

IDAP REPORT

Property:	17 Mackenzie Street HOMEBUSH Lot: 25 DP: 6479 DA2021.128
Proposal:	Construction of a front fence with gate.
Applicant:	M Turkmener
Owner:	M Turkmener
Date of lodgement:	31 May 2021
Notification period:	Not Notified
Submissions received:	N/A
Assessment officer:	E Black
Estimated cost of works:	\$10,000.00
Zoning:	R2-Low Density Residential - SLEP 2012
Heritage:	No
Flood affected:	Yes
Is a Clause 4.6 Variation Proposed:	No No
RECOMMENDATION OF OFFICER:	APPROVAL

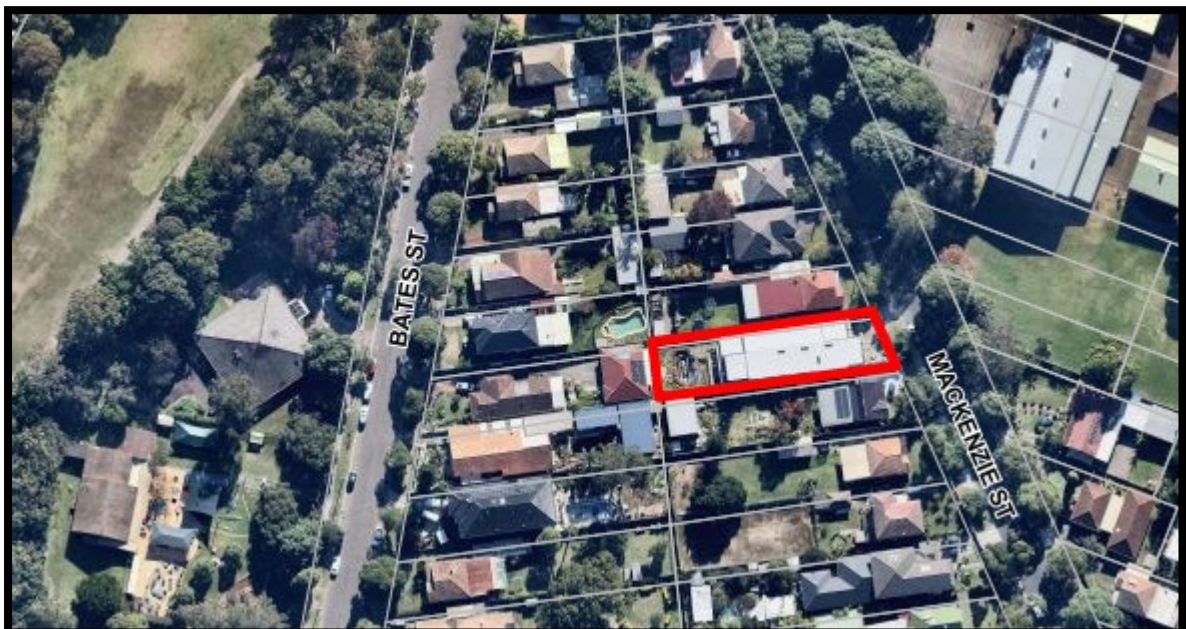


Image 1: Subject site highlighted in red.

EXECUTIVE SUMMARY

REPORT IN FULL

Proposal

Development consent is being sought for the construction of a front fence with a pedestrian and driveway gate.

Site and Locality

The site is identified as 17 Mackenzie Street Homebush and has a legal description of Lot: 25 DP: 6479. The site is an irregular shaped parcel of land and is located on the west side of the street opposite Homebush Boys High School.

The site has a frontage of 15.05m, a depth of 60.255m and an overall site area of 830.5573m² (stated by DP).

The locality surrounding the subject site contains a mixture of modest single and double storey low density dwellings with a variety of fencing types and front boundary landscaping treatments. Most of the fences allow for unimpeded overland flow of stormwater.

Strathfield Local Environmental Plan (SLEP) 2012

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

Development Control Plan (DCP)

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 not notified under the Council's Community Participation Plan as the development of a front fence was considered minor development.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2021/128 is recommended for approval subject to suitable conditions of consent.

Proposal

Council has received an application for the construction of a front fence with a pedestrian and a driveway gate. More specifically, the proposal is for a 1500mm high fence (painted in *Whisper White Dulux* or similar) with a 600mm solid brick base topped with 900mm powder coated aluminium angled upright slats spaced a minimum of 20mm apart. The fence has been designed with seven (7) ground level gaps (200mm (H) x 800mm (W)), to allow for overland flow of stormwater through the structure.

