

## IDAP REPORT

<b>Property:</b>	103 Rochester Street STRATHFIELD LOT 9 DP 31617 DA2021.330
<b>Proposal:</b>	Alterations and additions, including new carport, garage, rear addition with verandah and ancillary studio.
<b>Applicant:</b>	DM Campbell
<b>Owner:</b>	DM Campbell & LM Vanderwal
<b>Date of lodgement:</b>	7 January 2022
<b>Notification period:</b>	14 January – 29 January 2022
<b>Submissions received:</b>	Nil
<b>Assessment officer:</b>	J Gillies
<b>Estimated cost of works:</b>	\$478,700.00
<b>Zoning:</b>	R2-Low Density Residential - SLEP 2012
<b>Heritage:</b>	Yes – Local Heritage Item I193 “Wentworth” — weatherboard cottage
<b>Flood affected:</b>	Yes
<b>Is a Clause 4.6 Variation Proposed:</b>	No
<b>RECOMMENDATION OF OFFICER:</b>	Approval

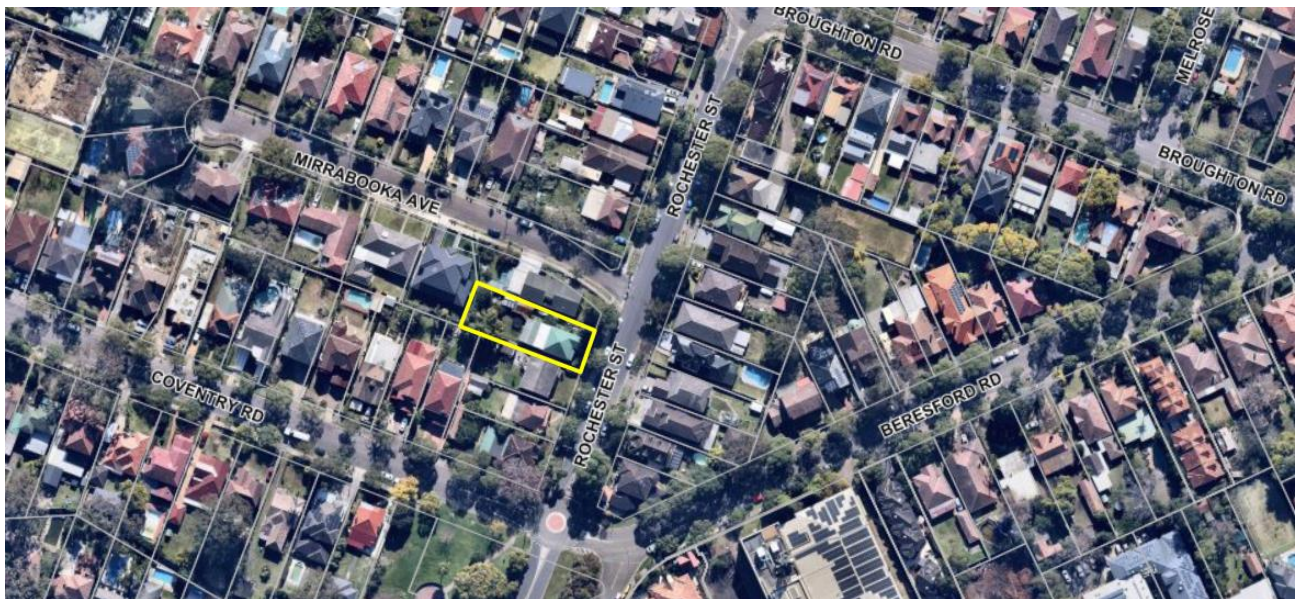


Figure 1 – Locality Plan

## **EXECUTIVE SUMMARY**

### **Proposal**

Development consent is being sought for alterations and additions, including new carport, garage, rear addition with verandah and ancillary studio.

### **Site and Locality**

The site is identified as 103 Rochester Street STRATHFIELD and has a legal description of Lot: 9 DP: 31617. The site is a regular shaped parcel of land and is located on the western side of Rochester Street, near the intersection with Mirrabooka Avenue.

The site has a frontage width of 15.345m, a depth of 45.720m and an overall site area of 695.6m<sup>2</sup>. The subject site contains a local heritage item, being Item I193 "Wentworth", which is a federation era weatherboard cottage.

The locality surrounding the subject site contains a mixture of single and two storey dwellings.

### **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 14 January – 29 January 2022, where no submissions were received.

### **Issues**

- Flood levels, extent of demolition.

### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2021/330 is recommended for approval subject to suitable conditions of consent.

## REPORT IN FULL

### Proposal

Council has received an application for the alterations and additions, including new carport, garage, rear addition with verandah and ancillary studio. More specifically, the proposal includes;

#### Demolition:

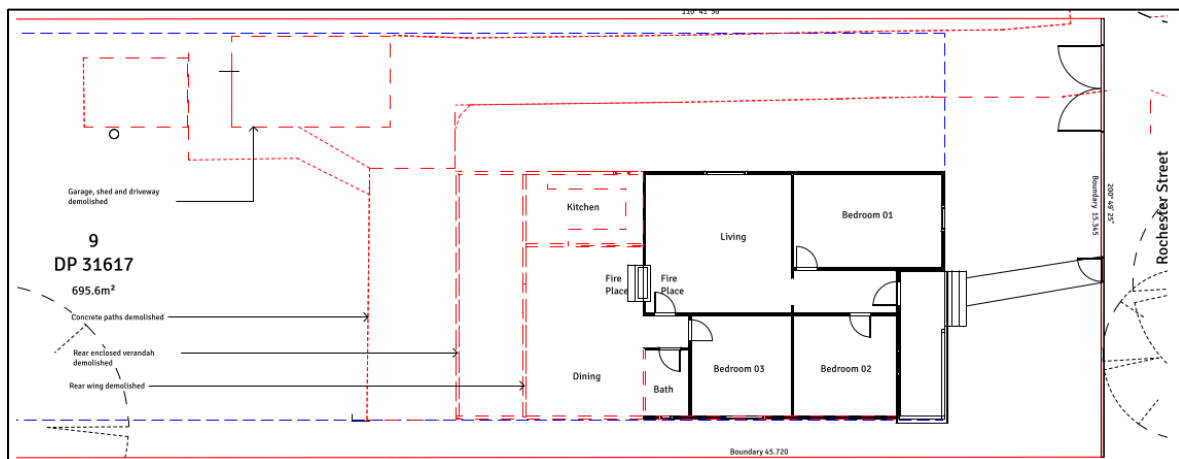
- Demolition of the rear portion of the existing dwelling, existing garage, shed and driveway.

