

## IDAP REPORT

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| <b>Property:</b>                           | 22 Meredith Street STRATHFIELD<br>DA 2020/200  |
| <b>Proposal:</b>                           | Construction of a swimming pool.   |
| <b>Applicant:</b>                          | R W Easter   |
| <b>Owner:</b>                              | R W Easter and E Robins  |
| <b>Date of lodgement:</b>                  | 11 November 2020   |
| <b>Notification period:</b>                | 13 – 27 November 2020  |
| <b>Submissions received:</b>               | Nil (0)  |
| <b>Assessment officer:</b>                 | E Black  |
| <b>Estimated cost of works:</b>            | \$30,141.00  |
| <b>Zoning:</b>                             | R2-Low Density Residential - SLEP 2012   |
| <b>Heritage:</b>                           | Yes – subject site is within C4 – Meredith Street<br>Conservation Area - Victorian Villa Style Group |
| <b>Flood affected:</b>                     | No   |
| <b>Is a Clause 4.6 Variation Proposed:</b> | No   |
| <b>RECOMMENDATION OF OFFICER:</b>          | APPROVAL   |

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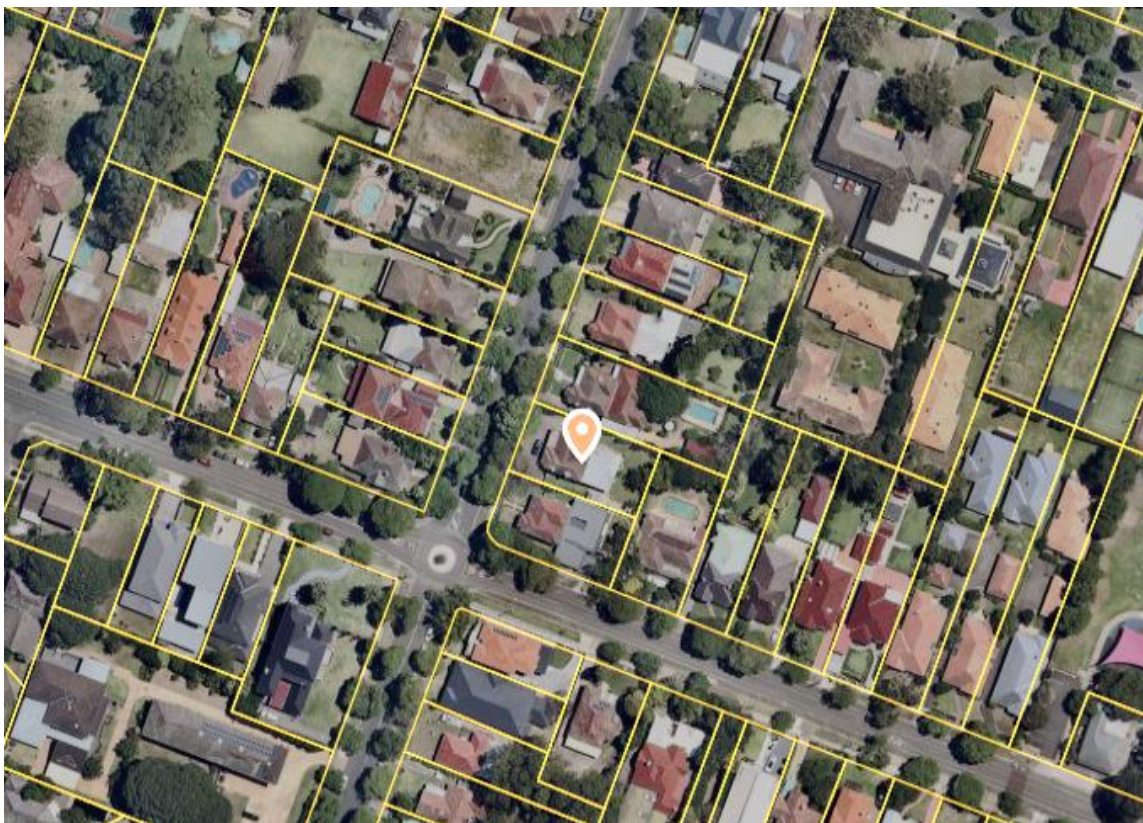


Figure 1: The site and the surrounding context (NearMaps)

## **EXECUTIVE SUMMARY**

### **Proposal**

Development consent is being sought for the Construction of a swimming pool.

### **Site and Locality**

The site is identified as 22 Meredith Street, Homebush, and has a legal description of Lot 1 DP 208551. The site is a regular shaped parcel of land and is located on the eastern side of Meredith Street.

