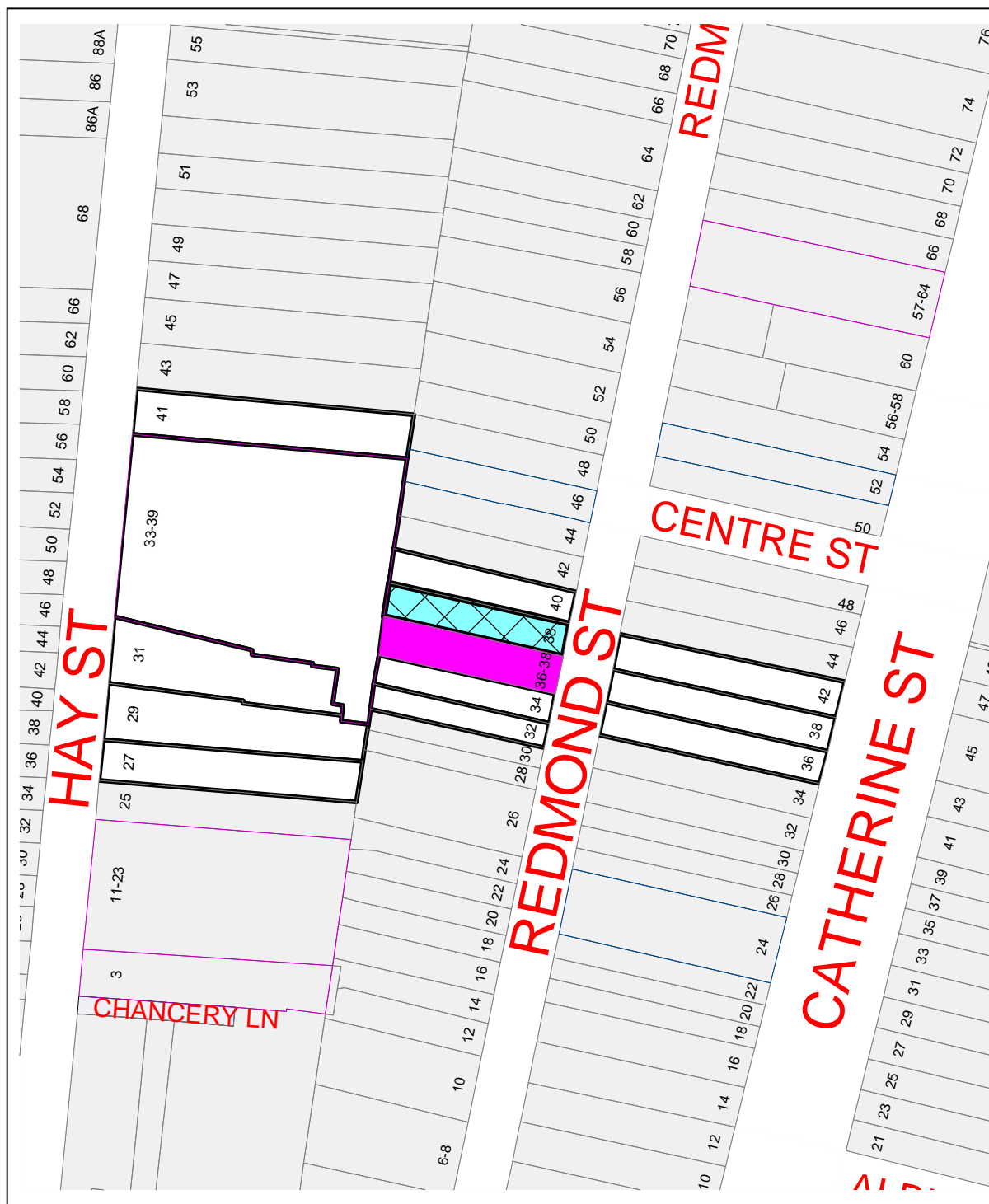

BUILDING & DEVELOPMENT COUNCIL**June 2009**


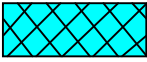


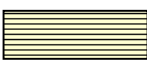
Development Application No.	Ø D/2008/557
Address	Ø 36 Redmond Street Leichhardt NSW 2040
Description of Development	Ø Ground floor alterations and additions to existing dwelling
Date of Receipt	Ø 28 November 2008
Value of Works	Ø \$250000
Applicant's Details	Ø Tricia Helyar Architect 16 Fowler St Leichhardt NSW 2040
Owner's Details	Ø Ms H J Paul 36 Redmond St Leichhardt NSW 2040
Notification Dates	Ø 11th December 2008 to 8th January 2009
Number of Submissions	Ø One (1)
Building Classification	Ø 1a
Integrated Development	Ø n/a

Main Issues	Ø Tree removal Ø Amenity issues
Recommendation	Ø Approval

Attachment A	Ø Draft Notice of Determination
Attachment B	Ø Plans of proposal



LOCALITY MAP – NOT TO SCALE

Subject Site		Objectors		
Notified Area		Supporters		

1. PROPOSAL

This application seeks consent for ground floor alterations and additions to an existing dwelling at 36 Redmond Street, Leichhardt. The proposal includes the removal of a tree located on the northern boundary of the site.

2. SITE DESCRIPTION

The site is approximately 224 m² in area and has a frontage of 6.8 metres to Redmond Street. The site is located on the western side of the street.

The site presently accommodates a brick, weatherboard and metal roofed attached dwelling. The adjoining properties consist of a variety of dwellings of varying construction.

The site is located within the distinctive neighbourhood of Piperston, Leichhardt.

The subject site is not a heritage item or located within a conservation area.

3. SITE HISTORY

There is no relevant property history pertaining to this application.

4. ASSESSMENT

The following is a summary of the assessment of the application in accordance with Section 79C of the Environmental Planning & Assessment Act 1979.

(a)(i) Environmental Planning Instruments

The application has been assessed against the relevant Environmental Planning Instruments listed below:

- § Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- § Leichhardt Local Environmental Plan 2000
- § State Environmental Planning Policy No. 55 – Remediation of Land

The following summarises the assessment of the proposal against the development standards and lists the other relevant clauses of the Leichhardt Local Environmental Plan 2000.

