

## REPORT TO DEVELOPMENT DETERMINATION PANEL

Meeting held on 08 August 2018

4 Cherry Lane Warriewood - Review of Determination of Application N0535/17 for the construction of a new dwelling within Lot 15, Cherry Lane, Warriewood

## REVIEW OF DETERMINATION ASSESSMENT REPORT

<b>Application Number:</b>	REV2018/0012
<b>Responsible Officer:</b>	Nick Armstrong
<b>Land to be developed (Address):</b>	Lot 15 DP 286740, 4 Cherry Lane WARRIEWOOD NSW 2102
<b>Proposed Development:</b>	Review of Determination of Application N0535/17 for the construction of a new dwelling within Lot 15, Cherry Lane, Warriewood
<b>Zoning:</b>	R3 Medium Density Residential
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Rodney Craig Ingram Karen Ann Ingram
<b>Applicant:</b>	Clarendon Homes Pty Ltd
<b>Application lodged:</b>	15/06/2018
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Refer to Development Application
<b>Notified:</b>	02/07/2018 to 18/07/2018
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Recommendation:</b>	Approval
<b>Estimated Cost of Works:</b>	\$ 534,947.00

### ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Environmental Planning and Assessment Act 1979 - Section 82A - Environmental Planning and Assessment Act 1979 - Section 82A

Pittwater 21 Development Control Plan - B4.1 Flora and Fauna Conservation Category 1 Land

Pittwater 21 Development Control Plan - D16.4 Water Management for individual allotments

Pittwater 21 Development Control Plan - D16.5 Landscaped Area for Newly Created Individual Allotments

Pittwater 21 Development Control Plan - D16.7 Side and rear building lines

Pittwater 21 Development Control Plan - D16.12 Fences

Pittwater 21 Development Control Plan - D16.13 Building colours and materials

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 15 DP 286740 , 4 Cherry Lane WARRIEWOOD NSW 2102
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the northern side of Cherry Lane.</p> <p>The site is irregular in shape with a frontage of 8.094m along Cherry Lane and a depth of 21.82m. The site has a surveyed area of 604m<sup>2</sup>.</p> <p>The site is located within the R3 Medium Density Residential zone and is currently vacant.</p> <p>The site falls 3.98m from the western boundary to the northeastern corner with an approximate slope of 13.8%.</p> <p>The site does not contain any significant vegetation.</p> <p><b>Detailed Description of Adjoining/Surrounding</b></p>

### Development

Adjoining and surrounding development is characterised by newly created medium density residential allotments which are predominately vacant. A strip of RU2 Rural Landscape zoning exists adjacent to the western boundary which contains dense vegetation.

Map:



### SITE HISTORY

The land has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

#### Property History

02/06/2015

Development Application N0209/14 for the subdivision of the existing single allotment into twenty-three (23) lots was approved by the Land and Environment Court of NSW through a Section 34 Agreement.

08/09/2015

Section 96 Modification Application N0209/14/S96/1 for a twenty-three (23) lot subdivision was granted modified consent by Council.

11/07/2016

Section 96 Modification Application N0209/14/S96/2 for a twenty-three (23) lot subdivision was granted modified consent by the Land and Environment Court of NSW.

06/04/2017

Section 96 Modification Application N0209/14/S96/3 for a twenty-three (23) lot subdivision was granted modified consent by the Land and Environment Court of NSW through a Section 34 Agreement.

08/03/2018

Subdivision Certificate SC2017/0198 for a twenty-three (23) lot torrens title subdivision was registered.

## **Application History**

11/05/2018

Development Application N0535/17 for the construction of a new single dwelling was refused for the following reason:

- The proposal does not provide sufficient information within the stormwater management plan and does not meet condition B.24 within consent N0209/14/S96/3. The outcomes of C6.1 *Integrated Water Cycle Management* are not achieved.

Further details regarding the refusal have been provided within Section D16.4 of this report.

## **PROPOSED DEVELOPMENT IN DETAIL**

The application seeks a review of the determination of Development Application N0535/17 which refused the construction of a new single dwelling.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment C.

## **ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)**

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

In accordance with Division 8.2 of the Act, an applicant may request Council to review a determination of a development application, other than for a complying development, integrated development, designated development or a determination made by Council in respect to an application by the Crown. The development application does not fall into any of these categories, therefore the applicant may request a review.

