

## IDAP REPORT

<b>Property:</b>	101 The Boulevard STRATHFIELD Lot 1 DP 915018 DA2021/249
<b>Proposal:</b>	Partial demolition of the rear building, alterations and additions to the rear of the existing dwelling house, attached carport and associated works.
<b>Applicant:</b>	Bykoo Land Pty Ltd
<b>Owner:</b>	F & ASL Tan
<b>Date of lodgement:</b>	24 September 2021
<b>Notification period:</b>	7 October 2021 to 21 October 2021
<b>Submissions received:</b>	Nil
<b>Assessment officer:</b>	J W Brown
<b>Estimated cost of works:</b>	\$1,111,000.00
<b>Zoning:</b>	R2-Low Density Residential - SLEP 2012
<b>Heritage:</b>	Heritage Conservation Area C17 - Woodward Avenue Conservation Area (HCA)
<b>Flood affected:</b>	Yes
<b>RECOMMENDATION OF OFFICER:</b>	APPROVAL

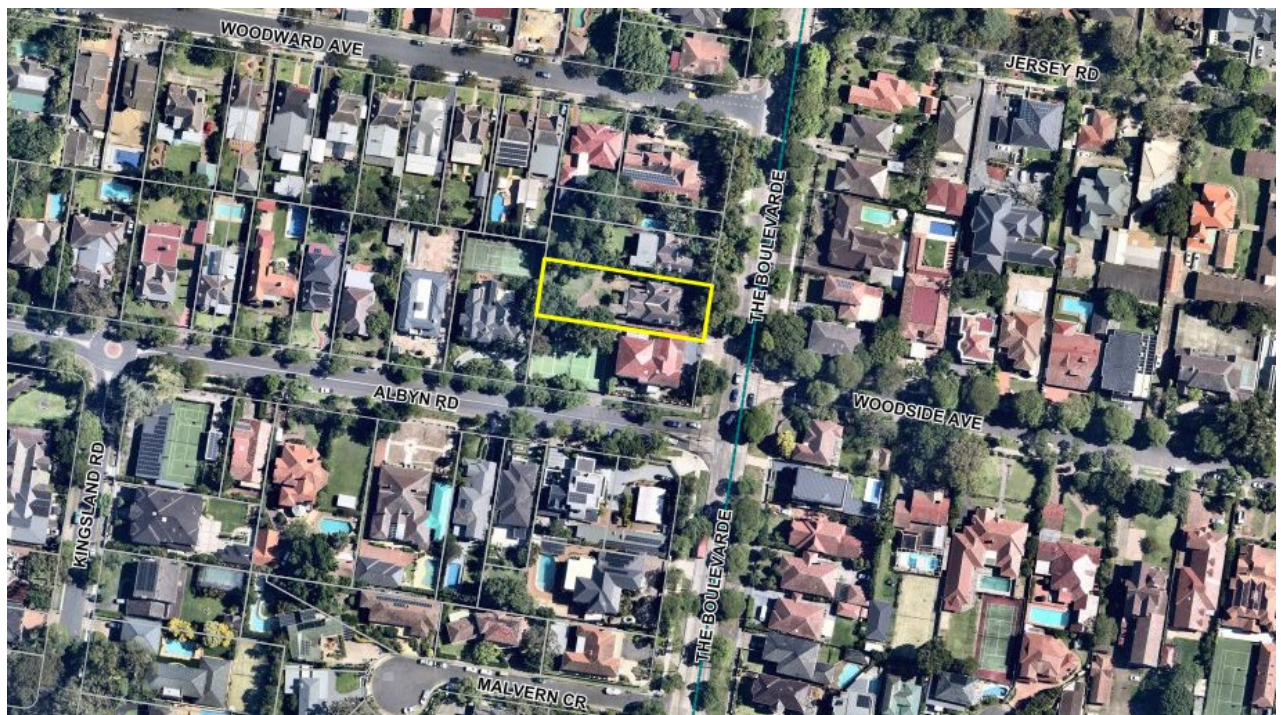


Figure 1: Aerial image of the subject site

## **EXECUTIVE SUMMARY**

### **Proposal**

Development consent is being sought for the partial demolition of the rear building, alterations and additions to the rear of the existing dwelling house, attached carport and associated works.

### **Site and Locality**

The site is identified as 101 The Boulevarde, Strathfield and has a legal description of Lot: 1 DP: 915018. The site is a regular shaped parcel of land and is located on the western side of The Boulevarde.

The site has a width of 19.20m, a depth of 60.96m and an overall site area of 1170.5m<sup>2</sup>.

The locality surrounding the subject site contains a mixture of low-density residential development most of which a one (1) to two (2) storey dwelling houses.

### **Strathfield Local Environmental Plan**

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

### **Development Control Plan**

The proposed development 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 7 October 2021 to 21 October 2021, where no submissions were received.

### **Issues**

- Landscaping

### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application DA2021/249 is recommended for approval subject to suitable conditions of consent.

## REPORT IN FULL

### Proposal

Council has received an application for the partial demolition of the rear building, alterations and additions to the rear of the existing dwelling house, attached carport and associated works. More specifically, the proposal includes;

Lower ground floor level:

- Open plan living, dining and kitchen with attached pantry,
- Laundry,
- Powder Room,
- Bedroom with an ensuite, and
- Attached terrace.