Development Standard	LEP 2000 Requirement	Proposed	Compliance
Proposed Floor Space Ratio	0.5:1	0.59:1	No
Landscape Area	40% site area 10% natural (whole site)	40% 10% (at least)	Yes Yes

- § Clause 13 – General Objectives
- § Clause 17 – Housing Objectives

- § Clause 18 – Permissibility
- § Clause 19(2) – Floor Space
- § Clause 19(3) – Landscape Area

The application satisfies the provisions of the above Environmental Planning Instruments with the exception of Clause 19(2). This is discussed in the following:

Clause 19(2) – Floor Space

As shown above, the application does not comply with the Floor Space Ratio requirements under Local Environmental Plan 2000. The proposal will result in a Floor Space Ratio of 0.59:1. The building in its current state has a Floor Space Ratio of 0.54:1. The applicant has submitted a State Environmental Planning Policy No 1 Objection to Clause 19(2) of Local Environmental Plan 2000 which is assessed below.

State Environmental Planning Policy No. 1 – Development Standards

State Environmental Planning Policy No. 1 – Development Standards makes development standards more flexible. It allows councils to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary. The proposal has been considered against the following assessment criteria:

1. *Is the control a development standard?*

Clause 19(2) prescribes a Floor Space Ratio of 0.5:1 for the site. This control is a numerical development standard and therefore is capable of being varied under the provisions of State Environmental Planning Policy No. 1 – Development Standards.

2. *What is the underlying object or purpose of the standard?*

The purpose of the standard in accordance with Clause 13 (General Objectives) and Clause 17 (Housing) is to ensure that the proposed works are compatible with the surrounding environment in terms of bulk, scale, amenity, streetscape, setting, transport and preserving the character of the building and surrounding conservation area and heritage items.

3. *Is compliance with the standard consistent with the aims of the Policy? Does compliance with the standard hinder the object of the Act under s5a(i) and (ii)*

The aims and objectives of State Environmental Planning Policy No. 1 – Development Standards is:

“To provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the Act.”

The objects set down in Section 5(a)(i) and (ii) are:

“(a) to encourage:

- (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) *the promotion and co-ordination of the orderly and economic use and development of land.”*

The proposed development's non compliance with the standard does not hinder the objectives of the Environmental Planning and Assessment Act, 1979 which aims to promote the orderly and economic development of land and a better environment.

It is considered that the proposed works will be consistent with the objectives and intent of the Act in that the dwelling will be improved, allowing for current and future occupants to benefit from better use of the property.

4. *Is compliance with the standards unreasonable or unnecessary in the circumstances of the case?*

The applicant provides the following reasons to support a variance of the development standard in relation to Floor Space Ratio.

§ The proposed alterations are at the rear of the site and do not vary the appearance of the building from Redmond Street.

§ There are no impacts on visual or acoustic privacy to adjoining properties.

The floor space ratio is considered appropriate for the site. The proposal will not cause any undue loss of amenity upon adjoining properties or have an undue detrimental impact on the locality.

5. *Is the objection well founded?*

For the reasons outlined above it is considered that the objection is well founded and that a variation to the density standard would not adversely affect the underlying objective of the standard. It is concluded that:

§ The scale of the proposal is appropriate to the setting of the site.

The proposal has been assessed against Leichhardt Development Control Plan 2000 and it is concluded that subject to conditions, the development does not result in any adverse impacts on the amenity of the adjoining properties. Assessment of the application demonstrates that compliance with the development standard in question is both unreasonable and unnecessary in this case.

(a)(ii) Draft Environmental Planning Instruments

There are no Draft Environmental Planning Instruments applicable to the subject application.

(a)(iii) Development Control Plans

The application has been assessed against the relevant Development Control Plans listed below:

- § Leichhardt Development Control Plan 2000
- § Development Control Plan No 35 – Exempt and Complying Development
- § Development Control Plan No. 36 – Notifications
- § Development Control Plan No. 38 – Avoid, Reuse, Recycle
- § Development Control Plan No. 42 – Contaminated Land Management

More specifically, the application has been assessed against the following clauses of Development Control Plan 2000.

- § A2.0 – Urban Framework Plans
- § A3.0 – Principles of Ecologically Sustainable Development
- § A4.0 – Urban Form and Design
- § A5.0 – Amenity
- § A6.0 – Site Analysis
- § A10.2.3 – Piperston Distinctive Neighbourhood, Leichhardt
- § B1.5 – Elevation and materials
- § B2.8 – Landscaping
- § B3.2 – Private Open Space
- § B3.3 – Visual Privacy
- § B3.5 – Acoustic Privacy
- § B4.1 – Alterations and additions to existing dwelling houses

The application satisfies the provisions of the above Development Control Plans as clarified in the below assessment.

A5.0 – Amenity

The enjoyment of privacy is one characteristic that contributes to amenity. With this proposal the installation of glazed windows/doors along the northern boundary is not regarded as having a negative impact on amenity due to the presence of a boundary fence that prevents overlooking. Additionally, the proposed Family Room/Kitchen is oriented to the private open space at the rear of the property.

It is not expected that noise levels associated with the changed layout of the dwelling would exceed what is reasonably expected in a domestic environment.

A10.2.3 – Piperston Distinctive Neighbourhood, Leichhardt

The proposed removal of the tree on the northern boundary conflicts with the desire to maintain mature and visually significant trees on private land within the Pierston Distinctive Neighbourhood. Council's Landscape Officer has recommended the tree be retained.

B2.8 – Landscaping

New development should provide for the retention of existing trees. The proposed removal of the tree on the northern boundary conflicts with this provision. Conditions to ensure the tree is retained will be included within the Draft Notice of Determination.

B3.2 – Private Open Space

The proposed Family Room/Kitchen is integrated with the private open space at the rear of the site.

B3.3 – Visual Privacy

The proposal includes the installation of new windows/doors along the northern wall of the dwelling. While these do represent an increase in the area of glazing along this side of the dwelling its impact is regarded as satisfactory due to the presence of a visual barrier, a timber fence, that is at least 1.8 m high and floor levels inside the dwelling being less than 0.5 m above ground level.

B3.5 – Acoustic Privacy

Noise levels associated with the use of the property as a dwelling are expected to be within the normal range for a domestic situation. If this is not the case there are other avenues for dealing with higher noise levels.

B4.1 – Alterations and additions to existing dwelling houses

The proposal, with the retention of the tree, is regarded as being complementary to the neighbourhood and maintains residential amenity.

(a)(iv) Environmental Planning and Assessment Regulation 2000

The Development Application has been assessed against the relevant clauses of the Environmental Planning and Assessment Regulation 2000. The Development Application fully complies with the Environmental Planning and Assessment Regulation 2000.

