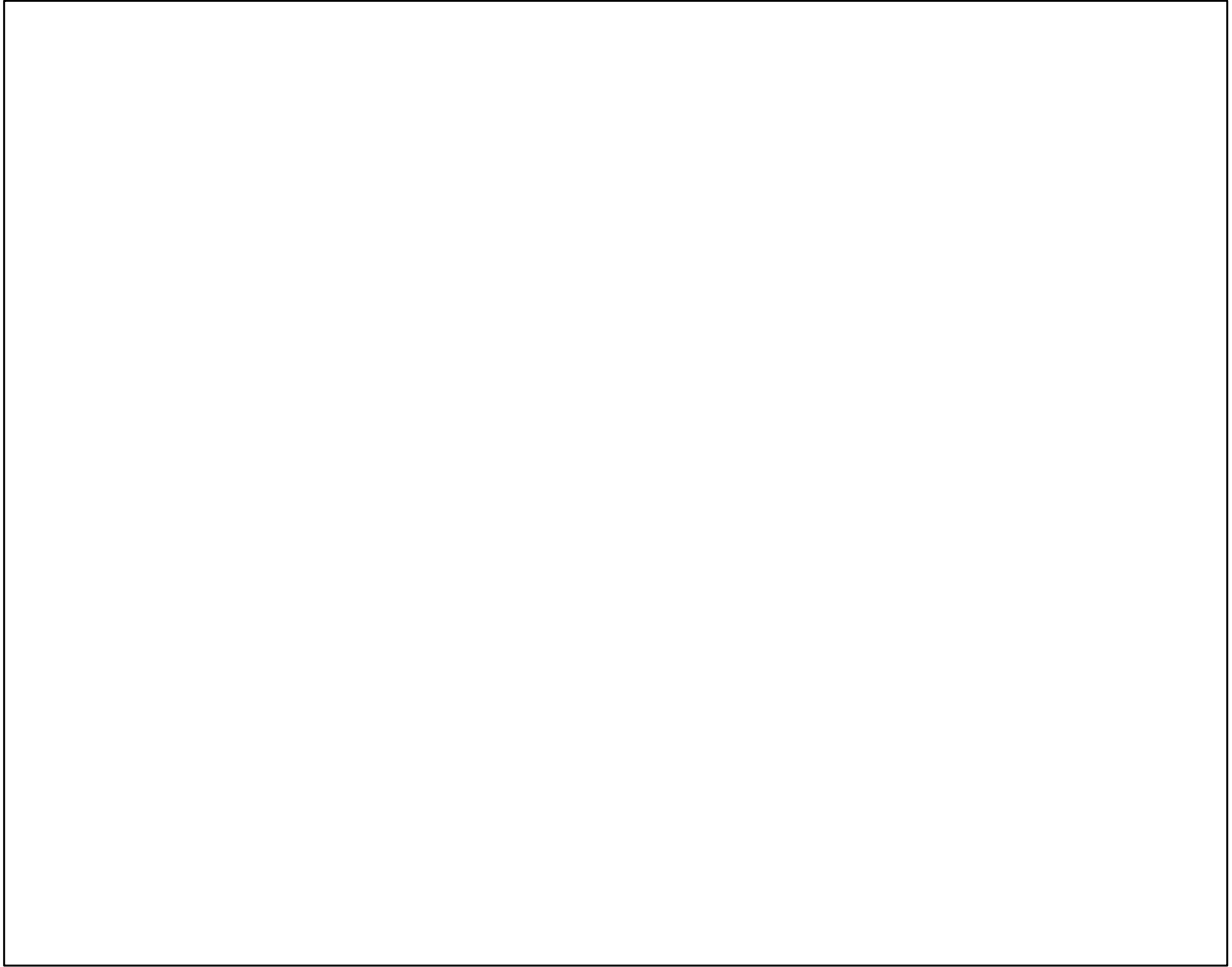


Figure 16: North (above) and South (below) elevation submitted 28 July 2022



Figure 17: Court approved East (above) and West (below) elevation

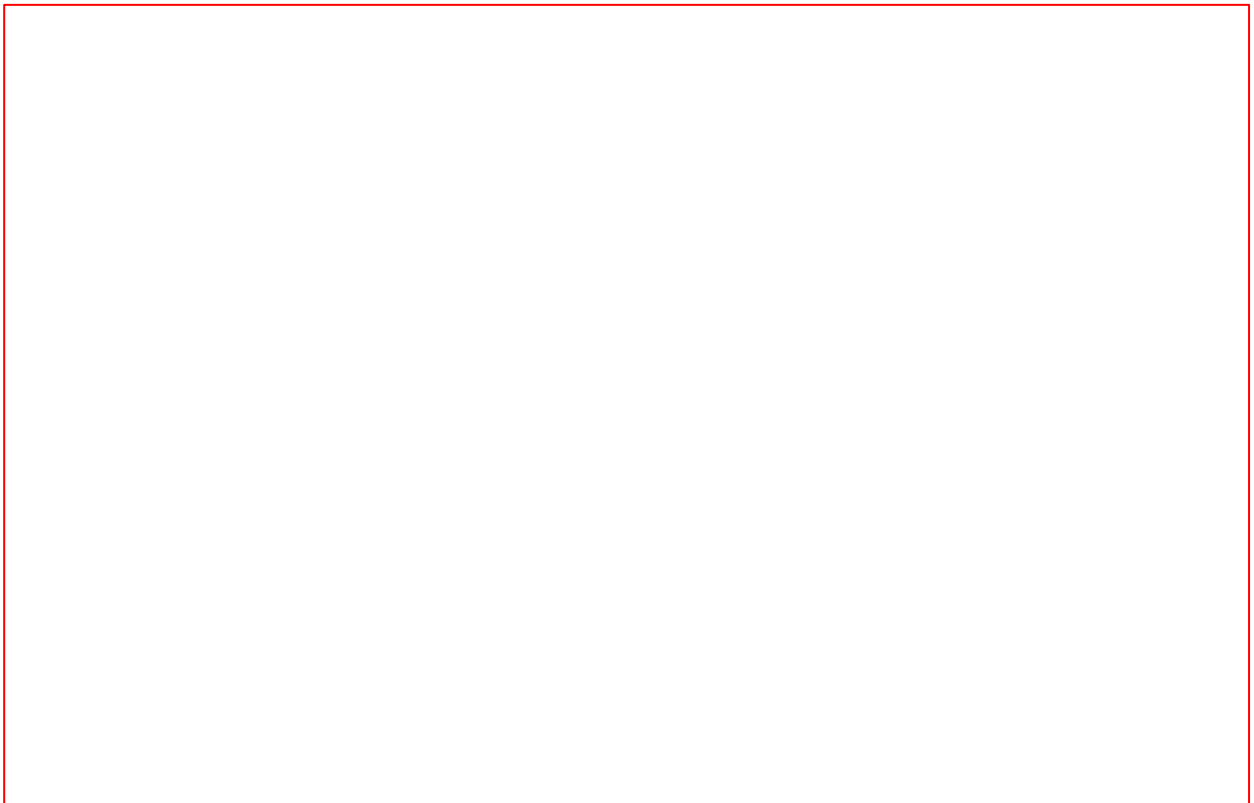


Figure 18: East (above) and West (below) elevation recommended for refusal



Figure 19: East (above) and West (below) elevation submitted 28 July 2022

Referrals – Internal and External

The amendments did not require any additional internal or external referrals.

Assessment

Matter Raised By IDAP

The applicant has provided a revised set of plans that address the major concerns that were highlighted within the refusal report that was sent to IDAP on the 29 July 2022. Each of the issues and how they were resolved have been discussed further within the relevant subheadings below.

Strathfield Local Environmental Plan

Clauses 5.21 Flood Planning and Clauses 6.2 Earthworks were not satisfied in the refusal report sent to IDAP on the 29 July 2022. This is due to the large amount of fill in the rear yard and increase of excavation of the basement to the boundary as well as the staircase to the basement under the swimming pool. The fill and excavation to the boundary including the staircase to the

basement under the swimming pool have all been removed in the revised plans provided on the 28 July 2022. Therefore the development now satisfies clauses 5.21 and 6.2 of the SLEP 2012

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

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

No amended BASIX certificate has been provided in the application. The existing court approved consent provided Condition 3.1 BASIX Commitments, which will satisfy any need for an updated BASIX certificate; if required.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

The objectives outlined within SEPP are considered to be satisfied.

