

**JOINT REGIONAL PLANNING PANEL  
(Sydney East Region)**

<b>JRPP No</b>	<b>2012SYE084</b>
<b>DA Number</b>	<b>DA-2012/311</b>
<b>Local Government Area</b>	<b>Willoughby</b>
<b>Proposed Development</b>	<b>Construction of 46 dwellings and the torrens title subdivision of the land into 46 lots on part of Stage 3 and Stage 4 of the Willoughby Market Gardens site.</b>
<b>Street Address</b>	<b>52 Mowbray Place, Mowbray Place, 17a, 19a, 21a Windsor Road, Windsor Road, 72, 74, 76 Eastern Valley Way, Eastern Valley Way, Willoughby NSW 2068</b>
<b>Applicant/Owner</b>	<b>PPK Willoughby Pty Limited</b>
<b>Number of Submissions</b>	<b>3</b>
<b>Recommendation</b>	<b>Approval with Conditions</b>
<b>Report by</b>	<b>Kate Drinan - Development Planner</b>

## Assessment Report and Recommendation

52 MOWBRAY PLACE, MOWBRAY PLACE, 17A, 19A, 21A WINDSOR ROAD, WINDSOR ROAD, 72, 74, 76 EASTERN VALLEY WAY, EASTERN VALLEY WAY, WILLOUGHBY NSW 2068

JRPP REF: 2012SYE084

DA NO: DA-2012/311

ATTACHMENTS: 1. PLANS AND ELEVATIONS  
2. NOTIFICATION MAP

MEETING DATE: 24-JAN-2103

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**LOCATION:** Bounded by eastern valley way to the east, Windsor Road and proposed Road No. 2 to the west, Warners Avenue and mowbray place to the north and proposed Willoughby Market Gardens reserve to the south.

**APPLICANT:** PPK Willoughby Pty Limited

**PROPOSAL:** Willoughby Market Gardens site - construction of 46 dwellings and the torrens title subdivision of the land into 46 lots on part of Stage 3 and Stage 4 of the willoughby market gardens site.

**DATE OF LODGEMENT:** 22-AUG-2012

**REPORTING OFFICER:** KATE DRINAN

**RESPONSIBLE OFFICER:** IAN ARNOTT

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### DESCRIPTION OF PROPOSAL

The proposal seeks approval for:

- the construction of 46 dwellings on approved Superlots 5, 6, 7, 8 and 9 on the Willoughby Market Gardens (WMG) site and the torrens title subdivision of the land into 46 individual allotments. The proposed dwellings consist of 2 to 3 storey dwellings with double garaging. Lots 31 to 36 include swimming pools in the rear yards.
  - the reconfiguration and the raising of the level of approved Road No. 5 (accessed from Eastern Valley Way);
  - the construction of vehicular accessways for the dwellings on proposed lots 43 to 46 (accessed from Road No. 3) and 66 to 75 (accessed from Road No.5); and
  - various modifications to the masterplan including changes to the allotment pattern, dwelling design and vehicular access.
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## Existing Building, Relevant History and Site Context

The subject site is identified as part of proposed Superlots 5, 6, 7, 8 and 9 of “Willoughby Market Gardens” Masterplan site.

The site is identified in 2 parts:



- **“Stage 3”** which incorporates Superlots 5 and 6 and which is bounded by Road No. 2 to the west, Road No. 4 and the proposed Public Reserve to the east, Road No. 3 and Mowbray Place to the north and the Public Reserve to the south.

The land on Stage 3 slopes from west to east with a cross fall from north to south.

- **“Stage 4”** which incorporates Superlots 7, 8 and 9 and which is bounded by Windsor Road residents and the proposed Windsor Road Public Reserve to the west, Eastern Valley Way to the east, Warners Avenue residents to the north and Road No. 3 and the Public Reserve to the south.

Proposed Road No. 5, which also forms part of this proposal, is accessed from Eastern Valley Way and divides Superlots 7 and 8 from Superlot 9.

The land on “Stage 4” falls steeply from north to south with a cross fall from west to east.

## Planning Framework

For development applications on the Willoughby Market Gardens site, in addition to the standard state and local controls and legislation (eg. WLEP 1995, Draft WLEP 2012 and WDCP), the consent authority also needs to consider:

- The Willoughby Paddocks [Market Gardens] refined Masterplan; and
- The Willoughby Market Gardens Design and Streetscape Guidelines.

In 2004, amendments to the Willoughby Local Environmental Plan were made to permit development for the purposes of residential dwellings and public open space on the Willoughby Market Gardens site. Clause 26D of the WLEP requires Council, in its assessment of development on that land, to have regard to the provision of the WMG masterplan and limits the number of dwellings permitted on the site to 80 dwellings.

The WMG masterplan identifies areas of open space, road layouts, a conceptual lot layout and provides cross sections outlining the indicative form and levels associated with residential development as well as providing indicative dwelling types, being predominately 2 storey semi-detached houses or townhouses with single garages/carports. The WMG masterplan limits the amount of residential gross floor area to 16,000 square metres.

Part I.18 of the Willoughby Development Control Plan establishes high level guidelines for the development of the WMG site and required the development of detailed design guidelines to provide controls for the design of the dwellings and the streetscape qualities.

The Willoughby Market Gardens Design and Streetscape Guidelines were endorsed by Council on 21<sup>st</sup> February 2011. The guidelines deviated from the conceptual masterplan indicative dwelling types, by permitting detached dwellings and allowing double garaging on some sites where previously only single garages/carports were indicated.

In the assessment of the proposed dwellings, the application is to be assessed in accordance with the relevant controls in the WLEP, WDCP, WMG masterplan and the Design Guidelines which have been endorsed by Council. The controls of the WDCP and indicative dwelling designs of the WMG Masterplan are not applied where they are superseded by the Design Guidelines.

## Background

Development consent DA-2004/521, provides approval for the infrastructure works associated with the WMG site but not the dwellings. DA-2004/521 approves the construction of the five access roads, the public open space and the superlot subdivision of land. In total, 11 superlots were approved, Superlots 1 to 9 are for residential development and superlots 10 and 11 are for public open space. DA-2004/521 also allows for the staged development of the site. Stage 1 has been completed, Stage 2 and 3 which includes the construction of Roads No. 2, 3 and 4 and the development of the public open space are currently under construction. Stage 4 has yet to be commenced and includes the construction of Road No. 5.

To date, a total of 34 dwellings have been approved on Superlots 1, 2, 3, 4 and part of 6. The development application, the subject of this report is for the construction of the remaining 46 dwellings on Superlots 5 to 9.

## **Controls and Classification**

### **i) Willoughby LEP 1995: Yes**

- ii) **Conservation Area:** No
- iii) **Zoning:** Residential B and Open Space A (Existing Recreation)
- iv) **Applicable DCP (SEPPs, REPs):** WDCP, SEPP (BASIX), SREP (Sydney Harbour Catchment) and associated DCP, SEPP (Infrastructure), SEPP 55, SEPP 19.
- v) **Other Relevant Policies (Council Resolutions, Draft DCPs):** Willoughby Paddocks Refined Masterplan, Deed of Covenant (Willoughby Market Gardens), Design and Streetscape Guidelines (Willoughby Market Gardens).
- vi) **Draft LEP 2012 Zoning:** Zone R3 Medium Density Residential
- vii) **Developer's Contribution Plans:** Not applicable – Clause 2.7 of the Deed of Covenant specifies the work and land transfer to be undertaken in lieu of Section 94 contributions.

