

## IDAP REPORT

<b>Property:</b>	131 Coronation Parade STRATHFIELD SOUTH DA 2020/216
<b>Proposal:</b>	Construction of side and rear boundary fencing and construction of a swimming pool deck
<b>Applicant:</b>	P. Smith
<b>Owner:</b>	J. Mustafa & P. Mustafa
<b>Date of lodgement:</b>	10 December 2020
<b>Notification period:</b>	18 December 2020 to 25 January 2021
<b>Submissions received:</b>	One (1)
<b>Assessment officer:</b>	N. Doughty
<b>Estimated cost of works:</b>	\$12,580.00
<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. The subject site is outlined in yellow.

## EXECUTIVE SUMMARY

### Proposal

Development consent is being sought for the construction of side and rear boundary fencing and the construction of a swimming pool deck.

### Site and Locality

The site is identified as 131 Coronation Parade Strathfield South and has a legal description of Lot: 61 DP: 11110. The site is a regular shaped parcel of land and is located at the south-western corner of the intersection between Chiswick Street and Coronation Parade. The site has a total area of 417.3m<sup>2</sup>. The site is occupied by a recently constructed two (2) storey dwelling with a swimming pool to the rear.

The locality surrounding the subject site contains a mixture of single and two (2) storey dwellings in various architectural styles and age.

### 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. One (1) submission was received.

### Issues

- Fencing height; and
- Matters raised in submission.

### Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2020/216 is recommended for **APPROVAL** subject to the recommended conditions of consent.

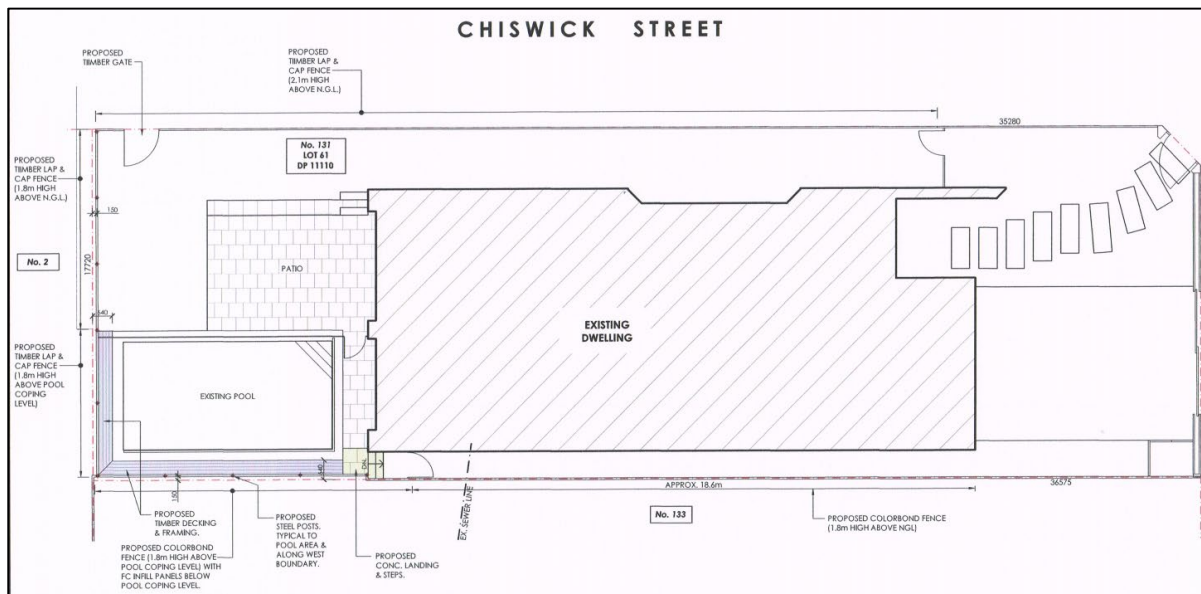
## REPORT IN FULL

### Proposal

Council has received an application for the construction of side and rear boundary fencing and swimming pool deck (Figure 2).

More specifically, the proposal includes;

- Construction of a 1.8m high (from natural ground level) lapped and capped timber fence along the secondary frontage (northern boundary);
- Construction of a 1.8m (from natural ground level) high lapped and capped timber fence along the rear property boundary (western boundary). The height of the fence is increased to 1.8m from the finished floor level of the swimming pool deck;
- Construction of a swimming pool deck to the west and south of an existing swimming pool; and
- Construction of a 1.8m high (from natural ground level) colorbond fence along the southern property boundary. The height of the fence is increased to 1.8m from the finished floor level of the swimming pool deck.



