

**REPORT TO GEORGES RIVER COUNCIL  
IHAP MEETING OF 21 JUNE 2016**

<b>IHAP Report No</b>	Item 5	<b>Development Application No</b>	DA2015/0301
<b>Site Address &amp; Ward Locality</b>	27 Beaumaris Crescent Mortdale Peakhurst Ward		
<b>Proposal</b>	Demolition of existing and construction of new two-three storey dwelling with swimming pool and deck to rear		
<b>Report Author/s</b>	Development Assessment Officer, Mr K Kim		
<b>Zoning:</b>	Zone R2 - Low Density Residential		
<b>Date of Lodgement</b>	22 September 2015		
<b>Owner</b>	Mrs I Zivkovic and Mr J Zivkovic		
<b>Applicant</b>	C Baghdad		
<b>Submissions</b>	One (1) submission received		
<b>Cost of Works</b>	\$700,000.00		
<b>Issues</b>	One (1) submission received and variations to DCPI		
<b>Recommendation</b>	That the application be approved in accordance with the conditions included in the report		

**Site Plan**



## **EXECUTIVE SUMMARY**

1. The application seeks approval for the demolition of existing structures and construction of a new part two (2) and part three (3) storey dwelling, above ground swimming pool and deck to the rear of the subject site.
2. The proposal varies Development Control Plan No 1 requirements relating to the maximum driveway width, external wall height for a single dwelling house and height of parapet for a flat or raked roof. These variations result from the irregular shape of the land and steep fall of the land with a 2.5m fall directly under the building footprint of the proposed dwelling house.
3. One (1) submission was received in relation to the proposed development.
4. The application was deferred at the Council meeting of 4 May 2016 for a site inspection. The site inspection was held on 11 May 2016. Further assessment of shadows due to concerns raised from the site inspection is included in this report for Councillors information.

## **AUTHOR RECOMMENDATION**

THAT the application be approved in accordance with the conditions included in the report.

## **REPORT DETAIL**

### **ADDITIONAL INFORMATION**

Based on the submitted information and solar assessment of the application, the following observations were made:

- The use of variations in the angle of the roof and flat roofs is to be avoided in a bushfire prone area (eg to minimise accumulation of debris on the roof) and as such the pitch of the skillion roof of the proposed building is not lowered from the proposed roof pitch of 5 degrees. Also the proposed roof pitch is considered to be suitably angled to achieve greater exposure to sunlight for the installation of solar panels on the subject site.
  - Council's Development Control Plan No 1 states that a flat or raked roof should have maximum 600mm for the "Parapet" portion of the roof. This proposal on the southern side, complies with the external wall height, however proposes 1.1m for the "parapet" portion of the raked roof.
  - Detailed assessed sunlight diagrams are attached as Appendix 1 of this report, which indicate the extent of overshadowing upon the northern elevation of the southern adjoining property at 25 Beaumaris Crescent. If the southern side of the roof was reduced by the required 600mm, the reduced height of the southern side of the building is not considered to improve solar access to the southern adjoining property, due to the location of where the shadows fall.
  - In regards to overshadowing impact on adjoining properties, Council's Development Control Plan No 1 states the following:
    - **Objective** – *Properties minimise overshadowing of neighbouring dwellings and principal private open space.*
    - **Controls** – *Principal private open space of both the subject lot and adjoining lot must receive a minimum of 3hours direct solar access between 9am and 3pm in mid winter (June). Where less than 3hours of sunlight is currently available in mid winter, it must not be further reduced.*
    - *Exemptions will be considered for developments that comply with all other requirements but are located on sites with an east-west orientation."*
- The overshadowing impact is considered unavoidable given the east-west orientation of the site, however the proposal allows a minimum of 3 hours to the private open space of the southern neighbour's property. The windows of the southern neighbour's property will be affected by any two (2) storey buildings due to the site orientation. Nevertheless Development Control Plan allows exemptions for solar access requirements for east-west oriented sites.
- For the above reasons, the proposed skillion roof (roof pitch of 5 degrees) and southern wall of the dwelling (maximum 8.35m above the existing ground) are considered to be acceptable and recommended to be supported.

The previous report to Council is provided below.

## **DESCRIPTION OF THE PROPOSAL**

The proposal seeks approval for the construction of a multi-levelled dwelling house and an above ground swimming pool and deck to the rear of the site.

## **HISTORY**

22 Sep 15	Application lodged with Council
7 Oct 15	Application was notified for fourteen (14) days. Council received one (1) submission.
19 Nov 15	Further information (clause 4.6 variation and amended plans) received by Council
2 Dec 15	Initial referral by Council's Team Leader Subdivision and Development received
23 Feb 16	Referral by RFS NSW received by Council
16 Mar 16	Further information (amended plans) received by Council. The clause 4.6 variation request submitted in November 2015 is no longer relevant to the amended proposal.
12 Apr 16	Referral by Council's Development Engineer completed
4 May 16	Application deferred at Council meeting for a site inspection

## **DESCRIPTION OF THE SITE AND LOCALITY**

The site is located at 27 Beaumaris Crescent Mortdale (Lot 226 DP 13827) on the south western side of the road and has a total site area of 598.3sqm. The site is an irregular shaped site with a narrow street frontage of 9.24m to Beaumaris Crescent, rear boundary of 16.95m and an average depth of 45.72m. The site falls steeply from the street to Oatley Heights Park at the rear by approximately 6.12m. There is a fall of approximately 2.5m within the building footprint of the proposed dwelling on the site.

Existing on the site is a single dwelling house with a carport and driveway on the northern side of the site. There are two (2) existing on-site trees near the north western corner of the rear yard, which are not affected by the proposal. A proposed drainage easement exists along the northern side of the site at 29 Beaumaris Crescent.

Adjoining the site on all sides are two (2) storey dwelling houses except for the Council owned reserve to the rear. The subject site is located within the Foreshore Scenic Protection Area and is identified as a bushfire prone and buffer land. The area is generally residential in character within the Foreshore Scenic Protection Area.