Upper ground floor level:

- Bathroom and powder room,
- Bedroom with walk-in wardrobe, northern side-facing juliet balcony and ensuite, and
- Bedroom with ensuite and attached rear-facing balcony.

External works:

- Proposed carport

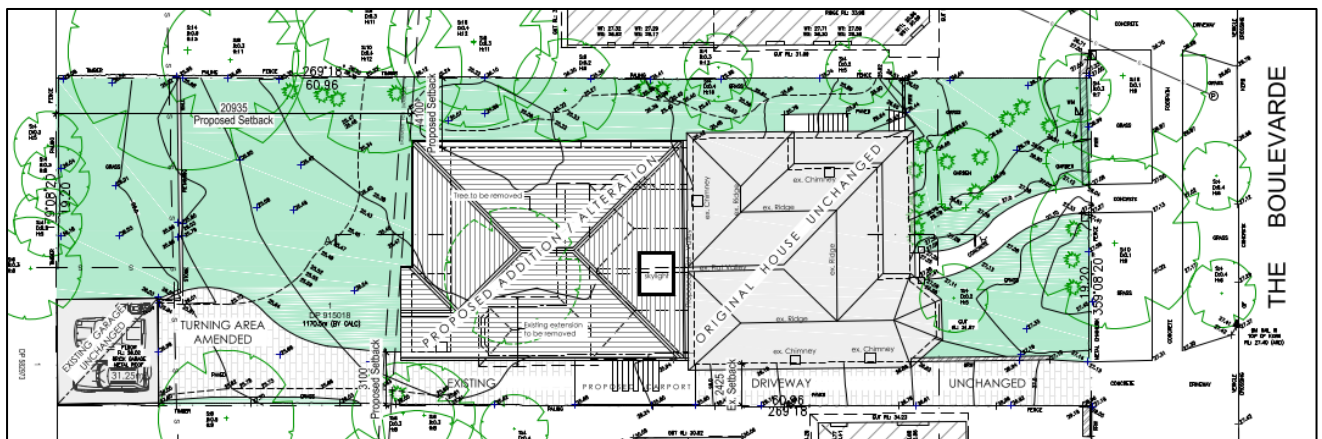


Figure 2: Site plan with proposed addition

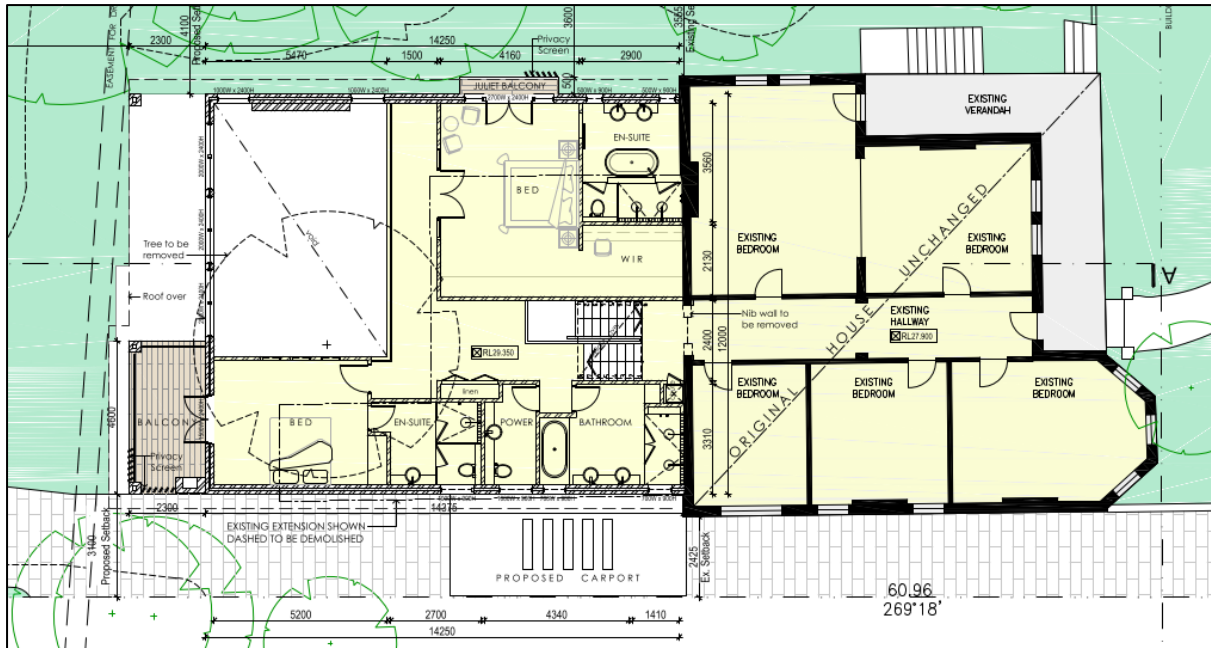


Figure 3: Proposed upper ground floor plan

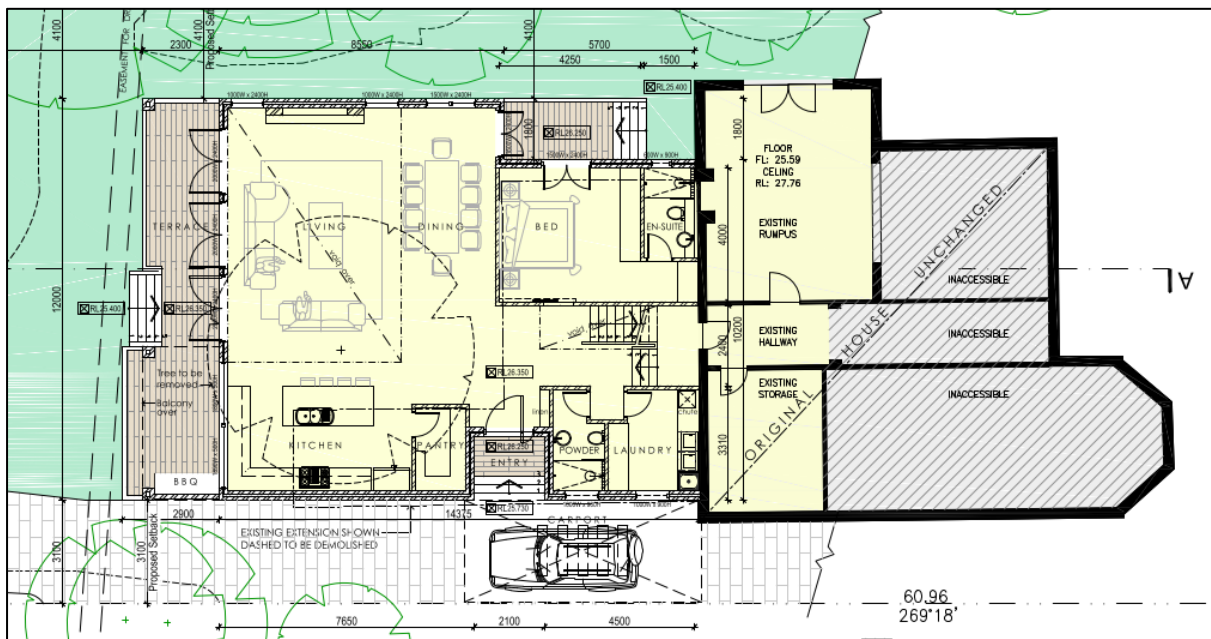


