

IDAP REPORT

Property:	19 South Street, Strathfield Lot 65 in DP8778 DA 2021/276
Proposal:	Construction of a two (2) storey dwelling house on a heritage item with basement level, in-ground swimming pool, attached cabana and ancillary landscaping.
Applicant:	Platform Five Design
Owner:	C & S Wang
Date of lodgement:	20 October 2021
Notification period:	1 November – 15 November 2021
Submissions received:	One (1) written submission received
Assessment officer:	L Gibson
Estimated cost of works:	\$2,382,703
Zoning:	R2 – Low Density Residential - SLEP 2012
Heritage:	Yes - Item I196, Georgian revival house and garden under Schedule 5 of the SLEP, 2012
Flood affected:	No
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL



Figure 1: View of subject site outlined in yellow and surrounding context.

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for construction of a two (2) storey dwelling house on a heritage item with basement level, in-ground swimming pool, attached cabana and ancillary landscaping.

Site and Locality

The site is identified as 19 South Street, Strathfield Lot 65 in DP8778. The site is a regular shaped parcel of land and is located on the eastern side of South Street. The total site area is 1,219.63m².

The site forms part of a heritage listed item under Schedule 5 of the *SLEP 2012 (1196)*. The site is recognised as a prime example of a Georgian revival house and gardens. The heritage listing carries over the two (2) allotments (Lots 65 and 66) due to its gardens and semi-circular driveway that straddles across the two allotments.

The locality surrounding the subject site is typified by low density residential housing predominantly comprised of two storey development. Dwellings are of grand proportions and vary in architectural styles.

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 (1 November – 15 November 2021). One (1) written submission was received raising concern for heritage.

Issues

- Heritage
- Tree Removal
- Streetscape Compatibility

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2021/278 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for construction of a two (2) storey dwelling house on a heritage item with basement level, in-ground swimming pool, attached cabana and ancillary landscaping. More specifically, the proposal includes;

Demolition

- Garden fence, gazebo, in-ground swimming pool, detached shed and retaining wall.

Basement Level

- Construction of a new basement level to comprise:
 - Two (2) car parking spaces and turning space;
 - AC room;
 - Pool and equipment area;
 - Rainwater tank storage;
 - Internal lift well and stair; and
 - Three (3) separate storage areas.

Ground Floor Level (original front portion works)

- Entry foyer;
- Formal sitting area;
- Guest bedroom with robe and ensuite;
- Laundry;
- Powder room;
- Wine Cellar;
- Winter garden;
- Pantry;
- Kitchen;
- Butler's kitchen;
- Dining area;
- Living area; and
- Alfresco.

First Floor Level

- Three (3) bedrooms each with ensuite;
- Master suite including robe and bedroom.

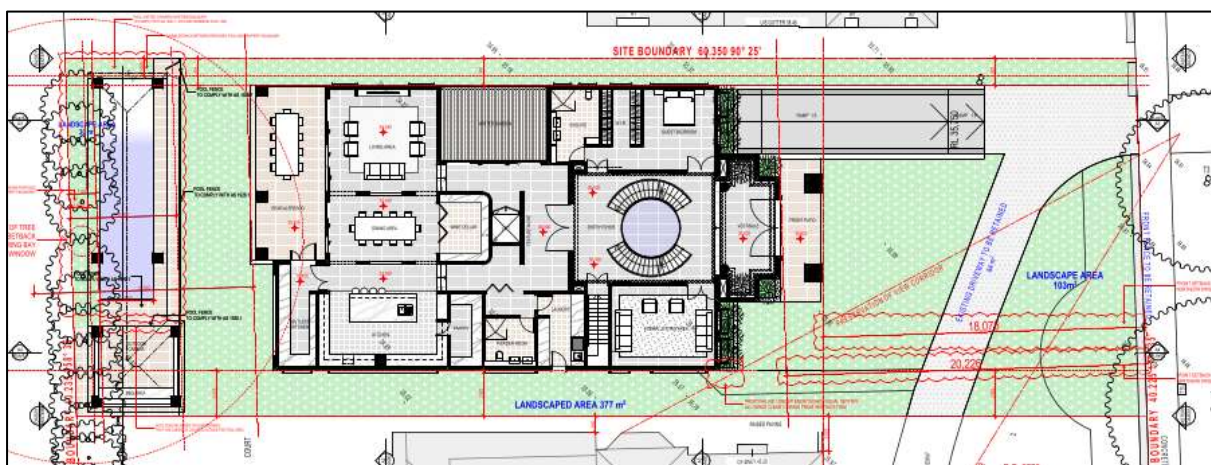
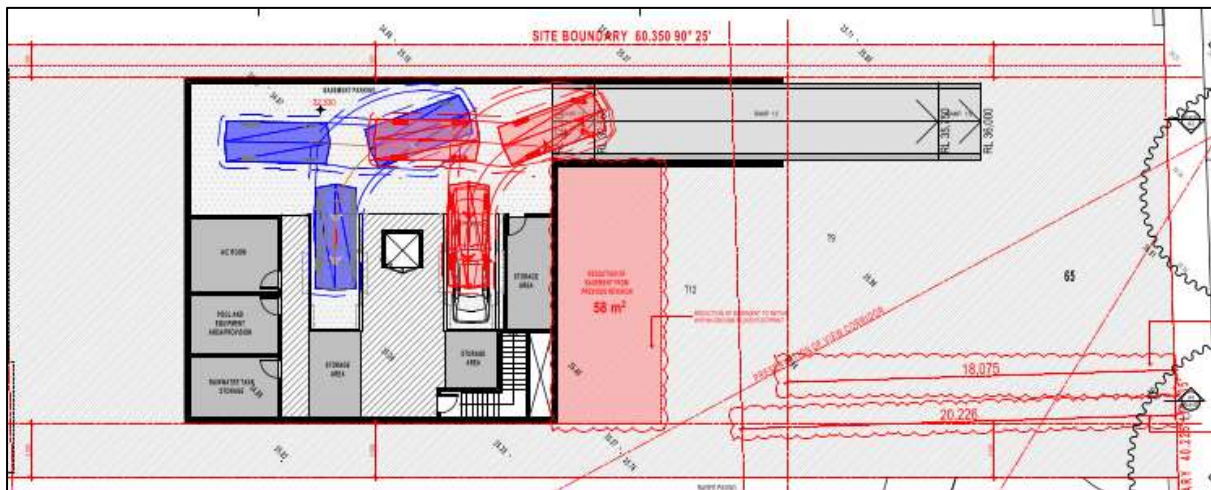
External Works:

- Pool, pool deck and cabana;
- Reinstatement of original gravel driveway and front garden; and
- Construction of woven boundary fence between Lot 65 and Lot 66 (as per DA2021/072)

The below images (figures 2 – 6) are a series of excerpts from the submitted DA package:



Figure 2: Photomontage of proposed development



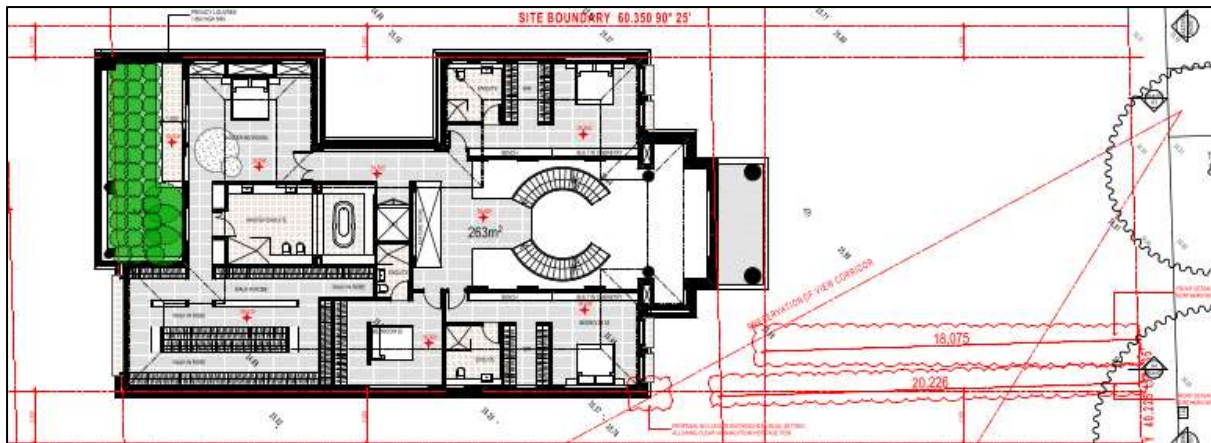


Figure 5: Proposed first floor plan.



Figure 6: Proposed north and south elevation plans.

The Site and Locality

The site is identified as 19 South Street, Strathfield in Lot 65 in DP8778. The site is a regular shaped parcel of land and is located on the western side of South Street. The total site area for Lot 65 is 1,219.63m².

