

IDAP REPORT

Property:	51 Abbotsford Road HOMEBUSH Lot: 29 Sec: 9 DP: 400 DA 2021/175
Proposal:	Alterations and additions to existing dwelling, construction of a swimming pool and studio with an attached alfresco.
Applicant:	P Kularajah
Owner:	P & L M Kularajah
Date of lodgement:	9 August 2021
Notification period:	20 August – 3 September 2021
Submissions received:	Nil
Assessment officer:	L Gibson
Estimated cost of works:	\$350,000.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	Yes - "C2 – Abbotsford Road Heritage Conservation Area" – under schedule 5 of the SLEP, 2012.
Flood affected:	No
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL



Figure 1: Subject site (outlined in yellow) and surrounding context.

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for alterations and additions to an existing dwelling, construction of a swimming pool and studio with an attached alfresco.

Site and Locality

The site is identified as 51 Abbotsford Road Homebush and has a legal description of Lot: 29 Sec: 9 DP: 400. The site is a regular shaped parcel of land and is located on the northern side of Abbotsford Road.

The site provides a frontage width of 15.24m, an average depth of 60.96m and a total site area of 923.03m². The site contains a gentle fall to the rear.

The site forms part of the Abbotsford Road Heritage Conservation Area which is characterised by pristine single storey federation-style dwellings and gardens.

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 20 August – 3 September 2021, where no submissions were received.

Issues

- Heritage;
- Landscaping non-compliance; and
- Tree Removal.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2021/175 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for alterations and additions to an existing dwelling, construction of a swimming pool and studio with an attached alfresco. More specifically, the proposal includes;

Demolition

- Demolition of side carport (a later and unsympathetic addition to the heritage dwelling);
- Demolition of rear portion of the dwelling (also a later addition).

Construction of a new rear addition and internal modification works to include:

Ground floor level:

- Four (4) bedrooms including a master suite with WIR and ensuite;
- Media room;
- Office;
- Bathroom;
- Laundry;
- Open plan living, dining and kitchen with butler's pantry.

External works:

- Alfresco area immediately adjoining living room;
- Swimming pool;
- Front fence and new side gate;
- Detached studio outbuilding with bathroom which adjoins a second alfresco area; and
- Associated landscaping and drainage works.

Refer to Figures 2-4 below for proposed design

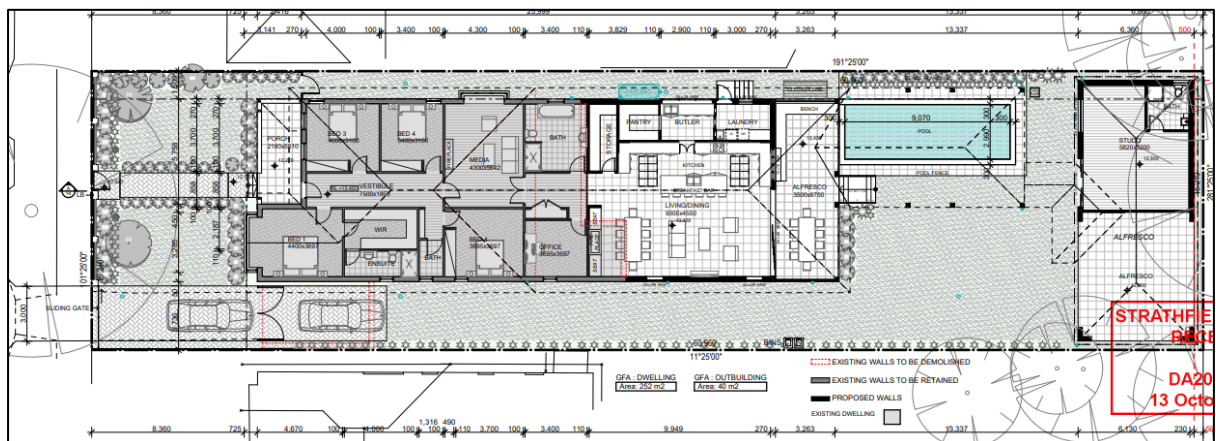
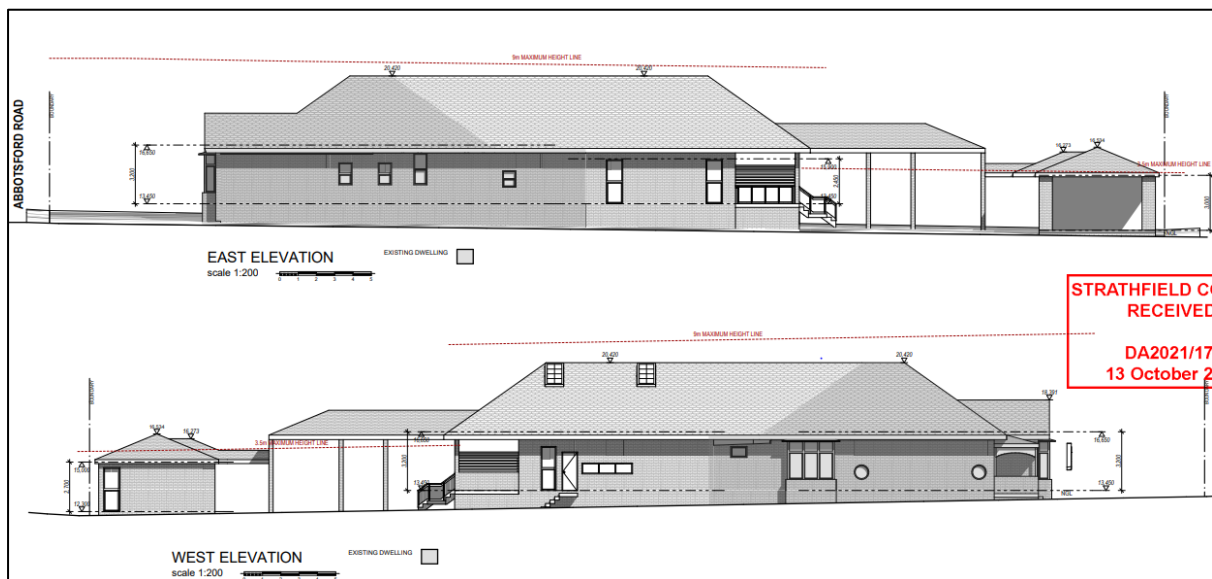


Figure 2: Proposed ground floor plan



The Site and Locality

The subject site is legally described as Lot 29 in Section 9 in DP 400 and is commonly known as 51 Abbotsford Rd, Strathfield. The site is within the R2 – Low Density Residential zone, pursuant to the provisions of the SLEP 2012. The site is a rectangular shaped allotment located on the northern side of Abbotsford Road. The site has a frontage width of 15.24m, an average depth of 60.96m and a total site area of 923.03m². The site contains a gentle fall to the rear (refer to Figure 1 above).

Existing development on the site comprises a single storey Federation Period style dwelling. The exterior walls are constructed of face brick on a rendered and painted masonry base. The dwelling roof is hipped and gabled and clad with red terracotta tiles. Adjacent the façade along the eastern side boundary of the site is a cream brick carport structure. The carport is a later addition inconsistent with the prevailing character of the dwelling and surrounding heritage streetscape. Vehicular access is provided to the site via an existing driveway along the eastern side boundary. A later carport addition extends along the site's eastern side boundary.

The site is located within the Abbotsford Road Heritage Conservation Area known for its consistently high quality architectural and aesthetic qualities as well as mature street planting and well-maintained gardens.

The immediately adjoining property to the west of the site is Badgelly at No. 53 Abbotsford Road, a c.1911 single storey Federation Style heritage listed dwelling with face brick walls and a hipped and gabled roof clad in terracotta tiles (refer to Figures below).



Figure 5: Street view of 55 and 51 Abbotsford Road (subject site) from Left to Right.



Figure 6: Street view of 55, 51 and 49 Abbotsford Road from Left to Right.

