

IDAP REPORT

Property:	48 Churchill Avenue, Strathfield Lot 40 DP 933113 DA 2021/199
Proposal:	Construction of a secondary dwelling
Applicant:	Pinnacle Designs Solutions
Owner:	Alan and Betty Davidson
Date of lodgement:	9 August 2021
Notification period:	23 August 2021 to 8 September 2021
Submissions received:	One (1)
Assessment officer:	E Black / P Santos
Estimated cost of works:	\$100,000.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	Heritage Conservation Area - "C10" Churchill Avenue Conservation Area , Federation houses group Adjoins a heritage item – I120 – "Wynella" Federation house
Flood affected:	Yes
RECOMMENDATION OF OFFICER:	APPROVAL

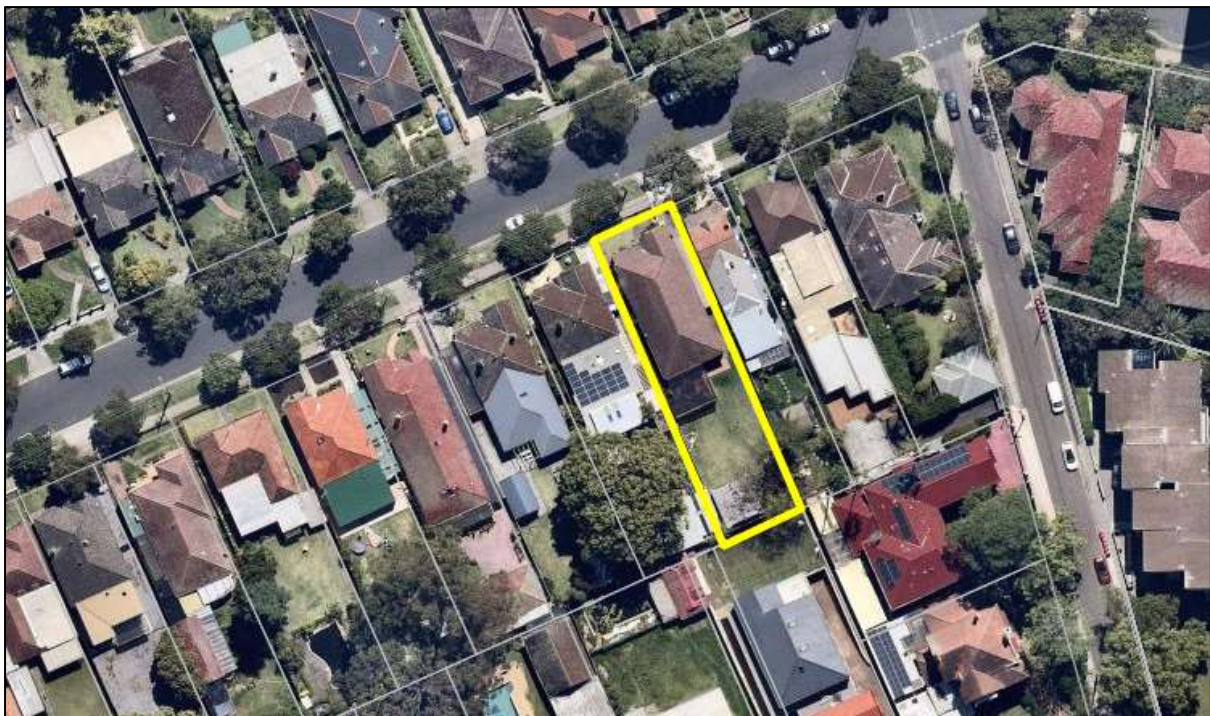


Figure 1: Location of subject site (outlined) and the immediate locality.

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the construction of a secondary dwelling.

Site and Locality

The subject site is legally described as Lot 40 DP 933113 and commonly known as 48 Churchill Avenue, Strathfield. It is located off the southern side of Churchill Avenue with Elva Street being the closest cross section.

The site is rectangular in shape, has an area of 685.16m² and the following dimensions – 13.14m frontage width and 51.1m average depth.

The majority of Churchill Avenue forms a conservation area and is characterised by Federation style brick dwellings, street tree canopies and landscaped front setbacks.

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 23 August – 8 September 2021 where one submission was received raising the following concerns;

- Overdevelopment of the area,
- Further traffic and noise,
- Increased stormwater and flooding issues, and
- The plans are not federation in style.

Issues

- Flooding,
- Tree removal, and
- Federation style design.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2021/199 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the construction of a two-bedroom, 60m² secondary dwelling with an alfresco, located at the rear of the site, behind the primary dwelling.

