

IDAP REPORT

| | |
|-----------------------------------|--|
| Property: | 8 Howard Street, Strathfield Lot: 7 DP: 12405 DA2021.47 |
| Proposal: | Demolition of existing structures and construction of a two-storey dwelling house with basement level. |
| Applicant: | Licon Consulting |
| Owner: | N G Nguyen and L K Glan-Nguyen |
| Date of lodgement: | 26 February 2021 |
| Notification period: | 12 March 2021 to 26 March 2021 |
| Submissions received: | Two (2) |
| Assessment officer: | P Santos |
| Estimated cost of works: | \$1,263,410.00 |
| Zoning: | R2-Low Density Residential - SLEP 2012 |
| Heritage: | No |
| Flood affected: | No |
| RECOMMENDATION OF OFFICER: | APPROVAL |



Figure 1. Aerial imagery of the subject site (outlined) and the immediate locality.

EXECUTIVE SUMMARY

Proposal

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

Site and Locality

The site is rectangular in shape and has a frontage width of 15.24m and an average depth of 46.64m, with a total area of 710.7m².

The topography of the site gradually falls (1%) to the north-east corner of the block.

The locality is predominantly characterised by low density residential developments.

Strathfield Local Environmental Plan

The site is zoned R2 - Low Density Residential under the provisions of Strathfield LEP 2012 and the proposal is a permissible form of development with Council's consent. The proposal satisfies all relevant objectives contained within the LEP.

Development Control Plan

The proposed development generally satisfies the provisions of Strathfield Consolidated DCP 2005. This is discussed in more detail in the body of the report.

Notification

The application was notified in accordance with Council's Community Participation Plan from 12 March 2021 to 26 March 2021, where two submission/s was/were received raising the following concerns:

- Overshadowing,
- Basement size,
- Rear setback,
- Streetscape, and
- Basement height.

Issues

- Ground floor level height,
- Visual privacy,
- Unnecessary earthworks, and
- Overly excessive retaining walls.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2021/47 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 house with basement level. More specifically, the proposal includes:

Basement level -

- Two vehicle parking spaces; and
- Non-accessible 90,000L rainwater tank.

Ground floor level -

- Prayer room;
- Guest bedroom with ensuite;
- Open-plan living, dining, family and kitchen area with attached butler's pantry (back kitchen);
- Attached courtyard to the north;
- Attached laundry room to the rear; and
- Attached alfresco.

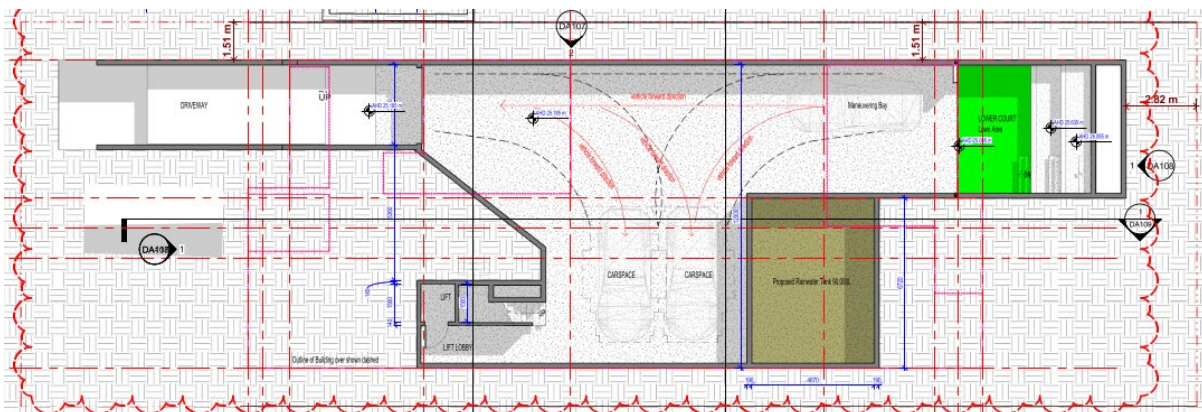
First floor level –

- Five bedrooms with ensuite.

External works:

- Front fence; and
- Stepped courtyard at the rear, leading to the basement.

The dwelling house is serviced by a lift across all three levels.



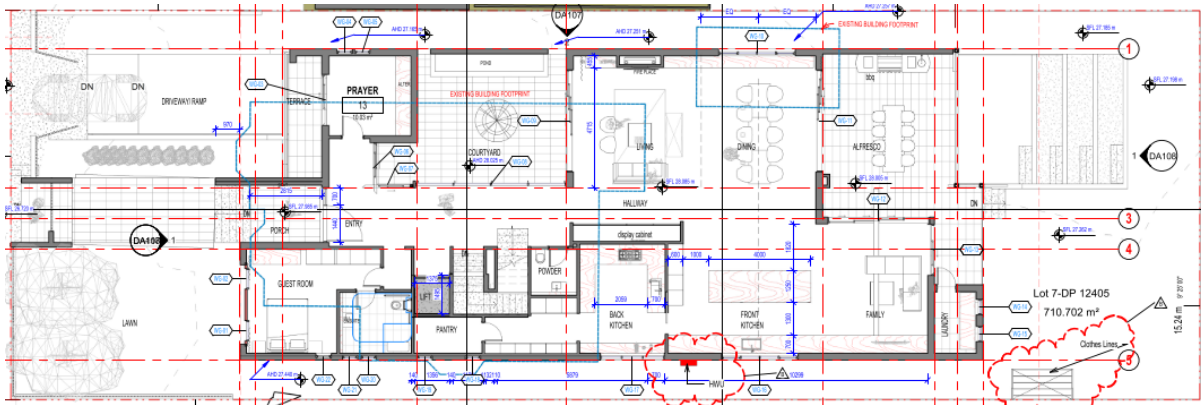


Figure 3. Extract of the proposed ground floor plan, drawing # DA104, revision B, dated 16/06/2021 (source: Licon Consulting).