The site and its gardens form part of heritage listed Item 1196 under Schedule 5 of the *SLEP 2012*. The site is recognised as a prime example of a Georgian revival house and gardens. The heritage listing carries over the two (2) allotments (lots 65 and 66 19-21 South Street, Strathfield) due to its gardens and semi-circular driveway that straddles across the two allotments.

The original and existing dwelling house previously overlapped over both lots. As of 5 November 2020, an approval was obtained for the partial demolition of the dwelling house to ensure the slight intrusion over No. 19 South Street was removed. This allowed for true separation of both lots to facilitate future redevelopment of the subject allotment at 19 South Street, Strathfield.

The existing dwelling house was built in the 1940s but has undergone several alterations and additions between 1977 and 1988. Further works have been carried out on the heritage dwelling. Upon site inspection on 29 November 2021, it was observed that renovation works are currently underway.

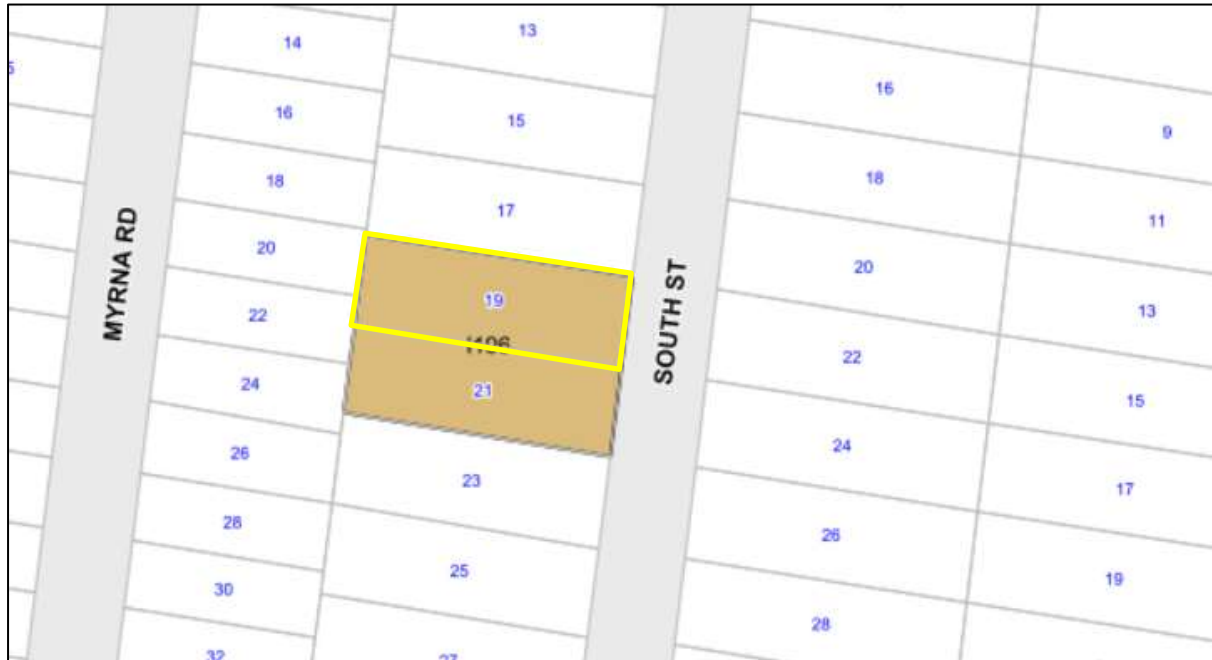


Figure 7: Subject site outlined in yellow and is heritage listed.



Figure 8: Dwelling at 21 South Street currently under renovation. Subject site to the right.



Figure 9: Subject site with garden wall facing north.



Figure 10: Subject site featuring pergola and empty swimming pool. These items are later additions that do not form part of the heritage listing of the site and are proposed for demolition.



Figure 11: Streetscape view of subject site noting existing driveway crossing. Heritage fence proposed for retention (Source: Google)



Figure 12: Streetscape view of heritage dwelling at 21 South Street and subject site far right (Source: Google)

Background

<p>5 November 2020</p>	<p>Development application (DA2020/124) was approved by the Strathfield Local Planning Panel.</p> <p>This application involved part demolition and alterations to the existing dwelling house and heritage item (I196) and landscaping including a fence between the two (2) properties that comprise No. 19-21 South Street, Strathfield. This application also involved construction of a new cabana and swimming pool in the rear yard.</p> <p>The intent of this application is to remove the portion of the dwelling house/heritage item that occur on both land parcels to ensure that a freestanding dwelling house with appropriate setbacks will exist at No. 21 South Street and a vacant lot is created at No. 19 South Street.</p>
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1 July 2021	DA2021/072 for alterations and additions to the rear of an existing dwelling house and heritage item (I196), including internal alterations and inclusion of a lift, demolition of an existing rear portion, construction of a two (2) storey addition, basement level and external stairs to access basement was approved by the Strathfield Local Planning Panel.
20 October 2021	The subject application was lodged with Council.
1 November – 15 November 2021	The subject application was placed on notification for a period of (14) days. One submission was received during this time.
29 November 2021	<p>A site inspection was conducted by Council's assessing officer.</p> <p>A deferral letter was sent to the Applicant raising concern for:</p> <ol style="list-style-type: none"> 1. Errors in submitted survey plan 2. Exceedance beyond permitted gross floor space requirements 3. Heritage compatibility; 4. Building Envelope including non-compliant void spaces, floor to ceiling heights and apparent bulk and height of the development; 5. Landscaping; 6. Tree removal; 7. Visual privacy; 8. Excavation; and 9. Swimming pool.
11 January 2022	Amended plans were submitted to Council to address the previously raised matters in the deferral letter.
1 February 2022	Council's assessing officer advised applicant of tree concerns and that removal of the Sydney Blue Gum Tree would not be supported to accommodate the cabana and swimming pool structures. An additional 14 days was provided for additional information to be prepared and submitted to Council for further consideration. No additional information to this effect was submitted by this time.

Referrals – Internal and External

Heritage

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

"I do not support the application due to the following issues and concerns:

- *A – The proposed dwelling is located within a heritage listed garden and thus needs to ensure that it does not compromise the garden setting. It should be consistent with the heritage conservation plan for the garden by POC architects. The removal of the heritage significant gum tree, mass plantings along the heritage items which further obstruct the views of the*

heritage listed dwellings northern wing and the bulk and siting of the proposed dwelling are contrary to the EPPA 1.3 (f) as its not sustainable management, the heritage conservation plan and SLEP 5.10 clause b which aims to protect the landscape and settings and SDCP Part P 2.1 objectives as it does not provide an appropriate visual setting for the heritage item. As such, it will impact on the heritage significance of the garden and the heritage listed dwelling.

- B – The significant views to the heritage dwellings northern wing across the site from the public domain will be obstructed by the proposed dwelling and this will impact on the items heritage significance. This is contrary to SLEP Clause 5.10 objective 1 (b) which aims to protect views of the heritage items.*

- C – There is insufficient separation between the proposed dwelling and the heritage item which impacts on the curtilage and garden setting of the heritage item. This is contrary to Clause 5.10 objective 1 (b) which aims to protect the setting and the landscape which contribute to the significance of the heritage item.*

- D – The vestibule, porch and part of the dwelling are too far forward of the heritage item and is likely to further impact on the landscape, setting and curtilage by dominating and obstructing the views to the heritage dwellings northern wing from the public domain. Please see Attachment 1, which shows the setbacks to preserve the view line across the garden to the heritage listed dwelling (lot 65). It shows the view line is to the northern wing. (Shown in Figure 13 of this report).*

- E – The proposed dwelling is not subservient to the heritage item. The overall bulk and height will dominate and greatly overshadow the heritage item. It's an overdevelopment of the garden and will compromise the garden and the landscape setting of the heritage item. The proposal is contrary to the 1.3 aims of the EP&AA (f) that aims to promotes the sustainable management of built heritage, SLEP 2012 Clause 5.10 objective (b), and Part P objective 2.1 A which states that new buildings on the site of a heritage item are of a scale, mass, bulk, orientation, setback and character consistent with the heritage item. It is also not consistent with 2.2 settings A and B which states that the new development "respects the contribution of a heritage item to the streetscape and provides an appropriate visual setting."*

Amended plans were submitted during the assessment process to address the above concerns. The overall building has been shifted further west of the site toward the rear by a minimum 2.4m. This has achieved a more substantial front setback from the front property boundary and consequently a more generous curtilage to be retained around the heritage building. The front portico element provides a setback of 18.025m with the remainder of the dwelling further setback to a minimum of 20.226m from the front building line. There are therefore no encroachments within the view corridor.

The amended design has allowed for an increased setback from the front property boundary which, in turn, has enabled additional landscaping in the front setback of the site to further soften the built upon structures on the site.

