

IDAP REPORT

Property:	51 Merley Road STRATHFIELD LOT A DP 394641 DA2022.15
Proposal:	Demolition of existing structures, alterations and additions to existing dwelling with two storey addition to the rear, basement level parking and swimming pool.
Applicant:	M Pisarkiewicz
Owner:	T Mouawad
Date of lodgement:	28 January 2022
Notification period:	3 February – 18 February
Submissions received:	1
Assessment officer:	J Gillies
Estimated cost of works:	\$1,883,587.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	Yes – Merley Road Conservation Area
Flood affected:	No
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	Approval



Figure 1 – Locality Plan

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the demolition of existing structures, alterations and additions to existing dwelling with two storey addition to rear, basement level parking and swimming pool.

Site and Locality

The site is identified as 51 Merley Road Strathfield and has a legal description of Lot: A DP: 394641. The site is a regular shaped parcel of land and is located on the northern side of Merley Road, 3 lots to the south of the intersection with Francis Street.

The site has a frontage width of 20.22m, an average depth of 45.765m and an overall site area of 916.9m².

The locality surrounding the subject site primarily consists of low density residential dwellings. The immediate streetscape is defined by the Merley Road Conservation area which features numerous intact inter-war California bungalows and some federation dwellings that blend in with the bungalows. The locality also includes the St Patricks College and Australian Catholic University (ACU) campuses'.

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 3 February – 18 February, where 1 submission was received raising the following concerns:

- Privacy and overlooking, FSR compliance.

Issues

- Design response to conservation area, void, bulk and scale, basement.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2022/15 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the demolition of existing structures, alterations and additions to existing dwelling with two storey addition to rear, basement level parking and swimming pool. More specifically, the proposal includes;

Demolition:

- Partial demolition of the existing dwelling, removal of existing driveway and pedestrian access path, and removal of 4 trees within the front setback.

Basement level:

- Two car spaces, a gym, toilet, two sets of stairs and a lift.

Ground floor level:

- Retention and alterations to the front porch,
- Use of the retained portion of the dwelling as a guest bedroom with ensuite,
- Extension of the retained portion of the building to the east to include an entertainment area,
- Within the new portion of the building – a cinema room, powder room, combined kitchen, dining and living room, laundry and butlers pantry, stairs and lift.

First floor level:

- Use of the existing dwelling for storage and a walk in robe for the master bedroom,
- Master bedroom with walk in robe and ensuite,
- 1 bedroom with a walk in robe and ensuite,
- 1 bedroom with a built in robe and ensuite,
- 2 bedrooms sharing an ensuite and each with built in robes,
- A void, retreat and lift and stairs.

External works:

- Landscaping across the site,
- Pool and cabana within the rear yard
- Stairs from the basement to the alfresco,
- Driveway leading to the basement.



