

## IDAP REPORT

<b>Property:</b>	24 Cecily Street BELFIELD DA 2020/164 Demolition of existing structures and construction of a two (2) storey dwelling with front fencing
<b>Proposal:</b>	
<b>Applicant:</b>	Princeton Piper Pty Ltd
<b>Owner:</b>	NJ Tartak
<b>Date of lodgement:</b>	16 September 2020
<b>Notification period:</b>	22 September 2020 to 6 October 2020
<b>Submissions received:</b>	Nil
<b>Assessment officer:</b>	D Strbac
<b>Estimated cost of works:</b>	\$996,080.00
<b>Zoning:</b>	R2-Low Density Residential - SLEP 2012
<b>Heritage:</b>	No
<b>Flood affected:</b>	No
<b>Is a Clause 4.6 Variation Proposed:</b>	No
<b>RECOMMENDATION OF OFFICER:</b>	<b>APPROVAL</b>

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**Figure 1: Aerial imagery of the subject site (outlined in yellow).**

## **EXECUTIVE SUMMARY**

### **Proposal**

Development consent is being sought for the demolition of existing structures and construction of a two (2) storey dwelling with front boundary fencing.

### **Site and Locality**

The site is identified as 24 Cecily Street Belfield and has a legal description of Lot: 33 DP: 35173. The site is an irregular shaped parcel of land and is located on the north-eastern side of Cecily Street, between Punchbowl Road and Blanche Street.

The site has a frontage width of 23.55m, a rear width of 8.7m, a maximum depth of 43.58m and an overall site area of 834.7m<sup>2</sup>.

The locality surrounding the subject site contains low density residential development, with a mix of dwelling designs.

### **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 22 September 2020 to 6 October 2020. No submissions were received.

### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2020/164 is recommended for approval subject to suitable conditions of consent.

## REPORT IN FULL

### **Proposal**

Council has received an application for the Demolition of existing structures and construction of a two (2) storey dwelling with front boundary fencing. More specifically, the proposal includes:

Ground floor level:

- A lounge room;
- A media room;
- A powder room;
- A walk-in-pantry;
- A kitchen;
- A dining room;
- A formal living room;
- A guest bedroom;
- A laundry; and
- An attached alfresco area.

First floor level:

- One (1) master bedroom with a WIR and ensuite;
- One (1) bedroom with an ensuite;
- Four (5) bedrooms;
- One (1) bathroom: and
- One (1) study.

External works:

- An external bathroom; and
- Ancillary landscaping.

### **The Site and Locality**

The subject site is legally described as Lot: 33 DP: 35173 and commonly known as 24 Cecily Street Belfield. It is located on the north-eastern side of Cecily Street, between Punchbowl Road and Blanche Street.

The site is irregular in shape and it has a frontage width of 23.55m, a rear width of 8.7m, a maximum depth of 43.58m and an overall site area of 834.7m<sup>2</sup>.

The site has a gradual fall of about 3.68% towards the rear of the site.

The site is occupied by a one (1) storey dwelling and an outbuilding at the rear of the site (Figure 1).

The current streetscape along Cecily Street is characterised by single and double-storey dwellings with pitched roofs and a mix of facebrick and rendered exteriors (Figure 2).





***Figure 2: Adjoining dwelling to the north of the subject site (22 Cecily Street).***



***Figure 3: The subject site adjoins the rear of sites 91-99 Punchbowl Road to the south.***

### **Background**

- 16 September 2020:** The subject Development Application (DA2020/164) was lodged.
- 22 September 2020:** The application was publicly notified until 6 October 2020.

- 21 October 2020:** A letter was sent to the applicant which requested amendments to the proposed deep soil landscaped area, the northern side façade and the width of the driveway at the property boundary.
- 29 October 2020:** Amended plans were submitted by the applicant which adequately addressed the above concerns.