## Development Statistics

See assessment section of report and appendix 1.

## Referrals

### Building Surveyor

The application was referred to Council's Area Building Surveyor for comment who advised that no objection is raised subject to conditions.

### Development Engineer

The original application was referred to Council's Area Development Engineer for comment who raised issues relating to the driveway and vehicular crossings, the substation in the public reserve, stormwater, the design of Road No. 5 and flooding.

*Comment:* Council's Area Development Engineer raised concerns about the location of the substation in the public reserve. In this regard, the location of the substation was determined as part of DA-2004/521 and as such is not a matter for reassessment in this application.

Subsequent to the above, amended plans and additional information were received and referred to Council's Area Development Engineer for comment. It was advised that the flood issue previously raised has been resolved noting that modelling undertaken shows that the new proposed allotments are not located in the 1 in 100yr ARI overland flow path. It was also advised that the following outstanding engineering issues are to be addressed prior to the issue of any consent:

1. In order to allow for sufficient width for the construction of the required footpath and/or any public utility (above or below ground), the proposed nature strip fronting Lot 58 shall have a minimum width of 2 metres. Autoturn turning manoeuvres using the B85 vehicle to be provided demonstrating access to lots 59, 60 and 61 can be achieved.

*Comment:* In accordance with DA-2004/521 (Condition 4-8), a 1200mm wide footpath is to be provided on one side of Road No. 5. In this regard, the proposal is considered to be consistent with this requirement. As such the above is not required.

2. The longitudinal gradient of the proposed Road No.5 shall be redesigned so that it would not exceed 7% between chainage 45 and 137.86. Note that the longitudinal grades should be as flat as possible since flat grades permit all vehicles to operate at the same speed. Steeper grades introduce variation in speed between vehicles with varying power to weight ratios both uphill and downhill direction. In addition, grade above 5% may

create drainage problem because the length of the drainage flow paths and the velocity of the flow increase with grade.

*Comment:* It is noted that DA-2004/521 approved road gradients on Road No. 5 varying from between 1% and 11.53%. The current proposal has road gradients which vary from 2.235% to 9.396%. On these grounds it can reasonably be argued that the existing approved Road has steeper grades than that proposed. Further it is noted that the revised level of the road minimises excavation as it is more closely aligned with the existing levels across the site.

In addition, in the event that the Road at its northern end was lowered by 1.5 metres to achieve the requested gradient noted above, the garaging level of lots 59 to 65 would become more exposed, resulting in additional bulk and scale concerns. Further, it would impact on the solar access to the rear yards of Lot 54 to 58.

Having regard to the above, it is considered that on balance, the modification to Road No. 5 as proposed is reasonable subject to ensuring that the surface water of Road No. 5 is suitably captured and disposed of as per Point 8 below.

3. In light of point 2 above, the longitudinal gradient of the proposed footpath on Road No.5 shall follow the longitudinal grade of Road No.5. Design plans prepared by a Chartered Civil Engineer including the construction of 1200mm wide concrete footpaths on one side of Road No. 5 (to be aligned off the back of the road kerbs) for the full frontage of the development lots in accordance with Council's standard specifications (AUSPEC) shall be submitted.

*Comment:* As per Point 2 above.

4. Detailed design with supporting calculations, prepared by a Chartered Civil Engineer, showing the method of disposal of all sub-surface and surface water from the proposed Road No.5 shall be submitted. The proposed size, location, extent and gradients of all drainage components, stormwater pipes size, kerb inlet pits, overland flow paths and discharge points shall be shown on the plans. Note that Council will not support the proposed bio-retention areas in the Council's reserve.

*Comment:* This is recommended as a condition of consent to be met by the applicant/developer prior to making an application for a construction certificate (**Condition 2i**).

5. The underground drainage system for the proposed Road No.5 shall be designed to cater for all storm events up to and including 1 in 20yr ARI with an overland flow path to convey for storm events up to 1 in 100yr ARI.

*Comment:* This is recommended as a condition of consent to be met by the applicant/developer prior to making an application for a construction certificate (**Condition 2j**).

6. The underground drainage system for the proposed Road No.52 shall be designed to cater for all storm events up to and including 1 in 20yr ARI with an overland flow path to convey for storm events up to 1 in 100yr ARI.

*Comment:* This is recommended as a condition of consent to be met by the applicant/developer prior to making an application for a construction certificate (**Condition 2k**).

7. Detailed analysis with supporting calculations shall be submitted demonstrating that the existing stormwater system fronting proposed Lot 68 has sufficient capacity to convey the additional runoff from the proposed Road No.52 and all private interallotment drainage easements at the rear between proposed Lot 61 and 65.

*Comment:* This is recommended as a condition of consent to be met by the applicant/developer prior to making an application for a construction certificate **(Condition 2l)**.

8. Supporting calculations showing the method of disposal of all surface water from the proposed Road No. 5 shall be submitted to Council demonstrating that the proposed bio retention areas do not exceed the capacities and depth of the WSUD areas as approved on the landscape concept plan LC02/03 and LC03/03. Alternative disposable methods are to be designed which ensures that any additional surface water from Road No. 5, beyond the capacity of the bio-retention areas shown on Drainage Plan 6003/66C, Sheet 1 of 6, is not disposed of into the public reserve. In the event that another approved WSUD area within the public reserve has sufficient capacity to support any additional run-off, these may be used.

*Comment:* This is recommended as a condition of consent to be met by the applicant/developer prior to making an application for a construction certificate **(Condition 2m)**. This condition is necessitated by Council's Open Space Division who do support any additional stormwater to be captured within the Public Reserve other than that approved by DA-2004/521 as they wish to maximise/maintain the amount of useable space available to the public within the reserve.

9. All proposed interallotment drainage pipelines shall be designed so that it has adequate capacity to carry the uncontrolled runoff (up to 1 in 100yr ARI) from each proposed allotment. Full supporting calculations and design documentation shall be submitted.

*Comment:* This is recommended as a condition of consent to be met by the applicant/developer prior to making an application for a construction certificate **(Condition 2n)**.

10. The proposed bio-retention areas BR1 to BR7 in Council nature strip are not supported due to the ongoing maintenance reasons which will become Council's responsibility. The stormwater runoff from the proposed Lot 49 to Lot 58 shall either be discharged to the proposed underground drainage system on Road No.5 or an interallotment drainage easement shall be created within the respective allotments

*Comment:* This is recommended as a condition of consent to be met by the applicant/developer prior to making an application for a construction certificate **(Condition 2o)**.

11. The proposed 225mm RCP from the proposed access way No.31 to the proposed bio-retention area in Council's park reserve is not supported. A minimum 375mm diameter Reinforced Concrete Pipe shall be discharged to pit 30.