## **COMPLIANCE AND ASSESSMENT**

The development has been inspected and assessed under the relevant Section 79C(1) "Matters for Consideration" of the Environmental Planning and Assessment Act 1979.

The proposal has also been inspected, assessed and referred to the NSW Rural Bushfire Service, in respect of Section 79BA 'Consultation and Development Consent - Certain Bush Fire Prone Land', as per the Environmental Planning and Assessment Act 1979.

### **1. Environmental Planning Instruments**

#### ***HURSTVILLE LOCAL ENVIRONMENTAL PLAN 2012***

The extent to which the proposal complies with the relevant standards of Hurstville Local Environmental Plan 2012 is outlined in the table below.

Clause	Standard	Assessment Under HLEP 2012	Complies
Part 2 – Permitted or Prohibited Development	R2 Low Density Zone	Dwelling houses and ancillary structures are permissible in the zone	Yes
	Objectives of the Zone	The proposal complies with the objectives of the zone	Yes
4.3 – Height of Buildings	9m as identified on Height of Buildings Map	Max. 8.35m	Yes
6.4 – Foreshore Scenic Protection Area	<p>Council cannot grant consent to the carrying out of development on land within a Foreshore Scenic Protection Area unless consideration has been made of the following:</p> <p>“(3)(a) affect the natural environment, including topography, rock formations, canopy vegetation or other significant vegetation, and</p> <p>(b) affect the visual environment, including the views to and from the Georges River, foreshore reserves, residential areas and public places, and</p> <p>(c) affect the environmental heritage of Hurstville, and</p> <p>(d) contribute to the scenic qualities of the residential areas and the Georges River by maintaining the dominance of landscape over built form.”</p>	<p>The proposal will not impact on views to the foreshore, given the location of the dwelling in relation to the surrounding developments.</p> <p>The proposal is not likely to result in any impacts on any significant topographical feature, environmental heritage or any significant vegetation, subject to conditions of consent.</p> <p>The proposal retains the existing useable landscaped areas on site.</p>	Yes
6.5 – Gross Floor Area of Dwelling House	<p>≤ 630 square metres</p> <p>Site area x 0.55</p> <p>Max. GFA = 329.07sqm</p>	<p>Site = 598.3sqm</p> <p>Proposed GFA = 324.9sqm (excludes the non-habitable plant room with a floor-to-ceiling height of 2.3m)</p>	Yes

6.7 – Essential Services	The following services that are essential for the development shall be available or that adequate arrangements must be made available when required:		
	* Supply of water, electricity and disposal and management of sewerage	Adequate facilities for the supply of water and for the removal of sewage and drainage are available to this land	Yes
	* Stormwater drainage or on-site conservation	Council’s Development Engineer has raised no objection, subject to the drainage conditions attached to the recommendation	Yes
	* Suitable vehicular access	New driveway crossing from Beaumaris Crescent	Yes

**STATE ENVIRONMENTAL PLANNING INSTRUMENTS**

Compliance with the relevant state environmental planning policies is detailed and discussed in the table below.

<b>State Environmental Planning Policy</b>	<b>Complies</b>
Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment	Yes
Georges River Coastal Management Zone Plan (appropriate conditions imposed to comply with Council’s controls, Greater Metropolitan Regional Environmental Plan No 2 and to mitigate impacts on the coastal area)	Yes
State Environmental Planning Policy 55 – Remediation of Land	Yes
State Environmental Planning Policy (Building Sustainability Index BASIX) 2004	Yes

**2. Draft Environmental Planning Instruments**

No Draft Environmental Planning instruments affect the proposed development.

**3. Development Control Plans**

**DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE – SECTION 3.1 CAR PARKING**

The extent to which the proposed garage complies with the car parking provisions is outlined in the table below.

<b>Section 3.1</b>	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
3.1.4.2(a) – Layout	AS2890.1 – Min. dimensions (double garage) = 5.4m x 5.4m	Min. 5.6m x 6.5m	Yes

### **DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE - SECTION 3.5 ENERGY EFFICIENCY**

The proposal has achieved a BASIX Certificate and therefore complies with the objectives of Section 3.5 of Development Control Plan No 1. The proposed development also complies with the solar access requirements of Development Control Plan No1 – LGA Wide.

### **DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE - SECTION 4.1 SINGLE DWELLING HOUSES**

The proposed dwelling has been assessed against the requirements of Section 4.1 of Council's Development Control Plan No 1 – LGA Wide as shown below.

<b>Section 4.1</b>	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
4.1.3.1 – Maximum Floor Area	Site area ≤ 630sqm Max. FSR = 0.55:1	Site = 598.3sqm Proposed GFA = 324.9sqm FSR = 0.54:1	Yes
4.1.3.2 Landscape and Open Space Minimum width	FSPA: 25% (149.58sqm) 2m	158.9sqm (min. width of 2m)	Yes
Front Yard	15sqm of landscaping to be provided in front yard 4m x 5m minimum dimensions	More than 20sqm	Yes
Principal Private Open Space		Min. 4m x 5m	Yes
4.1.3.3 Building Height	Ceiling height 7.2m  Ridge height 9m	North: 7.2m – 7.9m (northern wall) South: 7.2m  Max. 8.35m	No (1)  Yes
4.1.3.4 Setbacks			
Front Setback (Building Line)	Min. 4.5m to front wall of dwelling	4.5m (measured perpendicular from the splayed frontage)	Yes
Side Boundary Setbacks	Min. 5.5m to front wall of garage  * Min. 0.9m to boundary (ground floor wall)  * Min. 1.5m to boundary (first floor wall) - FSPA	5.5m  North: 1.5m South: 0.9m (garage) – 1.5m  North: 1.3m – 1.4m (stairs for 1m) and 1.5m (rest of the northern first floor wall) South: 1.5m	Yes  Yes  No - minor variation for only 1m in length.