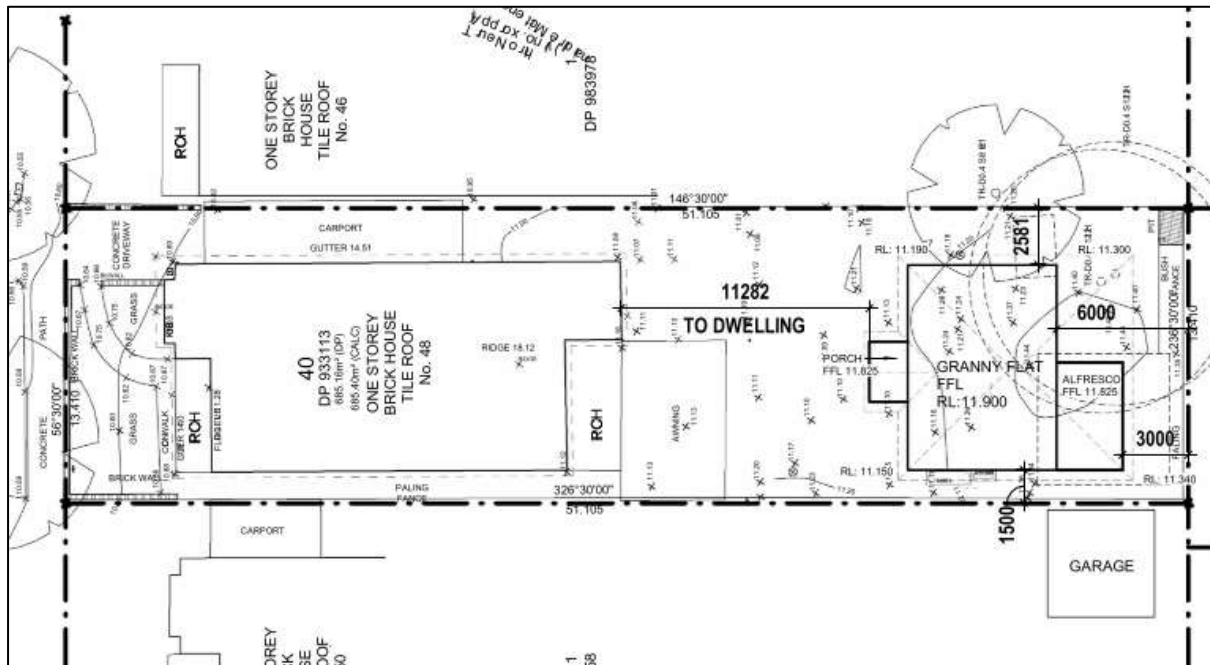


Figure 2. Extract of the site plan.

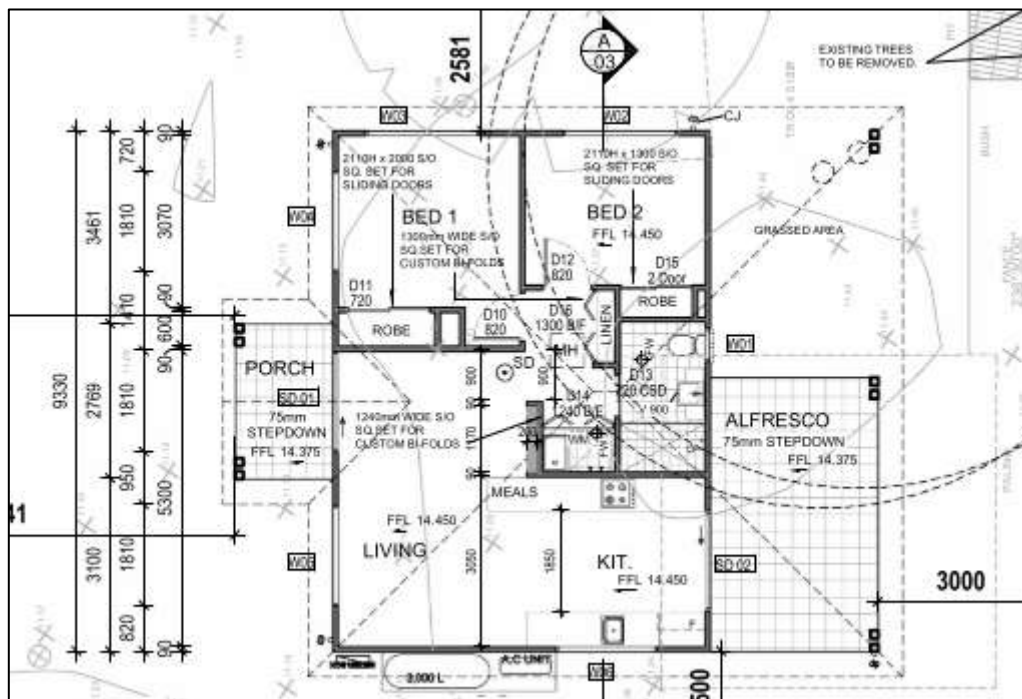


Figure 3. Extract of the proposed floor plan.