**Figure 2: Site plan**

### The Site and Locality

The subject site is legally described as Lot: 61 DP: 11110 and commonly known as 131 Coronation Parade Strathfield South. It is located off the south-western corner of the intersection of Chiswick Street and Coronation Parade. The site has a total area of 417.3m<sup>2</sup>. The site is occupied by a recently constructed two (2) storey dwelling with a swimming pool to the rear. Vehicular access is provided to the site via Coronation Parade.





**Figure 3:** View of site from Chiswick Street

### **Background**

8 January 2020	A Complying Development Certificate was issued for the demolition of the existing dwelling by BPC Building Surveying Pty Ltd.
7 May 2020	A Complying Development Certificate was issued for the construction of a two (2) storey dwelling and inground swimming pool by BPC Building Surveying Pty Ltd.
10 December 2020	The development application was submitted to Council.
18 December 2020 to 25 January 2021	The subject application was notified for a period of (14) days and no submissions were received.
6 January 2021	A site visit was conducted by the assessing officer.
6 January 2021	Correspondence was sent to the Applicant requesting a schedule of colours and external finishes and finished floor levels of the swimming pool deck area. The Applicant was informed that the proposed 2.1m secondary fence was not supported and must be a maximum height of 1.5m to the living/dining room and maximum of 1.8m from the living/dining room to the rear property boundary.
7 January 2021	Comments were received from Council's Stormwater Engineer.
14 January 2021	Amended plans were submitted.
18 January 2021	Comments were received from Council's Tree Management Coordinator.

27 January 2021: Amended plans were submitted by the applicant to respond to the rear neighbour's concerns relating to the proposed location of the rear dividing fence off the boundary.

## **Referrals – Internal**

### **Landscaping Comments**

Council's Tree Management Coordinator raised no objection to the proposal, subject to standard street tree protection conditions.

### **Stormwater Engineer Comments**

Council's Stormwater Engineer raised no objection to the proposal from a flooding perspective as no fencing in front of the building line or eastern property boundary is proposed.

## **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 proposed development for the purpose of boundary fencing and swimming pool deck proposal is a permissible form of development with Council's consent.

## **Part 4 – Principal Development Standards**

There are no Part 4 provisions that are relevant to this development application.

## **Part 5 – Miscellaneous Provisions**

There are no Part 5 provisions that are relevant to this development application.

## **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 4 soils. The subject site is not below 5 metres Australian Height Datum and the watertable is not likely to be lowered below 1 metre Australian Height Datum. Accordingly, an Acid Sulfate Soils Management Plan was not required to be submitted. The proposed development is considered to satisfy the objectives of this clause.

### **Earthworks**

The proposal does not include any significant excavation. 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 Engineer who raised no objection to the proposal as no development is proposed within the flood affected portion of the subject site.

### **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 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. The land has historically be used for residential purposes and does not trigger any further site investigations.

The objectives outlined within SEPP55 are considered to be satisfied.

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

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

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

The proposal was referred to Council's Tree Management Officer who outlined specific conditions to ensure the protection of the existing street trees along Chiswick Street.

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.

DCP Section	DCP Controls	Development Proposal	Compliance/ Comment
<b>Fencing</b>			
5.2.4.4	<p>Solid fencing up to a max 1.8m in height may be permitted along secondary street frontage, provided it only encloses private open space.</p> <p>Design of any section of solid fencing along secondary street frontage shall be consistent and compatible with style of fencing provided along primary frontage.</p>	During the assessment process, the height of the fence along Chiswick Street was reduced from 2.1m to 1.8m. Due to the topography of the site the height of the fence will exceed 1.8m to 1.9m. Accordingly, a condition of consent has been imposed for the fence height not to exceed 1.8m at any point.	Acceptable on merit.
5.2.4.5	Side and rear fences are to be no taller than 1.8m.	The proposed eastern (rear) and southern (side) fences are no taller than 1.8m from the ground level. The fencing immediately surrounding the swimming pool deck will be 1.8m from the finished floor level of the deck to comply with the relevant swimming pool barrier regulations.	Acceptable on merit.
5.2.4.9	<p>Following materials and finishes are not permitted:</p> <ul style="list-style-type: none"> <li>• Unrendered cement block;</li> <li>• Galvanised or aluminium sheeting;</li> <li>• Fibre-cement board;</li> <li>• Brushwood; and</li> <li>• Barbed wire.</li> </ul>	<p>The secondary frontage fence is timber lapped and capped fencing.</p> <p>The southern side fencing is modular panel and colorbond materials.</p>	Yes