*Comment:* This is recommended as a condition of consent to be met by the applicant/developer prior to making an application for a construction certificate **(Condition 2p)**.

Landscape Officer

The original application was referred to Council's Landscape Officer for comment who advised that generally the streetscape tree planting is acceptable though it is noted that minimal other soft landscape is available where driveways access the dwellings.

Further it was noted that the plans are quite general, with minimal detail provided. Some additional detail is required to enable proper assessment of the proposed works, particularly in regard to the Willoughby Paddocks Design & Streetscape Guidelines.

*Comment:* Subsequent to the above, detailed landscape plans were submitted for the individual dwellings which were reviewed by Council's Landscape Officer who advised that the plans were acceptable.

In addition to the above, Council's Landscape Officer made the following comments:

- The plan indicates a 10 metre Buffer Zone and notes 'No exotic planting within 10m of cycleway.' The plan indicates exotic planting in the note adjoining this. This needs to be amended.

*Comment:* Subsequent to the above, amended plans have been received which modifies the planting within the 10 metre buffer so to only include native planting.

- WPD&S Guideline 3.4.2 requires a minimum setback to park frontage of 3metres. The dwelling on Lot 31 appears close to the park cycleway with little room for any buffer planting. A greater setback would appear desirable from both public and private amenity points of view.

*Comment:* As noted in the assessment section below, ideally, an increased side setback of the southern elevation of the dwelling on Lot 31 would be desirable however this dwelling has been identified as an adaptable dwelling and the increased side setbacks would make it difficult to achieve a compliant adaptable dwelling design. Given this, a condition is recommended requiring a 1.5 metre wide landscape strip on public land, along the southern boundary of No. 31 be provided and planted with native shrubs with a mature height of 3 to 5 metres to help soften the interface of the development with the public reserve (**Condition 3c**)

- WPD&S Guideline 9.2.1 relates to Street Services specifically referring to services locations suiting street tree planting and that root barriers be as indicated on landscape plans. No indication of proposed service alignments is noted and no reference to root barriers is noted on the Landscape Plans.

*Comment:* A condition has been recommended by Council's Landscape Officer to address the above issue (**Condition 28**).

- WPD&S Guideline 9.2.3 refers to swimming pool equipment and noise attenuation. The SEE indicates in the table at Section 8 that this guideline is not applicable as no pools are proposed. The Landscape Plan indicates pools on Lots 31 – 36.

*Comment:* Subsequent to the above, amended plans have been provided which shows the location of the pool equipment. Further, the applicant has provided an amending statement which requests approval for the construction of the pools.

- Lots 66 – 76 and Accessway 53 provide little by way of landscape along the eastern side of the site. This includes frontage to Eastern Valley Way and the adjoining property at No. 82 Eastern Valley Way. The space between the boundaries and the dwellings is predominately hard paving. Reliance is made upon the Eastern Valley Way road reserve to provide soft landscape. There is a visual consideration to be made regarding the



potential visual impact of the dwellings on these Lots which sit above the roadway. Provision of landscape buffer within the site at the same level as the dwellings would be beneficial for both public and private consideration. Reliance on verge planting alone to provide a buffer to development is not generally supported.

*Comment:* Subsequent to the above, amended plans have been received which have incorporated a landscape buffer zone between Accessway 53 and 82 Eastern Valley Way to help screen the development. With respect to the interface between Accessway 53 and Eastern Valley Way, this is discussed in the assessment section below and is considered acceptable.

- The issue of planting in the road verge has implications of liability for Council to consider. Maintenance is presumably expected to be undertaken by Council unless a separate agreement is drawn up. As a minimum, in order for Council to consider its position regarding the verge treatment, detailed plans of the proposed landscape planting are required. It is also likely that a minimum establishment and maintenance period of 12 months will be required from the development to ensure that any works are well established prior to any handover to Council, should Council agree to accept maintenance responsibility.

*Comment:* Subsequent to the above, amended plans have been received which includes detailed information on the planting of the Council verge which is now considered acceptable by Council's Landscape Officer. A condition has been recommended by Council's Landscape Officer requiring a 52 week maintenance period following the planting on the Council verge (**Condition 136**).

#### Traffic Engineer

The original application was referred to Council's Traffic Engineer for comment who advised that:

- The carparking plans for all able bodies parking arrangements are satisfactory however the parking layouts for adaptable units at lots 75, 76 and 62, 63 & 64 are considered unsatisfactory. All accessible parking spaces are indicated as being 3.8m wide whereas AS/NZS 2890.6:2009 requires accessible parking spaces to be 2.4m in width with a 2.4m shared area adjacent to the parking space. This needs to be modified. AS/NZS 2890.6:2009 Fig 2.2 requires that a bollard be installed within the 2.4 wide shared areas adjacent to the parking space to ensure it is kept clear for disabled access. This has not been shown in any of the parking layout plans for adaptable units and needs to be modified. None of the adaptable unit carparking layouts have provided a 2.4m shared area at the end of the parking space as required by AS/NZS 2890.6 Fig 2.1. This would mean that a disabled driver would be unable to negotiate their way past the parked vehicle and must be modified to ensure compliance with the standard.

*Comment:* It is considered that there is sufficient space within the garages of the adaptable dwellings to allow a disabled body person to negotiate access to and from their vehicles without the necessity for a bollard noting it is private property and individual arrangements can be made to ensure the appropriate access is provided.

- No objection is raised to the change in vehicle access arrangements such that 4 dwellings will be accessed from Mowbray Place rather than Eastern Valley way. This arrangement is considered preferable given the presence of traffic signals at the Mowbray Place/Alpha Road intersection which facilitates both left and right turn ingress and egress.

- In order to ensure that adequate access is maintained to angle parking bays, to many driveways and along road No.5, No. 4, No.3 and road no.52 it will be necessary to install No Parking signage across driveways, at the end of roads and along the length of the access roads. Plans indicating the proposed locations of such signage are required.

*Comment:* Council's Traffic Engineer has advised that this can be dealt with as a condition of consent (**Condition 8 & 99**)

- The One Way accessway between Road 52 and Road 5 requires the installation of No Entry and One Way signage and markings to ensure vehicles do not travel contrary to the intended direction of travel. Details of such provisions are required.

*Comment:* Council's Traffic Engineer has advised that this can be dealt with as a condition of consent (**Condition 9 & 100**).

- No design details for the construction of the intersection of Road 5 with Eastern Valley Way or for the proposed traffic island at the intersection have been provided. Such details must be provided and approved prior to construction and should be clearly dimensioned and inclusive of all signage and linemarking proposed. Given that this would be an intersection with a State Road the separate consent of the RMS to the details would also be required.

*Comment:* Subsequent to the above comment, the applicant has removed the construction of the intersection of Road No. 5 and Eastern Valley Way and the proposed traffic island from the proposal. The intersection was approved as part of DA-2004/521 and as such does not require approval as part of this application.

### Environmental Health

The application was referred to Council's Environmental Health division for comment who advised that no objections are raised to the proposed works subject to conditions.

