

## IDAP REPORT

<b>Property:</b>	8 Wilson Street STRATHFIELD Lot: 141 DP: 14613 DA2021.307
<b>Proposal:</b>	Demolition of existing dwelling and associated structures and construction of a two-storey house with at-grade double garage and in-ground swimming pool.
<b>Applicant:</b>	C Jiang
<b>Owner:</b>	H Zhang / X ni
<b>Date of lodgement:</b>	29 November 2021
<b>Notification period:</b>	3 December 2021 to 17 December 2021
<b>Submissions received:</b>	One
<b>Assessment officer:</b>	P Santos
<b>Estimated cost of works:</b>	\$2,028,400.00
<b>Zoning:</b>	R2-Low Density Residential - SLEP 2012
<b>Heritage:</b>	No
<b>Flood affected:</b>	Yes
<b>RECOMMENDATION OF OFFICER:</b>	APPROVAL

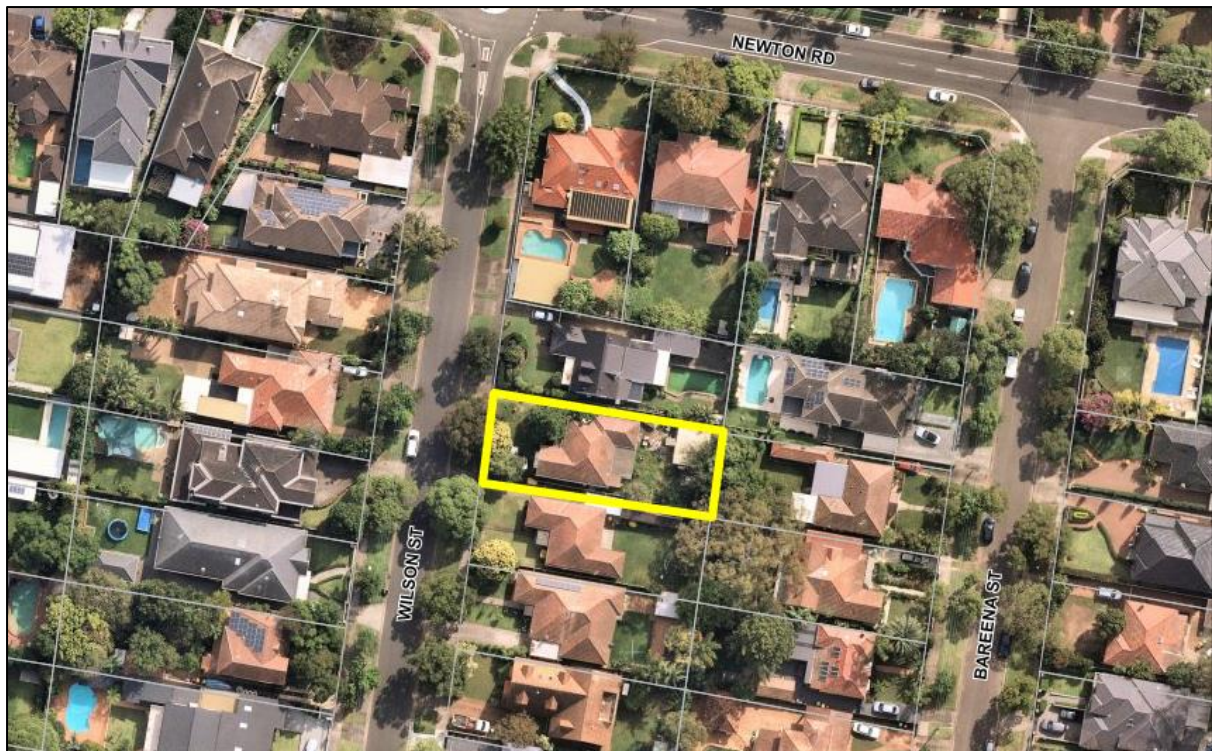


Figure 1. Aerial imagery of the subject site (outlined) and the immediate locality.

## **EXECUTIVE SUMMARY**

### **Proposal**

Development consent is being sought for the demolition of existing dwelling and associated structures and construction of a two-storey house with at-grade double garage and in-ground swimming pool.

### **Site and Locality**

The subject site is legally described as Lot 141 DP 14613 and commonly known as 8 Wilson Street, Strathfield. It is located on the eastern side of Wilson Street, between Newton Road and Ada Avenue.

The site is almost rectangular in shape, has a width of 15.24m and an average depth of 41.15m, with a total area of 626.8m<sup>2</sup>.

The current streetscape is characterised by mature street trees, single to double-storey dwelling houses with consistent setback and front yard garden.

### **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 3 December 2021 to 17 December 2021, where one submission was received raising a visual privacy concern.

### **Issues**

- Initial design with a basement and the site being flood affected.

### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, development application 2021/307 is recommended for approval subject to suitable conditions of consent.

## REPORT IN FULL

### Proposal

Council has received an application for the demolition of existing dwelling and associated structures and construction of a two-storey house with at-grade double garage and in-ground swimming pool. More specifically, the proposal includes:

#### Ground Level

- Double garage
- Lounge room
- Guest bedroom with ensuite
- Powder room
- Laundry room
- Open plan dining, living and kitchen with attached pantry
- Attached alfresco

#### First Level

- Four bedrooms with ensuite and WIR
- Winter garden/sun room attached to the master bedroom

#### Ancillary Works

- In-ground swimming pool
- Ancillary landscaping



*Figure 2. Concept 3D imagery of the final design of the proposed development showing the front façade.*





Figure 3. Concept 3D imagery of the rear elevation of the proposed development.

