

IDAP REPORT – SECTION 4.55(1A) MODIFICATION

Property:	16 Florence Street STRATHFIELD DA 2013/43/3
Proposal:	S4.55(1A) modification application to change the roof form of an approved detached studio.
Applicant:	J Michael
Owner:	J. Michael
Date of lodgement:	6 May 2020
Notification period:	13 May 2020 to 27 May 2020
Submissions received:	Nil
Assessment officer:	N Doughty
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	Yes – Heritage Item No. I136
Flood affected:	Yes
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL



Figure 1: Locality plan. The subject site is outlined in yellow and surrounding heritage items outlined in red.

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the S4.55(1A) Modification to change the roof form of an approved detached studio as well as minor changes to materials, finishes and size of the bathroom within the studio.

Site and Locality

The site is identified as 16 Florence Street STRATHFIELD and has a legal description of Lot: 20 Sec: 1 DP: 581. The site is a regular shaped parcel of land and is located on the eastern side of Florence Street. The site has a width of 15.25m, a depth of 60.35 and an overall site area of 920.3m². The subject site and northern adjoining property (No. 14 Florence Street) are listed as Heritage Item I136 “Norwood and Wrexham 14 and 16 Florence Street, Strathfield—Victorian villas, garden and front fence” under Schedule 5 of the SLEP 2012.

The locality surrounding the subject site contains a mixture of one (1) and two (2) storey dwellings. Multiple heritage listed items are located within the immediate vicinity of the site (Figure 1).

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 satisfies all relevant objectives contained within the LEP.

Development Control Plan

The proposed development generally satisfies the provisions of Strathfield Consolidated DCP 2005. 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 13 May 2020 to 27 May 2020 where no submissions were received.

Issues

- The application proposes additional tree pruning from what was approved in the original development consent to accommodate for the change in roof form and to reflect the current tree canopy conditions. An arborist report has been submitted to support this change and Council’s tree coordinator is supportive.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2013/43/3 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application seeking modifications to an approved first floor studio above the existing garage at the rear of the site. The specific elements of the modifications sought are as follows (Figures 2 to 4):

- Amend the roof style of the studio above the garage from flat to gable;
- Amend the schedule of colours and external finishes to reflect the modified roof form;
- Replace the solid wall side elevations of the studio balcony to horizontal louvres;
- Increase the bathroom from 2.55m² to 4.25m² and inclusion of a shower; and
- Modification of Condition No. 28 regarding tree pruning to reflect the current canopy conditions of the on-site trees.