### Waste

The original application was referred to Council's Waste Officer for comment who advised that waste collection vehicles accessing Lot No. 43 to 46 along 'Accessway No. 31' will need to reverse into the accessway from 'Road No. 3' and the driveway to Lot No. 48. The medium-rigid vehicle (MRV) will be fitted with a mechanical grab arm fitted to the left hand side of the vehicle. As such Lots 43-46 will need to present their bins on the eastern side of the accessway (adjacent to the fence line) to enable the truck to lift the bins (the driver of the truck will not alight from the vehicle to move bins). The garden beds at the rear of lots 43 and 44 will need to be reduced in line with the garden bed between lots 45 and 46. This will provide enough space to allow the truck to service the bins.

It is indicated that the accessway is to be a 'Decorative Concrete Driveway', it is important that this surface treatment is constructed to withstand a medium-rigid vehicle with a maximum gross weight of 22 tonnes.

Waste Vehicle Dimensions - The type of waste vehicle that will be servicing this development is 2.5m wide, 3.5m high, between 8-10m long and will have a gross weight of about 22 tonne.

Having consideration for these dimensions and weight, clearance should be provided along all roads and accessway No. 31 for this type of vehicle. 'Accessway No. 53' will not be used by the waste collection vehicles. The road surface should be constructed to withstand this type of vehicle movement.

Noting the above the following further information was required

1. Sweep path tests showing that a MRV can reverse into 'Accessway 31' and exit onto Road No. 5 in a forward direction.
2. Engineers report stating that road surface treatments are designed to accommodate a 22 tonne MRV.

Subsequent to the above comments, amended plans were received which were reviewed by Council's Waste Officer who advised that the amended application, which included modifications to the entrance to accessway 31 to accommodate MRV's, is acceptable subject to the following conditions:

- No waste collection vehicles or any other heavy vehicles shall travel beyond the southern boundary of lot 43 on accessway 31. Signage to this effect shall be erected at this point (**Condition 98**).
- The section of accessway 31 between Road 3 and the southern boundary of lot 43 shall be constructed to sustain heavy vehicle traffic (**Condition 10**).
- As suggested by the applicant, a condition should be included to require the plans to be amended prior to the issue of the CC to reflect the changes proposed in the amended sketch provided titled 'Proposed Drive/Kerb modification' (**Condition 27**).

#### NSW Office of Water

The application was referred to the NSW Office of Water (NOW) for comment who advised that the works require a controlled activity approval under the *Water Management Act 2000*. As such, NOW have provided General Terms of Approval for the works which are to be included on any consent issued. In addition, the following condition has been recommended by NOW which is to be included in the consent:

#### **Recommended condition:**

- (1) The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council. (Condition 11)**

#### Roads and Maritime Services

The original application was referred to the RMS for concurrence in accordance with the requirements of the Road Act 1993 as it proposed the construction of a new access road from Eastern Valley Way, which is a classified state road. Further, the proposal seeks to drain into Roads and Maritime Services land. The RMS reviewed the subject proposal and advised it would grant its concurrence subject to the Council's approval of the development application and the following requirements being complied with:

1. The provision of off-street car parking shall be provided to the satisfaction of Council.
2. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the proposed access driveways to motorists, pedestrians and cyclists.
3. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) are to be in accordance with AS 2890.1- 2004 and AS 2890.2 - 2002.
4. The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site and loading area, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council

for approval, which shows that the proposed development complies with this requirement.

5. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a construction certificate.
6. All work associated with the proposed development is to be at no cost to the RMS.

Subsequent to the above, the applicant advised that no approval associated with the construction of the intersection with Eastern Valley Way is sought in this application. In this regard it is noted that DA-2004/521 gave approval for this intersection and the applicant is relying on that approval. Notwithstanding, it is considered that the above mentioned conditions are appropriate to the current application, with the exception of the swept path test which should have been addressed during the assessment of DA-2004/521, and as such have been recommended as conditions of consent.

### **Matters for Consideration Under S.79C EP&A Act**

**Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A**

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	• State Environmental Planning Policies (SEPP)	✓
	• Regional Environmental Plans (REP)	✓
	• Local Environmental Plans (LEP)	✓
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	• Draft State Environmental Planning Policies (SEPP)	N/A
	• Draft Regional Environmental Plans (REP)	N/A
	• Draft Local Environmental Plans (LEP)	✓
(a)(iii)	Any development control plans	
	• Development control plans (DCPs)	✓
(a)(iv)	Any matters prescribed by the regulations	
	• Clause 92 EP&A Regulation-Demolition	N/A
	• Clause 93 EP&A Regulation-Fire Safety Considerations	N/A
	• Clause 94 EP&A Regulation-Fire Upgrade of Existing Buildings	N/A
(b)	The likely impacts of the development	
	• Context & setting	✓
	• Access, transport & traffic, parking	✓
	• Servicing, loading/unloading	✓
	• Public domain	✓
	• Utilities	✓
	• Heritage	N/A
	• Privacy	✓
	• Views	✓
	• Solar Access	✓
	• Water and draining	✓
	• Soils	✓
	• Air & microclimate	N/A
	• Flora & fauna	✓
	• Waste	✓
	• Energy	✓
	• Noise & vibration	✓
	• Natural hazards	✓
	• Safety, security crime prevention	✓

**Matters for Consideration Under S.79C EP&A Act****Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A**

	• Social impact in the locality	✓
	• Economic impact in the locality	✓
	• Site design and internal design	✓
	• Construction	✓
	• Cumulative impacts	✓
(c)	The suitability of the site for the development	
	• Does the proposal fit in the locality?	✓
	• Are the site attributes conducive to this development?	✓
(d)	Any submissions made in accordance with this Act or the regulations	
	• Public submissions	✓
	• Submissions from public authorities	✓
(e)	The public interest	
	• Federal, State and Local Government interests and Community interests	✓

**Assessment****Permissibility**

The Willoughby Market Gardens Site is subject to special controls contained within Clause 26D of the Willoughby Local Environmental Plan 1995. These controls permit the development of the site having regard to the provisions of the Masterplan. The proposed development is considered to be generally consistent with the Masterplan as modified by the Design Guidelines.

*Zoning*

Significant portions of proposed Lots 31, 75 and 76 are currently zoned Open Space A (Existing Recreation) and as such the dwellings on these lots cannot be approved. Dwellings will be permitted on these lots by Draft Willoughby Local Environmental Plan 2012 but this has not yet been gazetted. A condition is recommended which deletes the dwellings on Lots 31, 74 and 75.

**Recommended Condition:**

- (2) The dwellings and associated works on Lots 31, 74 and 75 are to be deleted from plans. In this regard no approval is given for works on these lots.  
(Condition 3a)**

A portion of the proposed rear yards of Lots 32 to 35 and the front setback areas of Lots 36 to 42 and 47 to 49 are zoned Open Space A (Existing Recreation). Notwithstanding, the proposed residential allotments are located in a position which is consistent with the Masterplan and the conceptual subdivision allotment pattern which was approved as part of DA-2004/521. The portion of the allotments which are zoned Open Space A (Existing Recreation) are not proposed to be built upon with the exception of driveways and landscaping treatments such as stepping stones, garden fences and retaining walls. These treatments are permitted in the Open Space zone which allows roads and works involved in, or ancillary to, landscaping or gardening.

