

IDAP REPORT

Property:	72 Pemberton Street STRATHFIELD Lot 132 DP 15955 DA2022.67
Proposal:	Alterations and additions to existing dwelling and construction of a new detached secondary dwelling
Applicant:	A Mohibi
Owner:	HTD & JTD Nguyen
Date of lodgement:	4 April 2022
Notification period:	13 April 2022 to 30 April 2022
Submissions received:	NIL
Assessment officer:	G I Choice
Estimated cost of works:	\$320,320.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	No
Flood affected:	Yes
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL



Figure 1: Subject site aerial locality photograph (highlighted in yellow)

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for alterations and additions to the existing dwelling and construction of a new detached secondary dwelling.

Site and Locality

The subject site is legally described as Lot: 132 DP: 15955 and commonly known as 72 Pemberton Street STRATHFIELD. It is located on the east side of Pemberton Street on land adjacent Centenary Drive.

The site is rectangular in shape with a total site area of 771.4m².

The current streetscape is characterised by a mix of single-storey and two-storey brick dwellings of simple Inter-war Functionalist style. Many houses have been smooth rendered. Masonry pier fences are a prevailing feature with a varying styles of decorative metalwork.

The surrounding area is characterised by low-density residential development.

Strathfield Local Environmental Plan

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

Development Control Plan

The proposed development generally satisfies the provisions of Strathfield Consolidated DCP 2005. This is discussed in more detail in the body of the report.

Notification

The application was notified in accordance with Council's Community Participation Plan from 13 April 2022 to 30 April 2022, where no submissions were received.

Issues

There are no outstanding issues with the proposed development.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2022/67 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the alterations and additions to the existing dwelling and construction of a new detached secondary dwelling. Specifically, the proposal includes;

Existing principal dwelling

Alterations

- Conversion of existing living/dining/kitchen areas to Master Bed w/ WIR and en suite
- Removal of existing laundry

Additions

- New open plan kitchen/living/dining area with butlers' pantry
- New laundry and separate WC
- Rear covered veranda

New secondary dwelling

- Two (2) bedrooms
- Open plan kitchen/living family room
- Bathroom
- Separate laundry

External works:

- Demolition of existing rear garden shed
- Associated landscaping

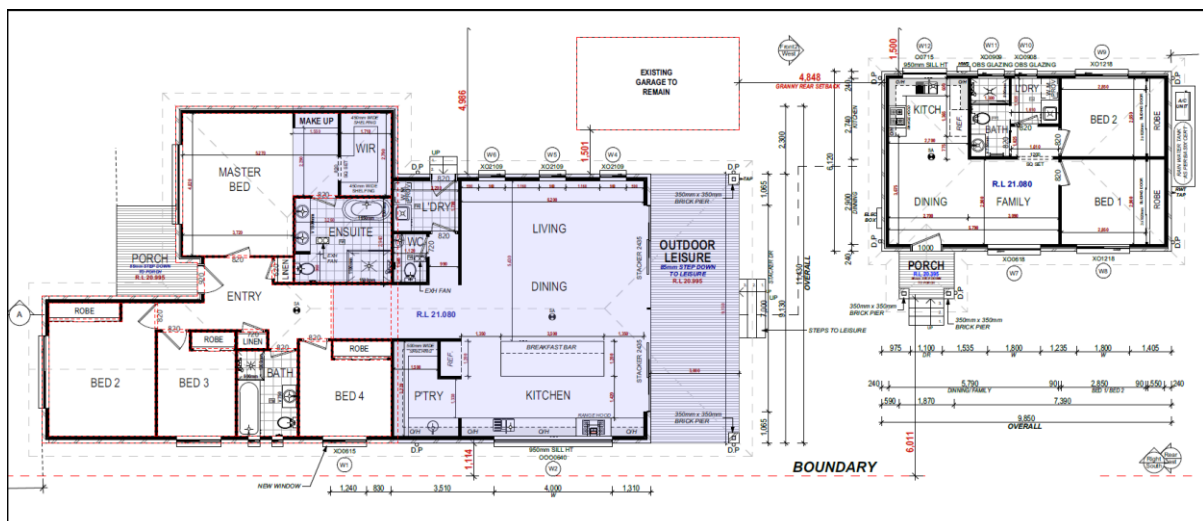


Figure 2: Proposed ground floor plan(s) - principal dwelling (left); secondary dwelling (right)