Clause 92(1)(b) of the Regulation Council to consider the provisions of *Australian Standard AS 2601-1991: The demolition of structures*. The demolition of the existing structures is to be carried out in accordance with a construction/demolition management plan, which is to be submitted prior to the issue of a Construction Certificate. Conditions to this effect are included in the recommendation section of this report.

(b) The likely environmental both natural and built environment, social and economic impacts in the locality

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will have minimal impact in the locality.

(c) The suitability of the site for the development

The site is zoned residential. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

(d) Any submissions made in accordance with the Act or the regulations

The Development Application was advertised for a period of twenty-eight (28) days. The advertising period was from 11th December 2008 to 8th January 2009.

One (1) submission was received during the advertising period. The following information is provided in response to the issues raised in the submission.

Amenity impacts - Overlooking, Acoustic and Visual Privacy

The submission disagrees with the applicant as to the impacts of the proposed development particularly in regard to overlooking, acoustic and visual privacy.

The current northern wall of the subject site is already extensively glazed. It is acknowledged that the sliding door/windows to the proposed bedrooms increase this amount of glazing.

The proposed Family Room/Kitchen that replaces an existing bedroom does have extra windows/doors along its northern wall.

However as discussed above at 4 a) (iii), the impacts of the proposal are regarded as acceptable for the following reasons:

- § The windows/doors face a property boundary where there is a visual barrier, a timber fence, that is at least 1.8 m high and the floor levels of the rooms are less than 0.5 m above the ground level.
- § While the Family Room/Kitchen does have windows to the northern boundary the room is oriented to the western boundary where the private open space is located.
- § Noise levels associated with the dwelling in its proposed form are not expected to go beyond what would be considered as reasonable levels for a domestic situation.

Tree removal

The proposed removal of the tree on the northern boundary of the subject site was supported in this submission. The writers attributed damage to their fence and paving to the tree and were concerned that their house would be damaged in the future either by intrusive roots or falling limbs.

Council's Landscape Officer has recommended the tree be retained due to the amenity it provides to the wider neighbourhood.

(e) The public interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The proposal is not contrary to the public interest.

5. SECTION 94 CONTRIBUTIONS

Section 94 contributions are not payable for the proposal.

6. INTERNAL REFERRALS

The Development Application was referred to the following Council Officers:

Landscape Officer

The removal of a large tree, a *Liquidamber*, in close proximity to the northern boundary of the site was proposed to allow for additions at the rear of the house.

The removal of this tree was not supported by Council's Landscape Officer as it was considered that the tree provided amenity to the location and was visible within the neighbourhood. Solar access in the winter months was also provided as the *Liquidamber* is deciduous.

The maintenance and retention of mature and visually significant trees on private land is also a desired future characteristic for the neighbourhood.

The building footprint would be required to be reduced so as to allow for retention of the tree. Conditions relating to the reduction of the buildings footprint, the non severance of roots and the use of pier and beam footings were to be included in any Notice of Determination to ensure the continued health of the tree.

The applicant was informed of these requirements and submitted a Tree Appraisal from Plateau Tree Service Pty Ltd, (prepared 5 March 2009), in support of their request to remove the tree. In addition the applicant advised that rather than "providing positive amenity", the tree was regarded as a source of "neighbourhood discord".

A submission received following the notification period also supported removal of the tree.

The supplied Tree Appraisal was assessed by the Landscape Officer who confirmed that their earlier comments supporting retention of the tree were not altered by the new information.

7. EXTERNAL REFERRALS

The Development Application was not required to be referred to any external body for comment.

8. CONCLUSION

The Development Application has been assessed in accordance with Section 79C(1) of the Environmental Planning & Assessment Act 1979 and all relevant instruments and policies. The proposal satisfies the objectives of Leichhardt Local Environmental Plan 2000 and will not result in significant adverse impacts for locality. Accordingly the application is recommended for approval, subject to the conditions listed below.

9. RECOMMENDATION

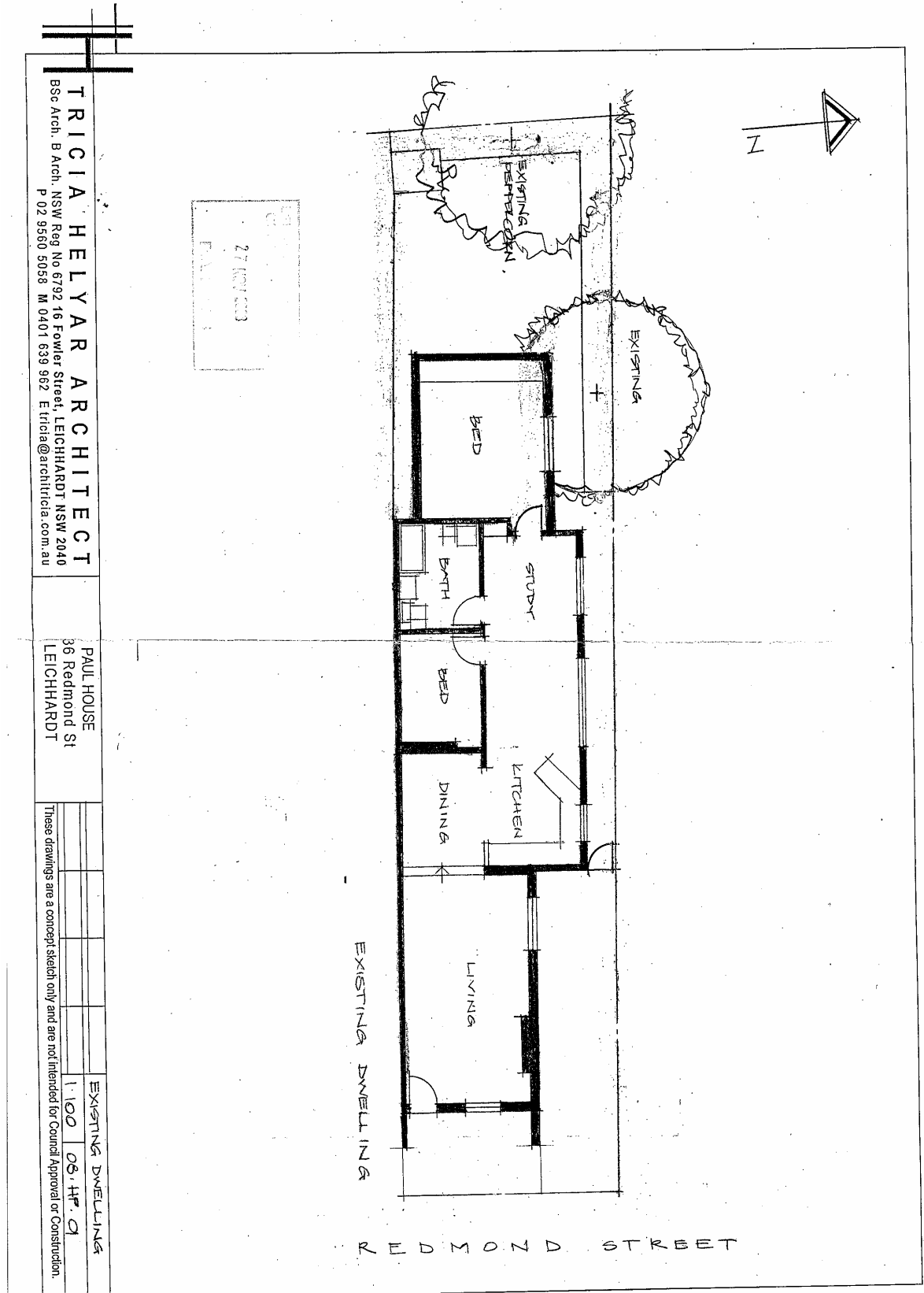
That Council as the consent authority pursuant to s80 of the Environmental Planning & Assessment Act 1979 grant consent to Development Application No: D/2008/557 for ground floor alterations and additions to an existing dwelling at 36 Redmond Street, Leichhardt subject to Council's standard conditions and the following specific conditions.

