

IDAP REPORT

Property:	38 Chisholm Street, Belfield Lot 12 DP18628 DA2022.105
Proposal:	Partial demolition of the existing detached garage and construction of an attached secondary dwelling.
Applicant:	A Amirashairi
Owner:	Tuan Anh Tu
Date of lodgement:	20 July 2022
Notification period:	27 July 2022 – 10 August 2022
Submissions received:	Nil
Assessment officer:	W van Wyk
Estimated cost of works:	\$80,000.00
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: Aerial view of the subject site (outlined in yellow)

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the partial demolition of the existing detached garage and construction of an attached secondary dwelling.

Site and Locality

The subject site is legally described as Lot: 12 DP: 18628 and commonly known as 38 Chisholm Street, Belfield. The site is rectangular in shape and is located on the eastern side of the street. The site has a width of 10.52m, a depth of 38.10m and an overall site area of 398.4m². The site is almost entirely flat. The locality surrounding the subject site contains a number of other residential properties with large outbuildings at the rear.

Strathfield Local Environmental Plan (SLEP) 2012

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

Strathfield Consolidated Development Control Plan (SCDCP) 2005

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

Notification

The application was notified in accordance with Council's Community Participation Plan (CPP) 2020 from 27 July – 10 August 2022, where no submissions were received.

Issues

- Lot size;
- Landscaped area; and
- Privacy.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment (EP&A) Act 1979, DA 2022/105 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the partial demolition of the existing detached garage and construction of an attached secondary dwelling. More specifically, the proposal includes;

Ground floor level:

- Demolition of deck, laundry and WC of existing dwelling; and
- New secondary dwelling with bedroom, kitchen and bathroom/laundry.

External works:

- Reconstruction of half of the existing roof over the rear garage;
- Timber screen between the private open space (POS) of the two dwellings; and
- Water tank in rear setback.

Further details can be found in **Figures 2-9** and in the revised architectural drawings submitted with the application (Rev B, dated 19 August 2022).