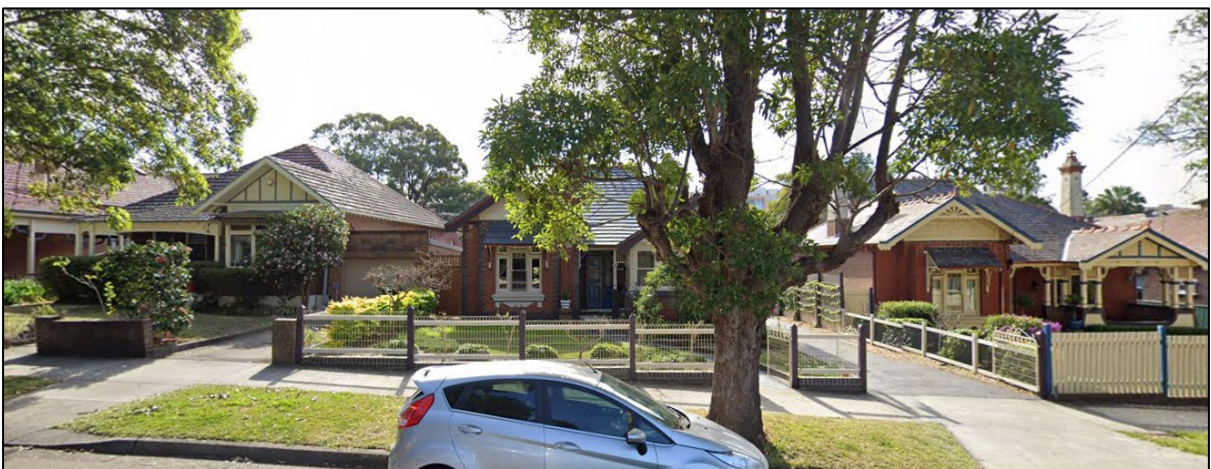


Figure 7: Street view of 55, 51 and 49 Abbotsford Road from Left to Right.

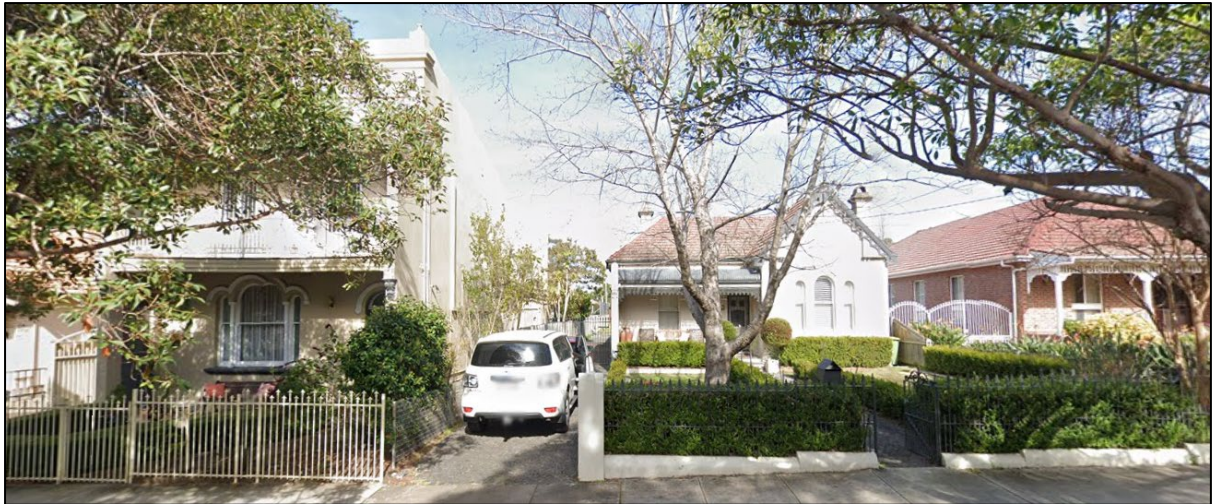


Figure 8: Heritage listed dwellings opposite subject site at 44 and 48 Abbotsford Road.

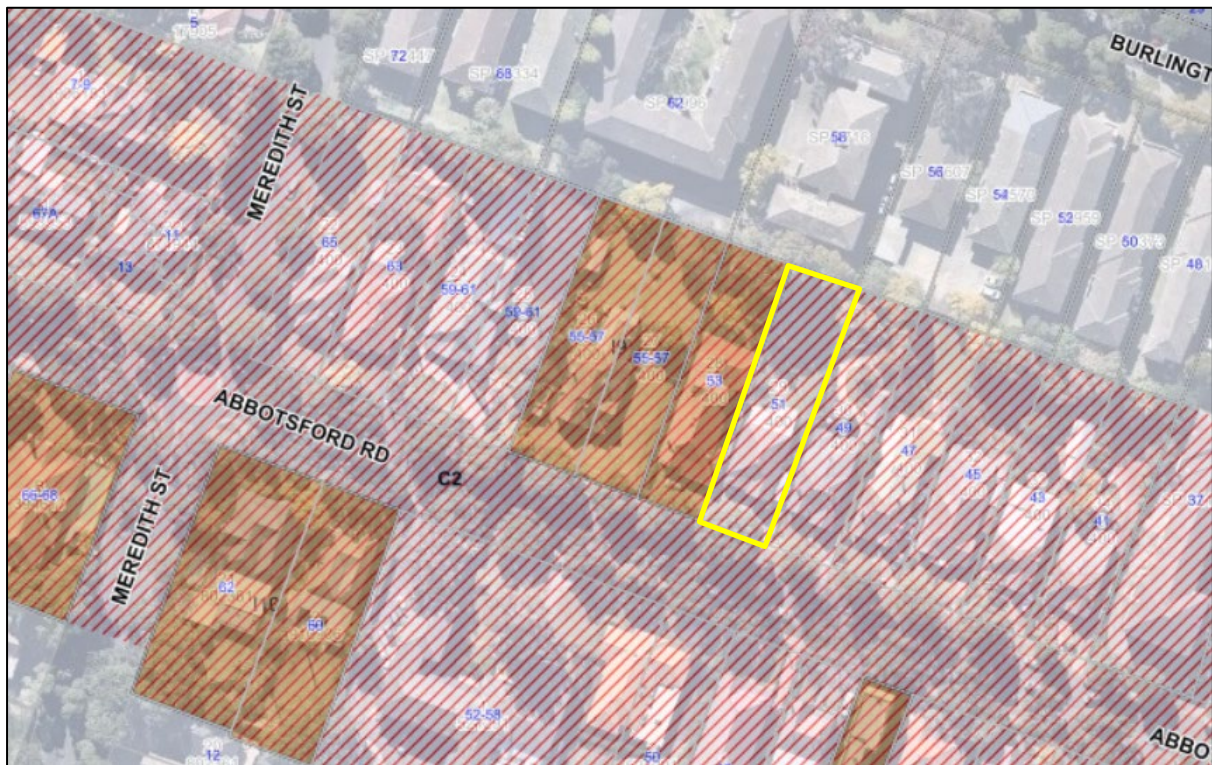


Figure 9: View of Abbotsford Road Heritage Conservation Area and surrounding Heritage Listed items (subject site outlined in yellow).

Background

22 March 2021

A Pre-DA meeting was held at Council offices to discuss a future application involving Alterations and additions to the existing dwelling house and construction of a secondary dwelling, garage and swimming pool within a heritage conservation area (C2) and adjoining a heritage item (I8 – 53 Abbotsford Road).

The matters raised included the following:

- Setbacks;
- Permissibility and siting of secondary dwelling;

- Retention of existing garage;
- Siting of swimming pool;
- Landscaping;
- Tree removal/retention; and
- Heritage compatibility.