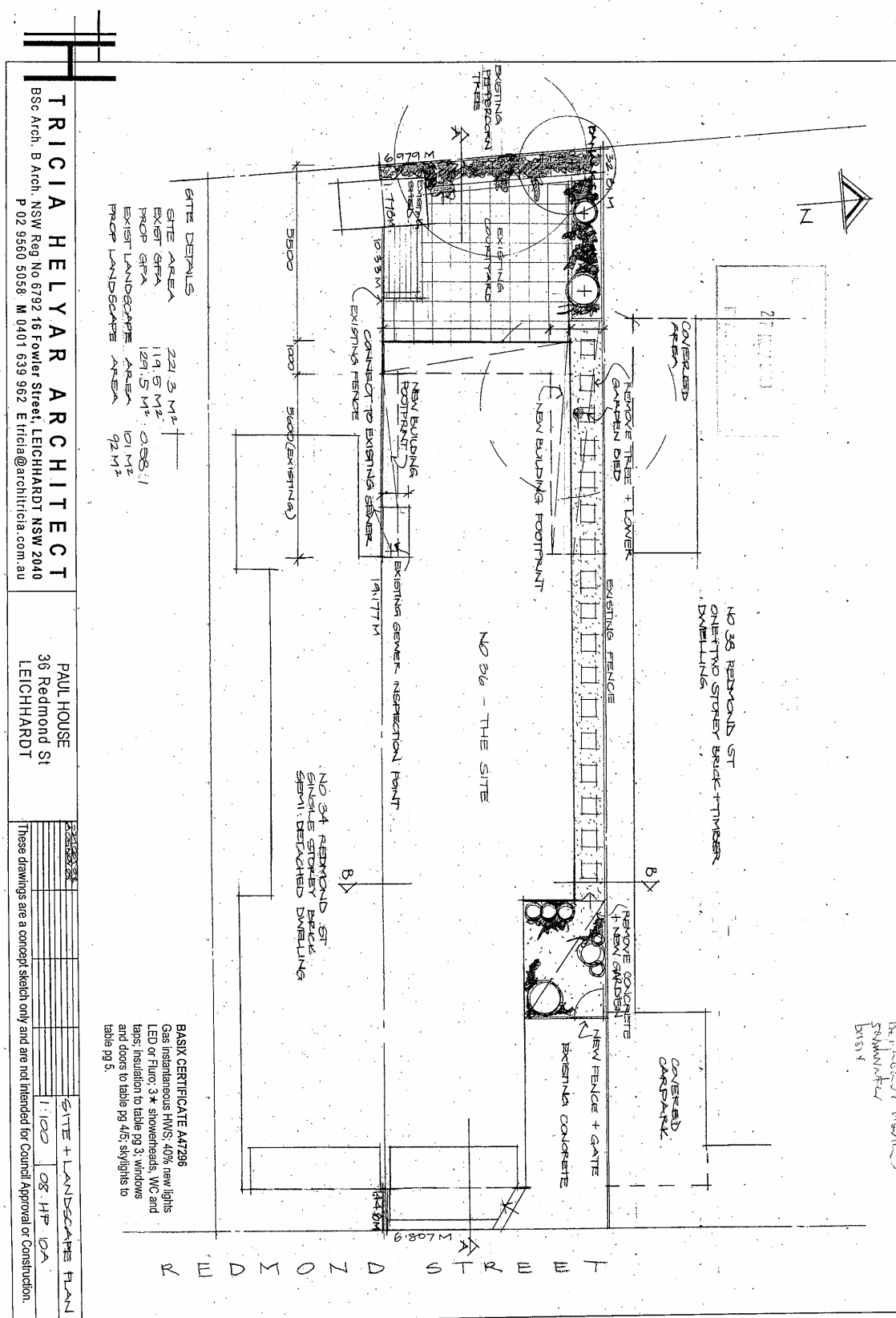
Amended plans are to be submitted incorporating the following:

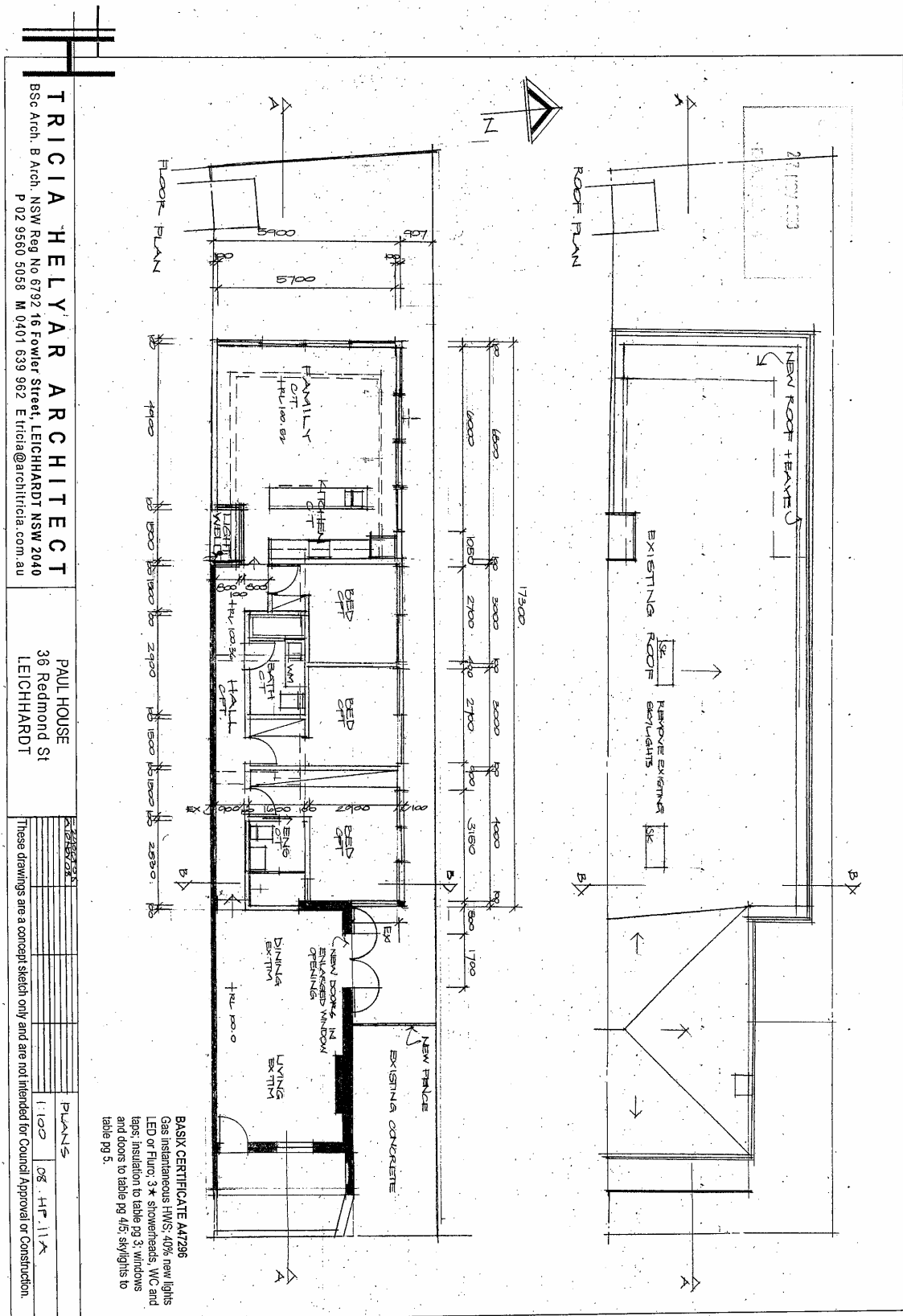
Tree on northern boundary - *Liquidamber*

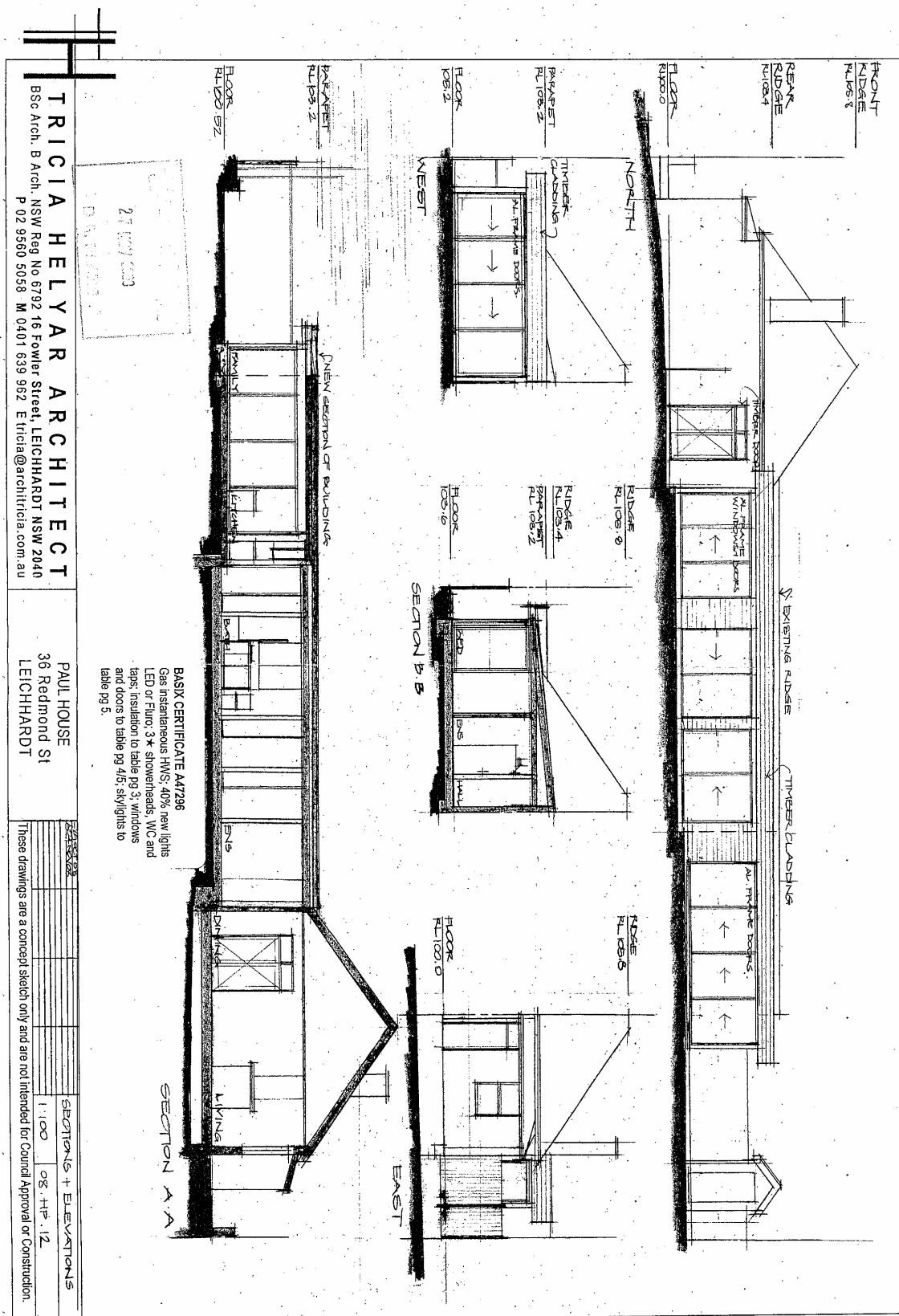
This tree is to be retained. The following measures are to be taken to support this tree's retention:

- a) The current building line, adjacent to the northern boundary, for the rear bedroom is to be maintained for the proposed family room/kitchen. Extension to the west into the existing rear yard is acceptable. The location of the rear wall can be adjusted so as to achieve a room of similar floor area to that originally proposed. Amended plans are to be provided prior to the issue of a Construction Certificate.
- b) No major roots, greater than 100 mm in diameter are to be severed.
- c) Any footings constructed within the dripline are to use an isolated pier and beam construction in order to bridge any major roots of the tree.









CONDITIONS OF CONSENT

1. Development must be carried out in accordance with Development Application No. **D/2008/557** and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated by Council
08.HP.9 Existing Dwelling	Tricia Helyar Architect	27 November 2008
08.HP.10A Site and Landscape Plan	Tricia Helyar Architect	27 November 2008
08.HP.11A Plans	Tricia Helyar Architect	27 November 2008
08.HP.12 Sections and Elevations	Tricia Helyar Architect	27 November 2008
Document Title	Prepared By	Dated
BASIX Certificate No A47296	Department of Planning	10 November 2008

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

2. Amended plans are to be submitted incorporating the following amendments:
 - a) Retention of Tree, *Liquidamber*, on northern boundary

In order for the tree to be retained, the current building line, adjacent to the northern boundary, for the rear bedroom is to be maintained for the proposed family room/kitchen. Extension to the west, into the existing rear yard is acceptable. The location of the rear wall can be adjusted so as to achieve a room of similar floor area to that originally proposed.

The amendments are to be provided prior to the issue of a Construction Certificate.

3. In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* construction works approved by this consent must not commence until:
 - a) A Construction Certificate has been issued by Council or an Accredited Certifier. Either Council or an Accredited Certifier can act as the "Certifying Authority."
 - b) A Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment.
 - c) At least two days notice, in writing has been given to Council of the intention to commence work.

The documentation required under this condition must show that the proposal complies with all Development Consent conditions, the Building Code of Australia and the relevant Australian Standards.

3. Consent is granted for the demolition of the southern and western walls of the existing rear bedroom and various internal walls currently existing on the property, subject to strict compliance with the following conditions:
 - a) The developer is to notify adjoining residents seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of and directly opposite the demolition site.
 - b) Written notice is to be given to Council / Certifying Authority for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections must be undertaken by Council / Certifying Authority:
 - i) A *pre commencement* inspection when all the site works are installed on the site and prior to demolition commencing.
 - ii) A *final* inspection when the demolition works have been completed.

NOTE: Council requires 24 hours notice to carry out inspections. Arrangement for inspections can be made by phoning 9367 9222.

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site must be restricted to authorised persons only and the site must be secured against unauthorised entry when work is not in progress or the site is otherwise unoccupied.
- e) The demolition plans must be submitted to the appropriate Sydney Water Office, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the plans will be stamped indicating that no further requirements are necessary.
- f) Demolition is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: *Demolition of structures*.
- g) The hours of demolition work are limited to between 7:00am and 5.30pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays.

- h) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Department of Environment and Climate Change NSW.
- i) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- j) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition.
- k) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- l) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- m) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense.
- n) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times.
- o) Prior to demolition, a Work Plan must be prepared and submitted to Council / Certifying Authority in accordance with the relevant provisions of Australian Standard 2601:2001 *Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- p) If the property was built prior to 1987 an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
 - i) A WorkCover licensed contractor must undertake removal of all asbestos.
 - ii) During the asbestos removal a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400 mm x 300 mm is to be erected in a visible position on the site to the satisfaction of Council.

- iii) Waste disposal receipts must be provided to Council / Certifying Authority as proof of correct disposal of asbestos laden waste.
 - iv) All removal of asbestos must comply with the requirements of WorkCover and Leichhardt Council.
 - v) An asbestos clearance certificate prepared by a qualified occupation hygienist must be provided at the completion of the demolition works.
4. Prior to the commencement of demolition works on the subject site or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit to the value of \$1591 must be paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works.

Payment will be accepted in the form of cash, bank cheque or EFTPOS/credit card (to a maximum of \$10,000).

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage and/or remove the risk. The cost of these works will be deducted from the security.

An inspection fee of \$186 to determine the condition of the adjacent road reserve is also required to be paid to Council prior to the commencement of demolition works on the site or a Construction Certificate being issued for works approved by this development consent (whichever occurs first). A request for release of the security may be made to the Council after all construction work has been completed and an Occupation Certificate issued.

The amount nominated is only current for the financial year in which the consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

5. A landscape plan prepared by a qualified Landscape Architect or Landscape Consultant must be provided prior to the issue of a Construction Certificate. The plan must include:
- a) Location of all proposed and existing planting delineating existing trees to be retained, removed or transplanted.
 - b) A detailed planting schedule including species by botanical and common names, quantities, pot sizes and estimated size at maturity.
 - c) At least 85% of the plantings must be native species from the Sydney locale.

6. In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate of 0.0035 of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a Construction Certificate.
7. Materials and finishes must be complementary to the character and streetscape of the area. Highly reflective roofing materials must not be used. Details of finished external surface materials, including colours and texture must be provided prior to the issue of a Construction Certificate to the satisfaction of the Certifying Authority.
8. A stormwater drainage design prepared by a Licensed Plumber or qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The design must be prepared/ amended to make provision for the following:
 - a) Charged or pump-out stormwater drainage systems are not permitted.
 - c) Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) by gravity to the kerb and gutter of a public road or to Council's piped drainage system.
 - d) Plans must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
 - e) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
 - f) All plumbing within the site must be carried out in accordance with Australian Standard AS/NZS 3500.3.2 *Plumbing and Drainage – Stormwater Drainage - National Plumbing and Drainage Code*.
 - g) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
 - h) New pipelines within footpath must be removed and footpath/kerb reinstated.
 - i) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a section height of 100mm.
 - j) A single discharge point permitted to the kerb and gutter, per frontage of the site.

