

IDAP REPORT

Property:	38 Pemberton Street, Strathfield Lot 190 DP 15259 DA2021.112
Proposal:	Demolition of existing structures and construction of a two (2) storey dwelling house, detached secondary dwelling, in-ground swimming pool and associated landscaping works.
Applicant:	A Chen
Owner:	S Charoensri & Y W Sun
Date of lodgement:	4 June 2021
Notification period:	09 June 2021 to 25 June 2021
Submissions received:	Three
Assessment officer:	P Santos
Estimated cost of works:	\$1,038,381.00
Zoning:	R2-Low Density Residential - SLEP 2012
Flood affected:	Yes
RECOMMENDATION OF OFFICER:	APPROVAL

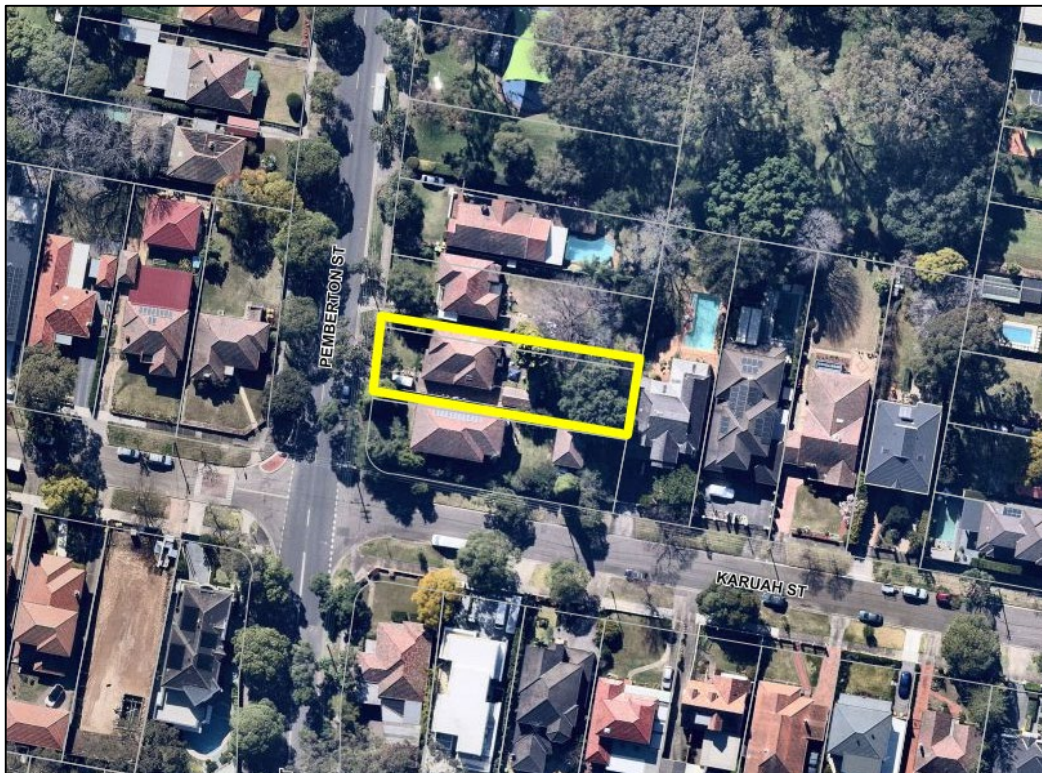


Figure 1. Aerial imagery of the subject site (outlined) and the immediate locality.

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the Demolition of existing structures and construction of a two (2) storey dwelling house, detached secondary dwelling, in-ground swimming pool and associated landscaping works.

Site and Locality

The subject site is legally described as Lot 190 DP 15259 and commonly known as 38 Pemberton Street, Strathfield. It is located off the eastern side of Pemberton Street, between its intersection with Shortland Avenue and the nearest cross section from the site – Karuah Street.

The site is rectangular in shape and has a frontage width of 14.05m and an average depth of 49.43m, with a total area of 689.2m².

The current streetscape is characterised by street trees providing extensive tree canopies and pitched roof single to double-storey dwelling houses. The locality is predominantly comprised of low density residential developments. Boden Reserve is located approximately 30m to the north of the site.

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 09 June 2021 to 25 June 2021, where three submissions were received raising the following concerns:

- Tree removal, and
- Privacy.

Issues

- Secondary dwelling side setback, and
- Swimming pool side setback.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2021/112 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 house, detached secondary dwelling, in-ground swimming pool and associated landscaping works.