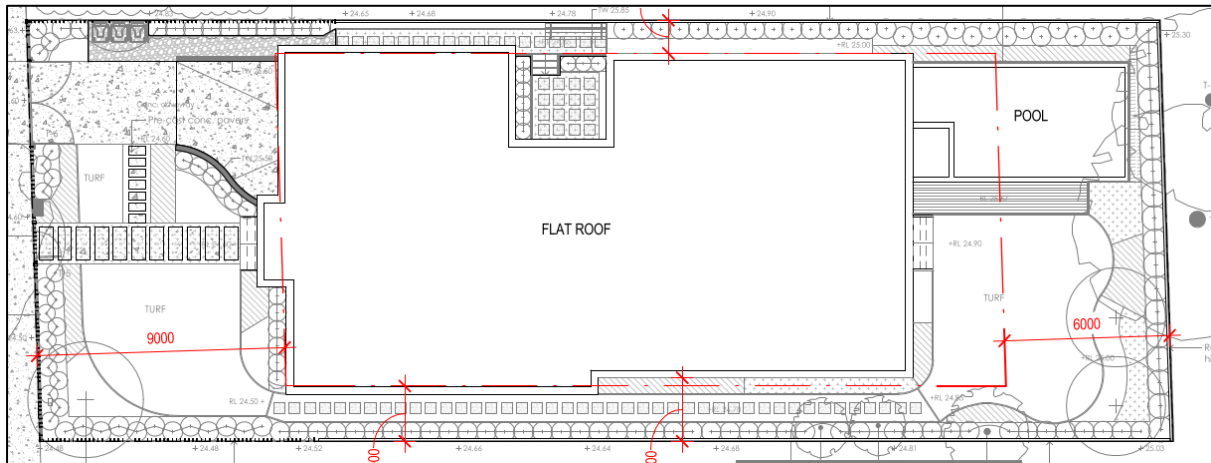


Figure 4. Extract of the proposed site plan.

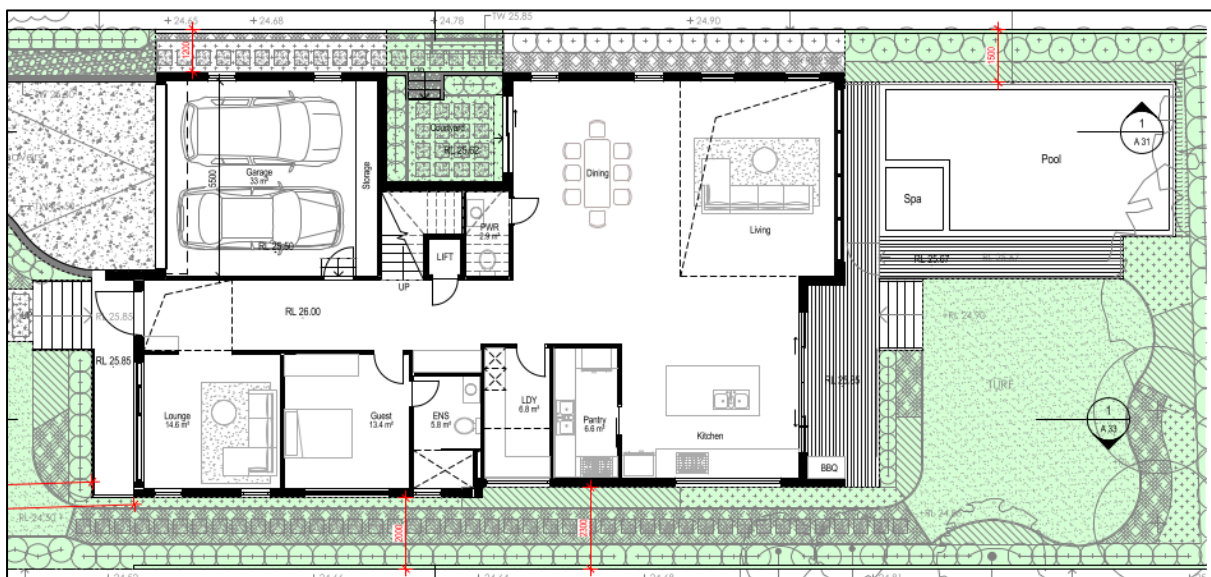


Figure 5. Extract of the proposed ground floor.

