

## IDAP REPORT

<b>Property:</b>	23 Blanche Street BELFIELD DA 2020/224
<b>Proposal:</b>	Modifications to the existing garage to create a double car garage, construction of a new in-ground swimming pool and relocation of the existing shed.
<b>Applicant:</b>	N Fernandes
<b>Owner:</b>	JS Ferreira
<b>Date of lodgement:</b>	27 November 2020
<b>Notification period:</b>	18 December 2020 to 25 January 2021
<b>Submissions received:</b>	Nil
<b>Assessment officer:</b>	D Strbac
<b>Estimated cost of works:</b>	\$59,000.00
<b>Zoning:</b>	R2-Low Density Residential - SLEP 2012
<b>Heritage:</b>	No
<b>Flood affected:</b>	Yes
<b>Is a Clause 4.6 Variation Proposed:</b>	No
<b>RECOMMENDATION OF OFFICER:</b>	<b>Approval</b>

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**Figure 1:** Locality plan with subject site outlined in yellow.

## **EXECUTIVE SUMMARY**

### **Proposal**

Development consent is being sought for modifications to the existing garage to create a double car garage, construction of a new in-ground swimming pool and relocation of the existing shed.

### **Site and Locality**

The site is identified as 23 Blanche Street Belfield and has a legal description of Lot X DP 405980. The site is a rectangular shaped parcel of land and is located on the northern side of Blanche Street, between its intersection with Robinson Street and Patricia Street.

The site has a width of 19.535m, a depth of 33.505m and an overall site area of 651.3m<sup>2</sup>.

The surrounding area is characterised by a mixture of both single and two (2) storey dwelling houses in a range of architectural building styles.

### **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 18 December 2020 to 25 January 2021, where no submissions were received.

### **Issues**

- Garage side setback; and
- New location of existing shed.

### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2020/224 is recommended for approval subject to suitable conditions of consent.

## REPORT IN FULL

### Proposal

Council has received an application for modifications to the existing garage to create a double car garage, construction of a new in-ground swimming pool and relocation of the existing shed. More specifically, the proposal includes;

Ground floor level:

- Demolish existing detached single garage (6.2m x 3.6m);
- Construct new attached double garage (5.995m x 5.4m);
- Infill one (1) existing sliding door at the rear of the existing dwelling; and
- Install skylight to existing ensuite.

External works:

- Construct new in-ground swimming pool;
- Relocate existing garage shed from western side of the site to the eastern side of the site; and
- Replace existing concrete paved area in the backyard with grassed turf.

A site plan, section plan and elevation plan of the proposed works is included below.