9 August 2021	The subject application was lodged with Council.
19 August 2021	A deferral letter was issued to the applicant, raising a number of issues including survey plan details, tree removal, heritage compatibility (fence and side setbacks), landscaping, outbuilding and alfresco design, setbacks and rainwater/pool pump design.
20 August 2021	The application was publicly notified for a minimum of 14 days, with the last date for submissions being 3 September 2021. No submissions were received during this time.
9 September 2021	Amended/additional documentation was submitted to Council by way of an amended Survey Plan, Architectural Plans, Landscape Plan, Arborist Report and stormwater plans.
6 October 2021	Discussion held with applicant to further explain concerns with the application. Applicant agreed to revise plans and amend where required.
8 October 2021	The applicant sent further correspondence to Council accepting the following changes to be made: <ul style="list-style-type: none"> • Timber infills for front fence • Provision of second car space behind the gate • Change the cladding back to brick
13 October 2021	A second set of amended plans was submitted to Council to reflect the discussed changes.
11 November 2021	A second deferral letter was issued to the applicant requesting Tree Root Mapping be undertaken particularly noting the encroachment of the proposed outbuilding upon surrounding trees.
7 December 2021	An addendum tree investigation report was submitted to Council for further consideration. Council's Tree Officer has raised no further objection to the proposal subject to conditions including compliance with recommendations of submitted report.

Referrals – Internal and External

Heritage Advisor

The application was referred to Council's Heritage Advisor for comment. The following matters were raised:

The current fence and gates will not comply with Part P Heritage - Section 4.8 Fencing objectives and controls. The applicant shall amend the design of the fence and gates so that they contribute to the federation house and the streetscape, with specifics as follows:

- *Gates next to the house should be of a federation design rather than modern horizontal slats.*
- *The front fence and its gates are to be of the same height as the neighbouring fence. Wood pickets should be used instead of aluminium and the fence bricks are to match the house.*
- *It is recommended that bull nose bricks for the edging.*
- *It is highly likely that the length of the eastern wall will be viewed from the public domain down the length of the house. A reasonable Indent length to break up the expanse of wall and roof to allow for articulation is required.*

Amended plans were submitted during the assessment process seeking horizontal timber slats in lieu of the originally proposed aluminium slats. The revised fence design proposes bull nose capping and brickwork to match the existing dwelling. The design, height and materials are considered complimentary to the dwelling and the surrounding heritage streetscape. Accordingly, the revised fence design is acceptable. Notwithstanding this, insufficient detail is provided in the plans to confirm that the eastern and western side gates will be constructed of the same material. A condition of consent is therefore recommended to ensure that the gates are constructed of horizontal timber infill.

After further consideration, Council has accepted that an indent in the dwelling is not required. The intent was to break the bulk of the dwelling as viewed from the street. The dwelling is single storey and a 3m setback is already achieved from the eastern side boundary which will ensure that ample building separation is achieved and that the bulk and scale of the dwelling remain in keeping with existing development in the streetscape.

The proposal lacks sufficient detail regarding any resurfacing or reconstruction of the porch tiles. Upon inspection, Council's Heritage Advisor recognised that the marble landing and tiles on the front porch steps are original. A condition of consent is recommended to ensure that these features are retained and/or restored.

Stormwater

The application was referred to Council's stormwater engineer for comment. No objections were raised subject to conditions.

Trees

The application was referred to Council's Tree Officer for comment. The following concerns were raised:

- The proposed out building is a major encroachment into the TPZ (Tree Protection Zones) of **trees 18 and 20**, this is also highlighted in the *Arboricultural Impact Statement*

*Before the location of the proposed outbuilding is approved a root mapping assessment and report is require for the retention of neighbouring trees **14,15,18,19, & 20**. This will determine if any of the tree roots will be affected by the proposed development and design features such as pier and beam footings, structural graded soils may be required for the retention of these trees. The root mapping will also determine if the proposed outbuilding can go in this location. (This has also been highlighted in the Arboricultural Impact*

An addendum tree inspection report was submitted to Council 7th December 2021 including tree root mapping on the site. The tree root mapping revealed that the proposed works are unlikely to adversely impact existing trees on the site subject to appropriate construction methods utilised for the construction of the outbuilding slab. This was referred to Council's Tree Officer for consideration. Standard tree protection and retention conditions have been imposed including compliance with the submitted addendum report.

Section 4.15 Assessment – EP&A Act 1979

The following is an assessment of the application with regard to Section 4.15 (1) of the Environmental Planning and Assessment Act 1979.

(1) Matters for consideration – general

In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provision of:**
- (i) any environmental planning instrument,**

Strathfield Local Environmental Plan

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

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

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

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	9.5m	7.92m	Yes
4.4 Floor Space Ratio	0.525:1 (484.68m ²)	297.2m ² (0.32:1)	Yes

Part 5 – Miscellaneous Provisions

Heritage Conservation

The proposal is located within the *Abbotsford Road Heritage Conservation Area* under *Schedule 5 of the SLEP 2012*. The site also immediately adjoins Heritage Item I8 "Badgelly"—Federation house at 53 Abbotsford Road. The site is also located within the vicinity of:

- *Homebush "Florenceville"—Victorian Italianate terrace 44 Abbotsford Road Lot 101, DP 635122 Local I7*
- *Homebush "Goongirwarrie"—Federation house, garden and front fence 55–57 Abbotsford Road Lots 26 and 27, Section 9, DP 400 Local I9.*

A Heritage Impact Statement prepared by *Weir Phillips Heritage and Planning* accompanied the proposal. The statement acknowledges the clearly identifiable Federation period dwelling which is typical of the type and style constructed in the area. The statement identifies that the works to the rear will have no impact on the ability to understand the historic or aesthetic significance of these items

The statement further acknowledges that the rear addition will not obstruct principal view corridors towards these items. It is sufficiently removed from their settings to the extent that it will either not be visible or the majority will be obscured by intermediate buildings and vegetation. Council's assessing officer and heritage advisor are generally in support of the proposal in this regard.

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 site is only flood affected to a small portion of the front and far rear portions of the property. 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.

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

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

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

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND (SEPP 55)

SEPP 55 applies to the land and pursuant to Section 4.15 is a relevant consideration.

A review of the available history for the site gives no indication that the land associated with this development is contaminated. There were no historic uses that would trigger further site investigations.

The objectives outlined within SEPP55 are considered to be satisfied.

STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed provisions of clause 5.9 of SLEP 2012 relating to the preservation of trees and vegetation.

The intent of this SEPP is consistent with the objectives of the repealed Standard where the primary aims/objectives are related to the protection of the biodiversity values of trees and other vegetation on the site.

The proposal was referred to Council's Tree Management Officer who outlined specific conditions to be imposed with any development consent in order to ensure the protection of trees to be retained on site. All trees proposed for removal have been accepted subject to suitable replacement tree planting. Relevant consent conditions will be imposed.

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

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

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

(iii) *any development control plan,*

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

PART A – Dwelling Houses

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
Building Envelope			
Heights: Floor to ceiling heights: Height to underside of eaves: Height of detached outbuilding: Number of Storeys/Levels:	3.0m 7.2m 3.5m 1	3.2m 4.15m 4.53m 1	No – acceptable given it is an extension of the existing dwelling. Yes No Yes
Setbacks: Front: Side: Side: Combined Side Setback: Rear:	9m 1.2m (min) W 1.2m (min) E 3.08m (20%) 6m	8.36m 1.51m 3.74m 5.25m 23m to solid building wall of dwelling and 500mm from outbuilding and attached covered awning over	Unchanged – acceptable on merit Yes Yes Yes Yes
Landscaping			
Landscaping/Deep soil Provisions:	45% (415.44m ²)	29%(268.4m ²)	No – refer to discussion below
Fencing			
Height (overall/piers): Solid Component:	1.5m (maximum) 0.7m	1.22m 650mm	Yes Yes
Solar Access			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	The site has a north-south orientation and accordingly enables a minimum 3 hours solar access to adjoining properties through the day.	Yes
Vehicle Access and Parking			
Driveway width at Boundary: Vehicular Crossing: Driveway setback – side:	3m 1 0.5m	Yes 1 Nil setback	Existing driveway to be retained.

