

## IDAP REPORT

	38 Rochester Street Strathfield
<b>Property:</b>	Lot: 1 DP: 950953 DA2020/217
<b>Proposal:</b>	To undertake a two lot Torren's Title subdivision involving the retention of the existing dwelling house on one of the proposed lots.
<b>Applicant:</b>	N Chib
<b>Owner:</b>	R Chib
<b>Date of lodgement:</b>	11 December 2020
<b>Notification period:</b>	13 January to 29 January 2021
<b>Submissions received:</b>	Nil
<b>Assessment officer:</b>	D Strbac
<b>Estimated cost of works:</b>	\$10,000.00
<b>Zoning:</b>	R2 - Low Density Residential - SLEP 2012
<b>Heritage:</b>	No
<b>Flood affected:</b>	Yes
<b>Is a Clause 4.6 Variation Proposed:</b>	No
<b>RECOMMENDATION OF OFFICER:</b>	<b>APPROVAL</b>

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*Figure 1: Locality plan with subject site outlined in yellow.*

## **EXECUTIVE SUMMARY**

### **Proposal**

Development consent is being sought for a two lot Torrens Title subdivision involving the retention of the existing dwelling house on one of the proposed lots.

### **Site and Locality**

The site is identified as 38 Rochester Street Strathfield and has a legal description of Lot: 1 DP: 950953. The site is a rectangular shaped parcel of land and is located on the eastern side of Rochester Street, between Broughton Road and Beresford Road.

The site has a width of 15.24m, a depth of 76.2m and an overall site area of 1161m<sup>2</sup>.

The site is occupied by a single storey dwelling house and a detached garage. Vehicular access is provided to the site via an existing driveway on the northern end of the street frontage.

The current streetscape is predominately characterised by one (1) and two (2) storey residential dwellings with varying architectural styles. It is noted that the street already comprises 2 battle-axe allotments to the north of the subject site (91A and 91B Rochester Street and 30 and 30A Rochester Street).

### **Strathfield Local Environmental Plan**

The site is zoned R2-Low Density Residential under the provisions of Strathfield Local Environmental plan (SLEP) 2012 and the proposal is a permissible form of development with Council's consent. The proposal satisfies all relevant objectives contained within the SLEP.

### **Development Control Plan**

The proposed development mostly satisfies the provisions of Strathfield Consolidated Development Control Plan (SCDCP) 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 (CPP) from 13 January to 29 January 2021 where no submissions were received.

### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, Development Application 2020/217 is recommended for approval subject to suitable conditions of consent.

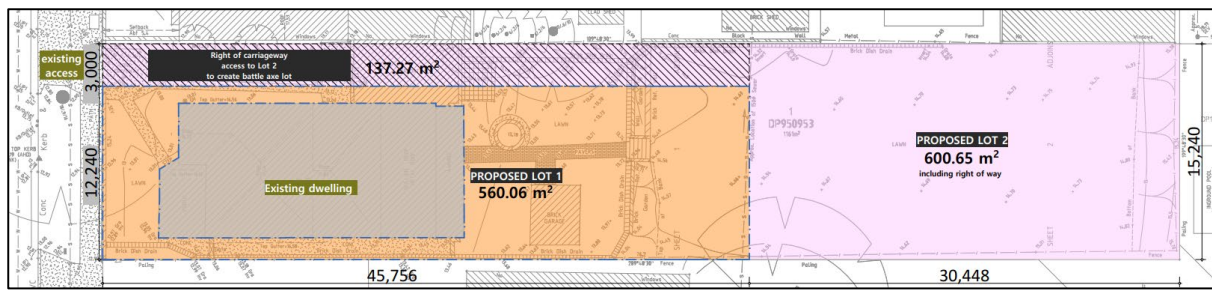
## REPORT IN FULL

### Proposal

Council received an application for a two lot Torrens Title subdivision and the retention of the existing dwelling house on one of the proposed lots. More specifically, the proposal includes;

- Subdivide the site into the following Torrens Title allotments:
  - Lot 1 will be rectangular in shape. It will have a minimum width of 12.24m, a maximum depth of 45.76m, and a total area of 560.06m<sup>2</sup>; and
  - Lot 2 will become a battle-axe lot and have a 3m frontage to Rochester Street, with a maximum width of 15.24m, a maximum depth of 30.45m, and a total area of 600.65m<sup>2</sup> (including access handle).
- Extension of the existing driveway to provide vehicular access to Lot 2.
- Removal of two (2) trees.