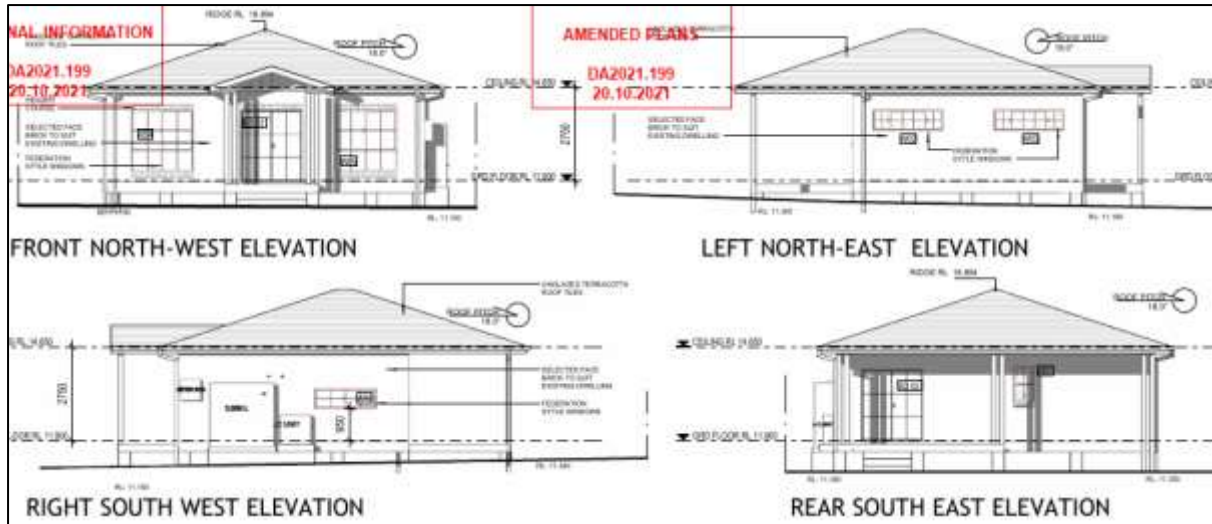


Figure 4. Extract of the proposed elevations of the secondary dwelling.

The Site and Locality

The subject site is legally described as Lot 40 DP 933113 and commonly known as 48 Churchill Avenue, Strathfield. It is located off the southern side of Churchill Avenue with Elva Street being the closest cross section.

The site is rectangular in shape, has an area of 685.16m² and the following dimensions – 13.14m frontage width and 51.1m average depth.

The topography of the land has a gradual fall of 0.84 degrees to the front.



Figure 5. A closer aerial imagery of the subject site (outlined) and the immediate locality.

The site is occupied by a one-storey brick dwelling house and two outbuildings located at the rear – a garage and a storage shed. The garage does not appear to be used for parking. Parking is more clearly provided to the east side of the dwelling house below the attached carport.

The majority of Churchill Avenue forms a conservation area and is characterised by Federation style brick dwellings, street tree canopies and landscaped front setbacks.

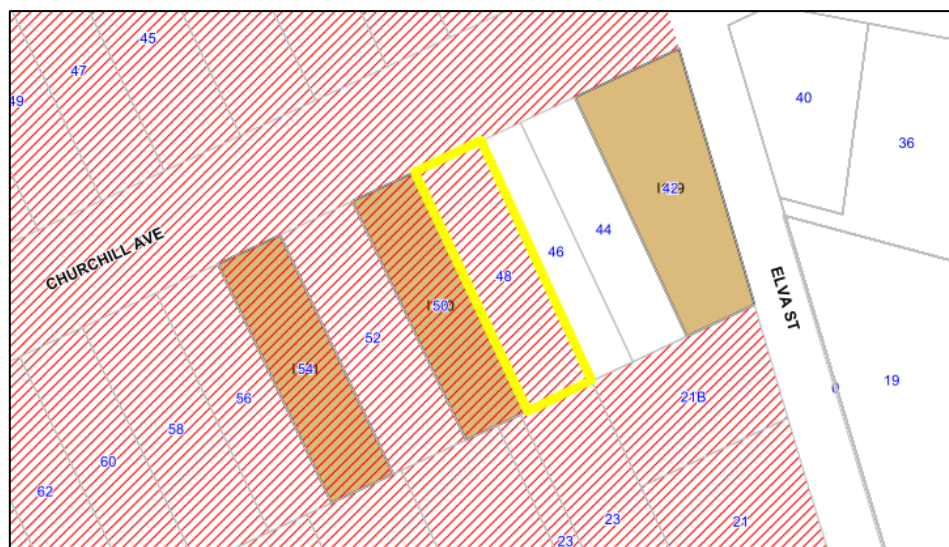


Figure 6. Extract of a heritage locality map of the subject site (outlined) and the immediate vicinity. Hatched shows the heritage conservation area and brown indicates a heritage item.