The site has a width of 20.12m, a depth of 39.62m and an overall site area of 797.15m<sup>2</sup>.

The locality surrounding the subject site contains a mixture of single storey period Victorian and Federation houses, with some highly modified. The site is within the C4 – Meredith Street Conservation Area - Victorian Villa Style Group.

### **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 13 to the 27 November 2020 where no submissions were received.

### **Issues**

The swimming pool boundary setbacks did not meet the Complying Development Standards (Exempt and Complying Development SEPP 2008) under the Part 4 Housing Code for swimming pools within Heritage Conservation Areas, thus the application was lodged.

However, the assessment shows that the pool will have minimal effects on neighbouring properties, the heritage conservation area, and won't affect existing trees or easements on the property. Generally, the proposed pool, is unlikely to be seen from the public domain as it's well behind the dwelling.

### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of *the Environmental Planning & Assessment Act 1979*, Development Application 2020/200 recommended for approval subject to suitable conditions of consent.

## REPORT IN FULL

### Proposal

Council has received an application for the Construction of a swimming pool. The proposal involves:

- A 21m<sup>2</sup> in-ground pool (3.5m (w) by 6m (L)) with 200mils copping.
- Pool fencing
- Pool pump

The swimming pool boundary setbacks did not meet the Complying Development Standards under the Housing code for the Heritage Conservation Areas, thus the application was lodged.

### The Site and Locality

The subject site is legally described as Lot 1 DP 208551 and commonly known as 22 Meredith Street and is located between Abbotsford Road and Broughton Road.

The site is a regular shaped parcel of land and is located on the eastern side of Meredith Street.

The site has a width of 20.12m, a depth of 39.62m and an overall site area of 797.15m<sup>2</sup>.

The site is rectangular in shape and has a frontage of 20.12m to the West rear boundary of 20.12m to the East 39.62m side boundary length of 39.62 m to the North, and side boundary length of 39.62m to the South and an area of 797.15m<sup>2</sup>.

The site slopes from West to East and has a cross-fall of 1.53 m from 39.62m.

The site is occupied by a single storey Victorian dwelling. Vehicular access is provided to the site via an existing circular driveway from Meredith Street with parking space currently in the front setback.

The current streetscape is characterised by single storey period homes (Federation and Victorian).

The site is a contributory item with intrusive elements sited within C4 – Meredith Street Conservation Area - Victorian Villa Style Group. The site is also located near two heritage items:

- 127 'Federation House and Garden' – 23 Meredith Street
- 1109 Society of St Paul – Victorian Italianate Villa (formally Ethelstone)

The surrounding area is characterised by single and two storey residential dwellings on large lots.