**Subdivision**

The proposed subdivision of Superlot 5, 6, 7, 8 and 9 into 46 lots is generally consistent with the conceptual subdivision pattern approved as part of the Section 96 for DA-2004/521. Modifications to the allotment pattern in the northern sector have been proposed to maximise solar access to rear yards and increase passive surveillance of the public domain. The modifications are considered acceptable as discussed in more detail in the assessment section below.

The creation of 46 lots, each accommodating a single dwelling is consistent with the requirement to develop 80 dwellings over the entire masterplan site. A condition is recommended which ensures that the transfer of the Public Reserve and Roads to Council, as required by the Deed of Covenant, occurs prior to the issue of the subdivision certificates (**Condition 110 and 111**).

### **Affordable Housing**

A minimum of 4% of the total residential gross floor space shall be provided as affordable housing in accordance with the Deed of Covenant applying to the masterplan site, Clause 25B of WLEP 1995 and Part 1.18 of the WDCP. Clause 2.6 of the Deed of Covenant requires the dedication of dwellings within the Masterplan site for affordable housing. The dwellings are to be of an appropriate GFA which is calculated in accordance with the above. Consultation has been undertaken with Council's Economic & Property Development Director and Council's Strategic Planning Division who have advised that a monetary contribution would potentially enable the purchase of a greater number of affordable dwellings than would be provided through the dedication of dwellings on the Willoughby Market Gardens site. As such a condition is recommended requiring a monetary contribution for the purposes of providing affordable housing in accordance with the Willoughby Local Housing Program (**Condition 14**).

### **Adaptable Housing**

In accordance with Part 1.18, one in five dwellings are to be adaptable. In this regard, a total of 15 adaptable dwellings are to be provided on Stages 2, 3 and 4 of the Willoughby Market Gardens Site. 7 adaptable dwellings have already been approved in previous stages leaving an additional 8 adaptable dwellings to be provided in this development application. The proposed dwellings on Lots 31, 40, 41, 62, 63, 64, 75 and 76 have been identified as adaptable dwellings, which is compliant with the provisions of the WDCP.

### **Gross Floor Area**

In accordance with the Masterplan, the total amount of gross floor area permitted on the Willoughby Market Gardens site must not exceed 16,000m<sup>2</sup>. In this regard, as seen in the development statistics provided in Appendix 1 of this report, the amount of GFA proposed on the Willoughby Market Gardens site exceeds the 16,000 m<sup>2</sup> limit by close to 700 m<sup>2</sup>. As discussed below, the bulk and scale of the dwellings proposed on the site are generally considered acceptable with the exception of some dwellings in sensitive locations adjoining the Public Reserve and Eastern Valley Way. Subject to the recommended modifications discussed below the exceedance of the GFA is considered acceptable noting that compliance would be achieved if the GFA of the subfloor areas, which do not contribute to the overall bulk of the buildings, was not included in the calculations.

Notwithstanding the above, generally the subfloor/garage areas are oversized and potentially allow for the provision of additional car parking which is inconsistent with the overall intent of the Masterplan, the Design Guidelines and the Willoughby Development Control Plan. As such a condition is recommended which limits the internal depth of the lower ground floor level to 9.5 metres. (Note: There are inconsistencies between the architectural plans and the drainage plans in the depiction of the rainwater tank dimensions. The architectural plans

overstate the width of the rainwater tanks. In this regard, it is noted that the drainage plans show the use of BlueScope Waterpoint Slimline 3000 litre rainwater tanks which have a width of 710mm as opposed to the 1.8 metres depicted on the architectural. Noting this it is considered that a lower ground floor level of 9.5 metres in depth will suitably accommodate carparking and rainwater tanks, where needed.)

#### **Recommended condition:**

- (3) The internal depth of the lower ground floor level is not to exceed 9.5 metres. Details are to be provided to and approved by Council prior to the making of an application for a Construction Certificate. (Condition 2a)**
- (4) The architectural plans are to accurately depict the dimensions of the rainwater tanks on the lower ground floor levels, consistent of that of the BlueScope Waterpoint Slimline 3000 litre rainwater tanks as shown on the drainage plans. (Condition 3b)**

#### **Lots 31 to 35**

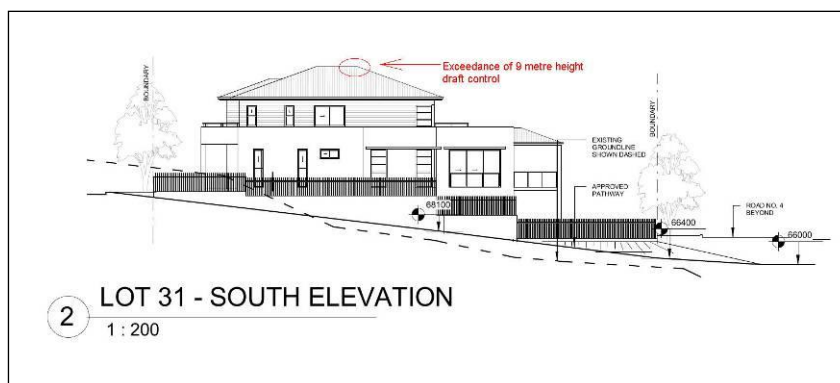
##### *Garaging*

Lots 31 to 35 are accessed from Road No. 2. They all have double garages facing the street which is acceptable having regard to Part 7.2.7 of the Design Guidelines which permits double garages which face internal streets.

##### *Height*

The dwellings on Lots 31 to 35 present as two storeys as viewed from Road No. 2 transitioning to two to three storeys at the rear of the site noting the fall of the land from west to east. The rear of the dwellings adjoins the Public Reserve. In this regard it is noted that the upper levels have been significantly setback from the lower levels so as to give the impression of a 2 storey scale which is consistent with the Design Guidelines.

Lots 32 to 35 comply with the 9 metre height control of the Draft Willoughby Local Environmental Plan 2012. Lot 31 is not compliant. Notwithstanding, the area of non-compliance is setback a distance of approximately 12 metres from the park and the upper level has been recessed 4.9 metres from the wall of the level below giving the impression of 2 storeys as viewed from the public reserve as illustrated below. As viewed from the street, the dwelling will appear as 2 storeys. It is considered that the dwelling on lot 31 achieves the intent of Part 4.2.3 of the Design Guidelines which is to “emphasise the 2 storey scale” and is acceptable.



##### *Bulk and Scale*

The dwellings on Lots 31 to 35 are generally within acceptable limits of the permitted GFA for the site noting that the FSR as averaged across the site is 0.8:1 (Note: An FSR has been derived from the GFA Masterplan control of 16,000m<sup>2</sup> relative to the total residential site area). The dwellings are suitably modulated by the use of recessed elements, fenestration and differing building material to break up the bulk of the dwellings as viewed from Road No. 2 and the Public Reserve.