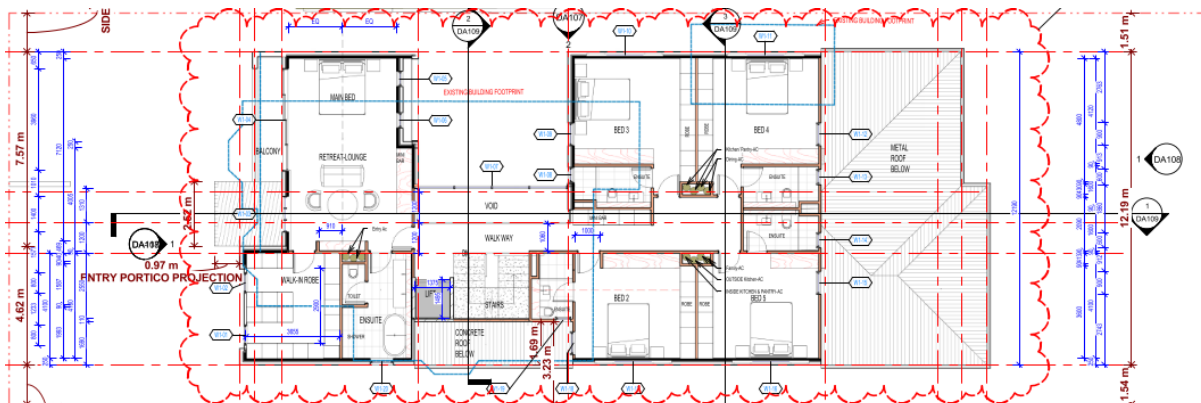


Figure 4. Extract of the proposed first floor plan, drawing # DA105, revision B, dated 16/06/2021 (source: Licon Consulting).

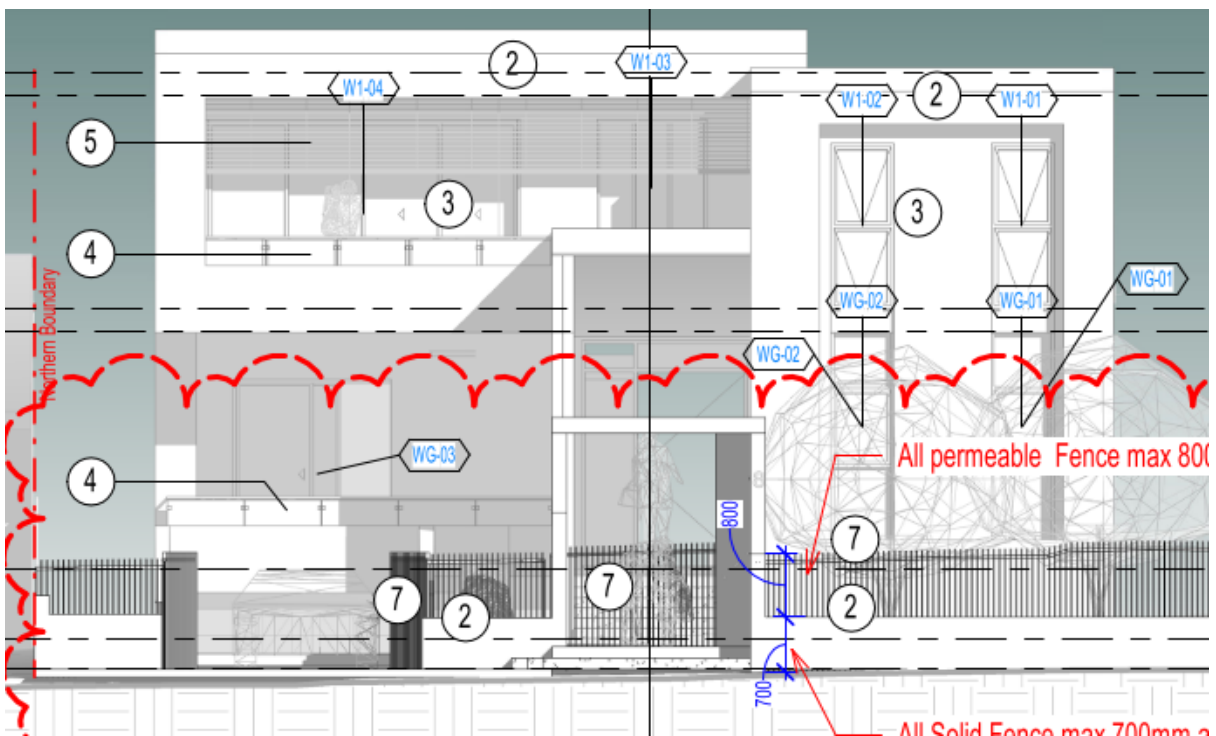


Figure 5. Extract of the proposed western elevation (front façade), drawing no. DA107, revision B, dated 16/06/2021 (source: Licon Consulting).