The fence is designed to complement the dwelling and for security reasons. This dwelling was approved under the development standards within the *Exempt and Complying Development Code 2008* by a private certifier.

The applicant is permitted, under complying development, to have a fence **upto** 1200mm on this site as long as the fence does not restrict the flow of any floodwater (Part 3 Housing Code, Section 3.29 Development standards for fences). The proposed fence height of 1500mm which triggers the need for development consent. Therefore, it is the additional 300mm in height which approval is sought.

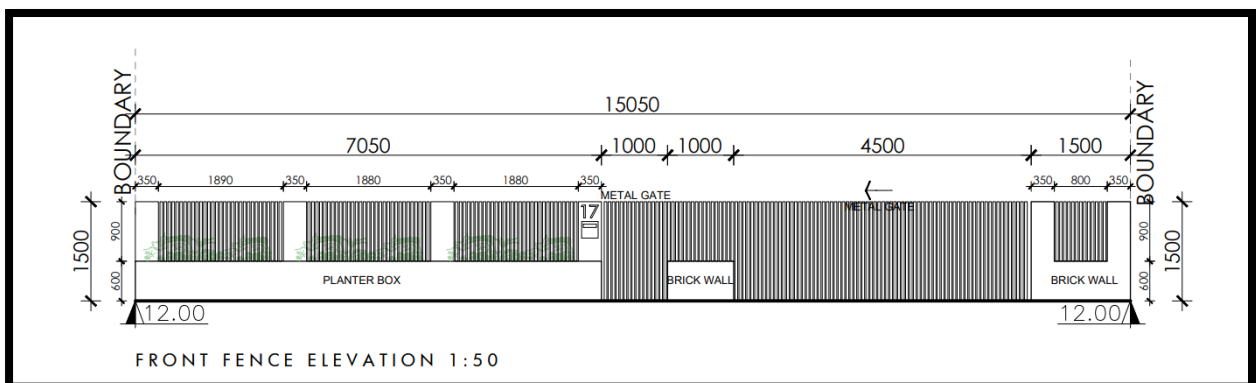


Image 2: Plans before the required amendments.

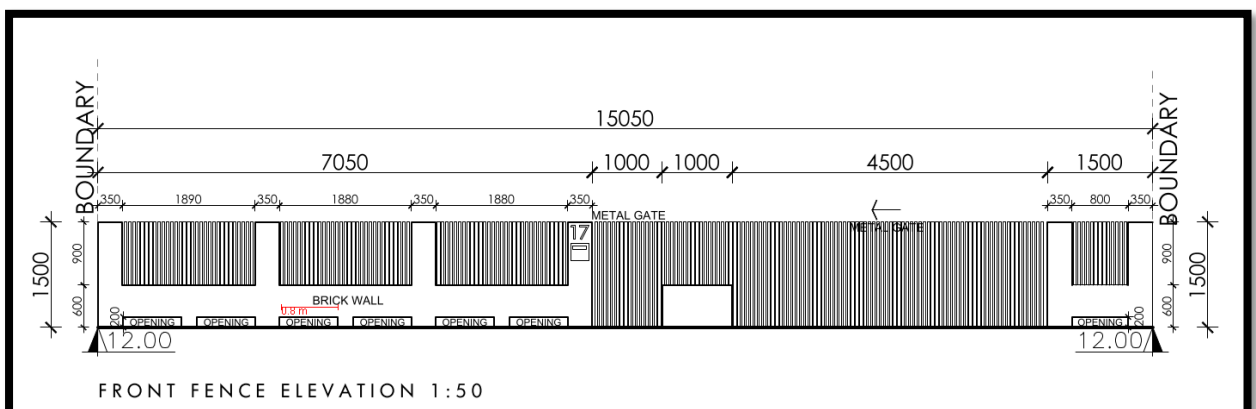


Image 3: The amended plan with the gaps at the base of the fence.

The Site and Locality

The site is irregular in shape and has a frontage of 15.05m to the east, a rear boundary of 14.55m to the west, a side boundary length of 60.255m to the south and side boundary length of 55.735m to the north. It has a total area of 830.5573m² (stated by DP).

The current streetscape is characterised by a range of housing types and periods. Many of the older dwellings have been modernised and the brick work rendered. These dwellings have a range of front fences and front boundary landscape treatment. Many of these fences are open in design and allow for overland stormwater flow, including the adjoining property at 15 Mackenzie Street (see Image 6 and 7). A number of dwellings, in the vicinity, have higher fences with solid bases fences similar to the proposed fence including the neighbouring fence at 19 Mackenzie Street (see Image 8 and 9). The site is opposite the rear of Homebush Boys High School which has a tall aluminium post and rail type fence (see Image 10).