Figure 2 – 3D Image of the Proposal

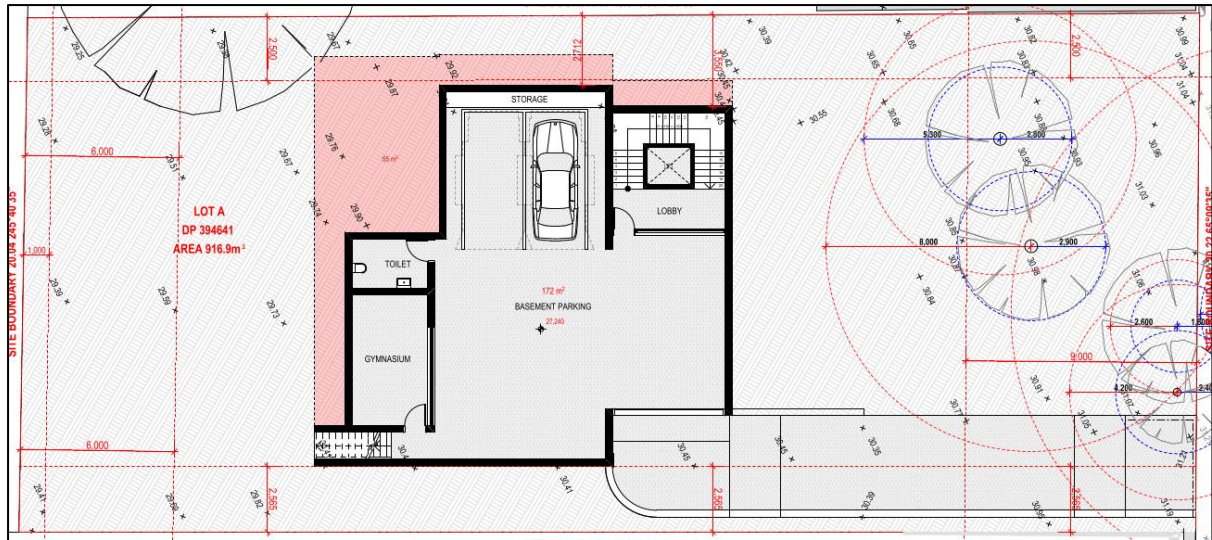


Figure 3 – Basement Plan

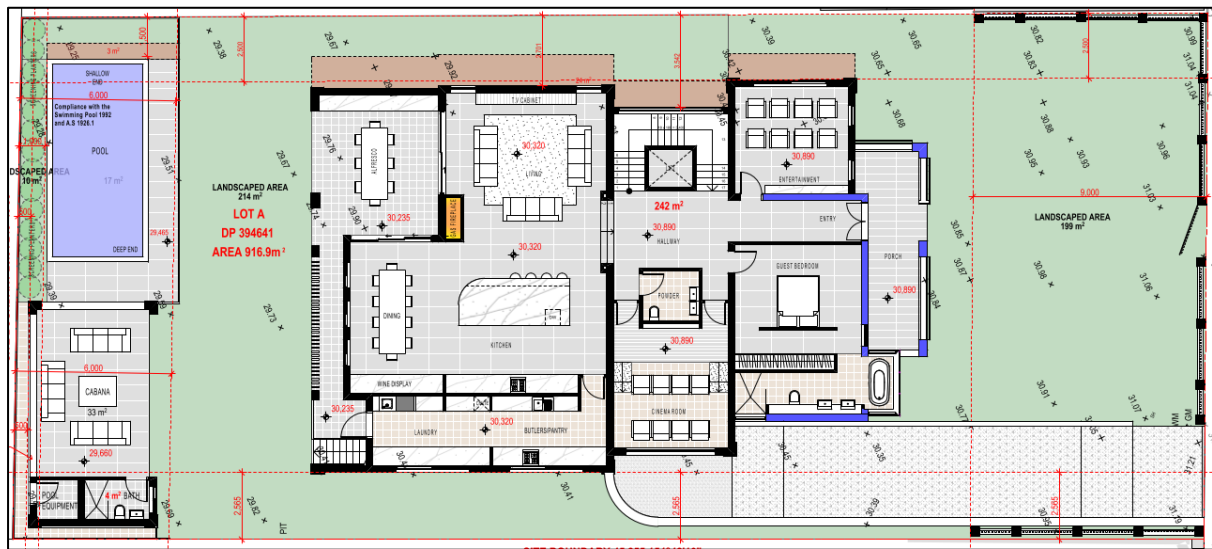


Figure 4 – Ground Floor Plan

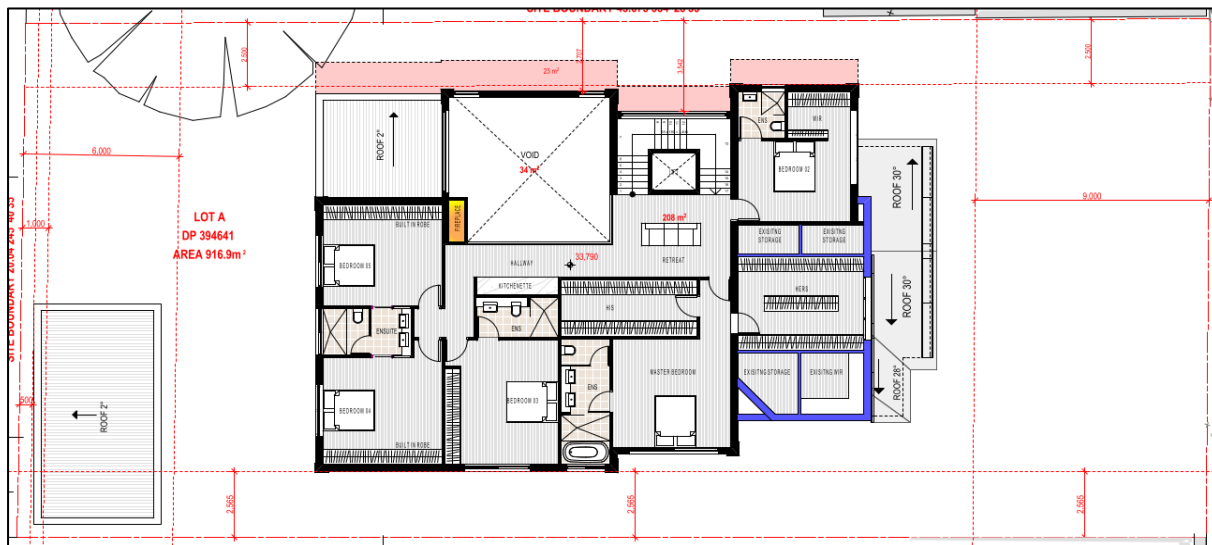


Figure 5 – First Floor Plan

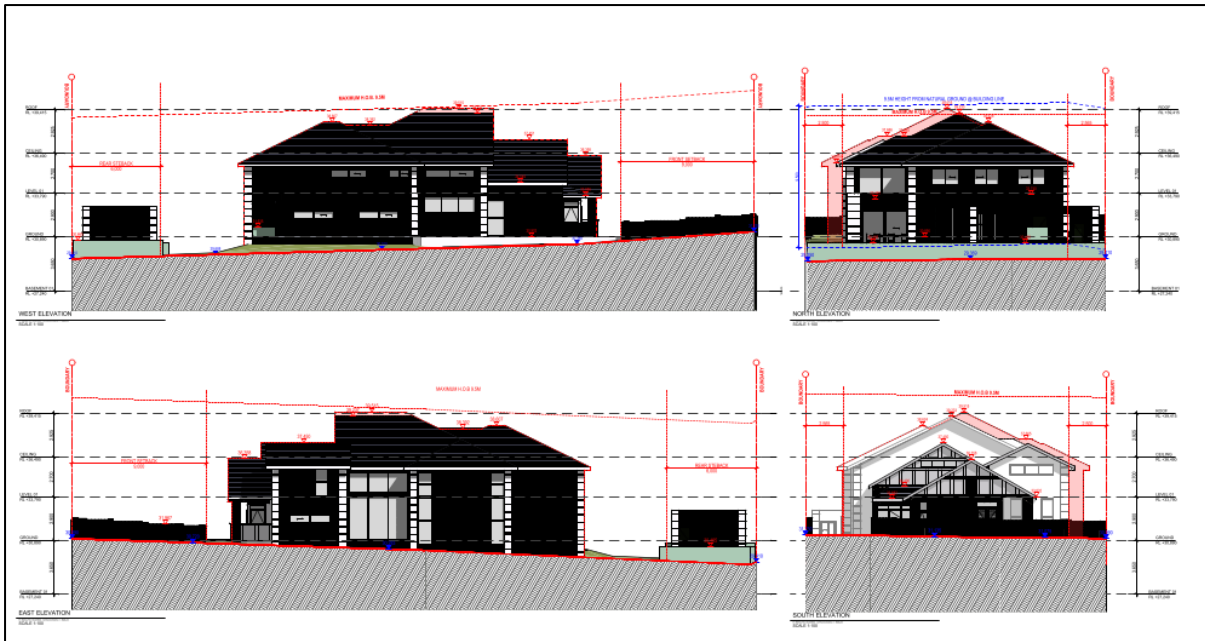


Figure 6 – Elevations

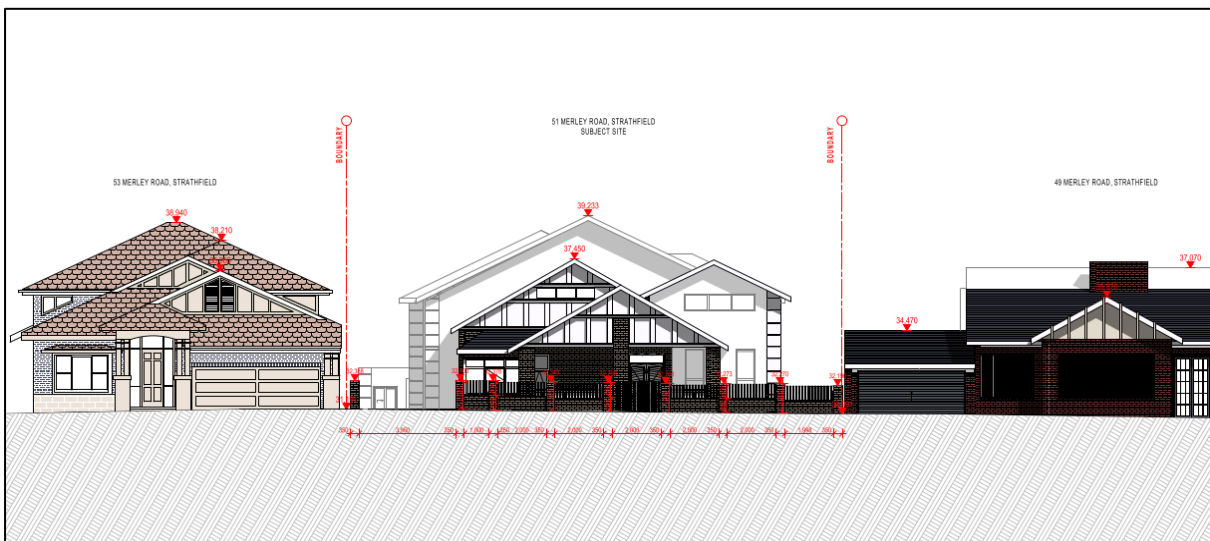


Figure 7 – Streetscape Elevations

The Site and Locality

The subject site is legally described as Lot: A DP: 394641 and commonly known as 51 Merley Road STRATHFIELD.

