

**37 REINA STREET, NORTH BONDI – ALTERATIONS, ADDITIONAL STOREY AND CARPORT TO EXISTING SEMI DETACHED DWELLING (DA 92/2020)**

Report dated 7 May, 2010 from the Development & Building Unit.

**Recommendation:** That the application be approved in accordance with the conditions contained in this report.

**Saved By: Councillor Betts seconded by Councillor Coburn**

**Reason:** Applicant needs to increase size of hardstand and needs to change part of building. He already has a hardstand and cross over that he can't use so that will result in one additional car space on Street.

<b>Development Assessment Report Of Dwelling</b>	
Development Application No.	<b>DA-92/2010</b>
Address	37 Reina Street, North Bondi
Lodgement Date	11 March 2010
Proposal	Alterations, additional storey and carport to existing semi detached dwelling
Zoning and relevant controls	<ul style="list-style-type: none"> <li>• Residential 2(a) – Low Density</li> <li>• Waverley Local Environmental Plan 1996</li> <li>• Waverley Development Control Plan 2006</li> <li>• Part D1 Dwelling House &amp; Dual Occupancy Development</li> </ul>
Owner	Mr G Loupis
Applicant	Mr B & Mrs M O'Malley
Submissions	Nil
Issues	FSR and Streetscape (carport in front yard)
Recommendation	<b>APPROVAL</b> subject to conditions in this report

## 1. PREAMBLE

### 1.1 The Site and its Locality

The site is located on the eastern side of Reina Street, opposite the intersection with Stewart Street. The site is rectangular in shape, with a 5.945m frontage to Reina Street, a length of 45.385m, providing a total site area of 265.6m<sup>2</sup>. The site is generally flat.

Existing on the site is a single storey semi-detached dwelling. Council consent was granted in 1994 to construct a hardstand carspace within the front yard that is below the current minimum dimensions required.

Adjoining the site to the north is the matching attached semi. Minor ground floor alterations to the northern side have not impacted on the consistency of the pair as seen from the street. The pair maintains the original roof, gable end articulation and have matching verandah infill to the front room.

Surrounding the site are similar semi-detached dwellings. In general terms, the dwellings to the north remain single storey, whilst the dwellings to the south have predominantly undergone alterations including first floor additions. The majority of these developed semis to the south have hardstand carspaces/carports/garages forward of the building line.

The site is not listed as an item of heritage significance, is not within a heritage conservation area and is not located within a residential character study area.

### 1.2 Background

BA – 771/1994 - Approved 15/12/94

Construct alterations & additions including hardstand parking area to existing dwelling

DA-229/06 proposed alterations and additions to an existing semi including an additional storey and carport was approved on 24 July 2006 subject to the following conditions;

#### A. APPROVED DEVELOPMENT

##### 1. APPROVED DEVELOPMENT

*The development must be in accordance with Architectural Plan No. DD01, DD02, DD03, DD04 and DD05, all Issue C, tables and documentation prepared by Jenny Roberts Designs, dated 05/05/06, and received by Council on 05/05/06, except where amended by the following conditions of consent.*

##### 2. GENERAL MODIFICATIONS

*The proposal shall be amended as follows:*

*(a) The proposed carport structure is not supported and is to be deleted from the plans.*

*(b) Demolition of the entire front verandah infill, notated as “sunroom” on the plans, is not supported. In this regard, the deck is to be deleted from the plans and the existing verandah infill “sunroom” is to remain unchanged.*

*(c) The front fence is to remain unchanged. All reference to the front fence is to be deleted from the plans.*

*The amendments shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.*

This application is still current and expires on 24 July 2011.

