

IDAP REPORT

Property:	133 Coronation Parade Strathfield South Lot: 62 DP: 11110 DA2021/12
Proposal:	Demolition of the existing western and part of the southern boundary fencing and the construction of new side and rear boundary fencing.
Applicant:	A Machkevitch
Owner:	D Da Silva and A Da Silva
Date of lodgement:	25 January 2021
Notification period:	15 February 2021 to 01 March 2021
Submissions received:	One (1)
Assessment officer:	P Santos
Estimated cost of works:	\$5,000.00
Zoning:	R2 - Low Density Residential - SLEP 2012
Flood affected:	Yes
RECOMMENDATION OF OFFICER:	APPROVAL

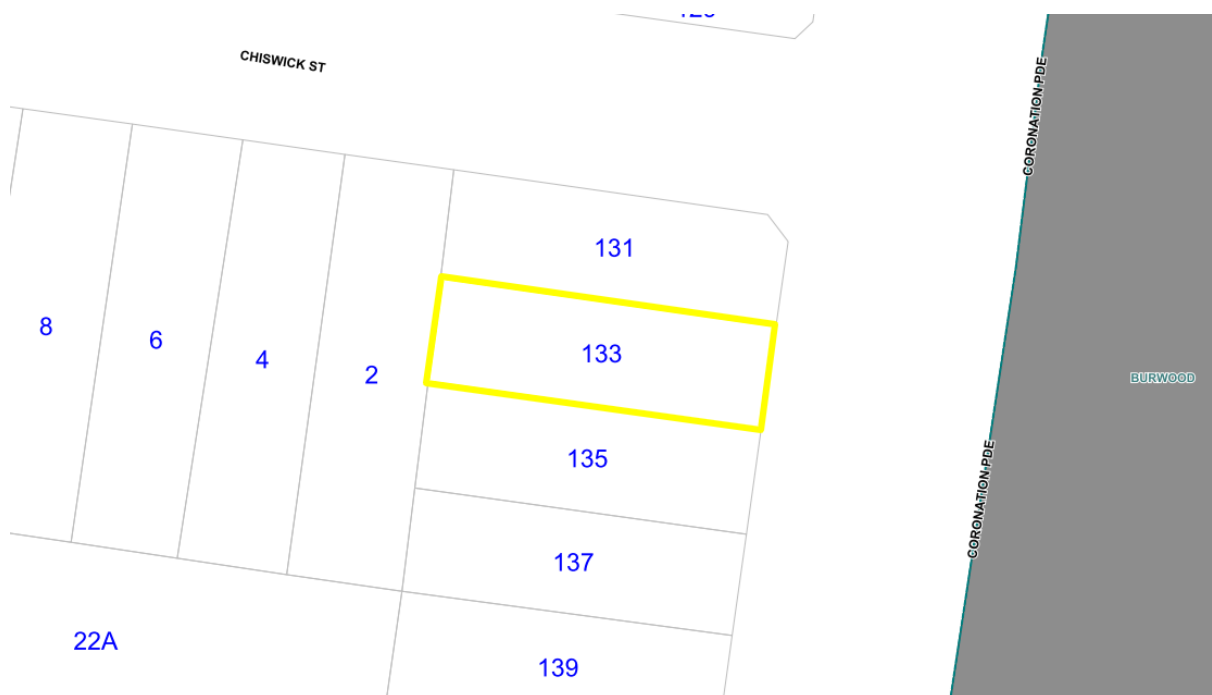


Figure 1. Locality map of the subject site (outlined) and the immediate vicinity.

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the demolition of the existing western and part of the southern boundary fencing and the construction of new side and rear boundary fencing.

Site and Locality

The site is identified as 133 Coronation Parade, Strathfield South and has a legal description of Lot 62 DP 11110. The site is a regular-shaped parcel of land and is located on the western side of Coronation Parade and Chiswick Street is the nearest cross section.

The site is rectangular in shape and has a width of 11.43m and an average depth of 36.58m with a total area of 418.1m². The topography of the land has a negligible fall to the rear, south-western corner in particular, of 0.39 degrees.