## **Referrals – Internal and External**

### **Stormwater Comments**

The application was referred to Council's Development Engineer and the following comments were received:

*I have referred to the development application referenced above and reviewed the stormwater drainage concept plan prepared by **ALPHA Engineering and Development rev D drawing no. A20167-COVER – A20167-SW03 dated 09.09.2020**. The subject site has a natural fall to rear, but **charged drainage system** has enabled the applicant to submit a compliant design. The provision of water sensitive urban design is not required as the site is less than 2000m<sup>2</sup>. OSD provision is not required as the site cumulative imperviousness is less than 65% of total site area. The site discharges to the street kerb and gutter by means of a gravity pipe via the boundary pit. Roof runoff on northern boundary drains into proposed above ground rainwater tank in accordance with BASIX requirements by charged means via downpipes. All other roof runoff, pervious and impervious surfaces charges to the boundary pit via downpipes, grated trench drain and grated surface inlet pits. From an engineering perspective, the concept plan is feasible and there are no objections to its approval subject to the following conditions attached.*

Council's Development Engineer raised no concerns with the proposed development subject to conditions of consent.

### **Tree Comments**

- *The protection of the trees numbered 1,2, 3 and 5 is supported. This should include bonds for protection of the street trees.*
- *The removal of the trees numbered 4, 6, 7 and 8 is supported. The trees numbered 4, 6 & 7 are not significant or contain defects. The tree 8 (*Ficus macrocarpa* var. *Hillii*) is a very large tree; however its location in the centre of the site would prevent all future development.*
- *All removed trees are to be replaced with new trees from 100-200 litre containers. The species is to be one of each of the following species (*Eucalyptus tereticornis* or *Angophora costata*) and 2 long lived canopy trees capable of a potential mature height of 10 metres.*
- *In order to protect trees 1, 2, 3 and 5 the applicant is to submit a detailed tree management plan from an AQF Level 5 Consulting arborist prior to the development consent. The construction certificate site management and demolition plans are to incorporate and adopt these tree protection measures.*

Council's Tree Officer raised no concerns with the proposed development subject to conditions of consent which address the comments above.

## **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

**Part 2 – Permitted or Prohibited Development**

**Clause 2.1 – Land Use Zones**

The subject site is zoned R2-Low Density Residential and the proposal is a permissible form of development with Council's consent.

**Part 4 – Principal Development Standards**

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
<b>4.3</b> Height of Buildings	9.5m	9.47m	Complies.
<b>4.4</b> Floor Space Ratio	0.55:1 (459.085m <sup>2</sup> )	0.45:1 (379.3m <sup>2</sup> )	Complies.

**Part 5 – Miscellaneous Provisions**

**Heritage Conservation**

The subject site is not listed as a heritage item or located within a heritage conservation area. The site does not adjoin nor is in close proximity to a heritage item and as such, the provisions of this clause are not applicable.

**Part 6 – Additional Local Provisions**

**Acid Sulfate Soils**

The subject site is identified as having Class 5 Acid Sulfate Soils and is located less than 500m from Class 2 soils. Notwithstanding this, all works will be undertaken 5 metres above Australian Height Datum and are unlikely to result in any lowering of the water table. As such, an Acid Sulfate Soils Management Plan was not required, and the proposal satisfies the requirements of this Clause.

**Earthworks**

The proposal does not include any significant excavation or basement works. Any excavation for footings or levelling of the site is considered to be minor and will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

### **Flood Planning**

The proposed site has not been identified within the flood planning levels and as such, the provisions of this Clause are not applicable to the subject development.

### **Essential Services**

Clause 6.4 of the SLEP 2012 requires consideration to be given to the adequacy of essential services available to the subject site. The subject site is located within a well serviced area and features existing water and electricity connection and access to Council's stormwater drainage system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development

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

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

A BASIX Certificate has been issued for the proposed development and the commitments required by the BASIX Certificate have been satisfied.

### **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.

The proposal was referred to Council's Tree Management Officer who outlined specific conditions to be imposed with any development consent in order to ensure the protection of valuable trees located on the subject site (Tree No. 1, 2, 3 and 5). Further, no objection was raised to the removal of Tree No. 4, 6, 7 and 8 on the site subject to replacement planting. Relevant consent conditions will be imposed.



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 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.