Background

9 August 2021	The subject development application was lodged.
16 August 2021	The application was put on neighbour notification until 2 September 2021, where one submission was received.
14 September 2021	<p>An additional information request letter was issued by Council raising the following concerns:</p> <ul style="list-style-type: none"> • Requirement of a flood study due to site being flood affected, • More information about the trees proposed to be removed, • Updated SEE addressing the relevant provisions under the Part A of the SCDP 2005, • Photos of the rear yard (limited access for the Assessing Officer due to COVID/NSW lockdown), • Amendments to the secondary dwelling to include Federation style materials (i.e. windows, roof and bricks), • Amended schedule of finishes & materials, and • Survey plan.
26 October 2021	The applicant provided the requested information via the NSW Planning Portal.

Referrals – Internal and External

Trees

The application was referred to Council's Tree Management Coordinator, who offered no objection to the proposed development, subject to the imposition of relevant conditions.

Heritage

The application was referred to Council's Heritage Advisor, who provided the following comments:

"48 Churchill Avenue is a contributory dwelling within the C10 – Churchill Avenue Conservation Area."

"The secondary dwelling is to the rear of the property behind the building line. Any additions within this street retain the same character, which is in-line with the additional controls of this area, this includes any additions or development of dwellings to include the colour of brick and use of traditional materials such as unglazed "terracotta Marseilles tiles" and "characteristic brick work". The secondary dwelling windows and doors therefore should reflect the character of the area."

"The secondary dwelling may be viewed via the sight lines. The applicant should change the window style and materials used (including roof and bricks) to match the existing dwelling. This is consistent with the additional controls for Heritage in this area."

The applicant has provided amended architectural plans demonstrating that the roof, windows and bricks of the secondary dwelling are to be consistent with the request of Council's Heritage Advisor. As such, the proposal is supportable subject to conditions of consent.

Stormwater

The application was referred to Council's Development Engineer who provided the following comments:

"...subject site is affected by overland flow of stormwater from adjoining property of the 1 in 100yr ARI storm event in accordance with Powells Creek and Salesyards Creek revised flood study and flood impact assessment report in accordance with Council Interim Flood Prone Land Policy is required for DA determination."

Upon receipt of the flood study provided by the applicant, the application was referred back to Council's Development Engineer, who offered no objection to the proposal subject to 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,

Permissibility

The development is a permissible development in the zone under the State Environmental Planning Policy (Affordable Rental Housing) 2009 ('SEPP ARH') and the SLEP 2012.

Strathfield Local Environmental Plan

The development site is subject to the Strathfield Local Environmental Plan 2012.

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	9.5m	4.91m	Yes
4.4C Exceptions to Floor Space Ratio (Zone R2)	0.60:1 (411.10m ²)	0.33:1 (229m ²)	Yes

Height of Buildings

The secondary dwelling's height satisfies the development standard. A discussion about the height proposed is discussed under the DCP assessment section of this report.

Floor Space Ratio

The provided plans to Council do not include the existing floor plan of the primary dwelling. Nevertheless, the proposed FSR will not exceed the FSR permitted on the site. The primary dwelling is a single-storey building with a GFA of 150m² as per the SEE. The proposed secondary dwelling has an area of 60m², resulting to a total FSR of 0.31:1 (210m²). The maximum FSR applicable to the site is 0.60:1 (411.10m²). As such, the proposed FSR is acceptable in this regard.

Part 5 – Miscellaneous Provisions

Heritage Conservation

The proposal is within the "C10" Churchill Avenue Conservation Area and adjoins a heritage item known as "Wynella" Federation house (I120) under Schedule 5 of the SLEP. The application was referred to Council's Heritage Advisor. Council's Heritage Officer's comments are discussed in more detail under the referrals section of this report.

The proposed secondary dwelling is considered to satisfy the provisions of the development standard, subject to conditions of consent.

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 the environment.

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 who outlined specific conditions to be imposed with any development consent in order to ensure the protection of these trees.

No objection was raised to the removal of a tree on the site subject to replacement planting. Relevant consent conditions will be imposed.

The aims and objectives outlined within the SEPP are considered to be satisfied.

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

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

(iii) any development control plan,

The proposed development is subject to the provisions of the Strathfield Consolidated Development Control Plan 2005. The following comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP.