Coronation Parade has a streetscape that is characterised by one to two-storey dwelling houses.

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 does not satisfy the relevant provisions in the Strathfield Consolidated Development Control Plan 2005 ('SCDCP 2005'). This is discussed in detail in the body of the report, in particular in the assessment of any relevant development control plan.

Notification

The application was notified in accordance with Council's Community Participation Plan from 15 February 2021 to 01 March 2021, where one submission was received, raising the following concerns;

- Rear fence height,
- Solar access interference due to the fence height, and
- Fence safety.

Issues

- Fence height.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2021/12 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the demolition of the existing western and part of the southern boundary fencing and the construction of new side and rear boundary fencing. More specifically, the proposal includes the new western (rear) and southern (side) boundary fences constructed to a height of 2.5m and 2.1m, respectively.

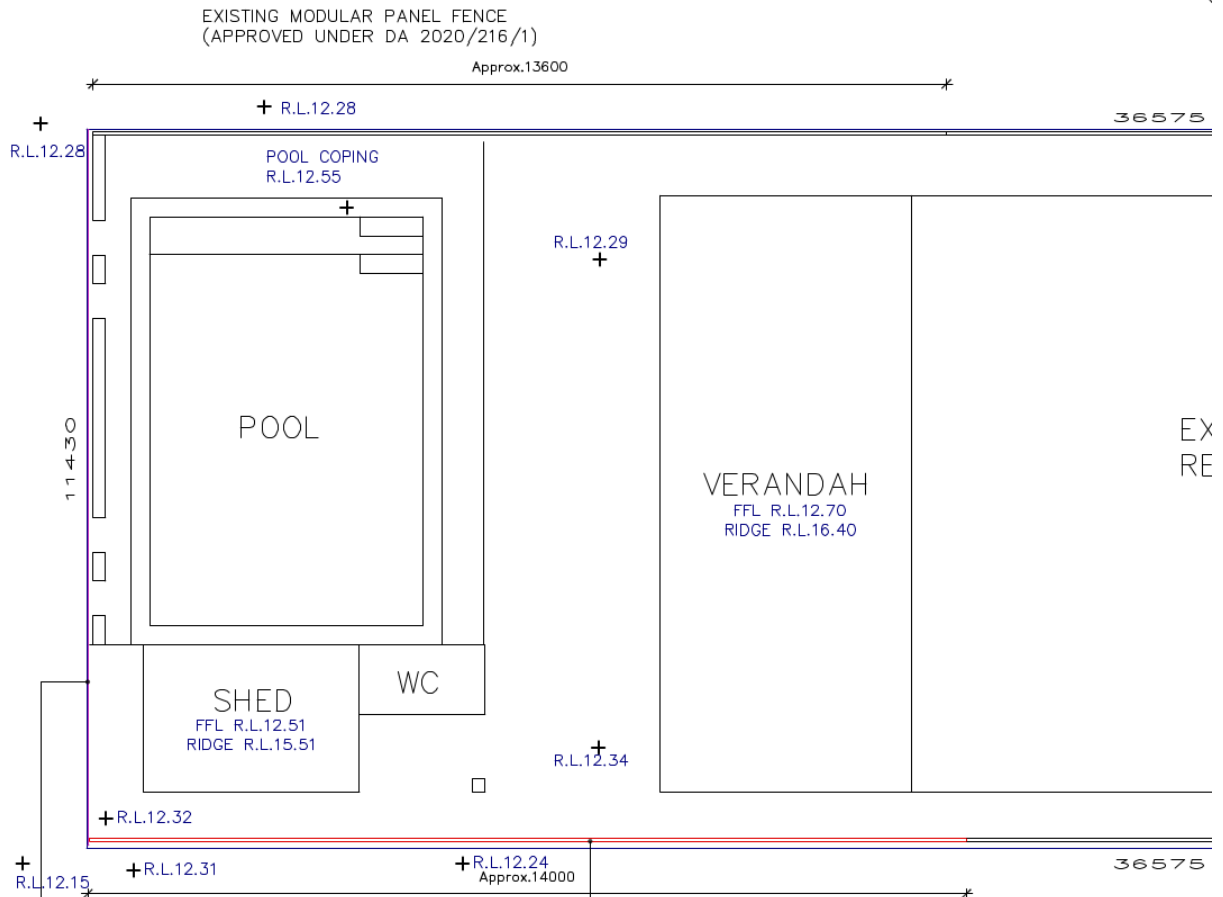


Figure 2. Extract of the proposed site plan showing the rear part of the property.