No. of Parking Spaces:	2	2 however proposal provides for 1 paved parking space forward of the building line.	Nil setback acceptable on merit. Acceptable on merit – refer to discussion below.
Ancillary Development			
OUTBUILDINGS Area: Height:	40m ² 3.5m	38.5m ² 4.53m	Yes No – refer to discussion below.
Side/Rear setback:	0.5m	0.5m to rear, western and eastern boundaries	Yes
SWIMMING POOL Side/Rear Setback	1.0m	950mm	Acceptable given the minor non-compliance.

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

Landscaping and Open Space

The proposal results in only 29% (268.4m²) deep soil zone which presents a significant departure from the minimum 45% (415.44m²) deep soil zone required for the site. For the purposes of this calculation, the undercroft areas surrounding the swimming pool to the east and north were included given that some turf species are capable of surviving in full shade. The design has been carefully sited with an elongated single storey building envelope so to ensure the dwelling appears as single storey from the street. This will ensure that the building rhythm of the heritage streetscape is retained. Overall, the proposal provides generous deep soil areas through the site which are considered suitable to the style and scale of the building. It is further noted that the front garden will remain relatively intact albeit adopting a revised footpath design. The proposed landscaping scheme, whilst resulting in a numeric departure from the minimum landscaping requirements, achieves the objectives of Council's landscaping controls which requires landscaping to be suitable to the scale, design and style of the development and to ensure that ample canopy tree planting can be provided. As the proposal is capable of achieving these objectives, the departure is considered acceptable in this regard.

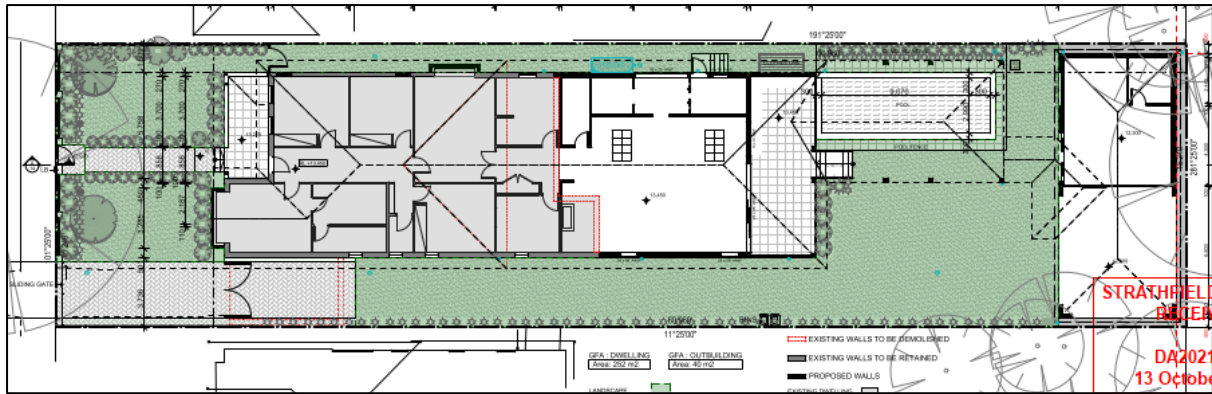


Figure 12: Revised landscape scheme

Fencing

Amended plans were submitted during the assessment of the application demonstrating that the proposed timber look aluminium fence infill has been replaced with timber paling infill. This is a more sympathetic material that will be more compatible to the style of adjoining fences.

Solar Access

Given the northern orientation of the site, solar access to windows of habitable rooms and to at least 50% of the private open space is achieved or maintained for a minimum period of 3 hours between 9.00am-3:00pm at the winter solstice. Solar access is also 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.

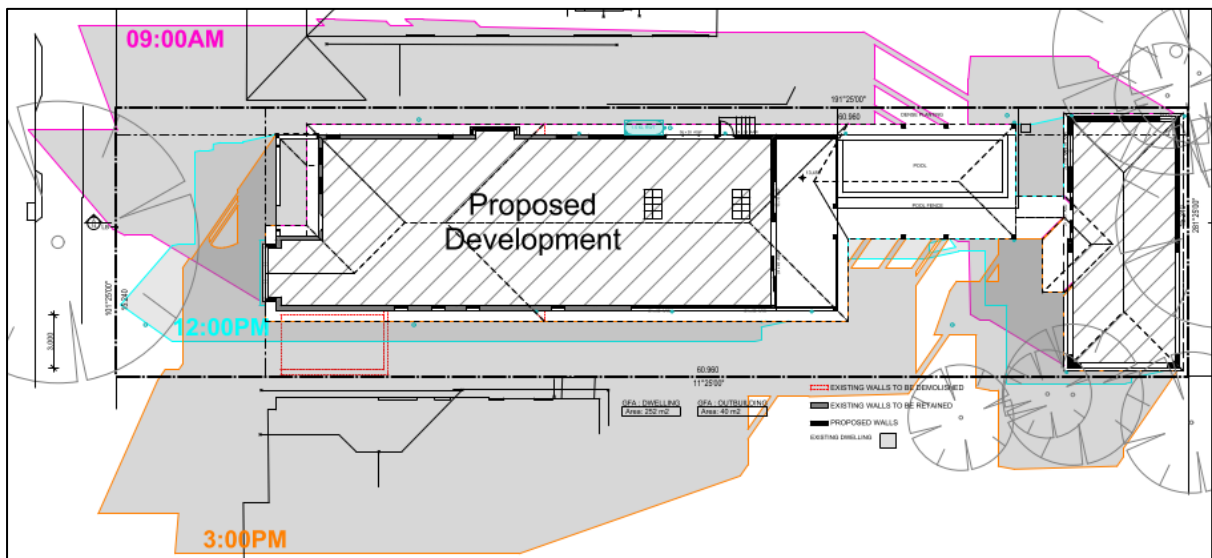


Figure 13: Shadow diagrams of Winter Solstice

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.

Vehicular access, Parking

The proposal seeks to demolish the carport along the eastern side boundary of the site and replace with paving and a side gate. Amended plans were submitted during the assessment of the application demonstrating that one parking space is to be provided forward of the front building line (existing) and one parking space to be provided behind the front building line (existing in lieu of carport). Council's DCP controls require that two parking spaces be provided behind the front building line. It is considered acceptable in this instance given that both parking spaces are existing (notwithstanding the loss of the carport) and that any further extension of the driveway would result in further loss of deep soil zone.

Water and Soil Management

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

Access, Safety and Security

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

ANCILLARY STRUCTURES

Outbuildings

The proposal seeks construction of an outbuilding to the rear of the site. The outbuilding is attached to the rear of the dwelling via an elongated awning which extends across the swimming pool. Consequently, this results in an overall outbuilding height of 4.53m. The proposed floor to ceiling height of the outbuilding (studio and alfresco) is 2.7m. The resulting additional height is due to the hipped roof form which has been intentionally designed so as to complement the original dwelling.

As previously discussed, the site is located within a heritage conservation area. It was therefore imperative that the design complement the heritage elements of the streetscape. A pitched roof form to the outbuilding that emulates the original dwelling and is visible from the streetscape is considered a more appropriate treatment than a flat roof form. As previously discussed, the elongated building envelope is considered acceptable on the site given that a second storey addition is not supported. The site's favourable northerly orientation will ensure that adjoining properties will continue to receive ample solar access through the day notwithstanding the non-compliant outbuilding height.

Overall, the proposed outbuilding is considered acceptable in this instance.

Swimming Pools, Spas & Associated Enclosures

The proposed development satisfies the relevant objectives and controls with SCDCP 2005. The pool has been adequately setback from all adjoining boundaries, allowing for screen panting if required. The pool pump equipment has been located in a sound proof enclosure and the pool coping has been designed to suit the existing ground level of the site. The swimming pool fence/enclosure appears to comply with the swimming pools act and relevant standards.

PART P- HERITAGE

4. Development in Conservation Areas: Abbotsford Road Conservation Area (“C2”)

Part P of the SCDCP 2005 describes the conservation area as follows:

Abbotsford Road contains a consistently high quality streetscape with housing dating from the late nineteenth and early twentieth century. There is some modern infill but generally it is unobtrusive. The streetscape is tied together by mature street planting and well-maintained gardens. Abbotsford Road is of particular significance for its architectural and aesthetic qualities.