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
Landscaping			
Landscaping/Deepsoil Provisions:	41.5% (284.34m ²)	37.8% (259m ²)	No
Solar Access			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	3hrs to habitable windows and to 50% of POS	Yes
Ancillary Development			
SECONDARY DWELLING			
Floor Area:	60m ²	60m ²	Yes
Private open Space:	12m ² (min.3m)	12m ² (min. 3m)	Yes
Side Setback:	1.5m	1.5m	Yes
Rear Setback:	3.0m	3.0m	Yes

Building Height

The submitted elevations show an RL of 18.894, which would result to a height of 7.45m. However, this is incorrect as the RL, when measured utilising the scale in the submitted plans, should be RL 16.35. This provides a height of 4.9m. A condition of consent will be imposed to amend the plans and have the RLs on the elevations to reflect RL 16.35.

The height of 4.9m to the ridge of the secondary dwelling's pitched roof is acceptable. The design of the proposed dwelling is consistent with the primary dwelling. It poses no adverse amenity and environmental impacts.

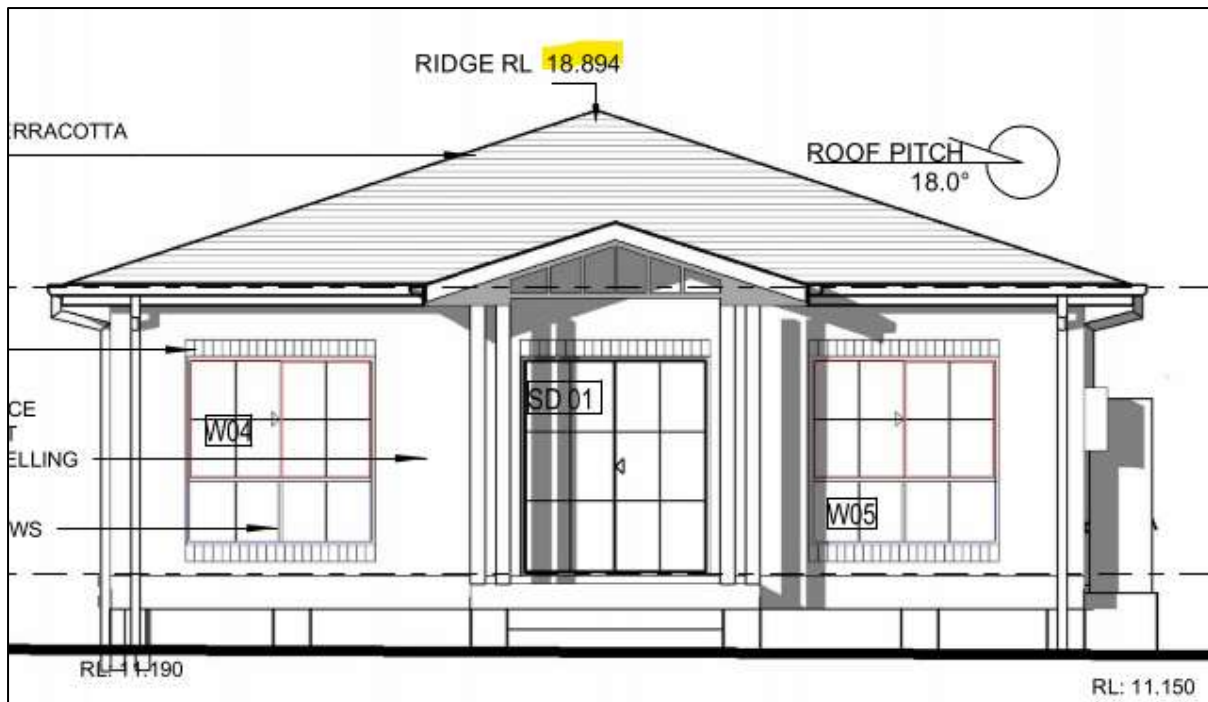


Figure 7. Extract of the northern elevation with the incorrect RL 18.894 highlighted.

Landscaping and Open Space

The submitted plans show a landscaped area calculation of 259m². This does not satisfy the requirements of the SCDP 2005 of 41.5% (284.34m²) landscaping to be provided on-site.

Currently, the site has adequate landscaping.

The plans were amended to reflect an increased grassed area beside the alfresco. See Figures 8 and 9 below. This area is ineligible to be counted as landscaping due to it being under the roof of the proposed dwelling. The variation of 8.9% (25.34m²) of landscaping from the development control will not be supported.

A condition of consent will be imposed to redesign the roof to have no covering over the new grassed area beside the alfresco. This would result to a landscaping of 40.37% (276.6m²). While this may still present a non-compliance with the development control, the shortfall (7.74m²) is negligible and will have no adverse amenity and environmental impacts.