<p>Irregular shaped lots: Side Boundary (Secondary Street) and Rear Boundary Setbacks</p> <p>Rear Setback</p>	<p>Council may permit variations to the side and rear setbacks for irregular shaped lots if it can be demonstrated that: Results in the retention of principle private open space or significant trees or site features;</p> <p>No adverse impacts on neighbouring properties; and Consistent with the objectives for setbacks.</p> <p>Min. 3m for ground floor solid wall Min. 6m for first floor level solid wall</p>	<p>The proposal provides principal private open space with a northerly orientation which is accessible from the main living rooms of the dwelling. No significant trees on site features on this side of the site.</p> <p>No adverse impacts on adjoining reserve</p> <p>The proposal is consistent with the objectives as it provides landscaping and useable space with northern orientation for direct solar access</p> <p>13.5m 12.6m</p>	<p>Acceptable - no amenity impact</p> <p>Yes Yes</p>
<p>4.1.3.7 Façade Articulation</p>	<p>Habitable room to street</p> <p>Two elements of street façade of:  Entry feature/portico Eaves/sun shading Wall offset/balcony/ verandahs/pergolas</p>	<p>Habitable room windows and door to both street frontages</p> <p>Wall offsets, entry porch and eaves used on the façade of the dwelling</p>	<p>Yes Yes</p>
<p>4.1.3.8 Car Parking and Vehicular Access</p>	<p>3 bedrooms or more, 2 spaces</p> <p>New dwellings: at least 1 car space must be located behind the front building line/ Garages must not extend further towards the front boundary than the front wall</p> <p>Max. driveway crossing width: 2.7m and 4.5m</p> <p>Driveway / access lanes / car park spaces max. 40% of site width (sites &lt; 12m wide)</p>	<p>Double garage</p> <p>Double garage behind the front building line</p> <p>4.5m</p> <p>Driveway: 4.5m or 48% of the curved site width</p>	<p>Yes Yes Yes No (2)</p>

4.1.3.9 Privacy	Visual privacy: Windows offset by 1m Neighbouring principal private open space is not overlooked by proposed living areas	Window offsets, high light window and boundary fence used for privacy screening	Yes
4.1.3.10 Solar access and energy efficiency	North facing rooms receive maximum solar access. Subject and adjoining lots receive 3hrs solar access between 9am and 3pm on mid-winter equinox.	Yes Yes	Yes Yes
4.1.3.11 Stormwater Solutions	Gravity drainage is preferred however alternative solutions may be considered in accordance with this section of the DCP during the assessment process	Council's Development Engineer has recommended an alternative drainage system to discharge to the council owned reserve via drainage conditions	Yes (subject to drainage conditions)

<b>Stormwater Assessment</b>	
Existing Stormwater System	On site disposal
Proposed Stormwater System	Connection to proposed easement to drain water at 25 Beaumaris Crescent
Stormwater objectives for development type met?	Consistent
Slope to rear (measured centreline of site)	Yes
Gravity to street (from property boundary to street kerb)?	No
Discharge into same catchment?	Yes
Easement required?	No - Council's development engineer recommends a dispersal system directed towards the Council owned reserve

(1) Maximum external wall height (ceiling height)

The applicant seeks variation to the increased wall height of the stairs on the northern side of the dwelling with the following justification provided:

*“Site constraints – 6m elevation drop, narrow frontage of 9m and designated bushfire zone which limits the developable area to keep minimum separation required for a bushfire asset protection zone – “this has been achieved by positioning the proposed dwelling as far forward as possible to Beaumaris Crescent”.*

*Design strategies to reduce height impact – proposed dwelling (ground floor is positioned 1.2m below the street level and adjacent garage at the adjoining neighbour at No 25 Beaumaris Crescent) is placed well below the main street level to minimise the height impact on the streetscape, the non-complaint elements do have resultant view loss, privacy, visual and shadowing impacts, the area of non-compliance is not continuous along the full length of the dwelling and landscape design strategies will be implemented along the walls in question to reduce the height impacts and soften the appearance.*

*Other considerations – there are similar development in the area, the overall height of the proposed dwelling is generally below the heights of similar existing structures in the area and the non-compliant elements are to be constructed in compliance with the BCA.”*

In addition to the above reasons, the proposal on its merit is considered acceptable and is recommended to be supported on the following basis:

- The increased external wall on the northern elevation is only for a small section of this side of the dwelling, which is inevitable due to the site slope constraint. The increased external wall on the northern elevation is only for the stairs, which has sufficient setback from the northern side boundary.
- No additional amenity impacts are envisaged with the increased wall height on this side of the proposed dwelling.
- The impact from overshadowing from the increased external wall of the proposal is considered negligible between 9.00am and 3.00pm midwinter as it only occurs on the northern side of the dwelling.
- The street facing façade of the dwelling (to Beaumaris Crescent) complies with the maximum external wall height requirement and hence it is not considered to adversely impact on the existing streetscape or to set a precedent in the area.

## (2) Maximum driveway width

The proposed driveway would have a ‘negligible’ visual impact upon the street frontage of the subject site and hence is supported on the following basis:

- As stated earlier in the report, the proposed double garage is located 1.2m below the street level in order to reduce the overall height and visual impacts on the streetscape. The driveway gradient (1:4 or 25%) and consequently the width of the driveway is considered reasonable for the subject site, given that a single driveway (tandem car parking) is not suitable for car parking of 1:4.
- In light of the above reason, the driveway cannot further be reduced to comply with the maximum 40% of the site width. Also the site is constrained by the narrow frontage of 9m.
- The proposal provides sufficient landscaped area within the front yard to provide visual relief upon the streetscape.
- Due to the curvilinear street frontage to Beaumaris Crescent, there are examples of existing dwellings with wider driveways in the street. As such strict compliance would be unreasonable in this circumstance, where the non-compliant driveways exist as a result of a genuine site constraint with curved and narrow site frontage found in the street.

Therefore it is recommended a concession of a width of 0.9m be extended to this proposal to allow a driveway width of 4.5m each rather than restricting it to 3.6m (40% of the width of the site).