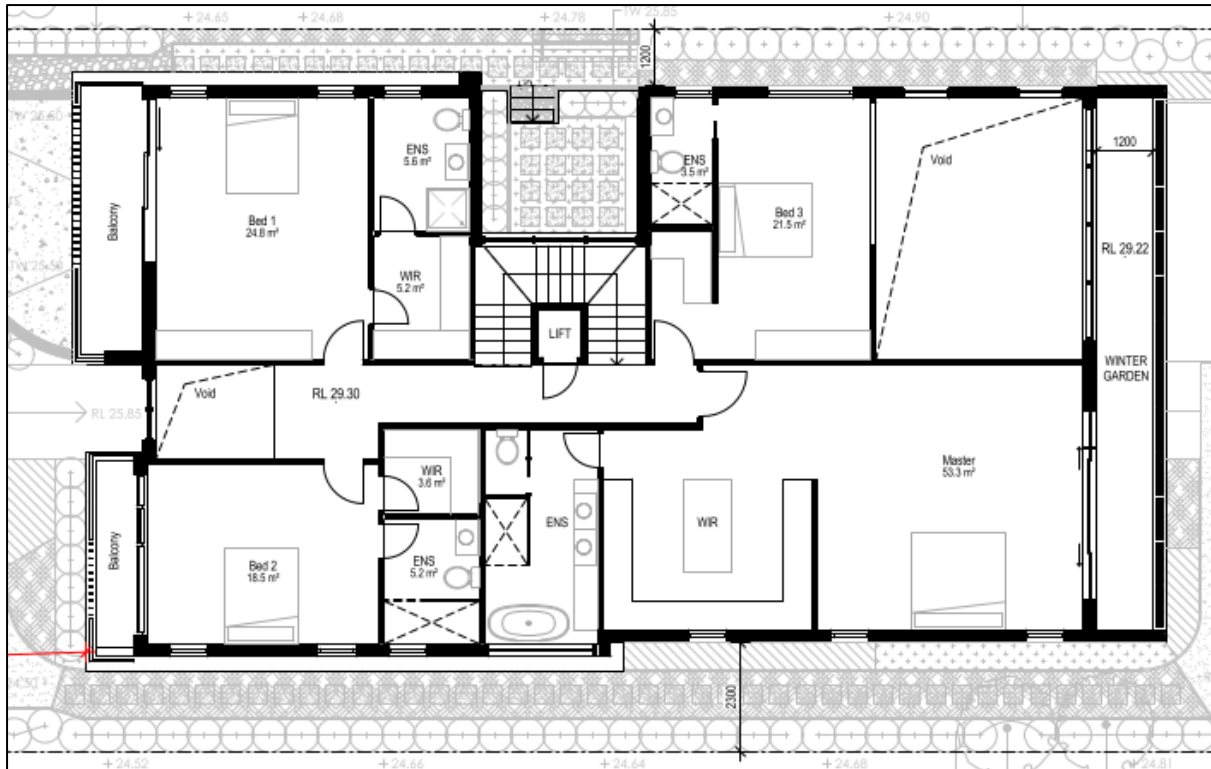


Figure 6. Extract of the proposed first floor.

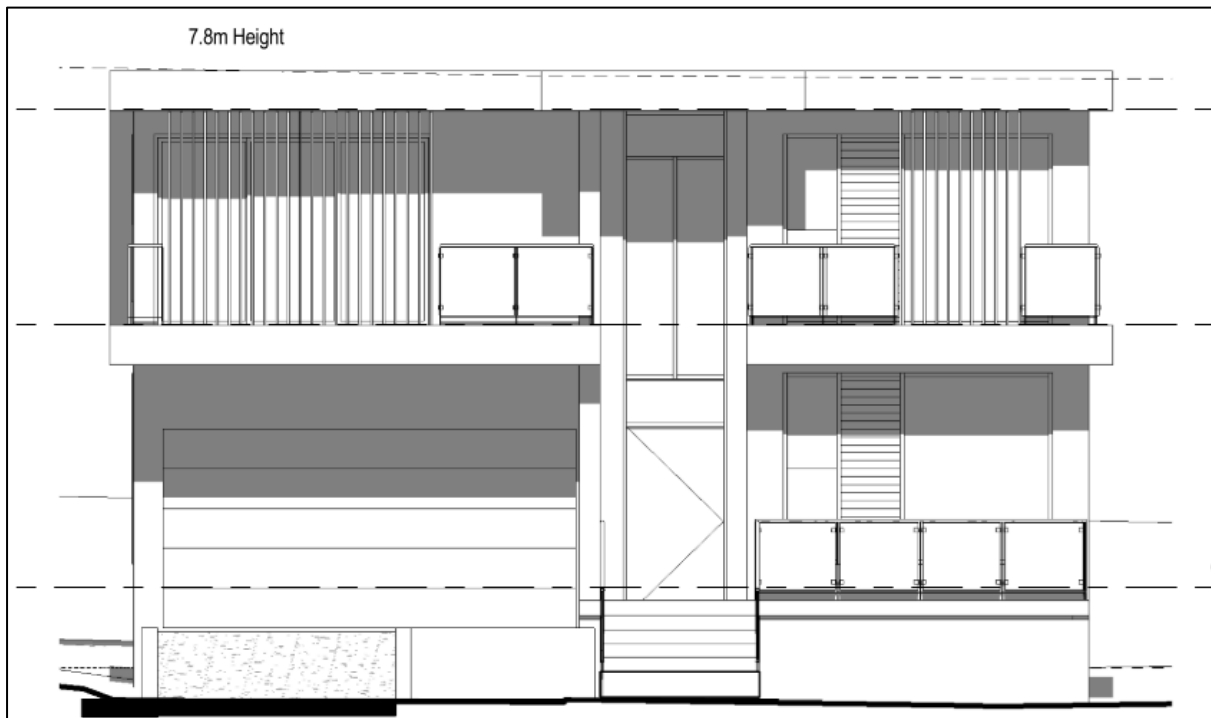


Figure 7. Extract of the proposed western elevation.