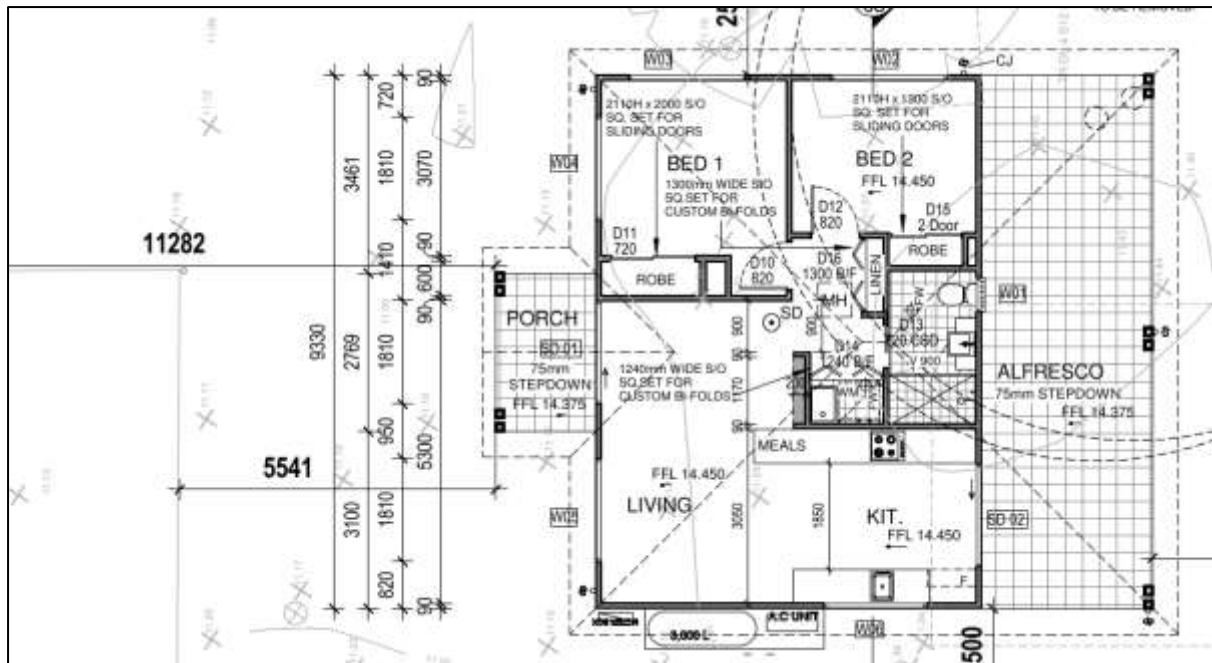


Figure 8. Extract of the initial floor plan submitted showing an alfresco of 28m².