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

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

(iii) any development control plan,

The revised plans received on the 28 July 2022 address the concerns of the refusal report that went to IDAP on the 29 July 2022. The following comments are made with respect to the proposal now satisfying most of the objectives and controls contained within the SCDCP 2005, where applicable to the proposed changes;

Basement

The proposed basement excavation has been reduced in size and is now no longer abutting the boundary. Further, the staircase leading to the basement underneath the pool has also been removed from the plans. The basement now satisfies the requirement of having a minimum setback to the boundary. Although the basement still protrudes, further than the footprint of the dwelling at ground level. The original court approved design had the basement protrude into the Alfresco area facing Prentice Lane. This has now been further extended underneath the pool in the revised plans provided on the 28 July 2022. This is not acceptable and will be conditioned to not protrude underneath the pool. Thus, the basement now satisfies the objectives and most of the controls with SCDCP 2005.

Vehicular access, Parking

The 1.2m level difference within the section of the basement adjacent to the pool has been removed, meaning most of the basement is now level at RL13.600. The balustrade has remained in the plans and will be conditioned to be removed to help with the manoeuvrability of vehicles within the basement.

Balconies and Privacy

The revised plans have removed the side balconies facing Prentice Lane. This has reduced the overall bulk of the design as well as opportunities for overlooking into neighbouring properties.

It appears Juliet balconies have been added, which are acceptable as they abut the façade and are appropriately setback from the boundary.

Building Form

The removal of balconies and reduction in the basement have improved the overall building bulk and scale of the development. The minor façade changes and the addition of the wall along a quarter of the rear balcony is acceptable. As it is unlikely to further create more bulk to the design. Therefore, these changes are acceptable.

Cut and Fill

The removal of significant fill in the rear yard and the reduction of excavation in the basement means that cut and fill has been kept to a minimum and existing ground levels have been maintained where appropriate to reduce site disturbance. Therefore, satisfying the relevant objectives and most of the controls of the SCDGP 2005.

Water and Soil Management

Water and soil management were assessed in the original application and were acceptable subject to conditions of consent. The modification is unlikely to impact on the objectives and controls of SCDGP 2005 and Council's Stormwater Management Code.

Swimming Pool

The swimming pool has increased in size by small amount further abutting the boundary with the Jacuzzi now moved closer to the boundary. This is a minor change to the overall pool design and is likely to have similar impacts to court approved design. Therefore acceptable in this circumstance.

PART H – Waste Management (SCDGP 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 amendments do not impact on the original assessment of this provision.

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

The amended plans submitted on 28 July 2022 now satisfy the provision. Having minimal impacts on both natural and built environment including both social and economic impact in the locality.

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

The amended plans submitted on 28 July 2022 now satisfy the provision

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

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

(e) the public interest.

The amended plans submitted on 28 July 2022 now satisfy the provision.

Local Infrastructure Contributions

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

Conclusion

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

Following detailed assessment of these changes, it is considered that Development Application No. DA2018/37/2 should be approved subject to following conditions being added to, modified or deleted

- Modified Condition 1.1 – DESIGN CHANGES
- Modified Condition 2.1 – APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

Signed:

Date: 10 August 2022

**J W Brown
Planner**

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

☒ I have reviewed the details of this development application and I also certify that Section 7.11/7.12 Contributions are applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed by;

Signed:

Date: 10 August 2022

**L Gibson
Senior Planner**

ANNEXURE A

This is the Annexure marked "A" referred to in the s34 Agreement between Rajeev Sharma and Strathfield Municipal Council in Land & Environment Court Proceedings No. 2018/284277.

In relation to Development Application No. DA 2018/37 for 4 Verona Street, Strathfield (Lot 2 in DP 363927) approval is granted for demolition of existing structures and construction of a new two storey dwelling house with basement car parking, subject to the following conditions of consent.

1A PRESCRIBED CONDITIONS (PC)

01 BASIX COMMITMENTS

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

02 NATIONAL CONTRUCTION CODE AND HOME BUILDING ACT 1989

The applicant shall comply with the prescribed conditions of development consent under clauses 98, 98A and 988 of the Environmental Planning and Assessment Regulation 2000.