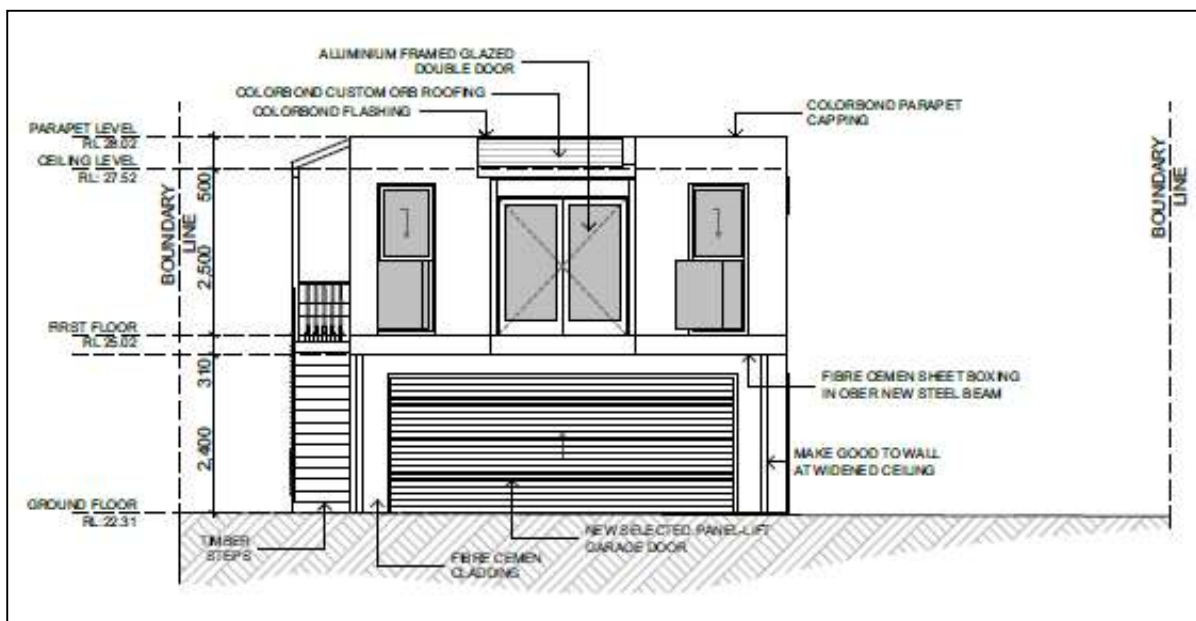


Figure 2: Approved western elevation of studio above existing garage.



Figure 3: Proposed western elevation of studio above existing garage.

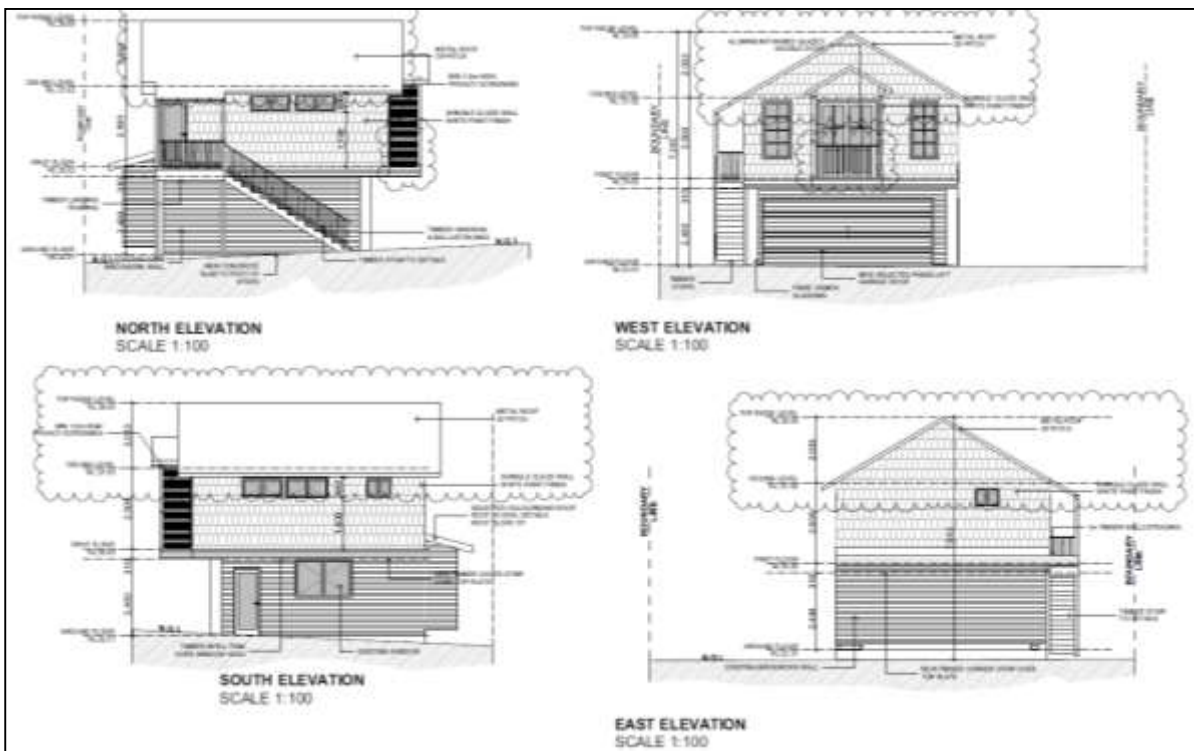


Figure 4: Proposed elevations.