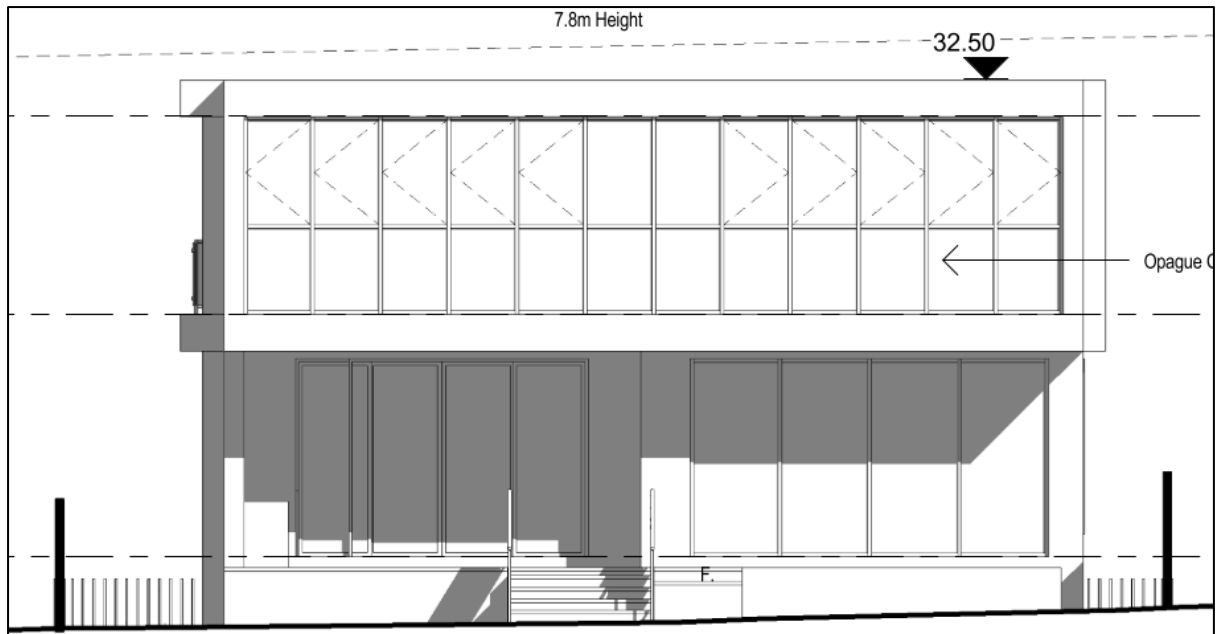


Figure 8. Extract of the proposed eastern elevation.

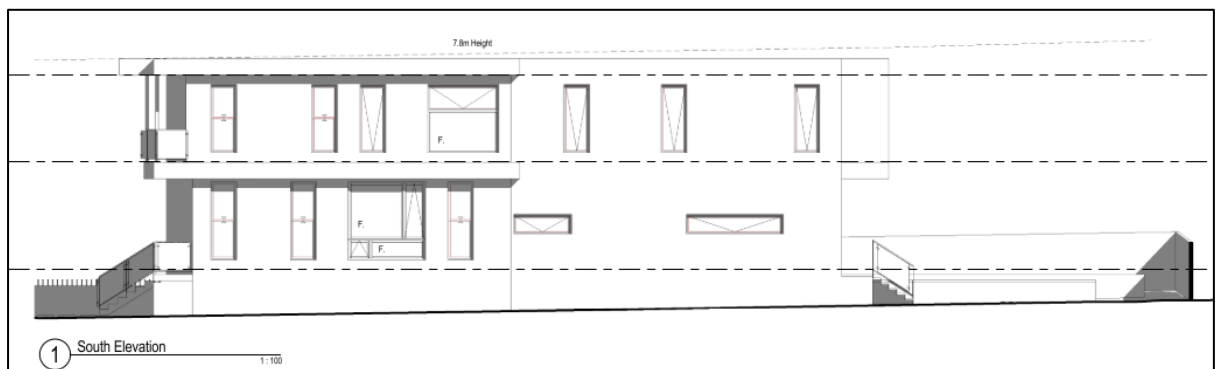


Figure 9. Extract of the proposed southern elevation.

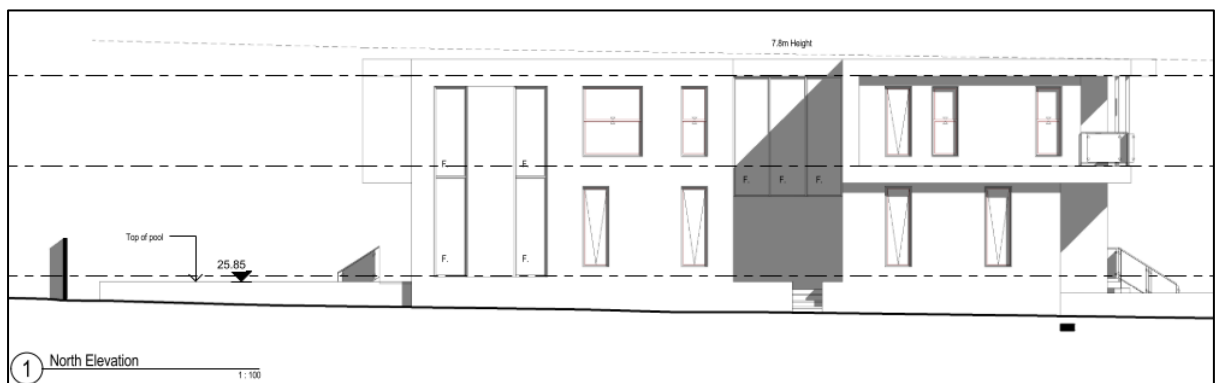


Figure 10. Extract of the proposed northern elevation.

### **The Site and Locality**

The subject site is legally described as Lot 141 DP 14613 and commonly known as 8 Wilson Street, Strathfield. It is located on the eastern side of Wilson Street, between Newton Road and Ada Avenue.



The site is almost rectangular in shape, has a width of 15.24m and an average depth of 41.15m, with a total area of 626.8m<sup>2</sup>.

The site has a gradual upslope to the rear with a rise of 0.5m.

The site is currently occupied by a one-storey brick dwelling house and a detached garage located at the rear. Vehicular access is currently available along the northern boundary.

The current streetscape is characterised by mature street trees, single to double-storey dwelling houses with consistent setback and front yard garden.