The Site and Locality

The subject site is legally described as Lot 7 DP 12405 and commonly known as 8 Howard Street, Strathfield. It is located off the eastern side of Howard Street, with the nearest cross section being Myall Crescent.

The site is rectangular in shape and has a frontage width of 15.24m and an average depth of 46.64m, with a total area of 710.7m². The site has a west-east orientation.

The topography of the site gradually falls (1%) to the north-east corner of the block.



Figure 6. Closer aerial imagery of the site (outlined) and immediate surroundings.

The site is currently occupied by a single-storey brick dwelling house and a detached garage located at the rear.

The current streetscape is characterised by street trees and single to double-storey dwelling houses uniformly setback from the street. A flat-roof designed dwelling house is located about 80m to the south (21 Howard Street, Strathfield).

The locality is predominantly characterised by low density residential developments. St. Patrick's College is located approximately 200m to the south-east and Flemington Railway Station is about 850m to the north.



Figure 7. Frontage of the existing dwelling house on the site.



Figure 8. The existing detached garage located behind the dwelling house.



Figure 9. Rear yard of the site.



Figure 10. Neighbouring dwelling house to the south.



Figure 11. Rear elevation (east) of the existing dwelling house on the site.



Figure 12. Detached garage on the site.



Figure 13. Dwelling houses to the north of the subject site.



Figure 14. Dwelling houses to the south of the subject site.



Figure 15. Existing flat-roof design dwelling house at 21 Howard Street, Strathfield.

The site adjoins to the rear a Heritage Conservation Area – C12, known as the Marion Street Conservation Area, Inter-war bungalow style group, in accordance with the SLEP 2012.

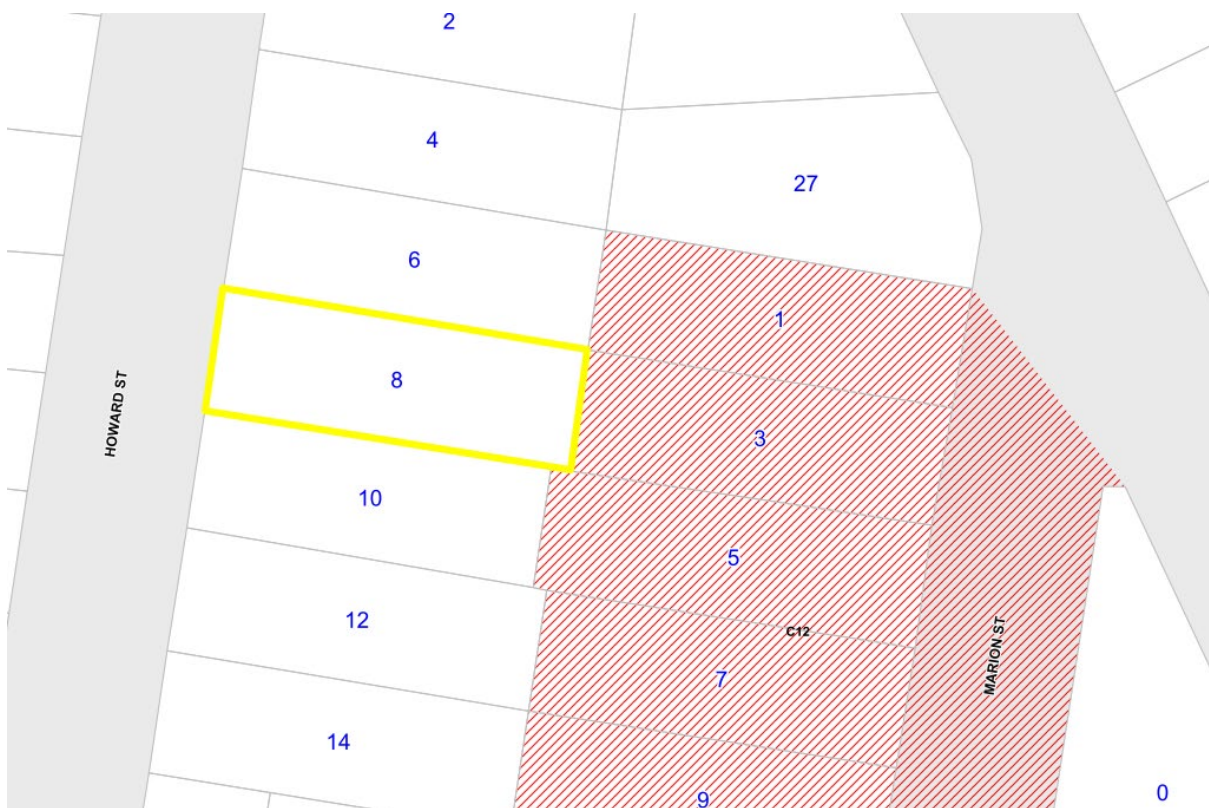


Figure 16. Locality map showing part of the Heritage Conservation Area C12.

Background

| | |
|------------------|--|
| 26 February 2021 | The development application was lodged. |
| 12 March 2021 | The application was put on public exhibition until 26 March 2021, where Council received two submissions. |
| 08 April 2021 | Council's Planner carried out a site visit. |
| 28 May 2021 | <p>Additional information request letter was issued via the NSW Planning Portal. The following concerns were raised in the letter:</p> <ul style="list-style-type: none">• To-scale drawings,• Relative levels of some structures in the proposed plans,• Floor space ratio, in relation with excessive basement,• Clarification on the voids notations,• Fencing design, and• BASIX commitments. |
| 16 June 2021 | The applicant provided the requested information on the NSW Planning Portal. |

Referrals – Internal and External

Traffic

The application was referred to Council's Traffic Manager, who offered no objections to the proposal, subject to the conditions of consent.