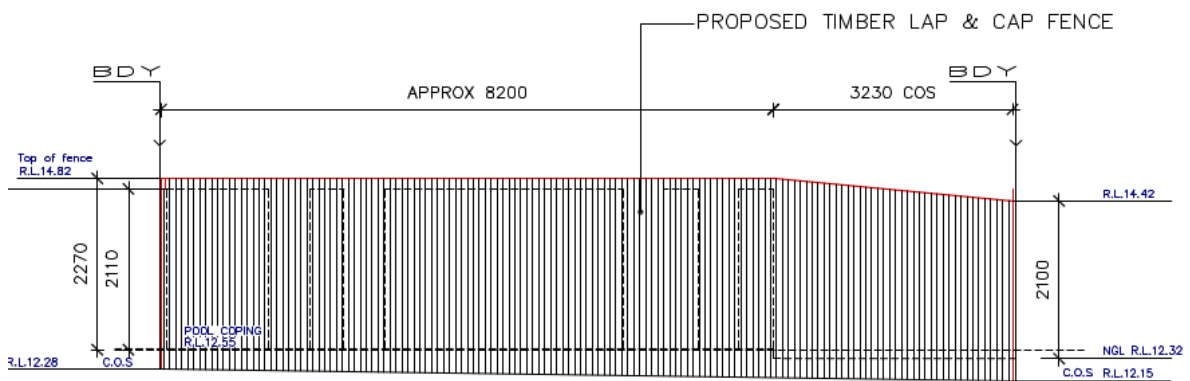


Figure 3. Extract of the proposed fence's western (rear) elevation.

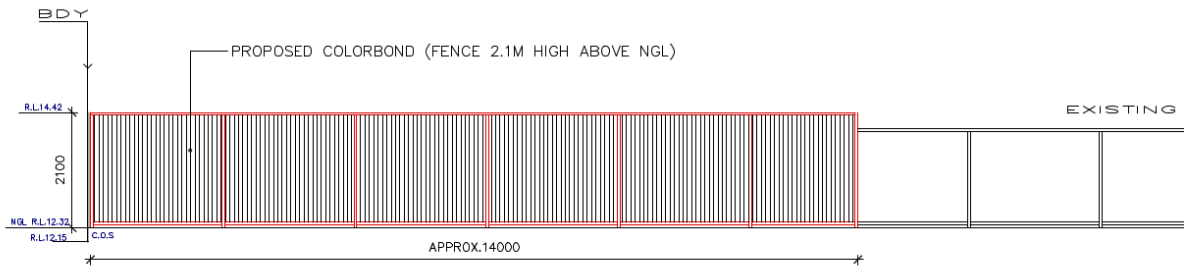


Figure 4. Extract of the proposed fence's southern (side) elevation.

Note that a Building Information Certificate is currently being sought by the applicant in relation with the swimming pool feature walls built to a height of 2.1m from the pool coping, in accordance with the WAE Survey, dated 28/04/2021, received by Council on 07/05/2021.



Figure 5. Image of the built feature wall.

The Site and Locality

The subject site is legally described as Lot 62 DP 11110 and commonly known as 133 Coronation Parade, Strathfield South. It is located on the western side of Coronation Parade and Chiswick Street is the nearest cross section.



Figure 6. Aerial imagery of the subject site (outlined) and the immediate locality.

The site is rectangular in shape and has a width of 11.43m and an average depth of 36.58m with a total area of 418.1m². The topography of the land has a negligible fall to the rear, in particular to the south-western corner, of 0.39 degrees.

Coronation Parade has a streetscape that is characterised by one to two-storey dwelling houses. Accordingly, the immediate locality is dominated by low density residential developments. Southend Tennis Centre, an outdoor recreation facility, is situated 100m to the west from the site.