A subdivision plan of the proposal is shown below (Figure 2).



*Figure 2: Proposed subdivision plan*

The proposal does not involve any demolition and earthworks; however some stormwater infrastructure works are proposed to ensure Lot 2 is able to connect to existing stormwater infrastructure at the street kerb.

### The Site and Locality

The subject site is legally described as Lot: 1 DP: 950953 and commonly known as 38 Rochester Street Strathfield. It is located on the eastern side of Rochester Street, between Broughton Road and Beresford Road.

The site is rectangular in shape and it has a frontage of 15.24m to the west, a side boundary length of 76.2m and a total site area of 1161m<sup>2</sup>. The site slopes to the front and has a cross-fall of 1.74m.

The site is occupied by a single storey dwelling house and a detached garage. Vehicular access is provided to the site via an existing driveway on the northern end of the street frontage.

The site comprises two small trees (Figure 3) and there are five (5) trees on 22 Broughton Road that are located directly alongside the subject site's northern (side) boundary (Figure 4).

The current streetscape is predominately characterised by one (1) and two (2) storey residential dwellings with varying architectural styles. Adjoining to the site to the north is an electric substation (Figure 5). It is noted that the street already comprises 2 battle-axe



allotments to the north of the subject site (91A and 91B Rochester Street and 30 and 30A Rochester Street).



*Figure 2: Existing dwelling on the subject site.*



*Figure 3: Existing trees and attached garage on northern side of subject site.*





*Figure 4: Existing trees along rear of northern adjoining site (22 Broughton Road).*



*Figure 5: Electricity substation north of subject site (36 Rochester Street).*



*Figure 6: Existing dwelling on southern adjoining site (40 Rochester Street).*

## **Background**

- 11 December 2020: The subject application was lodged.
- 13 January 2021: The application was publicly notified until 29 January 2021. No submissions were received.
- 15 January 2021: A site visit was conducted by the Assessing Officer.
- 4 February 2021: A Request For Information (RFI) letter was sent which requested that the applicant provide an amended subdivision plan with an indicative building footprint on the new lot, and further justification relating to streetscape compatibility.
- 11 February 2021: Additional information was submitted by the applicant which adequately addressed the concerns raised above.

## **Referrals – Internal and External**

### **Engineering Comments**

Council's Stormwater Engineer provided the following advice:

*"Please be advised subject site is affected by overland flow of stormwater from adjoin properties of the 1 in 100 year ARI storm event in accordance with Powell's Creek and Saleyard Creek revised flood study. A flood impact assessment report will be required for any future development application proposal for proposed Lot 2."*

Accordingly, Council's Stormwater Engineer raised no objections to the proposed subdivision subject to the imposition of conditions of consent.

## **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 (SLEP) 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, being Torrens title subdivision, 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>4.2</b> Minimum subdivision lot size (excl. strata subd.)	560m <sup>2</sup>	<u>Lot 1:</u> 560.06m <sup>2</sup>  <u>Lot 2:</u> 600.65m <sup>2</sup> (including right of way)	Yes.

<b>Objectives</b>	<b>Complies</b>
<b>(a)</b> <i>To promote consistent subdivision and development patterns that reflect and reinforce the predominant subdivision pattern of the area</i>	<b>Yes</b>
<b>(b)</b> <i>To ensure a variety of lot sizes are maintained of sufficient size and shape to accommodate a variety of development types</i>	<b>Yes</b>
<b>(c)</b> <i>To preserve large industrial lots in order to provide a range of large-scale sites suitable for industrial activities that require integrated and large floorplates</i>	<b>N/A</b>

**Comments:** The proposal seeks to subdivide 38 Rochester Street from one (1) lot into two (2) lots in a battle-axe configuration. Both lots comply with the minimum required lot size of 560m<sup>2</sup> under the Strathfield Local Environmental Plan (SLEP) 2012. As shown in the aerial below, the existing allotment at 38 Rochester Street appears to be out of place with surrounding allotments which are significantly smaller in length and area. It is also noted that Rochester Street comprises a number of battle-axe subdivisions which are in the immediate vicinity of the site and are similar to the proposed subdivision. The proposed lots are considered to be consistent with the prevailing subdivision pattern in terms of lot size, shape and dimensions and are therefore supportable.



Figure 3: Existing subdivision pattern with subject allotment outlined in yellow and nearby battle-axe allotments outlined in red.