Stormwater

The application was referred to Council's Development Engineer, who provided the following comments:

"There is an issue with the design of the terrace landscaping at the back of the property as it is not consistent with the stormwater plans."

"Discrepancy between architectural plans and stormwater plans needs to be resolved and additionally only subsoil around basement wall perimeter and access driveway ramp runoff should drain into the basement pump pit hence terrace landscape not allowed to drain into pump pit."

The terrace landscaping component is discussed in detail in the assessment section of the report. Apart from this, Council's Development Engineer deemed the proposal feasible, subject to conditions of consent.

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 | 8.59m | Yes |
| 4.4C Exceptions to FSR (Zone R2) | 0.575:1 (408.3m ²) | 0.56:1 (401.4m ²) | Yes |

Part 5 – Miscellaneous Provisions

Heritage Conservation

The subject site is not listed as a heritage item or located within a heritage conservation area. However, the site adjoins a Heritage Conservation Area known as the Marion Street Conservation Area "C12" – Inter-war bungalow house group.

Pursuant to Clause 5.10(4), Council is satisfied that the application will have no impact on the heritage significance of the abutting HCA as the site does not front Marion Street. As such, the proposed development is supportable in this regard.

Part 6 – Additional Local Provisions

Acid Sulfate Soils

The subject site is identified as having Class 5 Acid Sulfate Soils but is not located within 500m of a Class 1, 2 3 or 4 soils. Therefore, Development Consent under the provisions of this section is not required and as such an Acid Sulfate Soils Management Plan is not required.

Earthworks

The proposal involves significant excavation works for the provision of a basement, driveway ramps, terraced landscaped feature at the rear of the site and ancillary works. The depth of excavation is considered to not have been kept to minimum. More on this on the cut and fill

discussion under the SCDP 2005 assessment. Nonetheless, the proposed excavation works are considered to satisfactorily address the objectives of this clause.

Essential Services

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

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

SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005

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

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

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

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

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

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

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

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

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

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

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

(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 | 3.0m | Yes |
| Height to underside of eaves: | 7.2m | 7.0m | Yes |
| Parapet height: | 0.8m | 0.5m | Yes |
| Overall height for flat roof dwelling: | 7.8m | 7.69m | Yes |
| Basement height above NGL: | 1.0m | 0.89m | Yes |
| Setbacks: | | | |
| Front: | 9m | 9m | Yes |
| Side: | 1.2m (min) | 1.5m | Yes |
| Side: | 1.2m (min) | 1.5m | Yes |
| Combined Side Setback: | 3m (20%) | 3m | Yes |
| Rear: | 6m | 8.5m | Yes |
| Landscaping | | | |
| Landscaping/Deepsoil Provisions: | 43% (305.6m²) | 43.1% 306.13m² | Yes |
| Fencing | | | |
| Height (overall/piers): | 1.5m (maximum) | 1.5m | Yes |
| Solid Component: | 0.7m | 0.7m | |
| Solar Access | | | |
| POS or habitable windows | 3hrs to habitable windows and to 50% of POS | 3 hrs to habitable windows and to 50% of POS | Yes |
| Vehicle Access and Parking | | | |
| Driveway width at Boundary: | 3m | 3.5m | No |
| Vehicular Crossing: | 1 | 1 | Yes |
| Driveway setback – side: | 0.5m | 1.5m | Yes |
| No. of Parking Spaces: | 2 | 2 | Yes |
| Basement: | | | |

| | | | |
|------------------------------|----------------|-------|-----|
| Basement protrusion: | Less than 1.0m | 0.89m | Yes |
| Basement ramp/driveway | 3.5m | 3.5m | Yes |
| Internal height: | 2.2m | 2.4m | Yes |
| Ancillary Development | | | |
| RETAINING WALLS | | | |
| Maximum height: | 1.2m | 2.1m | No |

Front Fence

The western elevation demonstrates measurements for the front fencing of 1.5m in height and the solid components, a height of 0.7m. However, the elevation drawing shows inconsistency in height, as per the image below.