The proposed new dwelling achieves a sympathetic infill that will ensure a seamless continuation of the building rhythm of the street. The new dwelling (whilst modern) still proposes a traditional –style pitched tiled roof form with hipped roof over the proposed portico element and symmetrical and well-proportioned façade with vertically oriented windows.

Overall, the proposal has addressed the matters raised by Council's Heritage Advisor and is acceptable. A more detailed assessment against the heritage implications of the site has been provided further in this report.

Trees

The application was referred to Council's Tree Officer for comment. The following concerns were raised in relation to the proposed removal of the mature Sydney Blue Gum tree located in the rear property boundary.

"The tree is significant, due to its size further assessment is required.

More detail and ground level changes for the trees base is required, more information of Phellinus spp (location), past history of any branch failures and unions between the leaders [junctions between branches]."

The Applicant was provided with ample opportunity during the assessment process to provide additional supporting information and address the above matters raised. As no additional information was submitted to Council to support the removal of the Sydney Blue Gum tree located near the rear property boundary, the application has been assessed based on the information at hand. Accordingly, a condition of consent is recommended requiring the deletion of the swimming pool and cabana structures so that it does not adversely impact the tree.

Stormwater

The application was referred to Council's Development Engineer for comment. The following comments were made:

"From engineering perspective, concept plan is feasible".

No further concerns were raised subject to standard conditions of consent.

Biodiversity

The application was referred to Council's Environmental Projects Officer – Biosecurity for comment. The biodiversity referral was triggered due to close proximity to recorded instances of Grey Headed Flying Foxes (*Pteropus poliocephalus*), which is federally listed as vulnerable.

The following comments were made:

"I support the application, subject to the following conditions:

- *Night works are avoided where possible. In the event of night work, all lighting should be shielded and/or directed into the compound to avoid light spill into surrounding areas.*
- *Two (2) native trees are planted to replace the Eucalyptus saligna (Sydney Blue Gum) which is proposed to be removed. These trees should provide equal or better ecological and biodiversity benefits."*

With regard to point 1, standard construction works are conditioned for the development in which no night works will be taking place. With regard to point 2, the removal of the Sydney Blue Gum tree is not supported. This aligns with the recommendations made by Council's Tree Officer.

Section 4.15 Assessment – EP&A Act 1979

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

(1) Matters for consideration – general

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

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

State Environmental Planning Policies

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 Officer who raised concern for the proposed removal of the Sydney Blue Gum tree located toward the rear property boundary of the site.

An Arborist Report was prepared and submitted as part of the subject application. The report recommends replacement of the Sydney Blue Gum tree due to the tree's perceived declined state of health and vigour. Council's Tree Officer did not support the recommendation for removal given the lack of investigation into the tree and its health.

Council's Assessing Officer provided the applicant with further opportunity to prepare additional information and submit to Council's Tree Officer for further consideration. Given that no further information has been provided, the tree is not supported to be removed and a condition of consent is therefore recommended to require the deletion of the swimming pool and cabana structures as they are located in such close proximity to the tree and present a threat to the ongoing health and vitality of the tree. The aims and objectives outlined within the SEPP are considered to be satisfied subject to conditions of consent.

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	9.28m	Yes
4.4 Floor Space Ratio	0.5:1 (609.8m ²)	0.5:1 (606.7m ²)	Yes

Part 5 – Miscellaneous Provisions

Heritage Conservation

The proposal is identified as a Heritage Item (I196) under Schedule 5 of the SLEP, 2012.

The NSW Heritage Inventory provides the following description of the subject heritage item (last updated 31 July 2018):

“This two-storey Georgian Revival house is constructed of rendered brick with a tile hip roof. It is situated on a large allotment and is set well back from the street. It features one storey timber bay windows to the north and east with copper bellcast roofing. A recessed entry has fan and side lights to the door. Other elements include rendered chimneys and rendered string course. A mature garden, stone fence, tennis court and circular drive are important elements. This well-maintained Georgian revival home was built in 1941 for Nigel B. Love of N.B Love Limited, flour millers. This firm is still active in the area with premises in Braidwood Street. The house is of local significance for its architectural qualities and for its association with a prominent local business.” (Ref No. 2450130).”

The proposal is generally consistent with the Heritage Conservation objectives under Clause 5.10 of the SLEP which seek to:

- (a) *Conserve the environmental heritage of Strathfield, and*
- (b) *Conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.*

The subject application seeks construction of a new dwelling on Lot 65 and will be suitably separated from the heritage dwelling and appropriately setback from the street to ensure the views to and from the heritage dwelling from South Street are maintained.

The proposed works will also result in the re-establishment of manicured/ formal style landscaping in the front setback which is appropriate to the original Georgian Revival house.

A Heritage Impact Statement was submitted as part of the subject application which includes an assessment of works proposed for the site.

The statement notes that the proposed new works are subservient to the original dwelling and will allow the dominance of the heritage item, its form and fabric from the street is to be preserved. The new dwelling provides a setback in-line with the heritage dwelling so to ensure the original entry recess at the front is maintained.

The works have been designed in accordance with the *Conservation Management Plan Garden of A Heritage Item I196* (January 2021) by *Patrick O’Carrigan + Partners P/L* under the previously approved DA2020/124 (alterations and additions to heritage dwelling). The Plan included the following requirements for the future development of the subject site:

“Any future works on the northern Lot 65 must not materially affect the significance of 21 South Street within the garden setting which is 19 South Street. The development must therefore sit comfortably within the historic context of the South Street and present a sympathetic infill, innovative yet compatible design solution.

The intent is to allow any future development on 19 South Street to exhibit a more contemporary aesthetic, serving to both contrast and complement the existing Georgian revival building without direct imitation.

The new development on Lot 65 is to be appropriately sited, enabling the front façade of the existing heritage house to be viewed from the NE.”

In addition to the above, the proposed new dwelling has been scaled and sited in accordance with the curtilage diagram provided in the management plan below (Figure 13). The plans have been amended during the assessment process to increase the front setback provided by the new dwelling and ensure that the northern bay window to the heritage dwelling is clearly visible from the street (Refer back to Figures 4 and 5 which convey this view corridor and curtilage requirement in red dotted line).

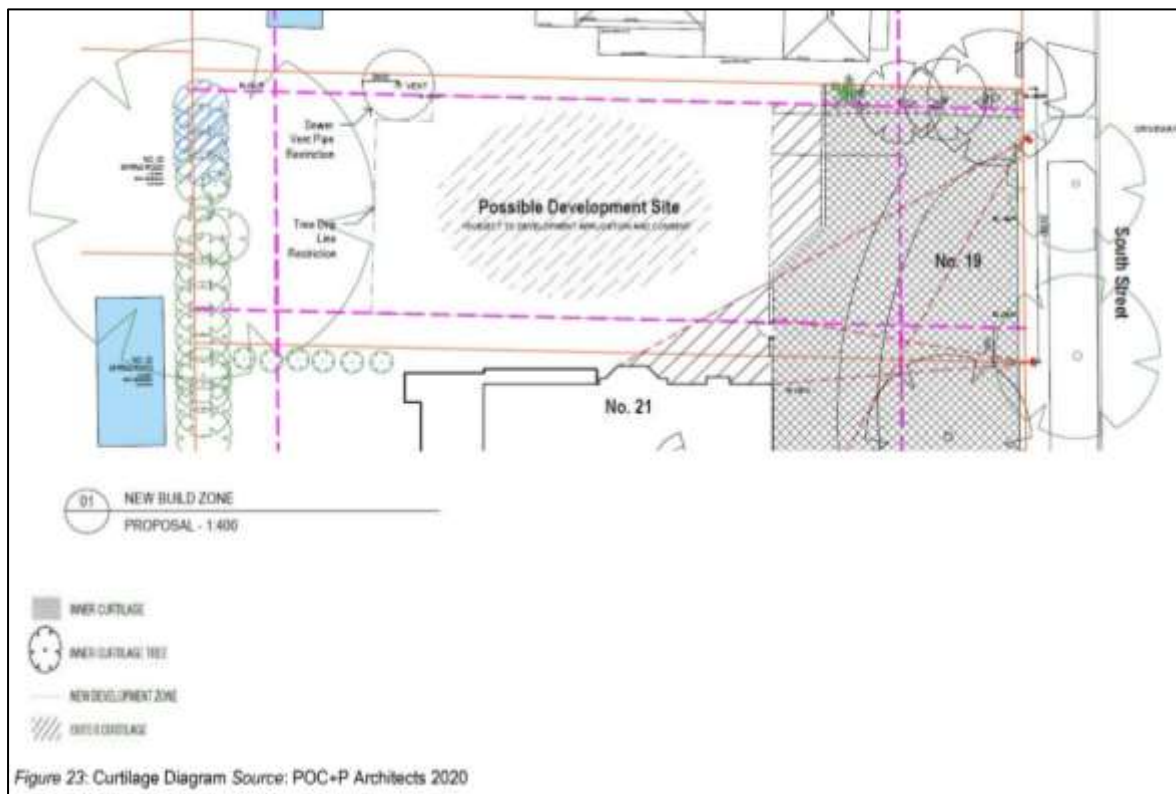


Figure 13: Curtilage Diagram from Conservation Management Plan Garden of A Heritage Item I196 (January 2021) by Patrick O’Carrigan + Partners P/L

In addition to the above, the Conservation Plan requires the regular maintenance of the garden to ensure the ongoing upkeep of the heritage property. A condition of consent is recommended to ensure the gardens are maintained in accordance with this plan.