### 1.3 Proposal Description

The proposal is for alterations and additions to an existing single-storey dwelling house including:

Ground floor:

- Reconfiguration of existing ground floor level to provide for internal stairs to new upper level, new kitchen and open plan dining/family area with glazed bi-fold doors to the rear;
- Provision of a vergola to the rear over the existing modified patio;
- Relocation of front entry door further up being closer to the street so as to provide internal access to the modified study;
- New windows to all (three) elevations of ground and first floor levels; and
- A new attached carport is to be constructed on the front elevation sited up to the southern side boundary and setback & 700mm from the front western boundary.

Upper floor:

- The additional storey will accommodate four bedrooms, an ensuite and bathroom; and
- A new balcony is proposed to be constructed on the rear eastern elevation, accessed from the master bedroom having a depth of 2.5m and a width of 4.7m, having a total area of 11.75m<sup>2</sup>.

## 2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under Section 79C of the Environmental Planning and Assessment Act 1979.

### 2.1 Section 79C(1)(a) Planning Instruments.

#### 2.1.1 Waverley Local Environmental Plan 1996

<b>LEP 1996 – Compliance Check</b>	
<b>Control</b>	<b>Compliance</b>
Clause 3 – Specific Aims	Yes
Clause 10 – Zone Objectives	Yes
Clauses 21-26 – Environmental Considerations	Yes
Clause 30 – Aesthetic Appearance of Development	N/A
Part 4 – Heritage Provisions	N/A

The application has been assessed having regard to the relevant provisions of the LEP and is considered to be acceptable in this regard.

## 2.1.2 Waverley Development Control Plan 2006 Part D1 – Dwelling House & Dual Occupancy Development

<b>COMPLIANCE CHECK</b>			
<b>Control</b>	<b>Standard</b>	<b>Proposed</b>	<b>Compliance</b>
Height	<ul style="list-style-type: none"> <li>• Wall – 7.0 metre</li> <li>• Max. – 8.5 metre</li> </ul>	<ul style="list-style-type: none"> <li>• 6.4m</li> <li>• 8.1m</li> </ul>	Yes Yes
Floor Space Ratio Site Area 265.6m <sup>2</sup>	<ul style="list-style-type: none"> <li>• 0.78:1 = (207sqm)</li> </ul>	<ul style="list-style-type: none"> <li>• 0.84:1 = (224sqm)</li> </ul>	<b>No</b>
Setbacks	<ul style="list-style-type: none"> <li>• Side 900 to 1500mm</li> </ul>	<ul style="list-style-type: none"> <li>• 1150mm and nil (semi)</li> </ul>	Yes
	<ul style="list-style-type: none"> <li>• Front and rear est. building line</li> </ul>	<ul style="list-style-type: none"> <li>• Maintains established building lines</li> </ul>	Yes
Front fencing	<ul style="list-style-type: none"> <li>• 1.2 metres</li> </ul>	<ul style="list-style-type: none"> <li>• 1.8m</li> </ul>	<b>No</b>
Vehicular Access and Parking	<ul style="list-style-type: none"> <li>• No. of spaces 0 – 2</li> </ul>	<ul style="list-style-type: none"> <li>• 1</li> </ul>	Yes
	<ul style="list-style-type: none"> <li>• Dimensions (5.5 m × 2.5m)</li> </ul>	<ul style="list-style-type: none"> <li>• 5.5m x 2.5m</li> </ul>	Yes
	<ul style="list-style-type: none"> <li>• In front of building setback</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> </ul>	<b>No</b>

The proposed bulk and scale of the dwelling resulting from the alterations and additions proposed would be largely compliant with Council's numeric controls. The only areas of numerical non-compliance relates to the gross floor area proposed which is in excess of that permissible under the FSR controls and the construction of a carport within the front yard area, which involves the modification of the front façade of the existing dwelling.

### **Floor Space Ratio**

The amount of gross floor area proposed by the application is approximately 224.3m<sup>2</sup>, equating to an FSR of 0.84:1. There is a resultant non-compliance with Council controls of approximately 17m<sup>2</sup>. The FSR proposed does not represent a significant non-compliance, the front and rear building lines of the upper level would be consistent with those of other first floor additions in the street and it is not envisaged that the non-compliance would result in any significant amenity impacts to adjacent properties.