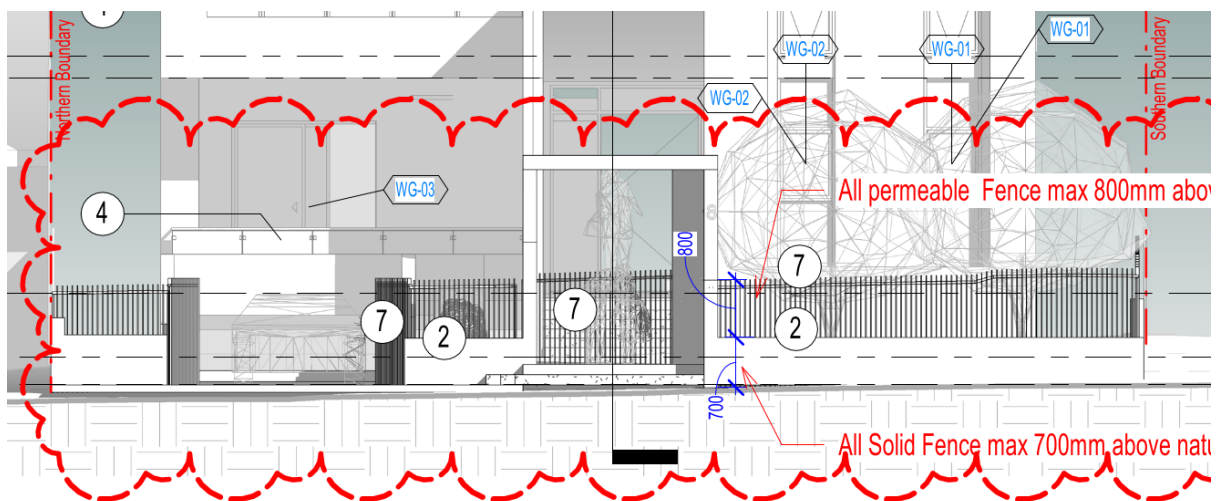


Figure 17. Extract of the proposed western elevation.

To ensure that the front fence will have a height that is consistent with the SCDCP 2005, a condition of consent will be imposed accordingly.

Driveway Width at Property Boundary

The SCDCP 2005 requires a driveway width at property boundary to be no more than 3m. The proposed ground floor plan, as shown in Figure 18 below, while indicates a measurement of 3.13m driveway width is proposed, that is not the case. The driveway width, when measured using the scale provided, is 3.5m, which is not supportable.

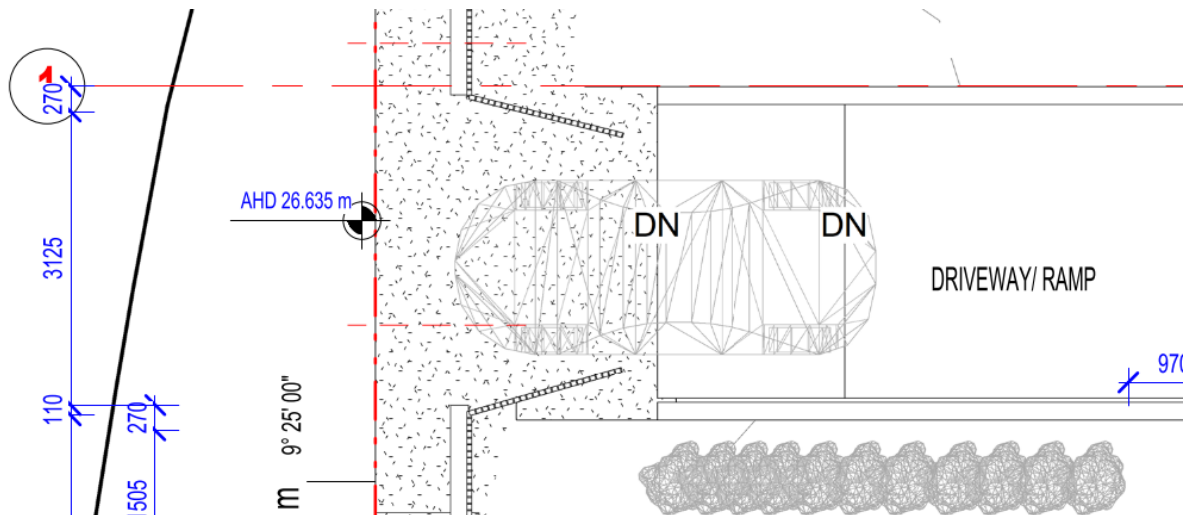


Figure 18. Extract of the proposed ground floor plan.

To ensure that the driveway, at property boundary, will be consistent with the requirements of the SCDCP 2005, a relevant condition of consent will be imposed.

Landscaping and Open Space

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005. The development is considered to enhance the existing streetscape, adequate areas for deep soil planting have been provided and can accommodate large canopy trees and where possible trees have been retained and protected.

Solar Access

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

Privacy

The proposed development includes a courtyard facing the northern neighbour, with a height of 0.83m above the EGL, and an alfresco attached to the rear of the dwelling with a height of 0.76m above EGL. The two outdoor spaces pose visual privacy concerns to the respective adjoining neighbours – the northern (side) neighbour and the eastern (rear) neighbour. However, the courtyard facing the northern neighbour has a wall with a height of 1.8m from the floor level, restricting potential outlook.

Further to the above, the ground floor level is considered excessively out of the ground with a height of 0.84, and is not supportable. The windows on the butler's pantry (back kitchen), will directly overlook onto the windows and POS of southern neighbour, as shown in the image below.



Figure 19. The northern elevation of the southern neighbour.

Taking the above into consideration, the proposed levels are to be lowered by 0.4m for the proposal to be supported. This would mean that the ground floor will be approximately 0.4m above the ground and so are the above-mentioned outdoors spaces. Effectively reducing potential visual privacy concerns that may arise.

Relevant conditions of consent have been imposed to ensure compliance with the above matter.

Basement

The proposed basement will have a footprint that goes beneath the courtyard on the ground floor that faces the north. Note that the SCDCP 2005 requires that all basements are to be contained within the footprint of the ground level. A courtyard is not considered part of the footprint of the ground floor as it is an outdoor space. However, given the design of the dwelling house, the proposed basement's footprint is acceptable on merit. No adverse amenity impact will be caused by the proposed basement to neighbouring properties. Similarly, no envisaged adverse environmental impact will be caused by the proposed development as well. As such, the proposed basement is acceptable in this regard.