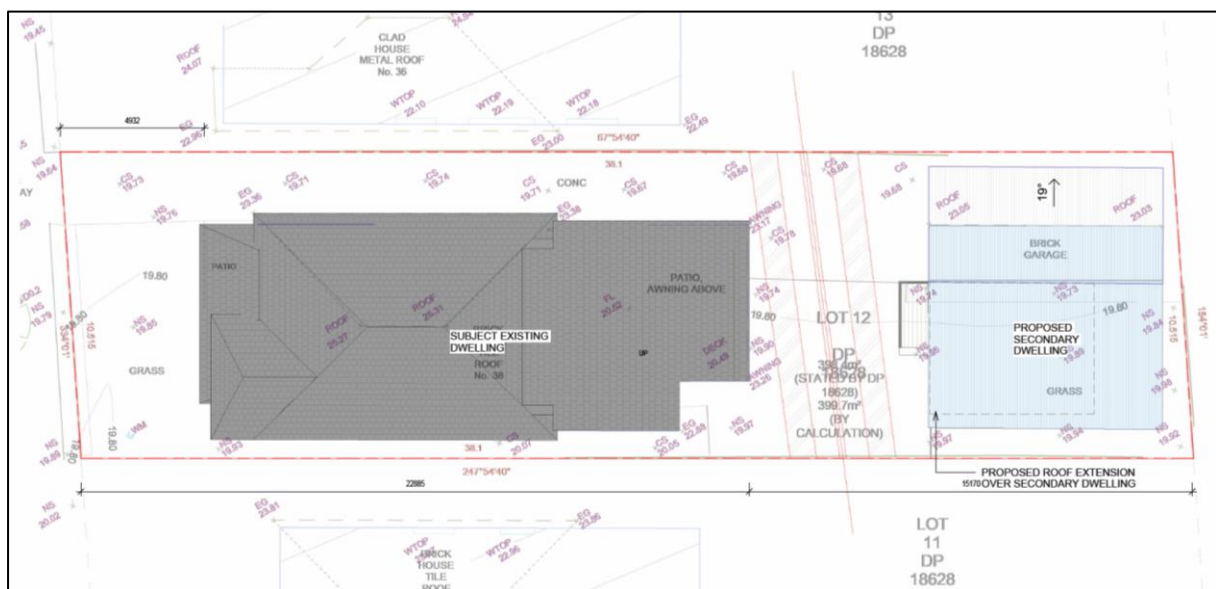


Figure 2: Site Plan

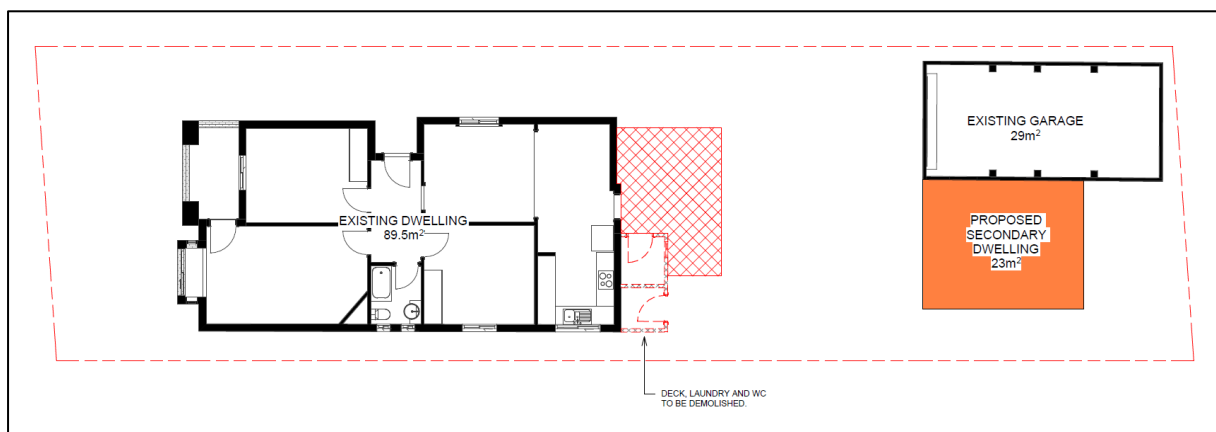


Figure 3: Existing Ground Floor Plan

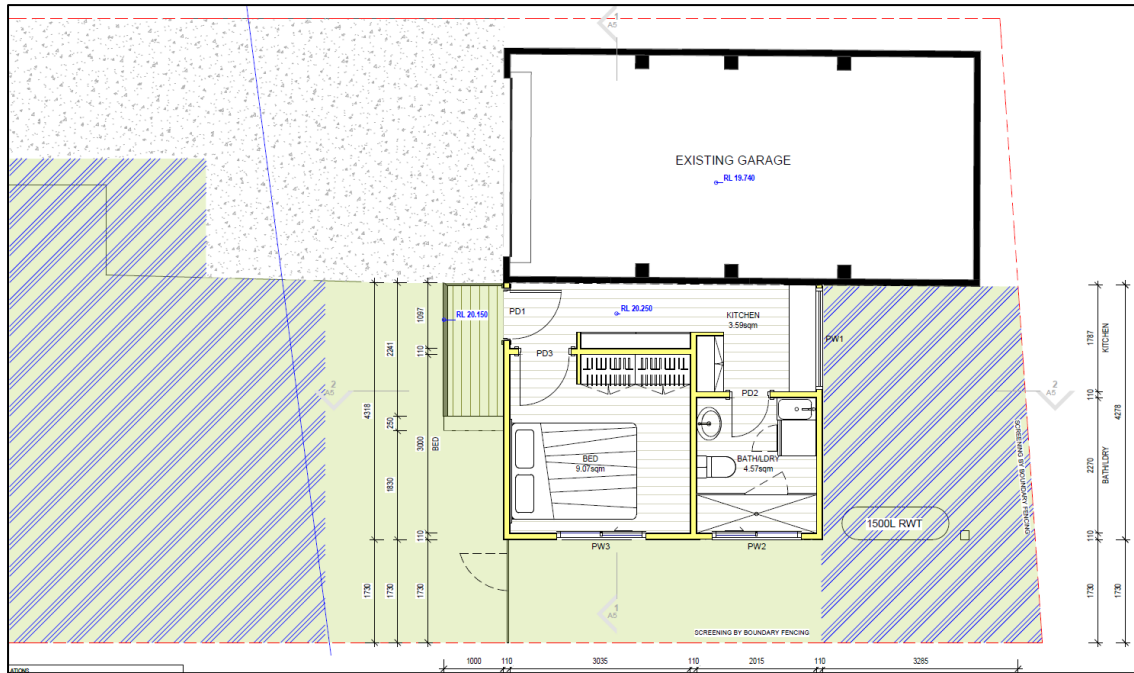


Figure 4: Proposed Secondary Dwelling Ground Floor Plan

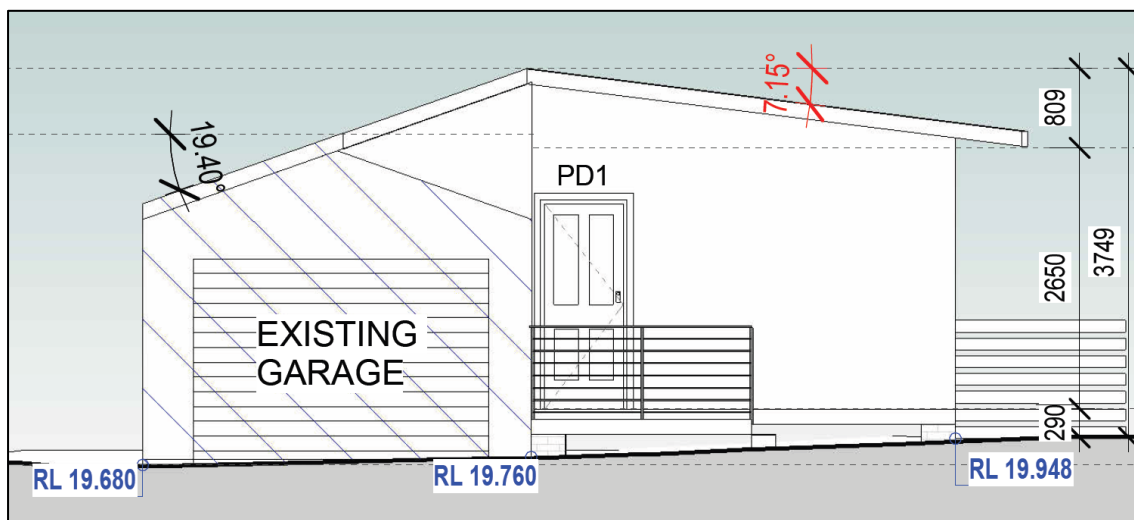


Figure 5: Proposed West Elevation

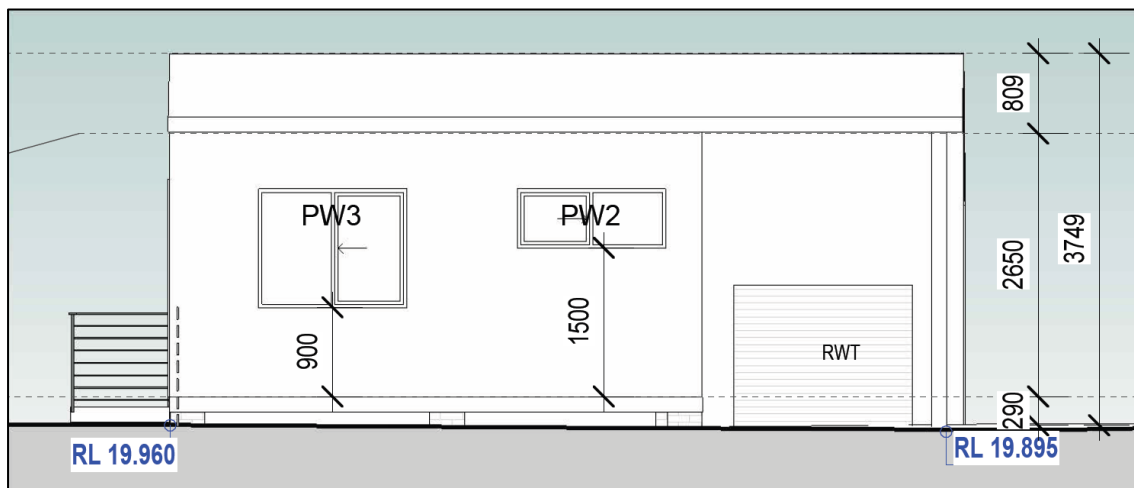


Figure 6: Proposed South Elevation

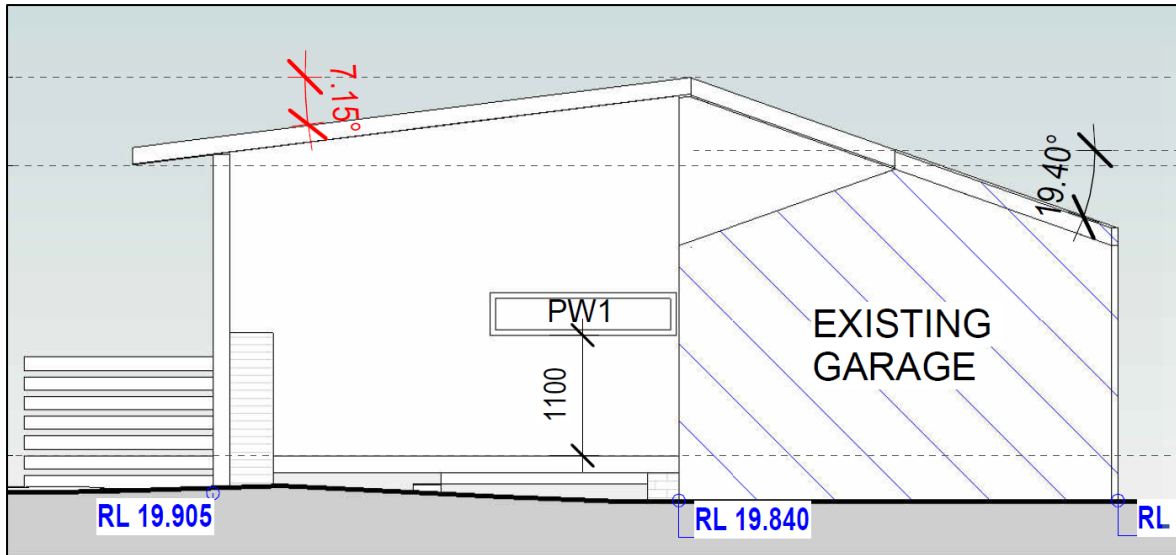


Figure 7: Proposed East Elevation

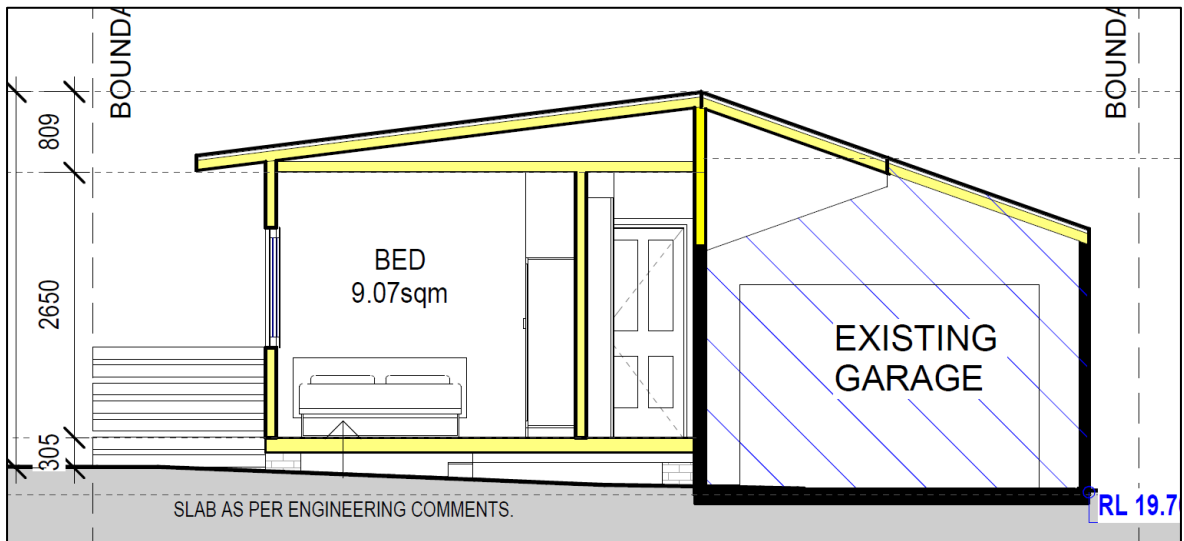


Figure 8: Cross Section