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
<b>4.4</b> Floor Space Ratio	<u>Lot 1:</u> 0.625:1 (350m <sup>2</sup> )	<u>Lot 1:</u> 0.354:1 (198.7m <sup>2</sup> )	Yes.

<b>Objectives</b>		<b>Complies</b>
<b>(a)</b>	<i>To ensure that dwellings are in keeping with the built form character of the local area</i>	<b>Yes</b>
<b>(b)</b>	<i>To provide consistency in the bulk and scale of new dwellings in residential areas</i>	<b>Yes</b>
<b>(c)</b>	<i>To minimise the impact of new development on the amenity of adjoining properties</i>	<b>Yes</b>
<b>(d)</b>	<i>To minimise the impact of development on heritage conservation areas and heritage items</i>	<b>Yes</b>
<b>(e)</b>	<i>In relation to Strathfield Town Centre:</i> i. <i>to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and</i> ii. <i>to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development</i>	<b>N/A</b>
<b>(f)</b>	<i>In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor</i>	<b>N/A</b>

**Comments:** The proposed subdivision will result in two (2) compliant allotments. The existing dwelling in Lot 1 achieves compliance with the maximum FSR provisions as prescribed under the SLEP 2012. The proposal indicates that future re-development of Lot 2 will also result in a development which can generally achieve compliance with FSR without unreasonably impacting on the amenity of adjoining properties.

## **Part 5 – Miscellaneous Provisions**

### **Heritage Conservation**

The subject site is not listed as a heritage item or located within a heritage conservation area, but it adjoins a heritage listed item. The site adjoins the rear southern boundary of Item I103 at 16 Broughton Road. Given this application is for the subdivision of lots and no redevelopment is proposed, there will be no impacts to this item above that which currently exists. A heritage impact statement is not warranted by this application and the provisions of this Clause are considered to be satisfied.





Figure 4: Adjoining heritage item.

## 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.

### Flood Planning

The subject site has been identified as being at or below the flood planning level. The application has been reviewed by Council's Engineer who advised that subject to suitable conditions, the proposed is considered compatible with the flood hazard of the land, will not result in significant adverse effects on flood behaviour or environment and is not likely to result in unsustainable social and economic loss. Council's Engineer further advised that a flood impact assessment report will need to be submitted for any future development application submitted for the proposed Lot 2. The proposed development is considered to satisfy the objectives of this clause.

### 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 SLEP 2012.

## **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 proposal retains the existing use of the site (dwelling house).

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 proposed development will result in the removal of two (2) trees on the subject site. No concerns are raised to the removal of these trees as they either classify as exempt species or are less than 4m in height.

However, concerns are raised with regards to the close proximity of the proposed stormwater pipe to the northern adjoining site's trees (22 Broughton Road). Accordingly, a condition is recommended in the consent which requires the stormwater pipe to be relocated such that they do not impact on existing trees adjacent to the site. An additional condition is also recommended to ensure that any excavation or ground disturbance within 3m of these trees are undertaken via hand-digging (not machinery).

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.

## **PART A – DWELLING HOUSES AND ANCLLARY STRUCTURES**

An assessment of the existing dwelling (on Lot 1) against the controls in Part A of the SCDGP 2005, is made below.

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
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<b>Building Envelope</b>			
<b>Setbacks:</b>			
Front:	9m	4m	<b>No – acceptable on merit.</b>
Side:	1.2m (min)	1.2m (north)	Yes.
Side:	1.2m (min)	1.5m (south)	Yes.
Combined Side Setback:	2.45m (20%)	2.7m	Yes.
Rear:	6m	20m	Yes.
Detached garage/carport	0.5m	0.9m	Yes.
<b>Landscaping</b>			
Landscaping/Deepsoil Provisions:	38.5% (215.62m <sup>2</sup> )	43.28% (242.4m <sup>2</sup> )	Yes.
<b>Vehicle Access and Parking</b>			
Driveway width at Boundary:	3m	3m	Yes.
Vehicular Crossing:	1	1	Yes.
Driveway setback – side:	0.5m	0m	<b>No – acceptable on merit.</b>
Car parking spaces	2 spaces	1 space	<b>No – acceptable on merit</b>
<b>Ancillary Development</b>			
<b>OUTBUILDINGS</b>			
Side/Rear setback:	0.5m	1m (min)	Yes.