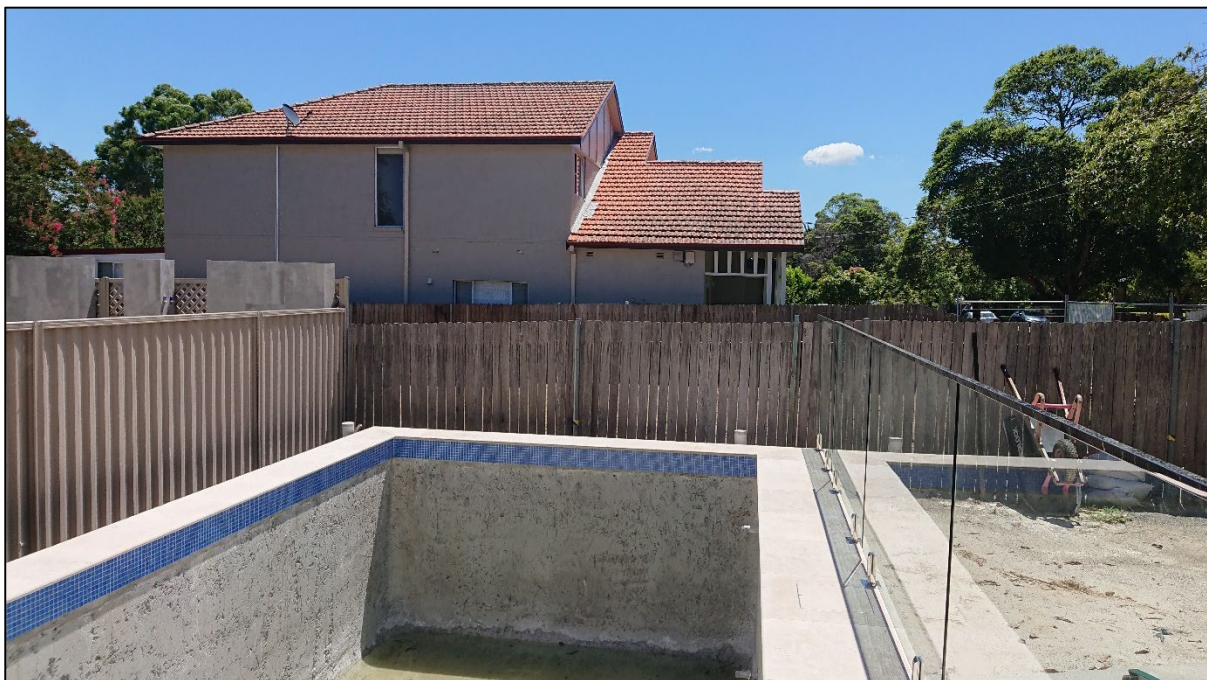
		The colours and style are compatible with the surrounding streetscape.	
5.2.4.13	Council will not allow significant trees to be removed to facilitate fence design.	This application does not propose the removal of any trees.	Yes
5.2.4.14	Side and rear fences on a slope must be designed to allow stormwater to flow through or under the fence without the flow becoming unduly concentrated.	Council's Stormwater Engineer raised no objection to the fence design.	Yes

### Streetscape Compatibility

The proposed secondary frontage and rear fencing is a timber lapped and capped style and the southern side fencing is colorbond and modular panel fencing that achieves an acceptable level of streetscape compatibility. The proposed fencing height is appropriate for the site context and achieves compliance with the relevant regulations in relation to swimming pool barriers.

### Swimming Pool Deck

The proposed swimming pool deck extends from the coping of the existing swimming pool to the rear (western) and southern side property boundaries. In accordance with Section 12.2.6 of the SCDP 2005, 1m side and rear setbacks are to be provided from the outside edge of the pool concourse and the rear/side property boundary. The proposed nil side and rear setbacks are acceptable as the decking is of an appropriate scale and the existing swimming pool coping is 0.64m from the rear and side boundaries.



**Figure 3:** Recently constructed swimming pool (approved by CDC) at subject site.

### 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 phases of the development. 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 not involve the demolition of a building.

**(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 side and rear boundary fencing is of a design, colour and scale that is appropriate for the site context. Accordingly, the proposal is not considered to have a significant impact on the natural and built environment or any negative 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.

**1. Rear (Western) Fence Height**

*Concern is raised that the proposed 2.4m height of the rear property boundary fence exceeds the 1.8m development control resulting in overshadowing onto the adjoining western dwelling.*

Assessment Officer's Comment: The rear property boundary fence is proposed to be a height of 1.8m, except where the swimming pool is located which will be 1.8m from the finished floor level of the swimming pool deck. Whilst this will result a total fence height of 2.5m from the natural ground level, it is considered acceptable in this instance as the fencing serves as both a dividing fence and a swimming pool fence. Additionally, the 1.8m height from the swimming pool decking will maintain visual privacy between neighbours.