#### Ground floor level:

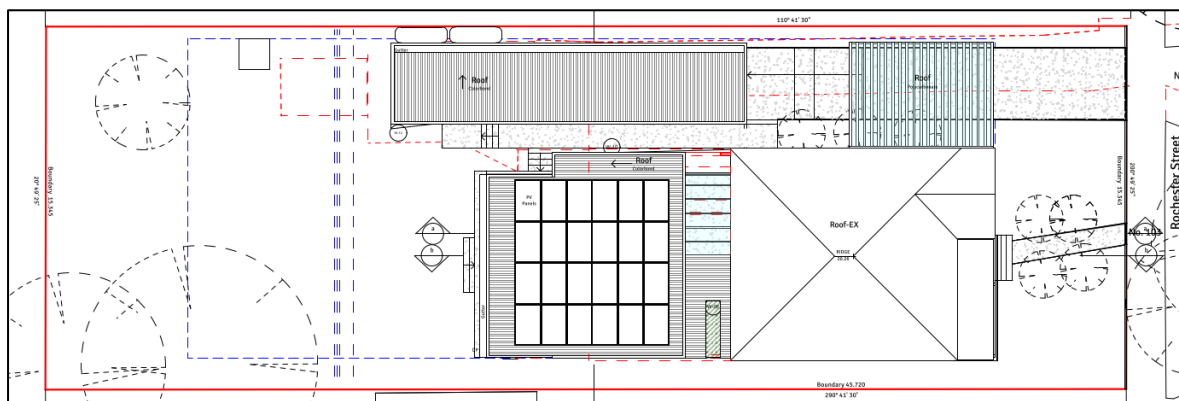
- Construction of a rear extension incorporating bathroom and laundry, courtyard, combined study/library, dining room and kitchen and rear verandah.

#### External works:

- Construction of a retreat/studio including bathroom, garage and workshop (attached to the studio), new driveway and kerb crossover and carport and new front fence to match existing.



**Figure 2 – Demolition Plan**



**Figure 3 – Site Plan for the Proposal**

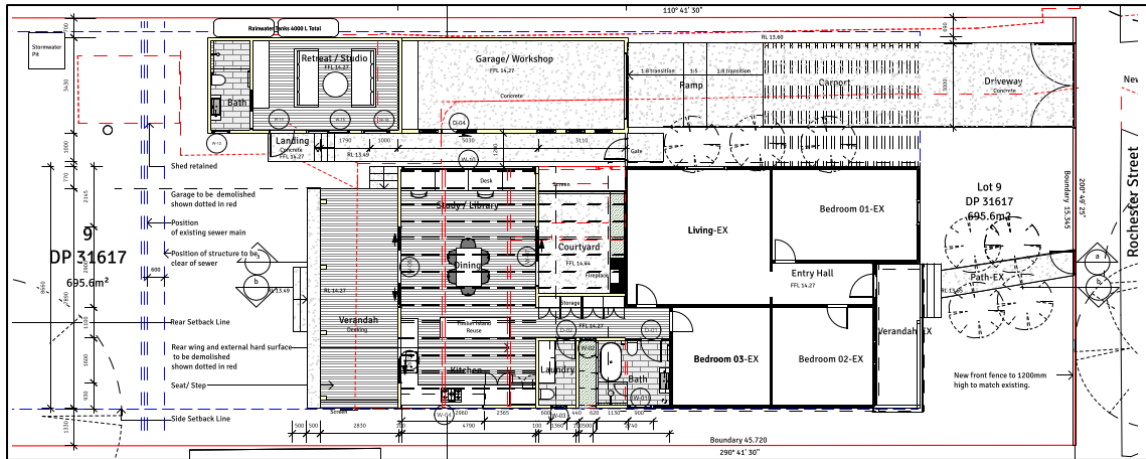


Figure 4 – Proposed Ground Floor Layout

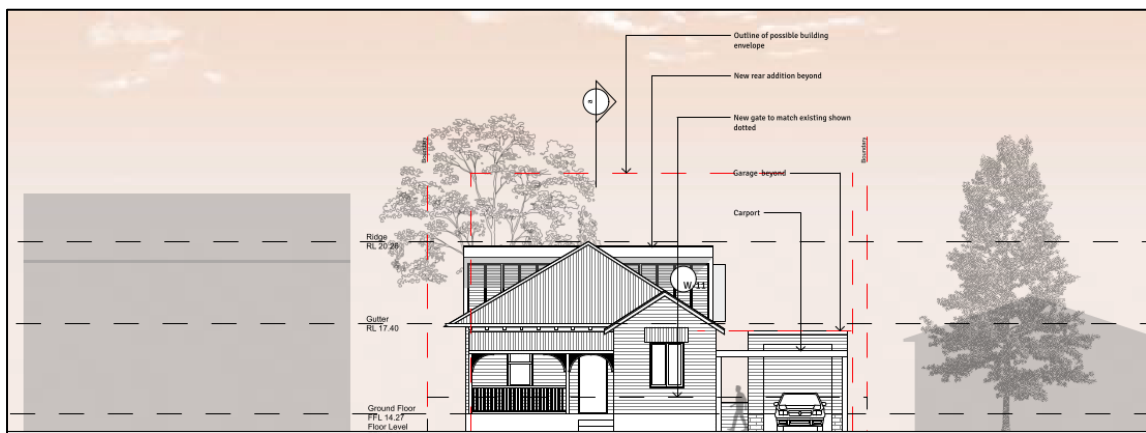


Figure 5 – Proposed Eastern Elevation (Rochester Street)