More specifically, the proposal includes:

Primary Dwelling

Ground floor –

- At-grade double garage,
- Study,
- Guest bedroom,
- Lounge,
- Laundry,
- Powder room,
- Open-plan living, dining and kitchen with attached WIP, and
- Alfresco.

First floor level –

- Five bedrooms with WIR,
 - Bedroom 1 has ensuite and attached balcony to the rear,
 - Bedrooms 3 and 4 both have a balcony facing the street,
- Two bathrooms, and
- Family room with an attached balcony to the rear.

External works –

- In-ground swimming pool located at the rear of the primary dwelling, in-front of the proposed secondary dwelling.

Secondary Dwelling

- 25.7m² studio secondary dwelling comprised of the following:
 - Living/dining/bedroom,
 - Kitchen, and
 - Bathroom/laundry.

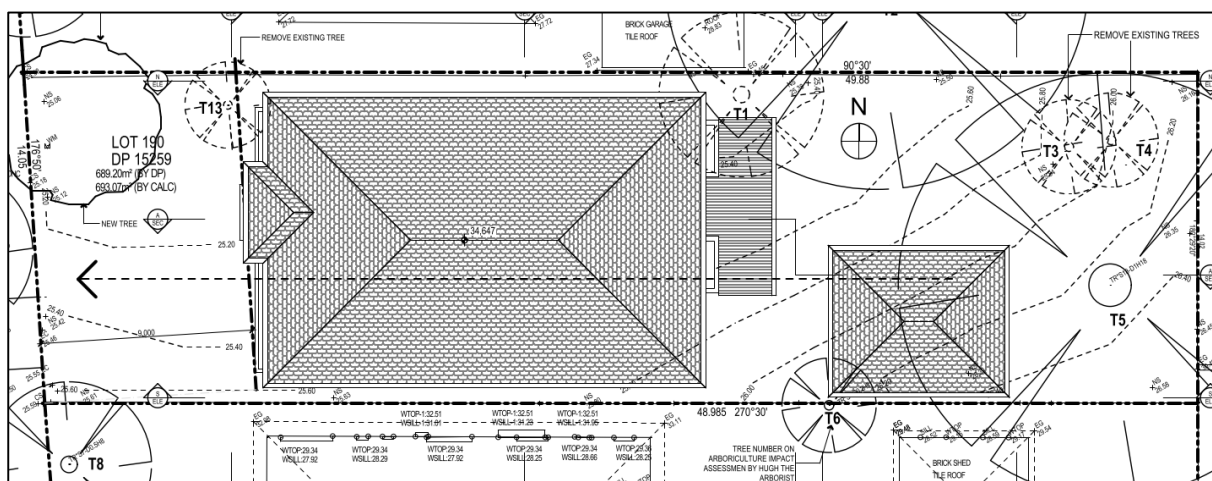


Figure 2. Extract of the submitted site plan, drawing # A04, revision L, dated 3/09/2021 (source: AGC Architects P/L).