The design must be prepared by a Licensed Plumber or qualified Civil Engineer and be provided prior to the issue of a Construction Certificate.

9. Fire Safety upgrading where building works proposed

The following fire upgrading is required pursuant to Clause 94 of the *Environmental Planning and Assessment Regulation 2000*:

- (a) The building is to be provided with either a smoke alarm system that complies with AS 3786-1993 / Amendment 4 – 2004: Smoke Alarms or a smoke alarm system that is listed in the Scientific Services Laboratory Register of Accredited Products – Fire Protection Systems. The smoke alarm system must be installed in suitable locations on or near the ceiling in accordance with Part 3.7.2.3 of the Building Code of Australia 1996 (Housing Provisions). The smoke alarm system must be connected to the mains electrical power supply and must have a stand-by (battery backup) power supply.

Amended plans and specifications demonstrating compliance with this condition must be submitted to the certifying authority with the application for a Construction Certificate.

Note: Where an existing system complying with the above requirements is already installed in the building, evidence of this should be submitted with the application for a Construction Certificate.

10. A Soil and Water Management Plan must be provided prior to the issue of a Construction Certificate. The Soil and Water Management Plan must be compatible with the Construction Management and Traffic Management Plan referred to in condition 12 of this Development Consent and must address, but is not limited to the following issues:

- a) Minimise the area of soils exposed at any one time.
- b) Conservation of top soil.
- c) Identify and protect proposed stockpile locations.
- d) Preserve existing vegetation. Identify revegetation technique and materials.
- e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner.
- f) Control surface water flows through the site in a manner that:
 - i) Diverts clean run-off around disturbed areas;
 - ii) Minimises slope gradient and flow distance within disturbed areas;
 - iii) Ensures surface run-off occurs at non erodable velocities;
 - iv) Ensures disturbed areas are promptly rehabilitated.
- g) Sediment and erosion control measures in place before work commences.
- h) Materials are not tracked onto the road by vehicles entering or leaving the site.
- i) Details of drainage to protect and drain the site during works.

- j) A durable sign, available from Council must be erected during the works in a prominent location on site, warning of penalties should appropriate measures required by the Soil and Water Management Plan not be maintained.
11. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Service Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site www.sydneywater.com.au see Building Developing and Plumbing then Quick Check or telephone 132092.

The Certifying Authority must ensure the Quick Check agent/Sydney Water has appropriately stamped the plans prior to the issue of a Construction Certificate.

12. Prior to the issue of a Construction Certificate, the applicant must prepare a Construction Management and Traffic Management Plan. The following matters should be addressed in the plan:
- a) A plan view of the entire site and frontage roadways indicating:
 - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
 - ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
 - iii) The locations of proposed work zones in the frontage roadways.
 - iv) Location of any proposed crane and concrete pump and truck standing areas on and off the site.
 - v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
 - vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
 - vii) An on-site parking area for employees, tradespersons and construction vehicles as far as possible.
 - viii) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
 - ix) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.

- x) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a Chartered Civil Engineer, with National Professional Engineering Registration (NPER) in the construction of civil works or a survey company of Registered Surveyors with “preliminary accreditation” from the Institution of Surveyors New South Wales Inc. or an accredited certifier.
- b) **Construction Noise**
During excavation, demolition and construction phases, noise generated from the site must be controlled.
- c) **Occupational Health and Safety**
All site works must comply with the occupational health and safety requirements of the New South Wales Work Cover Authority.
- d) **Toilet Facilities**
During excavation, demolition and construction phases, toilet facilities are to be provided on the site, at the rate of one toilet for every twenty (20) persons or part of twenty (20) persons employed at the site.
- e) **Traffic control plan(s) for the site**
All traffic control plans must be in accordance with the Roads and Traffic Authority publication “Traffic Control Worksite Manual” and prepared by a suitably qualified person (minimum ‘red card’ qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of 4 weeks prior to the activity proposed being undertaken.

13. The tree identified below is to be retained:

- a) *Liquidamber* located on northern boundary
- b) No major roots greater than 100 mm in diameter are to be severed.
- c) Any footings constructed within the dripline are to use an isolated pier and beam construction in order to bridge any major roots of the tree.

Details of the trees to be retained must be included on the landscape plan prior to the issue of a Construction Certificate.

14. A Waste Management Plan is to be provided prior to the issue of a Construction Certificate. The Waste Management Plan is to be prepared in accordance with Council’s Development Control Plan No 38 – Avoid, Reuse, Recycle. The plan must address all issues identified in Development Control Plan No 38 including but not limited to:

- a) Estimated quantities of materials that are reused, recycled, removed from site.
- b) On site material storage areas during construction.
- c) Materials and methods used during construction to minimise waste.
- d) Nomination of end location of all waste generated.

All requirements of the approved Waste Management Plan must be implemented during the construction of the development.

PRIOR TO THE COMMENCEMENT OF WORKS

15. The proposed structure(s) to be erected must stand wholly within the boundaries of the allotment. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach onto adjoining properties or upon public property.

To ensure that the location of the building satisfies the provision of the approval, the footings and walls within one (1) metre of the boundaries must be set out by a registered surveyor prior to the commencement of works.

To ensure that the location of the building satisfies the provision of the approval, a check survey certificate shall be submitted to the Principal Certifying Authority either prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, indicating the: -

- a) location of the building with respect to the boundaries of the site;

16. The site must be secured and fenced prior to works commencing. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons on public property.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public property to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property.

Separate approval is required to erect a hoarding or temporary fence on public property. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.

Any hoarding, fence or awning is to be removed when the work is completed.

17. The *Home Building Act 1989* requires that insurance must be obtained from an insurance company approved by the Department of Fair Trading prior to the commencement of works approved by this Development Consent.

If Council is nominated as the Principal Certifying Authority then a copy of the certificate of insurance must be submitted to Council prior to the works commencing.

If the work is to be undertaken by an owner-builder, written notice of their name and owner-builder permit number must be submitted to Council.

In all other cases, written notice must be given to Council of:

- a) the name and licence number of the principal contractor and
- b) the name of the insurer by which the work is insured under Part 6 of the Home Building Act 1989.

If arrangements for doing the residential work are changed while the work is in progress, further work must not be carried out unless the Certifying Authority has given Council written notice of the updated information.