In accordance with Division 8.2 of the Act, the request for the review must be made and determined within 6 months after the date of determination of the development application. The application was determined on 11/05/2018. The review was lodged on 26/06/2018.

Section 8.3 provides that the Council may review a determination if in the event that the applicant has made amendments to the development described in the original application, the consent authority is satisfied that the development, as amended, is substantially the same as the development described in the original application.

The amendments to the proposal are outlined in the 'Detailed Description of Works' section of this report.

A review of the original and amended plans has found that there are fundamental similarities between the original and the amended design (being subject of the 8.2 review) and the nature of the intended land use remains the same. Accordingly it is concluded that the amended scheme is substantially the same as the original proposal. Accordingly, it is considered that the proposal satisfies the requirement of Section 8.3 of the Act

## **EXISTING USE RIGHTS**

Existing Use Rights are not applicable to this application.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition of the application Council received no submissions.

## MEDIATION

No requests for mediation have been made in relation to this application.

## REFERRALS

Internal Referral Body	Comments
Landscape Officer	The landscape proposal is acceptable. Conditions have been included to ensure that the development satisfies Pittwater 21 DCP and Part 6 Design Criteria for Warriewood Valley Release Area.
NECC (Development Engineering)	The revised stormwater management plan addresses the previous issues raised in the original application. The proposed driveway grade is satisfactory. No objection to approval, subject to conditions as recommended.
NECC (Water Management)	The rain garden meets the requirements of the Water Management Plan and DCP controls. Conditions have been placed that ensure registration of the raingarden on titles/instruments and appropriate maintenance takes place. An additional control has been placed to ensure application of sediment controls.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

## State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

### SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. 840235S\_02, dated 30/04/2018).

The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	42
Thermal Comfort	Pass	Pass
Energy	40	90

A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

### Pittwater Local Environmental Plan 2014

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	10.5m	8.842m	N/A	Yes

### Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.10 Essential services	Yes

### Pittwater 21 Development Control Plan

#### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	4m	8.527m	N/A	Yes



Rear building line	4m	2m	50%	No
Side building line	2.5m	3.5m	N/A	Yes
	0.9m	3.3m	N/A	Yes
Landscaped area	45%	41.2%	8.4%	No

**\*Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for Landscaped area - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example:  $38/40 \times 100 = 95$  then  $100 - 95 = 5\%$  variation)

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.16 Warriewood Valley Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.1 Flora and Fauna Conservation Category 1 Land	Yes	Yes
B4.3 Flora and Fauna Habitat Enhancement Category 2 Land	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
C1.1 Landscaping	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private Open Space	Yes	Yes
C1.23 Eaves	Yes	Yes
C1.24 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
D16.1 Character as viewed from a public place	Yes	Yes
D16.4 Water Management for individual allotments	Yes	Yes
D16.5 Landscaped Area for Newly Created Individual Allotments	No	Yes
D16.6 Front building lines	Yes	Yes
D16.7 Side and rear building lines	No	Yes
D16.9 Solar access	Yes	Yes
D16.10 Private and Communal Open Space Areas	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D16.11 Form of construction including retaining walls, terracing and undercroft areas	Yes	Yes
D16.12 Fences	Yes	Yes
D16.13 Building colours and materials	Yes	Yes
D16.14 Pets and companion animals	Yes	Yes

#### Detailed Assessment

#### **B4.1 Flora and Fauna Conservation Category 1 Land**

Based on aerial photos, several trees were recognised to be within close proximity to the subject site (located within the RU2 Rural Landscape zoned community lot). Upon a site inspection, these trees were confirmed to be several meters from the rear boundary and close to 10m from the area of works associated with this subject development. The construction of a new dwelling is unlikely to have an impact on the ability to retain these neighbouring trees due to the distance between the two.

#### **D16.4 Water Management for individual allotments**

##### Original Development Application

The original Development Application N0535/17 for the construction of a new single dwelling was refused on the basis that the proposed stormwater management system was assessed as being inconsistent with the requirements stipulated within the integrated stormwater management plan and report (prepared by Civil Certification, Revision 6, dated 07/06/2016) approved as part of the subdivision application (N0209/14) and subsequent modification applications.

