

IDAP REPORT

Property:	34 Birnam Grove STRATHFIELD DA 2020/020
Proposal:	Demolition of existing structures and construction of a two storey dwelling with basement level and front fence.
Applicant:	Addison Projects Pty Ltd
Owner:	N. Ishak
Date of lodgement:	30 January 2020
Notification period:	13 February to 27 February and 20 February to 5 March 2020.
Submissions received:	One (1)
Assessment officer:	ND
Estimated cost of works:	\$1,389,450
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	No
Flood affected:	Yes
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	APPROVAL

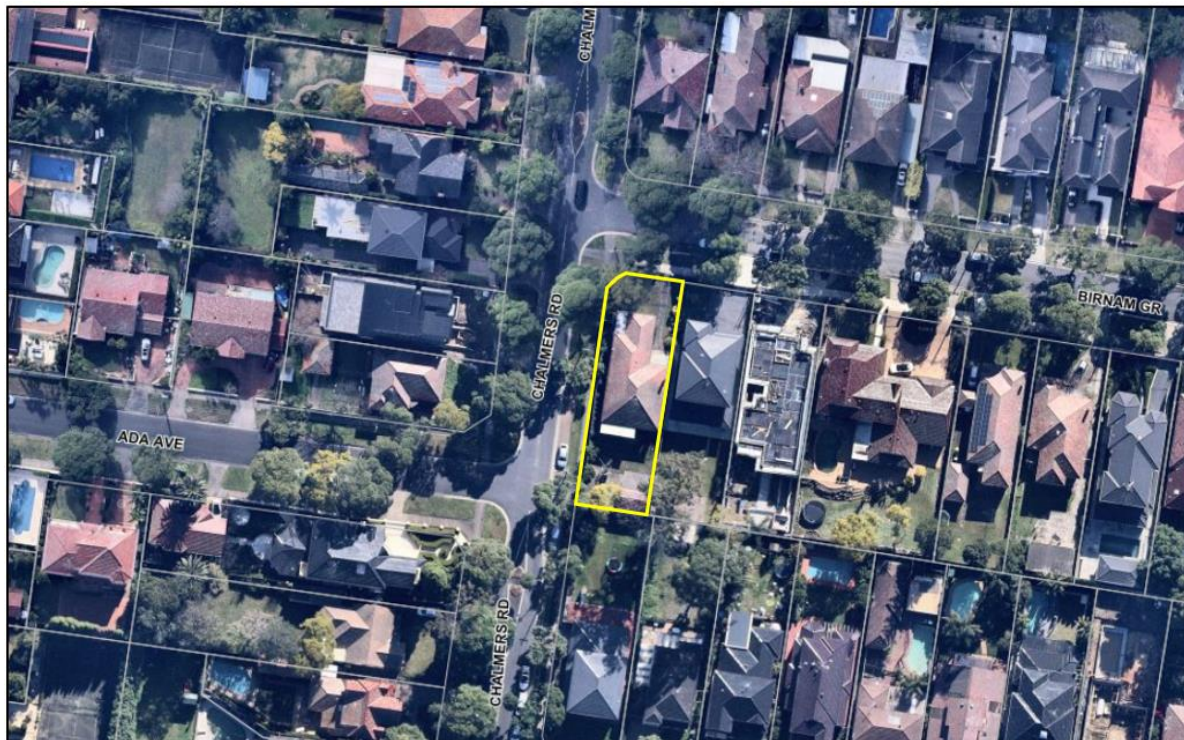


Figure 1: Aerial imagery of subject site and surrounding properties. The subject site is outlined in yellow.

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the demolition of existing structures and construction of a two storey dwelling with basement level and front fence.

Site and Locality

The subject site is legally described as Lot: 21 DP: 14891 and commonly known as 34 Birnam Grove Strathfield. The site is a regular shaped parcel of land and is located on the southern side of Birnam Grove and the southern eastern corner of the T-intersection of Chalmers Road and Birnam Grove (Figure 1). The site has an overall site area of 712.1m². The site has a natural cross fall from the front boundary to rear boundary of 2.2m.

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 with any non-compliances discussed in more detail in the body of the report.