Pitched roof form is dominant along the street within the immediate locality, with the exception of 34 Wilson Street. While this property, in the aerial imagery shown below has a pitched roof to the most part of the roof, it appears flat when viewed from the street.



*Figure 11. Aerial imagery of 34 Wilson Street.*



*Figure 12. Front façade of 34 Wilson Street.*

The surrounding area is predominantly low density residential.

### **Background**

29 November 2021	The development application was lodged.
3 December 2021	The application was put on public exhibition until 17 December 2021. One submission was received during this period. The details of the submission are discussed in the Public Submissions section of this report.
6 December 2021	Comments from Council's Development Engineer was received. This is discussed in more detail in the referrals section of this report.
24 February 2022	Comments from Council's Tree Management Officer was received. This is discussed in more detail in the referrals section of this report.
4 March 2022	<p>An additional information request letter was issued to the applicant via the NSW Planning Portal, raising the following concerns:</p> <ul style="list-style-type: none"> <li>• The property is flood affected and would need a flood report;</li> <li>• FSR calculation to be corrected;</li> <li>• Reduction in basement size;</li> <li>• Pool subfloor to be deleted from the basement plan;</li> <li>• RLs to be shown across the plans;</li> <li>• First floor slab and ceiling height;</li> <li>• Three-storey dwelling due to the basement protrusion;</li> <li>• Roof form – character;</li> <li>• Street setback;</li> <li>• Landscaping calculation;</li> <li>• Relocation of the proposed pool for the retention of the neighbouring trees;</li> <li>• Solar access of the southern neighbour;</li> <li>• Rear balcony;</li> </ul>



- Driveway width; and
- Habitable room in the basement to be deleted.

15 March 2022 Council's Planner carried out a site visit.

1 April 2022 The additional information was provided to Council via the NSW Planning Portal.

### **Referrals – Internal and External**

#### **Stormwater Management**

The application was referred to Council's Development Engineer who initially flagged that the property is flood affected and a Flood Impact Assessment Report must be provided in accordance with Council Interim Flood Prone Land Policy.

This was raised in the additional information request letter issued to the applicant. The applicant has satisfied this request by providing the flood report to Council via the NSW Planning Portal.

The application is supportable subject to satisfaction of the relevant conditions of consent.

#### **Tree Management**

The application was referred to Council's Tree Management Coordinator who provided the following pressing comments in the initial referral:

***"Tree 1 – Council Street tree – as the applicant wants to relocate and move new driveway 3.4 metres from the base of the tree a root mapping report should be provided. This will be able to determine if the driveway can be relocated to the distance of 3.4 metres."***

***"Trees 2,3,4,5,6,7,8,9,10,11- can be removed to accomodate the proposed development."***

***"Tree 14,15 – neighbouring trees are impacted by the proposed pool and these works in the current location could compromise the stability of the trees."***

Council's Tree Management Coordinator concluded with a further request to explore the possibility of relocating the proposed pool to retain the neighbouring trees (Trees 14 and 15).

The applicant has provided the root mapping report but did not relocate the swimming pool.

The application with the provided additional information was referred back to Council's Tree Management Coordinator, who commented that the pool *"has a greater than 10% encroachment into the TPZ which is classed as a major encroachment in accordance with AS4970-2009 Protection of tree on development sites"* and relevant conditions of consent to be imposed should the application be supported.

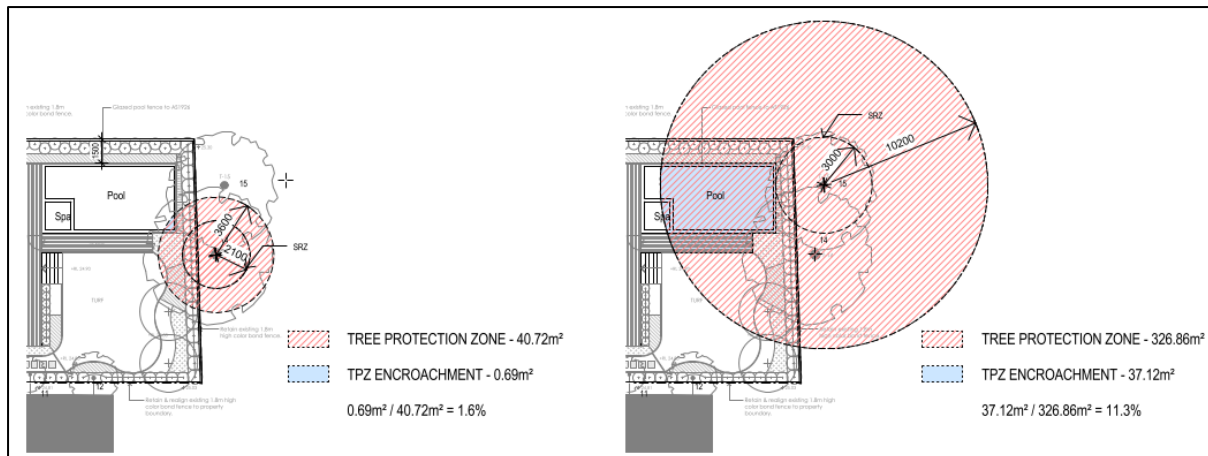


Figure 13. Extract of the illustrated TPZs of Tree 14 (left) and 15 (right) and their proximity to the proposed swimming pool.

To resolve the issue about the location of the pool and its encroachment with the neighbouring tree, a condition is imposed for the swimming pool to be deleted or redesigned prior to receipt of the construction certificate that would satisfy the requirements to protect the subject neighbouring trees, in particular Tree 15 which has 10.2m TPZ. The condition would require for the amended design to seek approval of Council's Tree Management Coordinator prior to receipt of the CC.