The Site and Locality

The subject site is legally described as Lot: 20 Sec: 1 DP: 581 and commonly known as 16 Florence Street STRATHFIELD. It is located on the eastern side of Florence Street with a 15.25m frontage and a 60.35m depth forming a rectangular site. The site has an overall area of 920.3m².

The site is presently occupied by a single storey Victorian Italianate Villa style dwelling known as 'Wrexham' built in the late 19th Century featuring an asymmetrical façade to the street with

a projecting gabled bay and offset bullnose verandah. The roof is gabled and steeply pitched and features painted chimneys with terracotta tiles. The verandah features reproduction decorative detail including cast iron lace, brackets and posts, tessellated tiles and timber lattice end panels. The subject site also contains a detached garage and swimming pool.

The subject site and northern adjoining property (No. 14 Florence Street) are listed as Heritage Item No. Item I136 "Norwood and Wrexham 14 and 16 Florence Street, Strathfield—Victorian villas, garden and front fence" under Schedule 5 of the SLEP 2012 (Figure 5).



Figure 5: View of the existing dwellings at No. 14 and 16 Florence Street.

Background

19 September 2013: DA2013/043 was approved by Council for demolition of part of the existing dwelling and construction of a two (2) storey addition to the rear and the construction of a first floor studio above the existing garage to the rear of the site.

23 August 2019: Section 4.55(2) modification application (DA2013/043/01) for alterations and additions to the two (2) story rear extension, alfresco and garage/studio was approved by IDAP.

6 May 2020: The subject Section 4.55(1A) modification application was lodged at Council.

13 May 2020 to 27 May 2020: The application was notified in accordance with the Strathfield Community Participation Plan. No submissions were received.

2 June 2020: A letter was sent to the applicant requesting the following additional information and amended plans:

- i) Updated Arboricultural Impact Assessment;
- ii) Statement of Environmental Effects;
- iii) Schedule of Colours and External Finishes; and
- iv) Visual privacy matters;

26 June 2020: The applicant submitted additional information and amended plans that resolved the matters raised in the letter.

Referrals – Internal and External

INTERNAL REFERRALS

Landscaping Comments

Council's Tree Coordinator has commented on the proposal as follows:

"I have reviewed the Arborist Assessment with Pruning Specification prepared by NSW Trees. The tree assessment and pruning specifications in the report are appropriate and the branch pruning for scaffold and roof construction is not to exceed the recommendations. The recommendations in the Arborist report are to be adopted as conditions of consent."

Heritage Comments

Council's Heritage Advisor has commented on the proposal as follows:

"In May 2020, the applicant has sought to modify this consent again, due to practical reasons as the garage is located under trees, it seeks to use a pitched roof rather than a flat roof. It is behind the dwelling within the rear yard. It is unlikely that it will not impact the item and the adjoining item due to its location and that the roof is similar to the heritage item. I agree with the applicant that it will better fit into the setting. From the limited view from the street I agree that on heritage grounds the proposal is likely to be an improvement from the original flat roof design."

The external colours to the studio and garage have been submitted. Due to the location to the rear of the property separate from the Victorian dwelling and due to the modern extension the colours and materials are supported on heritage grounds."

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. The original development application was granted approval on 19 September 2013 by Council. The delegated report has been taken into consideration and is consistent, proposing an addition that will not have adverse impact on the heritage significance of the existing dwelling and maintains the amenity of the adjoining properties.

Section 4.15 Assessment – EP&A Act 1979

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

(1) *Matters for consideration – general*

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

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

Strathfield Local Environmental Plan

The development site is subject to the Strathfield Local Environmental Plan 2012. The Application maintains consistency with the aims of SLEP 2012 and comment is provided below on the development standards impacted by the proposed modification.

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Approved	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	9.5m	Rear extension: 7.81m	Rear extension: Unchanged	Yes
		Studio/garage: 5.75m	Studio/garage: 7.28m	Yes

Comments: The proposed amendment to the roof form of the approved studio from flat to gable results in the building height of the studio increasing from 5.75m to 7.28m. Whilst the change in roof style increases the height of the studio/garage structure, the downward slope and siting of the structure to the rear of the site minimises the visibility from the streetscape. Further, it remains compliant with the maximum building height control.

