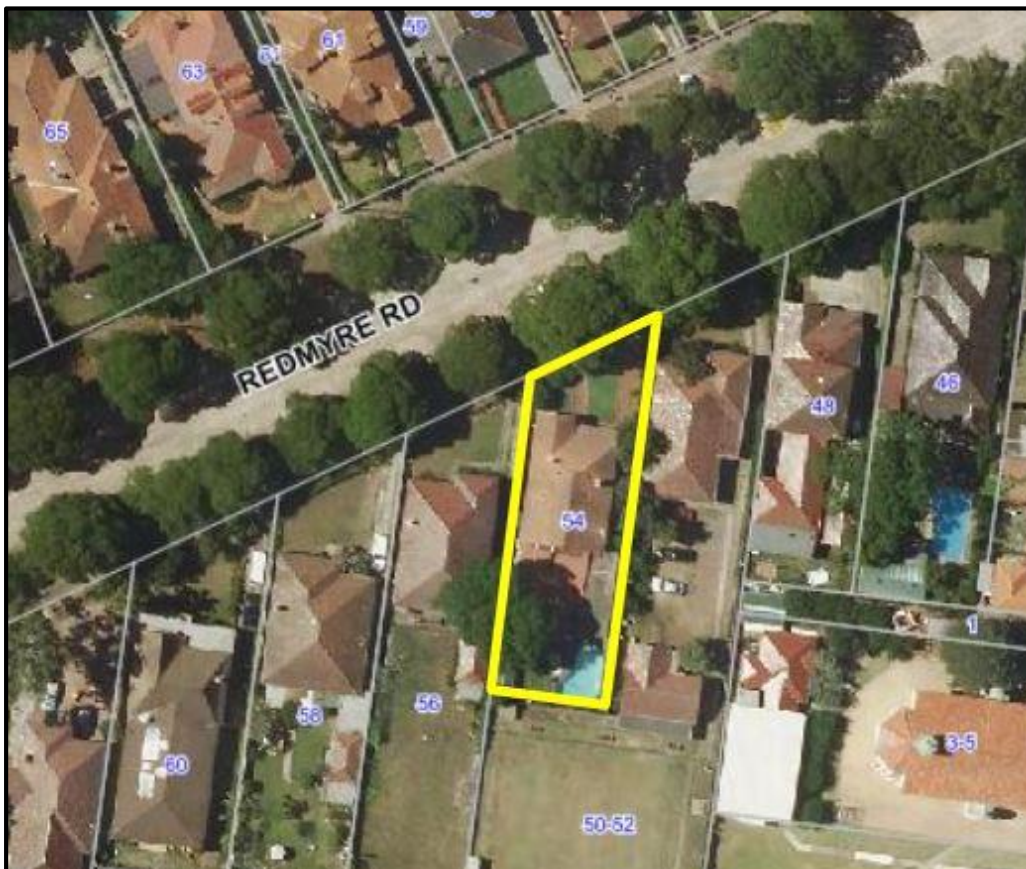


## IDAP REPORT

<b>Property:</b>	54 Redmyre Road STRATHFIELD DA 2021/130
<b>Proposal:</b>	Demolition and in-fill of existing in-ground swimming pool and establishment of grass turfed areas.
<b>Applicant:</b>	SM Bangalore
<b>Owner:</b>	SM & LC Bangalore
<b>Date of lodgement:</b>	9 June 2021
<b>Notification period:</b>	N/A – not required
<b>Submissions received:</b>	N/A
<b>Assessment officer:</b>	M Rivera
<b>Estimated cost of works:</b>	\$20,000.00
<b>Zoning:</b>	R2 – Low Density Residential – SLEP 2012
<b>Heritage:</b>	Within Redmyre Road Conservation Area – C14
<b>Flood affected:</b>	Yes
<b>RECOMMENDATION OF OFFICER:</b>	Approval



**Figure 1: Locality Plan showing subject site (outlined in yellow) and surrounding properties.**

## **EXECUTIVE SUMMARY**

### **Proposal**

Council has received an application for the demolition and in-fill of an existing in-ground swimming pool and establishment of grass turfed areas.

### **Site and Locality**

The subject site is legally described as Lot E DP 376063 and is commonly known as No. 54 Redmyre Road, Strathfield. The site features an irregular shape and is located on the southern side of Redmyre Road (refer to Figure 1). It has a frontage of 18.115m, a maximum depth of 51.56m and a total area of 711.1m<sup>2</sup>. It is mostly flat and has a north-south orientation.

The site is within a low density residential area and is mostly surrounded by dwelling houses. Adjoining the site to the south and east are the Strathfield Crochet Club and businesses, located at No. 50-52 Redmyre Road, Strathfield.