#### **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,**

#### **STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021**

#### **Chapter 2 – Vegetation in non-rural areas**

The intent of this Chapter within the SEPP is 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.

As previously discussed, a condition is imposed to ensure that the proposed swimming pool would not impact the retention of the neighbouring trees – Trees 14 and 15.

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

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

## **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 (RESILIENCE AND HAZARDS) 2021**

### **Chapter 4 – Remediation of land**

Chapter 4 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 Chapter 4 of the SEPP are considered to be satisfied.

### **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	7.9m	Yes
<b>4.4C</b> Exceptions to FSR (Zone R2)	0.6:1 (376.08m <sup>2</sup> )	0.56:1 (354m <sup>2</sup> )	Yes

### **Floor Space Ratio**

The initial design of the proposed dwelling included a non-compliant FSR with the inclusion of a basement level that was protruding by about 1.1m. By definition, it does not satisfy to be considered as a basement as per the SLEP 2012, which meant that there were areas in the basement that were included in the gross floor area calculation and it could not have a habitable room – the cinema proposed, which contributed to an excessive FSR.

The above was relayed to the applicant in the additional information request letter, together with the request to provide a flood report. The applicant came back with an amended design removing the basement level. The most recent design now satisfies the FSR provisions applicable to the site.



## **Part 5 – Miscellaneous Provisions**

### **Heritage Conservation**

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

### **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 and will not result in significant adverse effects on flood behaviour.

## **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.

- (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: Parapet height: Overall height for flat roof dwelling: Number of Storeys/Levels:	3.0m 0.8m 7.8m 2	3.5m 0.5m 8m 2	No Yes No Yes
<b>Setbacks:</b> Front: Side (northern): Side (southern): Combined Side Setback: Rear:	9m 1.2m (min) 1.2m (min) 3m (20%) 6m	9m 1.2m 2m 3.2m 9m	Yes Yes Yes Yes Yes
<b>Landscaping</b>			
Landscaping/Deepsoil Provisions:	41.5% (260.12m <sup>2</sup> )	39.2% (245.9m <sup>2</sup> )	No
<b>Fencing</b>			
Height (overall/piers):	1.5m (maximum)	1.2m	Yes
<b>Solar Access</b>			
POS or habitable windows	3hrs to habitable windows and to 50% of POS	About 50% of the POS of the southern neighbour to receive sunlight	Yes
<b>Vehicle Access and Parking</b>			
Driveway width at Boundary:	3m	3m	Yes
Vehicular Crossing:	1	1	Yes
Driveway setback – side:	0.5m	1.5m	Yes
No. of Parking Spaces:	2	2	Yes
<b>Ancillary Development</b>			
<b>SWIMMING POOL</b>			
Side/Rear Setback	1.0m	1m	Yes

### Flat Roof Design and Streetscape

As previously mentioned, the street is dominated by dwelling houses with pitched roof design. Despite this, 34 Wilson Street located towards the southern end of the street has a flat roof appearance (Figure 12) from the street despite it having a pitched roof when viewed using the aerial imagery (Figure 11). As such, the proposed flat roof design of the subject application is considered acceptable.

## **Ceiling Height**

The proposed development involves a ceiling height that is 0.5m higher than the required 3m in the SCDCP 2005. While this is a non-compliance of the development control, it is considered acceptable as the variation is only to the garage that is stepped down from the rest of the ground floor, due the nominated flood level in the flood report requiring habitable floor level to be at least RL 26.00. This results to a ceiling level that is consistent across the whole of the ground floor.

## **Flat Roof Height**

The proposal involves a non-compliant 8m high flat roof designed house. The SCDCP 2005 requires no more than 7.8m high dwelling with a flat roof. The proposed variation is acceptable as the non-compliant section of the roof is negligible and will not cause adverse amenity impacts to neighbouring properties. As such, the proposed variation is acceptable.

## **Landscaping and Open Space**

The proposal involves landscaping of 39.2% (245.9m<sup>2</sup>), which does not satisfy the development control requiring 41.5% (260.12m<sup>2</sup>) of the site to be landscaped.

Note that the swimming pool occupies a big part of the backyard of the property. As previously discussed, a condition will be imposed to either delete the proposed pool or redesign it in a way that satisfies the protection of the trees (Trees 14 and 15) in the neighbouring eastern property. In line with this requirement, a subsequent condition will be imposed that in doing so, the total landscaped area proposed must improve and satisfy the minimum landscaped area requirement in the DCP.

## **Fencing**

The proposed front fencing satisfies the relevant objectives and controls within SCDCP 2005. It 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.

## **Solar Access**

Given the orientation of the site, solar access to windows of habitable rooms and to at least 50% of the private open space is achieved or maintained for a minimum period of 3 hours between 9.00am-3:00pm at the winter solstice. Solar access is also achieved or maintained to the private open space of the adjoining premises. The proposal is considered to generally satisfy the relevant objectives and controls of the SCDCP 2005.

## **Privacy**

The proposed development satisfies the relevant objectives and controls of the SCDCP 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 activity use rooms so as not to negatively impact on adjoining properties. The winter garden on the first floor is off a low activity bedroom which has a depth of 1.2m. Congregation of people in the winter garden is unlikely and therefore envisaged to cause no visual privacy concerns.



## ANCILLARY STRUCTURES

### Swimming Pools, Spas & Associated Enclosures

The proposed development satisfies the relevant objectives and controls with SCDCP 2005. However, it is conflict with the existing trees to the neighbouring property to the east that the excavation for the pool will impact the viability of the trees to survive.