**DEVELOPMENT CONTROL PLAN NO 1 – LGA WIDE – SECTION 5.7 SWIMMING POOLS AND SPAS**

<b>Section 5.7</b>	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
5.7.2.1 - Pool Siting (d)	On steeply sloping sites, Council may consider allowing one point or along one side to extend up to 1m above NGL, provided that the exposed face of the pool is treated to minimise impact	The western side of the pool is to be located 1m above NGL. Privacy screening (1.5m high) and bamboo planting are proposed on the southern side of the pool area to minimise privacy impacts	Yes (by condition)
5.7.2.1 - (e)	Filling is not permitted between the swimming pool and property boundary	Yes	Yes (can be conditioned)
5.7.2.1 - (f)	Drainage not to affect natural environment or adjoining properties	Yes	Yes (can be conditioned)
5.7.2.1 - (j) Side Setbacks	Pool edge must be set back at least 1.5m from any side or rear boundary	At least 1.5m on all sides	Yes
5.7.2.2 Noise Control and Nuisances	The position of the swimming pool and associated equipment is to be determined paying consideration to any noise amenity impact on adjacent neighbours	Standard conditions can be imposed for noise attenuation measures	Yes (can be conditioned)

As can be seen from the table above, the proposal will comply with Section 5.7.

#### **4. Impacts**

##### ***Natural Environment***

The proposal is unlikely to have any adverse impact upon the natural environment as a site/waste management plan, sediment and erosion control plan and drainage plans have been considered and addressed any potential impacts.

##### ***Built Environment***

The proposal does not result in any unacceptable material built environment impacts. The Development Control Plan variations sought with this application are considered acceptable and the site has genuine site constraints with the existing topography and irregular shape of the land.

In respect to streetscape, the proposal is considered acceptable as it incorporates variable architectural treatments on the façade of each dwelling and provides sufficient landscaping within the front setback to soften the visual impact on the streetscape.

In terms of overshadowing, the proposal allows a minimum of 3 hours to private open space and windows to habitable rooms on the adjoining properties as required under Development Control Plan No 1 – LGA Wide.

Overall the proposal is not considered to result in any unacceptable material built environment impacts subject to conditions of consent.

### ***Social Impact***

The proposal is for residential purpose and will not have any adverse social impact.

### ***Economic Impact***

The proposal is for residential purposes and no adverse economic impact is envisaged.

### ***Suitability of the Site***

The proposed development is considered suitable for the subject site for the reasons contained within the report.

## **5. REFERRALS, SUBMISSIONS AND THE PUBLIC INTEREST**

### **Resident**

Six (6) letters were sent to adjoining residents and given fourteen (14) days in which to view the plans and submit any comments on the proposal. One (1) submission was received in response to this application. The issues raised in the submission is summarised as follows.

### ***Non compliance with LEP and DCP***

Non compliance with Hurstville Local Environmental Plan and Development Control Plan, particularly in regards to:

- Incomplete measurements on notification plans
- Hurstville Local Environmental Plan objectives of Foreshore Scenic Protection Area
- Development Control Plan objectives and numerical requirements for building heights, side setbacks, FSR, balconies and terraces, façade articulation and solar access
- Request to reverse the roof pitch of the proposed dwelling so that the roof slopes from the north to south to maximise solar access

Comment: The proposal has been amended to provide measurements and levels at critical points to enable a thorough assessment of the proposal and it complies with the relevant requirements as detailed in the report above. The variations sought to the increased northern wall of the stairs and driveway width are considered acceptable as they have negligible impacts on adjoining southern properties. These variations are directly related to the 2.5m fall under the building footprint of the proposed dwelling and curved and narrow site frontage of the site.

In response to the request by the submitter at a site meeting, Council has liaised with the applicant regarding the roof pitch of the proposed dwelling. The applicant has advised that the roof pitch of the dwelling cannot be reversed as it is designed for the installation of solar panels. No further changes have been made to the amended proposal.

## ***Amenity impacts***

Amenity impacts on adjoining properties, particularly in regards to:

- Non-compliant height of the building and the resulting shading and loss of sunlight
- Bulk and height of the proposal is not in keeping with the character of the street
- Privacy impact from deck and balconies along the sides, including the submitter's upper balcony
- The façade of the proposed dwelling should be designed to allow more articulation
- Visual and acoustic privacy – swimming pool and windows of the proposed dwelling
- Notification of demolition and removal of asbestos
- Suggestions – excavate more to lower the proposed building, have a pitched roof rather than a raked roof and taper the south east elevation in and out to reduce the overall negative impact on adjoining properties

Comment: The proposal has been amended to comply with the relevant Development Control Plan requirements in order to address the above concerns. In regard to notification of demolition and removal of asbestos standard conditions of consent will require the applicant to notify the neighbours prior to demolition and removal of asbestos.

## **External Referrals**

### ***NSW Rural Fire Service***

The site falls within a bush fire prone area and a referral was made to the NSW Rural Fire Services. No objections were received in relation to the proposed development subject to conditions included in the determination.

## **6. CONCLUSION**

The proposal has been assessed under Section 79C Matters for Consideration under the Environmental Planning and Assessment Act 1979 (as amended) and considered to adequately satisfy the intent of the applicable planning controls as detailed within this report.

The Development Control Plan variations to the maximum external wall height and driveway width are supported for the reasons stated in this report, given the subject site is constrained with the curved and narrow site frontage and natural slope. It is considered that the proposal is unlikely to result in any unacceptable material built environment for the reasons detailed in the report.

One (1) submission was received in relation to the proposal. This submission has been discussed and addressed in the report.

Accordingly the application is recommended for approval in accordance with the conditions included below.

## DETERMINATION

THAT pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act, 1979, as amended, the Council, grants development consent to Development Application DA2015/0301 for the demolition of existing and construction of new two-three storey dwelling with swimming pool and deck to rear on Lot 226 DP 13827 and known as 27 Beaumaris Crescent Mortdale, subject to the attached conditions:

### Schedule A – Site Specific Conditions

#### GENERAL CONDITIONS

These conditions have been imposed to ensure that the development is carried out in accordance with the approved plans and to ensure that the appropriate fees and bonds are paid in relation to the development.