Part 5 – Miscellaneous Provisions

Heritage Conservation

Clause 5.10 of the SLEP 2012 requires consideration be given to the effects of the proposed development on the heritage significance of heritage items and heritage conservation areas. The site is identified as Heritage Item I136 (Norwood and Wrexham 14 and 16 Florence Street, Strathfield —Victorian villas, garden and front fence) under Schedule 5 of the SLEP 2012.

The Assessment Officer report noted in the original development application that the existing detached garage is not considered part of the heritage features of the site. Notwithstanding this, the proposed alteration of the roof style of the studio above the detached garage from flat to pitched is in keeping with the architectural style of heritage listed Victorian Italianate dwelling on the subject site, improving the onsite design outcome. It will also continue to be minimally visible from the public domain.

Council’s Heritage Advisor has reviewed the application and the updated schedule of colours and finishes and raised no objection to the proposal. Overall, the modifications sought will not result in any additional impacts on the heritage listed dwelling as approved under the original development consent. It is considered that the proposed works, as modified, satisfactorily address the provisions of this Clause.

Part 6 – Additional Local Provisions

Acid Sulfate Soils

The subject site is identified as having Class 5 Acid Sulfate Soils but is not located within 500m of a Class 1, 2 3 or 4 soils. Therefore, Development Consent under the provisions of this section is not required and as such an Acid Sulfate Soils Management Plan is not required.

Earthworks

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

Flood Planning

The subject site has been identified as being at or below the flood planning level. The application does not propose any alterations to the building footprint as approved.

Essential Services

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

SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005

All stormwater from the proposed development can be treated in accordance with Council's Stormwater Management Code and would satisfy the relevant planning principles of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND (SEPP 55)

SEPP 55 applies to the land and pursuant to Section 4.15 is a relevant consideration.

A review of the available history for the site gives no indication that the land associated with this development is contaminated. There were no historic uses that would trigger further site investigations.

The objectives outlined within SEPP55 are considered to be satisfied.

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

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed provisions of clause 5.9 of SLEP 2012 relating to the preservation of trees and vegetation.

The intent of this SEPP is consistent with the objectives of the repealed Standard where the primary aims/objectives are related to the protection of the biodiversity values of trees and other vegetation on the site.

During the assessment process an updated arboricultural assessment reflecting the current canopy conditions of the on-site trees and modified gable roof form was requested by Council's Tree Coordinator. Subsequently an arboricultural assessment with pruning specification report was submitted proposing additional tree pruning to the lemon scented gum

approved under the original development consent and pruning to the turpentine which previously did not require pruning. Council's Tree Coordinator reviewed the document and raised no objection, subject to the recommendations of the arboricultural report being adopted as conditions of consent.

The aims and objectives outlined within the 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 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;

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

ANCILLARY STRUCTURES

Outbuilding

The application proposes no changes to the approved area or setbacks of the detached studio as approved under the development consent. The location of the outbuilding in the north-eastern corner of the site (5.87m from the southern side setback) assists in mitigating adverse overshadowing onto the adjoining properties. The proposed colour palette and external finishes complement the existing dwelling and are supported by Council's Heritage Advisor. The proposed horizontal privacy louvres on the side elevations of the studio balcony will ensure that visual privacy between properties are maintained.

PART P – Heritage (SCDCP 2005)

Scale

The application does not modify the rear location of the studio structure as approved under the original development consent. The modified roof form increases the building height of the studio located behind the Victorian-style dwelling from 5.75m (RL28.02) to 7.28m (RL29.55) and will remain lower than the ridgeline of the heritage dwelling (RL31.34). The location of the development in the north-eastern corner and the downward gradient of the site assists in minimising the visibility of the structure from the streetscape.