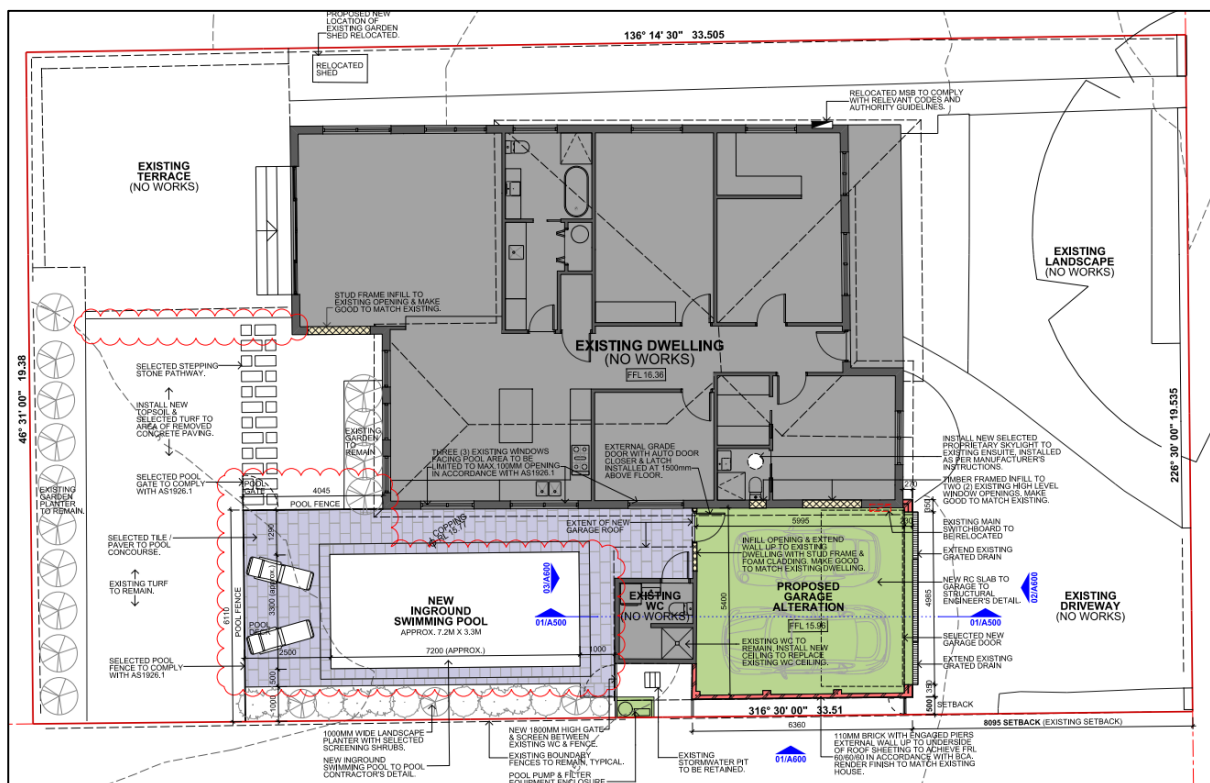
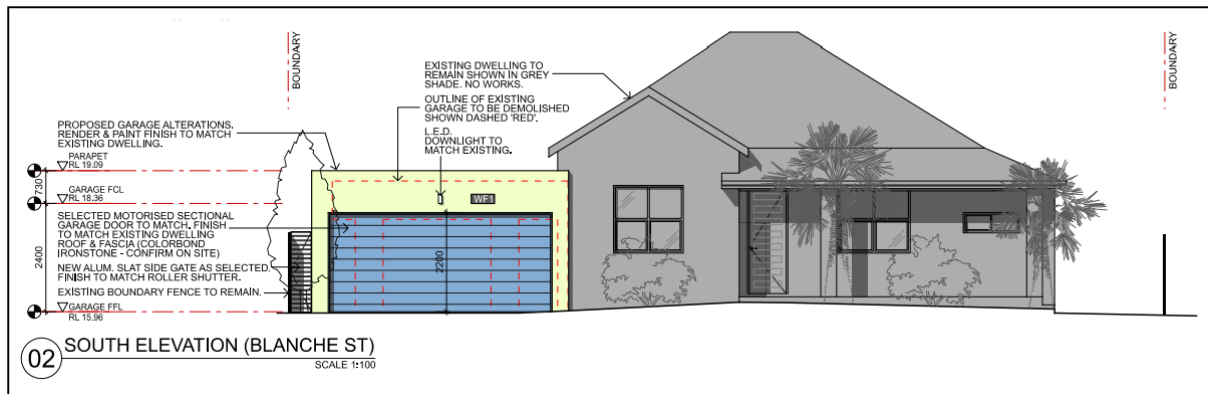
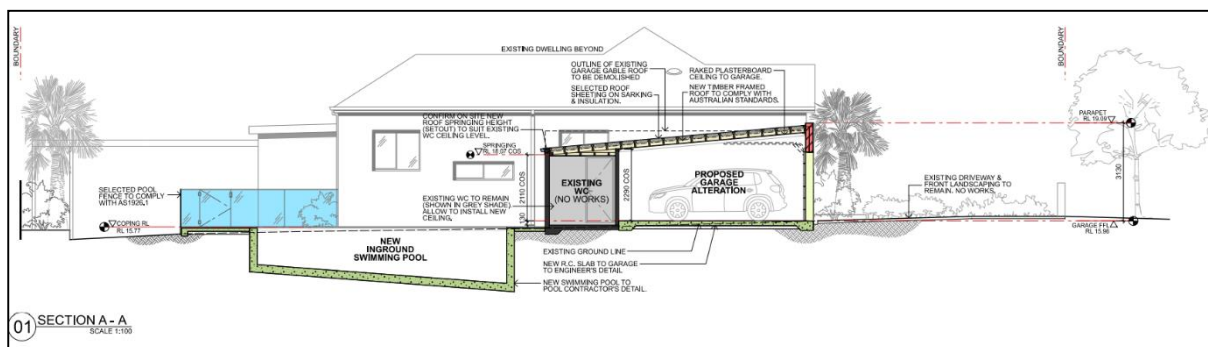


Figure 2: Site Plan



**Figure 3: Front (south) elevation**



**Figure 4: Section Plan**

## **The Site and Locality**

The subject site is legally described as Lot X DP 405980 and commonly known as 23 Blanche Street Belfield. It is located on the northern side of Blanche Street, between its intersection with Robinson Street and Patricia Street.