Figure 4: Proposed lower ground floor plan





Figure 5: Proposed Elevations of the site and front fence

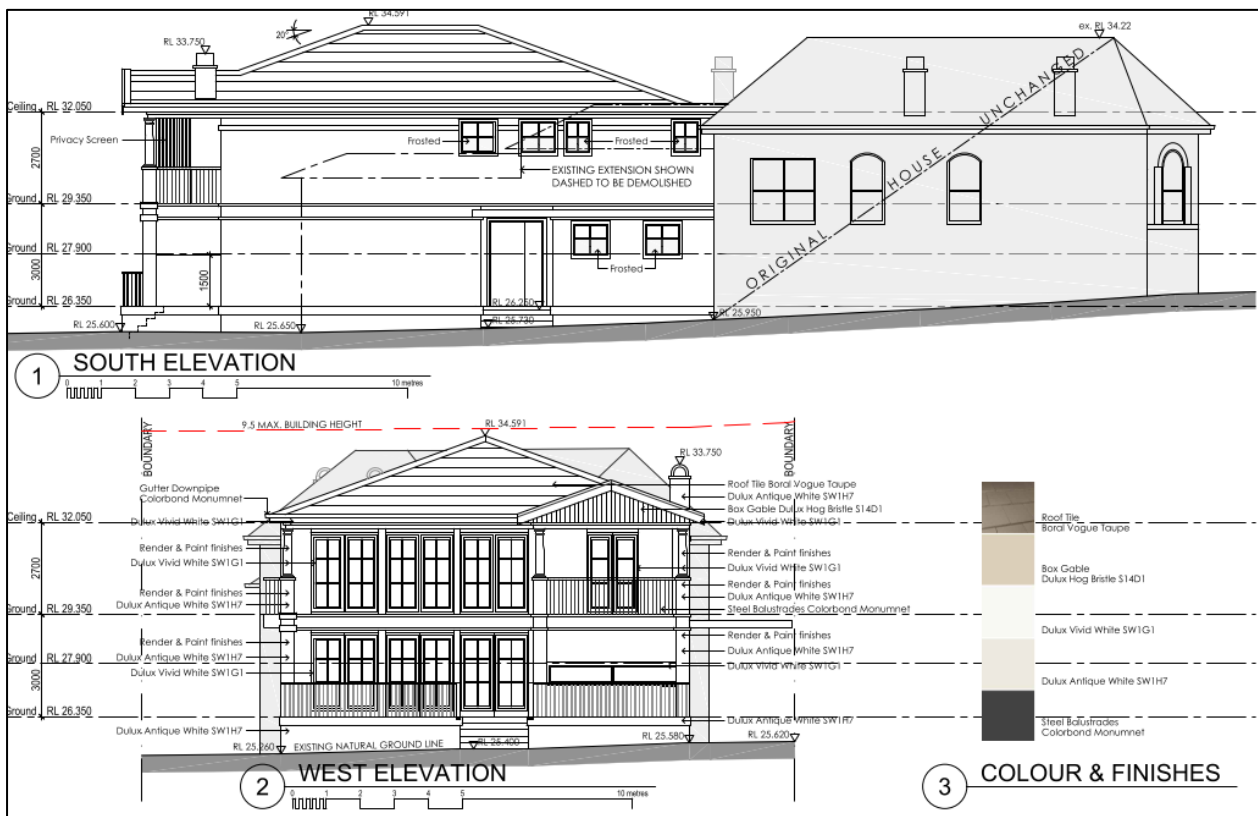


Figure 6: Proposed elevations and colour schedule

## **The Site and Locality**

The subject site is legally described as Lot: 1 DP: 915018 and commonly known as 101 The Boulevard, Strathfield. It is located off the western side of The Boulevard between Albyn Road and Woodward Avenue.