1. GEN1001 - **Approved Plans** - 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:

Reference No.	Date	Description	Revision	Prepared by
A101	19/08/15	Site Analysis	A	Casa Design and Co
A103	19/08/15	Demolition Plan	A	Casa Design and Co
A104	02/12/15	Site Plan	D	Casa Design and Co
A105	09/03/16	Landscape Plan	D	Casa Design and Co
A106	09/03/16	Lower Ground Floor Plan	H	Casa Design and Co
A107	09/03/16	Ground Floor Plan	H	Casa Design and Co
A108	09/03/16	First Floor Plan	F	Casa Design and Co
A109	09/03/16	Roof Plan	F	Casa Design and Co
A110	15/03/16	Elevation-1	F	Casa Design and Co
A111	15/03/16	Elevation-2	F	Casa Design and Co
A112	15/03/16	Elevation-3	G	Casa Design and Co
A113	15/03/16	Elevation-4	G	Casa Design and Co
A114	09/03/16	Section-1	G	Casa Design and Co
A115	09/03/16	Section-2	F	Casa Design and Co
A116	09/03/16	Section-3	E	Casa Design and Co
A117	09/03/16	Section-4	F	Casa Design and Co
C39212	27/02/15	Survey Plan	--	S J Surveying Services Pty Ltd
A120	19/08/15	Finishes Schedule	A	Casa Design and Co
--	Received: 20/08/15	Waste Management Plan	--	Carol Bagdad

2. GEN1002 - **Fees to be paid to Council** - 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.**

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 Section 94 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.

Form of payment for transactions \$500,000 or over - Council will only accept Bank Cheque or Electronic Funds Transfer (EFT) for transaction values of \$500,000 or over. Council must be contacted prior to payment to determine correct total amount to be paid and bank account details (if applicable)

(a) Fees to be paid:

**Fee types, bonds and contributions**

<b>Fee Type</b>
Long Service Levy (to Long Service Corporation)
Builders Damage Deposit
Inspection Fee for Refund of Damage Deposit

The following fees apply where you appoint Council as your Principal Certifying Authority (PCA). (If you appoint a private PCA, separate fees will apply)

PCA Services Fee	\$1,810.00
Construction Certificate Application Fee	\$1,810.00
Construction Certificate Imaging Fee	\$172.00

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.

3. GEN1014 - **Long Service Levy** - Submit evidence of payment of the Building and Construction Industry Long Service Leave Levy to the Principal Certifying Authority. Note this amount is based on the cost quoted in the Development Application, and same may increase with any variation to estimated cost which arises with the Construction Certificate application. To find out the amount payable go to [www.lspc.nsw.gov.au](http://www.lspc.nsw.gov.au) or call 131441. **Evidence of the payment of this levy must be submitted with the Construction Certificate application.**
4. GEN1015 - **Damage Deposit - Minor Works** - In order to insure against damage to Council property the following is required:
  - (a) Payment to Council of a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$1,500.00.**
  - (b) Payment to Council of a non refundable inspection fee to enable assessment of any damage and repairs where required: **\$140.00.**
  - (c) 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.

- (d) Prior to 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, shall be submitted to Council
- (e) Payments pursuant to this condition are required to be made to Council before the issue of the Construction Certificate.
- (f) 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.

### **SEPARATE APPROVALS UNDER OTHER LEGISLATION**

These conditions have been imposed to ensure that the applicant is aware of any separate approvals required under other legislation, for example: approvals required under the Local Government Act 1993 or the Roads Act 1993.

#### **5. APR6001 - Engineering - Section 138 Roads Act 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.**

A separate approval is required to be lodged and approved 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):

- (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 and ancillary works in the road reserve; and
- (k) Stormwater and 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 Hurstville City Council's website at: [www.hurstville.nsw.gov.au](http://www.hurstville.nsw.gov.au)

For further information, please contact Council's Customer Service Centre on (02)9330 6222.

6. **APR6002 - Engineering - Vehicular Crossing - Minor Development** - Constructing a vehicular crossing and/or footpath requires a separate approval under *Section 138 of the Roads Act 1993* prior to the issue of the **Construction Certificate**.

To apply for approval, complete the *Driveway Crossing on Council Road Reserve Application Form* which can be downloaded from Hurstville Council's Website: [www.hurstville.nsw.gov.au](http://www.hurstville.nsw.gov.au)

Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Section P1 and P2, in Council's adopted *Fees and Charges* for the administrative and inspection charges associated with Vehicular Crossing applications.

Please note, that an approval for a new or modified vehicular crossing will contain the approved access and/or alignment levels which will be required to construct the crossing and/or footpath. Once approved, all work shall be carried out by a private contractor in accordance with Council's *Specification for Vehicular Crossings and Associated Works* prior to the issue of the **Occupation Certificate**.

7. **APR6004 - Engineering - Road Opening Permit** - A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from the Roads and Maritime Services, in the case of State roads, for every opening of a public road reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications **before the commencement of work in the road**.

#### **REQUIREMENTS OF OTHER GOVERNMENT AGENCIES**

These conditions have been imposed by other NSW Government agencies either through their role as referral bodies, concurrence authorities or by issuing General Terms of Approval under the Integrated provisions of the Environmental Planning and Assessment Act 1979.

8. **GOV1007 - Sydney Water - Quick Check** - The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Care Centre to determine whether the development application will affect Sydney Water's sewer and water mains, storm water drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to Sydney Water's website: [www.sydneywater.com.au](http://www.sydneywater.com.au)

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

These conditions either require modification to the development proposal or further investigation/information prior to the issue of the Construction Certificate to ensure that there is no adverse impact.