The site is rectangular in shape and has a frontage of 20.22m to the south, rear boundary of 20.04m to the north, side boundary length of 45.675m to the east, and side boundary length of 45.855m to the west and an area of 916.9m².

The site slopes from south to north and has a cross-fall of approximately 1.9m.

The site is occupied by a single storey dwelling with white colour scheme and pitched roof. The front portion of the house is generally consistent with the Californian bungalows characteristic of the Merley Road Conservation Area, however overall the dwelling is not considered to be contributory, but rather neutral in the context of the conservation area. The front facade is triple fronted, with the central recessed area flanked by two side protruding wings. These wings are of different widths and have different ridge heights.

Vehicular access is provided to the site via an existing driveway along the western boundary, with the driveway leading to an attached carport with pitched roof. An attached garage is located behind the carport at the rear of the dwelling. An attached carport like structure is also located on the eastern side of the dwelling, however no vehicle access exists along this boundary.

The immediate streetscape is defined by the Merley Road Conservation area which features numerous intact inter-war California bungalows and some federation dwellings that blend in with the bungalows. The Conservation area extends down Melrey Road on both sides of the road to the intersection with Dickson Street.

The locality also includes the St Patricks College and Australian Catholic University (ACU) campuses', located on the southern side of Merley Road, south-west of the site, which also have local heritage listings.

Number 55 Merley Road (west of the site) has a local heritage listing ("Sirona"—Federation Queen Anne style house), as well as being within the Conservation Area.



Figure 8 – Google street view image of the subject site (white building)



Figure 9 – Front façade of the dwelling at the site



Figure 10 – Front façade of the dwelling at the site



Figure 11 – Front façade of the dwelling at the site and driveway leading to carport



Figure 12 – Looking north from the rear of the existing dwelling at the site



Figure 13 – Looking north-west



Figure 14 – Looking north-east



Figure 15 – Rear of the dwelling at the site



Figure 16 – Rear of the dwelling at the site

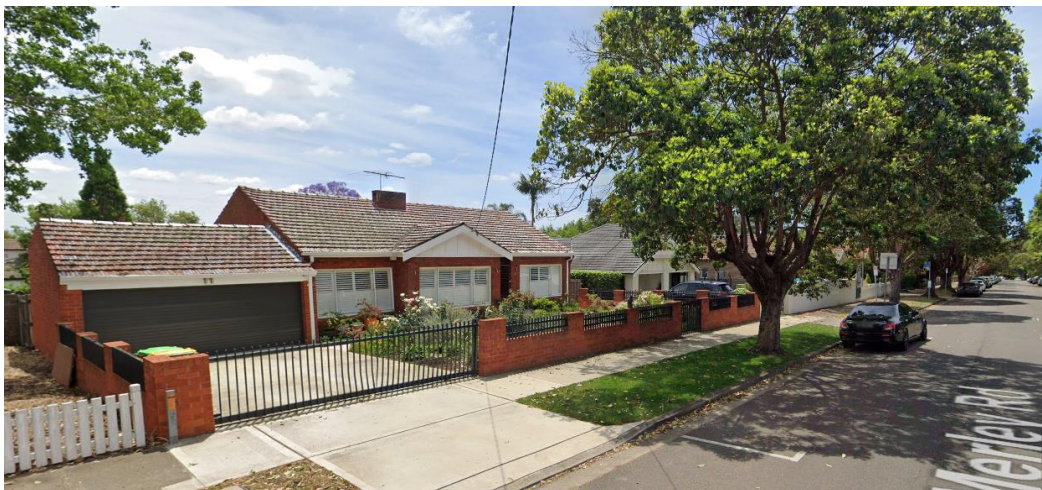


Figure 17 – Streetscape to the east of the site with 49 Merley Road in the foreground



Figure 18 – Streetscape to the west of the site showing dwellings at 53 and 55 Melrey Road



Figure 19 – Streetscape opposite the site looking west (St Patricks College and Australian Catholic University (ACU) campuses')

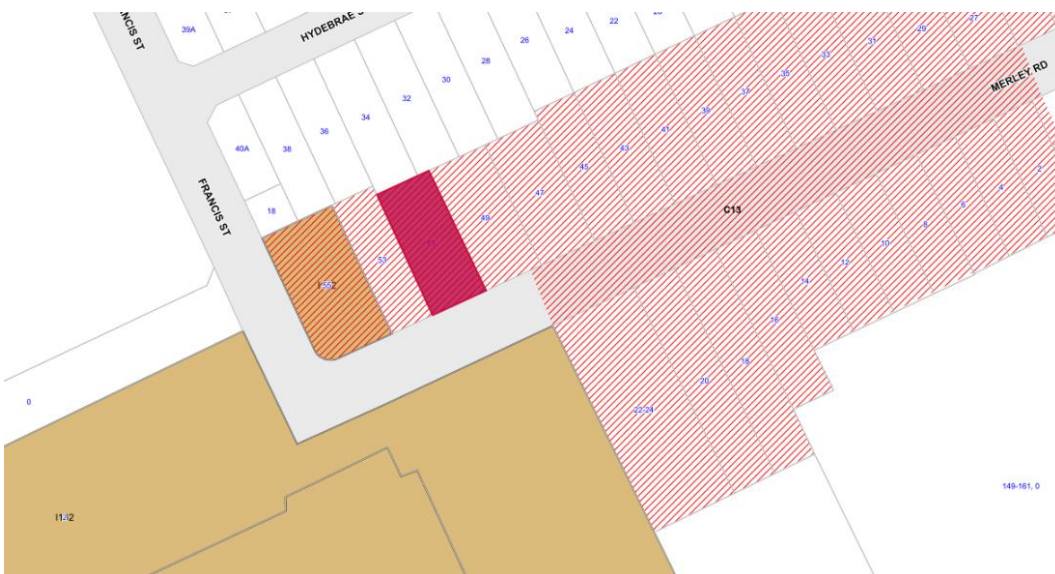


Figure 20 – Heritage mapping (SLEP 2012) showing the Merley Rd Conservation Area and surrounding local heritage items