Background

- | | |
|------------------|---|
| 11 November 2020 | A BIC application was submitted to Council via email. |
| 25 January 2021 | The subject development application was lodged. |
| 15 February 2021 | The application was publicly exhibited until 01 March 2021. Council received one submission during this period. |
| 09 April 2021 | Council's Planner carried out a site visit. |
| 16 April 2021 | Additional information was requested, requesting the following: <ul style="list-style-type: none"> • Work-as-executed survey plan showing relevant RLs surrounding the swimming pool and pool feature walls; and |

- Amended plans showing consistent levels with the WAE survey requested.

12 May 2021

The requested information was provided through the NSW Planning Portal.

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	2.5m	Yes

Part 6 – Additional Local Provisions

Flood Planning

The site has been identified to be affected of the overland flow stormwater from adjoining properties of the 1 in 100 year ARI storm event in accordance with the Cooks River and Coxs Flood Study. However, it can be noted that the extent of the flood impact is predominantly at the front of the property. Further, the nature of the proposal is considered to not introduce a worse impact on any stormwater overland flow behaviour. Note that the nature of the proposal is existing the existing subject fences on their current location. As such, Council considers the proposal to satisfy the objectives of the Clause and to be compatible with the flood hazard of the land.

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

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 SEPP 55 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 proposed development does not result in the removal or loss of any trees or vegetation subject to the provision of this SEPP.

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

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

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

(iii) any development control plan,

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

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
Fencing			
Side (southern) Fence	1.8m	2.5m	No
Rear (western) Fence	1.8m	2.1m	No

Fencing

The proposed fence heights of 2.5m for the rear (western) fence and 2.1m for the side (southern) fence are not supportable. The SCDCP 2005 permits a height, for side and rear boundary fences, that is no greater than 1.8m.

The provided WAE Survey indicates that the pool coping has an RL of 12.55. This means that the coping had been constructed at a height of 0.4m above the EGL (utilising the survey plan in the approved CDC-20050).

As mentioned previously, a Building Information Certificate is currently being sought by the applicant from Council due to the unauthorised erection of the swimming pool feature walls that were built with a height of 2.1m from the pool coping, essentially having a height of 2.5m from the EGL.

It is acknowledged that requirements of a child-safe pool safety barrier under the *Swimming Pools Act 1992* will have to be taken into consideration. Due to the closeness of the swimming pool feature walls to the boundary fence, this essentially will be encroaching into the non-climbable zone of the boundary fence that will be acting as the pool safety barrier.

Subject to the approval of the BIC, the rear boundary fence that runs along the width of the swimming pool enclosure can be permitted to have a height that is similar with the swimming pool feature walls – with the top to have an RL of 14.66, in accordance with the WAE Survey. The unauthorised swimming pool feature walls will have to be converted and be utilised as part of the pool safety barrier to satisfy the child-safe fencing requirements of the *Swimming Pools Act 1992*.

For completeness, in the event that the BIC will result in a reduction to the height of the pool feature walls or be required to be demolished, the boundary fence that forms part of the pool enclosure will need to have a height that is no more than 1.8m from the pool coping, to meet the Australian Standards required.

To alleviate any further overshadowing impacts on to the neighbouring property to the rear – 2 Chiswick Street, Strathfield South, the remaining rear fence (outside the swimming pool enclosure) will be conditioned to have a height that is no more than 1.8m.

The provided Statement of Environmental Effects failed to provide Council adequate justification as to why an increased side and rear fence height shall be supported. As such, similar with the rest of the rear fence that is not part of the swimming pool enclosure, the side boundary fence will be conditioned to have a maximum height of 1.8m.

PART H – Waste Management (SCDCP 2005)

In accordance with Part H of Strathfield CDCP 2005, a waste management plan was submitted with the application. To ensure that the plan will be in accordance with Part H of the DCP, a condition of consent has been imposed in relation to this.