Council's Tree Management Coordinator raised concerns about the location of the pool and its proximity to the subject trees (Trees 14 and 15). As a resolution, the pool will be conditioned to be either deleted or redesigned in a way that it needs to be relocated to move away from the trees and will not have any impact to the tree protection zones of the trees.

A condition will be imposed that the pool, when redesigning, must be setback at least 1m from the boundaries to any ancillary coping and that if it is more than 0.6m above the ground, it should have no more than 0.3m wide coping to avoid any potential overlooking to neighbouring properties.

### **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.

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

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

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

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

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

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

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

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

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

## 1. Visual Privacy

The submitted objection raised the following concerns:

*“...top floor side windows facing our property (6 Wilson St. to the north)”*

*“...top front balconies overlooking our front yard and porch*

*“...top back balcony running the whole width of the proposed house overlooking our backyard.”*

The first floor windows facing the northern neighbour, including the southern neighbour, are all off bedrooms or a void. A bedroom is considered a low activity room which does not encourage congregation and only occupied for a minimal amount of time, unlike a living area or a rumpus room. As such, the windows to these bedrooms are not required to be obscured be amended to highlight windows.

Front balconies are acceptable as while it overlook front yards of properties, frontyards are open to the public anyway with it being visible from the public road and footpath on Council verge. Further, unlike private backyards, no private activities are expected to be undertaken in the front yards for the reasons mentioned previously. As such, the proposed front balconies are acceptable.

The balcony to the rear was amended to a sunroom off the master bedroom. It is noted that no living area is adjacent to this sunroom or has access to it. As such, it is not considered that the proposed room will cause visual privacy intrusion to neighbouring properties as the use will be minimal and due to it being off a bedroom, its use is off a low active room further supporting the statement that it is not envisaged to be used actively.

### **(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 \$2,028,400.00 and in accordance with Council's s7.12 Indirect Contributions Plan, a contribution of 1% of the cost of works is applicable. In this regard, the contribution is as follows:

Local Amenity Improvement Levy	\$20,284.00
--------------------------------	-------------

## 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. 2021/307 should be approved subject to the conditions of consent.



Signed:

**P Santos**  
**Senior Planner**

**Date: 23 May 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.



Signed:

**J Brown**  
**Planner**

**Date: 24 May 2022**



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	A11	29/03/2022	B	Archian
Ground Floor Plan	A13	29/03/2022	B	Archian
First Floor Plan	A14	29/03/2022	B	Archian
West Elevation	A21	29/03/2022	B	Archian
East Elevation	A22	29/03/2022	B	Archian
South Elevation	A23	29/03/2022	B	Archian
North Elevation	A24	29/03/2022	B	Archian
Driveway Section	A31	29/03/2022	B	Archian
Short Section	A32	29/03/2022	B	Archian
Long Section	A33	29/03/2022	B	Archian
Demolition Plan	A63	29/03/2022	B	Archian
Landscape Plan	LP01	01/04/2022	F	JCA Urban Designers / Landscape Architects

Ground Floor and First Floor Stormwater Plan & Details	08WILS-HYD-2	12/11/2021	B	Allied Consultants Pty Ltd
Roof Stormwater Plan & Details	08WILS-HYD-3	12/11/2021	B	Allied Consultants Pty Ltd
Flood Impact Assessment Report	-	08/03/2022	A	MBC Engineering Pty Ltd
Arboricultural Impact Assessment Report	18821	13/11/2021	-	Raintree Consulting
Tree Root Mapping	GBGA253 7	30/03/2022	-	GBG Group
Tree Root Mapping – Arboricultural Assessment Report	3722	1/04/2022	-	Raintree Consulting

## 2. **Building Height**

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 32.50 AHD to the top of the parapet of the building.

## 3. **Special Conditions – Stormwater & Flooding**

### **A. Stormwater Drainage Concept Plan**

Basement removed from revised architectural plans. Amended stormwater concept plan reflecting the approved architectural plans shall be submitted to Council for approval prior to issue of a Construction Certificate.

### **B. Flooding**

Amended flood impact assessment report reflecting the approved architectural plans shall be submitted to Council for approval prior to issue of a Construction Certificate.

## SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

### 4. 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.

## 5. Vehicular Crossing - Minor Development

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

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

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

## REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

### 6. Sydney Water – Tap in™

The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at [www.sydneywater.com.au](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

### 7. 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>	\$ 7,100.00
Security Damage Deposit	\$ 18,000.00
Tree Bond	\$ 10,150.00
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	\$ 20,284.00

### 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).

## 8. Required Design Changes

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

Swimming Pool Deletion or Relocation	<p>The swimming pool encroaches within the TPZ of Trees 14 and 15 and impacts their viability to survive. As such, the swimming pool must be deleted or redesigned, including reduction in size to satisfy the landscaping requirements, to have an adequate distance from trees 14 and 15 that would not adversely impact the trees' capacity to live.</p> <p>The swimming pool should be setback at least 1m from the side and rear boundaries to the coping (not the waterline). Ancillary coping should be no more than 0.3m in width if the pool has a height that is more than 0.6m from the existing ground level.</p> <p>The plans are to be amended to reflect compliance with the above condition and be submitted to Council for the approval of the Tree Management Coordinator.</p>
Landscape Plan	<p>The landscape plan is to be amended to reflect any changes in relation with the 'Swimming Pool Deletion or Relocation' condition above.</p> <p>Note that any amendments must demonstrate compliant landscaping of no less than 41.5% (260.12m<sup>2</sup>) as landscaped, in accordance with the DCP. Landscaping should be calculated taking into consideration the definition of landscaped area in the SLEP 2012 and as supplemented in section 5.2.1 of Part A of the Strathfield Consolidated Development Control Plan 2005.</p>

## 9. Tree Bond

A tree bond of \$10,150.00 and an administration fee of \$130.00 (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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.