Materials and Colours

The colour palette of the addition can be described as recessive with grey and off-white colour tones that are sympathetic with the cream rendered masonry and terracotta tiles of the heritage listed dwelling. The textures of the corrugated metal and shingle wall cladding are similar to the textures of the roof tiles and bullnose verandah of the existing dwelling and adjoining heritage listed property. The adoption of a recessive and sympathetic colour palette and building materials results in a development that will not detract from the architectural qualities of the heritage listed item.

(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 modification of the detached studio roof style from flat to gable is sympathetic to the existing Victorian style residence and is considered an improved heritage outcome from the original approved design. The application proposes additional tree pruning from what was approved in the original development consent to accommodate for the change in roof form and to reflect the current tree canopy conditions. Council's Tree Coordinator supports the tree pruning specifications contained in the submitted Arborist Report. Overall the application is recommended for approval, subject to the recommended modified conditions of consent.

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

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

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

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

(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).

STRATHFIELD INDIRECT CONTRIBUTIONS PLAN


This Section 4.55(1A) application does not trigger any changes to the original condition of consent requiring payment of a section 7.12 contribution in accordance with Council's Section Direct Contributions Plan.

Conclusion

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.

Following detailed assessment it is considered that Development Application No. 43/2013/3 should be approved subject to:

1. The original conditions of consent of Development Application No. (DA2013/043) as approved by Council on 19 September 2013 for demolition of part of the existing dwelling and construction of a two (2) storey addition to the rear and the construction of a first floor studio above the existing garage to the rear of the site;
2. As modified by the Section 4.55(2) application (DA2013/043/1) approved by IDAP on 23 August 2019 for involving alterations and additions to the two (2) storey rear extension, alfresco and garage/studio; and
3. As modified by the Section 4.55(1A) application (DA2013/043/03) as follows:
 - Modifications to Condition No. 1 to reflect the modified plans; and
 - Modification to Condition No. 28 regarding permitted tree pruning activities.

Signed: 
N Doughty
Planning Officer

Date: 20 July 2020

- I confirm that I have determined the abovementioned development application with the delegations assigned to my position;
- I have reviewed the details of this modified development application and I also certify that Section 7.11/7.12 Contributions are not applicable to this development;

Report and recommendations have been peer reviewed and concurred with.

Signed: **Joe Gillies**
Senior Planner

Date: 21 July 2020



PLANS

1. The development shall be completed in accordance with the approved plans and documents listed below, prior to the building being used or occupied, and subject to any amendments "in red" and any variation as required by conditions of this consent:

New Site Plan, Drawing No. 121003 Sheet No. A3 dated 1/2/2013 prepared by Peter Burford received by Council on 20 May 2013

Demolition Works and Plan at Existing Ground Level, Drawing No. 121005 Sheet No. A5 dated 1/2/2013 prepared by Peter Burford received by Council on 20 May 2013

New Rear Garden Plan and Landscape Plan, Drawing No. 121012 Sheet No. A12 dated 1/2/2013 prepared by Peter Burford received by Council on 20 May 2013

Site and Roof Drainage Plan, Drawing Number 12MB5433/D01, Sheet 1 of 2 dated 18/1/13 received by Council on 3 April 2013

Sediment And Erosion Control Plan received by Council on 3 April 2013;

~~Arboriculture Report dated 28 July 2013 received by Council on 4 August 2013~~

DELETED: DA2013/043/03 24 July 2020

Arborist Assessment with Pruning Specification prepared by NSW Trees dated 22 June 2020 received by Council 26 June 2020

MODIFIED: DA2013/043/03 24 July 2020

Colours Schedule received by Council on 3 April 2013

Ground Floor Plan, Drawing No. A3 Sheet .2, Issue A, prepared by Arch Build, dated November 2018, received by Council 31 May 2019

MODIFIED: DA2013/043/01 23 August 2019

First Floor Plan, Drawing No. A3 Sheet .3 Issue A prepared by Arch Build, dated November 2018, received by Council 31 May 2019

MODIFIED: DA2013/043/01 23 August 2019

Roof Plan, Drawing No. A3 Sheet .4, Issue A, prepared by Arch Build, dated November 2018, received by Council 31 May 2019