Additionally, it is considered that the proposal would result in a dwelling bulk and scale appropriate to the size and shape of the allotment and consistent with the bulk and scale of other dwellings within the street and locality. The variation in floor space ratio is therefore considered to be acceptable.

### ***Vehicular Access and Parking***

The proposal, is non-compliant with regards to the location and design of car parking space. This non-compliance is discussed in further detail below.

*DCP 2006: Part 1 – Land Use and Transport* requires that all car accommodation is to be located behind the front building line and that no part of a building is to be altered or demolished primarily to provide car parking, except where topography or appropriate building design allows.

The proposal is for a single width open carport structure (comprising brick piers with a pitched tiled roof) to the front setback of the subject site, which would necessitate the partial demolition of the front wall of the existing sunroom to the front.

The proposed carport is forward of the front building line and therefore contradicts Council's policy. It is noted that a number of garages and carports are present in the street, however Council's recent policy change in March 2005 specifically discourages the continuance of this type of development. In this regard, the carport structure is considered to have a negative impact upon the street and is not supported.

The proposal includes demolishing a corner section of the front existing sunroom to provide a car space that complies with Council's current minimum dimensions, thus providing more appropriate access in and around a standard vehicle. Council's policies do not allow the demolition or alteration of a dwelling specifically to provide car accommodation. Furthermore, the pair of semis currently retain a consistent front façade which should not be drastically altered.

In this regard, the proposed carport and hardstand extension is not supported.

### **Front Fencing**

The proposed front fence has a height of 1.8m and is therefore non-compliant with Council's controls. The surrounding fences are generally low rising, to an approximate height of 1.2m. This height is considered appropriate to the semis, and provides a level of consistency where maintained.

In this regard, the proposed front fence is not supported.

It is noted that the subject site has an existing 1.8m (approximate) lattice privacy screen to the front and side fencing. It is not clear whether this was approved by Council, as no records have been found relating to the fence. The existing fence as it currently stands would not be supported, and whilst Council is unlikely to investigate the fencing further, it would be inappropriate to further intensify the amount of fencing on the front façade.

## **2.1.3 Other Matters**

### ***Streetscape***

The proposed first floor addition would generally be of an acceptable bulk and scale in its context and in keeping with the established streetscape of Reina Street (comprising a mixture of dwelling styles and both single and two storey semi-detached dwellings) and the locality in general. Furthermore, the addition when viewed from the street would be sympathetic in its proportions and form to that of the existing first floor additions to semi-detached dwellings within this portion of Reina Street.

Therefore, it is considered that the alterations and additions proposed would be acceptable in regards to their streetscape presentation and contribution.

### ***Privacy and Noise Control***

The windows proposed are appropriately offset to the adjacent site to the south, and no unreasonable impacts are expected. The rear facing window off the second bedroom is of an appropriate size and setback to ensure a reasonable level of privacy to properties in Nancy Street (to the rear). As the room will be used as a bedroom, it is not expected that this room provides an active space that would elude to privacy concern. Windows of this size and location are present along the majority of Nancy Street and Reina Street, including to the adjoining property, shown right. In this regard, no further unreasonable impacts are expected.

### ***Overshadowing***

The applicant has submitted shadow diagrams which illustrate that the proposed new first floor level would result in a minimal amount of additional shadow being cast to the rear setbacks of adjacent dwellings to the south in June, however, it is considered that adequate levels of solar access would be retained for these properties. The proposal is therefore, acceptable in this regard.

## **3. REFERRALS**

### **3.1 Internal**

The application was referred internally to Council's Technical Services Department for comment on vehicle access provisions.

The site has existing vehicle access which is proposed to be maintained.