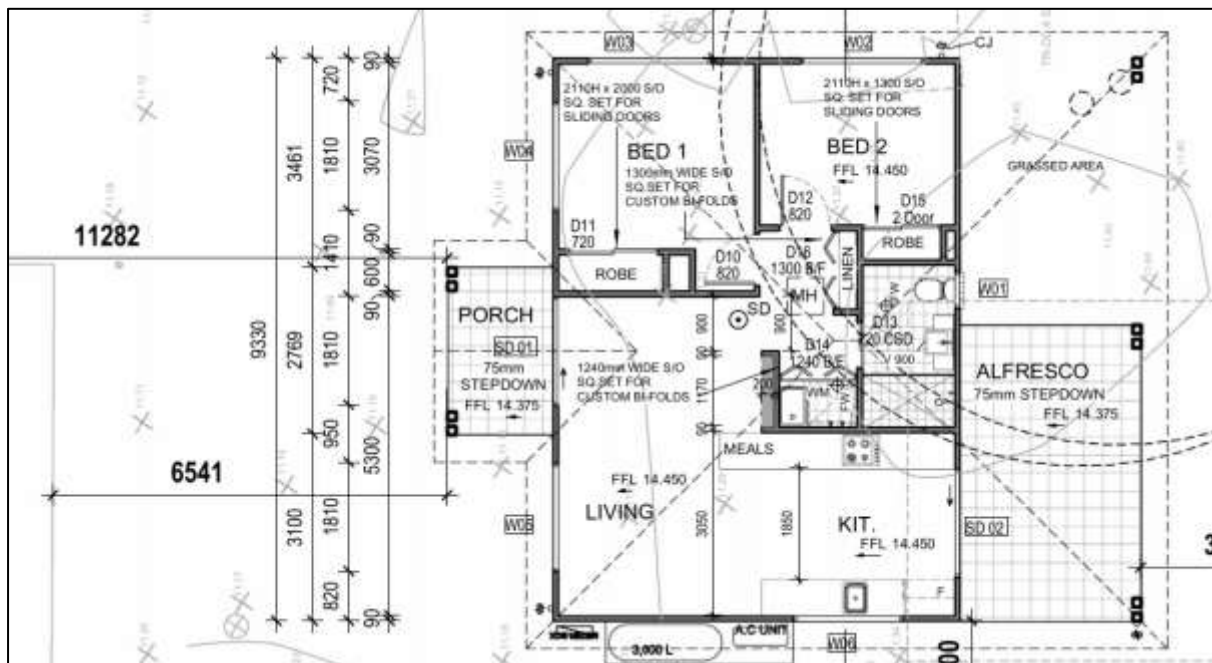


Figure 9. Extract of the most recent floor plan showing the reduced alfresco.

Solar Access

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

Privacy

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005, in that adequate privacy is maintained between adjoining properties.

ANCILLARY STRUCTURES

Secondary Dwelling

The proposed secondary dwelling satisfies the relevant objectives and controls the SCDCP 2005. It has been designed so that it does not exceed 60sqm floor area, adequately setback from side and rear boundaries and provides suitable open space provisions for the occupants. Being single-storey, the existing boundary fences will provide screening and privacy to adjoining properties and ensure there is minimal or no impact on their amenity.

PART H – Waste Management (SCDCP 2005)

In accordance with Part H of Strathfield CDCP 2005, a waste management plan was submitted with the application. However, this has been assessed as a concept only. A condition of consent has been imposed to ensure compliance under this part of the DCP will be achieved.

PART P – Heritage (SCDCP 2005)

The proposed development, its location, finishes and materials that will be used, are considered to have nil to negligible impact to the heritage character that encompasses the immediate locality due to the conservation area and heritage items. The application was referred to Council's Heritage Advisor who recommended some changes to be made to the dwelling to make it satisfactory and complementary with the heritage setting of the area, in which the applicant has complied with.

(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 not involve the demolition of a building. Hence, this matter is not applicable.

(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 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. One submission was received raising the following concerns:

1. Overdevelopment

Comment: A concern was raised that the proposed additional dwelling on the site will result to an overdevelopment. A State policy, in particular SEPP ARH, permits the development of a secondary dwelling in R2 zones (low density residential). The site is capable to accommodate the two dwellings with adequate landscaping left, taking into consideration the condition imposed relating to roof redesign to provide more landscaping. While a tree is to be removed from the site, two replacement trees will be conditioned to be planted. As such, the proposal is not considered an overdevelopment and is supported.

2. Traffic and Noise

Comment: A concern regarding further traffic and noise that will be caused by the development was raised. The development proposed is not considered to have a significant impact on traffic and noise. Further, note that in the similar vein as the above response, SEPP ARH permits a secondary dwelling and does not require a parking space to be provided. The State policy prevails over any local provisions, unless it is specifically exempted. As such, the proposed dwelling is supportable in this regard.

3. Federation Style

Comment: A concern was raised that the design of the secondary dwelling will not be consistent with the rest the buildings on the street, having a Federation style. Note that Council's Heritage Advisor requested that the design of the proposed dwelling be amended to incorporate some complementing windows, bricks and roof, consistent with the Federation houses along Churchill Avenue.

The applicant has provided an amended design complying with Council's request. As such, the new complementing design is acceptable.

(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	\$ 1,939.01
Provision of Major Open Space	\$ 8,821.93
Provision of Local Open Space	\$ 3,023.47
Provision Roads and traffic Management	\$ 820.50
Administration	\$ 167.20
TOTAL	\$ 14,772.10

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. 2021/199 should be approved, subject to the conditions of consent.



Signed:

**P Santos
Planner**

Date: 3 December 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 Gillies
Senior Planner**

Date: 6 December 2021

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
Site Plan	Sheet 01	Received by Council – 26/10/2021	-	Pinnacle Designs Solutions
Floor Plan	Sheet 02	Received by Council – 26/10/2021	-	Pinnacle Designs Solutions
Elevations	Sheet 03	Received by Council – 26/10/2021	-	Pinnacle Designs Solutions
Sediment Control Plan	Sheet 04	Received by Council – 26/10/2021	-	Pinnacle Designs Solutions
Site Analysis	Sheet 05	Received by Council – 26/10/2021	-	Pinnacle Designs Solutions
Landscape Plan	Sheet 06	Received by Council – 26/10/2021	-	Pinnacle Designs Solutions
Flood Impact Study	2021495-FR1-Flood Impact Report-DA.docx	Received by Council – 26/10/2021	01	Deboke Engineering Consultants Pty Ltd

2. Building Height

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 16.35 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.