The site is rectangular in shape and has a frontage of 19.535m, a side boundary length of 33.505m to the east, a side boundary length of 33.51m to the west, and an overall site area of 651.3m<sup>2</sup>.

The site slopes to the front and has a cross fall of 0.59m.

The site is occupied by a single storey residential dwelling, detached garage, an outbuilding and a detached shed at the rear of the site. Vehicular access is provided to the site via an existing driveway at the south-western end of the street frontage.

The current streetscape is characterised by one (1) and two (2) storey residential dwellings with pitched roofs and various external finishes (i.e. concrete render, face brick and cladding).





**Figure 5:** Existing development on the subject site



**Figure 6:** Adjoining development to the south-west (25-27 Blanche Street)

### **Background**

- 27 November 2020:** The subject development application (DA2020/224) was lodged and publicly notified from 18 December 2020 to 25 January 2021, with no submissions received during this period.
- 8 January 2021:** A Stop The Clock letter was sent to the application which raised concerns in relation to the proposed landscape deficiency.
- 13 January 2021:** A site visit was conducted by the Assessment Planner.
- 14 January 2021:** Amended plans were submitted by the applicant which adequately addressed the concern raised above.

## **Referrals – Internal and External**

### **Stormwater Engineer Comments**

Council's Stormwater Engineer raised no concerns with the proposal, subject to the imposition of conditions of consent.

### **Traffic Manager Comments**

Council's Traffic Manager raised no concerns with the proposal, subject to the imposition of conditions of consent.

### **Compliance Comments**

The proposal was referred to Council's Compliance Officer for comment. Council's Compliance Officer advised that any walls that are less than 0.9m from a boundary must be fire-rated in accordance with the Building Code of Australia. A condition will be included in the consent to ensure the proposed development complies with the Building Code of Australia.

## **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 (SLEP) 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**

The proposal does not seek to modify the existing FSR or building height of the dwelling house.

### **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.

## **Part 6 – Additional Local Provisions**

### **Acid Sulfate Soils**

The subject site is identified as having Class 5 Acid Sulfate Soils and is located within 500m of Class 1, 2, 3 or 4 Acid Sulfate Soils. The proposed development does not involve excavation more than 2m below Australian Height Datum. As such the application was not required to submit an Acid Sulphate Soils Management Plan and the provisions under Clause 6.1 are satisfied.

### **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.

### **Flood Planning**

The subject site has been identified as being at or below the flood planning level. The application was reviewed by Council's Development Engineer who advised that, subject to the conditions of consent, the proposal is supportable. The proposed development is considered to satisfy the objectives of this clause.

### **Essential Services**

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

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

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

Based on the nature of the development type and given that the proposed swimming pool is less than 40,000L and the total cost of works is less than \$50,000, 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>Building Envelope</b>			
<b>Heights:</b> Height of detached garage/ carport:	3.5m	3.13m	Yes.
<b>Setbacks:</b> Side: Combined Side Setback:	1.2m (min) 3.907 (20%)	0.5m 2.761m	No. No.
<b>Landscaping</b>			
Landscaping/Deepsoil Provisions:	41.5% (270.29m <sup>2</sup> )	212.6m <sup>2</sup> (32.64%)	No.
<b>Vehicle Access and Parking</b>			
No. of Parking Spaces:	2	2	Yes.
<b>OUTBUILDINGS</b> Side/Rear setback:	0.5m	0.2m	No.
<b>SWIMMING POOL</b> Side/Rear Setback	1.0m	1.162m (side)	Yes.



		8.4m (rear)	Yes.
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### **Building Envelope**

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

- Building Scale and Height
- Rhythm of Built Elements in the Streetscape,
- Fenestration and External Materials, and
- Street Edge

### **Landscaping and Open Space**

The proposed works will result in a total of 217.8m<sup>2</sup> (34.39%) of deep soil landscaped area, contrary to the minimum DCP requirement of 270.29m<sup>2</sup> (41.5%). Notwithstanding, the existing landscaped area is 214.6m<sup>2</sup> and the proposal will increase the amount of landscaping by 3.2m<sup>2</sup>. The departure is therefore considered to be acceptable in the circumstances.

Whilst the subject development application does not propose to reduce the amount of existing landscaped area, it appears that unauthorised hardscaping works may have been completed in 2003 at the northern rear portion of the site. In the event of approval, the stamped approved plans will be annotated to clearly state that any works in addition to the proposal, are not part of the approval. These unauthorised works may be referred to the Compliance Department for further investigation.