Cut and fill

The proposed development includes a feature at the rear of the property that involves staggered excavation, resulting to a stepped landscaped area that leads into the basement.

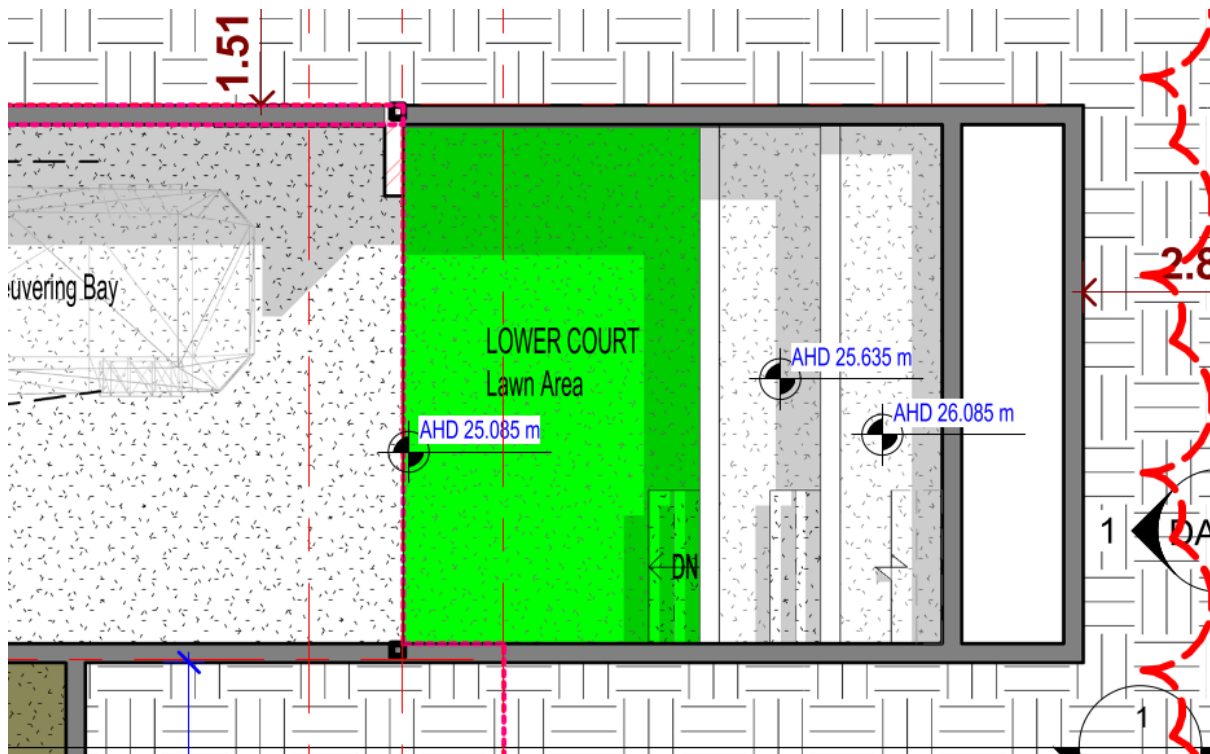


Figure 20. Extract of the proposed basement floor plan.

Taking into consideration the topographical features of the site, this design will result to a retaining wall of about 2.17m, which is not compliant with the requirements of the SCDCP 2005. The SCDCP 2005 Part A requires that a retaining wall must have a height of 1.2m.

Notwithstanding the non-compliance to the numerical requirement for retaining walls, the proposed stepped landscaping does not satisfy the objectives of Clause 9.1 of the SCDCP 2005, in particular – “A. to maintain existing ground levels and minimise cut and fill to reduce site disturbance.”. Further, an issue with drainage was raised by Council’s Development Engineer as the proposed terraced landscaping may not allow runoff to drain into the basement pump pit.

Given the reasons above, the proposed terraced landscaping is not supported. As such, a condition of consent will be imposed requiring the deletion of this section and closing off the eastern side of the basement.

Water and Soil Management

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

PART H – Waste Management (SCDCP 2005)

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

(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 is of a scale and character that is in keeping with other developments being constructed in the locality. Accordingly, the proposal, as approved and taking into consideration the conditions of consent, is not considered to have a significant impact on the natural and built environment or any negative social or economic impacts on the locality.