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
<b>Building Envelope</b>			
<b>Floor Space Ratio:</b>			
<b>Heights:</b>			
Floor to ceiling heights:	3.0m	2.7m	Complies.
Height to underside of eaves:	7.2m	6.57m	Complies.
Number of Storeys/Levels:	2	2	Complies.
<b>Setbacks:</b>			
Front:	9m	6.7m	Does not comply.
Side:	1.2m (min)	1.2m	Complies.
Side:	1.2m (min)	0.8m	Does not comply.
Combined Side Setback:	3.33m (20%)	2m	Does not comply.
Rear:	6m	23m	Complies.
<b>Landscaping</b>			
Landscaping/Deepsoil Provisions:	375.6m <sup>2</sup> 10m <sup>2</sup>	376.6m <sup>2</sup> >10m <sup>2</sup>	Complies. Complies.
Private Open Space Area:			
Minimum dimension:	3m	>3m	Complies.
<b>Fencing</b>			
Height (overall/piers):	1.5m (maximum)	1.5m	Complies.
Solid Component:	0.7m	0.7m	Complies.
<b>Solar Access</b>			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	3hrs to habitable windows and to 50% of POS	Complies.
<b>Vehicle Access and Parking</b>			
Driveway width at Boundary:	3m	3m	Complies.
Vehicular Crossing:	1	1	Complies.
Driveway setback – side:	0.5m	3.5m	Complies.
No. of Parking Spaces:	2	2	Complies.

**Building Envelope**



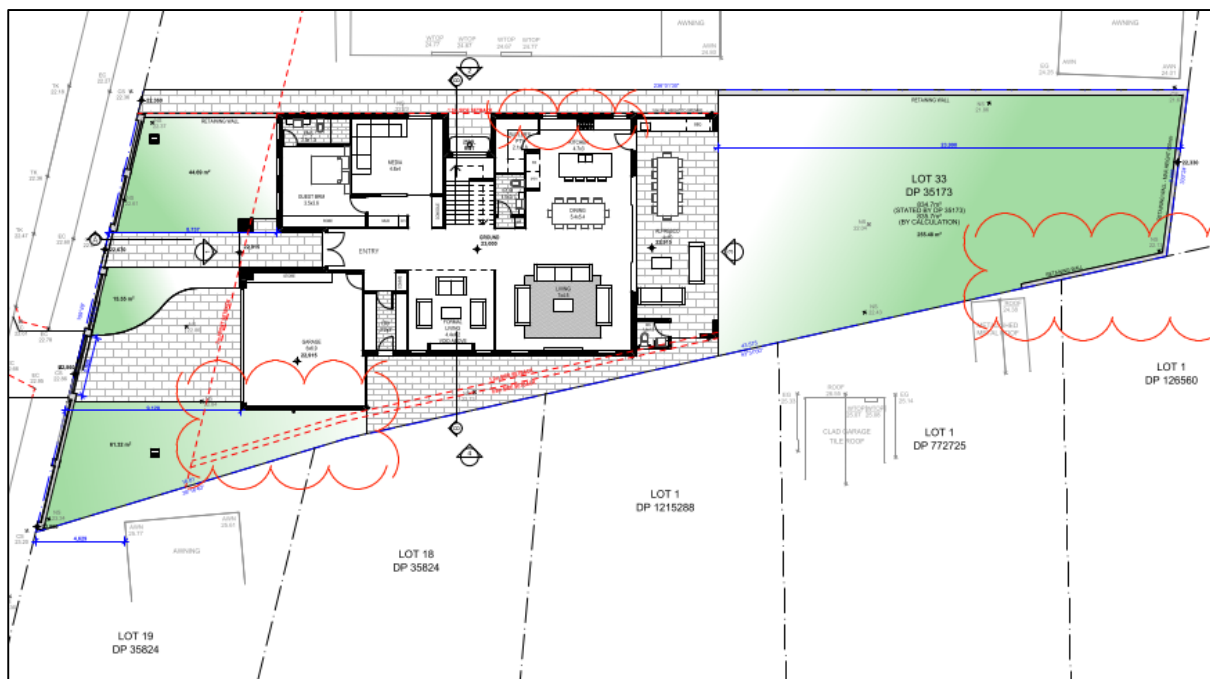
The proposed development satisfies the objectives and controls within the development control plan relevant to:

- Building Scale, height and floor space ratio
- Rhythm of Built Elements in the Streetscape,
- Fenestration and External Materials, and
- Street Edge

### Front and side setback

Whilst the front setback is less than 9m it is no less than the front setback of the existing dwelling house and is appropriate in the context of the front setbacks of the dwellings along Cecily Street.