4.1: Setting

	Objectives	Satisfactory
A.	<i>To provide an appropriate visual setting for Heritage Conservation Areas, including landscaping, fencing and car parking.</i>	Yes
B.	<i>To maintain and enhance the existing character of the streetscape of a Heritage Conservation Area.</i>	Yes
C.	<i>To ensure that new development respects the established patterns in the streetscape of a Heritage Conservation Area, including setbacks, siting, landscaped settings, car parking and fencing.</i>	Yes
D.	<i>To protect street trees within Heritage Conservation Areas</i>	Yes

4.1.2	Controls	Satisfactory
i.	<i>The side and front setbacks of new development in a Conservation Area should be typical of the spacing of existing buildings in the vicinity of the proposed development in that Conservation Area, such that the rhythm of buildings in the streetscape is retained.</i>	Yes
ii.	<i>No new structures should be built forward of the established street building line.</i>	Yes
iii.	<i>The established landscape character of the locality including the height of canopy and density of boundary landscape plantings should be retained in any new development.</i>	Yes
iv.	<i>Driveways must be placed having regard to street trees that contribute to the character of Heritage Conservation Area. An arborist report may be required for any development in the vicinity of significant street trees.</i>	Yes

Comments: The proposed development has been designed with respect to the building rhythm of the heritage streetscape as well as the heritage items located immediately west of the site. The front portion of the dwelling is to be retained with the rear addition setback a minimum 27m from the front property boundary. The dwelling will remain single storey which will ensure that the addition achieve a recessive appearance in the streetscape and for the predominant building rhythm in the street to be retained.

The carport adjoining the dwelling along the eastern side boundary is proposed for demolition. This structure is clearly a later addition prevalent by its stark contrast in brick colour and flat roof design. The structure will be replaced with a gate.

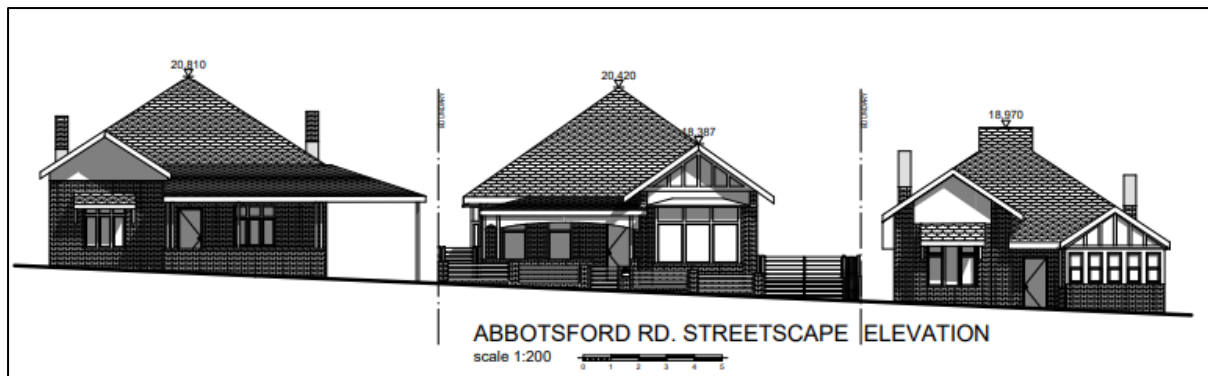


Figure 10: Streetscape elevation of proposed development demonstrating how the building rhythm has been retained.

4.2: Scale

4.2.1 Objectives		Complies
1	To ensure that new development adjacent to or within a heritage Conservation Area is of a scale consistent with the existing development in the vicinity of the site that contributes to the character of the in the heritage Conservation Area.	Yes
2	To ensure that additions and alterations to a building within a Conservation Area are of a scale consistent with the contributory buildings in the Conservation Area.	Yes
4.2.2 Development Controls		Complies
(1)	The scale of new development adjacent to or within a Conservation Area should relate to the scale of the adjacent or nearest contributory elements of the Conservation Area.	Yes
(2)	Development of a larger scale is allowable only if it can be demonstrated that the new development will not adversely impact the identifiable character of the Conservation Area.	Yes

Comments: The proposal seeks an extension of the ground floor with no second level addition proposed. This will ensure the bulk and scale of the dwelling will appear unchanged as viewed from the street. Further, a simple low pitched hip roof form is proposed over the new addition so to minimise its bulk, height and scale where possible and achieve a more uniform appearance with the existing front portions of the dwelling.

4.3: Form

4.3.1 Objectives	Complies
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1	<i>To ensure that new development in a Conservation Area relates positively to the dominant forms of existing contributory buildings in the Conservation Area.</i>	Yes
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2	<i>To ensure that buildings that contribute to the character of a Conservation Area retain their importance in the streetscape and/or townscape.</i>	Yes
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4.3.2	Development Controls	Complies
	(1) <i>Important elements of the form of a contributory building in a Conservation Area such as main roof forms, chimneys, parapet walls, verandahs etc. should not be demolished or obscured by alterations and additions.</i>	Yes
	(2) <i>New development in a Conservation Area is to complement existing nearby buildings that contribute to the Conservation Area.</i>	Yes
	(3) <i>Chimneys and roof features such as ventilation gables should not be removed from contributory buildings in a Conservation Area.</i>	Yes
	(4) <i>Dormer windows should generally be confined to rear or side roof slopes to minimise visibility in the streetscape.</i>	Yes
	(5) <i>Additions and alterations to existing buildings that contribute to the character of a Conservation Area should not detract from the original form of the existing building as viewed from the Public Domain.</i>	Yes
	(6) <i>The treatment of the street façade of new development in a Conservation Area should relate to existing nearby buildings that contribute to the Conservation Area.</i>	Yes

Comments: The front portion of the dwelling is to remain intact with some internal reconfigurations proposed to provide a more suitable floorplan for residents. The rear additions will not be readily visible from the public domain and will therefore ensure the Conservation Area remains intact.



Figure 11: Coloured streetscape elevation of proposed development demonstrating how the form and setting of the dwelling as viewed from the street will remain relatively unchanged.

4.4: Siting

4.4.1 Objectives		Complies
1	To integrate new development in Conservation Areas with the identifiable character of the area.	Yes

4.4.2 Development Controls		Complies
(1)	The front setback of new development (including alterations and additions) in Conservation Areas should match that of adjacent contributory development. Where adjacent developments have different setbacks, new development should align with the greater setback.	Yes
(2)	Side setbacks of new development (including alterations and additions) in Conservation Areas should match the pattern of adjacent and/or nearby contributory development. This will often include a greater setback on one side of the development to provide vehicular access at the side of a property.	Yes
(3)	The orientation of new development should follow the established pattern of development in the Conservation Area.	Yes
(4)	Where trees are important to a Conservation Area, new buildings should be sited away from the drip line of the trees.	Yes

Comments: The front and side setbacks of the existing front portion of the dwelling are proposed to be retained. The new rear additions will align with the prevailing side setbacks provided by the retained front portion of the dwelling.

4.5: Materials and Colours

4.5.1 Objectives		Complies
1	<i>To encourage the use of external materials on new development that is consistent with the existing contributory buildings in a Conservation Area.</i>	Yes
4.5.2 Development Controls		Complies
(1)	<i>Original materials of contributory buildings in Conservation Areas should not be replaced with different materials or with materials of different colours.</i>	Yes
(2)	<i>Non-original materials of existing contributory buildings in Conservation Areas that are being replaced shall, if possible, be replaced with material that matches the original material as closely as possible.</i>	Yes
(3)	<i>Painting, rendering or bagging of face brickwork and sandstone is not permitted</i>	Yes
(4)	<i>The texture of original rendered finishes should not be changed.</i>	Yes
(5)	<i>Colour schemes for existing and new development in Conservation Areas should have a hue and tonal relationship with traditional colour schemes for the dominant style of development found in the Conservation Area</i>	Yes
(6)	<i>The use of fluorescent paint on buildings in Conservation Areas is not permitted.</i>	Noted.