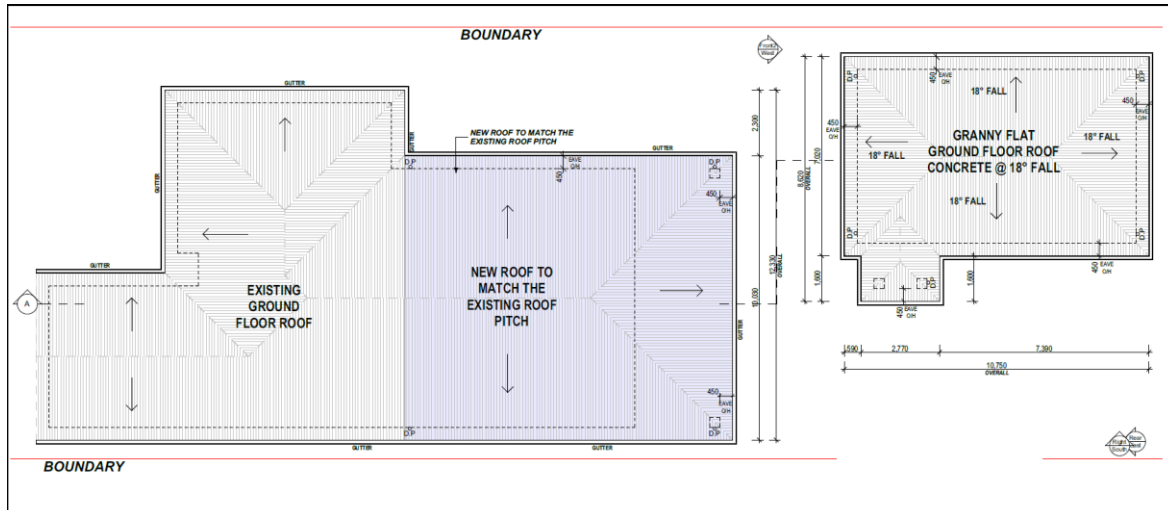


Figure 3: Proposed ground roof plan(s) - principal dwelling (left); secondary dwelling (right)