The surrounding area is characterised by low density residential dwellings on large lots with a mixture of fencing styles.



Image 5: Showing approved dwelling - partly constructed



Image 6: Adjoining fence at 15 Mackenzie St, Homebush.



Image 7: Front boundary treatment (Number 21-23)



Image 8: Fence at 19 Mackenzie Street (approx. 1.8m high)



Image 9: Solid based fence of similar in height (No. 33)



Image 10: Rear fence of Homebush Boys High School

Background

31 May 2021	A development application (2021/128) seeking a front fence with a pedestrian and driveway gate was lodged.
29 June 2021	The Assessing Officer visited the site to aid in the assessment of this proposal.
29 June 2021	Stormwater comments received which stated that all fences and gates were to be designed as not to impede overland flow path.
30 June 2021	Applicant informed and a solution of redesigning the fence by creating gaps at the base was provided.
6 July 2021	Stormwater engineer agreed that a grate at the base would be suitable as long as it did not impede overland flow. The plans were amended to show a 200mm gap height at the base.
10 August 2021	Amended plans indicating finishes provided and an updated Statement of Environmental Effects which accurately describes the proposed development.

Referrals – Internal and External

Development Engineer Comments:

The application was referred to Council's Development Engineer as the site was flood effected. Council's Development Engineer commented that the submitted fence design was not suitable for the site and the fence needed to be redesigned to allow water to flow unimpeded over the site. The applicant amended their application to include suitable sized gaps at the base of the fence. This amendment is supported by the Development Engineer.

Further comments were also sought by the assessment officer in relation to providing a grate at the base as an optional decorative feature to disguise the gaps. This is supported by the engineer as long as the water flow was not impeded.

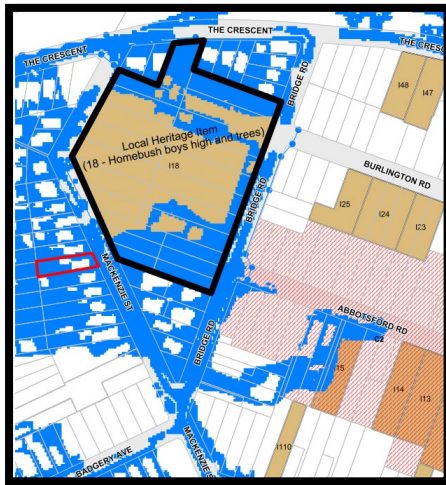


Image 11: Showing extent of flooding in area(subject site outlined in red)

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 (SLEP).

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
4.2 Minimum subdivision lot size (excl. strata subd.)	N/A	N/A	N/A

4.3 Height of Buildings	N/A	N/A	N/A
4.4 Floor Space Ratio	N/A	N/A	N/A

Part 5 – Miscellaneous Provisions

Heritage Conservation

The subject site is not listed as a heritage item or located within a heritage conservation area. The site is in the vicinity of a local heritage item (Item 18 – Homebush Boys' High School – school and trees) (see Images 10 and 11). However, as the proposal is minor and the subject site is located across the street to the rear of this property this proposal is unlikely to impact on the heritage significance of this property.

Flood Planning

The subject site has been identified as being at or below the flood planning level. The application has been reviewed by Council's Engineer who has advised that subject to suitable conditions, the development is considered compatible with the flood hazard of the land. In addition, it will not result in significant adverse effects on flood behaviour or the environment and is not likely to result in unsustainable social and economic loss. The proposed development is considered to satisfy the objectives of this clause.

Part 6 – Additional Local Provisions

Acid Sulfate Soils

The subject site is identified as having *Class 5 Acid Sulfate Soils*, but it is located within 500m of an area of Class 3 soil. However, the proposed works are minor and will not affect the water-table. Therefore, an acid Sulfate soils management plan and development consent under this provision is not required.

Earthworks

The proposal does not include any significant excavation or basement works. Any excavation for footings or levelling of the site is considered to be minor and will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

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

As the value of works is less than \$50,000 and based on the nature of the development type, there is no requirement for the application to be assessed in accordance with the BASIX SEPP.

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.

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

The fence will be located near a street tree. A condition has been included to protect this tree.

(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.

Part A – Dwelling Houses and Ancillary Structures Section 5.2.4

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
Fencing			
Height (overall/piers): Solid Component (base): Secondary Frontage:	1.5m (maximum) 0.7m 1.8m	1.5m 0.6m N/A	Complies Complies N/A

Fencing

The existing streetscape is not characterised by a single dominant style of fencing. This proposed fence is designed to complement the dwelling and therefore should benefit the future character of this street. In addition, the proposed fence complies with the development control requirements above (see above table), and is similar in style to the front fences of the streets' newer dwellings.