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

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

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

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

1. Overshadowing

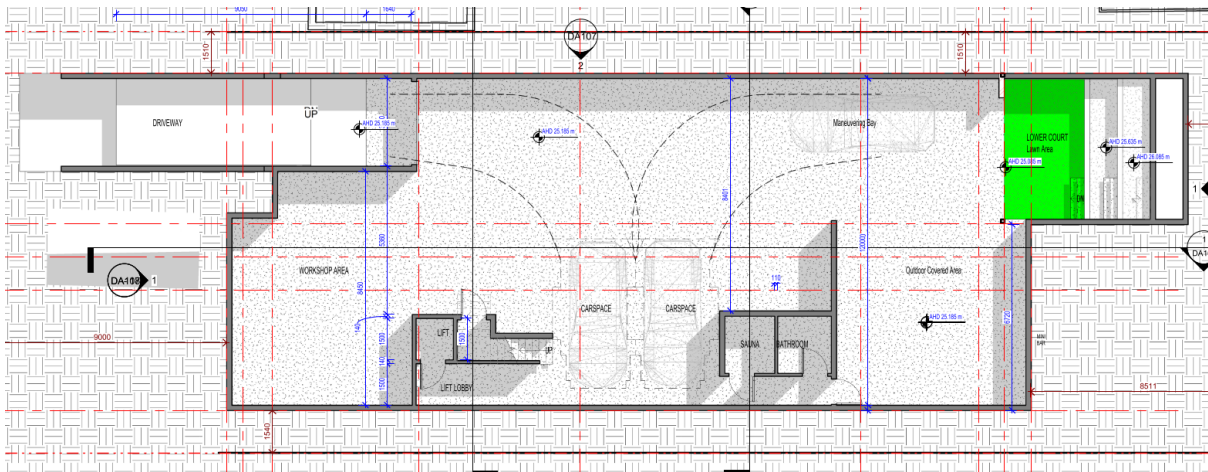
Comment:

A concern was raised that information on the existing shadow diagrams should be provided to better assess the difference of potential solar access impacts. It is noted that the existing structures on the site comprise a single-storey dwelling house and detached garage. As these structures are single-storey, any overshadowing impacts in relation to these elements are considered minimal.

It is noted that the west-east orientation of the site ensures that overshadowing impacts on the south-adjointing neighbour will be inevitable. Further to the above, the controls under Part A of the SCDP 2005 requires a minimum of three hours of solar access during mid-winter to be facilitated for windows of habitable rooms and at least 50% of the POS of neighbouring properties. The proposal demonstrates compliance with this requirement, as shown in Figure 21 below. Therefore, the potential overshadowing impacts associated with the proposal are considered reasonable and acceptable.

2. Basement Size

Note that the design of the basement has since changed from the initial excessive basement floor plan layout as indicated in Figure 2 above and Figure 22 below. The proposed rooms in the basement were considered habitable spaces and therefore, would be included in the gross floor area and FSR calculations. The use of these spaces was questioned and as a result, a redesigned basement (Figure 2) featuring a reduced and more acceptable footprint was provided in the final scheme.



3. Rear Setback

A concern was raised regarding the rear setback of the dwelling house. Note that the proposed development demonstrates compliance with the rear setback requirement of the SCDCP 2005. As such, it is supportable in this regard.

4. Streetscape

Comment:

A concern was raised regarding the potential impact of the proposal on the streetscape of Howard Street. Note that the proposal was assessed against the relevant controls in the SCDCP 2005, and is considered acceptable.

The existence of a flat-roof design dwelling house at 21 Howard Street, has altered and diversified the predominant architectural character of houses along this street and as such, the flat-roof design of the proposal is considered acceptable.

The front fence was redesigned to have a height that is acceptable and complementary to the existing front fencing along Howard Street. The solid components were reduced to have a height that complies with the requirements of the SCDCP 2005 – no more than 0.7m. To ensure that the front fencing will comply with the requirements of the SCDCP 2005, relevant conditions of consent have been imposed.

The height of the proposed dwelling house is acceptable as it is well below the allowable maximum building height of 9.5m. The floor height above the EGL, as previously discussed, has been conditioned to be lowered to an acceptable height, reducing any visual privacy concerns that may arise between neighbours.

5. Basement Height

Comment:

A concern was raised regarding the height of the ground floor level from the ground level. This has been discussed elsewhere in the report, where the ground floor level will be conditioned to be lowered by 0.4m.

Council has considered the relevant concerns raised in the submissions. The application is supportable in this regard, subject to conditions of consent.

(e) *the public interest.*

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

Local Infrastructure Contributions

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

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

STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

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

Based on the Cost of Works of \$1,263,410.00 and in accordance with Council's s7.12 Indirect Contributions Plan, a contribution of 1% of the cost of works is applicable. In this regard, the contribution is as follows:

| | |
|--------------------------------|-------------|
| Local Amenity Improvement Levy | \$12,634.10 |
|--------------------------------|-------------|

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. 2021/47 should be approved, subject to the conditions of consent.

Signed:

Date: 05 July 2021

P Santos
Development Assessment Planner

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

Report and recommendations have been peer reviewed 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 |
|-------------------------------|---------------|------------|----------|------------------|
| Basement Plan | DA102 | 16/06/2021 | B | Licon Consulting |
| Ground Floor Plan | DA104 | 16/06/2021 | B | Licon Consulting |
| First Floor Plan | DA105 | 16/06/2021 | B | Licon Consulting |
| Roof Plan | DA106 | 16/06/2021 | B | Licon Consulting |
| North & Western Elevations | DA107 | 16/06/2021 | B | Licon Consulting |
| Southern & Eastern Elevations | DA108 | 16/06/2021 | B | Licon Consulting |
| Sections | DA109 | 16/06/2021 | B | Licon Consulting |
| Shadow Diagrams | DA114 | 01/01/2021 | A | Licon Consulting |
| Stormwater Management Plan | H01 | 28/01/2021 | 02 | TWS Design |

| | | | | |
|-----------------------------------|-----|------------|----|------------|
| Stormwater Management Plan | H02 | 28/01/2021 | 02 | TWS Design |
| Sediment and Erosion Control Plan | H04 | 28/01/2021 | 02 | TWS Design |
| Stormwater Management Plan | H03 | 28/01/2021 | 02 | TWS Design |

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.