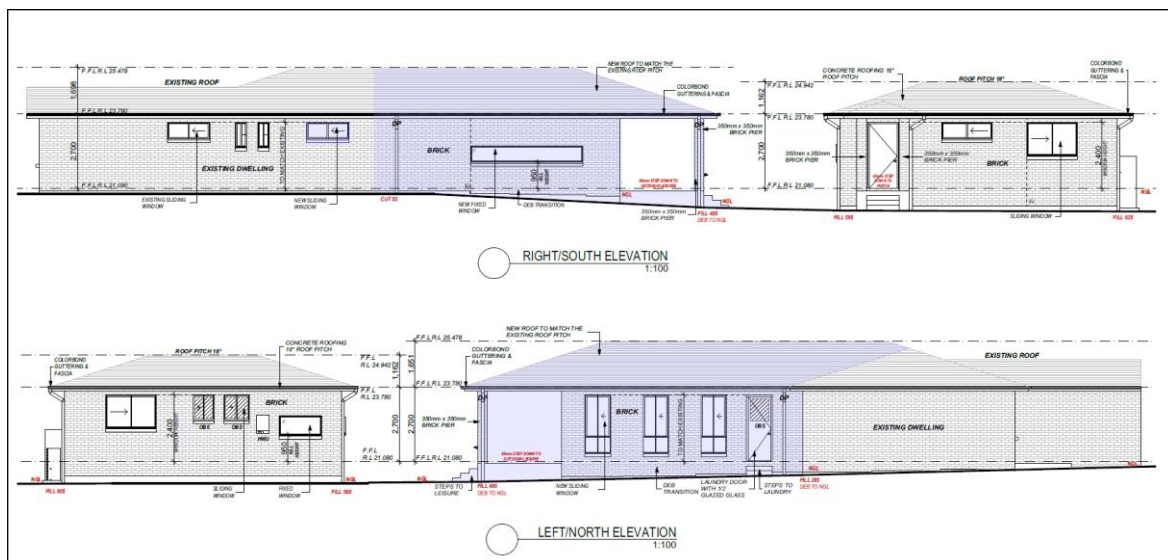


Figure 4: Proposed south & north elevations

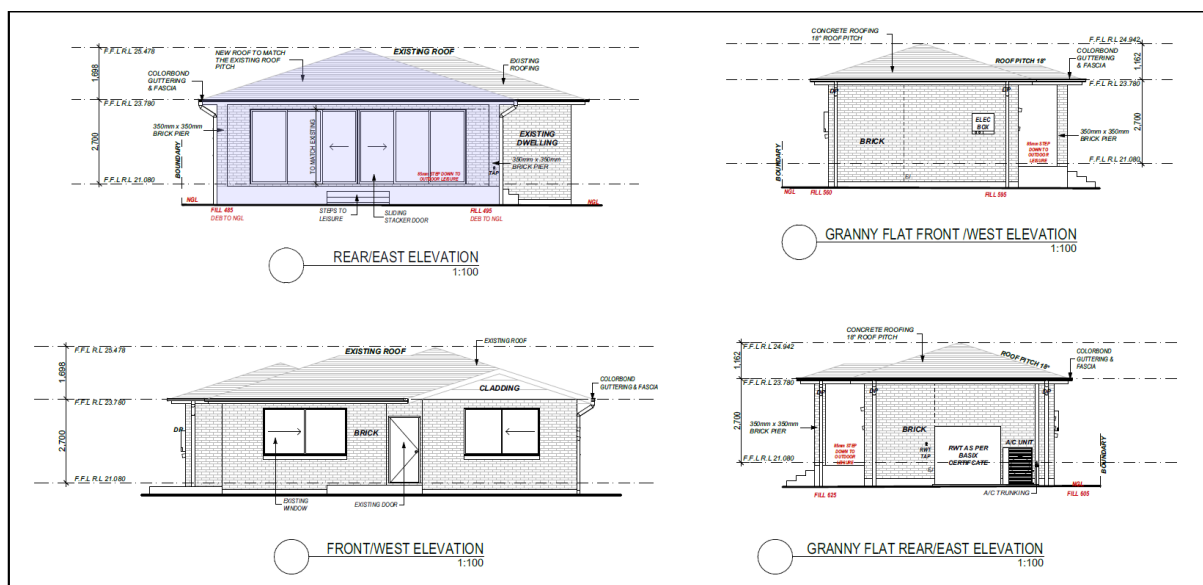


Figure 5: Proposed east/west elevations - principal dwelling (left); secondary dwelling (right)

The Site and Locality

The subject site is legally described as Lot: 132 DP: 15955 and commonly known as 72 Pemberton Street STRATHFIELD. It is located on the east side of Pemberton Street on land adjacent Centenary Drive which is a Classified State managed Main Road (MR); with the nearest cross road being Newton Road to the north.

The site is rectangular in shape and has a frontage and rear boundary widths of 15.235m; side boundary lengths of 50.76 (north) and 50.93 (south); and a total site area of 771.4m².

The topography of the site is relatively flat with a slight west-east slope of 1-2⁰.

Existing development on the site comprises a single-storey brick dwelling with attached car port, detached garage and a medium-size garden shed. Vehicular access is provided to the site via an existing driveway from Pemberton Street to an existing carport and garage located on the northern boundary.

The current streetscape is characterised by a mix of single-storey and two-storey brick dwellings of simple Inter-war Functionalist style. Many houses have been smooth rendered. Masonry pier fences are a prevailing feature with a varying styles of decorative metalwork.

The surrounding area is characterised by low-density residential development.



Figure 6: Subject site existing dwelling



Figure 7: Existing flats at 74 Pemberton Street



Figure 8: Existing dwelling at 70 Pemberton Street



Figure 9: Vehicle entrance to 70 – 74 Pemberton Street and barrier wall to Centenary Drive

Background

- 4 April 2022 The subject Development Application was lodged.
- 27 April 2022 Site inspection completed by the Assessment Officer.
- 30 April 2022 Neighbour notification period complete (13/04/2022 – 30/04/2022)
- 11 May 2022 A letter requesting further information (RFI) was issued by Council to the Applicant which identified the following issues:
- i. **Flooding**

The subject site is affected by overland flow of stormwater of the 1 in 100yr ARI storm event in accordance with the Cooks River and Cox's Creek flood study. A flood impact assessment report was required in accordance with the Council Interim Flood Prone Land Policy.
 - ii. **Streetscape, Building form etc.**

The north side setback for the secondary dwelling was to be increased to 1.5m to comply with minimum SCDCP 2005 requirements.
- 27 May 2022 Amended plans and Flood Impact Assessment Report were submitted by the Applicant via the NSW Planning Portal.

Sufficient information has been provided to complete a full and thorough assessment of the proposed development.