Background

28 January 2022	The Application was lodged with Council
25 February 2022	Council's Planning Officer undertook a site inspection.
3 February 2022	The Application was neighbour notified for 14 days in accordance with Strathfield CPP. One submission was received.
5 May 2022	<p>A Request for Further Information (RFI) was issued to the Applicant raising the following:</p> <ul style="list-style-type: none">• Basement – appropriateness in the streetscape / conservation area setting,• Bulk and scale and the need for a contextual fit considering the conservation area,• The rear of the building is to be lowered to address privacy and overlooking,• The pool is to be setback in accordance with Council's DCP,• Tree retention (trees 2, 3 and 5 are to be retained),• Materials and finishes are to be reviewed.
27 May 2022	Council's Planning Officer had a phone conversation with the Applicant to talk through some of the design matters.
3 June 2022	The Applicant provided additional information in response to Council's RFI, including revised Architectural Drawings, updated Arborist Report and revised materials and finishes schedule. A Cover letter was also provided which referred to an approved basement at 47 Merley Road (DA 2018.172).
30 June 2022	Council issued a second RFI, outlining expectations and requirements for a basement at the site and reiterating previous concerns in relation to bulk and scale and landscaped area non-compliance.
29 July 2022	The Applicant provided revised Architectural Drawings and a Landscape Plan to address Council's second RFI.

Referrals – Internal and External

Traffic Engineer Comments

The Applicant provided swept paths for the proposed basement which were reviewed by Council's Traffic Engineer and determined to be satisfactory.

Tree Management Comments

Council's Tree Manager inspected the site on two occasions and considered the original Arboricultural Impact Assessment and Tree Management Plan prepared by Horticultural Management Services, as well as an addendum report prepared by the same company. Council's Tree Management Officer provided the following comments:

*All trees numbered are in accordance with **Arboricultural Impact Assessment & Tree Management Plan** prepared by **Horticultural Management Services** dated 17th January 2022*

All trees at front will be given approval to be removed.

Can a revised landscape plan be submitted and /or it be conditioned that two (2) replacement trees with a height of 8-10 meters in height with a pot size of 200 litres are to be planted in the location of the proposed Magonolia "Teddy Bears" No 45 as shown on the landscape plan by Vision Dynamics.

Stormwater Engineer Comments

The Application was referred to Council's Stormwater Engineer who provided the following comments:

Roof runoff drains into below ground rainwater tank by gravity means via downpipes. Overflow from the tank drains OSD/pump out tank. Proposed basement drains into pump out tank by gravity via grated trench drain and subsoil drainage. Rising main from pump out tank connects to the OSD/pump out tank. Emergency overflow from the OSD/pump out tank discharges to the backup absorption trench. From engineering perspective, concept plan is feasible.

Section 4.15 Assessment – EP&A Act 1979

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

(1) Matters for consideration – general

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

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

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

Chapter 2 – Vegetation in non-rural areas

The intent of this Chapter within the SEPP is related to the protection of the biodiversity values of trees and other vegetation on the site.

The proposal was referred to Council's Tree Management Officer who outlined specific conditions to be imposed with any development consent in order to ensure the protection of these trees.

Further, no objection was raised to the removal of a number of trees on the site subject to replacement planting. Relevant consent conditions will be imposed.

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

Chapter 10 – Sydney harbour Catchment

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

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

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

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 4 – Remediation of land

Chapter 4 applies to the land and pursuant to Section 4.15 is a relevant consideration.

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

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

Strathfield Local Environmental Plan

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

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

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

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	9.5m	8.8m	Complies
4.4 Floor Space Ratio	0.525:1 (481.4m ²)	0.518:1 (473m ²)	Complies

The Applicant has provided gross floor area (GFA) calculations which have been reviewed and agreed with. As per the Applicant's GFA calculations, the gym and toilet within the basement have been included in GFA and stairs and lift on ground floor have been included.

The stairs in the basement leading to the alfresco have been added to GFA, which is a departure from the Applicant's GFA assumptions. Nevertheless, the FSR remains compliant.

The void space on the first floor was subject of a number of design changes, with the original void space and roof above considered as contributing unnecessary bulk and scale. The void space was reduced from 41.95m² to 34m² and the roof ridge height was lowered in this area. Accordingly, the bulk and scale was reduced and the objectives of Clause 4.4 are met.

Part 5 – Miscellaneous Provisions

Heritage Conservation

The subject site is located within the Merley Road Conservation Area and accordingly, development consent is required for demolition of the rear of the existing dwelling. The Applicant has submitted a heritage management document that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage conservation area.

The proposed dwelling has been designed to allow for retention of the front portion of the existing building, with new additions being recessed and incorporating steep pitches with various ridge heights consistent with other bungalows within the Merley Road conservation area. Figures 19 to 21 below shows a number of dwellings within the conservation area to the east of the site.



Figure 21 – dwellings within the Merley Road conservation area (No. 43 on left, 41 centre and 39 right)



Figure 22 – dwellings within the Merley Road conservation area (37 on left, 35 on right)



Figure 23 – dwelling at number 2 Merley Road, within the Merley Road conservation area

The proposed dwelling incorporates larger than required side setbacks and larger than required front setbacks which provide visual relief for the extensions which are larger than what is typical of the conservation area period. Basement access is provided via the side, allowing for the front façade of the dwelling to retain a heritage appearance and the proposed landscaping outcome allows for a front setback consistent with the conservation area.

The proposed fence is considered to be a scale and material that is in keeping with the conservation area. However, a condition of consent will require timber pickets or no pickets, rather than the steel pickets proposed.

The materials and colours are generally consistent with the conservation area, with use of facebrick and tiled roof. Conditions of consent will require terracotta roof tiling and more neutral tones of white to be utilised across the building to improve the design response to the conservation area. The cornerstones will also be conditioned to be deleted and replaced with brick work as proposed to the remainder of the addition.

The proposed building incorporates a reinstated front porch, that will improve the existing dwellings fit within the conservation area. To further improve the outcome, conditions of consent will require the timber porch walls to be constructed of brick.

The proposed basement has been designed to allow for the excavation to be set back from the street and the access point will be less dominant than a traditional basement entry point within the front setback. Landscaping within the front setback and a condition requiring reduction of the driveway width from 3.5m to 3m will assist in further reducing the visual impact of the proposed basement.

In addition to the proposed design achieving a compatible outcome, the site does not currently contain a dwelling that makes an important contribution to the conservation area. Further, the majority of intact California Bungalows and Federation dwellings are located to the east of the site and are separated from the subject site by what is considered to be an intrusive dwelling at number 49 Merley Road.

Noting the above, the effect of the proposed development on the significance of the conservation has been considered in the assessment.