It is further noted that in order to ensure sightlines to the northern bay window are maintained, a condition of consent was recommended under the previous DA2021/072 for a 1.1m high woven wire fence to be erected along the northern side boundary in the front setback between Lots 65 and 66 (refer to Figures 14 and 15 for its location on site and design). This will be conditioned under this application also to ensure the fence is erected in accordance with the previous consent for the adjoining allotment.

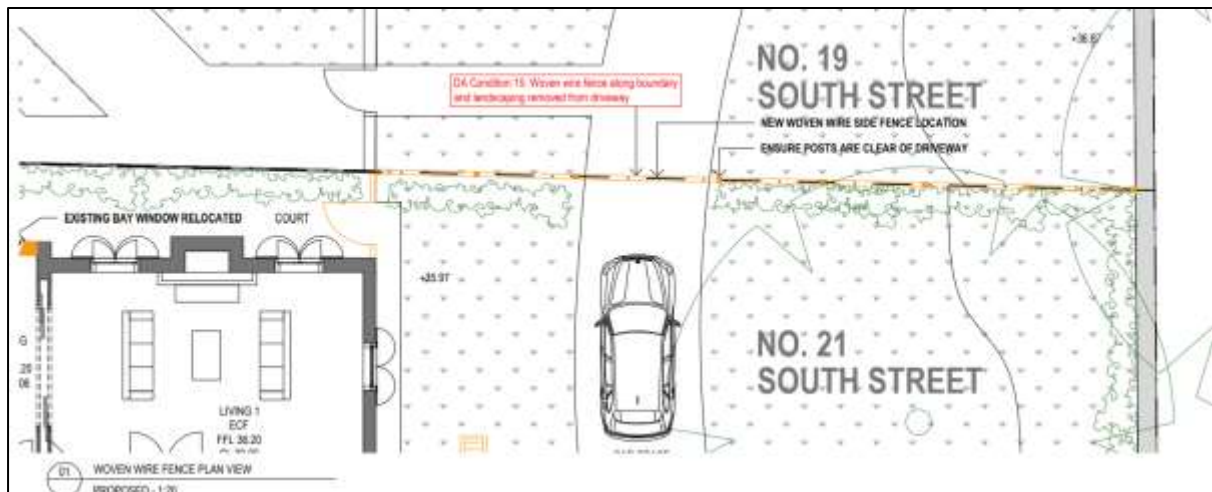


Figure 14: Approved fence location between 19 and 21 South Street.

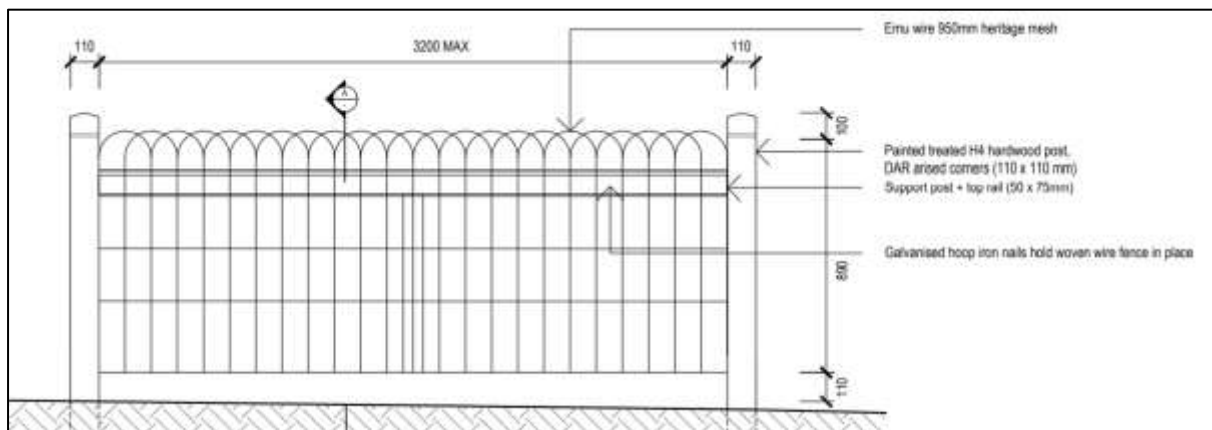


Figure 15: Approved fence woven wire fence between 19 and 21 South Street.

It is considered that the proposed works, as amended and conditioned, satisfactorily address the provisions of this Clause.

Flood Planning

The proposed site has not been identified within the flood planning levels and as such, the provisions of this Clause are not applicable to the subject development.

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 only element that requires more than 1m of excavation involves works associated with the proposed basement level. These works will be confined to the extent of the basement footprint. A condition of consent will be imposed to ensure an appropriate management of soils is undertaken during earthworks.

Essential Services

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

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

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

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

(iii) any development control plan,

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

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
Building Envelope			
Floor Space Ratio:	Refer to SLEP discussion		
Heights:			
Floor to ceiling heights:	3.0m	6.23m to front void area; 3.2m to ground floor; and 2.7m to first floor	No – refer to discussion below.
Height to underside of eaves:	7.2m	7.295m	Acceptable given the slight departure.
Basement height above NGL:	1.0m	855mm	Yes
Number of Storeys/Levels:	2	2	Yes

Setbacks: Front: Side: north Side: south Combined Side Setback: Rear: west	9m 1.2m (min) Frontage width: 20.115m 20% of 20.115m is 4.023m.	17.7m to portico N: 1.5m S: 2.52m Min combined = 4.02m 10.9m	Yes Yes Yes Yes
Landscaping			
Landscaping/Deep soil Provisions:	45% (548.82m ²)	= 39.91% (486.8m ²) deep soil zone	No – departure of 62.02m ² refer to discussion.
Fencing			
Height (overall/piers): Solid Component:	1.5m (maximum) 0.7m	No change proposed to original boundary fence. New side boundary fence required under DA2021/072 between 19 and 21 South Street as per approved Conservation Plan requiring an open woven fence to be constructed. This is to be conditioned.	Yes – conditions imposed.
Solar Access			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	All windows and openings have been suitably placed to minimise opportunities for overlooking.	Yes
Vehicle Access and Parking			
Driveway width at Boundary: Vehicular Crossing:	3m 1	Existing driveway entrance and semi- circular driveway is proposed for retention. New basement driveway entrance is proposed along northern side boundary off semi- circular drive.	Yes – existing driveways are provided to the site.
Driveway setback – side:	0.5m		Yes

No. of Parking Spaces:	2	Driveway will remain setback a minimum 1m from the northern side property boundary. 2 parking spaces provided within basement	Yes
Basement: Basement protrusion: Basement ramp/driveway Internal height:	Less than 1.0m 3.5m 2.2m	855mm 3m 3.5m	Yes Yes No – refer to discussion
Ancillary Development			
OUTBUILDINGS Area:	40m ²	Open cabana structure does not contribute to floor area. Proposed with roof structure that extends across in-ground swimming pool.	Yes
Height:	3.5m	4.12m to cabana and 3.94m to pool roof area.	No – refer to discussion.
Side/Rear setback:	0.5m	946mm and 643mm from the western and southern boundaries respectively.	Yes
SWIMMING POOL Side/Rear Setback	1.0m	1.56m from rear western boundary and 1m from northern side boundary.	Yes

Building Envelope

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

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

A further discussion relating to the above is provided under Part P Heritage in this report.

Figure 17: Proposed landscaping plan

The deep soil planting and retention of the sweeping driveway in the front setback will ensure the curtilage established around the heritage dwelling is protected and that hardscaped elements are softened and embellished through suitable landscaping. The landscaping scheme proposed new plantings through the site that are compatible with that suggested in the Conservation Management Schedule and will contribute toward the site's overall setting and appearance in the streetscape.

Fencing

No works are proposed to the original stone fence. Vehicular access will continue to be provided to the site via the northern driveway. As previously mentioned, a condition of consent is recommended to ensure that the side boundary fence between 19 and 21 South Street is constructed in accordance with the approved conservation schedule under DA2021/072.

This is to ensure that the gate is of a style and construction similar to that approved at the existing southern entrance and also is in keeping with the heritage theme of the site.