Referrals – Internal and External

Stormwater

The subject application was referred to Council's Development Engineer. The stormwater management plan prepared by VNK Consulting (dated 16 March 2022) has been reviewed based on the flooding characteristics and topography of the site, the proposed stormwater system and the finished floor levels of the development. No issues were raised as part of the assessment and the proposed development is considered feasible with regard to flooding stormwater management.

Tree Management

The subject application was referred to Council's Tree Management whom inspected the site. The existing vegetation on site is not impacted by the proposed development. Trees will be conditioned to be retained at as not to store building materials and no further issues were raised.

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,***

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

Chapter 2 – Vegetation in non-rural areas

The intent of this Chapter within the SEPP is 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.

Further, no objection was raised to the removal of a number of trees 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.

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

A separate BASIX Certificate has been issued for the proposed alterations and additions to the principal dwelling as well as the proposed secondary dwelling and the commitments required by the BASIX Certificate have been satisfied.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 4 – Remediation of land

Chapter 4 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 Chapter 4 of the SEPP are considered to be satisfied.

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	Maximum 9.5m	Primary Dwelling 5.08m (NGL 20.4)	Yes
		Secondary dwelling 4.84m (NGL 20.1)	Yes
4.4 Floor Space Ratio	Site area 771.4m ² FSR 0.575:1 or 443.6m ²	GFA 223.84m ² FSR 0.3:1	Yes

Part 5 – Miscellaneous Provisions

Heritage Conservation

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

Flood Planning

The subject site has been identified as being at or below the flood planning level. The submitted flood impact assessment prepared by VNK Consulting (dated 26 May 2022) 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, will not result in significant adverse effects on flood behaviour or environment and is not likely to result in unsustainable social and economic loss. 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 and as such an Acid Sulfate Soils Management Plan 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.

The proposed excavation works are considered to satisfactorily address the objectives of this clause.

Essential Services

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

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

- (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			
Floor Space Ratio:			
Heights:			
Floor to ceiling heights:	3.0m	2.7m	Yes
Height to underside of eaves:	7.2m	3.38m	Yes
Number of Storeys/Levels:	2	1	Yes
Setbacks:			
Front:	9m	No change to existing 9.1m	Yes
Side north:	1.2m (min)	4.986m	Yes
Side south:	1.2m (min)	1.114m	Accepted - consistent with existing
Combined Side Setback:	3.047m (20% x 15.235m)	6.1m	Yes
Rear:	6m	Principal dwelling Min. 20m	Yes
Landscaping			
Landscaping/Deep soil Provisions:	331.7m ² (43% x 771.4)	348m ² (45.1% x 771.4)	Yes – see discussion
Solar Access			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	Achievable	Yes
Vehicle Access and Parking			
Driveway width at Boundary:	3m	No change to existing	Accepted
Vehicular Crossing:	1	1	Yes
Driveway setback – side:	0.5m	No change to existing	Accepted
No. of Parking Spaces:	2	2	Accepted

Ancillary Development			
SECONDARY DWELLING			
Floor Area:	60m ²	52.5m ²	Yes
Private open Space:	12m ² (min.3m)	Min. 12m ² (min.3m)	Yes
Side Setback:	1.5m	1.5m	Yes
Rear Setback:	3.0m	3m	Yes

Building Envelope

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

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

The proposed southern side setback at 1.114m is acceptable given it is consistent with that of the existing dwelling. The proposed alterations and additions to the principal dwelling and the secondary dwelling will be largely hidden from street view and do not pose significant visual impacts to the streetscape.

Landscaping and Open Space

The proposed Applicant calculations of 378.74m² (49.1%) include small sections within the southern side setback substantially narrower than the required 1.5m minimum width as per SCDCP 2005 controls. An assessment of the proposed landscape plan determines a minimum 348m² calculable landscaped area is achievable despite the exclusion of the abovementioned narrow sections. A condition is imposed requiring the abovementioned landscaped area figure to be provided as deep soil area. The proposed development, therefore satisfies the relevant objectives and controls of the SCDCP 2005. The development adequate areas for deep soil planting have been provided and can accommodate a large canopy tree and where possible trees have been retained and protected.

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. The submitted BASIX certificate for the proposed secondary dwelling includes provisions for a skylight to enhance internal solar amenity if so required. Solar access is also achieved or maintained to the private open space of the adjoining premises. The proposal is considered to generally satisfy the relevant objectives and controls of the SCDCP 2005.

Privacy

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

Vehicular access, Parking and Basements

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005 in that it provides the minimum two (2) required parking spaces and adequate vehicular access provisions.