### **Privacy**

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

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

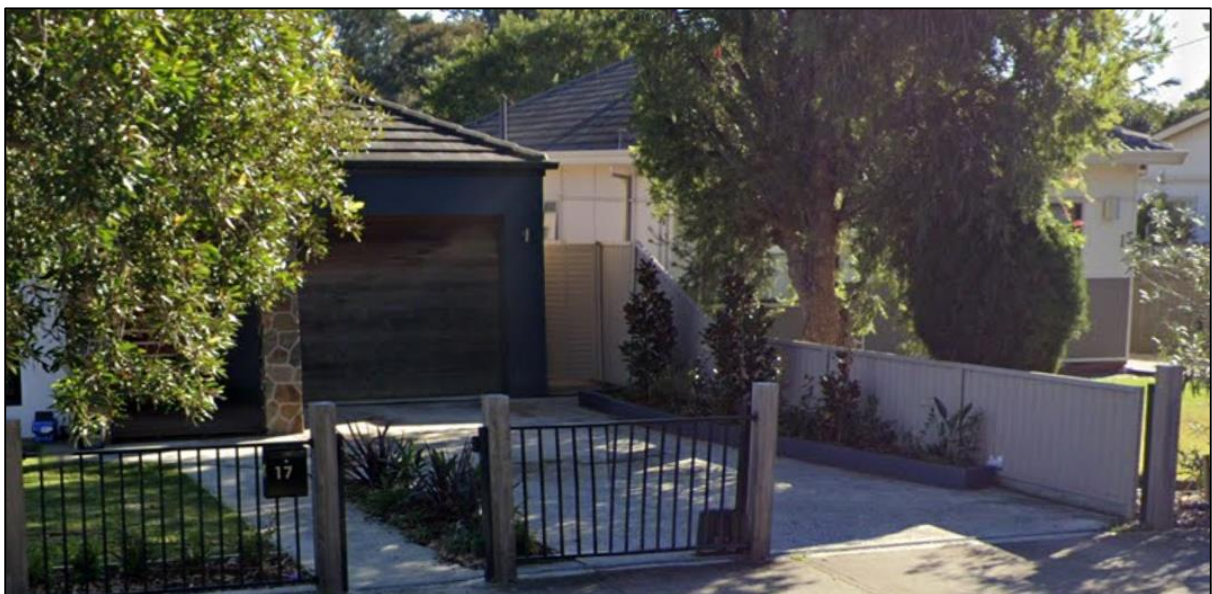
The proposed attached garage satisfies the relevant objectives and controls of the SCDP 2005 in that it provides the minimum number of (two) required parking spaces and adequate vehicular access provisions. With the exception of a slightly larger width, the proposed garage will be largely similar in design and form to the existing single garage and the proposed materials and colours will match those on the existing dwelling house.

Whilst the proposed attached garage does not comply with the minimum side setback requirement of 1.2m (0.5m), it is unlikely that the proposal will have a detrimental impact on the visual quality of the streetscape. A site visit revealed that there are existing dwellings houses in close proximity to the subject site, which are also setback from the side boundary less than 1m (Figure 7, 8 and 9). The proposal is therefore not considered to be inconsistent with existing development in the street. It is also noted that the attached garage is the only portion of the side façade of the dwelling that does not comply with the minimum setback requirement, with the remaining and majority of the side façade being setback 6m from the south-western side boundary. The proposal is unlikely to have any unreasonable overshadowing impacts or privacy amenity impacts to the south-western adjoining site as there are no windows proposed along the side elevation of the garage. As such, the variation from this development control is considered to be acceptable.

A condition of consent is also recommended for the proposed garage to be recessed 0.45m behind the front building line of the dwelling. This will ensure the proposed garage is not as visually dominant from the streetscape.



*Figure 7: Dwelling directly across the subject site with a side setback of less than 1m (2 Blanche Street).*



*Figure 8: Dwelling to the north-east of the subject site with a side setback of less than 1m (17 Blanche Street).*



*Figure 9: Dwelling to the south-west of the site with a nil setback carport (39 Blanche Street, Belfield).*

### **Cut and fill**

The proposed development is considered to satisfy the relevant objectives and controls of the SCDP 2005, in that the need for cut and fill has been kept to a minimum and existing ground levels have been maintained where appropriate to reduced site disturbance. Existing trees and shrubs have been retained where possible and ground water tables are maintained and impact on overland flow and drainage is minimised.

### **Water and Soil Management**

The proposed development satisfies the relevant objectives and controls of the SCDP 2005 and complies with Council's Stormwater Management Code.