### **Strathfield Local Environmental Plan**

The site is zoned R2 – Low Density Residential under the provisions of Strathfield Local Environmental Plan 2012 (SLEP 2012) and the proposal is a permissible form of development with Council's consent. The proposal satisfies all relevant objectives contained within the SLEP 2012.

### **Development Control Plan**

The proposed development generally satisfies the provisions of Strathfield Consolidated Development Control Plan 2005 (SCDCP 2005). This is discussed in more detail in the body of the report.

### **Notification**

The application did not require neighbour notification in accordance with Strathfield Council's Community Participation Plan (CPP).

### **Issues**

- Nil

### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, Development Application 2021/130 is recommended for approval subject to suitable conditions of consent.

## Report in Full

### Proposal

Council has received an application for the demolition and in-fill of an existing in-ground swimming pool and establishment of grass turfed areas.

The application is to be determined by the Internal Development Assessment Panel (IDAP) due to the site being flood affected and within a heritage conservation area.

### The Site and Locality

The subject site is legally described as Lot E DP 376063 and is commonly known as No. 54 Redmyre Road, Strathfield. The site features an irregular shape and is located on the southern side of Redmyre Road (refer to Figure 1). It has a frontage of 18.115m, a maximum depth of 51.56m and a total area of 711.1m<sup>2</sup>. It is mostly flat and has a north-south orientation.

The site currently contains a single storey detached dwelling house and some ancillary structures including attached awnings, shed and in-ground swimming pool (refer to Figures 2 and 3). The site benefits from vehicular access off Redmyre Road.

The site is within the R2 – Low Density Residential zone, pursuant to the provisions of the Strathfield Local Environmental Plan 2012 (SLEP 2012). The site is within a low density residential area and is mostly surrounded by dwelling houses. Adjoining the site to the south and east are the Strathfield Crochet Club and businesses, located at No. 50-52 Redmyre Road, Strathfield.



**Figure 2: Existing dwelling house within subject site.**



**Figure 3: Existing swimming pool within subject site.**

## **Background**

- 9 June 2021            The subject application was lodged. The application did not require neighbour notification as per Strathfield Council's Community Participation Plan (CPP).
- 10 June 2021            A site visit was conducted by the assessing officer.

## **Referrals**

### **INTERNAL REFERRALS**

#### Heritage Advisor Comments

Council's Heritage Advisor verbally confirmed that a referral is not required for the proposal as it involves removal of a structure that is located in the rear yard and is not a contributory element within the Redmyre Road Conservation Area – C14.

## **Section 4.15 Assessment**

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,**

### **Local Environmental Plan**

The development site is subject to the Strathfield Local Environmental Plan 2012

### **Part 2 – Permitted or Prohibited Development**

#### **Clause 2.1 – Land Use Zones**

The subject site is zoned R2-Low Density Residential and the proposal is a permissible form of development with Council's consent.

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

None of the numerical provisions under Part 4 apply to the proposal.

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

Applicable SLEP 2012 Clause	LEP Provisions	Development Provisions	Compliance/ Comment
<b>5.10</b> Heritage Conservation	The subject site is within a heritage conservation area – Redmyre Road Conservation Area – C14.	The proposal involves removal of an ancillary structure (pool) in the rear yard of the dwelling house. This structure is not a contributory element to the conservation area.	Complies.

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

Applicable SLEP 2012 Clause	LEP Provisions	Development Provisions	Compliance/ Comment
<b>6.1</b> Acid Sulfate Soils	Within Class 5 land	The proposal is not within 500m of any Class 1-4 land. The proposal does not involve any excavation and will result in in-filling the area previously	Complies.

		occupied by the pool.	
<b>6.2 Earthworks</b>	Not applicable to the proposal.	As above – the proposal does not involve any excavation.	N/A
<b>6.3 Flood Planning</b>	Within flood prone land.	The proposal does not involve any habitable spaces nor new structures. The proposal removes an existing pool and facilitates additional deep soil landscaped areas that allow for improved infiltration and surface flow runoff within the site.	Complies.
<b>6.4 Essential Services</b>	Not applicable to the proposal.	The site is well-serviced as evidenced by the existing dwelling house use. The proposal does not involve an intensification of the current land use.	N/A

**(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 (SCDCP 2005). The following comments are made with respect to the proposal satisfying the objectives and controls contained within the SCDCP 2005.