Comments: The proposal will not result in any change to the prevailing materials and colours to the front portion of the house proposed to be retained. The proposed materials to the new rear addition include exposed brick, timber window frames and terracotta roof tiles to match the existing materials.

4.6: Doors and windows

4.6.1 Objectives		Complies
1	<i>To retain original door and window details of contributory buildings in Conservation Areas.</i>	Yes
2	<i>To ensure that new development in a Conservation Area has fenestration patterns and proportions consistent with contributory buildings in the Conservation Area.</i>	Yes
4.6.2 Development Controls		Complies

(1)	<i>Extensive areas of glazing are not permitted for doors and windows visible from the Public Domain on buildings within a Conservation Area.</i>	Yes
(2)	<i>Original door and window joinery visible from the Public Domain on contributory buildings in a Conservation Area should be conserved.</i>	Yes
(3)	<i>New door and window openings to contributory buildings in a Conservation Area that are visible from the Public Domain should be of proportions and details that relate to existing door and window openings.</i>	Yes
(4)	<i>Roof structures (i.e. skylights) should be located on roof slopes where they will not be visible from the Public Domain.</i>	Yes

Comments: As previously discussed, the facade of the dwelling including doors and windows are proposed to be retained.

4.7: Car parking

4.7.1 Objectives	Complies
1 <i>To ensure that, where possible, garages and carports are designed to minimise the visual impact on the streetscape of Conservation Areas.</i>	Yes

4.7.2 Development Controls	Complies
(1) <i>Garages and carports must be located as far behind the front building alignment as possible.</i>	Yes
(3) <i>Where a new garage or carport is on the same side of a building as a front verandah, the garage or carport must be located entirely behind the verandah.</i>	Yes
(4) <i>Carports will only be allowed in front of the front building alignment where there is no possibility for side or rear access for car parking. Any such carports shall be limited to a single carport.</i>	Yes
(5) <i>Refer to the Controls for Garages and Carports in the Residential section of this Development Control Plan for general provisions regarding garages and carports.</i>	Yes

Comments: The proposal includes demolition of the later carport addition along the eastern side boundary of the site. A car parking space is proposed along the eastern side boundary with gate in lieu of the carport structure. The new gate is setback approximately 2m from the front setback of the dwelling so that it remains as a recessive structure in the street.

4.9: Landscape elements including paving and driveways

4.9.1 Objectives		Complies
1	<i>To retain important landscape elements that contribute to the significance of Conservation Areas.</i>	No – refer below
2	<i>To reinforce the qualities of the Conservation Area through appropriate landscaping</i>	Yes

4.9.2 Development Controls		Complies
	(1) <i>Street trees in Conservation Areas should not be removed to allow for new development such as the relocation of driveways which may necessitate the removal of a street tree.</i>	Yes
	(2) <i>Existing driveways and footpath crossings that relate to original development in a Conservation Area should not be relocated.</i>	No – refer below
	(3) <i>Double driveways and footpath crossings will not be permitted in Conservation Areas.</i>	Yes

Comments: The proposal involves removal of the curved pathway and driveway in the front garden. A new driveway and straight-line pathway will be provided. The works are considered in keeping with the style of the dwelling and heritage streetscape and will not result in any further loss of landscaping in the front setback of the site.

4.12: Demolition

4.12.1 Objectives		Complies
1	<i>To retain the contributory buildings in a Conservation Area.</i>	Yes

4.12.2 Development Controls		Complies
	(1) <i>Contributory buildings within a Conservation Area should not be demolished.</i>	Yes

Comments: As previously discussed, the proposal seeks to retain the front portion of the dwelling which is visible from the streetscape. Demolition will be limited to the rear portion of the dwelling.

5. Additional controls for development within the Residential Conservation Areas

5.1: General objectives

5.1 Objectives		Complies
1	<i>To conserve the existing character and heritage significance of Strathfield's residential Conservation Areas.</i>	Yes

2	<i>To facilitate sympathetic and appropriate alterations and additions, whilst minimising the impact on the heritage significance of the dwellings and streetscapes within residential Conservation Areas.</i>	Yes
3	<i>To ensure that new development is sympathetic to the particular building and/or relevant Conservation Area in terms of siting, form, massing, articulation and detail composition.</i>	Yes
4	<i>To ensure that the proposed form of roof and details, the style, size, proportion and position of openings of windows and doors, the colours, textures, style, size and type of finish of materials to be used on the exterior of the building is compatible with similar features and materials used in the existing building on the site and within the relevant Conservation Area</i>	Yes
5	<i>To retain any horticultural or landscape features within the relevant Conservation Area.</i>	Yes
6	<i>To retain the subdivision pattern of the relevant Conservation Area.</i>	Yes
7	<i>To promote an understanding of the importance of conserving the fabric of existing buildings and its context within the relevant Conservation Area.</i>	Yes

Comments: As previously mentioned, the proposal has been well considered through careful siting, form and massing to ensure that the dwelling appear relatively unaltered as viewed from the street.

5.2: Siting and Garden Area

5.2	Development Controls	Complies
	(1) The historical pattern of development of individual buildings on separate allotments of land separated by garden space, which characterise each of the Residential Conservation Areas, should be maintained.	Yes
	(2) Front garden areas, lawns and associated pathways as traditional garden settings for houses should be maintained in any development proposal within a Residential Conservation Area.	No – refer below.
	(3) Views around and between buildings collectively forming a Residential Conservation Area should be retained in any development proposal.	Yes
	(4) Side boundary setbacks should match existing setbacks.	Yes

Comments: The proposed extension will align with the prevailing side setbacks and will ensure view corridors between developments is maintained. The front setback will remain

unchanged and will result in the demolition of the later carport addition which will further improve view corridors between development.

5.3: Building Form

5.3	Development Controls	Complies
	(1) Any development proposal should retain the particular building character of each Residential Conservation Area as identified in the particular Statement of Significance for the Area.	Yes
	(2) Extensions should be sited to the rear of a dwelling within a Conservation Area, and are to be consistent and complement the existing dwelling. Alterations to the original main part of a building (other than a non-conforming building), including front and side facades, verandahs and roof forms, are discouraged.	Yes
	(3) Where a building, other than a non-conforming building has undergone limited change, restoration/reinstatement and repair of the original front of the building is encouraged.	Yes

Comments: Refer to previous discussion above

5.4: Roof Forms

5.4	Development Controls	Complies
	(1) Roof extensions on buildings within a Residential Conservation Area are to relate sympathetically and subordinately to the original roof in shape, pitch, proportion and materials.	Yes
	(2) New buildings are to have roofs that reflect the size, mass, shape of original roofs in the vicinity, particularly of the adjoining roofs.	Yes
	(3) Replacement roof materials are to match original materials or are to use approved alternative materials.	Yes
	(4) Roof details such as finials, ridge capping, are to be maintained, repaired and reinstated where possible.	Yes

Comments: The proposed extension has enabled a continuation of the roof line so that the addition remain sympathetic to the original roof form. The proposal has sought a pitched roof form over the rear outbuilding. During various discussions with Council, the Applicant's consulting heritage advisor argues that a pitched roof form was a more appropriate design for the outbuilding than any alternate roof form such as a flat roof. The intent was for the outbuilding to mirror that of the original dwelling similarly to that of existing outbuildings within adjoining properties. The pitched roof form will be visible from the street, thus the design is considered appropriate in this context.

5.5: Walls, chimneys, doors and windows

5.5	<i>Development Controls</i>		<i>Complies</i>
	(1)	The original shape and materials of the front and side walls of buildings within a Residential Conservation Area shall not be altered.	Yes
	(2)	Chimneys on buildings within a Residential Conservation Area should not be demolished, unless they are structurally unsound and only when followed by immediate reconstruction in the original design. Reconstruction of original chimneys is encouraged.	Noted
	(3)	Original doors and windows of dwellings within a Conservation Area, are to be kept, maintained and repaired when necessary.	Yes
	(4)	New doors and windows of dwellings within a Conservation Area are to reflect the proportion, location, size, sill heights, header treatment, materials, detailing and glazing pattern of the original doors and windows on the house to which they belong.	Yes
5.6	<i>Development Controls</i>		<i>Complies</i>
	(1)	Existing original verandahs at the front of contributory dwellings within a Residential Conservation Area are to be kept and repaired or reinstated where possible.	Yes

Comments: As previously discussed, the proposal seeks to retain the front portion of the dwelling including all doors and windows.