#### **Section 79C(1)(b) - The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.**

The proposed alterations and additions are considered to have an acceptable impact upon the natural and built environment. No social or economic impacts are expected.

#### **Section 79C(1)(c) - The suitability of the site for the development.**

The site is considered to be suitable for the proposed development.

## **4. PUBLIC SUBMISSION**

The application was notified for 14 days in accordance with *Waverley Development Control Plan 2006, Part C3 – Advertised and Notified Development*.

No submissions were received.

#### **Section 79C(1)(e) - The public interest.**

It is not considered that the application is against the public interest.

## **5. DEVELOPMENT AND BUILDING UNIT REVIEW**

The DBU gave consideration to the proposal having regard to the relevant matters under Section 79C of the Act, and the provisions of Council's Development Control Plan. It was noted that no submissions were received to the proposal.

The DBU reviewed the proposal and noted the departure with respect to floor space ratio of the dwelling. The DBU formed the opinion that a variation in the floor space ratio can be granted given that the proposed bulk and scale of the dwelling will be commensurate with other dwellings in the street and will not set an undesirable precedent in the area.

The only outstanding issue with this application is the provision of a carport in the front yard area. Whilst it is acknowledged that there is an existing hardstand car parking space at the front of the dwelling, the proposal is to demolish part of the existing study area located at the front to allow for a wider car space with carport structure above. Council policy restricts car parking spaces within the front yard areas and these are especially discouraged when front part of the dwellings are being altered to make way for off street parking. The demolition and

alterations to the front part of the dwelling will detract from the uniformity and symmetry of the pair of semis, which is contrary to Council policy and is not supported.

Having regard to the above the application is recommended for approval subject to the conditions given in the report.

## **6. RECOMMENDATION**

That Development Application No. 92/2010 at 37 Reina Street, North Bondi for first floor addition and carport, be approved by Council, subject to the following conditions:-

### **A. APPROVED DEVELOPMENT**

#### **1. APPROVED DEVELOPMENT**

The development must be in accordance with:

- (a) Architectural Plan No. DD01, DD02, DD03, DD04 and DD05, all Issue A, tables and documentation prepared by George Loupis, dated 25 February 2010, and received by Council on 11 March 2010, except where amended by the following conditions of consent,
- (b) BASIX Certificate;
- (c) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of part G1, Waverley DCP 2006.

Except where amended by the following conditions of consent.

#### **2. GENERAL MODIFICATIONS**

The proposal shall be amended as follows:

- (a) The proposed carport structure is not supported and is to be deleted from the plans.
- (b) Partial demolition of the front wall of the existing sunroom is not supported. In this regard the existing south western wall of the sunroom is to remain unaltered.
- (c) The front fence is to remain unchanged. All reference to the front fence is to be deleted from the plans.

The amendments shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

### **B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

#### **3. SECTION 94A CONDITION OF CONSENT**

A cash contribution comprising 1% of the total cost of the development, is payable to Waverley Council pursuant to section 94A of the Environmental Planning and Assessment Act 1979 and the "Waverley Council Development Contributions Plan 2006" in accordance with the following:

- (a) A cost report indicating the itemised cost of the development shall be completed and submitted to council:
  1. Where the total development cost is less than \$500,000:  
"Waverley Council Cost Summary Report"; or,

2. Where the total development cost is \$500,000 or more:

"Waverley Council Registered Quantity surveyor's Detailed Cost Report".

A copy of the required format for the cost reports may be obtained from Waverley Council Chambers (First floor) or the council's website:  
[www.waverley.nsw.gov.au/publications/](http://www.waverley.nsw.gov.au/publications/)

(b) Prior to the issue of the construction certificate, evidence must be provided that the levy has been paid to council in accordance with this condition.

Waverley Council Development Contributions Plan 2006 may be inspected at Waverley Council Chambers, First floor, Cnr Paul Street and Bondi Road, Bondi Junction.