The proposed development will result in minimal overshadowing onto the adjoining western property as a result of the east-west orientation of the subject site.

**2. Northern Side Fence Height**

*Concern is raised that as a result of the topography of the site, the northern side fence height will exceed 1.8m.*

Assessment Officer's Comment: This concern is concurred with and accordingly a condition of consent has been imposed for the height of the fence along the Chiswick Street frontage to not exceed 1.8m.

### 3. Structural Adequacy

*Concern is raised that the rear property boundary fence is constructed appropriately for the proposed height.*

Assessment Officer's Comment: A standard condition of consent has been imposed requiring the proposal to be constructed in accordance with the Building Codes of Australia and the relevant swimming pool regulations.

### 4. Proposed location

*Concern is raised the proposed dividing fence is not located on the rear boundary.*

Assessment Officer's Comment: Amended plans were submitted in response on this concern. The location of the dividing fence was amended and is now located on the rear boundary.

### 5. Proposed location

*Concern is raised that the backrails of the dividing fence on the western side of the rear dividing fence may facilitate climbing and access into the swimming pool on the subject site.*

Assessment Officer's Comment: This concern is concurred with and accordingly a condition of consent has been imposed to ensure the dividing fence complies with the *Swimming Pool Act 1992*.

## **(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 as the total cost of works of the development is less than \$100,000.

## 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. 2020/216 should be **APPROVED**, subject to the conditions of consent.

**Signed: N. Doughty**  
**Planning Officer**

**Date: 26 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: D. Strbac**  
**Planner**

**Date: 26 January 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	A2	25 January 2021	Issue B, Rev 2	DW Knox & Partners
Elevations	A3	25 January	Issue B, Rev	DW Knox &

		2021	2	Partners
Elevations & Typical Section	A4	25 January 2021	Issue B, Rev 2	DW Knox & Partners
Waste Management Plan	-	15 November 2020	-	PWS Building Consulting

## 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.

### 3. **Building – Hoarding Application**

Prior to demolition of the buildings on the site, or the commencement of work above ground level, a separate application for the erection of an 'A class' (fence type) or a 'B class' (overhead type) hoarding or 'C type' scaffold, in accordance with the requirements of SafeWork NSW, must be erected along that portion of the footways/roadway where the building is within 3 metres of the street boundary.

An application for this work under Section 68 of the [Local Government Act 1993](#) and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under Section 68 of the [Local Government Act 1993](#) and Section 138 of the [Roads Act 1993](#):

- (a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
- (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
- (c) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au)) before the commencement of work; and
- (d) A Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party.

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

nil

## **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>	
Security Damage Deposit	\$430.00
Tree Bond	\$20,000.00 (\$10,000 per tree)
Administration Fee for Damage Deposit	\$127.00
Administration Fee for Tree Bond	\$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:

Front fence encroachment	No part of the front fence, including any footings or support work is permitted to encroach on Council's public footway.
Rear property fence height	The height of the northern side boundary fence (Chiswick Street) is to be no more than 1.8m from the natural ground level at any point.

### 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: \$430.00
- (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: \$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. Tree Bond**

A tree bond of \$20,000.00 (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.

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.

**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. Compliance with Swimming Pool Act 1992

The construction of the fencing must not generate any non-compliances with the Swimming Pools Act 1992, Swimming Pool Regulation 2018. Details of compliance to be illustrated on the plans lodged with the application for the Construction Certificate.

#### 11. Tree Protection and Retention

The following trees shall be retained and protected:

Tree Species	Location of Tree	Tree Protection Zone (metres)
2 x Brush Box ( <i>Lephostemon confertus</i> )	Road Reserve – Chiswick Street	3m

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

#### General Tree Protection Measures

- (a) All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site.
- (b) The tree protection measures must be undertaken in accordance AS4970 -2009 *Protection of trees on development sites*.

#### Specific Street Tree Protection Measures

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



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

### **12. 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**

### **13. 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.

### **14. 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.

### **15. 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.

### **16. Obstruction of Road or Footpath**

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

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

nil

**PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE**

nil

**OPERATIONAL CONDITIONS (ON-GOING)**

nil

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

**17. Requirement for a Construction Certificate**

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

**18. 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.

**19. 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.

**20. Notice of Commencement**

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

**21. 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](#).

**22. 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**

**23. 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.

**24. 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.

**25. 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](#).

**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. **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)).