5.7: Garages and Carports

5.7	<i>Development Controls</i>		<i>Complies</i>
	(1)	New garages and carports are to be located at the back or at the side of the house.	Yes
	(2)	Carports, but not garages, forward of the building line may be permitted only in circumstances where access is not available to the rear.	Yes
	(3)	. Driveways consisting of wheel tracks with central grass/planting are preferred to fully paved driveway spaces.	Yes

Comments: The proposal seeks to remove the attached carport structure. This is considered acceptable as the carport is a later addition to the dwelling and not considered contributory element in the streetscape.

PART H – Waste Management (SCDCP 2005)

In accordance with Part H of Strathfield CDCP 2005, a waste management plan was submitted with the application. The plan details measure for waste during demolition and construction, and the on-going waste generated by the development during its use. It is considered that this plan adequately address Part H and considered satisfactory.

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

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

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

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

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

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

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

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

In accordance with the provisions of Councils Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (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.

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

- (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
Sediment Control Plan	Dwg. 7	13.10.21	Issue E	Idraft Architects
Site Plan	Dwg 8	13.10.21	Issue E	Idraft Architects
Ground Floor Plan	Dwg 10	13.10.21	Issue E	Idraft Architects
Proposed Roof Plan	Dwg 11	13.10.21	Issue E	Idraft Architects
Elevations 1	Dwg 12	13.10.21	Issue E	Idraft Architects
Elevations 2	Dwg 13	13.10.21	Issue E	Idraft Architects
Section	Dwg 14	13.10.21	Issue E	Idraft Architects
Stormwater Plans – Cover Sheet	Dwg SW001	8.09.2021	Rev C	Capital Engineering Consultants
Stormwater Plans – Site Stormwater & Details	SW010	8.09.2021	Rev C	Capital Engineering Consultants
Stormwater Plans – Roof Plan	SW020	8.09.2021	Rev C	Capital Engineering Consultants
Erosion and Sediment Control Plan	ER001	8.09.2021	Rev C	Capital Engineering Consultants
Arboricultural Impact Statement and Tree Protection Measures		10 September 2021		Tree Haven Environments
Addendum 1 to		8		Tree Haven

Arboricultural Impact Statement also Tree Root Investigation		December 2021		Enviroscapes
Waste Management Plan		22.06.2021		

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.

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. Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Civic & Urban Services Section in Council's adopted *Fees and Charges* for the administrative and inspection charges associated with *Works Permit* applications.

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

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

4. Sydney Water – Tap in™

The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at www.sydneywater.com.au then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

5. Fees to be Paid

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

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

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://longservice.force.com/bci/s/levy-calculator	\$ 1,225.00
Security Damage Deposit	\$ 8,100.00
Tree Bond	\$ 20,300.00
Administration Fee for Damage Deposit	\$ 130.00
Administration Fee for Tree Bond Deposit	\$ 130.00
DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94A Indirect Development Contributions Plan 2017	\$ 3,500.00

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.

6. 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.

7. Tree Bond

A tree bond of \$20,300.00 (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

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

8. Site Management Plan

Minor Development

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

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. A413526 must be implemented on the plans lodged with the application for the Construction Certificate.

10. 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 front porch tiles and surrounds, 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.

11. Front Fence in Conservation Areas and Heritage Items

The front fence and gates must be in the traditional palisade iron, picket timber, or face brick form. The total height of the fence measured from natural ground is to be no more than 1230mm. Details are to be submitted and approved by Council's Heritage Advisor prior to the issue of the Construction Certificate.

12. Reuse of Significant Building Elements

The reuse and recycling of significant elements such as bricks, sandstone blocks, verandah thresholds, wall vents, ceiling roses and timber joinery etc. is required. The recycling is to occur, preferably on site and/or to suitable professional recycling yards specialising in the recycling of historic building materials. Removal and storage of these materials is to be carefully carried out by the workers and a specific stockpile area is to be designated and protected. A detailed plan for execution of the above requirements is to be submitted to and approved by Council's Heritage Advisor, prior to issue of a Construction Certificate.

13. 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.
- (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, which is timber joinery
- (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). (The tiled roof pattern is to be maintained).
- (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) Original driveways and footpath crossings are not to be relocated.
- (l) Original or early garden layouts that contribute to the streetscape or to the significance of the heritage item are to be protected and not be altered.
- (m) 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.
- (n) Original fencing styles and materials should be repaired and retained.
- (o) Non-original materials of existing contributory buildings in Conversation areas that are being replaced shall be replaced with material that matches the original material as closely as possible.
- (p) Original door and window joinery visible from the Public Domain is to be conserved.

14. 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.

15. 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.

16. 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.

17. Compliance with Swimming Pool Act 1992

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

18. 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 PCA.

19. Engineer's Certificate

A certificate from a professional Engineer specialising in structural engineering certifying the structural adequacy of the existing structure, to support all proposed additional superimposed loads shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

20. Council Property Shoring

Prior to the issue of the Construction Certificate, plans and specifications prepared by a professional engineer specialising in practising structural engineering must detail how Council's property shall be supported at all times.

Where any shoring is to be supporting, or located on Council's property, certified structural engineering drawings detailing; the extent of the encroachment, the type of shoring and the method of removal, shall be included on the plans. Where the shoring cannot be removed, the plans must detail that the shoring will be cut to 150mm below footpath level and the gap between the shoring and any building shall be filled with a 5MPa lean concrete mix.

21. 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).

22. 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.

23. 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.

24. Compliance with Submitted Arborist Report

The recommendations outlined in the Arborist's Report titled Arboricultural Impact Statement (10 September 2021) and Tree Root Investigation (8 December 2021) prepared by Tree Haven Enviroscapes dated 10 September and 8 December 2021 must be implemented throughout the relevant stages of construction. Details of tree protection measures to be implemented must be detailed and lodged with the Construction Certificate application for

approval and shall be in accordance with Section 4 - *Australian Standard AS 4970-2009: Protection of trees on development sites*.

25. Tree Protection and Retention

The following trees shall be retained and protected:

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
1	Lophostemon confertus	Street tree front 51 Abbotsford Road	14.4 metres
14	Melaleuca salignus	56 Burlington Road	2 metres
15	Eucalyptus microcoryis	56 Burlington Road	6 metres
16	Syrargrus romanzoffianum	56 Burlington Road	2 metres
17	Howea forsteriana	56 Burlington Road	2 metres
18	Jacaranda mimosifolia	58 Burlington Road	5.4 metres
19	Syzygium paniculatum	49 Abbotsford Road	3.6 metres
20	Jacaranda mimosifolia	49 Abbotsford Road	2.8 metres

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

All tree removal shall be carried out by a certified Tree Surgeon/Arborist to ensure that removal is undertaken in a safe manner and complies with the AS 4373-2007 - Pruning of Amenity Trees and Amenity Tree Industry Code of Practice (Safework NSW, August 1998).

General Tree Protection Measures

- All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site.
- The tree protection measures must be undertaken in accordance *AS4970 -2009 Protection of trees on development sites*.
- Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist (AQF Level 5 or above in Arboriculture).
- The Arborist must be present on-site during the stages of construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone to implement the tree protection measures as required.
- Unless otherwise specified in AS 4970-2009, a protective fence consisting of 1.8 metres high, fully supported chainmesh fence shall be erected around the base of the tree. The distance of the fence from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.
- No services shall be installed within the TPZ of the tree unless approved by Council. This fence shall be kept in place during demolition, construction and also have a sign displaying 'Tree Protection Zone' attached to the fence and must also include the

name and contact details of the Project Arborist.