Council's Development Engineer provided the following comments behind the reason for refusal:

*The drainage information submitted by the applicant has been reviewed and is not satisfactory. The drawings do not provide sufficient information including the dimensions to ensure that the required 5sqm rain garden has been provided in the design. Also the proposed on-site stormwater detention system (OSD) tank system is not acceptable as the proprietary system shown is not a sealed tank i.e. the base is covered with geotextile fabric and there is insufficient access to the tank for future maintenance.*

*The proposed development is not supported due to insufficient information to assess the water management for the site in accordance with Council's DCP and the Water Management Report adopted for the subdivision.*

##### Current Review Application

Council's Development Engineer and Project Leader - Water Management have assessed the amended internal stormwater management system proposed for the newly created allotment and considered the arrangement acceptable and consistent with the integrated stormwater management plan for the subdivision. Conditions have been included to ensure the development satisfies these requirements.

#### **D16.5 Landscaped Area for Newly Created Individual Allotments**



The application falls short of the required landscaped area (45%) for newly created residential allotments within the Warriewood Valley Urban Release Area, having been measured at 41.2%.

However, the application includes a large area (44.1m<sup>2</sup>) of decorative gravel/pebbles along the northern and eastern elevations of the dwelling, which although is technically not able to be considered as landscaped area as per the definition within PLEP 2014 (landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area), it is even less closely associated with the definition of site coverage as defined below:

**Site Coverage** means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) and part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

The pebble/gravel area is an impervious surface which allows for stormwater runoff to infiltrate the ground into the water table, which satisfies one of the key control outcomes. The development as a whole is generally consistent with Council's built form controls for single dwellings within the Warriewood Valley Locality and provides for a reasonable amenity outcome to the residents of the subject dwelling and future residents of neighbouring allotments.

With the gravel/pebble area included within the landscaped area calculation, the landscaped area is measured at 48.5% which achieves compliance with the numerical requirements of the control. As the development is considered to also achieve the control outcomes, the application results in an acceptable landscaped area arrangement.

#### **D16.7 Side and rear building lines**

The application will be non-compliant with the 4m rear setback, as based on the orientation of the site, technically the northern boundary is the rear setback even though based on the positioning of the proposed dwelling this boundary resembles a side boundary while the western boundary more closely resembles a rear boundary.

Despite this, the subject site adjoins a RU2 Rural Landscape zoned lot to the west and a split zoned R3 Medium Density Residential and RU2 lot to the north. The portion of the neighbouring site which is directly adjacent to the northern boundary of the subject site is an access drive which services 4 Fern Creek Road which is a rural property that falls outside the Warriewood Valley Urban Land Release Area, making this site unlikely to be developed further in the future. Considering this, the non-compliant northern rear setback of the proposed dwelling is unlikely to have any amenity impact to any current or future development located on this allotment and considering that the development provides a generous setback to the western boundary a variation in this instance is acceptable.

#### **D16.12 Fences**

1.8m high timber/Colorbond rear and side fencing is proposed, with all fencing located behind the building line. Shrubs and landscaping are located forward of the front building line. This is acceptable.

#### **D16.13 Building colours and materials**

The selected colours and external materials are generally consistent with Council's controls for dark

and earthy tones.

### **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

### **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

### **POLICY CONTROLS**

#### **Pittwater Section 94 Development Contributions Plan**

### **CONCLUSION**

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

### **RECOMMENDATION**

THAT Council as the consent authority grant Development Consent to REV2018/0012 for Review of Determination of Application N0535/17 for the construction of a new dwelling within Lot 15, Cherry Lane, Warriewood on land at Lot 15 DP 286740, 4 Cherry Lane, WARRIEWOOD, subject to the

conditions printed below:

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Sheet 2 - Site Plan, Revision P	03/05/2017	Clarendon Homes
Sheet 5 - Elevations (South and East), Revision P	13/06/2017	Clarendon Homes
Sheet 6 - Elevations (North and West), Revision P	13/06/2017	Clarendon Homes
Sheet 7 - Section A-A, Revision P	13/06/2017	Clarendon Homes