03 LONG SERVICE LEVY

Payment of the Long Service Levy as required by section 6.8(b) of the Environmental Planning & Assessment Act 1979 and section 34 of the Building and Construction Industry Long Service Payments Act 1986 for all building work over \$25,000. (Note: The cost of the building work must be rounded to the nearest \$100.)

*The Long Service Levy shall be paid at Council's Customer Service Centre or evidence of direct payment to the Long Service Payments Corporation shall be provided to Council **prior to the issue of a Construction Certificate.***

1. SPECIAL CONDITIONS (SC)

1.1 DESIGN CHANGES

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

1. *The basement must be reduced on the side of Prentice Lane so no excavation occurs under the proposed swimming pool.*
2. *The 'brick or concrete solid balustrade' within the basement is to be deleted.*
 - ~~i. The ground floor is to be lowered by 100mm to a finished RL16.60;~~
 - ~~ii. The rear patio is to be lowered to a maximum RL16.55;~~
 - ~~iii. The side patio area adjacent to the pool and Jacuzzi is to be lowered to a maximum RL16.55;~~
 - ~~iv. The western side access is to be lowered to a maximum RL16.55.~~

~~Details of the above changes are to be submitted to and approved by Council prior to the issue of a Construction Certificate and a copy forwarded to Council where Council is not the nominated PCA (Reason: To comply with the development controls contained within SCDCP 2005, mitigate overlooking of neighbouring properties and reduce the bulk and scale of the dwelling).~~

MODIFIED DA2018.37.2 12 August 2022

1.2 DELETED

1.3 DELETED

1.4 BASEMENT VENTS

The basement ventilation vents / openings located along the northern, western and eastern elevations within the basement are to remain open, fixed louvres and are not to be enclosed at any future time.

(Reason: To ensure the natural ventilation of the basement level).

1.5 COPING LEVELS OF POOL AND JACUZZI

The in-ground pool and jacuzzi located on the western side of the dwelling shall be lowered to RL 16.55. Details are to be submitted to and approved by the Council prior to the issue of a Construction Certificate.

(Reason: To reduce the visual impact and out-of-ground height of the jacuzzi and in-ground swimming pool}

1.6 PARAPET

The overall height of the parapet is to be reduced .by 100mm so as to not exceed a finished RL 24.60.

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

1.7 DELETED

1.8 DELETED

1.9 DELETED

2. GENERAL CONDITIONS (GC)

2.1 APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

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

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No.2018/037:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
Cover	Cover Page	Reeturaj Group	B / 15May 2019	17May 2019
DA100	Site Plan	Reeturaj Group	B / 15May 2019	17May 2019
	Site Plan	Reeturaj Group	H / 26 July 2022	28 July 2019
DA200	Site Plan / Front Fence	Reeturaj Group	B / 15May 2019	17May 2019
DA201	Basement	Reeturaj Group	B / 15May 2019	17May 2019
	Proposed Basement Plan	Reeturaj Group	H / 26 July 2022	28 July 2019
DA202	Ground Floor Plan	Reeturaj Group	B / 15May 2019	17May 2019
	Proposed Ground Floor Plan	Reeturaj Group	H / 26 July 2022	28 July 2019
DA203	First Floor Plan	Reeturaj Group	B / 15May 2019	17May 2019
	Proposed First Floor Plan	Reeturaj Group	H / 26 July 2022	28 July 2019
DA204	Roof Plan	Reeturaj Group	A / 28 January	23 March 2018
	Proposed Roof Plan	Reeturaj Group	H / 26 July 2022	28 July 2019
DA301	Elevations 1	Reeturaj Group	B / 15May 2019	17May 2019
	North and South Elevation	Reeturaj Group	H / 26 July 2022	28 July 2019
DA302	Elevations 2	Reeturaj Group	B / 15May 2019	17May 2019
	East and West Elevation	Reeturaj Group	H / 26 July 2022	28 July 2019
DA303	Sections	Reeturaj Group	B / 15May 2019	17May 2019
	Sections	Reeturaj Group	H / 26 July 2022	28 July 2019
DA304	Proposed Pedestrian / Vehicular Crossing	Reeturaj Group	B / 15May 2019	17May 2019