9. **CC2013 - Development Assessment - Bushfire Attack Level**

- i) New construction on the north eastern elevation(s) shall comply with Sections 3 and 8 (BAL 40) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
- ii) New construction, other than the north-eastern (front) elevation, shall comply with Sections 3 and 9 (BAL FZ) of Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas'. However, any material, element of construction or system when tested to the method described in Australian Standard AS1530.8.2 'Methods for fire tests on building materials, components and structures Part 8.2: Tests on elements of construction for buildings exposed to simulated bushfire attack-Large flaming sources' shall comply with Clause 13.8 of that Standard except that flaming of the specimen is not permitted and there shall be no exposed timber.
- iii) Windows shall be completely protected by a non-combustible and non-perforated bushfire shutter that complies with Section 3.7 of AS39592009 excluding parts (e) & (f); and the following:
  - a) Window frames and hardware shall be metal;
  - b) Glazing shall be minimum 6mm thick toughened glass or the window system shall satisfy the performance criteria of AS1530.8.1 'Methods for fire tests on building materials, components and structure - Part 8.1 Tests on elements of construction for buildings exposed to simulated bushfire attack - Radiant heat and small flaming sources' for BAL 40 except that flaming of the specimen is not permitted and there shall be no exposed timber;
  - c) Seals to stiles, head and sills or thresholds shall be manufactured from materials having a flammability index no greater than 5; and,
  - d) The openable portion of the window shall be screened internally or externally with a mesh with a maximum aperture of 2mm, made from corrosion resistant steel or bronze and the frame supporting the mesh shall be metal.
- iv) External doors (excluding garage doors) shall be completely protected by a non-combustible and non-perforated bushfire shutter that complies with Section 3.7 of AS3959 excluding parts (e) and (f); and shall comply with the following:
  - a) Doors shall be non-combustible;
  - b) Externally fitted hardware that supports the panel in its function of opening and closing shall be metal;
  - c) Where doors incorporate glazing, the glazing shall be toughened glass minimum 6mm or the door system shall satisfy the performance criteria of AS1530.8.1 'Methods for fire tests on building materials, components and structure - Part 8.1 Tests on elements of construction for buildings exposed to simulated bushfire attack - Radiant heat and small flaming sources' for BAL 40 except that flaming of the specimen is not permitted and there shall be no exposed timber;
  - d) Seals to stiles, head and sills or thresholds shall be manufactured from materials having a flammability index of no greater than 5;
  - e) Door frames shall be metal;
  - f) Doors shall be tight fitting to the doorframe and an abutting door if applicable; and,
  - g) Weather strips, draught excluders or draught seals shall be installed if applicable.

10. **CC7012 - Building - Swimming Pool Design and Construction** - The design and construction of the swimming pool and associated fencing and equipment must comply with:
- (a) The Swimming Pools Act 1992 and Regulation 2008
  - (b) Building Code of Australia
  - (c) Australian Standard 1926.1-2007 - Swimming Pool Safety
  - (d) Council's Development Control
  - (e) Protection of the Environment Operations Act 1997
  - (f) AS1926.3-2010 - Water Recirculation Systems

No water must be placed in the pool/spa until the safety fences have been completed in accordance with the approved plans and specifications and satisfactorily inspected by the Principal Certifying Authority.

11. **CC7013 - Building - 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) pool water quality must be maintained to Council's satisfaction;
  - (e) install a hydrostatic pressure relief valve in the base of the pool (in ground pools);
  - (f) provide permanently fixed depth markers at each end of the pool;
  - (g) drain paved areas to the landscaped areas;
  - (h) arrange any external pool/spa lighting to minimise glare nuisance to adjoining owners; and
  - (i) operation and sound emissions of swimming pool pump and filter equipment are to be in accordance with the POEO Act and Department of Environment and Conservation Guidelines.
12. **CC2004 - Development Assessment - Design Changes** - The following design changes are required and are to be incorporated into the plans to be lodged **with the Construction Certificate application**.
- (a) The submitted concept hydraulic plan shall be amended to provide a spreader device to limit the velocity of flow to 2m/sec. This design change is to be incorporated into the Detailed Hydraulic Plans submitted for approval **with the Construction Certificate Application**.
13. **CC2001 - Development Assessment - Erosion and Sedimentation Control** - Erosion and sediment controls must be provided to ensure:
- (a) Compliance with the approved Erosion and 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 before the commencement of work (including demolition and excavation) and must remain until the issue of the Occupation Certificate.

14. **CC2002 - Development Assessment - Site Management Plan - Minor Development -** A Site Works Plan detailing all weather access control points, sedimentation controls, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.
15. **CC2011 - Development Assessment - BASIX Commitments -** All energy efficiency measures as detailed in the BASIX Certificate No. 646248S dated 20 August 2015, approved with the Development Consent DA2015/0301, must be implemented on the plans lodged with the application for the Construction Certificate.
16. **CC2033 - Development Assessment - Compliance with the Swimming Pool Act 1992 -** 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 2008, Building Code of Australia and/or AS 1926.1-2007 - Swimming Pool Safety. Details of compliance to be illustrated on the plans lodged with the application for the Construction Certificate.
17. **CC3001 - Development Engineering - Stormwater System**

Reference No.	Date	Description	Revision	Prepared by
SW1	02/07/15	Concept Stormwater Plan	0	ML Civil

The above submitted stormwater plan has been assessed as a concept plan only and no detailed assessment of the design has been undertaken.

- (a) All roof water runoff shall drain to a suitable designed absorption trench system constructed across the contour of the land. This system must be designed for a 1:20yr ARI storm event and be located at least three (3) metres from neighbouring privately owned properties and one (1) metre away from the boundary of Council's Reserve.
  - (b) The proposed drainage system is to be amended to provide a spreader device that limits the velocity of flow to 2m/sec during the design storm event.
  - (c) The design of this proposed drainage system must be prepared by a qualified practising Hydraulics Engineer (with details of qualifications being provided) and conform to Australian/New Zealand Standard AS/NZS 3500.3:2003 (as amended). Design details and certification shall be submitted for approval **with the Construction Certificate application.**
18. **CC5002 - Trees - Tree Protection and Retention -** The following trees shall be retained and protected:

(a) Two (2) x on-site trees, located on the north western corner of the rear yard

All trees to be retained shall be protected and maintained during demolition, excavation and construction of the site. The tree protection measures must be undertaken in accordance *AS4970-2009 Protection of trees on development sites*. Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a suitably qualified Arborist (AQF Level 4 or above in Arboriculture) and must be retained through all stages of construction.