Notification

The application was notified in accordance with Part L of the Strathfield Consolidated Development Control Plan 2005 from 13 February to 27 February and 20 February to 5 March 2020 due to an error with the first notification period. One (1) submission was received raising the following concerns:

- Three storey appearance
- Tree removal
- Basement

Issues

- Flooding
- Basement
- Tree removal
- Landscaped area

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2020/020 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 and construction of a two storey dwelling with basement level and front fence. More specifically, the proposal includes;

Demolition:

- Single storey dwelling;
- Detached garage;
- Tree removal;

Basement level:

- Two (2) car parking spaces;
- Bathroom;
- Bin room;
- Storage and cellar rooms;
- Plant room;

Ground floor level:

- Guest room with ensuite and walk-in-robe;
- Lounge room;
- Study;
- Laundry;
- Bathroom;
- Open plan dining, kitchen and living room;
- Alfresco with built-in BBQ;

First floor level:

- Four (4) bedrooms each with ensuite and walk-in-robe;
- Sitting room;

External works:

- Front and secondary frontage fence;

The Site and Locality

The site is identified as 34 Birnam Grove Strathfield and has a legal description of Lot: 21 DP: 14891. The site is a regular shaped parcel of land and is located on the southern side of Birnam Grove and the southern eastern corner of the T-intersection of Chalmers Road and Birnam Grove. The site has a primary street frontage to Birnam Grove of 11.485m and 5.24m, eastern side boundary of 48.77m, western side boundary of 45.035m, rear southern boundary of 14.25m with an overall site area of 712.1m². The site is presently occupied by a single storey dwelling and a detached garage located at the rear of the site (Figure 2). The site has a natural cross fall from the front boundary to rear boundary of 2.2m. Vehicle access to the site is via Chalmers Road.

The locality surrounding the subject site contains a mixture of single and two (2) storey dwellings in various architectural styles and external finishes.



Figure 2: Existing dwelling at No. 34 Birnam Grove, Strathfield.

The locality surrounding the subject site contains a mixture of single and two (2) storey dwellings in various architectural styles and external finishes (Figures 3 and 4).



Figure 3: Existing dwellings at No. 27 and 25 Birnam Grove



Figure 4: Dwellings at No. 61, 59 and 57 Chalmers Road.

Background

- 30 January 2020: The subject development application was lodged.
- 13 February 2020 to
27 February 2020: The application was notified in accordance with the requirements of the Strathfield Consolidated Development Control Plan 2005.
- 7 February 2020: Correspondence was sent to the applicant requesting additional development application fees or the submission of a Quantity Surveyors Detailed Cost Report.
- 20 February to
5 March 2020: Due to an error in the notification details, the application was re-notified.
- 26 February 2020: Correspondence was sent to the applicant requesting the following additional information:
- Stormwater drainage plans; and
 - Flood Impact Assessment Report.
- 17 March 2020: Correspondence was sent to the applicant to address the following:
- Clarification regarding the location of the driveway;
 - Arboricultural Impact Assessment;
 - Basement level protrudes above the natural ground level and does not comply with the definition of a basement under the SLEP 2012;
 - The basement area is not confined to the dwelling footprint;
 - Non-compliant front setback;
 - Front portico is non-compliant, protruding more than 1m forward of the front building façade and extends higher than the eaves;
 - External walls are non-compliant with 7.2m planning controls;
 - Non-compliant secondary fence; and
 - Clarification of proposed deep soil landscaped areas.

- 13 March 2020: Amended Landscape Plan was submitted clarifying the location of the driveway.
- 24 March 2020: Applicant requested assessment of application to be suspended due to restrictions on public meetings as a result of coronavirus.
- 6 July 2020: Stormwater Drainage Plans were submitted.
- 21 July 2020: A meeting was held between the Applicant and the Council Assessment Officer discussing the development application. The following outstanding matters were discussed:
- Protrusion of the basement above the natural ground level;
 - Excessive basement size;
 - Secondary frontage fencing treatment;
 - External wall height;
 - Flood Impact Assessment Report required;
 - Quantity Surveyors Detailed Cost Report required;
 - Variation to the front setback and portico planning controls are considered acceptable; and
 - Arboricultural Impact Assessment is not required.
- 31 July 2020: Applicant request for extension until end of August to submit amended plans was granted.
- 27 August 2020: A meeting was held between the Applicant and the Council Assessment Officer to discuss the amended plans. It was noted at the meeting that the basement level remained non-compliant.
- 7 September 2020: Amended architectural plans were submitted demonstrating a compliant basement design.
- 14 September 2020: Flood Impact Statement submitted.