DA400	Calculation - D/W Schedule	Reeturaj Group	B / 15May 2019	17 May.2019
DA600	Demolition Plan	Reeturaj Group	A / 28 January	23 March 2018
DA800	Site Plan / Front Fence Details	Reeturaj Group	B / 15May 2019	17May 2019
SF01	Finish Schedule	Mistry Designs	B / 15May 2019	17May 20 19
	Landscape Concept Plan	Inwood Landscape Design	B / 15May 2019	17May 20 19
900021S_07	BASIX Certificate	Eco Certificates Pty Ltd	14March 2018	23 March 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 DA2018.37.2 12 August 2022

2.2 BUILDING HEIGHT - MAXIMUM RL TO BE COMPLIED WITH (GC)

The height of the building measured from Australian Height Datum (AHO) must not exceed Relative Level (RL) 24.60 AHD to the top of the parapet of the building.

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

2.3 CONSTRUCTION HOURS (GC)

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

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

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

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

2.4 CONSTRUCTION WITHIN BOUNDARIES (GC)

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

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

2.5 DEMOLITION - GENERALLY (GC)

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

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

2.6 DEMOLITION - SITE SAFETY FENCING (GC)

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

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

- payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and
- provision of a Public Risk Insurance Policy with a minimum cover of \$ 10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy provided to Council.

(Reasons: Statutory requirement and health and safety.)

2.7 DELETED

2.8 DELETED

2.9 ENVIRONMENTAL PROTECTION - JREE (GC)

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

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

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

- i. A Tree Protection (Management) Plan prepared by a AQF Level 5 Arborist is to be available on site at all times prior to the issue of the Constriction Certificate, for all demolition and site works. This Tree Protection (Management) Plan must be shown on the demand of Authorised Council staff.
- ii. Protective perimeter fencing must be consistent with AS 4687, using metal fence posts greater than 20mm diameter and solid or chain wire mesh 2 metres in height supported on concrete pads/feet at 2-2.5 metre spacing. Fencing placement should not be closer than 2.5 metres from the trunk of each protected tree, or at a distance as specified by the approved Tree Protection (Management) Plan and approved by Council's Tree Management Officer. Shade cloth is to be used to prevent entry of dust and contaminated liquids into the root protection area.
- iii. Signs must be placed on the Fencing. These signs must comply with AS 1319. The signs must state the purpose of the fencing and the name and contact details of the builder and the appointed AQF Level 5 consultant arborist.
- iv. Root protection is to be provided in the form of mulching to a depth of 50100mm, inside of the fenced tree protection zone.
- v. Ground (Root) Trunk and Branch Protection must comply with the diagram of Figure 4 of AS4970 - 2009. Ground protection within the tree protection zone_ and drip line should be in the form of heavy steel plates or timber rumble boards over mulch or aggregate. Trunk and branch protection should be to a minimum height of 2 metres and must include measures to protect the tree/s against damage from the movement of trucks, plant equipment and materials at greater heights above ground level.
- vi. Temporary signs, cables, wires must not be attached to, or suspended, on any street tree or protected tree.
- vii. Above ground utilities must not be placed within the canopy of an existing protected tree, or create the future need for clearance pruning.
- viii. Below ground utilities/services must not be located inside the fenced tree protection zone.
- ix. Scaffolding must not be located in the fenced tree protection zone unless authorised by the approved Tree Protection (Management) Plan and Council's Tree Management Officer
- x. Council must be notified in writing within 24 hours, for all temporary removal of the tree protection fencing ground (root) trunk and branch protection within the root protection area.
- xi. Pruning of a street tree is prohibited without the written consent of Council. (Reason: To ensure the protection of trees to be retained on the site.)

2.10 DELETED

2.11 DELETED

2.12 PRINCIPAL CERTIFYING AUTHORITY {PCA} IDENTIFICATION SIGN (GC)

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

- i) the Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- ii) the Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person; and

- iii) the sign must state that unauthorised entry to the work site is prohibited.

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

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

(Reason: Statutory requirement.)

2.13 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 2601200 1.*
- 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.)

2.14 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.)

2.15 SYDNEY WATER-TAP IN TM (GC)

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

(Reason: Compliance with Sydney Water requirements.)

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

3.1 BASIX COMMITMENTS (CC)

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

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

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

(Reason: Statutory compliance.)

3.2 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.)

3.3 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.)