19. **CC5003 - Trees - Tree Removal and Replacement - Private Land** - Permission is granted for the removal of the following tree:

(a) One (1) x on-site trees marked to be removed as per the approved landscape plan, numbered A105-Rev D, dated 09/03/2016 and prepared by Casa Design and Co.

20. **CC7004 - Building - Structural details** - Structural plans, specifications and design statement prepared and endorsed by a suitably qualified practising structural engineer who holds the applicable Certificate of Accreditation as required under the Building Professionals Act 2005 shall be submitted along with the Construction Certificate application to the Certifying Authority for any of the following, as required by the building design:

- (a) piers
- (b) footings
- (c) slabs
- (d) columns
- (e) structural steel
- (f) reinforced building elements
- (g) swimming pool design
- (h) retaining walls
- (i) stabilizing works
- (j) structural framework

21. **CC3004 - Development Engineering - Stormwater Drainage Plans** - Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a qualified practising hydraulics engineer (with details of qualifications being provided) in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Drainage Guidelines, **shall accompany the application for the Construction Certificate.**

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

These conditions have been imposed to ensure that all pre-commencement matters are dealt with and finalised prior to the commencement of work.

22. **PREC2001 - Building regulation - Site sign - Soil and Erosion Control Measures** - Prior to the commencement of works (including demolition and excavation), the durable site sign issued by Hurstville City 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.

23. **PREC2002 - Development Assessment - Demolition and Asbestos** - The demolition work shall comply with the provisions of Australian Standard AS2601:2011 - Demolition of Structures, NSW Work Health and Safety Act 2011 and the NSW Work Health and Safety Regulation 2011. The work plans required by AS2601-2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the Principal Certifying Authority 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 and Safety Act 2011 and the NSW Work Health and Safety Regulation 2011 unless specified in the Act and/or Regulation that a license is not required.

The asbestos removal work shall also be undertaken in accordance with the How to Safely Remove Asbestos: Code of Practice published by Work Cover NSW.

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

24. **PREC2008 - Development Assessment - 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 Hurstville City Council advising of the demolition date, details of the WorkCover 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.

25. **PREC2009 - Development Assessment - 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.

26. **PREC6001 - Engineering - Dial before your 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.
27. **PREC7001 - Building - Registered Surveyors Report - During Development Work** - A report must be submitted to the Principal Certifying Authority at each of the following applicable stages of construction:
- (a) Set out before commencing excavation.
  - (b) Floor slabs or foundation wall, before formwork or commencing brickwork.
  - (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
  - (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
  - (e) Completion of any Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.
  - (f) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
  - (g) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.
  - (h) Other.

Work must not proceed beyond each stage until the Principal Certifying Authority is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

#### **DURING WORK**

These conditions have been imposed to ensure that there is minimal impact on the adjoining development and surrounding locality during the construction phase of the development.

28. **CON2001 - Development Assessment - Hours of construction, demolition and building related 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 Saturday inclusive. No work or ancillary activity shall be permitted to be performed on any Sunday, Good Friday, Christmas Day or any Public Holiday. A penalty infringement notice may be issued for any offence.

In addition to the foregoing requirements, construction work on all buildings (except that on single dwelling houses and associated structures on the site of a single dwelling house) shall be prohibited on Saturdays and Sundays on weekends adjacent to a public holiday.

29. **CON2002 - Development Assessment - 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 separately by Council.
30. **CON2003 - Development Assessment - Swimming Pools - Filling with water** - No water must be placed in the pool/spa until the safety fences have been completed in accordance with the approved plans and specifications and inspected by the Principal Certifying Authority.
31. **CON5001 - Trees - Tree Removal on Private Land** - The trees identified as 'to be removed/pruned' on the approved plans or by conditions of this consent shall be removed in accordance with AS4373 -2007 Pruning of Amenity Trees and the Trees Work Industry Code of Practice (WorkCover NSW, 1998).
32. **CON6002 - Engineering - 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 and/or under Section 68 of the Local Government Act 1993. Penalty Infringement Notices may be issued for any offences and severe penalties apply.
33. **CON8001 - Waste - Waste Management Facility** - All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt whatsoever or in association with the work on site. Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the Principal Certifying Authority and a copy provided to the Manager Environmental Services, Hurstville City Council.

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

These conditions have been imposed to ensure that all works have been completed in accordance with the Development Consent prior to the issue of the Occupation Certificate.

34. **OCC2004 - Development Assessment - BASIX Compliance Certificate** - A Compliance Certificate must be provided to the Principal Certifying Authority regarding the implementation of all energy efficiency measures as detailed in the BASIX Certificate No. 646248S dated 20 August 2015, and in the plans approved with the Development Consent/ Construction Certificate, before issue of the Occupation Certificate.
35. **OCC2005 - Development Assessment - Completion of Landscape Works** - All landscape works must be completed before the issue of the Final Occupation Certificate.

36. OCC6001 - **Engineering - Vehicular crossing - Minor development** - The vehicular crossing and/or footpath works shall be constructed by a private contractor at the expense of the beneficiary of this consent, in accordance with the *Vehicular Crossing Approval* issued by Council's Engineering Services Division and in accordance with Council's Specification for Vehicular Crossings and Associated Works and the issued.

Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the beneficiary of this consent and in accordance with Council's Specification for Vehicular Crossings and Associated Works.

**Please Note:** No stencilled or coloured concrete may be used outside the boundary of the property.

The work must be completed **before the issue of an Occupation Certificate.**

### **ONGOING CONDITIONS**

These conditions have been imposed to ensure that the use or operation of the development does not adversely impact on the amenity of the neighbourhood or environment.