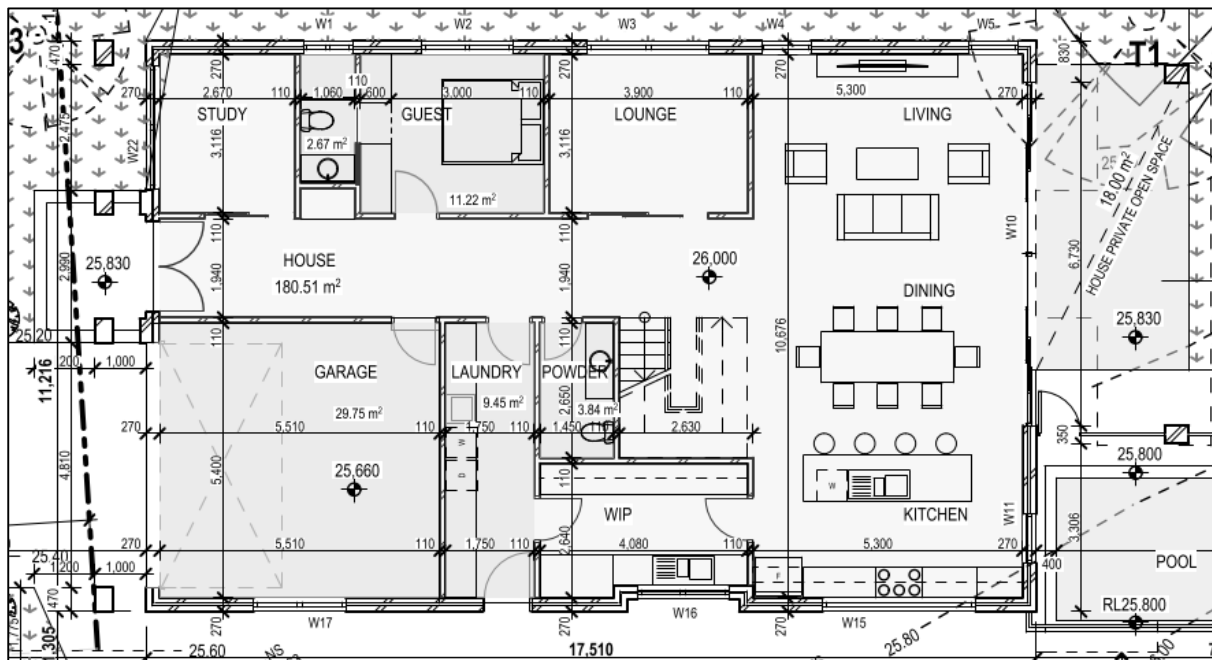


Figure 3. Extract of the submitted ground floor plan of the primary dwelling, drawing # A05, revision L, dated 3/09/2021 (source: AGC Architects P/L).

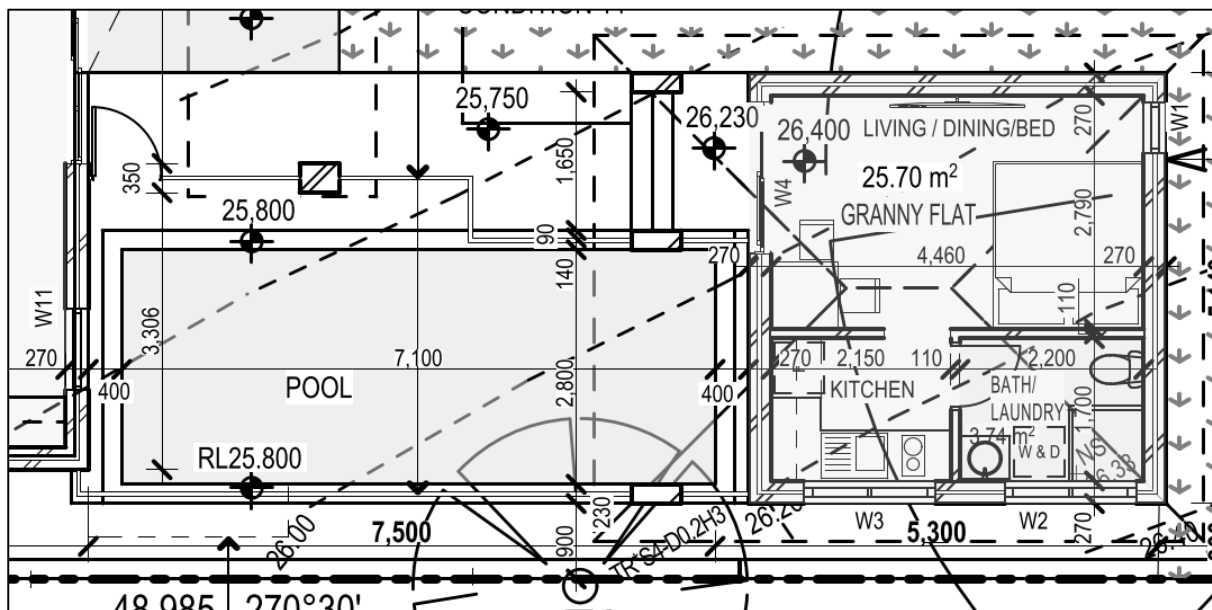


Figure 4. Extract of the submitted ground floor plan of the secondary dwelling, drawing # A05, revision L, dated 3/09/2021 (source: AGC Architects P/L).