#### **4. SECURITY DEPOSIT**

A deposit or guarantee satisfactory to Council for the amount of \$5,000 must be provided as security for the payment of the cost of making good any damage that may be caused to any Council property as a consequence of this building work.

This deposit or guarantee must be established prior to the issue of the Construction Certificate. The full amount of the difference after recovery of Council's cost for any repair of damage to Council property will be refunded after satisfactory completion of the building work.

#### **5. LONG SERVICE LEVY**

A long service levy, as required under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986, is to be paid in respect to this building work. In this regard, proof that the levy has been paid is to be submitted to Council prior to the issue of a Construction Certificate.

Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.35% of building work costing \$25,000 or more.

#### **6. NO BUILDING WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**

The building work, including demolition, must not be commenced until:

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with Section 81A(2) of the Environmental Planning & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with Section 81A(2)(b) of the Environmental Planning & Assessment Act, 1979 and Form 7 of Schedule 1 of the Regulations; and
- (c) Council is given at least two days Notice in writing of the intention to commence the building works.

The owner/applicant may make application to Council or an Accredited Certifier for the issue of a Construction Certificate and to be the Principle Certifying Authority.

#### **7. HOARDING REQUIRED**

If required, hoarding designed and constructed in accordance with the requirements of the Work Cover Authority is to be erected on the street alignments of the property, prior to the commencement of building operations, and such hoardings are to be maintained during the course of building operations. Details of the hoarding are to be provided to Council prior to issue of the Construction Certificate.



Where the hoarding is to be erected over the footpath or any public place, the approval of Council must be obtained prior to the erection of the hoarding.

#### **8. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

A Site Waste and Recycling Management Plan (SWRMP) Checklist Part 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Council's DCP 19 prior to the issue of the Construction Certificate. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible.

The builder and all subcontractors shall comply with the approved SWRMP (Part 1 and 2) at all times during construction. At least one copy of the SWRMP is to be available on site at all times during construction.

#### **9. EROSION, SEDIMENT AND POLLUTION CONTROL**

Erosion, sediment and pollution control measures are to be implemented on this site. These measures are to be in accordance with Council's Stormwater Policy and are to be implemented prior to commencement of any work or activities on or around the site. Details of these measures are to be submitted to the Principal Certifying Authority prior to the issuing of a Construction Certificate.

#### **10. STORMWATER MANAGEMENT**

All seepage and surface waters and roof waters being collected and disposed of in accordance with Council's Stormwater Policy and this may involve the provision of an on-site detention system (OSD). Details prepared by a Hydraulics Engineer are to be submitted to and approved by the Principle Certifying Authority prior to the issue of a Construction Certificate.

#### **11. ENGINEERING DETAILS**

Structural details prepared and certified by a practicing Structural Engineer being furnished to Council or Accredited Certifier in connection with all structural components prior to the issue of a Construction Certificate.

#### **12. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY**

A Certificate of Adequacy prepared by a practicing Structural Engineer, certifying the adequacy of the existing building structure to carry the extra load of the proposed additions is to be provided to Council or the Accredited Certifier prior to the issue of a Construction Certificate.

#### **13. EXISTING PARTY WALL IS TO BE EXTENDED**

The existing party wall is to be extended to the underside of the roof in accordance with the requirements of the Building Code of Australia. The plans are to be notated accordingly prior to the issue of the Construction Certificate to the satisfaction of the Principal Certifying Authority.

#### **14. BASIX**

The undertakings provided in the BASIX Certificate shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate. If required, a modified BASIX Certificate shall be provided that reflects the development as approved (eg addressing any modification required via conditions of consent). Any significant works (ie any works not able to be considered as Exempt and Complying Development) that result from changes to the BASIX Certificate or conflict with conditions of consent require Council's consent.

The Principal Certifying Authority shall be responsible for ensuring that all the undertakings are satisfied prior to the issue of an Occupation Certificate.