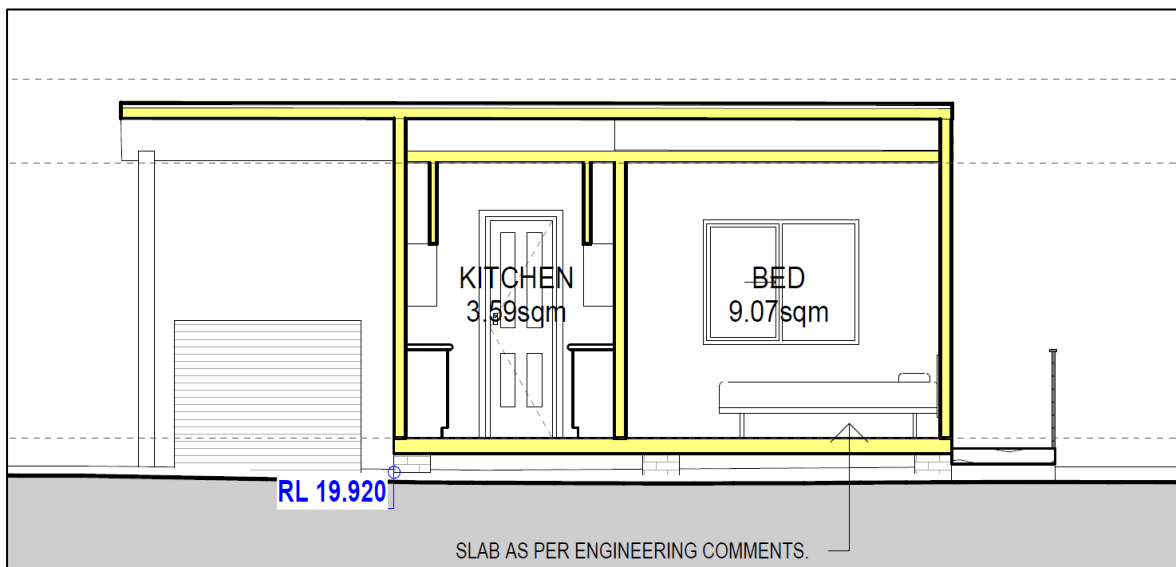


Figure 9: Long Section

The Site and Locality

The subject site is legally described as Lot: 12 DP: 18628 and commonly known as 38 Chisholm Street, Belfield. It is located off the eastern side of Chisholm Road, between Cutbush and Chatfield Avenues.

The site is rectangular in shape and has a western street frontage of 10.52m, side boundaries of 38.10m, and a rear boundary of 10.52m, providing a total site area of 398.4m² (as per title). The site is almost entirely flat.

The site is occupied by a single storey brick dwelling with a pitched tile roof (see **Figures 10 and 11**). Vehicular access is provided to the site via an existing concrete driveway along the northern side boundary to an existing detached single garage located in the north western corner (see **Figure 12**). This is adjoined by a small lawn area and plantings along the rear boundary.

There is a Sydney Water asset (sewer line) running through the rear of the site in an area that is existing and proposed to be retained as landscaping/hardstand.