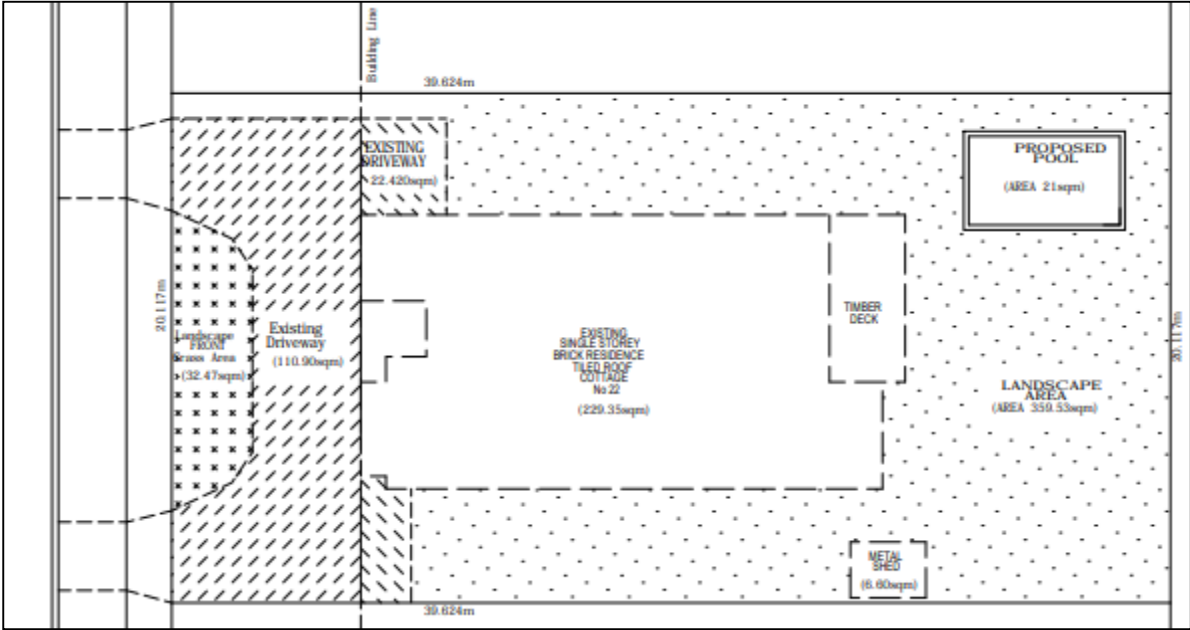


Image 4: Landscape Calculations



Image 5: Showing location of pool from the public domain



**Image 6: Site photo showing location of pool**

### **Background**

|                     |   |
|---------------------|---|
| 11 November 2020    | The application was lodged at Council.  |
| 25 November 2020    | Council officer sought clarification on if vegetation will be removed. Applicant stated that no vegetation to be removed.   |
| 11-27 November 2020 | The application was notified in accordance with the period of 14 days. No submissions were received during this time.   |
| 7 December 2020     | Council officer undertook a site visit.   |
| 5 January 2020      | The subject site is flood affected. The Council Officer consulted flood engineer who informed that a referral was not required if the coping surrounding the pool is at 200mm. The submitted elevations show that the coping will be at 200mm. No referral was therefore necessary. |

### **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 ancillary development with Council's consent.

**Part 5 – Miscellaneous Provisions**

**Heritage Conservation**

The proposal is within the Meredith C4 - Heritage Conservation Area - Victorian Villa style group. 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. The heritage adviser concluded that due to the pools location behind the dwelling and a fence is that it is unlikely that the pool will be seen from the public domain and therefore, will not impact on the heritage conservation area (see Image 5).

**Part 6 – Additional Local Provisions**

**Acid Sulfate Soils**

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

**Earthworks**

The proposal does not include any significant excavation. Any excavation 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.

The proposed works are unlikely to disrupt or effect existing drainage patterns or soil stability in the locality or effect the future use or development of the land. It is unlikely to effect the existing and likely amenity of adjoining properties and there is no potential for adverse impacts on any waterways, drinking water catchment or environmentally sensitive areas. The proposed excavation works are considered to satisfactorily address the objectives of this clause.

## **Flood Planning**

The subject site has been identified as being at or below the flood planning level. However, a review of the site and plans by Council's Stormwater Engineer confirms that the swimming pool with 200mm of copping is unlikely to affect flooding.

## **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** (delete if not applicable)

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

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

As the pool volume is (23,400L) less than 40,000Litres a BASIX, there is no requirement for the application to be assessed in accordance with the BASIX SEPP.

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

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

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

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

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



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

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

**(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>LANDSCAPING/DEEPSOIL</b><br>Provisions:<br>*Landscape Does not include structures including pools.<br>(see Image 4) | (site area 797.15m <sup>2</sup> = 43%)<br>(total = 342.77m <sup>2</sup> )<br>50% behind the building line (BL) = 171.38m <sup>2</sup> | Pool = 24.95m <sup>2</sup><br>(includes copping)<br>Total soft landscape area = 383m <sup>2</sup> (48.12%)<br><b>Behind BL =350.53 m<sup>2</sup> (44%)</b> | Yes                |
| <b>SWIMMING POOL</b><br>Side/Rear Setback  | 1.0m  | 1.0m (side)<br>2.1m (rear)   | Yes                |

### Landscaping and Open Space

The proposed development satisfies the relevant objectives and controls of the SCDCP 2005. The development will maintain existing vegetation. Adequate areas for deep soil planting have been provided. Existing trees will be maintained.

### 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.

### ANCILLARY STRUCTURES

#### Swimming Pools & Associated Enclosures

The proposed development satisfies the relevant objectives and controls with SCDCP 2005. The pool has been adequately setback from all adjoining boundaries, allowing for screen panting if required. The pool pump equipment has been located in a sound proof enclosure and the pool coping has been designed to suit the existing ground level of the site. The swimming pool fence/enclosure will comply with the swimming pools act and relevant standards.

## **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 development is behind the building line and the views between the buildings (5.2 Siting and garden Area) are unlikely to be impacted.

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

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

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

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

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

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

It is considered that the proposed development is of a scale and design that is suitable for the site having regard to its size and shape, its topography, 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. No submissions were received.

### ***(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 not** applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan.

## Conclusion

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

Following detailed assessment it is considered that Development Application No. 2020/200 should be approved subject to conditions.

Signed: 

**E Black**  
**Specialist Planner Heritage**

**Date: 5 January 2021**

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

Report and recommendations have been peer reviewed and concurred with.