Referrals – Internal and External

Stormwater Comments

Whilst Council's Engineer offered no objections to the proposal, inconsistencies in the stormwater plans, Flood Impact Statement and architectural were noted. Accordingly a condition of consent has been recommended to ensure the plans and documents are consistent.

Landscaping Comments

Council's Tree Coordinator has commented on the proposal as follows:

*"The applicant proposes the removal of a Jacaranda tree from the front yard. The possible retention of this tree is to be explored.
The use of the existing driveway crossing is appropriate provided it is of a standard design and is not located closer to the street tree. The four (4) Brush Box street trees are to be retained and protected with a bond."*

Section 4.15 Assessment – EP&A Act 1979

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

(1) Matters for consideration – general

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

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

Strathfield Local Environmental Plan

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

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

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

Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
4.3 Height of Buildings	9.5m	9.43m	Yes
4.4 Floor Space Ratio	0.575:1 (409.45m ²)	0.575:1 (409.40m ²)	Yes

Comments: The proposed dwelling complies with the maximum building height and floor space ratio development standards under Clauses 4.3 and 4.4 of the SLEP 2012. The dwelling is of an appropriate height and scale that is compatible with the surrounding streetscape.

Part 5 – Miscellaneous Provisions

Heritage Conservation

The subject site is not listed as a heritage item or located within a heritage conservation area. The site does not adjoin nor is in close proximity to a heritage item and as such, the provisions of this clause are not applicable.

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 the construction of a two (2) storey dwelling and one (1) level of basement requiring the excavation and removal of soil. The excavation of the basement 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. 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. The proposed excavation works are considered to satisfactorily address the objectives of this clause.

Flood Planning

The subject site is identified as being affected by overland flow of stormwater in the 1 in 100 year storm event. A Flood Impact Assessment Report was submitted during the assessment process. The plans and Flood Impact Assessment Report was reviewed by Council's Engineer who has advised that subject to suitable conditions, the development is considered compatible with the flood hazard of the land, will not result in significant adverse effects on flood behaviour or environment and is not likely to result in unsustainable social and economic loss. The proposed development is considered to satisfy the objectives of this clause.

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.

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

A BASIX Certificate has been issued for the proposed development meeting the designated targets for energy, thermal comfort and water. In accordance with the Certificate, an instantaneous gas hot water system and rainwater tank are to be installed. Conditions of consent have been recommended to ensure the commitments in the BASIX Certificate are complied with.

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

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

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

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

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

The proposal was referred to Council's Tree Management Officer who raised no objection to the use of the existing driveway crossover and layback on Chalmers Road for the proposed dwelling. The proposed removal of the Jacaranda in the front setback is not supported as the proposed dwelling is sufficiently setback from the tree and contributes to the established landscape setting and streetscape. Conditions of consent to ensure the protection of the four (4) existing street trees on Birnam Grove and Chalmers Road are therefore recommended.

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



Figure 5: View of the site from the corner of Chalmers Road and Birnam Grove.

- (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			
Heights: Floor to ceiling heights:	3.0m	Ground floor: 3m First floor: 3m	Yes

Height to underside of eaves:	7.2m	7.2m	Yes
Basement height above NGL:	1.0m	Less than 1m	Yes
Number of Storeys/Levels:	2	2	Yes
Setbacks:			
Front:	9m	7.06m	No, see below.
Side (eastern):	1.2m (min)	2.04m	Yes
Side (western):	1.2m (min)	1.2m	Yes
Combined Side Setback:	3.036m (20%)	3.56m	Yes
Rear:	6m	11.37m	Yes
Landscaping			
Landscaping/Deepsoil Provisions:	43% (306.20m ²)	39.26% (279.57m ²)	No, see below.
Private Open Space Area:	10m ²	>10m ²	Yes
Minimum dimension:	3m	>3m ²	Yes
Fencing			
Primary frontage height (overall/piers):	1.5m(maximum)	1.5m	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	Yes	Yes
Vehicle Access and Parking			
Driveway width at Boundary:	3m	3.55m	No. Condition recommended.
Vehicular Crossing:	1	1	Yes
Driveway setback – side:	0.5m	1m	Yes
No. of Parking Spaces:	2	2	Yes
Basement:			
Basement protrusion:	Less than 1.0m	Less than 1m	Yes
Basement ramp/driveway	3.5m	3.5m	Yes
Internal height:	2.2m	2.7m	Yes
Ancillary Development			
RETAINING WALLS			
Maximum height:	1.2m	Insufficient information	Condition recommended.