## **PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES**

### **5: Landscaping**

<b>5.1</b>	<b>Objectives</b>	<b>Satisfactory</b>
<b>A.</b>	<i>To encourage landscaping that is appropriate to the style and scale of the dwelling and adjoining development, and to the streetscape.</i>	<b>Yes</b>

<b>B.</b>	<i>To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings, structures, vehicle circulation and ancillary areas.</i>	<b>Yes</b>
<b>C.</b>	<i>To preserve existing landscape elements on site (such as existing trees) and encourage their integration into the design of proposals.</i>	<b>Yes</b>
<b>D.</b>	<i>To ensure adequate deep soil planting is retained on each allotment.</i>	<b>Yes</b>
<b>E.</b>	<i>To ensure developments make an equitable contribution to the landscape setting of the locality.</i>	<b>Yes</b>
<b>F.</b>	<i>To ensure both existing and new landscaping provides suitable shade and facilitates convective cooling breeze paths in summer.</i>	<b>Yes</b>
<b>G.</b>	<i>To encourage the use of native flora such as open woodland canopy trees, to provide a habitat for native fauna.</i>	<b>Yes</b>
<b>H.</b>	<i>To ensure that landscaped areas are designed to minimise water use.</i>	<b>Yes</b>
<b>I.</b>	<i>To provide functional private open spaces for active or passive use by residents.</i>	<b>Yes</b>
<b>J.</b>	<i>To provide private open areas with provision for clothes drying facilities screened from the street and lane or a public place.</i>	<b>Yes</b>
<b>K.</b>	<i>To ensure the protection of trees during construction</i>	<b>Yes</b>
<b>L.</b>	<i>To ensure suitable fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst enabling front fences passive surveillance of the street.</i>	<b>Yes</b>
<b>M.</b>	<i>To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.</i>	<b>Yes</b>

<b>5.2</b>	<b>Development Controls</b>	<b>Complies</b>
	<i>Landscaped area</i>	
<b>.1.</b>	1 Landscaped area in accordance with Table A.3 Requires <b>minimum 43% (305.77m<sup>2</sup>)</b>	<b>Yes</b> <b>44.3%</b> <b>314.7m<sup>2</sup></b>
	4 Minimise hard surface area (concrete/brick/stone paving and bitumen). Run-off directed to permeable surfaces.	<b>Yes</b>
	<i>Tree Protection</i>	
<b>.2.</b>	3 Development provides for the retention and protection of existing significant trees	<b>Yes</b>
	<i>Private Open Space</i>	
<b>.3.</b>	1 Provided in a single parcel rather than a fragmented space, directly accessible from internal living areas	<b>Yes</b>
	2 Includes a deep soil area compliant with the minimum landscaped area.	<b>Yes</b>

**Comments:** The proposed development involves the removal of an existing pool and filling of the area previously occupied by the pool with grassed turf (lawn) areas (i.e. deep soil

landscaped areas). By providing additional deep soil landscaped area, the proposal will result in compliance with the above objectives and controls for landscaped area. Further, the proposed removal of the pool improves the private open space for the residence as it will create additional open areas with no delineating structures, thereby providing greater amenity for occupants.

## 9: Altering Natural Ground Level (Cut and Fill)

<b>9.1 Objectives</b>		<b>Satisfactory</b>
<b>A.</b>	<i>To maintain existing ground levels and minimise cut and fill to reduce site disturbance.</i>	<b>Yes</b>
<b>B.</b>	<i>To ensure existing trees and shrubs are undisturbed, ground water tables are maintained and impacts on overland flow/drainage are minimised.</i>	<b>Yes</b>
<b>9.2 Development Controls</b>		<b>Complies</b>
2	Clean fill used only	<b>Yes</b>
3	Cut and fill batters stabilised consistent with the soil properties	<b>Yes</b>
4	Vegetation or structural measures are implemented when the site is disturbed.	<b>Yes</b>
6	The work does not affect or undermine the soil stability or structural stability of buildings and Council assets on adjoining properties.	<b>Yes</b>
8	Avoid excessive fill that creates the potential for overlooking of adjoining properties	<b>Yes</b>

**Comments:** The proposed filling of the area previously occupied by the pool is acceptable, subject to specific conditions to be imposed. These conditions will ensure that any earthworks required for the proposal do not pollute waterways and groundwater sources, and that any fill material used for filling the occupied area are appropriately sourced and are not contaminated.

## 10: Water and Soil Management

<b>10.1 Objectives</b>		<b>Satisfactory</b>
<b>A.</b>	<i>To encourage the incorporation of Water Sensitive Urban Design (WSUD) and Botany Improvement Plan principles in the development.</i>	<b>Yes</b>
<b>B.</b>	<i>To ensure compliance with Council's Stormwater Management Code</i>	<b>Yes</b>
<b>C.</b>	<i>To ensure compliance with the NSW State Government's Flood Prone Lands Policy.</i>	<b>Yes</b>
<b>D.</b>	<i>To ensure that appropriate soil erosion and sediment control measures are implemented on all sites that involve soil disturbances during construction.</i>	<b>Yes</b>
<b>E.</b>	<i>To ensure new building work does not detrimentally affect the existing drainage system of any area of the Municipality.</i>	<b>Yes</b>
<b>F.</b>	<i>To ensure that new development in areas that may be affected by acid sulphate soils do not adversely impact the underlying ground conditions, soil acidity and water quality.</i>	<b>Yes</b>
<b>G.</b>	<i>To appropriately manage stormwater and overland flow to minimise damage to occupants and property</i>	<b>Yes</b>