### Front Setback

The existing dwelling on Lot 1 is setback 4m from the front boundary however it is noted that this is a pre-existing variation. The front setback of the existing dwelling is unchanged as a result of the proposed subdivision.

### Future Re-development of Lot 2

Based on the indicative building footprint provided on the plans, a future dwelling on Lot 2 would also be capable of achieving general compliance with the prescribed landscaping, setback, private open space and design controls in Part A of the SCDP 2005.

### Tree Protection

Concerns are raised for the proposed hardstand area and stormwater services proposed along the northern side boundary, particularly the impact it will have on the trees located at the rear of No. 22 Broughton Road. A condition is therefore recommended which requires the stormwater pipe to be relocated such that they do not impact on existing trees adjacent to the site. An additional condition is also recommended to ensure that any excavation or ground disturbance within 3m of these trees are undertaken via hand-digging (not machinery).

### Vehicular Access

An access handle is proposed along the northern side of the site to provide access to Lot 2. It is noted that an attached garage (servicing Lot 1) exists within this area. A condition is recommended which requires this attached garage to be demolished.

### Car Parking



The indicative building envelope provided on the subdivision plan for Lot 2 indicates that the lot is capable of accommodating two (2) car parking spaces.

The proposed subdivision will result in a reduction of car parking spaces on Lot 1, from two (2) car parking spaces to one (1) car parking space. The SCDCP states that consideration may be given to a single car parking space where a lot is less than 15m wide. Given the subdivision will result in a 12.24m lot width for Lot 1, a single car parking space is considered to be supportable in this instance. A condition is recommended in the consent which requires the Construction Certificate plans to demonstrate that the existing dwelling will have one (1) car parking space behind the building line. Any works required to provide access to this parking must be completed prior to the application for a subdivision certificate.

## Water and Soil Management

The proposal satisfies the relevant objectives and controls of the SCDCP 2005 and complies with Council's Stormwater Management Code.

## ANCILLARY STRUCTURES

### Outbuildings

The existing detached garage continues to satisfy the minimum setback controls (0.5m) under the proposed subdivision.

## PART R – SUBDIVISION

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
<b>Lot Requirements</b>			
Minimum Lot Size:	560m <sup>2</sup>	<u>Lot 1:</u> 560.06m <sup>2</sup>	Yes.
Minimum Lot Width	15.24m	<u>Lot 2:</u> 462.89 <sup>2</sup> (excluding right of way)	<b>No – refer to comments.</b>
Minimum Width of Access Handle:	3m	12.24m (excluding access handle)	<b>No – refer to comments.</b>
		3m	Yes.
<b>Access way Design</b>			
Landscaping strip:	0.5m on each side of access corridor or 1m landscaping strip on one side.	0m – 1.2m	<b>No – can be conditioned.</b>

### Minimum Lot Size

The area of Lot 2 does not comply with the minimum required 560m<sup>2</sup> when the access handle is excluded from the area calculation, as required under the SCDGP 2005. However, as noted in the table below, there are a number of existing allotments along Rochester Street that are also below the prescribed minimum lot size. More specifically, there are eight (8) allotments in the immediate vicinity of the site that comprise a lot area of close to or less than 462.89m<sup>2</sup>. Notwithstanding the departure from the SCDGP 2005, the proposed Lot 2 is still considered to be consistent with the prevailing subdivision pattern in terms of size, shape and dimensions and is therefore supportable.

Address	Approximate Lot Area (m <sup>2</sup> )
36 Rochester Street	135m <sup>2</sup>
42 Rochester Street	551m <sup>2</sup>
54 Rochester Street	454m <sup>2</sup>
56 Rochester Street	426m <sup>2</sup>
91A Rochester Street (battle-axe configuration)	333m <sup>2</sup>
91B Rochester Street (battle-axe configuration)	382m <sup>2</sup>
95 Rochester Street	542m <sup>2</sup>
107 Rochester Street	488m <sup>2</sup>
26 Broughton Road	482m <sup>2</sup>
73 Rochester Street	485m <sup>2</sup>



Figure 5: Street analysis of lot sizes.

It is also noted that the proposed Lot 2 is unconstrained by matters such as slope, vegetation and easements and therefore the allotment (excluding the access handle) is capable of accommodating a compliant dwelling. The proposal indicates that future re-development of Lot 2 will also result in a development which can generally achieve compliance with FSR, setback and landscaping controls, without creating unreasonable amenity impacts on adjoining properties.