Specific Street Tree Protection Measures

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

Excavation works near tree to be retained

- (h) Excavations around the trees to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not adversely be affected.
- (i) Where the Tree Protection Zone (TPZ) of trees on site or adjoining sites become compromised by any excavation works, the Project arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.
- (j) Tree Protection Zone around the trees to be retained are not to have soil level changes or services installed in this area. Any structures proposed to be built in this area of the trees are to utilise pier and beam or cantilevered slab construction.

Details satisfying this condition shall be shown on the Construction Certificate plans.

Pier and Beams

- (a) To preserve the ***Tree 1 Lophostemon confertus*** as marked on ***Front Fence Elevation Plan & Proposed Ground Floor Plan*** prepared by ***I Draft Architects*** dated **13 October 2021**, the footings of the proposed Front fence shall be isolated pier and beam construction within a **10 metre radius of the trunk**. The piers shall be hand dug and located such that no roots of a diameter greater than 50mm are severed or injured in the process of any site works during the construction period. The beam shall be located on or above the existing soil levels.

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

26. Tree Removal & Replacement

Tree removal

Permission is granted for the removal of the following trees:

Tree No	Tree Species	Number of trees	Locations
2	Plumeria spp	1	51 Abbotsford Road
3	Tibouchina urvilleana	1	51 Abbotsford Road
4	Prunus spp	1	51 Abbotsford Road
5	Decidious tree	1	51 Abbotsford Road
6	Ligustrum lucidum	1	51 Abbotsford Road
7	Ligustrum lucidum	1	51 Abbotsford Road
8	Ligustrum lucidum	1	51 Abbotsford Road

9	Ligustrum lucidum	1	51 Abbotsford Road
10	Prunus spp	1	51 Abbotsford Road
11	Lagerstroemia indica	1	51 Abbotsford Road
12	Camellia sasanqua	1	51 Abbotsford Road
13	Lagerstroemia indica	1	51 Abbotsford Road

General Tree Removal Requirements

All tree removal shall be carried out by a certified Tree Surgeon/Arborist to ensure that removal is undertaken in a safe manner and complies with the AS 4373-2007 - Pruning of Amenity Trees and Amenity Tree Industry Code of Practice (Safework NSW, August 1998).

Tree Replacement

All trees permitted to be removed by this consent shall be replaced [2 trees for each tree removed] by species selected from Council's Recommended Tree List and must have a minimum mature height of 10 metres.

Replacement trees shall be a minimum 50 litre container size. Trees are to conform to the NATSPEC guide and Guide for assessing the quality of and purchasing of landscape trees by Ross Clarke, 2003. Trees are to be true to type, healthy and vigorous at time of delivery and planting, shall be pest and disease free, free from injury and wounds and self-supporting; and shall be maintained until maturity.

All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.

Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.

Soil conditioner/fertilizer/moisture retention additive/s are to be applied in accordance with manufacturer's recommendations, and mixed into the backfilling soil after planting tree/s.

A minimum 75mm depth of organic mulch shall be placed within an area 0.5m from the base of the tree.

Details demonstrating compliance shall be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

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

27. Demolition & Asbestos

The demolition work shall comply with the provisions of Australian Standard AS2601:2001 – Demolition of Structures, NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#). The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work

plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the PCA prior to the commencement of works.

For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#) unless specified in the Act and/or Regulation that a license is not required.

All demolition work including the removal of asbestos, shall be undertaken in accordance with the [Demolition Code of Practice](#) (NSW Work Cover July 2015)

Note: Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: www.SafeWork.nsw.gov.au.

28. 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.

29. 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](#).

30. Materials for Making Good

New materials for making good and repairs, are to match the existing in terms of colours, finishes, sizes, profile and properties.

31. Dial Before You Dig

The applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Council's Engineers for their records.

DURING CONSTRUCTION

32. Site Sign – Soil & Erosion Control Measures

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

33. 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.

34. 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.

35. Reduction of Rising Damp and Salt Attack in Buildings Constructed Prior to 1920

- (a) To avoid potential damage caused by rising damp and migrating salts the following is to apply to the ground floor.
- (b) No concrete slab is to be laid directly on the ground either within the building or external to the building directly adjacent to the exterior walls.
- (c) The existing suspended timber floor at ground floor level, and the ventilated subfloor space is to be retained or reconstructed.

36. Swimming Pools – Filling with Water

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

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

37. 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.

38. Completion of Landscape Works

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

39. Restriction to User and Positive Covenant for On-Site Detention Facility

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

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

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

40. 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.

41. 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.

42. Stormwater Drainage Works – Works As Executed

Prior to the issue of the Occupation Certificate, stormwater drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:

- (a) Compliance with conditions of development consent relating to stormwater;
- (b) The structural adequacy of the On-Site Detention system (OSD);
- (c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- (d) Pipe invert levels and surface levels to Australian Height Datum;
- (e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

Council's Engineering Services section must advise in writing that they are satisfied with the Works-As-Executed prior to the issue of an Occupation Certificate.

43. Electricity Supply

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

OPERATIONAL CONDITIONS (ON-GOING)

44. Maintenance of Landscaping

All trees and plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas.

45. Swimming Pools – Resuscitation Notice

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

46. Use of Structure

The studio outbuilding is not to be used as a separate domicile or for any commercial or industrial purpose.

47. Private Swimming Pools & Spas – Pump Noise

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

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

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

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

48. Requirement for a Construction Certificate

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

49. Appointment of a PCA

The erection of a building must not commence until the applicant has:

- (a) appointed a PCA for the building work; and
- (b) if relevant, advised the PCA that the work will be undertaken as an Owner -Builder.

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

- (c) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the [Home Building Act 1989](#)) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (d) notify the PCA of the details of any such appointment; and
- (e) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

50. Notification of Critical Stage Inspections

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

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

51. Notice of Commencement

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

52. Critical Stage Inspections

The last critical stage inspection must be undertaken by the PCA. 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 162A of the [Environmental Planning and Assessment Regulation 2000](#).

53. 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

54. Clause 97A – BASIX Commitments

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

55. Clause 98 – Building Code of Australia & Home Building Act 1989

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

56. Clause 98A – Erection of Signs

Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PCA and the Principal Contractor.

57. Clause 98B – Home Building Act 1989

If the development involves residential building work under the [Home Building Act 1989](#), no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the [Home Building Act 1989](#).

58. Clause 98F – Site Excavation

Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods or preventing movement of the soil shall be provided and adequate provision shall be made for drainage.

ADVISORY NOTES

i. Review of Determination

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

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

ii. Appeal Rights

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

iii. Lapsing of Consent

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

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

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

v. Long Service Levy

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

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

vi. Disability Discrimination Act

This application has been assessed in accordance with the [Environmental Planning and Assessment Act 1979](#). No guarantee is given that the proposal complies with the [Disability Discrimination Act 1992](#). The applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The [Disability Discrimination Act 1992](#) covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which refers to AS1428.1-Design for Access and Mobility.

vii. Site Safety Fencing

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

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

viii. Register your Swimming Pool

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

ix. Noise

Council will generally enforce noise related conditions in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) published by the Department of Environment and Conservation. Other state government authorities also regulate the [Protection of the Environment Operations Act 1997](#).

Useful links relating to Noise:

- (a) Community Justice Centres—free mediation service provided by the NSW Government (www.cjc.nsw.gov.au).
- (b) Department of Environment and Conservation NSW, Noise Policy Section web page (www.environment.nsw.gov.au/noise).
- (c) New South Wales Government Legislation home page for access to all NSW legislation, including the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Noise Control Regulation 2000* (www.legislation.nsw.gov.au).
- (d) Australian Acoustical Society—professional society of noise-related professionals (www.acoustics.asn.au/index.php).
- (e) Association of Australian Acoustical Consultants—professional society of noise related professionals (www.aaac.org.au).
- (f) Department of Gaming and Racing - (www.dgr.nsw.gov.au).

x. Electricity Supply

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