3.4 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.)

3.5 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.)

3.6 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.)

3.7 DILAPIDATION REPORT - PRE-COMMENCEMENT (CC)

Subject to access being granted, a pre-commencement Dilapidation Report is to be undertaken on 6 Verona Street, Strathfield. 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.)

3.8 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.)

3.9 GEOTECHNICAL REPORT {CC}

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

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

(Reason: Structural safety.)

3.10 LANDSCAPING - LANDSCAPE PLAN REQUIRED (CC)

A landscape plan prepared by a qualified landscape architect or landscape consultant to a scale of 1:100 or 1:200, conforming to all relevant conditions of consent is to be submitted to the satisfaction of the Principal Certifying Authority with the Construction Certificate application.

The plan must include the following information:

details demonstrating compliance with SCDCP 2005 in relation to landscaping requirements;

- ii) location of all existing and proposed landscape features including materials to be used;

- iii) all trees to be retained, removed or transplanted;
- iv) existing and proposed finished ground levels;
- v) top and bottom . wall levels for both existing and proposed retaining and free standing walls; and
- vi) a detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity. A minimum of 25% of species shall be locally sourced indigenous species. Species shall be predominantly selected from Council's Recommended Tree List.

Consideration within the design should be given to the scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area, potential views, solar access and privacy for neighboring development.

(Reason: Landscape quality.)

3.11 LANDSCAPING - MAINTENANCE STRATEGY (CC)

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

(Reason: Ensure landscape survival.)

3.12 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.)

3.13 SECTION 7.12 CONTRIBUTION PAYMENT - INDIRECT CONTRIBUTIONS PLAN) (CC)

In accordance with the provisions of Section 7. 13 of the Environmental Planning and Assessment Act 1979 and the Strathfield Indirect Development Contributions Plan 2010- 2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

Local Amenity Improvement Levy	\$10,000
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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 20102030.

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

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

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

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

3.14 SECURITY PAYMENT - DAMAGE DEPOSIT FOR COUNCIL INFRASTRUCTURE (CC)

A security (damage deposit) of **\$12,200** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

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

(Reason: Protection of Council infrastructure.)

3.15 SWIMMING POOLS / SPAS (CONSTRUCTION OF)

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

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

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

(Reason: Safety and statutory compliance.)

3.16 SWIMMING POOLS / SPAS - MECHANICAL PLANT ENCLOSURE (CC)

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

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

3.17 TREE BONDS (CC)

A tree bond of **\$6,600** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

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

3.18 UTILITIES AND TELECOMMUNICATIONS - ELECTRICITY CONNECTION (CC)

Provision must be made for connection to future underground distributions mains. This must be achieved by installing:

- i) an underground service line to a suitable existing street pole; or
- ii) Sheathed underground consumers mains to a customer pole erected near the front property boundary (within 1 metre).

Note: A limit of one (1) pole per site will apply.

Any costs associated with the relocation of the above are at the requester's expense. Any disturbance to public land as a result of the undergrounding of services shall be restored at no cost to Council.

Details are to be submitted to the Principal Certifying Authority with the Construction Certificate Application.

(Reason: Environmental amenity.)

3.19 UTILITIES AND TELECOMMUNICATIONS - TELECOMMUNICATIONS ASSETS (CC)

Provision must be made for relocation of telecommunications network assets including underground placement of any existing aerial cables and infrastructure. Any costs associated with the relocation of the above are at the requester's expense. Any disturbance to public land

as a result of the undergrounding of services shall be restored at no cost to Council.

Details are to be submitted to the Principal Certifying Authority with the Construction Certificate application.

(Reason: To ensure suitable relocation of telecommunications infrastructure if required.)

3.20 VEHICULAR CROSSINGS - WORKS PERMIT FOR CONSTRUCTION OF (CC)

Full-width, heavy-duty concrete vehicular crossing(s) shall be provided across the footpath at the entrance(s) and/or exit(s) to the site and designed in accordance with Council's guidelines and specifications. In this regard, a Works Permit is to be obtained (available from Council's Customer Services Centre or downloaded from Council's website), and the appropriate fees and charges paid, prior to the lodgement of a Construction Certificate.

(Reason: To ensure appropriate access to the site can be achieved.)