MODIFIED: DA2013/043/01 23 August 2019

North and South Elevation Plan, Drawing No. A3 Sheet .6, Issue A, prepared by Arch Build, dated November 2018, received by Council 31 May 2019

MODIFIED: DA2013/043/01 23 August 2019

West Elevation Plan, Drawing No. A3 Sheet .7, Issue A, prepared by Arch Build, dated November 2018, received by Council 31 May 2019

MODIFIED: DA2013/043/01 23 August 2019

Section B Plan, Drawing No. A3 Sheet .10, Issue A, prepared by Arch Build, dated November 2018, received by Council 6 August 2019

MODIFIED: DA2013/043/01 23 August 2019

~~Studio Elevation Plan, Drawing No. A3 Sheet 8, Issue A, prepared by Arch Building dated November 2018 received by Council 31 May 2019~~

Studio Elevation Plan, Drawing No. A3 Sheet 8, Issue C, prepared by Arch Build, dated 1 May 2020, received by Council 26 June 2020

MODIFIED: DA2013/043/03 24 July 2020

~~Studio Floor Plans, Drawing No. A3 Sheet 12 Issue A, prepared by Arch Building dated November 2018 received by Council 31 May 2019~~

Studio Floor Plans, Drawing No. A3 Sheet 12, Issue C, prepared by Arch Build, dated 1 May 2020, received by Council 26 June 2020

MODIFIED: DA2013/043/03 24 July 2020

~~Studio Section Plans, Drawing No. A3 Sheet 9, Issue A, prepared by Arch Build dated November 2018 received by Council 31 May 2019~~

Studio Section Plans, Drawing No. A3 Sheet 9, Issue C, prepared by Arch Build, dated 1 May 2020, received by Council 26 June 2020

MODIFIED: DA2013/043/03 24 July 2020

BASIX Certificate issued 8 May 2019, received by Council 31 May 2019

MODIFIED: DA2013/043/01 23 August 2019

Schedule of Colours and Finishes (Studio and Garage) prepared by Arch Build dated 8 May 2020, received by Council 26 June 2020

ADDED: DA2013/043/03 24 July 2020

2. Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction associated with this consent.
3. The Principal Certifying Authority must be appointed prior to work commencing to supervise the work and authorise occupation/use of the building when completed.
4. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and any approved Traffic Management Plan are to be retained on site at all times.

Special Conditions

5. The detached studio shall be used in association with the dwelling house on the allotment and must not be used as a separate domicile.

General

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

Financial Matters

10. In accordance with the provisions of Section 94A(1) 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	\$4,000. 00
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The total amount of the contribution is valid as at the date of determination and is subject to annual indexation. If the contribution is paid after 1st July in any year, the amount of the contribution under this condition shall be indexed in accordance with clause 4. 12 of the Strathfield Indirect Development Contributions Plan 2010-2030.

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

11. A security payment of **\$5,254.00** in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council prior to the issue of a Construction Certificate. The security payment is GST inclusive and comprises the following:

Refundable tree protection bond	\$ 1,000.00
Refundable works bond	\$ 4,000. 00
Non-refundable administration fee (\$127/bd)	\$ 254. 00
TOTAL	\$5, 254. 00

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

- (a) Road and stormwater drainage works in roadways and public areas;
- (b) Connection to Council's stormwater drainage system;

- (c) Installation and maintenance of sediment control measures for the duration of construction activities;
- (d) Tree final inspection to ensure that Council's street trees have been retained, protected or replanted in accordance with conditions of consent and/or Arborists' report for the post final inspection twelve (12) month period; and
- (e) Ensuring no damage occurs to or building debris/materials are left on Council land including footpath, nature strip, kerb and gutter. The security bond may be used to recover the costs incurred by Council in cleaning and restoring the land to its original condition.

12. Fees are payable where Council is appointed as principal certifying authority to carry out the post-approval inspections. A quotation for the fees can be obtained by contacting Council and the fees shall be paid prior to the carrying out of any of the inspections.