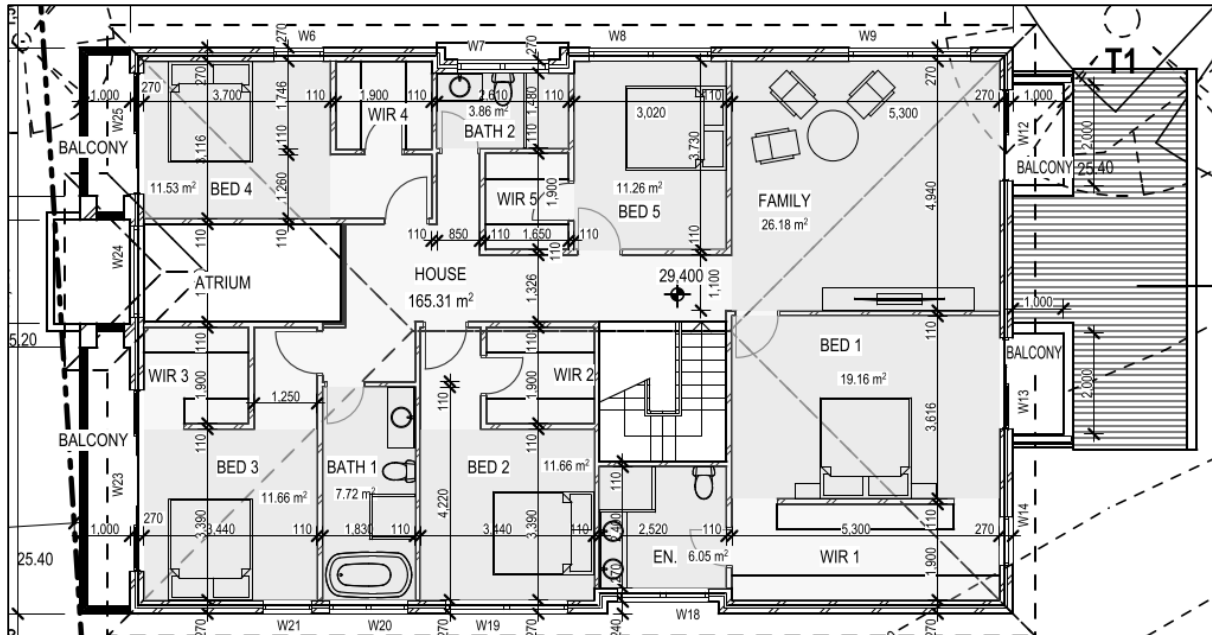


Figure 5. Extract of the submitted first floor plan, drawing # A06, revision L, dated 3/09/2021 (source: AGC Architects P/L).