The application proposes a minimum side setback of 0.8m along the south-western side elevation, and a combined side setback of 12.2% (2m) which is not in accordance with the minimum DCP 1.2m setback requirement and combined total setback requirement of 25%. However, a merit based assessment is appropriate considering the irregular shape of the site. It is noted that the south-eastern side boundary of the site tapers inwards towards the rear, creating a rear lot width of 8.65m and a frontage width of 23.54m (Figure 4). The proposed staggered design of the dwelling at the south-east has been appropriately designed to suit the irregularity of the allotment (Figure 4). This staggered design is such that the south-eastern side setback ranges from 0.7m to 4m. It is also noted that the south-eastern side of the dwelling adjoins the rear of sites 91-99 Punchbowl Road and as such, the non-compliance is unlikely to result in any unreasonable overshadowing or visual privacy impacts to adjoining properties. Given the site attributes, the proposed side setbacks are considered acceptable.



**Figure 4: Ground floor plan**

### Landscaping and Open Space

The proposed development satisfies the relevant objectives and controls of the SCDP 2005. During the assessment process, the proposed deep soil landscaped area was increased to comply with the minimum landscaping requirements. However, the landscaping plan was not

amended in time to reflect the deep soil landscaping changes made on the Site Plan. A condition will be included in the consent which requires the landscaping plan to be amended to reflect the landscaping changes made to the amended Site Plan.

The development can accommodate large canopy trees and where possible trees have been retained and protected (Trees No. 1, 2, 3 and 5). Council's Tree Preservation Officer has raised no objection to the removal of Trees No. 4, 6, 7 and 8 subject to replacement tree planting.

### **Fencing**

The proposed front and side fencing satisfies the relevant objectives and controls within SCDCP 2005. It is considered to be sympathetic to the existing and desired character of the locality and is compatible to the height and style of adjoining fences.

### **Solar Access**

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

### **Privacy**

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

Despite the non-compliant side setbacks of the south-west side elevation, this elevation faces the rear of sites 91-99 Punchbowl Road. The windows along the south-east elevation will therefore be substantially setback from the windows of adjoining dwellings and the 1.8m high dividing fence will also assist in providing further privacy. It is also noted that all first floor windows along this elevation are obscured which will prevent opportunities for overlooking into the rear yard of these adjoining properties.

### **Vehicular access, Parking and Basements**

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

### **Cut and fill**

The proposed development is considered to satisfy the relevant objectives and controls of the SCDCP 2005, in that the need for cut and fill has been kept to a minimum and existing ground levels have been maintained where appropriate to reduced site disturbance. Existing trees and shrubs have been retained where possible and ground water tables are maintained and impact on overland flow and drainage is minimised.

### **Water and Soil Management**

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005 and complies with Council's Stormwater Management Code. A soil erosion plan has been submitted with the application to prevent or minimise soil disturbances during construction.

### **Access, Safety and Security**

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005. Separate pedestrian and vehicle access provisions are provided, passive surveillance of the public street has been provided, which has to increased safety and perception of safety in the street.

### **PART H – Waste Management (SCDCP 2005)**

In accordance with Part H of Strathfield CDCP 2005, a waste management plan was submitted with the application. The plan details measure for waste during demolition and construction, and the on-going waste generated by the development during its use. It is considered that this plan adequately address Part H and considered satisfactory.

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

The requirements of Australian Standard AS2601–1991: *The Demolition of Structures* is relevant to the determination of a development application for the demolition of a building.

The proposed development does involve the demolition of a building. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

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

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

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

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

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

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

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

The proposed development 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 SECTION 7.12 CONTRIBUTIONS PLAN**

Section 7.12 Contributions are applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan as follows:

<b>Local Amenity Improvement Levy</b>	<b>\$9,960.80</b>
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### **Conclusion**

The application 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. 2020/164 should be approved, subject to conditions of consent.

**Signed:**

**D Strbac  
Student Planner**

**Date: 2 November 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 development application and I also certify that Section 7.11/7.12 Contributions are applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed and concurred with.