Building Envelope

The design and appearance of the proposed dwelling is compatible with the surrounding streetscape with a façade composition that includes rendered masonry and a hipped roof form. The horizontal banding separating the ground and first floors provides visual relief to the building envelope. The dwelling has a 7.06m setback from the supporting post of the entrance porch and 9m from the main building façade to the front property boundary. The front setback is appropriate for the corner setting of the site and does not conflict with the front setback of the eastern adjoining properties.

The front building façade includes a two (2) storey portico with an associated porch and balcony protruding more than 1m forward of the front building façade and extending higher than the understorey of the eaves, contrary to Section 2.2.5. The two (2) storey portico serves as an architectural element that contributes to the site's corner presentation to both the primary and secondary street frontages.

Landscaping and Open Space

The development controls require a minimum of 43% (306.20m²) of the site to be provided as deep soil landscaping. Although the proposal provides 39.26% (279.57m²) contrary to the 43% requirement, the amount of deep soil landscaping to be provided is no less than the existing landscaping provided at the site. The submitted landscape plan denotes the planting of three (3) canopy trees, two (2) in the front and one (1) in the rear setback.

Fencing

The proposal seeks to construct a pier and infill front fence with a maximum height of 1.5m along the primary street frontage. The proposed fencing along the secondary street frontage gradually increases from 1.5m to 1.8m with an open fencing component to allow flood waters to pass through the site. The style and height of the front and side fencing satisfies the relevant objectives and controls within SCDCP 2005.

Solar Access

The north-south orientation of the site enables 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 (Figure 6). 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 SCDCP 2005.