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 proposal involves significant excavation works for the provision of a basement, driveway ramps and ancillary works. The extent of excavation has been limited to the footprint of the ground floor above and access to and from the basement. The depth of excavation has been kept to minimum requirements to comply with Council's DCP controls and all ancillary works have been limited to what is required to provide access to and from the basement.

The proposed works are unlikely to disrupt or effect existing drainage patterns or soil stability in the locality or effect the future use or development of the land. It is unlikely to effect the existing and likely amenity of adjoining properties and there is no potential for adverse impacts on any waterways, drinking water catchment or environmentally sensitive areas. The proposed excavation works are considered to satisfactorily address the objectives of this clause.

Essential Services

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

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

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

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

(iii) any development control plan,

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

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
Building Envelope			
Floor Space Ratio:			
Heights:			
Floor to ceiling heights:	3.0m	2.7m	Yes
Height to underside of eaves:	7.2m	5.8m	Yes
Basement height above NGL:	1.0m	0.3m	Yes
Number of Storeys/Levels:	2	2	Yes
Setbacks:			
Front:	9m	10.64m	Yes
Side:	1.2m (min)	2.5m	Yes
Side:	1.2m (min)	2.565m	Yes
Combined Side Setback:	4.04m (20%)	5.065	Yes
Rear:	6m	11.2m	Yes
Landscaping			
Landscaping/Deepsoil Provisions:	(916.9m ² x 45%) 412.6m ²	409m ²	No, refer discussion
Fencing			
Height (overall/piers):	1.5m (maximum)	1.2m	Yes
Solid Component:	0.7m	0.6m	Yes
Secondary Frontage:	1.8m	1.8m	Yes
Solar Access			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	>3hrs to habitable windows and to 50% of POS	Yes
Vehicle Access and Parking			
Driveway width at Boundary:	3m	3.5m	No
Vehicular Crossing:	1	1	Yes
Driveway setback – side:	0.5m	0.5m	Yes
No. of Parking Spaces:	2	2	Yes
Basement:			
Basement protrusion:	Less than 1.0m	0.5m	Yes
Basement ramp/driveway	3.5m	3.5m	Yes
Internal height:	2.2m	>2.2m	Yes
Ancillary Development			
OUTBUILDINGS			
Area:	40m ²	33m ²	Yes
Height:	3.5m	3.5m	Yes
Side/Rear setback:	0.5m	0.5m	Yes
RETAINING WALLS			
Maximum height:	1.2m	0.6m	Yes
SWIMMING POOL			
Side/Rear Setback	1.0m	1.0m	Yes

Building Envelope

The proposed development satisfies the objectives and controls within the development control plan.

The proposed dwelling retains the front portion of the dwelling and re-instates a porch that is typical of the bungalows that characterise the conservation area. The extensions to the rear continue the degree of roof pitch of the lower front portions, allowing for continuation of the pyramidal roof form across the development and an outcome that is consistent with the streetscape. The front roof sections also incorporate geometric wood panelling that is consistent with Californian bungalows in the area.

The large front setback and wide side setbacks allow for the scale of the building (which is greater than some examples within the streetscape – for example Nos. 37 and 35, but not others – for example No. 2 – refer Figures 19-21) to have adequate visual relief and separation between neighbouring dwellings.

The use of facebrick and wood panelling on the dwelling and front fence are generally consistent with the themes within the conservation area

Some elements of the design are considered to move away from the themes within the streetscape and design changes will be conditioned to address these, as outlined below:

- Front porch materials – conditions of consent will be imposed requiring the front porch to be constructed of brick, rather than timber.
- Roof tiles – conditions of consent will be imposed requiring the roof tiles be terracotta material.
- Cornerstone capping - conditions of consent will be imposed requiring removal of the cornerstone capping and replacement of this feature with facebrick.
- Front fence – conditions of consent will require the pickets to be constructed of timber or removed entirely. The fence height will be conditioned to require the pickets to be 1m and the base to be 0.5m, rather than 0.6m.
- Roof gable detail – conditions of consent will be imposed requiring the gable panels to be constructed of timber (it is assumed the plans show this, however it is not specifically referred to in the materials and finishes schedule).
- Dormer window – Conditions of consent will require deletion of the dormer window within the second from the front gable.
- Materials and colours – Conditions of consent will require submission of a revised materials and schedules / finishes plan to address the above and provide a paint colour consistent with the tonal hues of the conservation area. The revised schedule will need to be submitted to Council's heritage officer for approval, prior to release of a construction certificate.

Landscaping and Open Space

The proposed development incorporates a minor non-compliance to landscaped area. To account for this and to improve the heritage conservation area design response, conditions of consent will require reduction of the driveway width from 3.5m to 3m for the first 9m.

The submitted landscape plan shows replacement trees within the front setback. Conditions of consent will require trees identified as 45 to be selected from Council's native species list and to have a mature height of 10m. Conditions of consent will also require a tree with the same specifications to be planted in the rear yard between the cabana and dwelling.

Fencing

The proposed front fence is considered to be generally sympathetic to the existing and desired character of the locality and is compatible to the height and style of adjoining fences.

To further improve the outcome and achieve compliance with the Heritage DCP (refer below), conditions of consent will require lower height of 1.0m and 0.5m for the solid component.

Conditions of consent will also require timber pickets (at the same height as the proposed steel pickets) or removal of pickets entirely.

Solar Access

Given the orientation of the site and the proposed side setbacks, solar access to windows of habitable rooms and to at least 50% of the private open space is achieved or maintained for a minimum period of 3 hours between 9.00am-3:00pm at the winter solstice. Solar access is also achieved or maintained to the private open space of the adjoining premises. The proposal is considered to generally satisfy the relevant objectives and controls of the 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. To assist in maintaining the privacy of the dwellings to the north of the site, the first floor bedroom windows on the northern façade will be conditioned to have a sill height of 1.7m.

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, does not extend beyond the ground floor above, and has been designed so that vehicles can enter and exit in a forward direction and maintains a minimum internal height of 2.2m.

As noted above under landscaping, the driveway will be conditioned to be reduced to 3m wide for the entire length of the driveway, being brought in from the eastern edge. This is to achieve the requirement for the driveway to be 3m in width at the boundary, as well as achieve a compliant landscaped area.

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 SCDCP 2005. Separate pedestrian and vehicle access provisions are provided, passive surveillance of the public street has been provided providing safety and perception of safety in the street.

ANCILLARY STRUCTURES

Outbuildings

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

Retaining Walls

The proposed development satisfies the relevant objectives and controls within SCDCP 2005 and have been kept to a maximum height of 1.2 metres. All retaining walls greater than 600mm are required to be designed by a suitably qualified engineer.