Cut and fill

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

Water and Soil Management

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

Access, Safety and Security

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

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. The plan details measure for waste during demolition and construction, and the on-going waste generated by the development during its use. It is considered that this plan adequately address Part H and considered satisfactory.

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

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

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

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

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

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

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

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

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

(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	\$1,995.47
Provision of Major Open Space	\$9,078.81
Provision of Local Open Space	\$1,997.86
Provision Roads and traffic Management	\$531.44
Administration	\$172.06
TOTAL	\$13,775.65

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.2022/67 should be approved subject to the following conditions.



Signed:

G I Choice
Planner

Date: 14 June 2022



I confirm that I have determined the abovementioned development application with the delegations assigned to my position;

- ☒ I have reviewed the details of this development application and I also certify that Section 7.11/7.12 Contributions are applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed and concurred with.

Signed:

Date: 21 June 2022

Patrick Santos
Senior Planner

CONDITIONS

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 MRZ-21-548	2	07 March 2022	D	MRZ Designs
Demolition Plan MRZ-21-548	3	07 March 2022	D	MRZ Designs
Ground Floor Plan MRZ-21-548	5	07 March 2022	D	MRZ Designs

Ground Floor Plan - Main House MRZ-21-548	6	07 March 2022	D	MRZ Designs
Ground Floor Plan - Granny Flat MRZ-21-548	7	07 March 2022	D	MRZ Designs
Roof Plan MRZ-21-548	8	07 March 2022	D	MRZ Designs
Elevations MRZ-21-548	9	07 March 2022	D	MRZ Designs
Elevations MRZ-21-548	10	07 March 2022	D	MRZ Designs
Section A-A MRZ-21-548	11	07 March 2022	D	MRZ Designs
Site Sediment Control plan MRZ-21-548	12	07 March 2022	D	MRZ Designs
Landscape Plan MRZ-21-548	14	07 March 2022	D	MRZ Designs
Stormwater Drainage Layout Plan	160322-01	17 May 2022	B	VNK Consulting Pty Ltd
Document	Reference No.	Date	Revision	Prepared by
Detail Survey	21/3850	15 October 2021	N/A	East West Surveyors Pty Ltd
Waste Management Plan	-	23 March 2022		MRZ Designs
BASIX Certificate Alterations and Additions	A453685	24 March 2022	-	Outsource Ideas
BASIX Single Dwelling	1291731S	24 March 2022	-	Outsource Ideas
Flood Impact Assessment Report	-	26 May 2022	A	VNK Consulting Pty Ltd

SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

2. Section 138 Roads Act 1993 and Section 68 Local Government Act 1993

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

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

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

- (a) 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

3. 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

4. BASIX Commitments

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

- a) All measures and commitments as detailed in the *Alteration and Additions* BASIX Certificate No. A453685 must be implemented on the plans lodged with the application for the principal dwelling alterations and additions Construction Certificate.
- b) All measures and commitments as detailed in the *Single Dwelling* BASIX Certificate No. 1291731S must be implemented on the plans lodged with the application for the secondary dwelling Construction Certificate.

5. 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.

6. 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.

7. Detailed Stormwater Drainage Design

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

8. Compliance with Flood Study

The development shall be designed to conform to the recommendations and conclusions of the submitted flood impact assessment report prepared by VNK Consulting issue A dated 26.05.2022.

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

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

9. Stormwater Drainage Plan Details

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

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

10. 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 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	\$ 1,121.00
Security Damage Deposit	\$ 8,100.00
Administration Fee for Damage Deposit	\$ 130.00
DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94 Development Contributions - Roads and Traffic Management	\$531.44
Strathfield Section 94 Development Contributions – Local Open Space	\$1,997.86

Strathfield Section 94 Development Contributions – Major Open Space	\$9,078.81
Strathfield Section 94 Development Contributions – Community Facilities	\$1,995.47
Strathfield Section 94 Development Contributions – Administration	\$172.06
TOTAL	\$13,775.65

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 pursuant to the Strathfield Direct Development Contributions Plan 2010-2030.

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.

11. **Schedule of External Finishes**

A schedule detailing all external materials, colours and finishes including windows, doors and roofing materials shall be submitted to Council for approval.

All external materials, colours and finishes including windows and doors and roofing materials must be of high quality and compatible with those of the surrounding streetscape and locality. All external materials and colours shall be of low glare and reflectivity. Details demonstrating compliance with this condition shall be provided to the Principal Certifying Authority, prior to the issue of any Construction Certificate.