<b>Engineering Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
C7942-12179, Sheet 1, Revision C, Issue 4	16/05/2018	Ibrahim Stormwater Consultants
C7942-12179, Sheet 2, Revision C, Issue 4	16/05/2018	Ibrahim Stormwater Consultants
C7942-12179, Sheet 3, Revision C, Issue 4	16/05/2018	Ibrahim Stormwater Consultants

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Geotechnical Risk Report	17/10/2017	AW Geotechnical
BASIX Certificate, Ref. 840235S_02	30/04/2018	Home Design Services

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

<b>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
LP01 - Sheet 1, Issue E	06/06/2018	Dapple Designs
LP01 - Sheet 2, Issue E	06/06/2018	Dapple Designs
LP01 - Sheet 3, Issue E	06/06/2018	Dapple Designs
LP01 - Sheet 4, Issue E	06/06/2018	Dapple Designs

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

## 2. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - 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 that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (i) protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
  - (iii) must, at least 7 days before excavating below the level of the base of the

footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement (DACPLB09)

### 3. **General Requirements**

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths,

- roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
  - (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
  - (j) Prior to the commencement of any development onsite for:
    - i) Building/s that are to be erected
    - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
    - iii) Building/s that are to be demolished
    - iv) For any work/s that is to be carried out
    - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

## CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

### 4. **Vehicle Driveway Crossing**

The driveway crossing between the private road and the boundary of the lot up to the proposed garage must be designed to comply with the requirements of AS/NZS 2890.1:2004 Offstreet car parking. Details of the driveway design are to be certified by a qualified Civil Engineer and are to be provided to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure suitable vehicular access to private property

### 5. **Stormwater Drainage System**

Engineering plans including specifications and details of all the elements of the stormwater drainage system are to be submitted to the Accredited Certifier with the Construction Certificate. Such details are to be accompanied by certification by a qualified experienced practising Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E.) or who is eligible to become a corporate member and has appropriate experience and competence in the related field, confirming that the plans/details comply with the concept design by Ibrahim Stormwater Consultants, drawing number C7943-12179 Sheets 1 to 3 Revision C dated 18-05-2018 and the Water Management Report by Civil Certification Pty Ltd Issue 7 dated October 2016.



The drainage plans must address the following:

1. A minimum 27,300 litre on-site detention tank
2. A minimum 3,000 litre rainwater tank
3. A minimum 5 square metre raingarden

Detailed drainage plans, including engineering certification confirming the above requirements have been satisfied are to be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development.

**6. Shoring of Adjoining Property**

Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of their intention to excavate below the level of the base of the footing and furnish the adjoining property owner with particulars of the proposed work.

Should the proposal require shoring to support an adjoining property owner's consent for the encroachment onto the affected property owner shall be provided with the engineering drawings.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties.

**7. Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

**8. External Finishes to Roof**

The external finish to the roof shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development. (DACPLC03)

**9. Sewer / Water Quickcheck**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney

Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

### 10. Installation and Maintenance of Sediment and Erosion Control

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prepared by Clarendon Homes. Sediment socks should be placed around all grates in the road gutter, and around all pits on the lot, and sediment should be removed after each rain event. Access to the site shall be stabilized and vehicles should not carry sediment onto the road.

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

## CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

### 11. On-Site Stormwater Detention Compliance Certification

The stormwater drainage system must be constructed and completed in accordance with the approved design and relevant Australian Standards.

A plan showing pipe locations and diameters of the stormwater drainage system must be provided.

Certification is to be provided to the Principal Certifying Authority by a qualified experienced practising Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E.) or who is eligible to become a member and has appropriate experience and competence in the related field, that the stormwater management system has been completed in accordance with the engineering plans and specifications required under this consent.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure stormwater management system is constructed to Council's satisfaction. (DACENF10)

### 12. Certification Parking Facility Work

Certificate is to be submitted to the Principal Certifying Authority with the Occupation Certificate

application by a qualified practicing Civil Engineer confirming to the satisfaction of the Private Certifying Authority that the driveway has been constructed in accordance with the approved plans, AS/NZS 2890.1:2004 and relevant conditions of Development Consent.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate

Reason: Compliance with this consent

13. **House / Building Number**

House/building number is to be affixed to the building to be readily visible from the public domain.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: Proper identification of buildings. (DACPLF04)

14. **Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) <<http://www.sydneywater.com.au>> then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLF08)