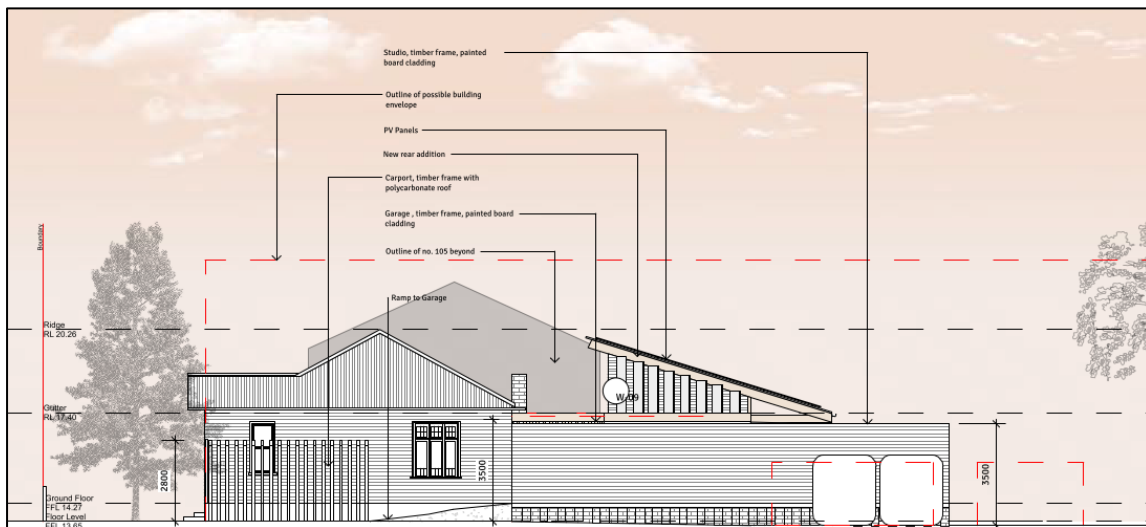
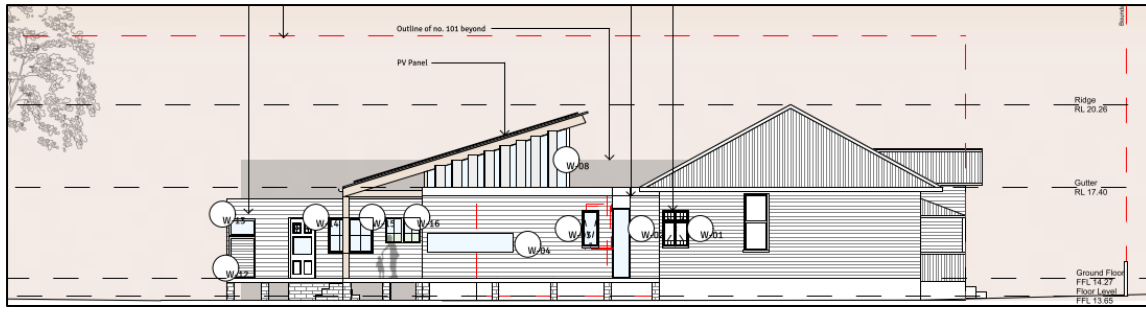
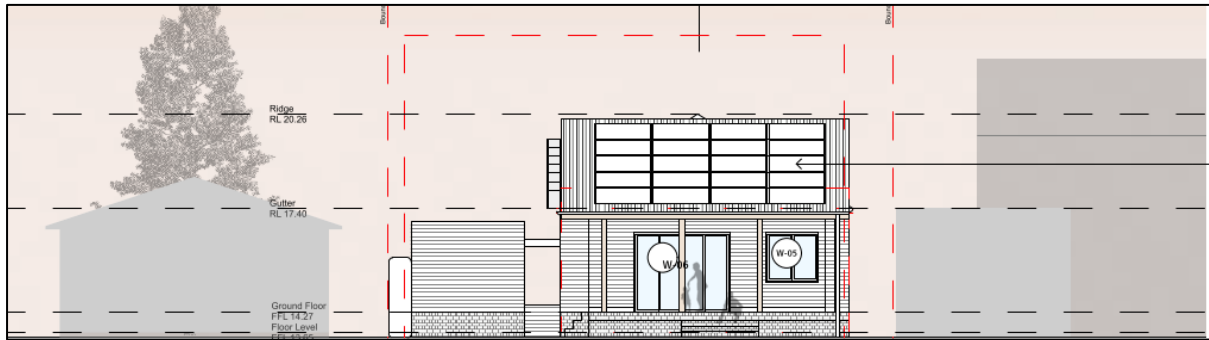


Figure 6 – Proposed Northern Elevation



**Figure 7 – Proposed Southern Elevation**



**Figure 8 – Proposed Western Elevation**

### **The Site and Locality**

The subject site is legally described as Lot: 9 DP: 31617 and commonly known as 103 Rochester Street STRATHFIELD. It is located off the western side of Rochester Street, between Coventry Road and Mirrabooka Avenue.

The site is rectangular in shape and has a frontage width of 15.345m, a depth of 45.720m along both boundaries and an overall site area of 695.6m<sup>2</sup>. The site is relatively flat.

The site is occupied by a single storey weather board dwelling of federation era and is a local heritage item (Item I193 "Wentworth").

Vehicular access is provided to the site via an existing driveway located on the northern boundary. The driveway leads to a small and dilapidated shed in the rear yard. Other notable features of the site are the low timber and wire fence, various shrubs and low trees and a number of mature trees in the rear yard located along the boundary, including a large jacaranda.

A drainage line traverses through the rear yard of the site, with a pit located in the north western corner.

The current streetscape is characterised by single and two storey dwellings of various styles and eras. Adjoining the site to the north is a single storey red brick cottage at 101 Rochester, with a large pine tree in the front yard. To the west, the site backs onto a two storey dwelling at 2 Mirrabooka Avenue. To the south, the site adjoins a two storey brick dwelling at 105 Rochester Street.

A local Heritage item is located at 109 Rochester Street, three houses south of the site and is also identified as significant due to it's federation cottage qualities. Davey Square Park is located 70m to the south and Homebush Village Centre is located two blocks to the north.





**Figure 9 – The subject site as viewed from Rochester Street**



**Figure 10 – Dwellings opposite the site on the eastern side of Rochester Street (No.s 46-52)**



**Figure 11 – Dwelling adjoining the site to the north at 101 Rochester Street**





**Figure 12 – Dwelling adjoining the site to the south at 105 Rochester Street**



**Figure 13 – Front façade of the existing dwelling at the site**





**Figure 14 – Northern side of the existing dwelling**



**Figure 15 – Existing garage in the rear yard on the northern boundary**



**Figure 17 – Drainage pit in the rear yard**





**Figure 16 – Jacaranda in the rear yard**



**Figure 18 – Southern elevation of the existing garage**





**Figure 19 – Rear of the existing dwelling**



**Figure 20 – Southern side setback**



## **Background**

7 January 2022	The Application was lodged.
14 January 2022	The Application was neighbour notified for 14 days in accordance with Council's CPP.
27 January 2022	Council's Planer undertook a site inspection.
2 February 2022	A Stop the Clock (STC) letter was issued, requesting a flood study, clearer depiction of demolition proposed and clarification on tree removal.
8 February 2022	The Applicant provided an email relating to the Tree queries and outlined that a flood report would be provided, but may take some time.
27 July 2022	The Applicant submitted a Flood Report via the NSW Planning Portal.
13 September 2022	The Applicant submitted a revised Heritage Impact Statement to address the extent of demolition.