The above condition is a prescribed condition under the Environmental Planning and Assessment Act Regulations clause 97A and the above BASIX commitments are mandatory and can not be modified under Section 96 of the *Environmental Planning and Assessment Act 1979*.

## **15. USE OF RENEWABLE TIMBERS**

Council requires, wherever possible, the use of renewable timbers and/or plantation timbers such as Radiata Pine or Oregon as an alternative to the use of non-renewable rainforest timber products in buildings so as to help protect the existing areas of rainforest. In this regard, a schedule of proposed timber products to be used in the building is to be submitted for approval by the Principle Certifying Authority prior to the issue of the Construction Certificate. Where the applicant is to use timbers not recommended in Council's Policy, reasons are to be given why the alternative timbers recommended cannot be used.

## **C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION**

### **16. PRIOR TO SITE WORKS**

The Principal Certifying Authority must be informed in writing before any site works, building or demolition commences of:

- (a) the name and contractor licence number of the licensee who has contracted to do, or intends to do, work ; or
- (b) the name and permit number of the owner/builder who intends to do the work; and
- (c) any change to these arrangements for doing of the work.

### **17. HOME BUILDING ACT**

The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the Home and Building Act, 1989. In this regard a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy the Principal Certifying Authority that they have complied with the applicant requirements of Part 6, before any work commences.

### **18. CONSTRUCTION SIGNS**

Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.

### **19. DILAPIDATION REPORT**

A dilapidation report prepared by a practising Structural Engineer shall be submitted to the Principal Certifying Authority prior to the commencement of demolition, excavation or building works, detailing the current condition and the status of all buildings, including ancillary structures located upon the adjoining property (39 Reina St).

### **20. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS**

At least five (5) days prior to the demolition, renovation work or alterations and additions to any building constructed before 1987, the person acting on the consent shall submit a Work Plan prepared in accordance with Australian Standard AS260-2001, Demolition of Structure

and a Hazardous Materials Assessment by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:

- (a) outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) confirm that no asbestos products are present on the subject land; or
- (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice for the Safe Removal of Asbestos NOHSC 2002 (1998);
- (d) describe the method of demolition;
- (e) describe the precautions to be employed to minimise any dust nuisance; and
- (f) describe the disposal methods for hazardous materials.

## **21. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS**

All site works complying with the occupational health and safety requirements of WorkCover NSW.

## **22. SOIL AND WATER MANAGEMENT PLAN**

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to SSROC's Soil and Water Management Brochure and the DEC's Managing Urban Stormwater: Construction Activities. This Plan shall be implemented prior to commencement of any works or activities. All controls in the Plan shall be maintained at all time. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.

## **23. SOIL AND WATER MANAGEMENT SIGN**

Throughout the construction/remediation/demolition period, Council's warning sign for soil and water management must be displayed on the most prominent point of the building site, visible to both the street and site works. A copy of the sign is available from Council.

## **24. STOCKPILES**

Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

## **25. TEMPORARY DIVERSION OF ROOF WATERS**

Stormwater from roof areas shall be linked via a temporary downpipe to Council's stormwater system immediately after completion of the roof area. Inspection of the building frame will not occur until this is completed.

## **26. LOCATION OF BUILDING OPERATIONS**

Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footpaths or in any locations which could lead to the discharge of materials into the stormwater drainage system.

## **27. ALL BUILDING MATERIALS STORED ON SITE**

All building materials and any other items associated with the development are to be stored within the confines of the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.

## **28. CONSTRUCTION HOURS**

Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Saturdays with no work to be carried out on:

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends;
- (b) Sundays and public holidays; and
- (c) On the Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which immediately precede or follow industry Rostered Days Off, as agreed by the CFMEU and the Master Builders Association of NSW.

Noise from construction activities shall comply with the Protection of the Environment Operations (Noise Control) Regulation 2000.