10.2	Development Controls	Complies
.1.	Stormwater Management and Flood Prone areas	Yes
	2 Compliance with Council's Stormwater Management Code	Yes
.2.	Acid Sulfate Soils	
	1 Site managed consistent with the provisions contained in Clause 6.1 SLEP 2012	Yes
.3.	Soil Erosion and Sediment Control	
	1 Soil erosion and sediment control measures detailed and implemented prior to the commencement of work.	Yes
	2 Sediment control measures applied	Yes

## PART H - WASTE MANAGEMENT (SCDCP 2005)

A Waste Management Plan (WMP) was not submitted as part of the development application. A condition will be imposed to provide a WMP as part of an application for a Construction Certificate to confirm appropriate removal and management of the proposed discarding of the pool structure.

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

Not applicable.

**(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 dwellings 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 Strathfield Council's Community Participation Plan, the application did not require neighbour notification.

**(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 *Environmental Planning and Assessment Act 1979* relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. 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).

The proposed development involves demolition and in-filling of the existing pool. This is not considered an intensification of the existing land use (dwelling house) within the property. Therefore, Section 7.11 contributions do not apply.

The cost of works for the proposed development is less than \$100,000 and thus, Section 7.12 contributions are not applicable.

## Conclusion

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

Following detailed assessment it is considered that Development Application No. 2021/130 should be approved subject to conditions.



**Signed:**

**Miguel Rivera  
Senior Planner**

**Date: 10 June 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:**

**Jake Brown  
Planner**

**Date: 10 June 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
Detail and Level Survey	101-DET Sheet 1 of 1	20/01/20	A	CitiSurv Pty Ltd
Engineering Certificate – for Filling Swimming Pool	-	13/05/21	1	ASAMG Engineering Services

## 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.

## **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **3. 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:

<b>Fee Type</b>	<b>Fee</b>
<b>GENERAL FEES</b>	
Security Damage Deposit	\$630.00
Tree Bond	\$10,000.00
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.

### Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Development Contributions Plan.

### Timing of Payment

The fees must be paid and receipted by Council prior to the release of the Construction Certificate.

### Further Information

A copy of the *current Development Contributions Plans* may be inspected at Council's Customer Service Centre at 65 Homebush Road, Strathfield or on Council's website [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au).

## **4. 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: \$630.00.
- (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.

## **5. Tree Bond**

A tree bond of \$10,000.00 (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.

## **6. 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.

## **7. 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.

## **8. 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 demolition/construction. 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 demolition/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.

### **9. 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.

### **10. Tree Protection and Retention**

As per Condition 9, this consent does not grant approval for the removal of any trees. All trees within the respective road reserve and within the site must be retained and protected.

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

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

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

### **11. Required Design Changes**

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

Site/Demolition Plan A Site/Demolition Plan must be provided as part of the Construction Certificate documentation.

This Site/Demolition Plan must feature the same details and annotations as the approved Survey Plan with following annotations also incorporated:

- Existing pool to be demolished and in-filled.
- Removal of pool fencing, pavers and brick edge along perimeter of pool.
- Entire area previously occupied by pool and pool surrounds to be replaced with grassed turf areas.

The Site/Demolition Plan must reflect the approved Engineering Certificate.

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

### **12. Demolition & Asbestos**

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

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

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

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

### **13. Demolition Notification Requirements**

The following notification requirements apply to this consent:

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



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

#### **14. Demolition Work Involving Asbestos Removal**

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

#### **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. Removal & Filling of Swimming Pools**

- (a) The site of the swimming pool must be filled (if necessary) so as to restore the site to the ground levels (existing) adjacent to the pool, and
- (b) The swimming pool must not be filled with building demolition waste of any kind and if constructed as a concrete shell must be demolished so as to allow ground water to escape or drain to groundwater and
- (c) The fill must be certified clean imported soil or virgin excavated material (VENM) and

compacted, and

- (d) Any piping or similar material must be removed from the site before the site is filled.

## **PRESCRIBED CONDITIONS**

### **19. Clause 97A – BASIX Commitments**

This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.

### **20. 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.

### **21. 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](#).

### **22. Clause 98E – Protection & Support of Adjoining Premises**

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

### **23. Clause 98F – 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 or 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 or preventing movement of the soil shall be provided and adequate provision shall be made for drainage.

## **ADVISORY NOTES**

### **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.

### **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.

### **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.

### **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)).