## **Referrals – Internal and External**

### **Stormwater Management**

The Application was referred to Council's Development Engineer, who provide the following comments:

*I have reviewed the stormwater management plan prepared by Dynamic Structural Engineering Group rev B drawing no. SW01-SW04 dated 23.11.2021 relating to the application.*

*I have made an assessment based on the flooding characteristics and topography of the site, the proposed stormwater system and the finished floor levels of the development. Subject site falls to the rear but presence of existing drainage system has enabled the applicant to submit a compliant design. OSD and WSUD provision is not required as the site cumulative imperviousness is less than 65% of total area.*

*Existing, proposed alterations and additions roof runoff charges into couple of above ground rainwater tanks. Overflow from the tanks drain into existing drainage pit at rear yard. From engineering perspective, concept plan is feasible.*

Council's Development Engineer provided recommended conditions of consent.

In relation to the submitted Flood Study, Council's Development Engineer provided the following to be included in the conditions of consent:

*The development shall be designed to conform to the recommendations and conclusions of the submitted flood study report prepared by NY Civil Engineering issue A ref: E220254 dated 22 July 2022.*

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

#### **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 proposed development as modified does not result in the removal or loss of any trees or vegetation subject to the provision of this SEPP.

Conditions of consent will require bonds for the street trees adjacent to the subject site, which will be in the vicinity of the proposed new driveway crossover. A condition of consent will also require a report from a qualified Arborist confirming the proposed new driveway crossover will not impact on the Tree Protection Zone (TPZ) of each of the street trees that are adjacent to the new crossover.

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

##### **Chapter 10 – Sydney harbour Catchment**

All stormwater from the proposed development as modified can be treated in accordance with Council's Stormwater Management Code and would satisfy the relevant planning principles of Chapter 10 - Sydney Harbour Catchment.

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

A BASIX Certificate has been issued for the proposed development and the commitments required by the BASIX Certificate have been satisfied.



## **STATE ENVIRONMENTAL PLANNING POLICY (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
<b>4.3</b> Height of Buildings	9.5m	6.6m	Complies
<b>4.4</b> Floor Space Ratio	0.6:1 (417.36m <sup>2</sup> )	0.22:1 (154.03m <sup>2</sup> )	Complies

In regards to Clause 4.4, the garage/workshop has been exclude from gross floor area (GFA), as this space can be utilised as one of two of street parking spaces (with the carport being the other).

### **Part 5 – Miscellaneous Provisions**

#### **Heritage Conservation**

The proposal incorporates alterations and additions to local heritage item I193 "Wentworth", which is a federation era weatherboard cottage.

A Heritage Impact Statement (HIS) has been submitted with the application. As outlined in the HIS, the proposal incorporates demolition of the rear of the house and back veranda, both of which represent existing additions that are of a later period than the federation dwelling that presents to Rochester Street. Accordingly, the demolition of these components of the existing dwelling are acceptable.

Although the proposed extension will be visible from Rochester street, the side setbacks are maintained and the proportions are not considered to dominate the existing dwelling. The use of weatherboard, corrugated iron roofing and reclaimed brickwork achieve an outcome for the extension that is complementary to the existing dwelling.

Conditions of consent have been imposed to assist in achieving a high quality outcome. It is considered that the proposed works, as amended and conditioned, satisfactorily address the provisions of this Clause.

### **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 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.

### **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
<b>Building Envelope</b>			
<b>Heights:</b> Floor to ceiling heights: Height to underside of eaves: Height of detached garage/ carport: Number of Storeys/Levels:	3.0m 7.2m  3.5m 2	5m 5.9m  3.5m 1	No Yes  Yes Yes
<b>Setbacks:</b> Front: Side: Side: Combined Side Setback: Rear: Carport Garage	9m 1.2m (min) 1.2m (min) 3.1m (20%) 6m Nil 0.5m	5.5m 5.34m (north) 1.29m (south) 6.63m 18.3m 0.9m 0.7m	No Yes Yes Yes Yes Yes Yes
<b>Landscaping</b>			
Landscaping/Deepsoil Provisions:	(695.6m <sup>2</sup> x 41.5%)  288.7m <sup>2</sup>	322m <sup>2</sup>	Yes
<b>Fencing</b>			
Height (overall/piers): Solid Component:	1.5m (maximum) 0.7m	1.5m N/A	Yes, refer discussion.
<b>Solar Access</b>			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	>3hrs to habitable windows and to 50% of POS	Yes, refer discussion.
<b>Vehicle Access and Parking</b>			
Driveway width at Boundary: Vehicular Crossing: Driveway setback – side: No. of Parking Spaces:	3m 1 0.5m 2	3m 1 0.9m 2	Yes Yes Yes Yes
<b>Ancillary Development</b>			
<b>OUTBUILDINGS</b> Area: Height: Side/Rear setback:	40m <sup>2</sup> 3.5m 0.5m	21.6m <sup>2</sup> 3.5m 0.7m	Yes Yes 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

It is noted that the floor to ceiling heights of the rear addition exceed the 3m requirement. This is accepted on merit as this floor to ceiling height utilises the full roof pitch to increase light into the dwelling which will remain single storey under the proposal. This outcome does not result in unacceptable bulk or overlooking, or an outcome that conflicts with a consistent building form in the streetscape.

### **Landscaping and Open Space**

The proposed development satisfies the relevant objectives and controls of the SCDP 2005. The development is considered to enhance the existing streetscape, adequate areas for deep soil planting have been provided and can accommodate large canopy trees and where possible trees have been retained and protected.

A number of areas have been excluded from landscape area calculations, including the northern side setback between the garage/studio and boundary (due to setback being less than 1.5m) and southern side setback (also less than 1.5m), the area under the carport and gravel areas between the house and garage/studio. Notwithstanding, the proposal complies with the minimum landscape area requirement.

### **Fencing**

As visible in Figures 9-12, the proposed front fence is a low (approximately 1m) fence constructed of a timber frame with wire centre. The submitted plans include an annotation that a new fence will be constructed to match the existing fence. Noting the existing style, this outcome is acceptable in consideration of the heritage characteristics of the site. Conditions of consent will require a materials schedule for the fence to be submitted to Council's Planning Department for endorsement prior to the issue of a construction certificate.