### Minimum Lot Width

The proposed lot width (12.24m) does not comply with the minimum lot width requirement. However, this is a pre-existing variation in Rochester Street as the approved subdivisions immediately surrounding the site comprise similar frontages (see table below). The proposed allotment widths are not inconsistent with existing allotments in Rochester Street, and therefore the departure is considered supportable in this instance.

Address	Approximate Lot Width (m)
95 Rochester Street (located directly across the site)	11.85m
36 Rochester Street (adjoining site to the north)	7.91m
40 Rochester Street (adjoining site to the south)	12.42m
42 Rochester Street	12.76m
48 Rochester Street	12.31m
91A Rochester Street	13.27m

### Landscaping Strip

Whilst the proposed vehicular access will have a nil setback from the northern side boundary, there is opportunity to provide a 0.5m landscaping strip on the southern side of the vehicular access. This has been included as a condition in the consent.

**(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,***

Overall, the proposed design has been considered with respect to adjoining properties to minimise adverse impacts to adjoining neighbours and achieve an appropriate level of streetscape compatibility. The proposed lots are of an adequate size, shape and dimensions. A future dwelling on lot 2 would be capable of achieving general compliance with the prescribed floor space, landscaping and setback controls. A condition has been included in the consent to ensure any future development on Lot 2 preserves existing trees within the site and neighbouring properties.

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

The proposed development is considered to be suitable to the site given that the lot size and subdivision shape is compatible with the existing subdivision pattern along Rochester Street. It is evident that the new lot is capable of facilitating an appropriately designed residential dwelling that generally complies with Council's development standards and controls including floor space ratio, landscaping and setbacks. Further, the proposed development is compatible with the existing and future desired character of the surrounding locality. A future dwelling on Lot 2 will provide additional housing that meets the needs of the community within a low density residential environment.

**(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 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 7.11 CONTRIBUTIONS PLAN**

Section 7.11 Contributions are applicable to the proposed development in accordance with the Strathfield Direct Development Contributions Plan 2010-2030 as follows:

Provision of Community Facilities	\$2569.03
Provision of Major Open Space	\$11,688.33
Provision of Local Open Space	\$4005.85
Provision Roads and traffic Management	\$1515.27
Administration	\$221.52

TOTAL \$20,000.00

### 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. 2020/217 should be approved subject to the imposition of conditions of consent.

Signed:

Date: 16 March 2021

**D Strbac  
Planner**

- ☒ I confirm that I have determined the abovementioned development application with the delegations assigned to my position;
- ☒ I have reviewed the details of this development application and I also certify that Section 7.11/7.12 Contributions are applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed and concurred with.

Signed:

Date: 17 March 2021

**Miguel Rivera  
Senior Planner**

The following conditions of consent are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instrument and/or Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To protect the environment.
- (c) To ensure that there is no unacceptable impact on the amenity of the area, or to private and public property.
- (d) It is in the public interest.

## 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
Subdivision Plan	DA -002	8 February 2021	D	Council Approval Design
General Notes	200543-01-002	18 November 2020	A	Barker Ryan Stewart
Detail Plan	200543-01-101	18 November 2020	A	Barker Ryan Stewart

## SEPERATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

### 2. 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.

### 3. Building – Hoarding Application

Prior to demolition of the buildings on the site, or the commencement of work above ground level, a separate application for the erection of an 'A class' (fence type) or a 'B class' (overhead type) hoarding or 'C type' scaffold, in accordance with the requirements of SafeWork NSW, must be erected along that portion of the footways/roadway where the building is within 3 metres of the street boundary.

An application for this work under Section 68 of the [Local Government Act 1993](#) and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under Section 68 of the [Local Government Act 1993](#) and Section 138 of the [Roads Act 1993](#):

- (a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
- (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
- (c) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au)) before the commencement of work; and

- (d) A Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party.

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

### **4. 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.

### **5. Notice of Requirements for a Section 73 Certificate**

A Notice of Requirements of what will eventually be required when issuing a Section 73 Compliance Certificate under the [Sydney Water Act 1994](#) must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the 'Plumbing, building and developing' section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to 'Providers' under 'Developing' or telephone 13 20 92 for assistance.

Following application, a 'Notice of Requirements' will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The Notice of requirements must be submitted prior to the commencement of work. A Section 73 Compliance Certificate will be required at the completion of development in accordance with further conditions.