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 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

5. Tree Removal/Pruning Prohibited

This consent does not approve the removal or pruning (branches or roots) of any trees on the subject property unless specified in another condition, Council's public footway, public reserves or on neighbouring properties.

6. Tree Protection and Retention

The following trees shall be retained and protected:

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
1	Araucaria heterophylla	46 Churchill Avenue (Common side boundary to 48 Churchill Avenue)	5.4 metres

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.

Pier and Beams

- (a) To preserve the *Araucaria heterophylla* (Tree1- located at 46 Churchill Avenue) as marked on Landscape Plan prepared by Pinnacle Designs Solutions dated 4 June 2021, the footings of the proposed Granny Flat shall be isolated pier and beam construction within a 5.4 metre radius of the trunk. The piers shall be hand dug and located such that no roots of a diameter greater than 50mm are severed or injured in the process of any site works during the construction period. The beam shall be located on or above the existing soil levels.

Details of this construction method shall be shown on the Construction Certificate plans.

7. Tree Removal & Replacement

Tree removal

Permission is granted for the removal of the following trees:

Tree No.	Tree species	Number of trees	Location
2	Jacaranda mimosifolia	1	48 Churchill Avenue

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 by two (2) trees 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.

8. BASIX Commitments

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

All measures and commitments as detailed in the BASIX Certificate No. 1228228S must be implemented on the plans lodged with the application for the Construction Certificate.

9. 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.

10. 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.

11. Compliance with Flood Study

The development shall be designed to conform to the recommendations and conclusions of the submitted flood study prepared by Deboke Engineering Consultants rev 01 dated 15.10.2021.

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

- (a) Minimum floor levels
- (b) Overland flow path construction

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.

12. Drainage System – Maintenance of Existing System

Where elements of the existing drainage system are to be utilised, the existing drainage system shall be overhauled and maintained clear of silt and accumulated debris. Silt and the like shall be removed, not flushed from the system.

A certificate shall be provided by a suitably qualified person (a registered plumber or a person of equivalent or greater experience or qualification) to the satisfaction of the Principal Certifying Authority, prior to the issue of any Occupation Certificate to confirm that the system is in good working order and adequate to accept additional flows having regard to any relevant standards and/or Sydney Water requirements.

13. 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) Or, provide evidence of Payment direct to the Long Service Corporation. See https://longservice.force.com/bci/s/levy-calculator	\$350.00
Security Damage Deposit	\$2,700.00
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	\$820.50
Strathfield Section 94 Development Contributions – Local Open Space	\$3,023.47
Strathfield Section 94 Development Contributions – Major Open Space	\$8,821.93
Strathfield Section 94 Development Contributions –	\$1,939.01

Community Facilities	
Strathfield Section 94 Development Contributions - Administration	\$167.20
Total	\$14,772.10

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.

14. Required Design Changes

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

Roof Redesign	<p>The roof of the secondary dwelling is to be redesigned to have no covering over the grassed area beside the alfresco.</p> <p>The eave should be no wider than 450mm.</p>
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15. 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: \$2,700.00
- (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.

16. 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.

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.

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.

17. 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.

18. External Colour Scheme and Materials (Other Buildings)

The external colour scheme is to be sympathetic to the architectural style and period of the building and/or Heritage Conservation Area. A schedule of colours and materials is to be submitted to and approved by Council's Heritage Advisor prior to the issue of the Construction Certificate.

19. 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).

PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION & EXCAVATON)

20. 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.

21. 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.

DURING CONSTRUCTION

22. Tree Removal on Private Land

The trees identified as 'to be removed/pruned' on the approved plans or by conditions of this consent shall be removed in accordance with AS4373 -2007 and the *Amenity Tree Industry Code of Practice* (SafeWork NSW, August 1998).

23. Excavation Works Near Tree to be Retained

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

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

24. Site Sign – Soil & Erosion Control Measures

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

25. Hours of Construction for Demolition and Building Work

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

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

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

26. Ground Levels and Retaining Walls

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

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

27. 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.

28. 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) 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;
- (c) Pipe invert levels and surface levels to Australian Height Datum;
- (d) 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.

29. 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.

30. BASIX Compliance Certificate

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

OPERATIONAL CONDITIONS (ON-GOING)

31. 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

32. Requirement for a Construction Certificate

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

33. 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.

34. 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.

35. 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.

36. 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

37. Clause 97A – BASIX Commitments

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

38. 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.

39. 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.

40. 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

I. Review of Determination

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

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

II. Appeal Rights

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

III. Lapsing of Consent

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

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

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

V. Long Service Levy

The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>. The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

VI. 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).