### **Solar Access**

Given the orientation of the site, compliant side and rear setbacks and single storey construction (as well as roof pitch for the extension), solar access to windows of habitable rooms and to at least 50% of the private open space is likely to be maintained for a minimum period of 3 hours between 9.00am-3:00pm at the winter solstice. Solar access is also likely to be maintained to the private open space of the adjoining premises. The proposal is considered to generally satisfy the relevant objectives and controls of the SCDP 2005.

### **Privacy**

The proposed development satisfies the relevant objectives and controls of the SCDP 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 SCDP 2005 in that it provides the minimum number of required parking spaces and adequate vehicular access provisions.

It is noted that the proposed plans have been annotated to show the garage as a potential workshop. Notwithstanding that this space has been considered as a formalised second car space (second to the carport), the length of the driveway can accommodate an additional parking space if needed.

It is also noted that the garage/workshop and the attached retreat are greater than 150mm above NGL, which is the maximum required by the DCP. This is to address the flood characteristics of the site and considering the front setback for the garage and the compliant height (3.5m), the breach to the development standard is accepted on merit.

### **Cut and fill**

The proposed development is considered to satisfy the relevant objectives and controls of the SCDP 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 SCDP 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 SCDP 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**

### Outbuildings

The proposed development satisfies the relevant objectives and controls the SCDP 2005 complying with the height, setbacks and floor space controls.

### **PART H – Waste Management (SCDP 2005)**

A waste management plan that addresses the requirements of Part H of Strathfield DCP 2005 was not submitted with the Application. Conditions of consent will require preparation of this prior to the submission of a construction certificate, and for the WMP to be submitted to the PCA.

### **PART P – Heritage (SCDP 2005)**

The proposal incorporates alterations and additions to local heritage item I193 "Wentworth", which is a federation era weatherboard cottage. Accordingly, Section 2 – Development of Heritage Items of Part P of the DCP applies and consideration of the relevant development controls is provided below.



Development Control	Compliance Discussion
<b>2.2 Setting</b>	
<p>Original elements that contribute to the setting of a heritage item such as landscaping, fences and gates, driveways, seawalls etc. should not be removed and, traditional garden designs should be reinstated where possible.</p>	<p>The description of heritage significance for the subject item identifies the symmetrical façade, hipped corrugated iron roof, awning and veranda, Edwardian windows, decorative timber veranda brackets forming an arched entrance and original fence with iron entry and drive gates.</p> <p>The proposal maintains all the features of significance on the primary dwelling.</p> <p>The proposed replacement of the front fence and realignment of the existing driveway is accepted for the following reasons:</p> <ul style="list-style-type: none"> <li>• The existing driveway is concreted and does not contribute to the heritage characteristics. The new driveway will allow for an improved side setback and compliant width.</li> <li>• The existing front fence is dilapidated and was observed to be unstable.</li> <li>• The replacement front fence will match the existing. Conditions of consent will require submission of the design with materials and colours to Council prior to the issue of a construction certificate. The condition will require a demonstration of how the new fence matches the old.</li> </ul>
<p>New structures on land on which a heritage item is located such as swimming pools and outbuildings should be located so that they do not adversely impact on the significance of the heritage item.</p>	<p>The proposed garage and outbuilding incorporates appropriate setbacks, materials and bulk and scale and will not detract from the heritage significance of the item.</p>
<p>The natural landform and character of the area within which a Heritage Item is located, should be maintained, avoiding any cut and fill to land when constructing new buildings and landscaping grounds.</p>	<p>The proposal is compliant with the development control as minimal cut and fill is proposed.</p>

### 2.3 Scale

Development on the site of a heritage item must not dominate the item or detract from its significance.	<p>The proposal incorporates a single storey addition that maintains the existing setbacks and presents a modern envelope with traditional timber material. The extension will be visible either side of the existing roof pitch, as viewed from Rochester Street, however the extension will not dominate the existing dwelling.</p> <p>The proposed garage is single storey and comprises timber and recycled brick materials and will complement the existing heritage dwelling.</p>
Development shall not obstruct significant views to and from the item of significance.	Complies, refer above.

### 2.4 Form

Important elements of the form of a heritage item such as main roof forms, chimneys, parapet walls, verandahs etc. should not be demolished or obscured by alterations and additions.	The proposed alterations and additions will not obscure or remove any of the features of the dwelling that are identified as significant in the statement of significance.
Development of a heritage item must seek to reconstruct missing architectural detailing of a Heritage Item where possible, including gables, finial trims, front verandahs or bays.	There are no known missing features of the heritage item.
Verandahs on the front and sides of a heritage item should not be filled in.	Complies.
Additions and alterations to a heritage item should not detract from important aspects of the form of the heritage item.	Complies, refer above.
The original shape of the roof of a Heritage Item should not be altered.	Complies

### 2.5 Materials and Colours

The original wall treatment of a Heritage Item must be retained where possible. Unpainted brick or stone on a Heritage Item should not be painted or rendered.	The proposal retains the existing weatherboards on the existing dwelling.
Original materials of heritage items should not be replaced with different materials or materials of different colour.	Complies, refer above. The exception is the front fence, which will be conditioned to achieve an exact replica of the existing front fence.
Non-original materials of heritage items that are being replaced shall, if possible, be replaced with material that matches the original material as closely as possible.	The proposed extension and retreat/garage incorporates a combination of weatherboard, recycled brick and corrugated iron roofing that will complement the existing dwelling.

Painting, rendering or bagging of original face brickwork and/or stonework is not permitted.	Complies.
Materials for additions and alterations to heritage items should be compatible with the original materials of the heritage item.	Complies, refer above. Further conditions of consent will require external colour scheme and materials to be included on elevations as part of the Construction Certificate Application.
Colour schemes for heritage items should have a hue and tonal relationship with traditional colour schemes for the period and style of the heritage item.	The proposed materials and colours for the extension and garage/retreat have a hue and tone that compliments the existing heritage dwelling. Conditions of consent will require submission of elevations with the proposed colour scheme applied to Council
The use of modern finishes including stencilled concrete for driveways associated with heritage items is not permitted.	Complies.
The original roof cladding of a heritage item (slate, tiles or corrugated iron) should not be changed if it is in good repair.	Complies.
Sandblasting to remove paint from brick or stone should not be undertaken on a heritage item as it exposes it to weathering and may change its appearance.	Conditions of consent will prohibit the use of sandblasting.
<b>2.6 Alterations and Additions</b>	
Alterations and additions must not adversely impact the significance of a heritage item.	Complies, refer above.
Any alterations and additions must be consistent with the scale, form, proportion, details and materials of the heritage item.	<p>The proposed rear addition is of a similar scale to the existing dwelling, being single storey with setbacks that match the existing dwelling. Although the single storey incorporates a high ceiling that does not fit entirely behind the existing cottage roof, the outcome does not dominate the existing dwelling. Further, the new addition is setback approximately 2m from the existing dwelling by a courtyard and corridor, providing separation between the old and new.</p> <p>The form is modern, with a single skillion like pitch that presents a flat front to Rochester Street. This outcome will be balanced by the use of traditional materials including timber and recycled brick foundations.</p>