This condition does not apply in relation to Crown building work that is certified, in accordance with Section 116G of the Environmental Planning and Assessment Act 1979, to comply with the technical provisions of the State's building laws.

- 18. Prior to the commencement of works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- 19. At least forty-eight (48) hours prior to the commencement of works, a notice of commencement form and details of the appointed Principal Certifying Authority shall be submitted to Council.
- 20. Prior to the commencement of works, a sign must be erected in a prominent position on the site on which the proposal is being carried out. The sign must state:
 - a) Unauthorised entry to the work site is prohibited.
 - b) The name of the principal contractor (or person in charge of the site) and a telephone number at which that person may be contacted at any time for business purposes and outside working hours.
 - c) The name, address and telephone number of the Certifying Authority for the work.

Any such sign must be maintained while the work is being carried out, but must be removed when the work has been completed.

DURING WORKS

- 21. Building materials and machinery are to be located wholly on site.

22. Excavation, building or subdivision work must be restricted to the hours of 7:00am to 5:30pm Monday to Friday inclusive, 7:00am to 1:00pm Saturday. Work is not be carried out on Sunday or Public Holidays.
23. The development must be inspected at the following stages by the Principal Certifying Authority during construction:
 - a) At the commencement of the building work, and
 - b) After excavation for, and prior to the placement of, any footings, and
 - c) Prior to pouring any in-situ reinforced concrete building element, and
 - d) Prior to covering of the framework for any floor, wall, roof or other building element, and
 - e) Prior to covering waterproofing in any wet areas, and
 - f) Prior to covering any stormwater drainage connections, and
 - g) After the building work has been completed and prior to any occupation certificate being issued in relation to the building by the Principal Certifying Authority.
24. Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.
25. A copy of the approved plans must be kept on site for the duration of site works and be made available upon request.
26. Construction material and vehicles shall not block or impede public use of footpaths or roadways.
27. Where any works are proposed in the public road reservation, the following applications must be made to Council, as applicable:
 - a) For installation or replacement of private stormwater drainage lines or utility services, including water supply, sewerage, gas, electricity, etc. an application must be made for a *Road Opening Permit*.
 - b) For construction/reconstruction of Council infrastructure, including vehicular crossings, footpath, kerb and gutter, stormwater drainage, an application must be made for a *Roadworks Permit*.

Note: Private stormwater drainage is the pipeline(s) that provide the direct connection between the development site and Council's stormwater drainage system, or street kerb and gutter.

28. Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines discharged by gravity to the kerb and gutter of a public road.

Any existing component of the stormwater system that is to be retained must be checked and certified by a Licensed Plumber or qualified practicing Civil Engineer to be in good condition and operating satisfactorily.

If any component of the existing system is not in good condition and /or not operating satisfactorily, it must be upgraded.

29. The requirements of the Soil and Water Management Plan must be maintained at all times during the works and any measures required by the Soil and Water Management Plan shall not be removed until the site has been stabilised to the Principal Certifying Authority's satisfaction.

Material from the site is not be tracked into the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.

The sediment and erosion control measures are to be inspected daily and defects or system failures are to be repaired as soon as they are detected.

30. No trees on public property (footpaths, roads, reserves etc) are to be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works unless specifically approved in this consent.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

31. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious weed species, have been undertaken in accordance with the approved landscape plan and conditions of Development Consent.
32. All letter boxes must be constructed and located in accordance with the relevant provisions of Australian Standard AS/NZS 4253:1994 *Mailboxes* and to Australia Post's satisfaction. Work is to be completed prior to the issue of an Occupation Certificate.
33. A street / shop number must be clearly displayed at the ground level frontage of the building prior to the issue of an Occupation Certificate. A separate application must be made to Council if new street numbers or a change to street numbers is required.
34. An Occupation Certificate must be obtained prior to any use or occupation of the development or part thereof. The Principal Certifying Authority must ensure that all works are completed in compliance with the approved Construction Certificate plans and all conditions of this Development Consent.

35. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.

A plan showing pipe locations and diameters of the stormwater drainage system, together with certification by a Licensed Plumber or qualified practicing Civil Engineer that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards, must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

36. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that all works have been completed in accordance with the approved Waste Management Plan referred to in this development consent.

Proof of actual destination of demolition and construction waste shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

ONGOING CONDITIONS OF CONSENT

37. The premises shall not be used for any purpose other than that stated in the Development Application, i.e. **Dwelling** without the prior consent of the Council unless the change to another use is permitted as exempt development under *Leichhardt Development Control Plan 35 – Exempt and Complying Development*.

The use of the premises as a **Dwelling**, is defined under the *Leichhardt Local Environmental Plan 2000* as follows:

Dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

NOTES

- A. This Determination Notice operates or becomes effective from the endorsed date of consent.
- B. Section 82A of the *Environmental Planning and Assessment Act 1979* provides for an applicant to request Council to review its determination. This does not apply to applications made on behalf of the Crown, designated development, integrated development or a complying development certificate. The request for review must be made within twelve (12) months of the date of determination or prior to an appeal being heard by the Land and Environment Court. A decision on a review may not be further reviewed under Section 82A.
- C. If you are unsatisfied with this determination, Section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right of appeal to the Land and Environment Court within twelve (12) months of the determination date.

- D. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.
- E. Works or activities other than those approved by this Development Consent will require the submission of a new development application or an application to modify the consent under Section 96 of the *Environmental Planning and Assessment Act 1979*.
- F. This decision does not ensure compliance with the *Disability Discrimination Act 1992*. Applicants should investigate their potential for liability under that Act.
- G. This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):
- a) Application for any activity under that Act, including any erection of a hoarding.
 - b) Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*.
 - c) Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*.
 - d) Development Application for demolition if demolition is not approved by this consent.
 - e) An application under the Roads Act 1993 for any footpath / public road occupation. A lease fee is payable for all occupations.
- H. Prior to the issue of the Construction Certificate, the applicant must make contact with all relevant utility providers (such as Sydney Water, Energy Australia etc) whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained.

Have you made a political donation?

If you (or an associate) have made a political donation or given a gift to a Councillor, political party or candidate at the local government elections during the last two (2) years you may need to include with your application a full disclosure of this matter. For information go to Council's website at www.leichhardt.nsw.gov.au/Political-Donations.html. If you have made a reportable donation, failure to provide a completed declaration with your application is an offence under the Environmental Planning and Assessment Act, 1979 for which you may be prosecuted.