**Signed:**

**J Gillies  
Senior Planner**

**Date: 4 November 2020**



## DEVELOPMENT DETAILS

### 1. Approved Plans & Documentation

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

Description	Reference No.	Date	Revision	Prepared by
BASIX Commitments	A02	29 October 2020	E	Princeton Piper
Site Plan	A03	29 October 2020	E	Princeton Piper
Demolition Plan	A04	29 October 2020	E	Princeton Piper
Ground Floor Plan	A07	29 October 2020	E	Princeton Piper
First Floor Plan	A08	29 October 2020	E	Princeton Piper
Roof Plan	A09	29 October 2020	E	Princeton Piper
Elevations	A10	29 October 2020	E	Princeton Piper
Streetscape/Front elevation	A11	29 October 2020	E	Princeton Piper
Sections	A12	29 October 2020	E	Princeton Piper

External Finishes Schedule	A14	29 October 2020	E	Princeton Piper
Landscape Plan	LPDA 21 – 54 /1	14 September 2020	C	Conzept Landscape Architects
Landscape Plan Details	LPDA 21 – 54 /2	1 September 2020	A	Conzept Landscape Architects
Landscape Plan Specifications	LPDA 21 – 54 /3	1 September 2020	A	Conzept Landscape Architects
General notes	A20167 - Cover	16 September 2020	D	Alpha Engineering & Development
Sediment and Erosion Control Plan	SW01	16 September 2020	D	Alpha Engineering & Development
Ground floor Drainage Plan	SW02	16 September 2020	D	Alpha Engineering & Development
First floor & roof drainage plan	SW03	16 September 2020	D	Alpha Engineering & Development
BASIX Certificate	Certificate No. 1132242S_02	16 September 2020	A	GEC Consulting Pty Ltd
ABSA Certificate	-	16 September 2020	A	GEC Consulting Pty Ltd
Waste Management Plan	-	16 September 2020	01	Princeton Piper

## 2. **Building Height**

The height of the building measured from Australian Height Datum (AHD) must not

exceed Relative Level (RL) 31,669 AHD to the roof ridge of the building.

### **SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION**

#### **3. Section 138 Roads Act 1993 and Section 68 Local Government Act 1993**

Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.

Separate approval is required under Section 138 of the [Roads Act 1993](#) and/or Section 68 of the [Local Government Act 1993](#) for any of the following activities carried out in, on or over a public road (including the footpath) listed below.

An application is required to be lodged and approved prior to the commencement of any of the following works or activities;

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a “works zone”;
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater & ancillary works in the road reserve; and
- (k) Stormwater & ancillary to public infrastructure on private land
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council’s roadways/footways.

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

The relevant Application Forms for these activities can be downloaded from Council’s website [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au). For further information, please contact Council’s Customer Service Centre on (02) 9748 9999.

#### **4. Vehicular Crossing - Minor Development**

Constructing a vehicular crossing and/or footpath requires a separate approval under Section 138 of the [Roads Act 1993](#) prior to the commencement of those works.

To apply for approval, complete the *Works Permit Application Form* which can be downloaded from Strathfield Council's Website at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au). Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Civic & Urban Services Section in Council's adopted *Fees and Charges* for the administrative and inspection charges associated with Works Permit applications.

An approval for a new or modified vehicular crossing will contain the approved access and/or alignment levels which will be required to construct the crossing and/or footpath. Once approved, all work shall be carried out in accordance with Council's specifications applicable at the time, prior to the issue of an Occupation Certificate.

**5. Road Opening Permit**

A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from TfNSW, in the case of State roads, for every opening of a public road reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications before the commencement of work in the road.

**REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES**

**6. Sydney Water – Tap in™**

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

**PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

**7. Fees to be Paid**

The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au)).

Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

Please contact council prior to the payment of s7.11 or s7.12 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

A summary of the fees to be paid are listed below:



Fee Type	Fee
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation)	<b>\$ 3,486.28</b>
Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://portal.longservice.nsw.gov.au/bci/levy/">https://portal.longservice.nsw.gov.au/bci/levy/</a>	
Security Damage Deposit	<b>\$ 12,200.00</b>
Tree Bond	<b>\$ 20,000.00</b>
Administration Fee for Damage Deposit	<b>\$ 127.00</b>
Administration Fee for Tree Bond	<b>\$ 127.00</b>
<b>DEVELOPMENT CONTRIBUTIONS</b>	
Strathfield Section 94A Indirect Development Contributions Plan 2017	<b>\$ 9,960.80</b>

### **General Fees**

The fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

### **Development Contributions**

The Section 7.11 contribution (s94) is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

A Section 7.12 contribution has been levied on the subject development pursuant to the Strathfield Section 94A Indirect Development Contributions Plan.

### Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Development Contributions Plan.

### Timing of Payment

The contribution must be paid and receipted by Council prior to the release of the Construction Certificate.

### Further Information

A copy of the *current Development Contributions Plans* may be inspected at Council's Customer Service Centre at 65 Homebush Road, Strathfield or on Council's website [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au).

## 8. **Required Design Changes**

The following changes are required to be made and shown on the Construction Certificate plans:

Amendments made in red on approved plans	All changes made in red on the approved plans shall be updated and shown on the Construction Certificate plans.
Landscaping plan	The landscape plan is to be updated to reflect the increase in turf area in the front setback of the site, indicated on the approved Site Plan (Drawing No. A03, Issue E).
Encroachment of structures	No part of any structure (including footings, gutters and eaves) may encroach or overhang any property boundary.
Front fence encroachment	No part of the front fence, including any footings or support work is permitted to encroach on Council's public footway.
Front fence opening	The front fence vehicular access gate must not open onto Council's public footway. The access gate is to open inwards onto private property.

## 9. **Damage Deposit – Minor Works**

In order to insure against damage to Council property the following is required:

- (a) Pay Council, before the issue of the Construction Certificate, a damage security deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$12,200.00**
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: **\$127.00**
- (c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will inspect the public works, and the damage deposit will be refunded in full upon completion of work where no damage occurs. Otherwise the amount will be either forfeited or partly refunded according to the amount of damage.

## 10. **Tree Bond**

A tree bond of **\$20,000.00** (calculated in accordance with Council's adopted Fees

and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

A request for 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.

**11. BASIX Commitments**

The approved BASIX Certificate shall be submitted to the Accredited Certifier with the application for a Construction Certificate.

All measures and commitments as detailed in the BASIX Certificate No. 1132242S\_02 must be implemented on the plans lodged with the application for the Construction Certificate.

**12. Low Reflectivity Roof**

Roofing materials must be low glare and reflectivity. Details of finished external materials including colours and texture must be provided to the Certifying Authority.

**13. Erosion & Sedimentation Control**

Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) 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)
- (c) All clean water run-off is diverted around cleared or exposed areas
- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar

- (h) Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004.](#)

These measures are to be implemented prior to the commencement of work (including demolition and excavation) and must remain until works are completed and all exposed surfaces are landscaped/sealed.

**14. Stormwater System**

The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system in accordance with Council stormwater management code and AS/NZS 3500.3: 2015 (as amended), prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

**15. Driveway Surface Waters**

For driveways on private property sloping to the street and greater than 10 metres in length, drainage control devices such as humps or grated surface inlet pits shall be installed at the front boundary in order to control excess stormwater flowing across Council's footpath.

**16. Stormwater Drainage Plan Details**

Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineering specialising in hydraulic engineering shall be submitted with the Construction Certificate application.

These plans shall be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Management Code.

**17. Structural Details**

Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns & other structural members. The details are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works.

A copy shall be forwarded to Council where Council is not the PCA.

**18. Landscape Plans**

All landscape works shall be carried out in accordance with the approved landscape plans. The landscaping shall be maintained in accordance with the approved plans in perpetuity.

**19. Compliance with Submitted Arborist Report**

The recommendations outlined in the Arborist's Report prepared by Jackson's Nature Works dated 16 September 2020 must be implemented throughout the relevant stages of construction. Details of tree protection measures to be implemented must be detailed and lodged with the Construction Certificate application for approval and shall be in accordance with Section 4 - Australian Standard AS 4970-2009: Protection of trees on development sites.



The tree/s to be protected are listed in the table below.