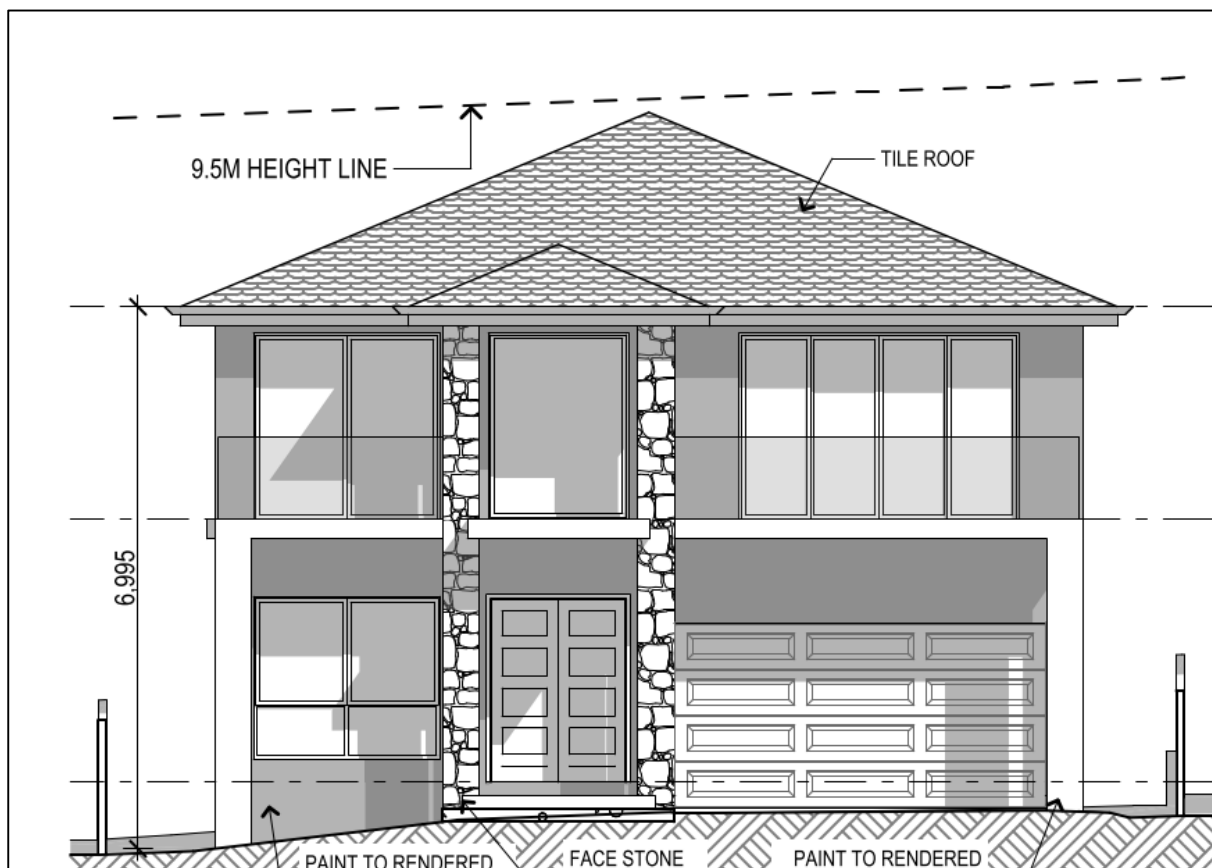


Figure 6. Extract of the western elevation of the primary dwelling, drawing # A08, revision L, dated 3/09/2021 (source: AGC Architects P/L).

The Site and Locality

The subject site is legally described as Lot 190 DP 15259 and commonly known as 38 Pemberton Street, Strathfield. It is located off the eastern side of Pemberton Street, between

its intersection with Shortland Avenue and the nearest cross section from the site – Karuah Street.

The site is rectangular in shape and has a frontage width of 14.05m and an average depth of 49.43m, with a total area of 689.2m².

The site falls toward the north-west corner, with a 1.5m cross fall.

The subject property is currently occupied by a single-storey brick dwelling house with a pitched tiled roof and a detached garage located behind the building line.

The current streetscape is characterised by street trees providing extensive tree canopies and pitched roof single to double-storey dwelling houses. The locality is predominantly comprised of low density residential developments. Boden Reserve is located approximately 30m to the north of the site.



Figure 7. A closer aerial imagery of the subject site (outlined) and the immediate locality.



Figure 8. Frontage of the subject site.

Background

4 June 2021	The development application was lodged.
9 June 2021	The DA was put on public notification until 25 June 2021. Council received three submissions during this period. The details of the submission are discussed in more detail in the body of the report.
17 August 2021	Council's Planner carried out a drive-by site visit.
24 August 2021	Additional information request letter was issued to the applicant via the NSW Planning Portal, raising the following concerns: <ul style="list-style-type: none"> • Relocation of the secondary dwelling to retain the tree in the backyard, • Breaking down of the two-storey portico, • Portico/porch protrusion, • Landscaping requirement compliance, • Overshadowing to the southern neighbour, • Oversized rear balcony, and • BASIX commitments that are required to be shown on DA plans.
4 September 2021	The additional information was submitted to Council via the NSW Planning Portal.

Due to the NSW Government Health Order following the COVID-19 outbreak in Greater Sydney, Council officers were unable to attend the site. A drive-by site visit was instead undertaken.

Referrals – Internal and External

Tree

The application was referred to Council Tree Management Coordinator ('TMC') who provided the following comments:

"I agree to the removal of the trees numbered T1, T6 and T13. All remaining trees are to be retained and protected. In this regard the granny flat is not supported."

Note that the submitted demolition plan, dated 28 May 2021, showed that the trees T1, T3, T4, T5 and T13 were to be removed. However, the submitted Arborist Report has only nominated trees T1, T3, T4 and T5 to be removed. Nevertheless, the concerns raised by Council's TMC resulted to an amended secondary dwelling design and location, moving away from the tree T5, enabling the retention of this tree. Trees T3 and T4 have been identified in the submitted Arborist Report to be of poor vigour or poor quality and as such, supported to be removed. Further, tree T13 has been recommended in the Arborist Report to be retained and protected. As such, in total, three trees are supported to be removed – T1, T3 and T4.

Stormwater

The application was referred to Council's Development Engineer, who provided offered no objection to the proposal subject to the imposition of relevant 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 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
4.3 Height of Buildings	9.5m	9.4m	Yes

4.4C Exceptions to FSR (Zone R2)	0.6:1 (413.52m ²)	0.5:1 (341.9m ²)	Yes
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Part 5 – Miscellaneous Provisions

Miscellaneous Permissible Uses

The proposed development satisfies the provisions stipulated in this clause with 25.7m² of floor area for the secondary dwelling. It does not exceed the maximum permitted GFA of 60m² or 20% of the total floor area of the primary dwelling, whichever is the greater.

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 has advised that subject to suitable conditions, the development is considered compatible with the flood hazard of the land. The proposed development is considered to satisfy the objectives of this clause.

Part 6 – Additional Local Provisions

Acid Sulfate Soils

The subject site is identified as having Class 5 Acid Sulfate Soils but is not located within 500m of a Class 1, 2 3 or 4 soils. Therefore, development consent under the provisions of this section is not required.

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.

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.

SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005

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

STATE ENVIRONMENTAL PLANNING POLICY (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. As discussed in the referrals section of this report, three trees are supported to be removed.

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
Building Envelope			
Heights:			
Floor to ceiling heights:	3.0m	3.0m	Yes
Height to underside of eaves:	7.2m	6.8m	Yes
Number of Storeys/Levels:	2	2	Yes
Setbacks:			
Front:	9m	9m	Yes
Side (north):	1.2m (min)	1.5m	Yes
Side (south):	1.2m (min)	1.3m	Yes
Combined Side Setback:	2.8m (20%)	2.8m	Yes
Rear:	6m	18.5m	Yes

Landscaping			
Landscaping/Deepsoil Provisions:	41.5% (286m ²)	47% (324.77m ²)	Yes
Fencing			
Height (overall/piers):	1.5m (maximum)	1.5m	Yes
Solid Component:	0.7m	0.7m	Yes
Solar Access			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	3 hrs to habitable windows and to 50% of POS	Yes
Vehicle Access and Parking			
Driveway width at Boundary:	3m	3m	Yes
Vehicular Crossing:	1	1	Yes
Driveway setback – side:	0.5m	1.5m	Yes
No. of Parking Spaces:	2	2	Yes
Ancillary Development			
SECONDARY DWELLING			
Floor Area:	60m ²	25.7m ²	Yes
Private open Space:	12m ² (min.3m)	>12m ²	Yes
Side Setback:	1.5m	0.9m	No
Rear Setback:	3.0m	8.75m	Yes
SWIMMING POOL			
Side/Rear Setback	1.0m	0.9m	No

Secondary Dwelling – Side Setback

The proposed secondary dwelling has a side setback of 0.9m to the southern side boundary. This presents a 0.6m shortfall from the required 1.5m in the SCDCP 2005. With the location of the kitchen, a heavily-used space in a dwelling, next to the side boundary, the proposed side setback of the secondary dwelling is not acceptable. The proposed side setback not only poses a bulkier appearance when viewed from the adjoining neighbour, but also raises acoustic privacy concerns for being too close to the side boundary.

To ensure that adequate separation between the adjoining property and the secondary dwelling is maintained, a condition of consent will be imposed to move the secondary dwelling and comply with the 1.5m side setback development control.

Swimming Pool – Side Setback

PART H – Waste Management (SCDCP 2005)

The plan has been assessed as a concept plan and will require, via a condition of consent, a more detailed Waste Management Plan prior to the receipt of a construction certificate.

(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 involves 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. Three submissions were received raising the following concerns:

1. Tree Removal (T5)

Comment

The objections raised regarding the tree removal, in particular T5, have been resolved with the relocation of the secondary dwelling resulting to the retention of the tree.

2. Privacy – Secondary Dwelling

Comment

A concern was raised by occupants of 7 Karuah Street regarding potential privacy implications that the secondary dwelling may have on to their property. Note that this objection was made prior to the amended design received by Council.

The secondary dwelling has been relocated farther from the rear boundary to retain tree T5 and consequently addressing any privacy concerns that may arise between the site and 7 Karuah Street.

3. Stormwater Drainage

Comment

A concern was raised by the residents of 34 Pemberton Street, Strathfield regarding the potential impact the proposal may have on to their property in relation to stormwater drainage and runoff. Note that since this objection, the size of the secondary dwelling has changed and minimised. Further, the application was reviewed by Council's Development Engineer who confirmed that no adverse amenity impact will result from the proposed development.

(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 DIRECT 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	\$ 1,926.11
Provision of Major Open Space	\$ 8,763.21
Provision of Local Open Space	\$ 3,003.34
Provision Roads and traffic Management	\$ 815.04
Administration	\$ 166.08
TOTAL	\$ 14,673.79

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. 2021/112 should be approved subject to the conditions of consent.



Signed:

P Santos
Development Assessment Planner

Date: 27 September 2021

- ☒ 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 Brown
Planner

Date:

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
Roof Plan / Site Plan / Site Analysis Plan	A04	03/09/2021	L	AGC Architects P/L
Ground Floor Plan	A05	03/09/2021	L	AGC Architects P/L
First Floor Plan	A06	03/09/2021	L	AGC Architects P/L
North & South Elevations	A07	03/09/2021	L	AGC Architects P/L

East & West Elevations	A08	03/09/2021	L	AGC Architects P/L
Sections	A09	03/09/2021	L	AGC Architects P/L
Erosion & Sediment Control Plan	A14	03/09/2021	L	AGC Architects P/L
Demolition Plan	A15	03/09/2021	L	AGC Architects P/L
Streetscape Elevations	A16	03/09/2021	L	AGC Architects P/L
External Finishes Schedule	Page 1 of 2	May 2021 – Received by Council on 4 June 2021	-	AGC Architects P/L
External Finishes Schedule	Page 2 of 2	May 2021 – Received by Council on 4 June 2021	-	AGC Architects P/L

2. **Building Height – Primary Dwelling & Secondary Dwelling**

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 34.647m AHD to the ridge of the primary dwelling building and RL 30.348m AHD to the ridge of the secondary dwelling.