12. **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: **\$8,100.00.**
- (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.

13. **Site Management Plan**

Minor Development

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.

14. **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.

15. **Waste Manage Plan (WMP)**

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.

16. Landscape Plan

A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted prior to the issue of the Construction Certificate. The plan must include:

- (a) A minimum 348m² of deep soil landscaped area is provided with at least 50% of this area located behind the building line;
- (b) Location of existing and proposed structures, services and existing trees;
- (c) Details of earthworks including mounding and retaining walls and planter boxes;
- (d) Location of proposed plants and a plant schedule showing the plant symbol, botanical name/ common name; quantity; pot size/; and mature height x width;
- (e) One (1) canopy tree must be provided in the rear yard with a mature height of eight (8) metres if not already provided;
- (f) A minimum of 25% of canopy trees and other vegetation shall be locally sourced indigenous species;
- (g) Details of planting procedure and maintenance;
- (h) Landscape specification;
- (i) Details of drainage and watering systems;
- (j) Details of garden edging and turf; and
- (k) Any required fencing, retaining walls and other structures not shown on other approved architectural and engineering plans.

17. Tree Removal/Pruning Prohibited

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

18. Tree Protection and Retention

The following trees shall be retained and protected:

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
1	Cupressus sp (Conifer)	Front boundary next to existing driveway at 72 Pemberton Street Strathfield	4.0 metres

2	Phoenix carnariensis (Canary Island Date Palm)	Front of site on side boundary at 72 Pemberton Street Strathfield	5 metres
3	Syzgygium sp (Lily Pilly)	25A Melville Avenue Strathfield	1 metre

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.

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

19. 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.

20. 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 applicant’s expense.

21. 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 Principal Certifier 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.

DURING CONSTRUCTION

22. 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.

23. Cost of Work to be Borne by the Applicant

The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.

24. Obstruction of Road or Footpath

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the [Roads Act 1993](#) and/or under Section 68 of the [Local Government Act 1993](#). Penalty infringement Notices may be issued for any offences and severe penalties apply.

25. Waste Management Facility

All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt.

Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the Principal Certifier and Council, where Council is not the Principal Certifier.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

26. BASIX Certificate

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

27. BASIX Compliance Certificate

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

28. Completion of Landscape Works

The approved landscape works have identified that the side setback area between the dwelling and boundary be nominated as landscaped area to ensure compliance with the minimum landscape area requirements. In this regard, this area shall be maintained as landscaped area and can only be used for growing plants, grasses and trees and cannot include any building, structure or hard paving (including rainwater tanks, air-conditioning units of ground mounted hot water systems).

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

29. 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.

30. Restriction to User and Positive Covenant for On-Site Retention Facilities

Prior to the issue of any Occupation Certificate, the applicant shall register a Positive Covenant and a Restriction as to User under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council, ensuring the ongoing retention, maintenance and operation of the stormwater facility (on-site retention/rainwater tanks, charged lines, water sensitive urban design, surface flow path, finished pavement and ground levels etc.).

Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement no less than 1200mm wide over the proposed drainage line or service concurrently with any subdivision registration.

The wording on the 88E and or 88B Instrument is to make reference to the Council file where the Construction plans and the Work As Executed (as built), plans are held. Typical wording can be obtained from Council's Specification for the Management of Stormwater document.

31. 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.

32. 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:

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.

OPERATIONAL CONDITIONS (ON-GOING)

33. 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

34. Requirement for a Construction Certificate

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

35. Appointment of a Principal Certifier

Building and/or demolition works must not commence until the applicant has:

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

36. Notification of Critical Stage Inspections

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

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

37. Notice of Commencement

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

38. Critical Stage Inspections

The last critical stage inspection must be undertaken by the Principal Certifier. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 61 of the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021 - NSW Legislation](#).

39. Occupation Certificate

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

PRESCRIBED CONDITIONS

40. Clause 75 – BASIX Commitments

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

41. Clause 69 – Building Code of Australia & Home Building Act 1989

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

42. **Clause 71 – 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. **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. (DA 2022/67) and reference this condition number (Advisory Note 6)
- (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.

vii. **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).

viii. **Electricity Supply**

This development may need a connection to the Ausgrid network which may require the network to be extended or its capacity augmented. You are advised to contact Ausgrid on 13 13 65 or www.ausgrid.com.au (Business and Commercial Services) for further details and information on lodging your application to connect to the network.