3. Vehicular Crossing - Minor Development

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

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

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

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

4. Sydney Water – Tap in™

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

5. Off Street Parking – Compliance with AS2890

All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities), AS 2890.6 (parking for people with disabilities) and AS 2890.2 (for commercial vehicle facilities).

6. **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. 1171709S must be implemented on the plans lodged with the application for the Construction Certificate.

7. **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.

8. **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.

9. **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

10. 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/ | \$ 4,421.94 |
| Security Damage Deposit | \$ 15,000.00 |
| Tree Bond | \$ 3,050.00 |
| Administration Fee for Damage Deposit & Tree Bond | \$ 260.00 |

DEVELOPMENT CONTRIBUTIONS

| | |
|--|--------------|
| Strathfield Section 94A Indirect Development Contributions Plan 2017 | \$ 12,634.10 |
|--|--------------|

General Fees

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

Development Contributions

The Section 7.11 contribution (s94) is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

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

Indexation

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

Timing of Payment

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

Further Information

A copy of the *current Development Contributions Plans* may be inspected at Council's Customer Service Centre at 65 Homebush Road, Strathfield or on Council's website www.strathfield.nsw.gov.au.

11. Required Design Changes

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

| | |
|--|--|
| Amendments made in red on approved plans | All changes made in red on the approved plans shall be updated and shown on the Construction Certificate plans. |
| Floor levels | <p>The finished floor level of the dwelling house should be lowered 0.4m, resulting to the following finished floor levels:</p> <ul style="list-style-type: none"> • Basement – RL 24.785m AHD • Ground level porch – RL 27.585m AHD |

| | |
|---------------------------------------|--|
| | <ul style="list-style-type: none"> • Ground level – RL 27.685m AHD • Ground level courtyard – RL 27.625m AHD • Ground level alfresco – RL 28.005m AHD • First floor – RL 30.985m AHD <p>The roof ridge must be adequately amended.</p> |
| Ceiling height | The ceiling height of the ground and first floors is to be no more than 3.0m. |
| Terraced/stepped landscaped courtyard | <p>To be deleted.</p> <p>Basement is to be enclosed by constructing a wall from point H1/1H to point H2/2H in the Basement Plan.</p> |
| Driveway width at property boundary | The vehicular access driveway width must be reduced to achieve a maximum allowable width of 3m. |
| Front fence height | Front fence should have a maximum height of 1.5m above the ground level. Solid component of the front fence is to be restricted to a maximum height of 0.7m, with the exception of piers, as required in the SCDGP 2005. |
| Front fence encroachment | No part of the front fence, including any footings or support work is permitted to encroach on Council's public footway. |
| Front fence opening | The front fence vehicular access gate must not open onto Council's public footway. The access gate is to open inwards onto private property. |

12. Damage Deposit – Minor Works

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

- 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.
- Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$130.00.
- 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.

13. Tree Bond

A tree bond of \$3,050.00 and an administration fee of \$130.00 (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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.

14. Site Management Plan

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.

15. 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.

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.
- (b) 6 Howard Street, Strathfield
- (c) 10 Howard Street, Strathfield

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. 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.

18. Landscape Plan

A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted prior to the issue of the Construction Certificate. The plan must be prepared in accordance with the relevant controls in Strathfield Consolidated Development Control Plan 2005 and includes:

- (a) Location of existing and proposed structures, services and existing trees;
- (b) Details of earthworks including mounding and retaining walls and planter boxes;
- (c) Location of proposed plants and a plant schedule showing the plant symbol, botanical name/ common name; quantity; pot size/; and mature height x width.
- (d) Details of planting procedure and maintenance;
- (e) Landscape specification;
- (f) Details of drainage and watering systems;
- (g) Details of garden edging and turf; and
- (h) Any required fencing, retaining walls and other structures not shown on other approved architectural and engineering plans.

19. Tree Removal/Pruning Prohibited

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

20. Tree Protection and Retention

Specific Street Tree Protection Measures

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

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

21. 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.

22. 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.

23. 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](#).

24. Dial Before You Dig

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

DURING CONSTRUCTION

25. 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.

26. 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.

27. 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.

28. Excavation Works Near Tree to be Retained

Excavation around the tree/s to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not be adversely affected.

Where the Tree Protection Zone 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.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

29. Vehicular Crossing - Minor Development

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

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

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

30. 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.

31. Stormwater Drainage Works – Works As Executed

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

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

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

32. **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.

33. **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.

34. **Post Construction Dilapidation Report – Private Land**

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

- (a) 6 Howard Street, Strathfield
- (b) 10 Howard Street, Strathfield
- (c) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.

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

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

35. **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.

OPERATIONAL CONDITIONS (ON-GOING)

36. **Entering & Exiting of Vehicles**

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

37. **Greywater System**

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

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

38. Requirement for a Construction Certificate

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

39. 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.

40. 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.

41. 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.

42. 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](#).

43. 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.

44. 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

45. Clause 97A – BASIX Commitments

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

46. 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.

47. 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.

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

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

5. Long Service Levy

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

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

6. Disability Discrimination Act

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

7. Site Safety Fencing

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

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

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

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

- (a) Complete the Works Permit Application Form which can be downloaded from Strathfield Council's Website at www.strathfield.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No. (eg. 2021/47) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Works Permit applications.

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

The developer must meet all costs of the extension, relocation or reconstruction of any part of Council's drainage system (including design drawings and easements) required to carry out the approved development.