3.21 VENTILATION SYSTEMS - MECHANICAL (CC)

The mechanical ventilation system is to comply with the following:

- i) The Building Code of Australia;
- ii) Protection of the Environment Operations Act 1997;
- and iii) Australian Standard AS 1668-1991.

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

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

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

3.22 WASTE SERVICE ROOMS OR COMPARTMENTS (CC)

Each service room/compartment must be located for convenient access by users and must be well ventilated and well lit.

- i) Each service room/ compartment must be located for convenient access by users and must be well ventilated and well lit.
- ii) Each service room/compartment must include a chute for recycling or space for bins/crates for the reception of recyclable materials within 2m of garbage chute, recycling bins or crates must be in place prior to OC.
- iii) The floors, walls and ceilings of the service rooms/compartment must be finished with smooth impervious materials that are capable of being easily cleaned
- iv) The service rooms/compartment must contain clear signage that describes the types of wastes that can be deposited into the garbage chute and the types of wastes which should be deposited into the recycling bins or crates

(Reason: To keep waste service rooms or compartments in a clean and sanitary condition to protect public health.)

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

4.1 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 u nauthorised entry is prohibited. The sign must not be removed until all work has been completed.

(Reason: Statutory requirement.)

4.2 HOME BUILDING COMPENSATION FUND (CW)

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

- i) A contract of insurance in accordance with Part 6 of the Home Building Act 1989 is entered into and in force, where such a contract is required under that Act (this is a prescribed condition of consent pursuant to clause 981(b) Environmental Planning and Assessment Regulation 2000).
- ii) The PCA is satisfied that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the Home Building Act 1989 (unless the work is to be carried out by an owner-builder).
- iii) If the work is to be carried out by an owner builder, that the owner builder is the holder of any owner -builder permit required under the Home Building Act 1989.
- iv) Written notice of the following information has been provided to Council (this is a prescribed condition of consent pursuant to clause 98 B of the Environmental Planning and Assessment Regulation 2000):
 - In the case of work for which a principal contractor is required to be appointed:
 - the name and licence number of the principal contractor; and
 - the name of the insurer by which the work is insured under Part 6 of the Home Building Act 1989.
 - In the case of work to be done by an owner-builder:
 - the name of the owner-builder; and
 - if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989, the number of the owner-builder permits.

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

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

(Reason: Statutory requirement.)

4.3 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.)

5. CONDITIONS TO BE SATISFIED DURING DEMOLITION AND BUILDING WORKS DBW)

5.1 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.)

5.2 SURVEY REPORT OF APPROVED LEVELS DURING AND POST CONSTRUCTION (DW)

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

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

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

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

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

6.1 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.)

6.2 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.)

6.3 LANDSCAPING - STREET TREE REMOVAL AND REPLACEMENT TREE COST (OC)

No existing street trees can be removed without Council approval. Where such approval is granted, the applicant shall meet the full cost to remove the tree and plant a replacement tree of 200 litre container size at the time of planning and selected from Council's Recommended Tree List. Specimens must be in accordance with NATSPEC specifications and guidelines and maintained for a twelve (12) month establishment phase. If the specimen fails to thrive or is otherwise damaged it shall be replaced at full cost to the applicant and maintained for a further twelve (12) months.

The replacement tree is to be planted within one (1) week of Council's street tree being removed and undertaken prior to the issue of any Occupation Certificate.

(Reason: Tree preservation and environmental amenity.)

6.4 OCCUPATION OF BUILDING (OC)

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

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

- i) all required inspections (including each applicable mandatory critical stage inspection) have been carried out; and*
- ii) any preconditions to the issue of the certificate required by a development consent have been met.*

*Note: New building includes an altered portion of, or an extension to, an existing building.
(Reason: Statutory requirement.)*

6.5 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.)

6.6 SWIMMING POOLS / SPAS - REGISTRATION AND REQUIREMENTS {QC}

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

Pools Amendment Act 1992 (as amended);

- ii) Swimming Pools Regulations 2008; and
- iii) Australian Standard AS1926.1-2012 - Safety Barriers for Swimming Pools.

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

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

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

(Reason: Safety and statutory compliance.)