## **29. CONSTRUCTION NOISE - PERIODS GREATER THAN 4 WEEKS AND NOT EXCEEDING 26 WEEKS**

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed at any sensitive noise receiver.

## **30. BUILDING CODE OF AUSTRALIA**

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

## **31. QUALITY OF CONSTRUCTION ACT - INSPECTIONS (DWELLING HOUSES CLASS 1 AND 10)**

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the Building Legislation (Quality of Construction) Act 2002 and the Environmental Planning and Assessment Regulations. Also, documentary evidence of compliance with the relevant terms of conditions of development consent and standards of construction detailed in the Building Code of Australia is to be obtained prior to proceeding to the subsequent stages of construction and/or issue of an Occupation Certificate.

MANDATORY Critical Stage Inspections MUST be carried out by the PCA for work undertaken during specified stages of construction and prior to issuing an Occupation Certificate.

The specified MANDATORY inspections are:

In the case of a Class 1 and 10 building:

- (a) at the commencement of building work;
- (b) after excavation for, and prior to the placement of, any footings;
- (c) prior to pouring any in-situ reinforced concrete building element;
- (d) prior to covering of the framework for any floor, roof or other building element;
- (e) prior to covering any waterproofing in any wet areas;
- (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.

The following additional inspections are required to be undertaken by the PCA:

- (a) sediment control measures prior to the commencement of building work;
- (b) foundation material prior to undertaking building work;
- (c) shoring of excavation works, retaining walls, piers, piling or underpinning works;
- (d) steel reinforcement, prior to pouring concrete;
- (e) prior to covering timber or steel framework for floors, walls and roofing, including beams and columns; and
- (f) prior to installation of fire resisting construction systems (ie fire rated ceilings and walls).

Note: Certification may be required from a suitably qualified person, in relation to specialist matters, verifying that particular works satisfy the relevant requirements of the Building Code of Australia and standards of construction.

### **32. STRUCTURAL STABILITY OF ADJOINING SEMI-DETACHED DWELLING'S ROOF**

Adequate measures are to be undertaken to ensure structural stability and water proofing of the existing roof over the adjoining semi-detached dwelling having particular regard to the following:

- (a) adequate measures are undertaken to secure the existing rafters and ridge to the brickwork of the party wall; and
- (b) adequate measures are undertaken to ensure that the roof where it abuts the extended party wall is water proofed.

### **33. NEW WORK TO MATCH EXISTING**

The external finish of the proposed ground floor extension and first floor addition is to have a uniform appearance to match the external finish of the existing dwelling house.

### **34. ROOFING MATERIAL TO MATCH EXISTING**

The roof covering to the proposed additional storey is to have a uniform appearance to match the roof covering over the existing dwelling house.

### **35. ENCROACH BEYOND THE BOUNDARIES**

No portion of the proposed works including the footings and roof eaves, to encroach beyond the boundaries of the subject property.

### **36. WATER PROOFING**

The floor and wall surfaces of the proposed bathroom, laundry and ensuite being protected against water in accordance with the Building Code of Australia. The wet areas are to be examined and certified by an Accredited Certifier.

Note: Water proofing is to be in accordance with AS 3740 - Water Proofing of Wet Areas within residential buildings.

### **37. HOT TAP WATER SCALDING**

To reduce the incidence of hot tap water scalding and, for the purpose of energy efficiency, all new or replacement hot water systems shall deliver hot water to a maximum 50 degrees Celsius at the outlet of all sanitary fixtures used for personal hygiene.

### **38. SMOKE ALARM SYSTEM**

A smoke alarm system is to be installed within the building in accordance with the requirements of the Building Code of Australia.

## **D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION**

### **39. FINAL OCCUPATION CERTIFICATE**

The Principal Certifying Authority prior to occupation or use of the development must issue a final Occupation Certificate. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning & Assessment Act, 1979 have been satisfied.

### **40. LIGHTING**

Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting*.