The site is rectangular in shape and has a frontage of 19.2m to the east, rear boundary of 19.2m to the west, a side boundary length of 60.96m to the north, and side boundary length of 60.96m to the south and an area of 1170.5m<sup>2</sup>.

The site slopes from the front of the property to the rear and gradually flattens out in the rear yard.

The site is occupied by a two-storey brick and rendered dwelling with a tiled roof. Vehicular access is provided to the site via an existing driveway from the street to an existing garage located at the rear of the property.

The current streetscape is characterised by dwelling houses with front fences and significant street tree coverage. The directly adjacent lots are large with significant houses and backyards in keeping with the Victoria era precinct.

The surrounding area is characterised by mostly of dwelling houses with a scattering of heritage dwellings. The Boulevard is on the border between Strathfield Council and Burwood Council with Santa Sabina College 200m north of the proposed site within municipality of Burwood. Trinity Grammar School is located 300m south of the proposed development.



Figure 7: Closer image of the site





Figure 8: Front façade of existing dwelling



Figure 9: Rear yard with existing detached double car garage





Figure 10: Rear yard facing the back of the existing dwelling



Figure 11: Significant street trees on the road reserve



## **Background**

23 June 2021	A pre-lodgement application was received by Council and a formal letter raising the issues and key points was provided on the 21 July 2021.
24 September 2021	The subject development application (DA2021/249) was lodged with Council.
7 October 2021	The application was publicly exhibited until 21 October 2021, where no submissions were received during this period.
28 January 2022	Council's planner carried out a site visit

## **Referrals – Internal and External**

### **Stormwater Management**

The application was referred to Council's Development Engineer who offered no objection subject to the conditions of consent.

### **Tree Management**

The application was referred to Council's Tree Management Coordinator who offered no objection subject to the conditions of consent.

### **Environment & Health Management**

The application was referred to Council's Manager of Environmental Services who had a concern with the solid fuel heaters. The installation of new solid fuel heaters is not supported and existing solid fuel heaters must comply with NSW EPA guidelines, Protection of the Environment Operations (POEO) regulation and Australian Standards. The Manager of Environmental Services provided conditions of consent to mitigate the use of solid fuel heaters.

### **Heritage Conservation**

The application was referred to Council's Heritage Officer who offered no objection subject to the 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
<b>4.3</b> Height of Buildings	9.5m	9.19m	Yes
<b>4.4</b> Floor Space Ratio	0.5:1 (585.25m <sup>2</sup> )	0.39:1 (452m <sup>2</sup> )	Yes

The rear addition satisfies both the height requirement and the floor space requirement. The addition follows the similar height line of the original house but is slightly higher due to the need to meet the finished floor level that the Overland Flood Impact Assessment Report recommended. The addition and the original house is well below the maximum floor space ratio and thus is an appropriate size and scale for the block.

### **Part 5 – Miscellaneous Provisions**

#### **Heritage Conservation**

The proposal is within a Heritage Conservation Area C17 - Woodward Avenue Conservation Area (HCA) and a Heritage Impact Statement has been submitted with the application. The application was referred to Council's Heritage Officer who has advised that the proposed works are satisfactory subject to the imposition of a number of conditions.

It is considered that the proposed works, as amended and conditioned, satisfactorily address the provisions of this Clause.

#### **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 the development is considered compatible with the flood hazard of the land, will not result in significant adverse effects on flood behaviour or environment and is not likely to result in unsustainable social and economic loss. The proposed development is considered to satisfy the objectives of this clause.

### **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.



## **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**

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

Further, no objection was raised to the removal of a tree on the site subject to relevant conditions of consent.

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

### **State Environmental Planning Policy (Transport and Infrastructure) 2021**

The proposed development has a frontage to The Boulevarde a classified road under the Roads Act 1993. Therefore, cl 2.118 of the SEPP applies to the property. Being only an addition to an existing dwelling it is unlikely to compromise the effective and ongoing operation and function of the classified road. The proposed dwelling has an existing vehicle access from The Boulevarde to the property and this access will not be altered from the proposed development. Thus, the development satisfies the requirements of cl 2.118 of the SEPP.

Impact of road noise or vibration on non-road development is to be considered under cl 2.119 of the SEPP. The Boulevarde's current 2022 average daily traffic from Transport for NSW statistics is 16,527 vehicles a day. This is below 20,000 vehicle requirement for the clause to apply to this development proposal. Therefore no further consideration of cl 2.119 is required.