Solar Access

The site is provided with an east-west orientation resulting in an unavoidable degree of overshadowing to the southern adjoining heritage building. The application was accompanied by a series of shadow diagrams to demonstrate the impact of overshadowing to the southern heritage dwelling through the day (refer to Figure 18 below). As a result of the increased setback provided by the dwelling (through amendments to the previous design during the assessment process), solar access to the front living area of the heritage dwelling has improved.

The submitted shadow on elevation plans demonstrate that the southern adjoining rear living room will be most affected as a result of the proposal (refer to Figures 19 and 20 below). Notwithstanding this, the room is provided with western-oriented windows and will therefore be capable of receiving ample light through the day.

The proposal is therefore acceptable in this regard.

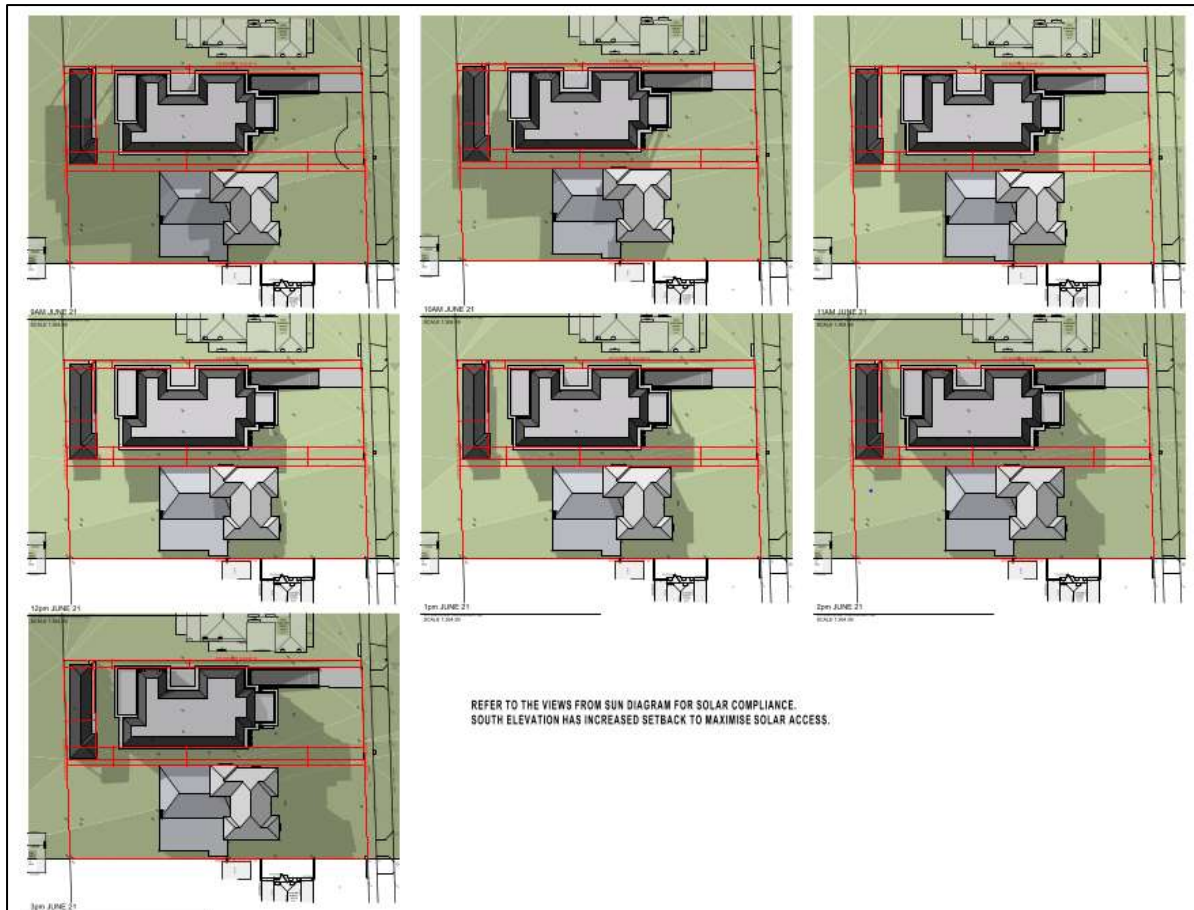


Figure 18: Shadow diagrams showing extent of overshadowing at winter solstice



Figure 19: Shadow on elevation plans showing extent of overshadowing onto northern elevation of heritage dwelling at 19 South Street.

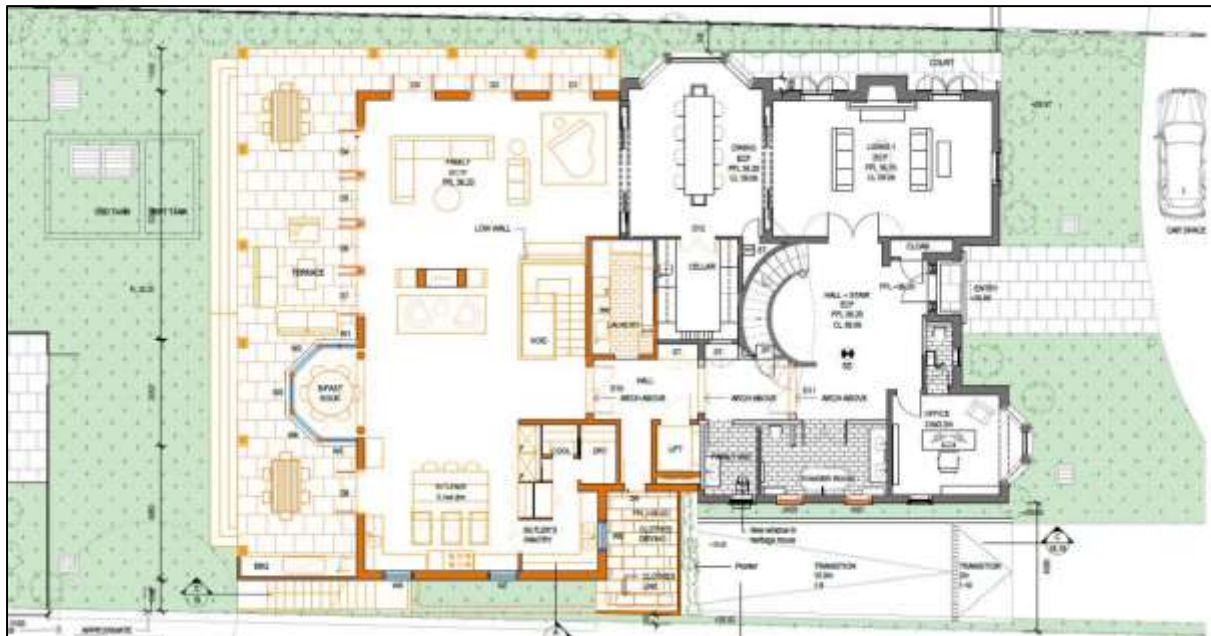


Figure 20: Approved ground floor plan to heritage dwelling under separate DA approval (DA2021/072)

The proposal is considered to generally satisfy the relevant objectives and controls of the SCDP 2005.

Privacy

The proposed development satisfies the relevant objectives and controls of the SCDP 2005, in that adequate privacy is maintained between adjoining properties and any potential overlooking is minimised. Windows are offset from adjoining dwellings where required, they are screened, obscured or off low active use rooms so as not to negatively impact on adjoining properties.

Vehicular access, Parking and Basements

The proposed development satisfies the relevant objectives and controls of the SCDP 2005 in that it provides the minimum number of required parking spaces and adequate vehicular access provisions. The basement has been kept to less than 1m above natural ground level. Whilst a portion of the basement (directly beneath the northern winter garden) extends beyond the ground floor above, this is considered acceptable in order to accommodate suitable basement access to the site.

The proposed 3.5m floor to ceiling height of the basement results in excessive excavation on the site (refer to Figure 21 below). Excavation should be minimised where possible to minimise soil disturbance. Given that these spaces are not intended for habitable use, a condition of consent is recommended to ensure the maximum basement floor to ceiling height exceeds no more than 2.4m from the floor to ground floor level. This is inclusive of the cavity for mechanical services.