Swimming Pools, Spas & Associated Enclosures

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

The submitted floor plans do not show a fence and gates for the pool. Conditions of consent will require compliance with the relevant safety standards.

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)

The subject site is located within the Merley Road Conservation Area (C13) and accordingly, Section 4 of Part P applies to the site. An assessment of the proposal against the relevant controls is provided below.

Development Control	Compliance Discussion
4.1 Setting	
The side and front setbacks of new development in a Conservation Area should be typical of the spacing of existing buildings in the vicinity of the proposed development in that Conservation Area, such that the rhythm of buildings in the streetscape is retained.	<p>The proposed side setbacks exceed the requirements under Part A and exceed the setbacks typical of the conservation area, with a number of sites incorporating zero or close to zero side setbacks where carports are built to boundary.</p> <p>The proposed side setbacks at the site allows for the scale of the building and proposed basement to have visual relief in the streetscape.</p>

No new structures should be built forward of the established street building line.	The proposal retains the existing front portion of the building which incorporates a setback greater than 9m and consistent with the building line of the street.
The established landscape character of the locality including the height of canopy and density of boundary landscape plantings should be retained in any new development.	The proposal incorporates turf and a combination of low and tall shrubs that are consistent with the conservation area streetscape. Conditions of consent will require the planting of trees within the front setback that will further improve the outcome.
Driveways must be placed having regard to street trees that contribute to the character of Heritage Conservation Area. An arborist report may be required for any development in the vicinity of significant street trees.	The proposal utilises the existing driveway crossover and Council's tree manager did not raise any concerns in relation to street trees in front of the site, subject to imposition of conditions of consent.
4.2 Scale	
The scale of new development adjacent to or within a Conservation Area should relate to the scale of the adjacent or nearest contributory elements of the Conservation Area.	The subject site is identified as a natural item and is flanked by another neutral item and an intrusive item. The majority of contributory items exist further east along the streetscape and the variations in scale are considered under the Part 5 Heritage Conservation LEP discussion. Noting this, the proposed dwelling is generally consistent with the scale of larger contributory items that have extensions to the rear.
Development of a larger scale is allowable only if it can be demonstrated that the new development will not adversely impact the identifiable character of the Conservation Area.	As outlined under the Part 5 Heritage Conservation discussion, the proposed dwelling incorporates a number of design features, including roof pitches, materials, setbacks and retention of the front portion of the building, that achieve a contextual fit within the conservation area.
4.3 Form	
Important elements of the form of a contributory building in a Conservation Area such as main roof forms, chimneys, parapet walls, verandahs etc. should not be demolished or obscured by alterations and additions.	The existing dwelling is considered neutral, rather than contributory. Nevertheless, the proposal incorporates retention of the front portion of the dwelling and reinstates a front porch consistent with the conservation area theme.
New development in a Conservation Area is to complement existing nearby buildings that contribute to the Conservation Area.	The proposed dwelling is considered to compliment the conservation area.
Chimneys and roof features such as ventilation gables should not be removed from contributory buildings in a Conservation Area.	The existing dwelling is a neutral item within the streetscape and the retention of specific roof features is not considered relevant.
Dormer windows should generally be confined to rear or side roof slopes to minimize visibility in the streetscape.	Conditions of consent will require removal of dormer windows from the gable fronting the street.

Additions and alterations to existing buildings that contribute to the character of a Conservation Area should not detract from the original form of the existing building as viewed from the Public Domain.	The existing building is considered to be a natural item and the proposed extensions have been designed to fit in with the retained front portion which will be enhanced through re-instatement of the front porch.
The treatment of the street façade of new development in a Conservation Area should relate to existing nearby buildings that contribute to the Conservation Area.	As outlined above, the subject site does not directly adjoin a contributory example within the conservation area. The treatment of the street façade has been shown to be generally consistent with dwellings further east along Merley Road that do contribute to the conservation area.
4.4 Siting	
The front setback of new development (including alterations and additions) in Conservation Areas should match that of adjacent contributory development. Where adjacent developments have different setbacks, new development should align with the greater setback.	Complies.
For Conservation Areas where first floor additions are appropriate, the first floor must be located behind the main roof form in a manner that does not detract from the streetscape character of the Conservation Area.	<p>The proposal incorporates second storey extensions that will be visible from the street. This is accepted on merit for a number of reasons. Primarily, the existing dwelling is not considered to represent a contributory item and therefore there is scope to establish a new outcome that compliments the streetscape, rather than give an existing contributory item space to define the streetscape.</p> <p>The proposed dwelling establishes a triple fronted outcome with roof pitches that complement the various good examples within the conservation area. In combination with the proposed setbacks, conditions of consent will help in refining materials and form to further ensure the development does not detract from the conservation area.</p>
The orientation of new development should follow the established pattern of development in the Conservation Area.	Complies.
4.5 Materials and colours	
Original materials of contributory buildings in Conservation Areas should not be replaced with different materials or with materials of different colours.	The dwelling at the site is not considered to be contributory.

Colour schemes for existing and new development in Conservation Areas should have a hue and tonal relationship with traditional colour schemes for the dominant style of development found in the Conservation Area	Conditions of consent will require Council to approve the paint and render colours proposed. The brick colours proposed are acceptable.
4.6 Doors and Windows	
Extensive areas of glazing are not permitted for doors and windows visible from the Public Domain on buildings within a Conservation Area.	Complies. Extensive areas of glazing are restricted to the side elevations.
Roof structures (i.e. skylights) should be located on roof slopes where they will not be visible from the Public Domain.	Complies.
4.7 Car parking	
Applications that propose basement additions may be required to provide a Structural Report from a practicing structural engineer with experience in heritage buildings to confirm that the proposed excavation will not adversely affect the building or adjoining properties.	Conditions of consent will require preparation of dilapidation report for the site and adjoining developments. Notwithstanding, neither of the adjoining sites or the subject site are considered to be contributory.
Placement of basement entries toward the rear of the property and parallel to the side boundary is encouraged.	Complies.
4.8 Fencing	
Fencing and gates that are constructed at the same time as the contributory building should not be demolished.	The existing front fence is not typical of the conservation area and can be demolished.
New fencing and gates to contributory housing in a Conservation Area should be designed to complement the style of the house.	Complies. The proposed front fence is constructed of brick and is a colour and style consistent with Californian bungalows in the area.
New fencing and gates to infill development in a Conservation Area should be in keeping with the dominant character of the Conservation Area.	Complies, refer above.
Unless evidence is provided to establish a greater height, fencing constructed of solid material such as masonry forward of the building line should not be greater than 1m in height above the adjacent public footpath level. In all cases, the height of fencing should relate to the style of the house and width of the allotment.	Conditions of consent will require the piers to be 1m high and the base to be 0.5m high, rather than 0.6m.