**(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
<b>Building Envelope</b>			
<b>Heights:</b>			
Floor to ceiling heights:	3.0m	3.0m	Yes
Height to underside of eaves:	7.2m	6.85m	Yes
Number of Storeys/Levels:	2	2	Yes
<b>Setbacks:</b>			
Side: North	1.2m (min)	4.1m	Yes
Side: South	1.2m (min)	3.1m	Yes
Combined Side Setback:	3.84m (20%)	7.2m	Yes
Rear:	6m	>20	Yes
Attached carport	1.2m	Nil	No but acceptable
<b>Landscaping</b>			



Landscaping/Deepsoil Provisions:	45% (526.7m <sup>2</sup> )	39.5% (462.3m <sup>2</sup> )	No but acceptable
<b>Fencing</b>			
Height (overall/piers): Solid Component:	1.5m (maximum) 0.7m	Existing fence to be repaired	Acceptable
<b>Solar Access</b>			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	Achieved	Yes
<b>Vehicle Access and Parking</b>			
Driveway width at Boundary:	3m	Unchanged	Yes
Vehicular Crossing:	1	1	Yes
Driveway setback – side:	0.5m	Existing nil setback	Acceptable
No. of Parking Spaces:	2	3	Yes

## Building Envelope

The proposed development satisfies the objectives and controls within the development control plan relevant to:

- Building scale, height and floor space ratio
- Rhythm of built elements in the streetscape,
- Fenestration and external materials, and
- Street edge

The proposed carport attached to the addition on the southern side of the development has a nil setback and abuts the boundary. This is unlikely to impact the neighbouring property to the south as the land is stepped up on the boundary and the neighbouring property will overlook the roof of the carport, therefore unlikely to cause shadowing impacts.. Further conditions will be added in the consent to make sure that the carport complies with BCA for the purposes of fire separation.

## Landscaping and Open Space

The proposed landscape area is 39.5% and is non-compliant with the SCDGP. The SCDGP requires at least 45% of the lot to be landscaped. To improve this, a condition will be added that the rear vegetable garden be grassed and stepping-stones be used instead of the granite surface proposed around the planter beds. This will add at least an extra 40m<sup>2</sup> landscaping to the property and minimise the hard surfaces in the rear of the yard. Parts of the existing driveway could not be removed as it provides a turning circle for vehicles to ingress and egress in a forward direction. With this change in the design, the non-compliance is acceptable in these circumstances.

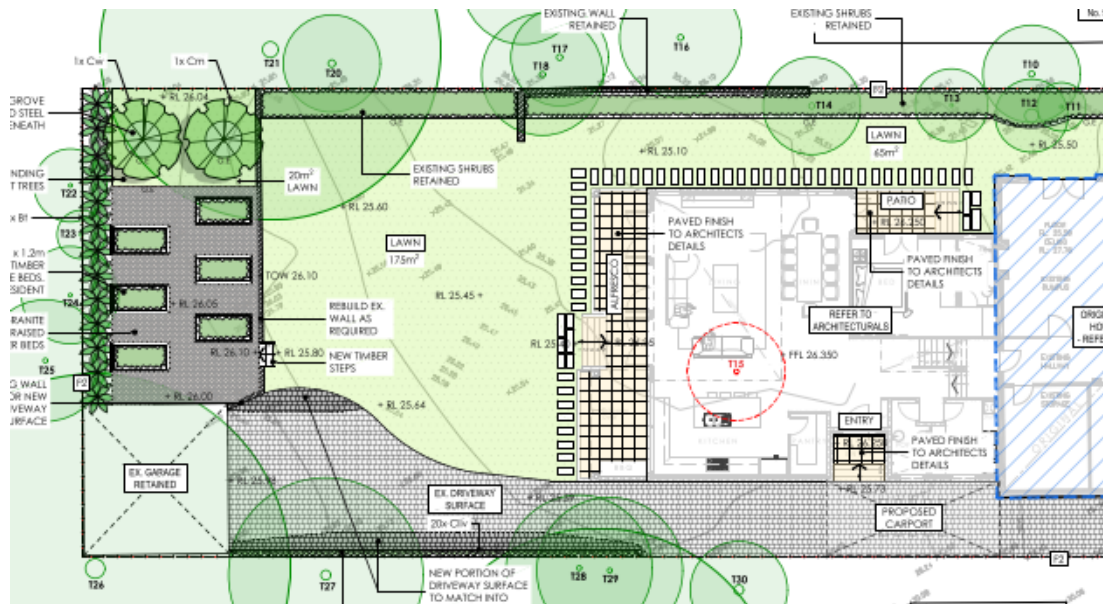


Figure 12: Rear vegetable garden to be grassed

The proposed development satisfies the relevant objectives and most of the controls of the SCDP 2005. The development is considered to enhance the existing streetscape, and can accommodate large canopy trees and where possible trees have been retained and protected.

## Fencing

The proposed development comprises a repair of the existing front fence. The proposed retention will be in keeping with the built-form of the heritage conservation area. It pushes the height of the fence above the 1.5m but is acceptable as it is open form and protects the historical entrance to the dwelling.

## 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 SCDP 2005.

## Privacy

The side Juliet balcony will be required to be removed from the proposal, as it is unnecessary, creates the potential for overlooking, and is prohibited on side boundaries in the SCDP 2005. The rear-facing balcony size is acceptable as privacy screening has been provided to lessen the impact of overlooking onto the southern neighbour.