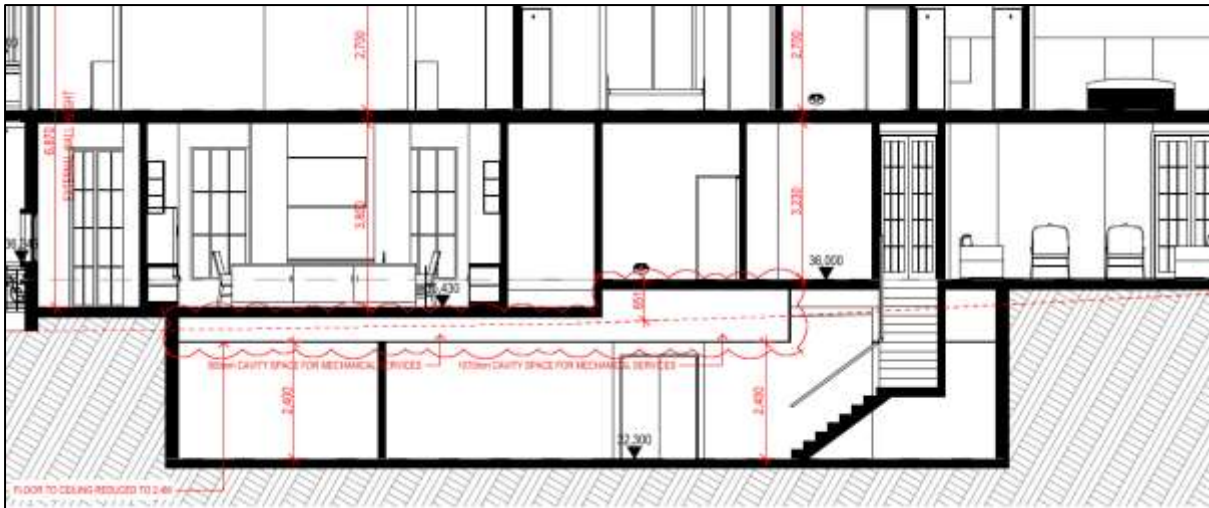


Figure 21: Proposed section plan showing basement heights.

Cut and fill

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

Water and Soil Management

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

Access, Safety and Security

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

ANCILLARY STRUCTURES

Swimming Pools, Spas & Associated Enclosures

The proposed development satisfies the relevant objectives and controls with SCDP 2005. The pool has been adequately setback from all adjoining boundaries, allowing for substantial screen planting along the western side boundary to reduce impacts. The pool pump equipment has been located within the basement and the pool coping has been designed to suit the existing ground level of the site. The swimming pool fence/enclosure will comply with the swimming pools act and relevant standards.

The proposed cabana and adjoining roof structure spanning across the swimming pool proposes a height of 4.12m (cabana) and 3.94m (pool roof). This exceeds the maximum 3.5m roof height permissible for outbuildings under Part A of the SCDP 2005 (refer to Figure 22 below). Whilst these structures are non-compliant, a condition of consent is recommended to delete these structures as they result in undue impact to the adjoining Sydney Blue Gum tree.

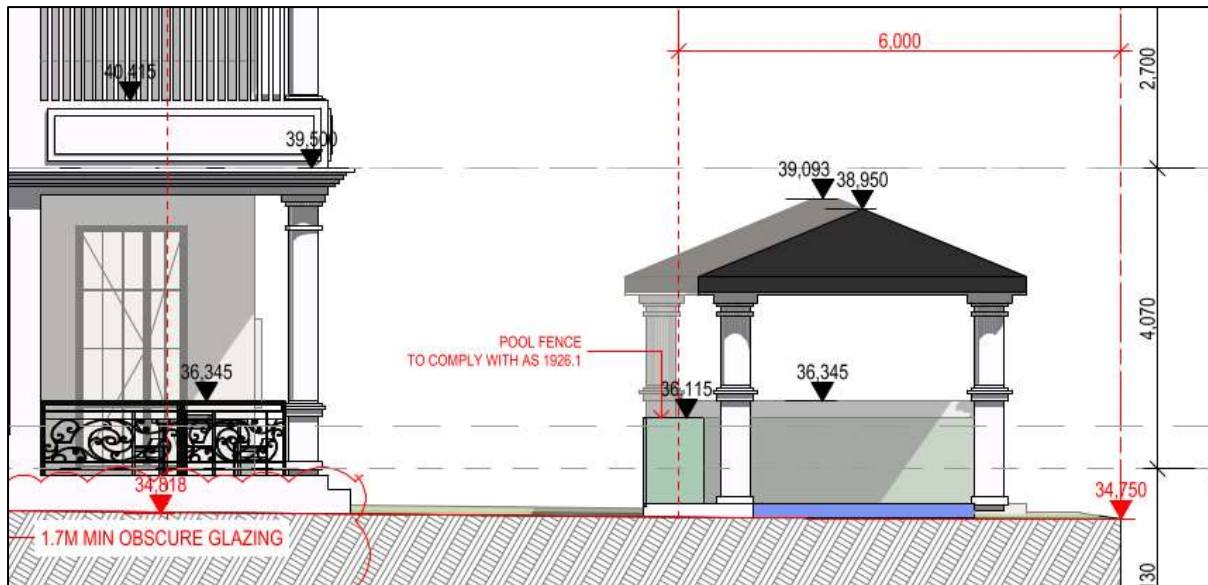


Figure 22: Proposed cabana structure and adjoining roof structure (cabana is to a height of RL39,093 AHD and roof structure extending across pool is to a height of RL38,950 AHD),

As the Sydney Blue Gum tree along the rear boundary is recommended for retention, the cabana and swimming pool structures are required to be deleted from the plans.

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.

PART P – Heritage (SCDCP 2005)

An assessment of the proposal against the objectives and development controls contained within Part P of SCDCP 2005 is included below:

1.5: Objectives of this DCP Part

1.5	Objectives	Satisfactory
a.	To encourage development which complements existing heritage items and heritage Conservation Areas in a modern context.	Yes
b.	To retain evidence of historic themes of development evident in the Strathfield Local Government Area, through the proper care and maintenance of individual heritage items and heritage Conservation Areas.	Yes
c.	To protect those items and areas that are of value to the local community	Yes
d.	To ensure that development in the vicinity of heritage items is designed and sited to protect the heritage significance of the item.	Yes
e.	To retain any significant horticultural or landscape features that assist in the interpretation of Strathfield's heritage.	Yes

2.1: General Objectives

2.1	Objectives	Satisfactory
a.	To ensure that additions to a heritage item and new buildings on the site of a heritage item are of a scale, mass, bulk, orientation, setback and character consistent with the heritage item.	Yes
b.	To ensure that new development respects the contribution of a heritage item to the streetscape and/or townscape, and allows an ongoing application of its heritage significance.	Yes
c.	To retain or reinstate missing original details that contribute to the aesthetic quality and/or significance of a heritage item and to encourage the removal of inappropriate alterations and additions.	Yes
d.	To ensure that important elements of the form or fabric of a heritage item are not obscured or destroyed by alterations and additions.	Yes
e.	To ensure that materials and colours used on both the original heritage item and any alterations and additions are consistent with the significance of the heritage item.	Yes
f.	To provide an appropriate visual setting for heritage items, including landscaping, fencing and car parking.	Yes

Comments: The proposal seeks construction of a new dwelling at 19 South Street. Whilst the site is included as part of the heritage listing of the item at 19-21 South Street, the listing is contained to the gardens and front boundary fence at 19 South Street alone. In this respect, the proposal seeks to retain the existing driveway, front stone fence and reinstate the gardens with formal planting sympathetic to the style of the original gardens of its time. The proposed new dwelling is setback 18m from the front boundary line to ensure it does not impinge on sightlines and the established curtilage of the heritage item. The proposal is a sympathetic infill development achieving a height, scale and form appropriate to the heritage dwelling and wider streetscape.

2.2: Setting

2.2.1	Objectives	Satisfactory
A.	To provide an appropriate visual setting for heritage items, including landscaping, fencing and car parking; and	Yes
B.	To ensure that new development respects the contribution of a heritage item to the streetscape and/or townscape and retains the significance of the item.	Yes

2.2.2	Controls	Complies
(1)	Original elements that contribute to the setting of a heritage item such as landscaping, fences and gates, driveways, seawalls etc. should not be removed and, traditional garden designs should be reinstated where possible.	Yes
(2)	New structures on land on which a heritage item is located such as swimming pools and outbuildings should be located so that they do not adversely impact on the significance of the heritage item.	Yes
(3)	The natural landform and character of the area within which a Heritage Item is located, should be maintained, avoiding any cut and fill to land when constructing new buildings and landscaping grounds.	Yes

Comment: The proposal seeks to reinstate the front garden and semi-circular driveway which contributes to the site's setting and heritage significance. The curtilage around the site will be retained through restoration of the heritage gardens and construction of a new dwelling located a minimum 18m behind the front boundary line. The new dwelling will ensure the northern bay window to the heritage dwelling is visible from the street as taken in from the existing northern driveway entrance at the property boundary.

Whilst the basement entrance is visible from the street, it is located on the opposite side of the site away from the heritage dwelling and will still ensure direct sightlines are provided to the heritage dwelling. The new dwelling is setback 2.5m from the southern boundary line to ensure appropriate separation is achieved between dwellings.