Figure 10: The subject site, as viewed from the street



Figure 11: The existing principal dwelling on the subject site, as viewed from the rear yard



Figure 12: The existing garage and lawn area in the rear yard of the subject site

The current streetscape is characterised by single storey brick dwellings fronting the street and large outbuildings at the rear (see **Figure 13**). These outbuildings appear to contain parking spaces, studios and secondary dwellings.



Figure 13: Aerial map showing developments with rear structures (subject site in blue and other properties in yellow)

A Complying Development Certificate (CDC no. 18.2022.7079.1) was recently approved for the adjoining property at 36 Chisholm Street, Belfield. These works comprise a rear extension to the principal dwelling. There is an existing full width studio at the rear with the CDC providing a new laundry for this area.

Background

20 July 2022	The subject DA was lodged with Council.
27 July 2022	The DA was placed on public exhibition until 10 August 2022. No submissions were received from the community.
28 July 2022	The assessing officer undertook a site inspection.
28 July 2022	<p>A Stop the Clock Additional Information Letter was sent to the applicant requesting:</p> <ul style="list-style-type: none"> - Updated legislation references in the Statement of Environments Effects (SEE) and greater consideration of SEPP Housing; - Increase the landscaped area to comply with the SCDCP 2005 requirements; - Lower the floor level by 250mm; and - Clarify the POS areas.

12 August 2022 The additional information was provided. Design changes included the incorporation of timber privacy screening between the POS of the two dwellings; and the proposed demolition of the deck, laundry and WC at the rear of existing primary dwelling.

Some of the references to superseded legislation, including SEPP No. 55 and the Environmental Planning and Assessment Regulation 2000 were not updated. All references to SEPP Housing or its predecessor, State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP), were removed. Accordingly, the application will be considered under the SLEP 2012 rather than the SEPP Housing pathway.

15 August 2022 An additional information letter was sent requesting the drawing numbers be updated.

16 August 2022 The revised architectural drawings (Rev B, dated 19 August 2022) was provided.

Referrals – Internal and External

Development Engineer

The application was referred to Council's Development Engineer who offered no objection subject to the conditions of consent. The Development Engineer advised the floor level of the secondary dwelling could be lowered by 250mm and still comply with required flood levels. This was subsequently requested from the applicant in order to improve access and reduce potential overlooking. The changes were made in the revised architectural drawings.

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 EP&A 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 proposed development as modified does not result in the removal or loss of any trees or vegetation subject to the provision of this SEPP. There are small shrubs along the rear boundary which should not be impacted by the secondary dwelling (see **Figure 12**). A condition (no. 10) will be imposed to retain this vegetation and any trees on site. Accordingly, the aims and objectives outlined within the SEPP are considered to be satisfied.

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

A BASIX Certificate (No. 1309377S) has been issued for the proposed development 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. The historic land uses appear residential. There were no historic uses that would trigger further site investigations. This is confirmed by the SEE which states, inter alia:

*As is evident upon review of the 1943 aerial imagery in **Figure 9** below, the site has had a long standing residential use and there are no known records of contaminating activity being conducted on the site. Further, a review of the POEO register for contaminated land has not flagged the subject site as being potentially affected by any form of contaminants.*

Accordingly, the objectives outlined within Chapter 4 of the SEPP are considered to be satisfied.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN (SLEP) 2012

The development site is subject to the SLEP 2012.

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

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

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Proposal	Compliance/ Comment
4.3 Height of Buildings	9.5m	3.3m (secondary dwelling)	YES
4.4 Floor Space Ratio	0.65:1 x 398.4m ² = 258.96m ²	109.5m ² (combined)	YES
5.4(9) Secondary Dwellings	Must not exceed the greater of 60m ² or 20% of principal dwelling floor area = 60m ²	20m ²	YES

The proposal complies with all the principal development standards.

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, 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 and is located within 500m of a Class 4 soils. However, no excavation is proposed and the works are not likely to lower the watertable. Therefore, Development Consent under the provisions of this section is not required and 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.

Essential Services

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

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

(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 directly relevant to the proposed development on the subject site.

(iii) any development control plan,

The proposed development is subject to the provisions of the Strathfield Consolidated Development Control Plan (SCDCP) 2005. Part A contains provisions relating to dwelling houses and ancillary structures. Chapter 12.2.1 of Part A contains specific provisions relating to secondary dwellings, however the rest of the provisions remain relevant. The following comments are made with respect to the proposal satisfying the controls contained within Part A of the SCDCP 2005.

Applicable SCDCP 2005 Control	Provision	Proposal	Compliance/ Comment
Location	Located at rear of primary dwelling	At rear	YES
Floor to Ceiling	Max 3m	2.4m	YES
Rear Setback	Min 3m	3m	YES
Side Setback	Min 1.5m	1.5m	YES
Total Landscaped Area	Min 35% = 139m ²	91m ²	NO (see Below)
Landscaped Area Rear	Min 50% of total control in rear = 70m ²	62m ²	Conditioned to Comply (see Below)
Car Spaces	No additional required for secondary dwelling	No further spaces proposed (existing single garage retained)	YES
	No garages or carports are to be attached to secondary dwellings	Attached	NO (BCA compliance conditioned)

The proposal complies with the majority of the secondary dwelling specific controls in the SCDCP 2005. The secondary dwelling will need to be separated from the garage in accordance with the Building Code of Australia (BCA) requirements. This is imposed as Condition 35. An assessment of any numerical non-compliances and the qualitative provisions is provided below.