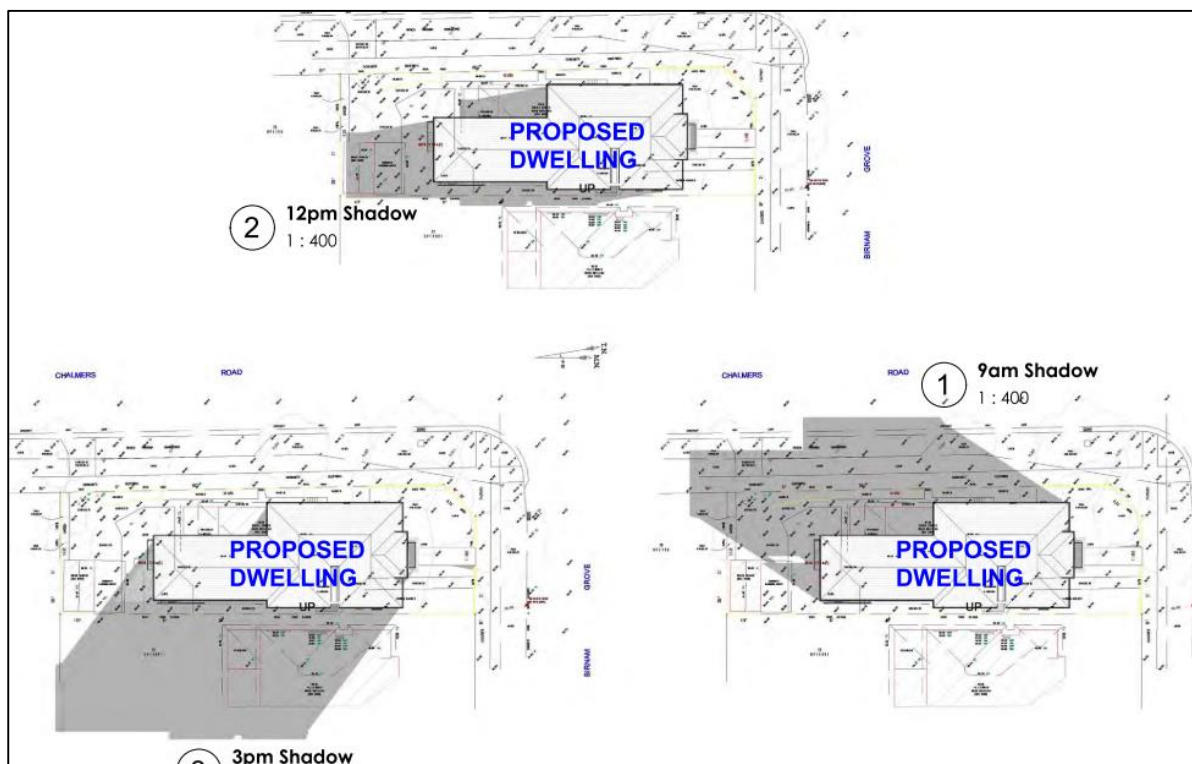


Figure 6: Mid-winter shadow diagrams of the proposed dwelling.

Privacy

The location and sill heights of the windows of the proposed dwelling are appropriate and not anticipated to result in any adverse amenity impacts. The eastern and western elevations of the alfresco area have fixed privacy screens, thereby maintaining reasonable residential

amenity between the subject site, the eastern adjoining property and the public domain to the west.

Vehicular access, Parking and Basements

The basement is contained within the ground level footprint of the dwelling and utilises the existing driveway crossover and layback at Chalmers Road (secondary frontage). The basement has been kept to less than 1m from the current ground level to the proposed ground floor level within the basement footprint. The layout of the basement has been designed so that vehicles can enter and exit the site in a forward direction. A condition of consent has been recommended to ensure that the driveway design complies with the recommendations of the Flood Impact Report.

Cut and fill

The proposed development is considered to satisfy the relevant objectives and controls of the SCDGP 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.

Water and Soil Management

A Flood Impact Statement was submitted during the assessment process demonstrating that the development has been appropriately designed for the flood affectation of the site, complies with Council's Interim Flood Prone Land Policy and 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 dwelling is orientated to Birnam Grove with a porch area forming an easily identifiable pedestrian entrance. The vehicular access is via Chalmers Road, maintaining the same dwelling orientation and vehicular access as the existing dwelling. Passive surveillance of Birnam Grove and Chalmers Road has been provided by multiple windows on the ground floor and first floor.

ANCILLARY STRUCTURES

Retaining Walls

Insufficient information has been submitted regarding the proposed retaining wall along the driveway ramp to prevent flood waters into the basement. A condition of consent is recommended that all retaining walls associated with the development that exceed a height of 600mm are suitably designed by a qualified engineer.

PART H – Waste Management (SCDGP 2005)

A Waste Management Plan did not accompany the development application. To ensure the waste generated during the demolition and construction phases of the development, a condition of consent requiring a Waste Management Plan in accordance with Part H of Strathfield DCP 2005 has been recommended.

- (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 design has considered the amenity of the adjoining properties through the appropriate location and sill height of the windows and openings including obscure glazing and fixed privacy screens. The dwelling design includes a roof form and a neutral colour palette that achieves an acceptable level of streetscape compatibility. Overall, the proposed development is not considered to result in any adverse environmental or social impacts.

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

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

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

In accordance with the provisions of Councils Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment. One (1) submissions were received raising the following concerns:

1. Bulk and scale

Concern is raised that the bulk and scale of the proposed dwelling has the visual appearance of a three (3) storey dwelling when viewed from Chalmers Road.

Assessing Officer's comment: During the assessment process amended plans of the proposed dwelling were submitted deleting the basement windows on the western and eastern side elevations. The amended dwelling design is considered to be compatible with the surrounding streetscape.

2. Front setback

Concern is raised that the dwelling entrance and associated balcony conflict with the front setbacks of the adjoining eastern dwellings.

Assessing Officer's comment: The front setback of the dwelling has been discussed in the SCDP 2005 assessment section of this report.

3. Tree protection

Concern is raised that the proposed development will impact on the existing street trees on Birnam Grove and Chalmers Road. In addition the removal of the Jacaranda tree in the front yard of the site is objected to and the proximity of the proposed dwelling to the Eucalyptus tree at No. 29 Gelling Avenue that is listed on Council's Significant Tree Register.

Assessing Officer's comment: The proposed dwelling is adequately distanced from the existing four (4) street trees and the Eucalyptus tree at No. 29 Gelling Avenue. The removal of the Jacaranda tree in the front setback is not supported and a condition of consent to ensure its retention is recommended.