2.3: Scale

2.3.1 Objectives		Satisfactory
A.	<i>To ensure that alterations and additions to a heritage item and new buildings on the site of a heritage item are of a scale consistent with the heritage item so as not to detract from the significance of the item.</i>	Yes
2.3.2 Controls		Complies
(1)	Development on the site of a heritage item must not dominate the item or detract from its significance.	Yes
(2)	Development shall not obstruct significant views to and from the item of significance.	Yes

Comments: The proposed new dwelling achieves a sympathetic infill that will ensure the continuation of the building rhythm of the street. The new dwelling will achieve floor to ceiling heights as well as an overall building height similar to that of the adjoining heritage dwelling as well as existing dwellings in the street. As previously mentioned, the development is appropriately setback so as not to obstruct views of the heritage dwelling from the street. The new dwelling (whilst modern), still achieves a traditional-style architecture with a pitched roof form, separate pitched roof over the portico element and symmetrical façade with vertically orientated windows.

2.4: Form

2.4.1 Objectives		Satisfactory
A.	<i>To ensure that important elements of the form of a heritage item are not obscured or destroyed by alterations and additions</i>	Yes
B.	<i>To ensure that the form of a heritage item retains its importance in the streetscape and/or townscape.</i>	Yes
2.4.2 Controls		Complies
(1)	Important elements of the form of a heritage item such as main roof forms, chimneys, parapet walls, verandahs etc. should not be demolished or obscured by alterations and additions.	Yes
(2)	Development of a heritage item must seek to reconstruct missing architectural detailing of a Heritage Item where possible, including gables, finial trims, front verandahs or bays.	Yes

	(3)	Verandahs on the front and sides of a heritage item should not be filled in.	Yes
	(4)	Additions and alterations to a heritage item should not detract from important aspects of the form of the heritage item.	Yes
	(5)	The original shape of the roof of a Heritage Item should not be altered	Yes
	(6)	The original wall treatment of a Heritage Item must be retained where possible. Unpainted brick or stone on a Heritage Item should not be painted or rendered.	Yes

Comments: The front gardens including sweeping driveway will be reinstated and protected so that the garden compliments the heritage dwelling. The proposal does not seek any works to the heritage dwelling itself or gardens immediately adjacent on Lot 66 (21 South Street).

2.5: Materials and colours

2.5.1 Objectives		Satisfactory
A.	<i>To ensure that original materials that contribute to the significance of heritage items are not obscured.</i>	Yes
B.	<i>To ensure that colours of paintwork on heritage items are consistent with the significance of the heritage item.</i>	Yes
C.	<i>To ensure that materials on alterations and additions to heritage items are consistent with the materials of the heritage item.</i>	Yes
2.5.2 Development Controls		Complies
	(1) Original materials of heritage items should not be replaced with different materials or materials of different colour.	Yes
	(2) Non-original materials of heritage items that are being replaced shall, if possible, be replaced with material that matches the original material as closely as possible	Yes
	(3) Painting, rendering or bagging of original face brickwork and/or stonework is not permitted.	Yes
	(4) The texture of original rendered finishes should not be changed.	Yes
	(5) Materials for additions and alterations to heritage items should be compatible with the original materials of the heritage item.	Yes
	(6) Colour schemes for heritage items should have a hue and tonal relationship with traditional colour schemes for the period and style of the heritage item.	Yes
	(7) The use of fluorescent paint on heritage items is not permitted.	Yes
	(8) The use of modern finishes including stencilled concrete for driveways associated with heritage items is not permitted.	Yes
	(9) The original roof cladding of a heritage item (slate, tiles or corrugated iron) should not be changed if it is in good repair.	Yes

(10)	Sandblasting to remove paint from brick or stone should not be undertaken on a heritage item as it exposes it to weathering and may change its appearance	Yes
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Comments: The proposal seeks a neutral colour scheme comprised of white and cream render with black slate roof tiles and black aluminium framed windows with black door. The proposed colours and materials scheme is considered refined and appropriate in its context including a cream render which will integrate nicely with the prevailing cream rendered exterior of the heritage dwelling.

2.8: Car parking

2.8.1	Objectives	Satisfactory
A.	To ensure that garages and carports are designed to minimise the visual impact on views of heritage items.	Yes
2.8.2	Development Controls	Complies
1.	Garages and carports must be located behind the front building alignment	Yes – basement proposed with entrance via northern driveway.

Comments: A basement car park is proposed with entrance via the northern driveway entrance. The basement is considered appropriate given that it is located a considerable distance away from the heritage dwelling and will enable views to continue to be provided to the heritage dwelling from the street.

2.9: Fencing

2.9.1	Objectives	Satisfactory
A.	To conserve gates and fences that are contemporary with heritage items.	Yes
B.	To ensure that new fences and gates are in keeping with the character of the heritage item.	Yes
C.	To ensure that the significance of the heritage item is not diminished by inappropriate fencing.	Yes
2.9.2	Development controls	Complies
(1)	Original fencing styles and materials on a heritage item should be repaired and retained where possible.	Yes
(2)	New fencing and gates to a heritage item should be of a style and scale that is consistent with the style of the building.	Yes
(3)	Unless evidence is provided to establish a greater height, solid fencing (i.e. brickwork/stone) forward of the building line should not be greater than 1m in height above the adjacent public footpath level.	Yes

	(4)	Unless evidence is provided to establish a greater height, fencing forward of the building line, constructed of material such as timber pickets, metal pickets or wrought metal panels or a combination of masonry and one of the above materials, should not be greater than 1.5m in height above the adjacent public footpath level.	Yes
	(5)	Original face brick or sandstone fencing to a heritage item should not be painted.	Yes

Comments: The proposal does not seek to modify the existing stone boundary fence. The proposal will require construction of the wire woven fence between 19 and 21 South Street so that views to the site are not restricted. This has been conditioned.

2.10: Landscape elements including paving and driveways

2.10.1 Objectives		Satisfactory	
A.	To retain important landscape elements that contribute to the significance of heritage items.	Yes	
B.	To reinforce the significance of the heritage item through appropriate landscaping.	Yes	
2.10.2 Development Controls		Complies	
	(1)	Original driveways and footpath crossings that relate to a heritage item should not be relocated	Yes
	(2)	Double driveways and footpath crossings will generally not be permitted for houses listed as heritage items.	Yes – dual driveway is existing.
	(3)	Original or early garden layouts that contribute to the significance of the heritage item should not be altered.	Yes
	(4)	Established trees and shrubs that contribute to the significance of the heritage item should not be removed unless it can be established by an arborist that the health of the tree or shrub is such that it must be removed.	Yes

Comments: The proposal will ensure the semi-circular driveway and landscaping is re-instated in accordance with the submitted landscape plan. A condition of consent is recommended to ensure the landscaping is maintained in accordance with the conservation schedule.

2.13: Demolition

2.13.1 Objectives			Complies
1	To retain buildings that are of heritage significance or contribute to the significance of a heritage item.		Yes
2.13.2 Development Controls			Complies
	(1)	Buildings that are listed as heritage items or contribute to the significance of a heritage item shall not be demolished.	Yes

(2)	Partial demolition of a heritage item may only be allowed when it can be established in a Statement of Heritage Impact that the partial demolition will not have an impact on the significance of the heritage item.	Yes
(3)	Outbuildings associated with heritage items can only be demolished where a Statement of Heritage Impact has established that the outbuilding does not contribute to the heritage significance of the place.	Yes

Comments: The proposal seeks to demolish the swimming pool, pergola, detached shed and garden wall on the subject site. These items are identified as later additions to the property and do not contribute toward the heritage significance of the site. As such, the proposed works are considered appropriate.

(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. The proposal has considered the heritage implications of the site to ensure the contributing heritage elements and aesthetics are retained and protected. 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. One (1) submission was received during this time. The issues raised in this submission are discussed below:

- 1) *Heritage – concern is raised that the application does not consider that the site forms part of the heritage listing and that the heritage listing is not just contained to the heritage dwelling.*

Assessing Officer's Comment: The site does form part of the heritage listing of the site in that the heritage listing includes the dwelling and the gardens. Whilst the dwelling is located on Lot 66 of the site, the gardens extend to the subject site and thus is required to be assessed against the relevant heritage requirements. Refer to Clause 5.10 and Part P Heritage assessment for more detailed assessment.

- 2) *Side Boundary Fence – concern is raised for the side boundary fence proposed between properties 19 and 21 South Street. A part of the application refers to this fence as a woven wire fence however other parts (including the landscape plan) refers to the fence as a 1800mm high fence. The fence (if approved as the later) will obscure views to the heritage listed dwelling.*

Assessing Officer's Comment: A condition of consent is recommended to ensure that the open wire woven fence be constructed to a height of no more than 1.5m forward of the front building line. This will ensure that views from the street to the heritage building are not obscured from view.

(e) the public interest.

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

Local Infrastructure Contributions

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

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

STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

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

Based on the Cost of Works of \$2,382,703 and in accordance with Council's s7.12 Indirect Contributions Plan, a contribution of 1% of the cost of works is applicable. In this regard, the contribution is as follows;

Local Amenity Improvement Levy	\$23,827.03
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Conclusion

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

Following detailed assessment it is considered that Development Application No. 2021/276 should be approved subject to conditions.