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) If any excavation is to be supported by the use of below ground (cable) anchors that

are constructed under Council's roadways/footways.

- (b) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (c) Establishing a "works zone";
- (d) Placing or storing materials or equipment;
- (e) Placing or storing waste containers or skip bins;
- (f) Stormwater & ancillary to public infrastructure on private land
- (g) Erecting a structure or carrying out work

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

- (h) Pumping water from the site into the public road;
- (i) Constructing a vehicular crossing or footpath;
- (j) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (k) Stormwater & ancillary works in the road reserve; and
- (l) Pumping concrete from a public road;

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the activities commencing.

The relevant Application Forms for these activities can be downloaded from Council's website 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. 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.

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

5. 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 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

6. BASIX Commitments

The approved BASIX Certificates 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. 1184050S_02 and 1183892S_02 must be implemented on the plans lodged with the application for the Construction Certificate.

7. 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.

8. **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.

9. **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.

10. **Compliance with Flood Study**

The development shall be designed to conform to the recommendations and conclusions of the submitted flood study prepared by MBC Engineering rev A dated 27.05.2021.

This shall include, but not be limited to, any recommendations for the following:

- (a) Minimum floor levels
- (b) Site regrading

Evidence from professional engineer that specialises in hydraulic engineering that all design requirements have been adhered to shall be submitted with the Construction Certificate application.

11. **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).

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
GENERAL FEES	
Long Service Levy (to Long Service Corporation)	\$ 3,634.34
Or, provide evidence of Payment direct to the Long Service	

Corporation. See https://longservice.force.com/bci/s/levy-calculator	
Security Damage Deposit	\$ 15,000.00
Tree Bond	\$ 10,150.00
Administration Fee for Damage Deposit	\$ 130.00
Administration Fee for Tree Bond	\$ 130.00
DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94 Development Contributions - Roads and Traffic Management	\$ 815.04
Strathfield Section 94 Development Contributions – Local Open Space	\$ 3,003.34
Strathfield Section 94 Development Contributions – Major Open Space	\$ 8,763.21
Strathfield Section 94 Development Contributions – Community Facilities	\$ 1,926.11
Strathfield Section 94 Development Contributions - Administration	\$ 166.08
TOTAL S94 Development Contributions	\$ 14,673.79

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.

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.

12. **Required Design Changes**

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

Secondary Dwelling Setback	Amended plans and details are required to show the secondary dwelling ground floor external wall 0.9m side setback (southern side boundary), increased in distance to 1.5m. This means that the approved secondary dwelling is to be moved to the north to satisfy the 1.5m side setback development control.
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13. **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: \$15,000.00.
- (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: \$130.00.
- (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.

14. **Tree Bond**

A tree bond of \$10,150.00 and an administration fee of \$130.00 (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.

15. Site Management Plan

A Site Management Plan detailing all weather access control points, sedimentation controls, waste management plans, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan must be kept on site and is to be made available upon request.

16. 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.

17. Waste Manage Plan (WMP)

Prior to the issue of a Construction Certificate, a Waste Management Plan (WMP) must be submitted and it must comply with the requirements contained within Part H of Strathfield Development Control Plan 2005 (DCP 2005). A WMP will become part of any development consent issued and aims to facilitate better waste management, waste minimization and resource recovery.

The WMP is an important planning document that will not only be utilised as part of the development application process, but during construction and for the ongoing use of the development. The WMP will continue to apply as a working reference for the life of the development.

At least one copy of the WMP is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

18. Compliance with Swimming Pool Act 1992

The alterations and additions to the dwelling house and/or the construction of the new dwelling house subject of this consent must not generate any non-compliances with the Swimming Pools Act 1992, Swimming Pool Regulation 2018 and the Building Code of Australia. Details of compliance to be illustrated on the plans lodged with the application for the Construction Certificate.

19. Off Street Parking – Compliance with AS2890

All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities), AS 2890.6 (parking for people with disabilities) and AS 2890.2 (for commercial vehicle facilities).