Character

Compatibility with the character of the area is a key consideration in any DA assessment. The SCDCP 2005 states:

The design, materials, colours, bulk and scale, and location of a secondary dwelling must be compatible with the existing dwelling and established surrounding residential character.

As indicated, the surrounding area is characterised by large outbuildings in the rear yard. The proposed form will not be inconsistent with this character. The secondary dwelling has been designed to sympathetically adjoin the existing garage structure, maintaining a single storey built form with a pitched roof. The secondary dwelling will not be readily visible from the street as it is obscured by the existing primary dwelling.

The applicant has relied on the planning principle in *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191 to seek to demonstrate the proposal is compatible with the context. It is agreed that the proposed form is consistent with the character of the area.

Landscaping

It is noted that the architectural drawings and SEE included overhang sections and the rainwater tank in the landscaped area. Accordingly, all landscape areas have been recalculated and vary from the application documentation.

The proposal as originally submitted fell well short of the total and rear setback landscaped area requirement. At the request of Council, the proposal was then revised to increase the rear setback landscaped area. The rear deck and WC of the existing building are proposed to be demolished. Assuming the roof of this structure is also to be removed (which will be conditioned), the rear landscaped area came to 62m², which remains short of the 70m² control. A condition will be imposed removing the rear overhang of the secondary dwelling roof, bringing the rear landscaping to a compliant 74m². This will also bring the proposal into compliance with the requirement for deep soil landscaping between the secondary dwelling and the rear boundary.

This will also provide a total landscaped area of 103m². While this remains short of the overall landscaped area control of 139m², this is considered acceptable given there is an existing non-compliance. There also appear to be a number of surrounding properties that fall short of the overall landscaped area provision. The proportion of the site utilised for landscaping is considered consistent in the context. In addition, the shortfall is partially a consequence of providing a rainwater tank, which is considered a positive contribution which will improve the sustainability of the site.

Accordingly the proposal, as conditioned, is considered acceptable in terms of landscaped area. The new plantings along the rear boundary will be conditioned to be retained.

Solar Access

The SCDP 2005 requires secondary dwellings to comply with the same solar access provisions as other development within Part A. This involves providing at least 3 hours to the principle private open space and habitable room windows of the primary and secondary dwelling on the subject site between 9am and 3pm on the winter solstice. In addition, at least 3 hours solar access is to be maintained for the principle private open space of adjoining properties.

While shadow diagrams have not been provided, the proposal appears to comply with the relevant controls relating to adjoining properties and the existing primary dwelling. Given the location of the secondary dwelling in the south western corner of the site, adjoining the existing garage, there is unlikely to be any additional overshadowing over windows of the primary dwelling between 9am and 3pm on the winter solstice. Solar access to the principle private open space between the two structures is also likely to be retained.

Given the proposed secondary dwelling is only single storey and well set back from the southern boundary, it is unlikely there will be significant additional overshadowing compared to the existing situation. Overshadowing over the rear yards of 40 Chisholm Street and 11 Cutbush Avenue are likely to already occur from the boundary fences and the existing garage structure. In any event, this overshadowing would impact less than 50% of these areas.

However, due to the location to the south of the existing garage, the internal areas of the proposed secondary dwelling are unlikely to achieve compliant solar access. This is considered acceptable in the circumstances given the lot orientation, existing garage and compliant setbacks.

There are no objectives specific to the solar access of secondary dwellings, however the underlying objective can be surmised as providing reasonable environmental amenity. The secondary dwelling will have private open space with sunlight access and the internal layout allows cross ventilation. When amenity is considered in totality, the shortfall in solar access is considered acceptable. It is also noted that secondary dwellings are designed to be more affordable, by their floor space if nothing else, and may not require the same level of amenity as primary dwellings in all circumstances.

Accordingly, the proposal is considered to comply with the relevant solar access controls or objectives and is acceptable in this regard.

Private Open Space (POS)

The SCDCP 2005 contains the following provisions relating to POS for secondary dwellings:

10. *A primary private open space is to be provided for the secondary dwelling and must be directly accessible to the internal living areas of the dwelling. It can be in the form of a balcony or at ground level and should be a minimum area of 12m² with a minimum dimension of 3m.*
11. *The primary private open space must be located to maximise solar access.*
12. *The private open space area must be appropriately landscaped and screened to ensure adequate privacy.*

The proposal retains in the order of 54m² principle private open space for the primary dwelling which is considered acceptable. Adequate privacy measures are also incorporated between this space and the POS of the secondary dwelling. This includes the secondary dwelling being positioned between the two POS areas and the incorporation of a timber screen gate (see **Figure 14**).