The southern elevation of the dwelling on Lot 31 is prominently located close to the entrance to the public reserve and park cycleway. It has a limited side setback being only 1 metre which will present unrelieved bulk to the public reserve and cycleway. The original application included a pathway along the southern boundary of Lot 31 which left no ability for landscaping which could help to screen the development. Subsequently, amended plans were received which relocated the pathway to the northern boundary leaving increased opportunity for landscaping on the southern side. Ideally, an increased side setback of the southern elevation of the dwelling on Lot 31 would be desirable however this dwelling has been identified as an adaptable dwelling and the increased side setbacks would make it difficult to achieve a compliant adaptable dwelling design. Given this, a condition is recommended requiring a 1.5 metre wide landscape strip on public land, along the southern boundary of Lot 31, to be provided and planted with native shrubs to a mature height of 3 to 5 metres to help soften the interface between the dwelling and the public reserve.

**Recommended condition:**

- (5) A 1.5 metre wide landscape strip on public land, along the southern boundary of Lot 31, is to be provided and planted with native shrubs which have a mature height of 3 to 5 metres. (Condition 3c)**

*Landscaping*

Lots 32 to 35 are non-compliant with the accepted landscaping requirements for the site. This is partly driven by the provision of pools in the rear yard of each dwelling. Notwithstanding, the non-compliance is minimal, being approximately 3 square metres and is acceptable. Lot 31 is compliant with the landscaping requirements however concern is raised that additional hard surfaces will be added to the site in future noting that no pool surrounds have been provided. However, in the event that pool coping/surrounds were added, the non-compliance is likely to be comparable with Lots 32 to 35 which would be within acceptable limits.

The provision of screen planting of lily pily's along the rear boundaries on Lots 31 to 35 and the inclusion of a small feature tree in each of the rear yards will help to soften the interface between the dwellings and the public reserve.

The inclusion of open palisade rear fencing as indicated on the landscaping plans is consistent with Part 8.2.2 of the Design Guidelines. A condition is recommended to ensure the fencing is erected to a height of 1.2 metres in accordance with the Guidelines.

**Recommended condition:**

- (6) The fences of Lots 31 to 35 which adjoin the public reserve are to be metal palisade to a maximum height of 1.2 metres above finished ground level. (Condition 3d)**

*Solar Access*



In accordance with the Design Guidelines each dwelling is to receive at least 3 hours of sunlight during the winter solstice between the hours of 9am and 3pm to at least 5 square metres of private open space. Compliance with this control is achieved on all dwellings on Lots 31 to 35.

## **Lots 36 - 41**

### *Garaging*

Lots 36 to 40 are accessed from Road No. 4. They all have double garages facing the public reserve which are acceptable in accordance with Part 7.2.7 of the Design Guidelines subject to them being located in a basement or semi-basement form. In accordance with Part 7.2.6 a semi-basement is where the top of the garage door is no more than 1650mm above the footpath level so to minimise the dominance of the double garage doors within the streetscape. In this regard, as shown in the development statistics in appendix 1, the top of the garage doors for Lots 36 to 39 range from between 1.63 to 1.95 metres above footpath level which is non-compliant with the above control. Notwithstanding, the non-compliance is primarily driven by the fall of the land from north to south and occurs towards the southern most points of the individual garages. On average, the top of the garages are generally within an acceptable limit of the 1650mm control and as such will give the impression of being in a semi basement form.

The garage on Lot 40 is clearly a double garage which is set at street level and is not in a basement or semi-basement form. As this allotment faces the public reserve, double garaging is not permitted in accordance with Part 7.2.7 of the Design Guidelines. Notwithstanding, Lot 40 is a unique allotment as it has a frontage of 15.8 metres and as such it is considered that a double garage measuring 4.8m in width will not visually dominate the frontage of the allotment. In this respect, it is considered that the double garage on Lot 40 does not contravene the intent of the control, that being to ensure that garaging does not dominate the streetscape, and is acceptable.

The double garage on Lot 41 is acceptable as the garage does not face the public reserve.

### *Height*

The dwellings on Lots 36 to 39 are considered to be 2 storey dwellings with semi basement garaging which is consistent with Part 4.2.3 of the Design Guidelines. Further, the dwellings are well below the 9 metre height limit as specified in the Draft Willoughby Local Environmental Plan 2012. The dwellings are considered to emphasise a 2 storey scale which is consistent with the intent of Part 4.2.3 of the Design Guidelines.

The dwellings on Lots 40 and 41 are 2 storey structures which is compliant with Part 4.2.3 of the Design Guidelines. Further, the dwellings are compliant with the 9 metre height control of the Draft Willoughby Local Environmental Plan 2012.

### *Bulk and Scale*

The dwellings on Lots 36 to 39 exceed the 0.8:1 FSR applied on the site (Note: An FSR has been derived from the GFA Masterplan control of 16,000m<sup>2</sup> relative to the total residential site area). Notwithstanding, the non-compliance is primarily driven by floor space located in subfloor areas towards the rear of the dwellings and as such does not directly add to the bulk of the dwellings as viewed from the street and public reserve. In this regard it is considered that the dwellings on Lots 36 to 39 are suitably modulated with the use of recessed elements,

fenestration and differing building materials to break up the bulk of the dwellings and are acceptable.

Lots 40 and 41 are compliant with the 0.8:1 FSR applied to the site and the bulk and scale of the dwellings are considered acceptable in the streetscape.

### *Setbacks*

The dwellings on Lots 36 to 39 are compliant with the setback controls of the Design Guidelines and are acceptable.

Non-compliances are noted with the front and rear setback controls on Lot 40 and the rear setback controls of Lot 41.

The dwelling on Lot 40 is non-compliant with the front setback controls noting the protruding juliet balconies of bedroom 4 and the master bedroom at the upper levels which have setbacks of 2.6 metres and 2.9 metres respectively. These balconies are considered to be lightweight structures which add modulation to the streetscape façade and as such are considered acceptable. It is noted that the walls of the dwelling are compliant with the setback controls.

The non-compliances with the rear setback controls on Lots 40 and 41 are noted on both the ground floor and upper floor levels. Notwithstanding, in accordance with Part 3.3.2 of the Design Guidelines, variations to the rear setbacks may be permitted on lots with a depth of less than 20 metres. Lots 40 and 41 have a depth of less than 20 metres. The principle of the rear setback controls as stated in Part 3.3.1 of the Design Guidelines is to provide space in the rear yard for private open space and to provide privacy between lots. In this regard it is considered that there is sufficient space in the rear yard of Lot 40 to meet the principle of private open space noting that the rear yard has dimensions of 3 metres in depth by 15.8 metres in width. Notwithstanding, the location of the rainwater tank and clothes drying area along the western boundary is considered to be poorly positioned as it restricts the ability for landscape screening to help provide privacy to the neighbouring property at No. 54 Mowbray Place. As such a condition is recommended to relocate the rainwater tank to the side setback area between the southern elevation and southern boundary. The nominated rainwater tank is a 3000 litre BlueScope Waterpoint Slimline tank which has a width of 710mm and as such can be accommodated within the side setback area. In addition, the clothes drying area is to be relocated to the southern boundary fence in the rear yard and setback at least 1 metre from the western boundary to ensure the provision of sufficient landscape screening. The proposed crepe myrtle along the southern boundary is to be relocated to the south-western corner on the western boundary. The location of the clothes drying area along the southern boundary is considered to be a more favourable position with respect to solar access having regard to the submitted shadow diagrams. A further condition is recommended requiring landscape screening to a minimum height of 3-5 metres in the location of the proposed rainwater tank and clothes drying area along the western boundary.