4. Basement

Concern is raised regarding the impact of the size of the basement on the water table and implications on the surrounding trees.

Assessing Officer's comment: During the assessment process the size of the basement was reduced and is compliant with the planning controls in Part A of the SCDCP 2005.

5. Driveway location

There are inconsistencies in the location of the driveway in the architectural and landscape plans.

Assessing Officer's comment: The inconsistencies have been noted and amended plans have been submitted clarifying that the existing driveway crossover and layback will be used for the proposed dwelling.

(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 DIRECT 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:

Local Amenity Improvement Levy	\$13,894.50
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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. 2020/020 should be approved subject to conditions.

Signed: N Doughty
Planning Officer

Date: 14 September 2020

- ☒ 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 and concurred with.

Signed: L Gibson
Senior Planner

Date: 15 September 2020

Recommendation

That Development Application No. DA2020/020 for the demolition of existing structures and construction of a two storey dwelling with basement level and front fence at No. 34 Birnam Grove Strathfield, subject to the following conditions:

REASONS FOR CONDITIONS

The conditions of consent are imposed for the following reasons:

- 1) 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.
- 2) To protect the environment.
- 3) To ensure that there is no unacceptable impact on the amenity of the area, or to private and public property.
- 4) It is in the public interest.

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
Drawing Schedule	00	7/09/2020	C	Icon Design Studio
Site Plan	1	7/09/2020	C	Icon Design Studio
Existing Site & Demolition	2	7/09/2020	C	Icon Design Studio

Basement Garage Plan	3	7/09/2020	C	Icon Design Studio
Ground Floor Plan	4	7/09/2020	C	Icon Design Studio
First Floor Plan	5	7/09/2020	C	Icon Design Studio
Front – Birnam Grove Elevation	6	7/09/2020	C	Icon Design Studio
Side – Chalmers Road Elevation	7	7/09/2020	C	Icon Design Studio
Rear & Side Elevations	8	7/09/2020	C	Icon Design Studio
Section & Driveway Profile	9	7/09/2020	C	Icon Design Studio
Roof Plan & BASIX	10	7/09/2020	C	Icon Design Studio
External Colour Schedule	11	7/09/2020	C	Icon Design Studio
Site Analysis Plan	15	7/09/2020	C	Icon Design Studio
Erosion & Sediment Control	17	7/09/2020	C	Icon Design Studio
Hydraulic Details	H01	13/03/2019	2	ANAcivil Pty Ltd
Hydraulic Details	H02	13/03/2019	2	ANA Civil Pty Ltd
Landscape Plan	IS026ADAI	July 2020	-	Isthmus Pty Ltd
BASIX Certificate	No. 979925S_02	Issued 22 November 2019		GEC Consulting Pty Ltd
Flood Impact Statement	2019-006	13/07/2020	-	ANA Civil Pty Ltd

2. **Building Height**

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 38.205 AHD to the ridge of the building.

SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

3. 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) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a "works zone";
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater & ancillary works in the road reserve; and
- (k) Stormwater & ancillary to public infrastructure on private land
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.

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

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.

4. 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.

5. **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

6. **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

7. **Required Design Changes**

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

Tree Retention	The retention of the Jacaranda tree located in the front yard (Birnam Grove) is to be shown on the architectural and landscape plans. The amended plans showing the retention of the tree are to be submitted and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
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Architectural Plans	The architectural plans are to be amended to comply with all of the recommendations of the Flood Impact Statement.
Stormwater Plans	The Stormwater Plans are to be amended so as to be consistent with the relative levels shown on the architectural plans.
Flood Impact Statement	An amended Flood Impact Statement is to be submitted and approved by the Principal Certifying Authority demonstrating that the architectural plans achieve full compliance with the recommendations of the Flood Impact Statement.

8. 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/	\$4,863.00
Security Damage Deposit	\$15,000.00
Tree Bond	\$40,000.00
Administration Fee for Tree Bond	\$127.00
Administration Fee for Damage Deposit	\$127.00
DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 7.12 Indirect Development Contributions Plan 2017	\$13,894.50

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

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

Indexation

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

Timing of Payment

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

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.

9. **Additional Development Application Fees**

In accordance with Regulation 50(1)(c) and the table to Regulation 246 of the Environmental Planning and Assessment Act Council must charge a development application fee based on the estimated cost of works applied for.