The proposed fence being lower than 15 Mackenzie and similar in height to 19 Mackenzie should fit into this section of the street (see Images 6 and 8).

The proposed front fencing also satisfies the relevant objectives and controls within SCDCP 2005. Therefore, the fence is considered to be sympathetic to the existing and desired character of the locality and is compatible to the height and style of adjoining fences.

This will be the first solid fence in the area to allow for overland flow by providing seven gaps at the base. A condition has been included to allow for the applicant to include an optional grate in order to disguise the gaps at the base.

Cut and fill

The proposed development is considered to satisfy the relevant objectives and controls of the SCDCP 2005, in that the need for cut and fill has been kept to a minimum and existing ground levels have been maintained where appropriate to reduced site disturbance. The ground water tables are maintained and impact on overland flow and drainage has been minimised with the placement of seven gaps at the base of the fence.

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. The site is currently cleared and the dwelling partly constructed.

Access, Safety and Security

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005. Separate pedestrian and vehicle accesses have been provided. The gates and the fence's aluminium infill angled vertical slats will be spaced at a minimum of 20mm which will allow for some viewing of the street and will increase the houses privacy.

PART H – Waste Management (SCDCP 2005)

Part H of Strathfield CDCP 2005 requires a waste management plan to be submitted with the application. The Statement of Environmental Effects prepared by M Cubed Architects (May 2021) lacks sufficient information on a Waste Management Plan. A Waste Management Plan has therefore been conditioned.

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

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

The proposed development does not involve the demolition of a building. Should this application be approved, appropriate conditions of consent may be imposed to ensure compliance with the requirements of the above standard.

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

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

(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, overland flow issues, relationship to adjoining developments and the streets character.

(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 considered minor and therefore was not notified.

(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).

Section 7.12 Contributions are not applicable to the proposed development as the cost of these works are below \$100,000 which triggers contributions under 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. 128/2021 should be approved subject to conditions.



Signed:

Date: 9th August 2021

E Black
Specialist Planner Heritage

- ☒ 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 not applicable to this development;

Report and recommendations have been peer reviewed and concurred with.



Signed:
August 2021
Gary Choice
Development Planner

Date: 11

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	1/3	27 th April 2021	Amended for DA – 30/6/2021	Mounzer Mortada M Cubed Architects
Front Fence Plan	2/3	27 th April 2021	Amended for DA – 30/6/ 2021	Mounzer Mortada M Cubed Architects
Fence Section 1:50 Front Fence Elevation 1:50	3/3	29 th June 2021	Amended for DA – 10/8/2021	Mounzer Mortada M Cubed Architects
Statement of Environmental Effects	Construction of New Front Fence	August 2021		M Cubed Architects

2. Fence and Gate Special Condition

- A. The front fence access gates must not open onto Council's public footway. The access gate is to open inwards onto private property.
- B. The open gaps at the base of the fence must be at least 200mm in height and allow water to flow through the fence and gates unimpeded.
- C. A grate that does not impede water flow through the structure, as an optional fence decorative element is permitted. This grate cannot reduce the minimum

size of the opening of 200mm in height.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

3. 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.

4. Fees to be Paid

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

Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

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

Fee Type	Fee
GENERAL FEES	
 Security Damage Deposit	\$ 330.00
Tree Bond	\$ 3,050.00
Administration Fee for Damage Deposit	\$ 130.00
Administration Fee for Tree Bond	\$130.00

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.

5. Damage Deposit – Minor Works

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

- (a) Pay Council, before the issue of the Construction Certificate, a damage security deposit for the cost of making good any damage caused to any Council property as a result of the development: \$ 330.00
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$ 130.00
- (c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

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

6. Tree Bond

A tree bond of \$ 3,050.00 (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 the existing street tree 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.

7. Tree Protection and Retention

The following trees shall be retained and protected:

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
-	Street Tree	In front of the subject site (Lot:25 DP: 6479) at 17 Mackenzie Street, Homebush	-

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

General Tree Protection Measures

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

Specific Street Tree Protection Measures

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

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

8. 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

9. Obstruction of Road or Footpath

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

10. Waste Management Facility

All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt.

Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the PCA and Council, where Council is not the Principal Certifying Authority.

11. 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

12. Requirement for a Construction Certificate

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

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

PRESCRIBED CONDITIONS

19. 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.

20. 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.

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).

5. Australia Post – Letter Box Size and Location

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

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

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