While difficult to determine, the rear yard of Lot 41 is identified as the south-western corner of the allotment. It is acknowledged that it is not possible without a substantial redesign and a reduction in the GFA to achieve sufficient private open space in the rear yard as required by the rear setback controls of the Design Guidelines. Notwithstanding, it is considered that sufficient private open space has been provided in the front setback area of this allotment. The front setback area is elevated above street level to a sufficient height to provide a level of privacy for the occupants. With respect to the rear setback principle relating to adequate separation to achieve an acceptable privacy outcome, it is considered that there is limited area in the rear yard to allow for it to be readily used as a place of congregation. The

location of the clothes drying area and water tank along the western boundary limits the ability for landscape screening to provide privacy for the residents of Lot 41 and No. 54 Mowbray Place. As such a condition is recommended requiring the rainwater tank to be relocated to the side setback area between the southern elevation and the southern boundary. There appears to be no other suitable location for the clothes drying area and as such its location is acceptable in this instance.

**Recommended condition:**

- (7) The rainwater tanks proposed on Lots 40 and 41 are to be relocated to the side setback area between the southern elevation and the southern boundary or be located within the building footprint. (Condition 3e)**
- (8) The clothes drying area on Lot 40 is to be relocated to the southern boundary fence in the rear yard and setback at least 1 metre from the western boundary to ensure the provision of sufficient landscape screening for No. 54 Mowbray Place. (Condition 3f)**
- (9) The proposed crepe myrtle along the southern boundary in the rear yard of Lot 40 is to be relocated to the south-western corner on the western boundary. (Condition 3g)**
- (10) Landscape screening to a minimum mature height of 3-5 metres is to be provided in the location of the proposed rainwater tank on Lots 40 and 41 and the proposed clothes drying area on Lot 40 along the western boundaries. (Condition 3h)**

The architectural plans and elevations do not make it clear as to whether there are upper level decks proposed on the western elevations. So as to ensure clarity and protect privacy of No. 54 Mowbray Place a condition is recommended to ensure no upper level balconies are permitted on the western elevations.

**Recommended condition:**

- (11) No upper level balconies are permitted on the western elevations of Lots 40 and 41. (Condition 3r)**

*Landscaping*

Lots 36 to 39 and Lot 41 are compliant with the soft landscaping controls but a non-compliance is noted on Lot 40. Compliance with the soft landscaping controls on Lot 40 could be achieved in the event that the access ramp leading from the driveway to the front entrance was deleted but this is being provided as the dwelling is nominated as an adaptable dwelling. As such, it is considered that the non-compliance with the soft landscaping controls on this lot is acceptable.

*Solar Access*

In accordance with the Design Guidelines each dwelling is to receive at least 3 hours of sunlight during the winter solstice between the hours of 9am and 3pm to at least 5 square metres of private open space. Compliance with this control is achieved on all dwellings on Lots 36 to 41.

Minimal overshadowing will occur at No.54 Mowbray Place which adjoins Lots 40 and 41. This will occur between the hours of 9 and 10:30am during the winter solstice. The

overshadowing of the neighbouring property resulting from the development is considered to be reasonable and acceptable having regard to the solar access controls of the WDCP which seeks to maintain approximately 3 hours of solar access to main living areas and private open spaces between 9am and 3pm during the winter solstice.

### **Lots 42, 47, 48 and 49**

As shown in an excerpt of the compliance table below, Lots 42, 47, 48 and 49 are significantly non-compliant dwellings. The dwellings are prominently located in elevated positions overlooking the Public Reserve. Given the prominent position of these lots and their relationship to the Public Reserve, it is considered that more modest designs are required.

	<b>Proposed</b>	<b>Standard</b>	<b>Compliance</b>
<b>FSR (Clause 26D WLEP)</b> Note: An FSR has been derived from the GFA Masterplan control of 16,000m <sup>2</sup> relative to the total residential site area (20344.3m <sup>2</sup> ) which equates to an FSR of 0.8:1			
Lot 42	1.03:1	0.8:1	<b>No</b>
Lot 47	1.04:1	0.8:1	<b>No</b>
Lot 48	0.87:1	0.8:1	<b>No</b>
Lot 49	1.13:1	0.8:1	<b>No</b>
<b>Landscape Area Exc. Accessway</b> (Part C.9 WDCP- Single dwelling landscape area control - see assessment section below for an explanation)			
Lot 42	56.3	56.9	<b>No</b>
Lot 47	55.6	56.5	<b>No</b>
Lot 48	43.4	47.2	<b>No</b>
Lot 49	51.7	46.8	Yes
<b>Height (storeys)</b> (Clause 26D WLEP/ 4.2.3 Design Guidelines/DWLEP)			
Lot 42	3 storeys - 9.113m	2 storey (Design Guidelines) - 9m (DWLEP)	<b>No</b>
Lot 47	3 storeys - 9.23m	2 storey (Design Guidelines) - 9m (DWLEP)	<b>No</b>
Lot 48	3 storeys - 8.66m	2 storey (Design Guidelines) - 9m (DWLEP)	<b>No</b>
Lot 49	3 storeys - 9.85m	2 storey (Design Guidelines) - 9m (DWLEP)	<b>No</b>
<b>House Front Setback</b> (3.1.2 Design Guidelines)			
Lot 42	2.7m	3m	<b>No</b>
Lot 47	2.7m	3m	<b>No</b>
Lot 48	2.7m	3m	<b>No</b>
Lot 49	2.9m	3m	<b>No</b>
<b>Ground Floor Rear Setback</b> (3.3.2 Design Guidelines)			
Lot 42	1.5m	4m	<b>No</b>
Lot 47	1.5m	4m	<b>No</b>
Lot 48	0.97m	4m	<b>No</b>
Lot 49	0.97m	4m	<b>No</b>
<b>Upper Floor Rear Setback</b> (3.3.2 Design Guidelines)			

	<b>Proposed</b>	<b>Standard</b>	<b>Compliance</b>
Lot 42	1.6m	6m	<b>No</b>
Lot 47	1.6m	6m	<b>No</b>
Lot 48	1m	6m	<b>No</b>
Lot 49	1m	6m	<b>No</b>

*Lots 42, 47, 58 and 49 - Height, bulk and scale*

The original masterplan developed for the site contemplated modest 2 storey duplexes for the lots fronting the public reserve which were to be “set in quiet, landscaped street environments”. The proposed dwellings are a significant departure from the masterplan concept. Further, the dwellings on these lots are considered to be a departure from the Design Guidelines which aimed to provide a “low density urban edge fronting parkland”, to create accommodation which responds to the site context, and to “create a positive relationship between the housing and the natural environment and the public open spaces within the site”.