37. ONG2004 - **Development Assessment - 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.
38. ONG4038 - **Health - Swimming Pools and Spas - Maintenance** - Swimming and spa pools must be maintained:
- (a) in compliance with the NSW Health "Public Swimming Pool and Spa Pool Guidelines" in force at that time,
  - (b) in compliance with AS 1926.3-2003 - Swimming pool safety - Water recirculation and filtration systems (as amended),
  - (c) with backwash being discharged to the sewer in compliance with clause 10.9 (Figure 10.2) of AS/NZS 3500.2.2:1996 - National Plumbing and Drainage - Sanitary plumbing and drainage - Acceptable solutions (as amended), and
  - (d) 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):
    - before 8am or after 8pm on any Sunday or public holiday, or
    - before 7am or after 8pm on any other day.
39. ONG4039 - **Health - Swimming Pools and 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.

40. **ONG4040 - Health - Swimming Pools and Spas - Operation** - The operation of the pool/spa is to comply with the requirements of the:
- (a) Public Health Act 2010 (as amended),
  - (b) Public Health Regulation 2012 (as amended),
  - (c) NSW Health Department Public Swimming Pool and Spa Pool Guidelines 1996 (as amended), and
  - (d) Australian Standard AS3633-1989 - Private Swimming Pools - Water quality (as amended).
41. **ONG2003 - Development Assessment - Maintenance of Landscaping** - All trees and plants forming part of the landscaping must be maintained on an ongoing basis. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control and any other operations required to maintain healthy trees, plants and turfed areas.
42. **ONG4018 - Health - Amenity of the neighbourhood** - The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.

No vegetation, article, building material, waste or the like shall be ignited or burnt whatsoever or in association with the work on site.

#### **ADVICE**

This advice has been included to provide additional information and where available direct the applicant to additional sources of information based on the development type.

43. **ADV3001 - Stormwater and Ancillary Works - Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993** - The developer must meet all costs of the extension, relocation or reconstruction of any part of Council's drainage system (including design drawings and easements) required to carry out the approved development.

The preparation of all engineering drawings (site layout plans, cross sections, longitudinal sections, elevation views together with a hydraulic grade analysis) and specifications for the new storm water drainage system to be arranged by the applicant. The design plans must be lodged and approved by Council **prior to the issue of a Construction Certificate**.

**Note:** Four (4) weeks should be allowed for assessment.

The design and construction of the works must be in accordance with Council's Draft/Adopted Storm water Drainage Policy and "*Construction of Drainage and Associated Works - Specification for Hurstville City Council*" which include Council's Standard Drawings. Both documents are to be made available on Council's website [www.hurstville.nsw.gov.au](http://www.hurstville.nsw.gov.au).

44. **ADV2002 - Development Assessment - Site Safety Fencing** - Site fencing must be erected in accordance with WorkCover 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.

For more information visit [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

45. **ADV2008 - Development Assessment - Register your swimming pool** - Have you registered 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/inspection](http://www.swimmingpoolregister.nsw.gov.au/inspection)

46. **ADV2009 - Development Assessment - Security deposit administration & compliance fee** - Under Section 97(5) of the Local Government Act 1993, a security deposit (or part) if repaid to the person who provided it is to be repaid with any interest accrued on the deposit (or part) as a consequence of its investment.

Council must cover administration and other costs incurred in the investment of these monies. The current charge is \$50.00 plus 2% of the bond amount per annum.

Interest rate applied to bonds is set at Council's business banking facility rate as at 1 July each year. Council will accept a bank guarantee in lieu of a deposit.

All interest earned on security deposits will be used to offset the Security Deposit Administration and Compliance fee. Where interest earned on a deposit is not sufficient to meet the fee, it will be accepted in full satisfaction of the fee.

### **Schedule B – Prescribed Conditions**

Prescribed conditions are those which are mandated under Division 8A of the *Environmental Planning and Assessment Regulation 2000* and given weight by Section 80A (11) of the Environmental Planning and Assessment Act 1979.

Detailed below is a **summary** of all the prescribed conditions which apply to development in New South Wales. Please refer to the full details of the prescribed conditions as in force, at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

It is the responsibility of the beneficiary of this consent to determine which prescribed conditions apply.

47. **PRES1001 - Clause 97A – BASIX Commitments** - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.
48. **PRES1002 - 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.

49. PRES1003 - **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 Principal Certifying Authority and the Principal Contractor.
50. PRES1004 - **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.
51. PRES1007 - **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.

### **Schedule C – Operational & Statutory Conditions**

These conditions comprise the operational and statutory conditions which must be satisfied under the Environmental Planning and Assessment Act 1979 and the Environmental Planning & Assessment Regulation 2000. Please refer to the full details of the Act and Regulations as in force, at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

It is the responsibility of the beneficiary of this consent to determine which operational and statutory conditions apply.

52. OPER1001 - **Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited certifier.

An application form for a **Construction Certificate** is attached for your convenience.

53. OPER1002 - **Appointment of a Principal Certifying Authority** - The erection of a building must not commence until the beneficiary of the development consent has:

- (a) appointed a Principal Certifying Authority (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, then the beneficiary of the consent must:

- (a) 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
- (b) notify the PCA of the details of any such appointment; and
- (c) 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.

An **Information Pack** is attached for your convenience should you wish to appoint Hurstville City Council as the Principal Certifying Authority for your development.

54. OPER1003 - **Notification of Critical Stage Inspections** - No later than two (2) 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 beneficiary of the development consent of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

55. OPER1004 - **Notice of Commencement** - The beneficiary of the development consent must give at least two (2) days notice to the Council and the PCA of their intention to commence the erection of a building.

A **Notice of Commencement Form** is attached for your convenience.

56. OPER1007 - **Critical Stage Inspections** - The last critical stage inspection must be undertaken by the Principal Certifying Authority. 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.

57. OPER1008 - **Notice to be given prior to critical stage inspections** - The principal contractor for a building site, or the owner-builder, must notify the principal certifying authority at least 48 hours before each required inspection needs to be carried out.

Where Hurstville City Council has been appointed PCA, forty eight (48) hours notice in writing, or alternatively twenty four (24) hours notice by facsimile or telephone, must be given to when specified work requiring inspection has been completed.

58. OPER1009 - **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.

Only the Principal Certifying Authority appointed for the building work can issue the Occupation Certificate.

An **Occupation Certificate** Application Form is attached for your convenience.