With the removal of the side Juliet balcony the proposed development satisfies the relevant objectives and most of the controls of the SCDP 2005, in that adequate privacy is maintained between adjoining properties and any potential overlooking is minimised. Windows are offset from adjoining dwellings where required, they are screened, obscured or off low active use rooms so as not to negatively impact on adjoining properties.

Overall privacy has been considered in the design and the overall proposal is acceptable.



## **Vehicular access, Parking and Basements**

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005 in that it provides the minimum number of required parking spaces and adequate vehicular access provisions.

## **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. Existing trees and shrubs have been retained where possible and ground water tables are maintained and impact on overland flow and drainage is minimised.

## **Water and Soil Management**

The proposed development satisfies the relevant objectives and controls of the 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.

## **Access, Safety and Security**

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005. Separate pedestrian and vehicle access provisions are provided, passive surveillance of the public street has been provided providing safety and perception of safety in the street.

## **PART H – Waste Management (SCDCP 2005)**

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

## **PART P – Heritage (SCDCP 2005)**

The proposed alterations and additions are within the C17 – Woodward Avenue Conservation Area (HCA) protecting a Victorian era precinct. The existing dwelling is contributory dwelling that was originally built in 1893 by the chairman of David Jones (Edward Llyod Jones) and is named Illeberis. The applicant has provided a comprehensive Heritage Impact Statement that the heritage officer has reviewed and supports. Recommendations including salvaging the Victorian period door and the restoration of the front fence was recommended in the Heritage Impact Statement and have been backed up with relevant conditions. Overall the design has met the requirements of Part P of the SCDCP 2005 as nearly all the alterations and additions are at the rear of the property allowing the front façade to maintain its heritage significance.

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

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

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

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

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

**(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 Council's 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. No submissions were received raising any concerns:

**(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 \$1,111,000 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	\$11,110
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## Conclusion

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

Following detailed assessment it is considered that Development Application No. 2021/249 should be approved.



Signed:

**J W Brown**  
**Planner**

**Date: 10 March 2022**

- ☒ 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.



**Patrick Santos**  
**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
Demolition Plan	DA.01	17/09/21	A	Bykoo Land Pty Ltd
Roof & Site Plan	DA.01	17/09/21	D	Bykoo Land Pty Ltd
Upper Ground Floor Plan	DA.02	17/09/21	D	Bykoo Land Pty Ltd
Lower Ground Floor Plan	DA.03	17/09/21	D	Bykoo Land Pty Ltd
North Elevation East Elevation (Front) Front Fence Elevation	DA.04	17/09/21	D	Bykoo Land Pty Ltd
South Elevation West Elevation Colour & Finishes Schedule	DA.05	17/09/21	D	Bykoo Land Pty Ltd
Section AA Area Calculation	DA.06	17/09/21	D	Bykoo Land Pty Ltd
Landscape Plan	E369_LP_01	13/09/21	C	Creative Planning Solutions

Planting Details & Preliminary Specification	E369_LP_02	13/09/21	C	Creative Planning Solutions
General Notes	C000	9/09/21	B	SDS Engineering
Stormwater Drainage Plan/Details	C001	9/9/21	B	SDS Engineering
Catchment + Sediment and Erosion Control Plan	C002	9/9/21	B	SDS Engineering
Description	Reference No.	Date	Revision	Prepared by
Waste Management Plan		17/09/21		Stephen Bai
Overland Flood Impact Assessment Report		23/08/21		SDS Engineering
Heritage Impact Statement		September 2021		Edwards Heritage Consultants

## 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) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.

- (b) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (c) Establishing a “works zone”;
- (d) Placing or storing materials or equipment;
- (e) Placing or storing waste containers or skip bins;
- (f) Stormwater & ancillary to public infrastructure on private land
- (g) Erecting a structure or carrying out work

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

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

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

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

## **REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES**

### **(3) 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](http://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

### (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](http://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
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation)  Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://longservice.force.com/bci/s/levy-calculator">https://longservice.force.com/bci/s/levy-calculator</a>	\$3,888.00
Security Damage Deposit	\$15,000.00
Tree Bond	\$60,900.00
Administration Fee for Damage Deposit	\$130.00
Administration Fee for Tree Bond	\$130.00

<b>DEVELOPMENT CONTRIBUTIONS</b>	
Strathfield Section 94A Indirect Development Contributions Plan 2017	\$11,110.00

## **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.

## **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 pursuant to the Strathfield Direct Development Contributions Plan 2010-2030.

A Section 7.12 contribution (s94A) has been levied on the subject development pursuant to the Strathfield 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](http://www.strathfield.nsw.gov.au).

## **(5) Required Design Changes**

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

Landscaping	The landscape plan must be amended with the rear vegetable garden to be grassed and the use of stepping-stones instead the granite surface proposed around the planter beds.
Carport	The attached carport must be wholly within 101 The Boulevard, Strathfield, and must meet the requirements at BCA.

Juliet Balcony	The Juliet Balcony on the northern elevation must be removed and does not form part of this consent.
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#### (6) **Damage Deposit – Minor Works**

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

- (a) Pay Council, before the issue of the Construction Certificate, a damage security deposit for the cost of making good any damage caused to any Council property as a result of the development: \$15,000.
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$130.
- (c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

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

#### (7) **Tree Bond**

A tree bond (Tree 1 and 2 – *Lophostemon confertus* / Tree 3 and 4 – *Cinnamomum camphora* street tree ) of \$60,900.00 and an administration fee of \$130 (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

Payment may be accepted in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply). Note: Additional fees apply for the lodgement of a bank guarantee in lieu of cash bond applies in accordance with Council's adopted Fees and Charges.