### **ANCILLARY STRUCTURES**

#### Outbuilding

The proposed relocation of the existing shed comprises a 0.2m setback from the north-eastern side boundary. A condition of consent will be recommended requiring the shed to be relocated so that it is setback a minimum of 0.5m from the north-eastern side boundary, in accordance with the side setback requirements for outbuildings in the DCP.

#### Swimming Pools, Spas & Associated Enclosures

The proposed development satisfies the relevant objectives and controls with SCDP 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. A condition has been included in the consent to ensure the proposed swimming pool and 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.

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

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

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

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

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

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

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

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

In accordance with the provisions of 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 CONTRIBUTIONS PLAN

Section 7.12 Contributions are not applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan as the proposed works are less than \$100,0001.

### 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. 224/2020 should be approved, subject to conditions of consent.

**Signed: D Strbac**  
**Planner**

**Date: 1 February 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: P Santos**  
**Planner**

**Date: 1 February 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
Ground Floor Plan	A200	14 January 2021	D 12 January 2021	Aurora Design Architecture & Interiors
Roof plan	A250	27 November 2020	C 13 November 2020	Aurora Design Architecture & Interiors
Existing/ Demolition Floor Plan	A100	14 January 2021	D 12 January 2021	Aurora Design Architecture & Interiors
Elevation Plan	A600	14 January 2021	D 12 January 2021	Aurora Design Architecture & Interiors
Section Plan	A500	27 November 2020	C 13 November 2020	Aurora Design Architecture & Interiors
Waste Management Plan	-	27 November 2020	A 6 November 2020	Aurora Design Architecture & Interiors

## 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™

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

## PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

### (4) Fees to be Paid

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

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

Please contact council prior to the payment of s7.11 or s7.12 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

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

Fee Type	Fee
<b>GENERAL FEES</b>	
Long Service Levy (to Long Service Corporation)	\$ 206.50
Or, provide evidence of Payment direct to the Long Service Corporation. See <a href="https://portal.longservice.nsw.gov.au/bci/levy/">https://portal.longservice.nsw.gov.au/bci/levy/</a>	
Security Damage Deposit	\$ 2,700.00
Administration Fee for Damage Deposit	\$ 127.00



## **General Fees**

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

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

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

Garage setback	The garage is to be reduced in depth to allow a setback of 0.45m from the front building line of the dwelling.
Outbuilding setback	The re-located shed is to have a minimum setback of 0.5m from side and rear boundaries.

### **(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: \$2,700.
- (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: \$127.00.
- (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) Low Reflectivity Roof**

Roofing materials must be low glare and reflectivity. Details of finished external materials including colours and texture must be provided to the Certifying Authority.

### **(8) 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.

**(9) 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.

**(10) Drainage System – Maintenance of Existing System**

Where elements of the existing drainage system are to be utilised, the existing drainage system shall be overhauled and maintained clear of silt and accumulated debris. Silt and the like shall be removed, not flushed from the system.

A certificate shall be provided by a suitably qualified person (a registered plumber or a person of equivalent or greater experience or qualification) to the satisfaction of the Principal Certifying Authority, prior to the issue of any Occupation Certificate to confirm that the system is in good working order and adequate to accept additional flows having regard to any relevant standards and/or Sydney Water requirements.

**(11) 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.

**(12) 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)**

**(13) 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**

**(14) 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.

**(15) 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.

**(16) 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.

**(17) 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.

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

### **(18) 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.

### **(19) Requirements Prior to the Issue of the Occupation Certificate**

The following shall be completed and or submitted to the PCA prior to the issue of the Occupation Certificate:

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (b) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.

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

### **(20) Maintenance of Landscaping**

All trees and plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas.

### **(21) 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.

### **(22) 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**

### **(23) Requirement for a Construction Certificate**

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

### **(24) Appointment of a PCA**

The erection of a building must not commence until the applicant has:

- (a) appointed a PCA for the building work; and
- (b) if relevant, advised the PCA that the work will be undertaken as an Owner -Builder.

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

- (c) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the [Home Building Act 1989](#)) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (d) notify the PCA of the details of any such appointment; and
- (e) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

### **(25) 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.

### **(26) Notice of Commencement**

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

### **(27) Critical Stage Inspections**

The last critical stage inspection must be undertaken by the PCA. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the [Environmental Planning and Assessment Regulation 2000](#).

### **(28) Notice to be Given Prior to Critical Stage Inspections**

The principal contractor for a building site, or the owner-builder, must notify the PCA at least 48 hours before each required inspection needs to be carried out.

## **(29) 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**

### **(30) 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.

### **(31) 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. 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)