Alterations and additions to heritage items must be located so as to minimise their visibility and prominence from the street or adjoining streets, and the height must not be seen above the main ridgeline of the building. Refer to Figure 1.	Acceptable on merit, refer above comments.
Ancillary buildings on the same site as a heritage item must be located so as to not obscure the significant elements of the Item.	The proposed garage and retreat do not obscure the heritage item.
<b>2.7 Doors and Windows</b>	
Original window and door openings in a heritage item should be retained.	Complies
Extensive areas of glazing visible from the Public Domain are not permitted unless this was a feature of the original design of the building.	<p>The proposal incorporates glazing within the roof slope of the new addition. This outcome is considered acceptable for the following reasons:</p> <ul style="list-style-type: none"> <li>• The glazing is mostly hidden by the roof pitch of the existing dwelling.</li> <li>• The glazing is contained within a series of timber frames that complement the heritage characteristics of the existing dwelling,</li> <li>• The glazing is in the form of operable louvres that are less intrusive than fixed sheets,</li> </ul> <p>The glazing is part of a high ceiling and will not expose any internal second floor.</p>
New skylights are not permitted in roof slopes visible from the Public Domain.	Acceptable on merit, refer above comments.
<b>2.8 Car Parking</b>	
Garages and carports must be located behind the front building line.	Complies.
Garages should not be incorporated into the front façade of a heritage item.	Complies.
<b>2.9 Fencing</b>	
Original fencing styles and materials on a heritage item should be repaired and retained where possible.	The proposal incorporates a 1.2m high fence that will be a replica of the existing fence at the site. The proposal satisfied the development control.
New fencing and gates to a heritage item should be of a style and scale that is consistent with the style of the building.	Complies, refer above.

Unless evidence is provided to establish a greater height, fencing forward of the building line, constructed of material such as timber pickets, metal pickets or wrought metal panels or a combination of masonry and one of the above materials, should not be greater than 1.5m in height above the adjacent public footpath level.	Complies, refer above.
<b>2.10 Landscape Elements Including Paving and Driveways</b>	
Original driveways and footpath crossings that relate to a heritage item should not be relocated.	The existing driveway at the subject site does not relate to the heritage significance of the site.
Original or early garden layouts that contribute to the significance of the heritage item should not be altered.	The existing garden at the site does not relate to the heritage significance of the site.
<b>2.11 Outbuildings</b>	
Outbuildings should be located in the rear yard of heritage items.	Complies.
Outbuildings should be single storey and designed so that they have negligible if any impact on important views of heritage items.	Complies.
Outbuildings must not be greater in height or bulk than the heritage item.	Complies.
<b>2.13 Demolition</b>	
Buildings that are listed as heritage items or contribute to the significance of a heritage item shall not be demolished.	The proposal incorporates demolition of an existing rear addition that appears as a later period than the primary dwelling. Further, removal of this rear portion will not be visible from street.
Partial demolition of heritage items may be possible subject to the merits of the proposal. Partial demolition of a heritage item may only be allowed when it can be established in a Statement of Heritage Impact that the partial demolition will not have an impact on the significance of the heritage item.	The Heritage Impact Statement and addendum HIS establish that the demolition of the rear of the dwelling will not impact on the significance of the local heritage item.
Where demolition is allowed, a photographic record of the building must be prepared for the site and submitted to Council prior to the commencement of the demolition works.	Conditions of consent will require

**(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 Council's Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment. No submissions were received during the notification period.

**(e) the public interest.**

The proposed development is of a scale and character that does not conflict with the public interest.

### **Local Infrastructure Contributions**

Section 7.13 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. This section prescribes in part as follows:

A consent authority may impose a condition under section 7.11 or 7.12 only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).

#### **STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN**

Section 7.12 Contributions are applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan as follows:

Based on the Cost of Works of \$478,700.00 and in accordance with Council's s7.12 Indirect Contributions Plan, a contribution of 1% of the cost of works is applicable. In this regard, the contribution is as follows;



Local Amenity Improvement Levy

\$4,787.00

## Conclusion

The application has been assessed having regard to the Heads of Consideration under Section 4.15 (1) of the Environmental Planning and Assessment Act 1979, the provisions of the SLEP 2012 and SCDCP 2005.

Following detailed assessment it is considered that Development Application No. 2021/330 should be approved, subject to suitable conditions of consent.

**Signed:**

**Date: 13/09/2022**

**J Gillies  
Senior Planner**

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

Report and recommendations have been peer reviewed by;

**Signed:**

**Date: 14/09/2022**

**J Brown**

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	DA-01b	23/05/22	I	ssd
Ground Floor Plan	DA-02	23/05/22	I	ssd
Roof Plan	DA-03	23/05/22	I	ssd
East Elevation	DA-04	13/09/22	J	ssd
North Elevation	DA-05	23/05/22	I	ssd
West Elevation	DA-06	23/05/22	I	ssd
South Elevation	DA-07	23/05/22	I	ssd
Section aa	DA-08	23/05/22	I	ssd
Section bb	DA-09	23/05/22	I	ssd
Section cc	DA-10	23/05/22	I	ssd
Demolition Plan	DA-50	23/05/22	I	ssd
Landscape Plans	L-01	22/12/21	A	ssd
Stormwater Drainage Plan	SW-01	23/11/21	B	Dynamic Structural Engineering Group
Stormwater Drainage Details	SW-02	23/11/21	B	Dynamic Structural Engineering Group
Above Ground	SW-03	23/11/21	B	Dynamic

Rainwater Tank Details				Structural Engineering Group
Box Gutter Details	SW-04	23/11/21	B	Dynamic Structural Engineering Group
Flood Study Report	E220254	22/07/22	A	NY Civil Engineering
BASIX Certificate	A402117	10/12/21	-	Sophie Solomon

## 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](http://www.strathfield.nsw.gov.au). For further information, please contact Council's Customer Service Centre on (02) 9748 9999.