A request for refund of the Tree Bond must be made in writing.

Tree Bonds may be forfeited if a tree is dead, made dangerous or has been terminally damaged, or will be held until tree/s have fully recovered from the construction damage or were replacement/planted trees have become fully established and are over 6 metres in height.

#### (8) **Site Management Plan**

##### **Minor Development**



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

**(9) 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. A427943 must be implemented on the plans lodged with the application for the Construction Certificate.

**(10) 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.

**(11) 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).

**(12) Landscape Plans**

All landscape works shall be carried out in accordance with the approved landscape plans. The landscaping shall be maintained in accordance with the approved plans in perpetuity.

### (13) 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.

### (13) Stormwater Drainage Plan Details

Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineering specialising in hydraulic engineering shall be submitted with the Construction Certificate application.

These plans shall be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Management Code.

### (14) 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.

### (15) Compliance with Submitted Arborist Report

The recommendations outlined in the Arborist's Report titled **Arboricultural Impact Assessment** prepared by **Creative Planning Solutions** dated 24 September 2021 must be implemented throughout the relevant stages of construction. Details of tree protection measures to be implemented must be detailed and lodged with the Construction Certificate application for approval and shall be in accordance with Section 4 - *Australian Standard AS 4970-2009: Protection of trees on development sites*.

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

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
1	Lophostemon confertus	Street tree located front 101 The Boulevarde	4.92 metres
2	Lophostemon confertus	Street tree located front 101 The Boulevarde	2.0 metres
3	Cinnamomum camphora	Street tree located front 101 The Boulevarde	13.32 metres
4	Cinnamomum camphora	Street tree located front 101 The Boulevarde	12.84 metres
5	Ficus pumila	101 The Boulevarde	2.0 metres
6	Duranta repens	101 The Boulevarde	2.0 metres
7	Camellia japonica	101 The Boulevarde	2.0 metres
8	Camellia japonica	101 The Boulevarde	2.0 metres
9	Nerium oleander	99 The Boulevarde	2.4 metres
10	Archontophoenix cunninghamiana	99 The Boulevarde	3.0 metres
11	Laurus nobilis	101 The Boulevarde	2.0 metres
12	Livistonia australis	101 The Boulevarde	2.5 metres
13	Magnolia grandiflora "Little Gem"	101 The Boulevarde	2.0 metres

14	Howea forsteriana	101 The Boulevarde	3.0 metres
16	Syagrus romanzoffiana	99 The Boulevarde	2.0 metres
17	Syagrus romanzoffiana	99 The Boulevarde	3.5 metres
18	Syagrus romanzoffiana	99 The Boulevarde	3.0 metres
19	Syagrus romanzoffiana	99 The Boulevarde	3.5 metres
20	Syagrus romanzoffiana	99 The Boulevarde	3.5 metres
21	Celtis sinensis	99 The Boulevarde	6.6 metres
22	Camellia sasanqua	3 Alybn Road	2.0 metres
23	Camellia sasanqua	3 Alybn Road	2.0 metres
24	Camellia sasanqua	3 Alybn Road	2.0 metres
25	Magnolia grandiflora	3 Alybn Road	2.0 metres
26	Quercus palustris	103 The Boulevarde	8.4metres
27	Celtis sinensis	103 The Boulevarde	4.2 metres
28	Fraxinus excelsior	103 The Boulevarde	2.4 metres
29	Fraxinus excelsior	103 The Boulevarde	2.4 metres
30	Brachychiton acerifolius	103 The Boulevarde	4.2 metres
31	Liquidamber styraciflua	103 The Boulevarde	6.0 metres

#### (16) Tree Protection and Retention

The following trees shall be retained and protected:

Tree No.	Tree Species	Location of Tree	Tree Protection Zone (metres)
1	Lophostemon confertus	Street tree located front 101 The Boulevarde	4.92 metres
2	Lophostemon confertus	Street tree located front 101 The Boulevarde	2.0 metres
3	Cinnamomum camphora	Street tree located front 101 The Boulevarde	13.32 metres
4	Cinnamomum camphora	Street tree located front 101 The Boulevarde	12.84 metres
5	Ficus pumila	101 The Boulevarde	2.0 metres
6	Duranta repens	101 The Boulevarde	2.0 metres
7	Camellia japonica	101 The Boulevarde	2.0 metres
8	Camellia japonica	101 The Boulevarde	2.0 metres
9	Nerium oleander	99 The Boulevarde	2.4 metres
10	Archontophoenix cunninghamiana	99 The Boulevarde	3.0 metres
11	Laurus noblis	101 The Boulevarde	2.0 metres
12	Livistonia australis	101 The Boulevarde	2.5 metres
13	Magnolia grandiflora “Little Gem”	101 The Boulevarde	2.0 metres
14	Howea forsteriana	101 The Boulevarde	3.0 metres
16	Syagrus romanzoffiana	99 The Boulevarde	2.0 metres
17	Syagrus romanzoffiana	99 The Boulevarde	3.5 metres
18	Syagrus romanzoffiana	99 The Boulevarde	3.0 metres
19	Syagrus romanzoffiana	99 The Boulevarde	3.5 metres
20	Syagrus romanzoffiana	99 The Boulevarde	3.5 metres
21	Celtis sinensis	99 The Boulevarde	6.6 metres