### **6. Section 73 Compliance Certificate**

A Section 73 Compliance Certificate under the [Sydney Water Act 1994](#) must be submitted to the PCA prior to the issue of the Occupation/Subdivision 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>	
Security Damage Deposit	\$ 330.00
Tree Bond	\$ 10,000.00
Administration Fee for Damage Deposit	\$ 127.00
Administration Fee for Tree Bond	\$ 127.00
<b>DEVELOPMENT CONTRIBUTIONS</b>	
Strathfield Section 94 Development Contributions - Roads and Traffic Management	\$ 1,515.27
Strathfield Section 94 Development Contributions – Local Open Space	\$ 4,005.85
Strathfield Section 94 Development Contributions – Major Open Space	\$ 11,688.33
Strathfield Section 94 Development Contributions – Community Facilities	\$ 2569.03
Strathfield Section 94 Development Contributions - Administration	\$ 221.52
<b>TOTAL Section 94 Contributions</b>	<b>\$ 20,000.00</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:

Tree Retention	Any stormwater infrastructure servicing Lot 2 shall be relocated so as to not impact on existing trees adjacent to the site. Any excavation or ground disturbance within 3m of these trees is to be undertaken via hand-digging (not machinery). Plans demonstrating compliance with this control shall be submitted to and approved by Council prior to the issue of a Construction Certificate.
Demolition of attached garage	The garage attached to the existing dwelling (located within the access handle) is to be demolished.
Allocation of car parking	A plan is to be submitted showing the allocation of one (1) car parking space behind the building line of Lot 1. Any works required to provide access to this parking must be completed prior to the application for a subdivision certificate.

## 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: \$330.00.
- (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 \$10,000.00 (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. 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.

## **12. 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.

## **13. Detailed Stormwater Drainage Design**

The submitted stormwater plan has been assessed as a concept plan only. A detailed drainage design supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line Analysis) in accordance with Council's Stormwater Management Code must be submitted with the Construction Certificate application.

## **14. 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.

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

## **15. Demolition & Asbestos**

The demolition work shall comply with the provisions of Australian Standard AS2601:2001 – Demolition of Structures, NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#). The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the PCA prior to the commencement of works.

For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in

accordance with the NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#) unless specified in the Act and/or Regulation that a license is not required.

All demolition work including the removal of asbestos, shall be undertaken in accordance with the [Demolition Code of Practice](#) (NSW Work Cover July 2015)

**Note:** Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au).

## 16. Demolition Notification Requirements

The following notification requirements apply to this consent:

- (a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
- (b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.
- (c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

## 17. 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.

## 18. Utility Arrangements

Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicants expense.

## 19. Dust Control

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation and building works. If necessary, water sprays shall be used on the site to reduce the emission of dust. Screening shall consist of a minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like and shall be modified as required should it fail to adequately control any dust nuisance.



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

### **20. Stormwater Certification of the Constructed Drainage Works (Minor)**

The constructed stormwater system shall be certified by a suitably qualified person, in accordance with Council's Stormwater Management Code, prior to the issue of any Occupation Certificate.

### **21. 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) A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the PCA prior to the issue of the Occupation Certificate.
- (d) 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.

### **22. 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**

### **23. Site works to be completed prior to issue of Subdivision Certificate**

The following works shall be completed prior to the issue of the Subdivision Certificate:

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans.
- (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.
- (c) A Final Occupation Certificate shall be obtained from the PCA upon completion of the construction works required by the approved Construction Certificate.
- (d) Sydney Water's Section 73 Compliance Certificate.

### **24. Maintenance Schedule – On-site Stormwater Management**

A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted to Council. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.

### **25. Flood Prone Land – Survey of levels**

A registered surveyor shall verify the levels of the design runoff overland flow path and finished floor levels to Australian Height Datum. The surveyor is also to verify that the flow paths and finished floor levels have been built to the design levels, dimensions and surface finishes as specified in the approved plans.

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

### **26. Requirement for a Construction Certificate**

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

### **27. 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.

## **28. 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.

## **29. 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.

## **30. Subdivision Work – Construction Certificate & Appointment of PCA.**

Subdivision work in accordance with a development consent cannot commence until:

- (a) A Construction Certificate has been issued; and
- (b) The applicant has appointed a PCA for the subdivision work.

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

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

## **31. Subdivision Work – Notice of Commencement**

The beneficiary of the development consent must give at least two days notice to the Council and the PCA of their intention to commence the subdivision works.

## **32. 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](#).

## **33. 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**

### **34. 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