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
1	Lophostemon confertus	Street tree	5.2
2	Agonis flexuosa	Street tree	3.4
3	Lagerstroemia indica	Front setback	3.4
5	Jacaranda mimosifolia	Front setback	2.9

## 20. Tree Protection and Retention

The following trees shall be retained and protected:

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
1	Lophostemon confertus	Street tree	5.2
2	Agonis flexuosa	Street tree	3.4
3	Lagerstroemia indica	Front setback	3.4
5	Jacaranda mimosifolia	Front setback	2.9

Details of the trees to be retained must be included on the Construction Certificate plans.

### General Tree Protection Measures

- All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site.
- The tree protection measures must be undertaken in accordance AS4970 -2009 Protection of trees on development sites.
- Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist (AQF Level 5 or above in Arboriculture).
- The Arborist must be present on-site during the stages of construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone to implement the tree protection measures as required.

- (e) Unless otherwise specified in AS 4970-2009, a protective fence consisting of 1.8 metres high, fully supported chainmesh fence shall be erected around the base of the tree. The distance of the fence from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.
- (f) No services shall be installed within the TPZ of the tree unless approved by Council. This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone' attached to the fence and must also include the name and contact details of the Project Arborist.

#### **Excavation works near tree to be retained**

- (g) Excavations around the trees to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not adversely be affected.
- (h) Where the Tree Protection Zone (TPZ) of trees on site or adjoining sites become compromised by any excavation works, the Project arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.
- (i) Tree Protection Zone around the trees to be retained are not to have soil level changes or services installed in this area. Any structures proposed to be built in this area of the trees are to utilise pier and beam or cantilevered slab construction.

Details satisfying this condition shall be shown on the Construction Certificate plans.

## **21. Tree Removal & Replacement**

### **Tree removal**

Permission is granted for the removal of the following trees:

<b>Tree No.</b>	<b>Tree species</b>	<b>Number of trees</b>	<b>Location</b>
4	Brachychiton acerifolius	1	Front setback
6	Lagerstroemia indica	1	Front setback
7	Banksia integrifolia	1	Front setback
8	Ficus macrocarpa var. hillii	1	Rear setback

### **General Tree Removal Requirements**

All tree removal shall be carried out by a certified Tree Surgeon/Arborist to ensure that removal is undertaken in a safe manner and complies with the AS 4373-2007 -

Pruning of Amenity Trees and Amenity Tree Industry Code of Practice (Safework NSW, August 1998).

### **Tree Replacement**

All removed trees are to be replaced with new trees from 100-200 litre containers. The species is to be one of each of the following species (*Eucalyptus tereticornis* or *Angophora costata*) and two long lived canopy trees capable of a potential mature height of 10 metres.

Trees are to conform to the NATSPEC guide and Guide for assessing the quality of and purchasing of landscape trees by Ross Clarke, 2003. Trees are to be true to type, healthy and vigorous at time of delivery and planting, shall be pest and disease free, free from injury and wounds and self-supporting; and shall be maintained until maturity.

All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.

Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.

Soil conditioner/fertilizer/moisture retention additive/s are to be applied in accordance with manufacturer's recommendations, and mixed into the backfilling soil after planting tree/s.

A minimum 75mm depth of organic mulch shall be placed within an area 0.5m from the base of the tree.

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

### **PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION & EXCAVATION)**

#### **22. Dial Before You Dig**

The applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Council's Engineers for their records.

#### **23. Registered Surveyors Report - During Development Work**

A report must be submitted to the PCA at each of the following applicable stages of construction:

- (a) Set out before commencing excavation.
- (b) Floor slabs or foundation wall, before formwork or commencing brickwork.
- (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
- (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.

In multi-storey buildings a further survey must be provided at each subsequent storey.

- (e) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (f) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

Work must not proceed beyond each stage until the PCA is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

## **DURING CONSTRUCTION**

### **24. Site Sign – Soil & Erosion Control Measures**

Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

### **25. Hours of Construction for Demolition and Building Work**

Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Friday and 8:00am to 1:00pm on Saturdays. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Where the development involves the use of jack hammers/rock breakers and the like, or other heavy machinery, such equipment may only be used between the hours of 7:00am to 5:00pm Monday to Friday only.