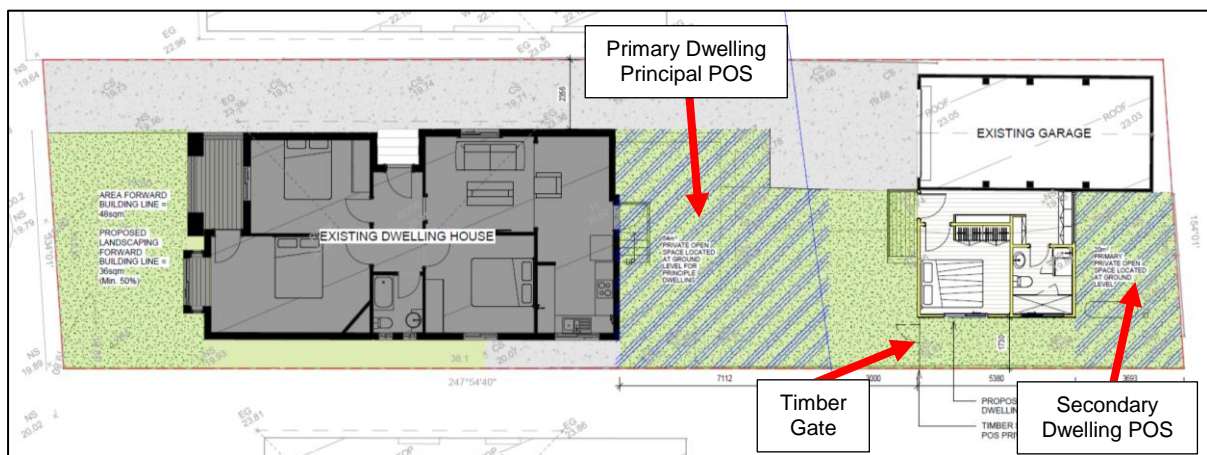


Figure 14: Landscape Plan showing principal POS of each dwelling

POS is provided at existing ground level for the proposed secondary dwelling at the rear of the site. The area with a minimum dimension of 3m is 20m², however 1m² of this comprises the water tank and another portion is taken up by plantings which are to be retained. Overall however, the area remains sufficient, being over the 12m² control. The location is acceptable as well, receiving reasonable solar access given the existing garage in the north western corner.

Direct access to the private open space is not provided. Rather, occupants would need to exist the front door, travel down two steps and then walk around the southern side of the secondary dwelling, through the privacy gate. While this is unfortunate, it is a better outcome than design alternatives, which include the POS of the two dwelling directly adjoining each other or providing a raised platform outside the kitchen which would have privacy impacts on the neighbour. Similar to the amenity comments in the solar access section above, strict compliance is not always possible or reasonable. The access to the POS is considered acceptable in this instance.

A final consideration is the privacy of the POS. As the area will not be directly accessible from inside the secondary dwelling, it is likely generate less privacy impacts. The proposal is not significantly different from the existing situation, where the private open space of the dwelling extended to the rear boundary. The existing 1.8m boundary fence and landscaping also assist in providing suitable screening as per the SCDCP 2005.

Privacy

Secondary dwellings are to comply with the visual and acoustic privacy controls set out in Part A of the SCDCP 2005. The proposed development satisfies the relevant objectives and controls, in that adequate privacy is maintained between adjoining properties and any potential overlooking is minimised.

There will be a privacy benefit from the removal of the elevated deck attached to the existing dwelling, particularly across the side boundaries. Privacy between the POS of the primary and secondary dwellings will be achieved through a timber screen gate. As no dimension is provided on the architectural drawings, the gate will be conditioned to a height of 1.6m.

The ground level of the secondary dwelling was dropped by 250mm to RL 20.250 at the request of Council to minimise potential overlooking. This is only 0.3m higher than the ground level along the rear boundary. Accordingly, the existing 1.8m boundary fence is considered sufficient to retain privacy across the side and rear boundaries. In any event, the kitchen window has a narrow form and the bedroom and bathroom are well set back (1.73m). It is noted that impacts from bedrooms are considered less significant as these are low active use rooms.

Accordingly, the proposal will reasonably retain privacy both within the subject site and towards adjoining properties.

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. An Erosion and Sediment Control Plan has been submitted with the application to prevent or minimise soil disturbances during construction.

Waste Management

The proposal is unlikely to generate significant waste during construction. Details about the ongoing waste requirements are provided in an advisory role as part of the proposed conditions of consent.

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

The requirements of Australian Standard AS2601–1991: The Demolition of Structures is relevant to the determination of a DA for the demolition of a building. The proposed development involves the partial demolition of the garage and the provisions of the AS will need to be complied with.

(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,

As indicated, 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. Rear structures on similarly sized allotments are not uncommon in the vicinity and there are suitable essential services connecting to the site.

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

In accordance with the provisions of Council's CPP 2020, 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. No submissions were received during this time.

(e) *the public interest.*

The proposed development is of a scale and character that does not conflict with the public interest. The inclusion of a secondary dwelling allows for a more efficient use of the subject site, contributing to the variety of housing choices in the area. Secondary dwellings are often also more affordable which is in 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 Roads and Traffic Management	\$537.72
Provision of Local Open Space	\$2,030.16
Provision of Major Open Space	\$9,225.59
Provision of Community Facilities	\$2,027.74
Administration	\$174.85
TOTAL	\$13,997.00

Conclusion

The application has been assessed having regard to the Heads of Consideration under Section 4.15(1) of the EP&A Act 1979, the provisions of the SLEP 2012 and SCDP 2005. Following detailed assessment it is recommended that DA2022/105 should be approved.