#### 10. **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.

#### 11. **Tree Protection and Retention**

The following trees shall be retained and protected:

<b>Tree No.</b>	<b>Tree Species</b>	<b>Location of Tree</b>	<b>Tree Protection Zone (metres)</b>
1	Sapium sebiferum	Street tree located front of 8 Wilson Street Strathfield	7.2 metres
13	Murraya paniculata	3 Bareena Street Strathfield	3.0 metres

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

#### **General Tree Protection Measures**

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

- (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.

## **12. Tree Removal & Replacement**

### **Tree removal**

Permission is granted for the removal of the following trees:

<b>Tree No.</b>	<b>Tree species</b>	<b>Number of trees</b>	<b>Location</b>
2	Pittosporum undulatum	1	8 Wilson Street Strathfield
3	Hibiscus sp	1	8 Wilson Street Strathfield
4	Thuja occidentalis	1	8 Wilson Street Strathfield
5	Chamaecyparis obtuse	1	8 Wilson Street Strathfield
6	Picea abies	1	8 Wilson Street Strathfield
7	Thuja standishii	1	8 Wilson Street Strathfield
8	Camellia sasanqua	1	8 Wilson Street Strathfield
10	Camellia japonica	1	8 Wilson Street Strathfield
11	Citrus sp	1	8 Wilson Street Strathfield

## **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).

### **Tree Replacement**

All trees permitted to be removed by this consent shall be replaced three (3) trees by species selected from Council's Recommended Tree List and must have a minimum mature height of 10 metres.

Replacement trees shall be a minimum 50 litre container size. Trees are to conform to the NATSPEC guide and Guide for assessing the quality of and purchasing of landscape trees by Ross Clarke, 2003. Trees are to be true to type, healthy and vigorous at time of delivery and planting, shall be pest and disease free, free from injury and wounds and self-supporting; and shall be maintained until maturity.

All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.

Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.

Soil conditioner/fertilizer/moisture retention additive/s are to be applied in accordance with manufacturer's recommendations, and mixed into the backfilling soil after planting tree/s.

A minimum 75mm depth of organic mulch shall be placed within an area 0.5m from the base of the tree.

Details demonstrating compliance shall be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

## **13. BASIX Commitments**

The approved BASIX Certificate shall be submitted to the Accredited Certifier with the application for a Construction Certificate.

All measures and commitments as detailed in the BASIX Certificate No. 1254408S must be implemented on the plans lodged with the application for the Construction Certificate.

## **14. 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.

#### 15. **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.

#### 16. **Driveway Surface Waters**

For driveways on private property sloping to the street and greater than 10 metres in length, drainage control devices such as humps or grated surface inlet pits shall be installed at the front boundary in order to control excess stormwater flowing across Council's footpath.

#### 17. **Compliance with Flood Study**

The development shall be designed to conform to the recommendations and conclusions of the submitted flood study prepared by MBC Engineering rev A dated 08/03/2022.

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

- (a) Minimum floor levels
- (b) Fencing
- (c) Site regrading
- (d) Overland flow path construction

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

#### 18. **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.



## 19. **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: \$18,000.00
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$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.

## 20. **Site Management Plan**

### **Minor Development**

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

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

## 21. **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).

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

## 22. **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 Principal Certifier 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).

## 23. 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.

## 24. Demolition Work Involving Asbestos Removal

Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the [Work Health and Safety Regulation 2011](#).

## 25. 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

## 26. Excavation Works Near Tree to be Retained

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

Where the Tree Protection Zone of trees on site or adjoining sites become compromised by any excavation works, the Project Arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.

**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. Ground Levels and Retaining Walls**

The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved by Council.

**29. Swimming Pools – Filling with Water**

The pool/spa shall not filled until the safety fences have been completed in accordance with the approved plans and specifications and inspected by the Principal Certifier.

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

**30. Stormwater Certification of the Constructed Drainage Works (Minor)**

The constructed stormwater system shall be certified by a suitably qualified person, in accordance with Council's Stormwater Management Code, prior to the issue of any Occupation Certificate.

**31. Stormwater Drainage Works – Works As Executed**

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

- (a) Compliance with conditions of development consent relating to stormwater;
- (b) That the works have been constructed in accordance with the approved design;
- (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.

**32. BASIX Compliance Certificate**

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

**33. Minor Development**

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

**OPERATIONAL 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 Principal Certifier**

Building and/or demolition works must not commence until the applicant has:

- (a) appointed a Principal Certifier 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 Principal Certifier 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 Principal Certifier 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 Principal Certifier of their intention to commence the erection or demolition of a building.

**38. Critical Stage Inspections**

The last critical stage inspection must be undertaken by the Principal Certifier. 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 61 of the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021 - NSW Legislation](#).

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

The principal contractor for a building site, or the owner-builder, must notify the Principal Certifier 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 70 – 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 Principal Certifier and the Principal Contractor.

**44. 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](#).



## ADVISORY NOTES

### i. Review of Determination

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

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

### ii. Appeal Rights

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

### iii. Lapsing of Consent

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

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

NSW legislation can be accessed free of charge at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

### v. 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.

**vi. 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)).

**vii. Register your Swimming Pool**

All swimming pools in NSW are required to be registered. Fines apply for pools that are not registered. To register please visit: [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au)