Signed:   
**Miguel Rivera**  
**Senior Planner**

**Date: 08/01/2021**

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                          | 20S4600                                       | 07/10/20 | A        | BluHvn                 |
| Pool Plan and Elevation            | 20S4600                                       | 07/10/20 | A        | BluHvn                 |
| Waste Management Plan              | 22 Meredith Street, Homebush                  | 26/10/20 |          | Blue Haven Pools South |
| Statement of Environmental Effects | Proposed Ancillary Structure- (swimming pool) | 24/10/20 | 1        |                        |

## SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

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

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

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

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

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a “works zone”;
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater & ancillary works in the road reserve; and
- (k) Stormwater & ancillary to public infrastructure on private land
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council’s roadways/footways.

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

The relevant Application Forms for these activities can be downloaded from Council’s website [www.strathfield.nsw.gov.au](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 TM**

The approved plans must be submitted to a Sydney Water Tap inTM 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 inTM 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).

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)  | <b>\$ 105.00</b>   |
| Or, provide evidence of Payment direct to the Long Service Corporation.<br>See <a href="https://portal.longservice.nsw.gov.au/bci/levy/">https://portal.longservice.nsw.gov.au/bci/levy/</a> |                    |
| Security Damage Deposit  | <b>\$1,330.00</b>  |
| Tree Bond  | <b>\$10,000.00</b> |
| Administration Fee for Damage Deposit  | <b>\$ 127</b>      |

5. **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.

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: **\$1,330.00**
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: **1,330.00**
- (c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

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

7. **Tree Bond**

A tree bond of **\$30,000.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

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

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

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

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

## 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. **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.

10. **Waste Management Plan (WMP)**

Prior to the issue of a Construction Certificate, a Waste Management Plan (WMP) must be submitted and it must comply with the requirements contained within Part H of Strathfield Development Control Plan 2005 (DCP 2005). A WMP will become part of any development consent issued and aims to facilitate better waste management, waste minimization and resource recovery. The WMP is an important planning document that will not only be utilised as part of the development application process, but during construction and for the ongoing use of the development. The WMP will continue to apply as a working reference for the life of the development. At least one copy of the WMP is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

12. **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.

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

The alterations and additions to the dwelling house and/or the construction of the new dwelling house subject of this consent must not generate any non-compliances with the Swimming Pools Act 1992, Swimming Pool Regulation 2018 and the Building Code of Australia. Details of compliance to be illustrated on the plans lodged with the application for the Construction Certificate.

14. **Swimming Pools – Use and Maintenance**

The following apply to the construction, use and maintenance of swimming pools and spas:

- (a) No ground level may be raised or filled except where shown specifically on the approved plans;
- (b) All pool/spa waste water is to be discharged to the sewer according to the requirements of Sydney Water;
- (c) The swimming pool must not be used for commercial or professional purposes;
- (d) Drain paved areas to the landscaped areas or a suitable lawful drainage system; and
- (e) Arrange any external pool/spa lighting to minimise glare nuisance to adjoining owners.



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

### **15. 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**

### **16. Site Sign – Soil & Erosion Control Measures**

Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

### **17. 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.

### **18. Swimming Pools – Filling with Water**

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

## **OPERATIONAL CONDITIONS (ON-GOING)**

### **19. Swimming Pools – Resuscitation Notice**

An expired air resuscitation warning notice complying with the Swimming Pools Act 1992 must be affixed in a prominent position adjacent to the pool.

### **20. Private Swimming Pools & Spas – Pump Noise**

The swimming pool/spa pump and associated equipment must be located so that the noise emitted does not exceed 5dB(A) above the background level. If this cannot be achieved, a ventilated and sound-proofed enclosure must enclose the pump to achieve the required noise levels.

Swimming pool is to be installed with a timer that limits the recirculation and filtration systems operation such that it does not emit noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):

- (a) Before 8 am or after 8 pm on any Sunday or public holiday, or
- (b) Before 7 am or after 8 pm on any other day.

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

### **21. Requirement for a Construction Certificate**

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

### **22. Appointment of a PCA**

The building works 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.

### **23. Notice of Commencement**

The applicant must give at least two days notice to the Council and the PCA of their intention to commence.

### **24. 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.

### **25. Occupation Certificate**

A person must not commence occupation or use of the whole or any part of a new

structure unless an Occupation Certificate has been issued in relation to the building work.

## **PRESCRIBED CONDITIONS**

### **26. Clause 98 – Building Code of Australia & Home Building Act 1989**

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

### **27. Clause 98A – Erection of Signs**

Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PCA and the Principal Contractor.

### **28. Clause 98B – Home Building Act 1989**

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

### **29. Clause 98E – Site Excavation**

Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided and adequate provision shall be made for drainage

## **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. **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)

vi. **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.