6.7 VENTILATION SYSTEMS - MECHANICAL {QC}

The mechanical ventilation system is to comply with the following:

- i) The Building Code of Australia;
- ii) Protection of the Environment Operations Act 1997;
and
- iii) Australian Standard AS 1668- 1991.

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

At the completion of the installation of the mechanical exhaust ventilation system, a certificate from a practising mechanical engineer shall be submitted to the Principal Certifying Authority, prior to issue of the Occupation Certificate demonstrating compliance with the above.

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

7.32 NOISE - AIR CONDITIONERS IN RESIDENTIAL BUILDINGS (QC)

The air conditioner(s) must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2017 and shall not:

- (a) cause or permits an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within any room in any other residential premises (that is not a garage, storage area, bathroom, laundry toilet or pantry)whether or not any door or window to that room is open:

- (i) before 8am or after 10pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7am or after 10pm on any other day; and
- (b) within 7 days of doing so, the person is warned by an authorised officer or enforcement officer not to cause or permit an air conditioner to be used on residential premises in that manner; and
 - (c) the person again causes or permits an air conditioner to be used on residential premises in the manner referred to in paragraph (a) within 28 days after the warning has been given.

(Reason Noise control and amenity.)

7. ADVISORY NOTES (AN)

7.1 REUSE AND RECYCLING

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

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

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

7.2 TREE PROTECTION

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

7.3 USE OF COUNCILS FOOTWAY

The use of Council's footway in accordance with this consent shall not occur until an agreement with Council is entered into for the use of the footway and the applicable fees paid.

7.4 REVIEW OF DETERMINATION

Section 8.2 of the Act allows the applicant/owner to request Council to review the determination of the application. Any such request must be made within six (6) months

of this Notice of Determination being issued and be accompanied by the required fee.

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

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

7.5 DIAL BEFORE YOU DIG

Information regarding the location of underground services may be obtained from Dial Before You Dig (Telephone 11 00 or www.dialbeforeyoudig.com.au). Inquirers should provide DBYD with the street/road name and number, side of street/road and the nearest cross street/road.

7.6 CONSTRUCTION CERTIFICATE

A Construction Certificate shall be obtained in accordance with Section 6.7 of the Act, prior to the commencement of any work on site. Council can provide this service for you and you may contact Council's Development Assessment Unit on 9748 9999 for further information.

7.7 OCCUPATION CERTIFICATE

An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of the building.

7.8 RIGHT OF APPEAL

If you are dissatisfied with this decision, Section 8.7 of the Act gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this Notice of Determination.

7.9 OFFENCE

Section 9.77 and Division 9.6 of the Act provides that any person who contravenes or causes or permits to be contravened the conditions of this consent or the Tree Preservation Order shall be guilty of an offence.

7.10 PENALTY INFRINGEMENT

Section 9.37 and Division 9.6 of the Act provides that a person guilty of an offence against this Act may be liable to penalties. Penalty infringement notices (on-the-spot fines) can also be issued for breaches of the conditions of development consent.

7.11 DEVELOPMENT CONTRIBUTIONS

The contributions required under Section 7.11 of the Act are set out in the Section 94 Contributions Plan which can be viewed at Council's Customer Service Centre, 65 Homebush Road, Strathfield during normal business hours.

7.12 RESIDENTIAL BUILDING INSURANCE

Approved Insurers for Residential Building work under the Home Building Act 1989 are listed on the Department of Fair Trading's website:

www.fairtrading.nsw.gov.au

*Other contact details for the Department are: Phone:
9895 0111*

E-Mail: enquiry@fairtrading.nsw.gov.au

7.13 GUTTERS/DRAINAGE

Applicants are advised to ensure all gutters are designed and installed in accordance with the National Construction Code and the relevant Australian Standards.

7.14 CRITICAL STAGE INSPECTIONS

In accordance with Clause 162A of the Environmental Planning and Assessment Regulation 2000, critical stage inspections are to be carried out by the Principal Certifying Authority (PCA) or by another authority if the PCA so agrees. Failure to undertake these inspections can prevent the issue of an Occupation Certificate and may result in penalties.

7.15 WINDOW SECURITY

For the purposes of improved resident safety, it is recommended that the windows of dwellings be fitted with appropriate devices capable of being locked into a fixed position with such openings generally being a maximum of 100mm wide provided that compliance with the NCC in terms of lighting and ventilation is still achieved.