The construction costs of the approved development are estimated at **\$1,389,450.00** and the applicable Development Application Fee on this amount would be **\$3,175.81**. As a Development Application fee of **\$2,759.00** was paid when lodging the application, the difference of **\$416.81** shall be paid to Council prior to the issue of a Construction Certificate.

10. **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: **\$15,000.00**
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: **\$127.00**
- (c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will inspect the public works, and the damage deposit will be refunded in full upon completion of work where no damage occurs. Otherwise the amount will be either forfeited or partly refunded according to the amount of damage.

11. **Tree Bond**

A tree bond of **\$40,000** (\$10,000 per each street tree) (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.

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.

12. **Site Management Plan**

Minor Development

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

13. **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. 979925S_02 must be implemented on the plans lodged with the application for the Construction Certificate.

14. **Low Reflectivity Roof**

Roofing materials must be low glare and reflectivity. Details of finished external materials including colours and texture must be provided to the Certifying Authority.

15. **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.

16. Pre-Construction Dilapidation Report – Private Land

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

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

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

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

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

17. 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.

18. Detailed Stormwater Drainage Design

The submitted stormwater plan has been assessed as a concept plan only. A detailed drainage design supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line Analysis) in accordance with Council's Stormwater Management Code must be submitted with the Construction Certificate application.

19. Compliance with Flood Study

The development shall be designed to conform to the recommendations and conclusions of the submitted flood study prepared by ANA Civil Pty Ltd ref No. 2019-006 dated 13 July 2020.

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

- (a) Minimum floor levels
- (b) Fencing
- (c) Site regrading
- (d) Overland flow path construction
- (e) Protection of the basement from inundation of surface waters
- (f) Minimum driveway crest level
- (g) Location of power points

(h) Structural soundness

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

20. **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.

21. **Structural Details**

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

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

22. **Waste Manage Plan (WMP)**

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

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

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

23. Tree Protection and Retention

The following trees shall be retained and protected:

Tree Species		Location of Tree	Tree Protection Zone (metres)
1	x	<i>Lophostemon confertus</i> (Brush Box)	Road reserve – Birnam Grove
3	x	<i>Lophostemon confertus</i> (Brush Box)	Road reserve – Chalmers Road
1	x	Jacaranda	Front yard

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

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.

Excavation works near tree to be retained

- 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.
- 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.
- 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.

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

24. Demolition & Asbestos

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

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

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

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

25. 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.

26. 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](#).

27. 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.

28. Utility Arrangements

Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicants expense.

DURING CONSTRUCTION

29. Site Sign – Soil & Erosion Control Measures

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

30. 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.

31. 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. Retaining walls exceeding 600mm are to be designed by a suitably qualified engineer.

32. Cost of Work to be Borne by the Applicant

The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.

33. 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.

34. Construction Management Plan

The owner/applicant is to ensure that the approved Construction Traffic management Plan is to be strictly complied with and kept on site at all times during construction works.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

35. 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.

36. BASIX Compliance Certificate

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

37. Completion of Landscape Works

At the completion of all works, a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboricultural Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established.

38. Minor Development

Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface.

39. 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.

40. 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 REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

41. Appointment of a PCA

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

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

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

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

42. Requirement for a Construction Certificate

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

43. Notification of Critical Stage Inspections

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

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

44. Notice of Commencement

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

45. Critical Stage Inspections

The last critical stage inspection must be undertaken by the PCA. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the [Environmental Planning and Assessment Regulation 2000](#).

46. **Notice to be Given Prior to Critical Stage Inspections**

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

47. **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

48. **Clause 97A – BASIX Commitments**

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

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

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

50. **Clause 98A – Erection of Signs**

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

51. **Clause 98B – Home Building Act 1989**

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

52. **Clause 98E – Protection & Support of Adjoining Premises**

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

53. **Clause 98E – Site Excavation**

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

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

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

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

ADVISORY NOTES

i. Review of Determination

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

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

ii. Appeal Rights

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

iii. Lapsing of Consent

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

iv 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.

v. **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. 2020/020
- (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.

vi. **Australia Post – Letter Box Size and Location**

The size and location of letterboxes servicing the development are to comply with the requirements and standard of Australia Post (see attached link: https://auspost.com.au/content/dam/auspost_corp/media/documents/Appendix-02.pdf)

vii. **Site Safety Fencing**

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

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