Signed:
W van Wyk
Planning Officer

Date: 18 August 2022

- ☒ I confirm that I have assessed 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 Contributions are applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed by;



Signed:
J W Brown
Planner

Date: 19 August 2022

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	A1	19.08.22	B	Beehive Design

Proposed Roof Plan	A2	19.08.22	B	Beehive Design
Existing Ground Floor Plan	A2.1	19.08.22	B	Beehive Design
Secondary Dwelling Plan - Proposed	A3	19.08.22	B	Beehive Design
Elevations	A4	19.08.22	B	Beehive Design
Sections	A5	19.08.22	B	Beehive Design
Landscape Plan	A6	19.08.22	B	Beehive Design
Stormwater Drainage Plan	SW-01	27.05.2022	1	Technical Projects Consultants

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.

(4) Electricity Supply

An application is required to be made to Ausgrid for a network connection. This may require the network to be extended or its capacity augmented. Evidence of this application being lodged with Ausgrid is required to be provided to the Certifying Authority prior to the issue of a Construction Certificate. For further details, you are advised to contact Ausgrid on 13 13 65 or www.ausgrid.com.au (Business and Commercial Services).

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

(5) 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. 1309377S must be implemented on the plans lodged with the application for the Construction Certificate.

(6) 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.

(7) 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.

(8) 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.

(9) Required Design Changes

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

Roof Overhang	The secondary dwelling roof overhang towards the rear boundary is to be removed.
Timber Privacy Screen	The timber privacy screen proposed to separate the private open space of the primary and secondary dwellings is to be 1.6m above existing ground level.
Existing Deck Roof	The roof over the deck area of the existing dwelling is to be demolished to match the approved demolition of the deck itself.

(10) **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. In addition, this consent does not approve the removal of the plantings along the rear boundary of the subject property.

(11) **Fees to be Paid**

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

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

Please contact council prior to the payment of s7.11 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://portal.longservice.nsw.gov.au/bci/levy/	\$ 280.00
Security Damage Deposit	\$ 2,700.00
Administration Fee for Damage Deposit	\$ 130.00
Tree Bond	\$ 3,050.00
Administration Fee for Tree Bond	\$ 130.00

DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94 Development Contributions - Roads and Traffic Management	\$ 537.72
Strathfield Section 94 Development Contributions – Local Open Space	\$ 2,030.16
Strathfield Section 94 Development Contributions – Major Open Space	\$ 9,225.59
Strathfield Section 94 Development Contributions – Community Facilities	\$ 2,027.74
Strathfield Section 94 Development Contributions - Administration	\$ 174.85
Total Section 94 Contributions:	\$ 13,997.00

General Fees

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

Development Contributions

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

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

Indexation

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

Timing of Payment

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

Further Information

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

(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: \$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.

(13) 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.

(14) Structural Details

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

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

(15) 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.

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

(16) 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.

(17) Demolition Notification Requirements

The following notification requirements apply to this consent:

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

(18) Demolition Work Involving Asbestos Removal

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

(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 applicants expense.

DURING CONSTRUCTION

(21) 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.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

(22) 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.

(23) 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.

(24) 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.

(25) 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.

(26) Electricity Supply

Evidence shall be provided demonstrating that the development has been connected to the Ausgrid, if required.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

(27) Requirement for a Construction Certificate

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

(28) 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.

(29) 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.

(30) 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.

(31) 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](#).

(32) Notice to be Given Prior to Critical Stage Inspections

The principal contractor for a building site, or the owner-builder, must notify the Principal Certifier at least 48 hours before each required inspection needs to be carried out.

(33) Occupation Certificate

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

PRESCRIBED CONDITIONS

(34) Clause 75 – BASIX Commitments

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

(35) 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.

(36) Clause 70 – 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 Principal Certifier and the Principal Contractor.

(37) 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](#).

(38) Clause 74 – Protection & Support of Adjoining Premises

If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.

ADVISORY NOTES

1. Review of Determination

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

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

2. Appeal Rights

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

3. Lapsing of Consent

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

4. 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.

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

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

- (a) Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at www.strathfield.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No. (eg. DA2022/105) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Works Permit applications.

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

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

6. 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).

7. Residential Waste

Council's residential waste collection service comprises one (1) x 120 litre (L) general waste bin, one (1) x 240L recycling bin and one (1) x 240L garden vegetation bin per dwelling for single dwellings, semi-detached and dual occupancy developments. Waste containers should be stored in a suitable place to avoid vandalism, nuisance (odour, vermin) and adverse visual impacts on residents and the streetscape. Waste storage areas should be located to minimise the distance of travel to the collection point, be easily accessible and be of sufficient size to accommodate the necessary waste storage bins in accordance with Appendix C, Section H Waste Minimisation and Management, Strathfield Consolidated Development Control Plan 2005.