**Note:** A penalty infringement notice may be issued for any offence.

### **26. Ground Levels and Retaining Walls**

The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved by Council.

### **27. Excavation Works Near Tree to be Retained**

Excavation around the tree/s to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not be adversely affected.

Where the Tree Protection Zone of trees on site or adjoining sites become compromised by any excavation works, the Project Arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to



Council prior to any further demolition or construction works taking place.

## **PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

### **28. BASIX Certificate**

All energy efficiency measures as detailed in the approved BASIX Certificate in the plans approved with the Development Consent, must be implemented before issue of any Occupation Certificate.

### **29. BASIX Compliance Certificate**

A Compliance Certificate must be provided to the PCA regarding the implementation of all energy efficiency measures as detailed in the approved BASIX Certificate before any Occupation Certificate is issued.

### **30. Completion of Landscape Works**

At the completion of all works, a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboricultural Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established.

### **31. Requirements Prior to the Issue of the Occupation Certificate**

The following shall be completed and or submitted to the PCA prior to the issue of the Occupation Certificate:

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (c) Construct any new vehicle crossings required.
- (d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.
- (e) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.

### **32. Vehicular Crossing - Minor Development**

The vehicular crossing and/or footpath works shall be constructed by a private contractor at the expense of the applicant, in accordance with the Works Permit Approval issued by Council's Civic & Urban Services and in accordance with Council's Driveway Specifications.

Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at

the expense of the applicant and in accordance with Council's Driveway Specifications.

The work must be completed before the issue of an Occupation Certificate.

**33. Stormwater Drainage Works – Works As Executed**

Prior to the issue of the Occupation Certificate, stormwater drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:

- (a) Compliance with conditions of development consent relating to stormwater;
- (b) The structural adequacy of the On-Site Detention system (OSD);
- (c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- (d) Pipe invert levels and surface levels to Australian Height Datum;
- (e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

Council's Engineering Services section must advise in writing that they are satisfied with the Works-As-Executed prior to the issue of an Occupation Certificate.

**PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE**

Nil

**OPERATIONAL CONDITIONS (ON-GOING)**

Nil

**OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**34. Requirement for a Construction Certificate**

The erection of a building must not commence until a Construction Certificate has been issued.

**35. Appointment of a PCA**

The erection of a building must not commence until the applicant has:

- (a) Appointed a PCA for the building work; and
- (b) If relevant, advised the PCA that the work will be undertaken as an Owner - Builder.

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

- (c) Appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the [Home Building Act 1989](#)) is to be undertaken, the Principal Contractor must be a holder of a contractor licence;

and

- (d) Notify the PCA of the details of any such appointment; and
- (e) Notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

**36. Notification of Critical Stage Inspections**

No later than two days before the building work commences, the PCA must notify:

- (a) The consent authority and the Council (if not the consent authority) of his or her appointment; and
- (b) The applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

**37. Notice of Commencement**

The applicant must give at least two days notice to the Council and the PCA of their intention to commence the erection of a building.

**38. Critical Stage Inspections**

The last critical stage inspection must be undertaken by the PCA. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the [Environmental Planning and Assessment Regulation 2000](#).

**39. Occupation Certificate**

A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

**PRESCRIBED CONDITIONS**

**40. Clause 97A – BASIX Commitments**

This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.

**41. Clause 98 – Building Code of Australia & Home Building Act 1989**

Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the [Home Building Act 1989](#) relates, there is a requirement for a contract of insurance to be in force before any work commences.

**42. Clause 98A – Erection of Signs**

Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PCA and the Principal Contractor.

43. **Clause 98B – Home Building Act 1989**

If the development involves residential building work under the [Home Building Act 1989](#), no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the [Home Building Act 1989](#).

44. **Clause 98E – Site Excavation**

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

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

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 shall be provided and adequate provision shall be made for drainage

**ADVISORY NOTES**

I. **Review of Determination**

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

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

II. **Appeal Rights**

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

III. **Lapsing of Consent**

This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

**IV. Access to NSW Legislations (Acts, Regulations and Planning Instruments)**

NSW legislation can be accessed free of charge at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

**V. Long Service Levy**

The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.