### **(3) Vehicular Crossing - Minor Development**

Constructing a vehicular crossing and/or footpath requires a separate approval under Section 138 of the [Roads Act 1993](#) prior to the commencement of those works.

To apply for approval, complete the *Works Permit Application Form* which can be downloaded from Strathfield Council's Website at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au). Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Civic & Urban Services Section in Council's adopted *Fees and Charges* for the administrative and inspection charges associated with *Works Permit* applications.

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

### **(4) Road Opening Permit**

A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from TfNSW, in the case of State roads, for every opening of a public road reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications before the commencement of work in the road.

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

### **(5) Notice of Requirements for a Section 73 Certificate**

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

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



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

## **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **(6) Fees to be Paid**

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

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

Please contact council prior to the payment of s7.11 or s7.12 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

A summary of the fees to be paid are listed below:

<b>Fee Type</b>	<b>Fee</b>
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation)  Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://portal.longservice.nsw.gov.au/bci/levy/">https://portal.longservice.nsw.gov.au/bci/levy/</a>	\$1,675.45
Security Damage Deposit	\$8,100.00
Tree Bond (2 x 5-10m high street trees)	\$20,300.00
Administration Fee for Damage Deposit	\$130.00
Administration Fee for Tree Bond	\$130.00
<b>DEVELOPMENT CONTRIBUTIONS</b>	
Strathfield Section 94A Indirect Development Contributions Plan 2017	\$4,787.00

## 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](http://www.strathfield.nsw.gov.au).

## (7) **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.

**(8) Tree Bond**

A tree bond of \$20,300 (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

The deposit is required as security against any damage to existing trees to be retained on Council's road reserve, during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development.

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

Payment may be accepted in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply). Note: Additional fees apply for the lodgement of a bank guarantee in lieu of cash bond applies in accordance with Council's adopted Fees and Charges.

A request for refund of the Tree Bond must be made in writing.

Tree Bonds may be forfeited if a tree is dead, made dangerous or has been terminally damaged, or will be held until tree/s have fully recovered from the construction damage or were replacement/planted trees have become fully established and are over 6 metres in height.

**(9) 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. A402117 must be implemented on the plans lodged with the application for the Construction Certificate.

**(10) Building Works To Comply With BCA – Heritage Buildings Or Buildings Within Conservation Area**

Any building works required to ensure compliance with the BCA or new building standards not specified in the submitted/approved plan must not damage existing fabric and building features. If such upgrading works will potentially impact on existing fabric and features, details of the works must be submitted and approved by Council's Heritage Advisor prior to issue of a Construction Certificate.

**(11) Schedule of External Colours and Finishes (Houses)**

The external colour scheme is to comprise predominantly of colours that have a hue and tonal relationship that is in keeping with the overall Federation character of the building and/or character of the Heritage Conservation Area. A schedule confirming all external materials, colours and finishes including windows, doors and roofing materials shall be submitted to and approved by Council's Heritage Advisor prior to the issue of the Construction Certificate. The documentation must show the distribution of the colours on the elevation drawings, specify paint types and include colour swatches/colour names and codes.

It is recommended that reference be made to the book "Colour Schemes for Old Australian Houses" by Ian Evans, Clive Lucas and Ian Stapleton.

**(12) External Colour Scheme and Materials (Other Buildings)**

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

**(13) Front Fence in Conservation Areas and Heritage Items**

The front fence and gates must be in the traditional form and must match the existing outcome in materials, colour and proportions. The total height of the fence measured from natural ground is to be no more than 1200mm. Details are to be submitted and approved by Council's Planning Department prior to the issue of the Construction Certificate.

**(14) General Heritage**

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.
- (c) All conservation and adaptation works are to be in accordance with the [Articles of the Australian ICOMOS Burra Charter 1999](#).
- (d) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
- (e) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (f) The new windows and doors on the existing building must match the original material.
- (g) The face brickwork/stone/tiles must not be rendered, painted or coated.
- (h) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.
- (i) The original roof cladding, of a heritage item or contributory building within a heritage conservation area, must be retained (OR is matched like to like).
- (j) No Sandblasting to remove paint from brick or stone should not be undertaken on a heritage item or contributory building in a Heritage Conservation area.
- (k) Modern technologies should not be higher than the main ridge line of a building that is or is part of a heritage item (or within a heritage conservation area) is to be located so they are not visible from the Public Domain.
- (l) Original door and window joinery visible from the Public Domain is to be conserved.



**(15) Heritage Conservation Works**

- (a) Prior to the issue of the Construction Certificate, a schedule of conservation works to be undertaken concurrent with the works is to be submitted to Council's Heritage Advisor for approval.
- (b) The schedule is to detail the conservation of all fabric identified as having a heritage significance/value.
- (c) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building.
- (d) All conservation and adaptation works are to be in accordance with the Articles of the [Australian ICOMOS Burra Charter 1999](#). Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.

**(16) Photographic Archival Documentation (Minor Works)**

Prior to a Construction Certificate being issued, an archival photographic recording of the existing building at 103 Rochester Street, Strathfield (Lot: 9 DP: 31617) is to be prepared to Council's satisfaction. The recording is to be in digital form, or a combination of both, prepared in accordance with Heritage NSW guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.

The form of the recording is to be as follows:

- (a) The Development Application number must be noted on the submitted information.
- (b) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (c) Include written confirmation, issued with the authority of both the applicant and the photographer that Strathfield Council is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.
- (d) The report is to be submitted on a USB, CD or DVD, in PDF/A format, (created directly from the digital original), with the digital catalogue of images containing the following data for each: DOS title, image subject/description and data photograph was taken.
- (e) The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process, and avoid duplicate images.

**(17) 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.

**(18) 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.

**(19) Compliance with Flood Study**

The development shall be designed to conform to the recommendations and conclusions of the submitted flood study prepared by NY Civil Engineering issue A ref: E220254 dated 22 July 2022.

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

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

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

**(20) 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.

**(21) 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.

**(22) Driveway Construction Plan Details**

Detailed engineering plans for the driveway shall be submitted with the Construction Certificate application for approval that show:

- (a) Longitudinal and cross sections, gradients, access onto the proposed lots, type of construction materials designed in accordance with Council's Subdivision standards and AS/NZS2890.1-2004.
- (b) Suitable underground provision for the supply of all relevant services to the proposed lots (proposed position of pipes and conduits).
- (c) The full length of the driveway designed with a minimum 150mm thick reinforced concrete and minimum of 2.7m wide pavement/kerb face to kerb face width, and a non-slip surface.