(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 involves 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, as approved and in accordance with the conditions of consent, will be of a scale and character that is in keeping with other developments being constructed in the locality. Furthermore, any significant impact on the natural and built environment will be lessened by the way the proposal has been approved as oppose to the proposed development.

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

It is considered that the proposed development, as approved, 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. Rear Fence Height

A concern was raised regarding the height of the fence. A discussion regarding the fence height is under the DCP assessment of this report.

2. Solar Access Interference Cause by the Fence

A concern was raised regarding potential solar access issue that the fence height may cause. A discussion relating to this is under the DCP assessment of this report.

3. Fence Safety

A concern was raised regarding the safety of the fence, in relation with the swimming pool. A condition of consent has been imposed to ensure that any fencing that forms part of the pool safety barrier would be erected in accordance with the child-safe fencing requirements of the *Swimming Pools Act 1992*.

(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 CONTRIBUTIONS PLAN

The estimated cost of works for the proposal is less than \$100,000.00. Therefore, Section 7.12 Contributions is not applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan.

Conclusion

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

Following detailed assessment it is considered that Development Application No. 2021/12 should be approved.

Signed:

Date: 27 May 2021

**P Santos
Planner**

- I confirm that I have determined the abovementioned development application with the delegations assigned to my position; and
- I have reviewed the details of this development application and I also certify that Section 7.11/7.12 Contributions are not applicable to this development.

Report and recommendations have been peer reviewed and concurred with.

Signed:

Date:

**M Rivera
Senior Planner**

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

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

DEVELOPMENT DETAILS

1. Approved Plans & Documentation

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

Description	Reference No.	Date	Revision	Prepared by
Site Plan	01	December 2020	B	Corona Projects
Elevations	02	December 2020	B	Corona Projects
Demolition Plan	03	December 2020	B	Corona Projects
Materials and Colours	04	December 2020	B	Corona Projects

SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

2. Section 138 Roads Act 1993 and Section 68 Local Government Act 1993

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

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

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

- (a) 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.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

3. 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).

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

Fee Type	Fee
GENERAL FEES	
Security Damage Deposit	\$ 265.00
Administration Fee for Damage Deposit	\$ 127.00

General Fees

The fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

4. Required Design Changes

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

Western (rear) Boundary Fence	<p>For the section of the rear fence that forms part of the swimming pool enclosure ('rear pool fence'), to have a height similar with the built pool feature walls, maximum RL of 14.66.</p> <p>For the section of the rear fence that is outside the pool enclosure ('southern rear boundary fence'), the southern part of the boundary fence, is to have a height that is no more than 1.8m, in accordance with the SCDCP 2005.</p>
Southern (side) Boundary Fence	The southern boundary fence is to be constructed/erected to a height that is no more than 1.8m, in accordance with the requirements in the SCDCP 2005.

5. Schedule of External Finishes

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.

6. Damage Deposit – Minor Works

In order to insure against damage to Council property the following is required:

- (a) Pay Council, before the issue of the Construction Certificate, a damage security deposit for the cost of making good any damage caused to any Council property as a result of the development: \$265.00.
- (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.

7. **Site Management Plan**

Minor Development

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

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan must be kept on site and is to be made available upon request.

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

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

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

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

9. **Compliance with Swimming Pool Act 1992**

The approved development 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.

10. **Building Information Certificate**

Should the swimming pool feature walls be required to be removed or reduced in height as

the result of the Building Information Certificate ('BIC') application, the approved fence height for the Western (rear) Boundary Fence, that forms part of the swimming pool enclosure, as per the Required Design Changes condition is to change to no more than 1.8m (in accordance with the requirements in the SCDCP 2005) or at the same height of the pool feature walls as approved in the BIC.

Details of the changes are to be presented to the certifying authority prior to receipt of the construction certificate.

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

11. 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.

12. 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.

13. **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](#).

DURING CONSTRUCTION

14. **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.

15. **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.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

16. **Requirement for a Construction Certificate**

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

17. **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.

18. **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.

19. **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.

20. **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](#).

21. **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.

22. **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

23. **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.

24. 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.

25. Clause 98B – Home Building Act 1989

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

ADVISORY NOTES

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. 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).