20. Tree Protection and Retention

The following trees shall be retained and protected:

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
2	Liquidambar styraciflua	Tree located on neighboring property.	10.8
5	Acmena smithii	Within the backyard.	12
6	Callistemon viminalis	Tree located on neighboring property.	2.1
7	Lophostemon confertus	Council owned street tree will not be subject to TPZ encroachment.	7.2
8	Chamaecyparis nootkatensis	Tree located on neighboring site.	5.4
9	Lophostemon confertus	Council owned street tree.	6.0
10	Lagerstroemia indica	Council owned street tree will not be subject to TPZ encroachment.	3.2
11	Cedrus deodara	Tree located on neighboring property and will not be subject to TPZ encroachment.	5.8
12	Syagrus romanzoffianum	Tree located on neighboring property and will not be subject to TPZ encroachment.	3
13	Pittosporum undulatum	Within the frontage, adjacent to the northern side boundary.	2

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

General Tree Protection Measures

- (a) All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site.
- (b) The tree protection measures must be undertaken in accordance *AS4970 -2009 Protection of trees on development sites*.
- (c) 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).
- (d) 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.

Specific Street Tree Protection Measures

- (g) A sound protection barrier anchored firmly into the ground 1.8m in height x 2 metres clear of the base of the tree at any one point and that the fence is to extend up to the back of the kerb and to the edge of the footpath.

Excavation works near tree to be retained

- (h) 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.
- (i) 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.
- (j) 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:

Tree No.	Tree species	Number of trees	Location
1	Cupressus macrocarpa	1	Within the rear yard, adjacent to the northern side boundary.
3	Jacaranda mimosifolia	1	Within the rear yard, near the north-east corner.
4	Morus nigra	1	Within the rear yard, near the north-east corner.

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 trees permitted to be removed by this consent shall be replaced one (1) tree for each tree removed by species selected from Council's Recommended Tree List and must have a minimum mature height of 10 metres.

Replacement trees shall be a minimum 50 litre container size. 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. 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.

23. 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.

24. Demolition Work Involving Asbestos Removal

Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the [Work Health and Safety Regulation 2011](#).

25. 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.

DURING CONSTRUCTION

26. 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.

27. 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.

28. 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.

29. Swimming Pools – Filling with Water

The pool/spa shall not be filled until the safety fences have been completed in accordance with the approved plans and specifications and inspected by the PCA.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

30. 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.

31. 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.

32. 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.

33. Minor Development

Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface.

OPERATIONAL CONDITIONS (ON-GOING)

34. Swimming Pools – Resuscitation Notice

An expired air resuscitation warning notice complying with the [Swimming Pools Act 1992](#) must be affixed in a prominent position adjacent to the pool.

35. Private Swimming Pools & Spas – Pump Noise

The swimming pool/spa pump and associated equipment must be located so that the noise emitted does not exceed 5dB(A) above the background level. If this cannot be achieved, a ventilated and sound-proofed enclosure must enclose the pump to achieve the required noise levels.

Swimming pool is to be installed with a timer that limits the recirculation and filtration systems operation such that it does not emit noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):

- (a) before 8 am or after 8 pm on any Sunday or public holiday, or
- (b) before 7 am or after 8 pm on any other day.

36. Greywater System

In order to conserve and re-use water, Council encourages all developments for new dwellings to incorporate a greywater reuse system. The system can incorporate a *greywater diversion device* or a *domestic greywater treatment system*. Any system installed is to ensure that it complies with the Plumbing Code of Australia, maintained at all times and does not result in any adverse amenity impacts on the subject premises and surrounding properties.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

37. Requirement for a Construction Certificate

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

38. 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.

39. 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.

40. 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.

41. 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

42. Clause 97A – BASIX Commitments

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

43. 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.

44. 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.

45. 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](#).

ADVISORY NOTES

1. 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.

2. 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.

3. 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.

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

NSW legislation can be accessed free of charge at www.legislation.nsw.gov.au

5. 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.

6. Stormwater & Ancillary Works – Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993

To apply for approval under Section 138 of the [Roads Act 1993](#):

- (a) Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at www.strathfield.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No. (eg. Year/DA 2021/112) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to 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 by a private contractor in accordance with Council's specifications prior to the issue of an Occupation Certificate.

The developer must meet all costs of the extension, relocation or reconstruction of any part of Council's drainage system (including design drawings and easements) required to carry out the approved development.

7. Site Safety Fencing

Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see www.SafeWork.nsw.gov.au).

8. Register your Swimming Pool

All swimming pools in NSW are required to be registered. Fines apply for pools that are not registered. To register please visit: www.swimmingpoolregister.nsw.gov.au