L Gibson

Signed:
L Gibson
Senior Planner

Date: 14 February 2022

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

Report and recommendations have been peer reviewed and concurred with.

Jake Brown

Signed:
Jake Brown
Planner

Date: 15 February 2022

The following conditions of consent are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instrument and/or Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To protect the environment.
- (c) To ensure that there is no unacceptable impact on the amenity of the area, or to private and public property.
- (d) It is in the public interest.

DEVELOPMENT DETAILS

1 Approved Plans & Documentation

The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Description	Reference No.	Date	Revision	Prepared by
Site Plan	DA1003	14 Dec 2021	C	Platform 5 Design
Basement 01	DA2001	14 Dec 2021	C	Platform 5 Design
Ground Floor Plan	DA2002	14 Dec 2021	C	Platform 5 Design

Level 01 Floor Plan	DA2003	14 Dec 2021	C	Platform 5 Design
Roof Plan	DA2004	14 Dec 2021	C	Platform 5 Design
Elevations	DA3001	14 Dec 2021	C	Platform 5 Design
Streetscape + Front Fence Plan	DA3002	14 Dec 2021	C	Platform 5 Design
Sections	DA4001	14 Dec 2021	C	Platform 5 Design
Finishes Schedule	DA6301	14 Dec 2021	C	Platform 5 Design
Landscape Concept Plan	DA21196		A	Vision Dynamics Landscape Design
Stormwater Plans	A21124	18 October 2021	B	Alpha Engineering
BASIX Certificate	Cert No. 1205760S	Issued 15 October 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.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

3 Required Design Changes

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

Amendments made in red on approved plans	All changes made in red on the approved plans shall be updated and shown on the Construction Certificate plans.
Basement Floor to Ceiling Heights	The basement floor to ceiling heights are to be reduced to a maximum of 2.7m (inclusive of mechanical services cavity).
Swimming pool and cabana	The swimming pool and cabana structures are to be deleted from the plan and reinstated with deep soil zone.

4 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	\$ 8,339.00
Security Damage Deposit	\$ 18,000.00
Tree Bond	\$ 10,150.00
Administration Fee for Damage Deposit	\$ 130.00
Administration Fee for Tree Bond	\$ 130.00
DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94A Indirect Development Contributions Plan 2017	\$ 23,827.03

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.

5 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: \$18,000.00
- (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.

6 **Tree Bond**

A tree bond of \$10,150.00 (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.

7 **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.

8 **BASIX Commitments**

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

All measures and commitments as detailed in the BASIX Certificate No. 1205760S must be implemented on the plans lodged with the application for the Construction Certificate.

9 **Front Fence in Conservation Areas and Heritage Items**

No works are to be undertaken to the front boundary fence.

10 **General Heritage**

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to
- (c) Original driveways and footpath crossings are not to be relocated.
- (d) Original or early garden beds are not to be altered aside from embellishment with new planting and landscaping.
- (e) 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.

11 **Heritage Items - Works to be Consistent with Conservation Management Plan**

- (a) All works are to be carried out in accordance with the approved conservation work schedule "*Conservation Management Plan Garden of A Heritage Item 1196 (January 2021) by Patrick O'Carrigan + Partners P/L*". Specifically, the following works must be undertaken in accordance with the following:
 - i. Cyclical maintenance of gardens in front yard;
 - ii. Construction of an open woven wire fence along the southern side boundary between 19 and 21 South Street to a maximum height of 1.1m;
 - iii. Ensure fence posts to woven wire fence are clear of internal semi-circular driveway.

12 **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.

13 Pre-Construction Dilapidation Report – Private Land

A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining premises including but not limited to:

- (a) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.

The report shall be prepared at the expense of the applicant and submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

A copy of the pre-construction dilapidation report is to be provided to the adjoining properties (subject of the dilapidation report), a minimum of 5 working days prior to the commencement of work. Evidence confirming that a copy of the pre-construction dilapidation report was delivered to the adjoining properties must be provided to the PCA.

Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to Council to obtain Council's agreement to complete the report without access. Reasonable notice is a request for access in no sooner than 14 days between 8.00am-6.00pm.

14 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.

15 On Site Detention

The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

An on-site detention (OSD) facility designed by a professional engineer who specialises in Hydraulic Engineering must be designed, approved and installed. The design must include the computations of the inlet and outlet hydrographs and stage/storage relationships of the proposed OSD using the following design parameters:

- (a) peak flow rates from the site are to be restricted to a permissible site discharge (PSD) equivalent to the discharge when assuming the site contained a single dwelling, garage, lawn and garden,
- (b) at Annual Recurrence Intervals of 2 years, 10 years and 100 years.

The OSD facility shall be designed to meet all legislated safety requirements and childproof safety fencing around the facility must be provided where the OSD facility is open or above ground when the design peak storage depth is greater than 300mm. A durable metal plate or similar sign is to be placed at the OSD facility and must bear the words:

"BEWARE: This is an on-site detention basin/tank for rainwater which could overflow during heavy storms."

Full details shall accompany the application for the Construction Certificate.

16 Pump-Out System Design for Stormwater Disposal

The design of the pump-out system for storm water disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria:

- (a) The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm. The holding tank shall be capable of holding four hour's runoff from a one-hour duration storm of the 1 in 100 year storm;
- (b) The pump system shall be regularly maintained and serviced, every six (6) months; and
- (c) Any drainage disposal to the street gutter from a pump system must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.

Details and certification of compliance from a professional engineer specialising in civil engineering shall be provided for approval with the Construction Certificate application.

17 **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.

18 **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).

19 **Landscape Plans**

All landscape works shall be carried out in accordance with the approved landscape plans. The landscaping shall be maintained in accordance with the approved plans in perpetuity.

20 **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.

21 **Tree Protection and Retention**

The following trees shall be retained and protected:

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
		Council Street Tree	
		Sydney Blue Gum	

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

General Tree Protection Measures

- (a) All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site.

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

Specific Street Tree Protection Measures

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

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

22 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.

23 **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.

24 **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](#).

25 **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.

26 **Registered Surveyors Report - During Development Work**

A report must be submitted to the PCA at each of the following applicable stages of construction:

- (a) Set out before commencing excavation.
- (b) Floor slabs or foundation wall, before formwork or commencing brickwork.
- (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
- (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
- (e) Completion of any Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.
- (f) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- (g) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

Work must not proceed beyond each stage until the PCA is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

DURING CONSTRUCTION

27 **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.

28 Retention of Internal Features

The original front boundary fence and semi-circular driveway is to be retained.

29 Obstruction of Road or Footpath

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

30 Removal & Filling of Swimming Pools

- (a) The site of the swimming pool must be filled (if necessary) so as to restore the site to the ground levels (existing) adjacent to the pool, and
- (b) The swimming pool must not be filled with building demolition waste of any kind and if constructed as a concrete shell must be demolished so as to allow ground water to escape or drain to groundwater and
- (c) The fill must be certified clean imported soil or virgin excavated material (VENM) and compacted, and
- (d) Any piping or similar material must be removed from the site before the site is filled.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

31 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.

32 BASIX Compliance Certificate

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

33 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).

34 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.

35 Maintenance Schedule – On-site Stormwater Management

A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted to Council. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.

36 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.

37 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.

OPERATIONAL CONDITIONS (ON-GOING)

38 Maintenance of Landscaping

All trees and plants forming part of the landscaping must be maintained and maintained in accordance with the *Conservation Management Plan Garden of A Heritage Item I196 (January 2021) by Patrick O'Carrigan + Partners P/L*

Maintenance includes (but not limited to) 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.

39 Entering & Exiting of Vehicles

All vehicles shall enter and exit the premises in a forward direction.

40 Greywater System

In order to conserve and re-use water, Council encourages all developments for (residential dwellings) to incorporate a greywater reuse system. The system can incorporate a *greywater diversion device* or a *domestic greywater treatment system*. Any system installed is to ensure that it complies with the Plumbing Code of Australia, maintained at all times and does not result in any adverse amenity impacts on the subject premises and surrounding properties.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

41 Requirement for a Construction Certificate

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

42 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.

43 **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.

44 **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.

45 **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](#).

46 **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

47 **Clause 97A – BASIX Commitments**

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

48 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.

49 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.

50 Clause 98B – Home Building Act 1989

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

ADVISORY NOTES

i. Review of Determination

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

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

ii. Appeal Rights

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

iii. Lapsing of Consent

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

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

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

v. Long Service Levy

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

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

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

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

- (a) Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at www.strathfield.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No. (eg. Year/DA 2021/276) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Works Permit applications.

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

The developer must meet all costs of the extension, relocation or reconstruction

of any part of Council's drainage system (including design drawings and easements) required to carry out the approved development.

viii. 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).