**(23) Waste Manage Plan (WMP)**

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

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

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

**(24) Alternative Means of Compliance with the BCA– Clause 62 and 64 EP& A Regulation 2021**

Pursuant to Clause 62 AND/OR 64 of the [Environmental Planning and Assessment Regulation 2021](#), the existing buildings must be brought into **total** conformity with the Building Code of Australia. In this regard, construction plans that demonstrate compliance with the Building Code of Australia must be submitted to the Certifying Authority with the Construction Certificate application for approval.

Alternatively, if it is found that full compliance cannot be achieved due to the age and/or construction of the existing building, and to achieve full compliance will involve major and costly structural alterations having to be carried out to the existing building, a fire assessment report, to determine an alternative and/or partial compliance with the BCA, must be prepared by an appropriately qualified and accredited fire safety engineer, justifying the non-compliances and detailing an alternative method of compliance with the Building Code of Australia. The report must also detail the measures contained in the building to protect persons using the building, to facilitate their egress in the event of fire as well as protection of fire brigade personnel during firefighting operations, and measures to restrict the spread of fire from the building to other buildings nearby.

**(25) Off Street Parking – Compliance with AS2890**

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

**(26) 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) Location of existing and proposed structures, services and existing trees;
- (b) Details of earthworks including mounding and retaining walls and planter boxes;
- (c) Location of proposed plants and a plant schedule showing the plant symbol, botanical name/ common name; quantity; pot size/; and mature height x width.
- (d) Details of planting procedure and maintenance;
- (e) Landscape specification;
- (f) Details of drainage and watering systems;
- (g) Details of garden edging and turf; and
- (h) Any required fencing, retaining walls and other structures not shown on other approved architectural and engineering plans.



**(27) 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.

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

**(28) 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](http://www.SafeWork.nsw.gov.au).

**(29) 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.

**(30) 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](#).

**(31) Structural Integrity of Retained Building Elements**

Prior to a commencement of demolition, excavation or construction work, a report or certification from a practicing structural engineer experienced in dealing with heritage buildings must be submitted to and approved by Council's Heritage Advisor. The report must explain how the retained building elements, such as building facades or chimneys are to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed.

**(32) Use of Heritage Consultant**

A heritage consultant experienced in conserving buildings of significance is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The heritage consultant is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

Evidence and details of the above commission on the above terms are to be provided to Council's Heritage Advisor prior to commencement of work on site. The heritage consultant must sign off the completed project and submit a final report to Council's Heritage Advisor specifying how the heritage conditions are satisfied prior to the issue of an Occupation Certificate or the commencement of the use, whichever is earlier.

**(33) 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.

**(34) Existing Drainage Easement, Drainage Reserve or Stormwater Drainage System Benefiting Council**

Council drainage easement(s) drainage reserve(s) or stormwater system either pass through or are adjacent to the site. No building or other structure must be placed over the drainage easement or stormwater system or within the zone of influence taken from the invert of any pipe.

The applicant must determine the exact location, size and level details of the potentially affected stormwater drainage systems and without causing any damage to the public system ensure its protection. The owner, principal contractor or owner builder must not obstruct or otherwise remove, disconnect or render inoperable the Stormwater Drainage System.

Works such as fences must not obstruct the natural stormwater flowpath or alter the flowpath in such a way as to direct or concentrate stormwater on to neighbouring properties.

Where the relocation or reconstruction of Council's drainage system is approved then all work carried out on Council's assets will revert to the ownership, care, control or management of Council. Therefore, upon handover to Council, the asset must comply with Council's Construction of drainage and associated works specification.

The applicant must meet all costs associated with such works.

Note: This condition does not set aside the need to obtain relevant approvals under the [Roads Act 1993](#) or [Local Government Act 1993](#) for works within Roads and other public places.

## **DURING CONSTRUCTION**

### **(35) 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.

### **(36) Ground Levels and Retaining Walls**

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

### **(37) 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.

### **(38) 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.

**(39) Excavation Works Near Tree to be Retained**

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

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

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

**(40) 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.

**(41) 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.

**(42) Works as Executed and Certification of Stormwater Works**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards. A works-as-executed drainage plan and certification must be forwarded to the Principal Certifier and Council, from a professional engineer specialising in hydraulic engineering.

This Plan and Certification shall confirm that the design and construction of the stormwater drainage system satisfies the conditions of development consent and the Construction Certificate stormwater design details approved by the Principal Certifier.

The works-as-executed drainage plan must be prepared by a professional engineer specialising in hydraulic engineering in conjunction with a Registered Surveyor and must include the following details (as applicable):

- (a) The location of any detention basin/s with finished surface levels;
- (b) Finished site contours at 0.2 metre intervals (if applicable)
- (c) Volume of storage available in any detention areas;
- (d) The location, diameter, gradient and material (i.e. PVC, RC etc.) of all stormwater pipes;



- (e) The orifice size/s (if applicable);
- (f) Details of any infiltration/absorption systems; and (if applicable);
- (g) Details of any pumping systems installed (including wet well volumes) (if applicable).

**(43) Vehicular Crossing - Minor Development**

The vehicular crossing and/or footpath works shall be constructed by a private contractor at the expense of the applicant, in accordance with the Works Permit Approval issued by Council's Civic & Urban Services and in accordance with Council's Driveway Specifications.

Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant and in accordance with Council's Driveway Specifications.

The work must be completed before the issue of an Occupation Certificate.

**(44) 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.

**(45) Fire Safety Certificate before Occupation or Use**

In accordance with Clause 41 of the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021 - NSW Legislation](#), on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 83 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 86 of the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021 - NSW Legislation](#). In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state:

- (a) That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so.
- (b) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the attached Schedule.

A copy of the certificate is to be given by the applicant to the Commissioner of Fire & Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

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

### **(46) Requirement for a Construction Certificate**

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

### **(47) 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.

### **(48) 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.

### **(49) 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.

### **(50) 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**

### **(51) Clause 75 – BASIX Commitments**

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

### **(52) 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.

### **(53) 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**

### **1. Review of Determination**

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

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

### **2. Appeal Rights**

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

### **3. Lapsing of Consent**

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

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

NSW legislation can be accessed free of charge at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

## **5. Long Service Levy**

The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

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

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

- (a) Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au).
- (b) In the Application Form, quote the Development Consent No. (eg. Year/DA 2021/330) 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.