4.9 Landscape elements including paving and driveways	
Street trees in Conservation Areas should not be removed to allow for new development. New and relocated driveways should be located to accommodate existing street tree. An arborist report may be required for works in the vicinity of street trees.	Complies.
Existing driveways and footpath crossings that relate to original development in a Conservation Area should not be relocated.	The proposal retains the existing driveway location. The existing driveway and pedestrian path are not considered to contribute to the conservation area.
Double driveways and footpath crossings will not be permitted in Conservation Areas.	Complies.
4.10 Outbuildings	
Outbuildings should be located in the rear yard of properties within a Conservation Area.	Complies.
Outbuildings should be single storey and designed so that they have negligible if any impact on the streetscape.	Complies.
4.12 Demolition	
Partial demolition of contributory items within a Conservation Area 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 contribution of the item to the Conservation Area.	The subject site is not considered to incorporate a contributory dwelling.

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

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

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

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

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

In regards to the environmental impacts on the Merley Road Conservation Area, these have been addressed above under the assessment against Part P of the DCP.

(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 submission was received raising the following concerns:

1. VISUAL PRIVACY – Unacceptable overlooking of private open space (from the rear of the proposed house to the northern neighbour at 34 Hydebrae Street).

Comment: During the assessment, the Applicant submitted revised plans that lowered the rear part of the building to follow the natural grade of the site more closely. Conditions of consent will require 1.7m sill heights for the windows of the rear bedrooms.

Hedge planting has also been incorporated along the rear boundary and conditions of consent will require tree planting in the rear setback.

2. FLOOR SPACE RATIO - The architectural drawings and statement of environmental effects have not considered the entertainment room and gymnasium.

Comment: The gym has been included in FSR calculations and the entertainment room in the basement has been deleted.

Mediation/Public Meeting

The submission author was phoned on the 24 August to discuss their submission. They were satisfied with the amended design and imposition of conditions for landscaping and sill heights.

(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 \$1,883,587.00 and in accordance with Council's s7.12 Indirect Contributions Plan, a contribution of 1% of the cost of works is applicable. In this regard, the contribution is as follows;

Local Amenity Improvement Levy	\$18,835.87
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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 SCDCP 2005.

Following detailed assessment it is considered that Development Application No. 15/2022 should be approved, subject to suitable conditions of consent.

Signed:

Date: 29/08/2022

**J Gillies
Senior Planner**

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

Report and recommendations have been peer reviewed by;

Signed:

Date: 30/08/2022

L Gibson

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 Location and Analysis	DA1001	26/7/22	E	Platform 5 Design
Demolition Plan	DA1004	26/7/22	E	Platform 5 Design
Basement 01	DA2001	26/7/22	E	Platform 5 Design
Ground Floor Plan	DA2002	26/7/22	E	Platform 5 Design
Level One Plan	DA2003	26/7/22	E	Platform 5 Design
Roof Plan	DA2004	26/7/22	E	Platform 5 Design
Elevations	DA3001	26/7/22	E	Platform 5 Design
Cabana Elevations	DA3002	26/7/22	E	Platform 5 Design
Streetscape	DA3003	26/7/22	E	Platform 5 Design
Sections	DA4001	26/7/22	E	Platform 5 Design
Sections	DA4002	26/7/22	E	Platform 5 Design
Material Schedule	DA6301	26/7/22	E	Platform 5 Design
Landscape Plans	21279 DA 1	27/7/22	B	Vision Dynamics
Stormwater Plans – General Notes	Cover	29/8/22	C	ALPHA
Stormwater Plans – Sediment and Erosion Control Plan	SW01	29/8/22	C	ALPHA

Stormwater Plans – Basement Drainage Plan	SW02	29/8/22	C	ALPHA
Stormwater Plans – Ground Floor Drainage Plan	SW03	29/8/22	C	ALPHA
Stormwater Plans – First Floor and Roof Drainage Plan	SW04	29/8/22	C	ALPHA
Stormwater Section and Details	SW05	29/8/22	C	ALPHA
OSD Sections and Details	SW06	29/8/22	C	ALPHA
Waste Management Plan	Waste Management Plan: Demolition	Received 28/1/22	-	-
Arborist Report	-	17/1/22	-	Horticultural Management Services

SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

(2) Section 138 Roads Act 1993 and Section 68 Local Government Act 1993

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

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

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

- (a) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.
- (b) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (c) Establishing a "works zone";

- (d) Placing or storing materials or equipment;
- (e) Placing or storing waste containers or skip bins;
- (f) Stormwater & ancillary to public infrastructure on private land
- (g) Erecting a structure or carrying out work

These separate activity approvals (a)-(g) must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

- (h) Pumping water from the site into the public road;
- (i) Constructing a vehicular crossing or footpath;
- (j) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (k) Stormwater & ancillary works in the road reserve; and
- (l) Pumping concrete from a public road;

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the activities commencing.

The relevant Application Forms for these activities can be downloaded from Council's website www.strathfield.nsw.gov.au. For further information, please contact Council's Customer Service Centre on (02) 9748 9999.

(3) Vehicular Crossing - Minor Development

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

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

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

(4) Building – Hoarding Application

Prior to demolition of the buildings on the site, or the commencement of work above ground level, a separate application for the erection of an 'A class' (fence type) or a 'B class' (overhead type) hoarding or 'C type' scaffold, in accordance with the requirements of SafeWork NSW, must be erected along that portion of the footways/roadway where the building is within 3 metres of the street boundary.

An application for this work under Section 68 of the [Local Government Act 1993](#) and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under Section 68 of the [Local Government Act 1993](#) and Section 138 of the [Roads Act 1993](#):

- (a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
- (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
- (c) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available at www.strathfield.nsw.gov.au) before the commencement of work; and
- (d) A Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party.

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

(5) Sydney Water – Tap in™

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

(6) Fees to be Paid

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

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://portal.longservice.nsw.gov.au/bci/levy/	\$ 6592.55
Security Damage Deposit	\$ 15,000.00
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	\$18,835.87

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 consent being acted upon.

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.

(7) Required Design Changes

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

Front porch materials	The front porch railing is to be made from solid brick.
Roof tiles	Roof tiles are to be constructed of terracotta tiles.
Cornerstones	The cornerstone design feature is to be removed from all parts of the building and replaced with facebrick as per the rest of the building.
Front fence	The pickets are to be constructed of timber or removed entirely. The fence height will be conditioned to require the piers to be 1m and the base to be 0.5m, rather than 0.6m.
Roof gable detail	The roof gable panels to be constructed of timber
Dormer Window	The dormer window within the second from the front gable is to be deleted.

(8) Schedule of External Finishes

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

The schedule is to include paint colours and render colours that complement the Merley Road conservation area and consideration for the heritage outcome is to be shown in the revised schedule submitted to Council.

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

(9) 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: \$15,000.

- (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
- (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.

(10) **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.