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

Drainage/Stormwater

13. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a pump out system via a silt arrester pit to the kerb & gutter on Florence Street and as depicted on the stormwater drainage concept plans prepared by United Consulting Engineers Pty Ltd, Drawing Number 12MB5433/D01, Sheet 1 of 2 dated 18/1/13.
14. Details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with the endorsed concept plans and the requirements of Council's Stormwater Management Code.

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

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

15. On-site stormwater detention/Pump Out storage shall be provided in conjunction with the stormwater disposal system. The storage system shall be designed in accordance with the endorsed concept stormwater plans and Council's Stormwater Management Code. The proposed back-up absorption trench system shall be designed at 1 lineal metre for every 15m² of impervious area draining into it. Details of the storage system and absorption trench system shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
16. The proposed Back-up Absorption Trench System design and location shall be certified by a Structural Engineer with NPER Registration that the trench system seepage created by the absorption trench system during all storm events will not impact on the structural integrity of the new studio and existing garage prior to the issue of a

Construction Certificate.

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

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

- 18.** Temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from site. Plans showing such measures in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated August 1998 shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
- 19.** For drainage works within public land or connecting to Council's stormwater drainage system the following inspections will be required:-
- (a) After the excavation of pipeline trenches.
 - (b) After the laying of all pipes prior to backfilling.
 - (c) After the completion of all pits and connection points.

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

- 20.** All pits shall be constructed in accordance with Australian Standard AS3500.3.
- 21.** All subsoil drainage must be designed to meet the requirements of AS3500.
- 22.** Allowance shall be made for surface runoff from adjacent properties (if any), and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties.
- 23.** The rainwater tank shall be located at least 450mm from any property boundary.
- 24.** A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the:
- (a) On-site stormwater detention/Pump Out system incorporated in the development. The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at Land & Property Information NSW. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate/use of the building.

The positive covenant is required to prevent future modification or alteration without the written consent of the consent authority, and to ensure suitable maintenance is carried out.

Landscaping/Tree Matters

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

Tree	Height/spread	location	Protection zone (m)	Structural Root Zone (m)
1) Syncarpia glomulifera (Turpentine)	17.0x9.0	Rear set back eastern side	8.4	2.85
2) Corymbia citriodora (Lemon Scented Gum)	18.0x11.0	Rear set back, eastern side	6.0	2.47

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

- (a) A minimum 1.8m high barrier (Chain wire mesh panels, plywood or wooden paling fence panels: refer to AS4687-7-empora/-y fencing and hoardings for fencing requirements) shall be erected around the perimeter of the stated Protection Zone as measured from the base of the tree (or where practical). Shade cloth or similar should be attached to reduce the transport of dust, other particulate matter and liquids into the protected area. Fence posts and supports should have a diameter greater than 20mm and be located clear of roots. The barrier shall be constructed so as to prevent pedestrian and vehicular entry into the protection zone. The barrier shall not project beyond the kerb onto the roadway or any adjacent footpath.
- (b) Signs identifying the Protection Zone should be installed on the fencing and be visible from within the development site. Lettering should comply with AS 1319-Safety signs for the occupational environment.
- (c) No concrete slurry or wash, building materials, builders' rubble, excavation soil or similar shall be placed or stored within the tree protection zone.
- (d) The whole of the tree protection zone shall be mulched to a minimum depth of 75mm.
- (e) The tree protection zone shall be regularly watered.
- (f) Any major structural roots which are encountered shall be pruned by a qualified Arborist.
- (g) No excavation or construction shall be carried out within the stated Structural Root Zone distances from the base of the trunk surface.
- (h) Only permeable surfaces (e. g. decomposed granite, gravel, turfpave, permeable paving systems or soft landscaping) are permitted within the canopy spread of the trees to be protected.