22	Camellia sasanqua	3 Alybn Road	2.0 metres
23	Camellia sasanqua	3 Alybn Road	2.0 metres
24	Camellia sasanqua	3 Alybn Road	2.0 metres
25	Magnolia grandiflora	3 Alybn Road	2.0 metres
26	Quercus palustris	103 The Boulevarde	8.4metres
27	Celtis sinensis	103 The Boulevarde	4.2 metres
28	Fraxinus excelsior	103 The Boulevarde	2.4 metres
29	Fraxinus excelsior	103 The Boulevarde	2.4 metres
30	Brachychiton acerifolius	103 The Boulevarde	4.2 metres
31	Liquidamber styraciflua	103 The Boulevarde	6.0 metres

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.

### **Excavation works near tree to be retained**

- (h) Excavations around the trees to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not adversely be affected.
- (i) Where the Tree Protection Zone (TPZ) of trees on site or adjoining sites become

compromised by any excavation works, the Project arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.

- (j) Tree Protection Zone around the trees to be retained are not to have soil level changes or services installed in this area. Any structures proposed to be built in this area of the trees are to utilise pier and beam or cantilevered slab construction.

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

#### (17) Tree Removal & Replacement

##### Tree removal

Permission is granted for the removal of the following trees:

Tree No.	Tree species	Number of trees	Location
15	Duranta repens	1	101 The Boulevard

#### General Tree Removal Requirements

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

#### (18) Solid Fuel Heaters

No new solid fuel heaters are permitted to be installed the following condition is for any existing solid fuel heaters that are to be repaired.

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

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

#### (19) Heritage Special Conditions

Salvaging of original fabric:

The original Victorian period door and transom light inside the dwelling is to be retained in situ and or reused within the dwelling.

Design Principles:

All restoration works carried out on site, especially the front fence should be completed in a manner that appropriately represents the architectural era of the site and retains key details. Cementitious footings should be kept below ground level to minimise the visual impact and retain the fence at its original height and design.

**(20) Building Works To Comply With BCA –Buildings Within Conservation Area**

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

**(21) Schedule of External Colours and Finishes (Houses)**

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

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

**(22) General Heritage**

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction.
- (c) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
- (d) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (e) Any new windows and doors on the existing building must match the original material, which is timber.
- (f) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.
- (i) The original roof cladding, of a contributory building within a heritage conservation area, must be retained (OR is matched like to like). (The tiled roof pattern is to be maintained).
- (j) No Sandblasting to remove paint from brick or stone should not be undertaken on a contributory building in a Heritage Conservation area.
- (m) Modern technologies should not be higher than the main ridge line of a building that is or is part of a heritage item (or within a heritage conservation area) is to be located so they are not visible from the Public Domain.
- (n) Original fencing styles and materials should be repaired and retained.

- (o) Non-original materials of existing contributory buildings in Conversation areas that are being replaced shall be replaced with material that matches the original material as closely as possible.

- (p) Original door and window joinery visible from the Public Domain is to be conserved.

#### **(23) Reuse of Significant Building Elements**

The reuse and recycling of significant elements such as bricks, sandstone blocks, verandah thresholds, wall vents, ceiling roses and timber joinery etc. is required. The recycling is to occur, preferably on site and/or to suitable professional recycling yards specialising in the recycling of historic building materials. Removal and storage of these materials is to be carefully carried out by the workers and a specific stockpile area is to be designated and protected. A detailed plan for execution of the above requirements is to be submitted to and approved by Council's Heritage Advisor, prior to issue of a Construction Certificate.

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

#### **(24) Demolition & Asbestos**

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

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

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

**Note:** Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au).

#### **(25) Demolition Notification Requirements**

The following notification requirements apply to this consent:

- (a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
- (b) Five (5) working days prior to demolition, the developer/builder is to provide written



notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.

- (c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

**(26) 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**

**(27) 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.

**(28) Reduction of Rising Damp and Salt Attack in Buildings Constructed Prior to 1920**

- (a) To avoid potential damage caused by rising damp and migrating salts the following is to apply to the ground floor.
- (b) No concrete slab is to be laid directly on the ground either within the building or external to the building directly adjacent to the exterior walls.
- (c) The existing suspended timber floor at ground floor level, and the ventilated subfloor space is to be retained or reconstructed if necessary.

**PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

**(29) 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.

**(30) 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.

**(31) 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.

**(32) Stormwater Drainage Works – Works As Executed**

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

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

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

**OPERATIONAL CONDITIONS (ON-GOING)**

**(33) Entering & Exiting of Vehicles**

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

**OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**(34) Requirement for a Construction Certificate**

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

**(35) 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.

#### **(36) 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.

#### **(37) 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.

#### **(38) 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](#).

#### **(39) 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.

#### **(40) 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**

#### **(41) Clause 75 – BASIX Commitments**

This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX

Certificate to which the development relates.

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

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

**(43) Clause 71 – Home Building Act 1989**

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

**(44) Clause 74 – Protection & Support of Adjoining Premises**

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

## **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. 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.

#### **5. 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](http://www.SafeWork.nsw.gov.au)).