(11) **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. A440754 must be implemented on the plans lodged with the application for the Construction Certificate.

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

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

(13) Schedule of External Colours and Finishes (Houses)

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

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

(14) External Colour Scheme and Materials (Other Buildings)

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

(15) Front Fence in Conservation Areas and Heritage Items

The front fence and gates must be in the traditional palisade iron, picket timber, or face brick form. The total height of the fence measured from natural ground is to be no more than 1000mm. Details are to be submitted and approved by Council's Heritage Advisor prior to the issue of the Construction Certificate.

(16) General Heritage

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction.
- (c) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
- (d) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (e) The new windows and doors on the existing building must match the original material.
- (f) The face brickwork/stone/tiles must not be rendered, painted or coated.
- (g) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.
- (h) No Sandblasting to remove paint from brick or stone should not be undertaken on a heritage item or contributory building in a Heritage Conservation area.
- (i) 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.

(17) Reinstatement of Front Verandahs, Porches Or Sunrooms

The front porch must be reinstated to its original form and style. Details of the proposed reinstatement must be submitted to and approved by Council's Heritage Advisor prior to the issue of the Construction Certificate.

(18) 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.

(19) 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 Principal Certifier.

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.

(20) 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.

(21) 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.

(22) 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.

(23) Driveway Construction Plan Details

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

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

(24) Compliance with Swimming Pool Act 1992

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

(25) Structural Details

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

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

(26) Engineer's Certificate

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

(27) Swimming Pools – Use and Maintenance

The following apply to the construction, use and maintenance of swimming pools and spas:

- (a) no ground level may be raised or filled except where shown specifically on the approved plans;
- (b) all pool/spa waste water is to be discharged to the sewer according to the requirements of Sydney Water;
- (c) the swimming pool must not be used for commercial or professional purposes;
- (d) drain paved areas to the landscaped areas or a suitable lawful drainage system; and
- (e) arrange any external pool/spa lighting to minimise glare nuisance to adjoining owners.

(28) 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).

(29) Solid Fuel Heaters

Plans and specifications of the solid fuel heater including chimney stack must be submitted with the Construction Certificate for approval that comply with:

- [Protection of the Environment Operations \(Clean Air\) Regulation 2021 - NSW Legislation](#) and
- AS/NZS 2918: 2001: *Domestic solid fuel burning appliances - Installation*.

(30) **Tree Removal/Pruning Prohibited**

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

(31) **Compliance with Submitted Arborist Report**

The recommendations outlined in the revised Arborist's Report titled **Arboricultural Impact Assessment & Tree Management Plan** prepared by **Horticultural Management Services** dated 17th January 2022 must be implemented throughout the relevant stages of construction. Details of tree protection measures to be implemented must be detailed and lodged with the Construction Certificate application for approval and shall be in accordance with Section 4 - *Australian Standard AS 4970-2009: Protection of trees on development sites*.

The tree/s to be protected are listed in the table below.

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
1	Lophostemon confertus	51 Merley Street	10.6 metres

General Tree Protection Measures

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

Specific Street Tree Protection Measures

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

Excavation works near tree to be retained

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

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

(32) Tree Removal & Replacement

Tree removal

Permission is granted for the removal of the following trees:

Tree No.	Tree species	Number of trees	Location
2	Acacia baileyana	1	51 Merley Street
3	Liquidamber styraciflua	1	51 Merley Street
4	Euclayptus botryoides	1	51 Merley Street
5	Liquidamber styraciflua	1	51 Merley Street

General Tree Removal Requirements

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

Tree Replacement

All trees permitted to be removed by this consent shall be replaced [4 trees for the trees removed] by species selected from Council's Recommended Tree List and two (2) trees must have a minimum mature height of 8-10 metres/ two (2) trees must have a minimum mature height of 6-8 metres.

2 of the replacement trees are to be located in the front setback and 2 are to be located in the rear setback. One of the trees in the rea setback is to be located between the cabana and dwelling.

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

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

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

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

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

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

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

(33) Demolition & Asbestos

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

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

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

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

(34) 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.

(35) 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](#).

(36) Materials for Making Good

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

(37) Structural Integrity of Retained Building Elements

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

(38) Dial Before You Dig

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

DURING CONSTRUCTION

(39) 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.

(40) Ground Levels and Retaining Walls

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

(41) 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.

(42) Swimming Pools – Filling with Water

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

(43) Tree Removal on Private Land

The trees identified as 'to be removed/pruned' on the approved plans or by conditions of this consent shall be removed in accordance with AS4373 -2007 and the *Amenity Tree Industry Code of Practice* (SafeWork NSW, August 1998).

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

(44) 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.

(45) Post Construction Dilapidation Report – Private Land

At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to the following adjoining premises:

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

The report is to be prepared at the expense of the applicant and submitted to the Principal Certifier prior to the issue of the Occupation Certificate. In ascertaining whether adverse structural damage has occurred to the adjoining premises, the Principal Certifier, must compare the post-construction dilapidation report with the pre-construction dilapidation report required by conditions in this consent.

Evidence confirming that a copy of the post-construction dilapidation report was delivered to the adjoining properties subject of the dilapidation report must be provided to the Principal Certifier prior to the issue of any Occupation Certificate.

(46) 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.

(47) 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.

(48) Requirements Prior to the Issue of the Occupation Certificate

The following shall be completed and or submitted to the Principal Certifier prior to the issue of the Occupation Certificate:

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (c) Construct any new vehicle crossings required.
- (d) A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the Principal Certifier prior to the issue of the Occupation Certificate.
- (e) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

(49) Vehicular Crossing - Minor Development

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

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

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

(50) Stormwater Drainage Works – Works As Executed

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

- (a) Compliance with conditions of development consent relating to stormwater;

- (b) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- (c) Pipe invert levels and surface levels to Australian Height Datum;
- (d) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

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

OPERATIONAL CONDITIONS (ON-GOING)

(51) Swimming Pools – Resuscitation Notice

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

(52) Private Swimming Pools & Spas – Pump Noise

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

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

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

(53) Greywater System

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

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

(54) Requirement for a Construction Certificate

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

(55) Appointment of a Principal Certifier

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

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

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

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

(56) Notification of Critical Stage Inspections

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

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

(57) Notice of Commencement

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

(58) 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

(59) Clause 75 – BASIX Commitments

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

(60) Clause 69 – Building Code of Australia & Home Building Act 1989

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

(61) Clause 70 – Erection of Signs

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

(62) Clause 71 – Home Building Act 1989

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

ADVISORY NOTES

1. Review of Determination

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

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

2. Appeal Rights

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

3. Lapsing of Consent

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

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

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

5. Long Service Levy

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

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

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

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

- (a) Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at www.strathfield.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No. (eg. Year/DA2022/15) 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.

7. 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).

8. Register your Swimming Pool

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