26. All noxious weeds on the site shall be removed and destroyed as per their classification under the Noxious IVeec/s/AcM993.
27. General maintenance of Council's nature strip adjoining the development site, including regular lawn mowing, edging, irrigation of the lawn and street trees and restricting the storage of materials, rubbish and parking or driving of vehicles on the nature strip, must be carried out during the full period of all approved works (including any demolition and excavation).
28. The following branch pruning works are permitted to accommodate the proposed development:

Tree	Approved Works
1) <i>Synarpia glomulifera</i> (Turpentine)	Works as per Arborist Assessment with Pruning Specification prepared by NSW Trees dated 22 June 2020. ADDED: DA2013/043/03 24 July 2020
2) <i>Corymbia citriodora</i> (Lemon Scented Gum)	Works as per Arborist Assessment with Pruning Specification prepared by NSW Trees dated 22 June 2020. MODIFIED: DA2013/043/03 24 July 2020

- (a) All pruning work must be undertaken by a minimum level 2 (AQF 2) qualified Arborist who is currently a member or eligible for membership to Arboriculture Australia (AA) or the Tree Contractors Association Australia (TCAA) and in accordance with AS4373-Pruning of amenity trees.
- (b) No climbing spikes/spurs are to be worn.
- (c) Root pruning/root barrier installation must be undertaken by a minimum level 4 (AQF 4) qualified Arborist who is currently a member or eligible for membership to the Arboriculture Australia (AA) or Tree Contractors Association Australia (TCAA) and in accordance with AS4373-Pruning of amenity trees.
29. A minimum level 5 (AQF5) Consultant Arborist who is currently a member or is eligible for membership to the Institute of Australian Consulting Arboriculturists (IACA) or Arboriculture Australia (AA) is to be contracted by the applicant to undertake/monitor pruning of the required branches of the *Corymbia cithodora* (Lemon Scented Gum) located at the rear of the site.

Construction Matters

30. The proposed development shall comply with the National Construction Code and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate.
31. Footings shall be designed in accordance with the soil classification of H, or Highly Reactive (unless determined to the contrary by a suitably qualified person).
32. If the soil conditions require it retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and adequate provision must be made for drainage.

33. If the existing ground levels are altered during construction, Council may require a survey plan of the finished ground levels to be prepared and submitted prior to the issue of an Occupation Certificate to determine if there have been changes to the pre-development levels and if there are any impacts on adjoining properties as a result.
34. All construction, demolition and excavation work shall be restricted to 7am and 5pm (Eastern Standard Time) on Mondays to Saturdays (inclusive) and prohibited on Sundays and public holidays.
35. The existing ground levels shall not be altered except in accordance with the levels shown on the approved plans as part of this consent. Finished ground surface levels shall match the existing levels at the property boundary. Any survey plan shall also show the extension of these levels in relation to adjoining properties.

Building Matters

36. Where building intruder alarms are installed in the building they shall be fitted with an automated "cut-off" timing device and operated as per the Protection of the Environment Operations (Noise Control) Regulation 2008.

Sustainability

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

Demolition

38. Demolition shall be carried out in accordance with Australian Standard 2601 - The demolition of structures' or any subsequent standard and the relevant legislation.
39. The demolition of the building shall be carried out by a licensed demolition contractor. A copy of the licence shall be submitted to Council and the Principal Certifying Authority prior to any work commencing on site.
40. Details demonstrating that excavated and demolished materials including asbestos-based materials will be disposed of at an approved site shall be submitted to the Principal Certifying Authority prior to any work commencing on site.

Waste Management

41. Submission of a comprehensive Waste Management Plan to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate. Such plan shall address demolition, construction and operation waste arising from the development and shall include:-

- (a) Type and likely quantity of waste arising from the demolition and construction activities;
- (b) Storage, disposal and recycling measures for all demolition and construction waste, including specific disposal points and arrangements;

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

- 42.** The chimney flue to the new rear addition above the alfresco area shall be deleted.

(Reason: To protect the heritage fabric of existing heritage dwelling).

MODIFIED: DA2013/043/01 23 August 2019

- 43.** The first floor rear addition to the dwelling shall not encroach within the existing roof line of the original heritage dwelling so to achieve improved visual separation between the new addition and the original heritage dwelling. The roof line of the original dwelling shall remain intact. Amended plans demonstrating compliance with this requirement shall be prepared and submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate.

(Reason: To protect the heritage fabric of existing heritage dwelling).

MODIFIED: DA2013/043/01 23 August 2019