The Design Guidelines state that dwellings are to be “predominately 2 storeys except where the topography allows for the provision of a basement or semi basement level”, the objective being to emphasise a 2 storey scale. The topography on Lots 42, 47 and 48 does not allow for the provision of basement or a semi-basement level and the dwellings clearly present as 3 storey buildings.

In addition, it is noted that Lots 42, 47 and 49 exceed the 9 metre height control prescribed by the Draft Willoughby Local Environmental Plan 2012. The breach is located at the front portion of the dwelling, being the area most visible from the Public Reserve.

Further, noting the significant FSR proposed for these dwellings, being generally greater than 1:1, the bulk of the buildings are excessive having regard to its relationship with the Public Reserve.

Having regard to the areas of non-compliance and the intents of the masterplan and the Design Guidelines, it is considered that the height and dominance of the dwellings on these lots should be reduced. It is considered that this can be partly achieved by creating a greater setback of the upper level on the southern elevation (facing the public reserve) to firstly respond to the site context and the topography of the land and secondly to emphasise a 2 storey scale.

The eastern elevation of the dwelling on Lot 49 presents a 3 storey hard edge, albeit with a 100mm setback of the upper level, to the public reserve. Further, noting the garaging and driveway below there is no opportunity to screen its bulk using landscaping. Given its sensitive location, its non-compliance with the Design Guidelines and the Draft Willoughby Local Environmental Plan, it is considered that the setback of the eastern upper level building line be increased to help break up the bulk of the dwelling as seen from the public reserve.

**Recommended condition:**

- (12) The southern upper level building line (exclusive of balcony) of lots 42, 47, 48 and 49 are to be setback 2 metres from the building line (exclusive of balcony) of the level below. The eastern upper level building line of Lot 49 is to be setback 1.5 metres from the building line of the level below. (Condition 2b)**

## *Garaging*

The applicant has provided an alternative design for Lot 49 to reduce the height of the dwelling on that lot. The alternative design provides vehicular access to the dwelling from Road No. 3. This results in a lowering of the dwelling by up to 650mm. However, in order to achieve this, public open space in front of No. 49 would need to be dedicated for use as a driveway. This is not considered to be an acceptable outcome as it would reduce the amount of public land and reduce the opportunity for greening and screening the development. Further, it would be contrary to the intent of the Masterplan and Design Guidelines which seek to reduce the dominance of the garaging as viewed from the Public Reserve.

Lots 42, 47 and 48 are accessed from Road No.3 and front the public reserve and as such double garaging is not permitted in accordance with Part 7.2.7 of the Design Guidelines. In this regard the original proposal included double garage doors elevated above street level which would present as dominate features as viewed from the public reserve. Subsequently amended plans were received which reduced the widths of the garage doors to 3.8 metres, being the maximum width of single garage doors as permitted by Part 7.2.5 of the Design Guidelines. The proposed garages are of suitable dimensions to accommodate 2 car parking spaces despite the reduced width of the garage opening. It is considered that the amended plans are acceptable as the reduced width of the garage doors and the associated driveways increases the ability for soft landscape within the front setback area which will help to screen the car parking structures.

### *Lots 42, 47, 48 and 49 – Setbacks*

The rear setbacks of Lots 42, 47, 48 and 49 are non-compliant with the rear setback controls. This is predominately driven by the significant amount of GFA proposed on the lots relative to its site area. Notwithstanding, the non-compliances are not considered to give rise to unreasonable amenity impacts and are acceptable. The rear of these lots adjoin the side setbacks area of Lots 43 and 50, located to the north, and as such the non-compliant rear setbacks are not considered to result in significant over shadowing impacts. Further, Lots 43 and 50 are elevated above Lots 42, 47, 48 and 49 and as such there will be limited opportunity for direct overlooking.

The front setbacks of Lots 42, 47, 48 and 49 are all non-compliant with the setback control of 3 metres. This adds to the appearance of bulk and reduces the ability for front landscaping which is necessary to soften the interface between the public reserve and the dwellings. As such a condition is recommended requiring the front setbacks to be not less than 3 metres from the front boundary.

### **Recommended condition:**

- (13) The front setback of lots 42, 47, 48 and 49 are to be increased to be no less than 3 metres. (Condition 2c)**

### *Retaining Wall and Fencing*

Lots 42, 47, 48 and Lot 49 include significant retaining walls of up to 2 metres along the Road No. 3 and public reserve frontage. Further, as per Part 8.2.1 of the Design Guidelines, front fences are not permitted. In this regard, a condition is recommended to break up the height of the walls and disguise the front fences where they are necessitated by the Building Code of Australia.

### **Recommended condition:**

- (14) Retaining walls on the southern boundaries of Lot 42, 47, 48 and 49 are to be no higher than 1.5 metres in height as measured from natural ground level of the nature strip. Where the retaining walls exceed this height, planter boxes to a height of no greater than 1.5 metres and with a width of 1 metre are to be used to create a stepping effect and break up the bulk of the walls. The planter boxes are to be located within the subject allotments and landscaped with native shrubs with a minimum mature height of 1 metre. (Condition 2d)**
- (15) Front fences can only be used on sites where required by the Building Code of Australia i.e. where the fall is greater than 1 metre. Where required, the fences are to be setback a minimum of 1 metre from the front boundary and the 1 metres setback is to be landscaped with shrubs with a minimum height of 1 metre. (Condition 2e)**
- (16) The retaining wall on boundaries fronting the public reserve and Eastern Valley Way are to be of a natural/unpainted finish e.g. facebrick or sandstone to minimise the likelihood of graffiti attack. (Condition 3i)**

#### *Solar Access*

In accordance with the Design Guidelines each dwelling is to receive at least 3 hours of sunlight during the winter solstice between the hours of 9am and 3pm to at least 5 square metres of private open space. Compliance with this control is achieved on all dwellings with the exception of Lot 48. In this regard, Lot 48 is a particularly constrained site noting dwellings located to the north, east and west. 2 hours of solar access on this site has been achieved which is considered acceptable noting the constraints of the site.

#### **Lots 43-46**

##### *Allotment Pattern and Vehicular Access*

The original masterplan considered a north-south allotment pattern with vehicular access via a Right of Way from Road No. 5 on Superlot 7. The development application proposes to modify the allotment pattern and vehicular access in the northern sector of Superlot 7 whereby the Lots are orientated east-west with vehicular access to the western most allotments (Lots 43-46) being via a private accessway accessed from Road No.3, located between proposed Lots 47 and 48. The modification to the allotment pattern is considered to be positive noting it improves solar access to private open spaces. Further, the reconfiguration of the allotments promotes passive surveillance of the Windsor Road Reserve and better addresses the reserve noting the private open spaces of the dwellings will interface between the reserve and the dwellings.

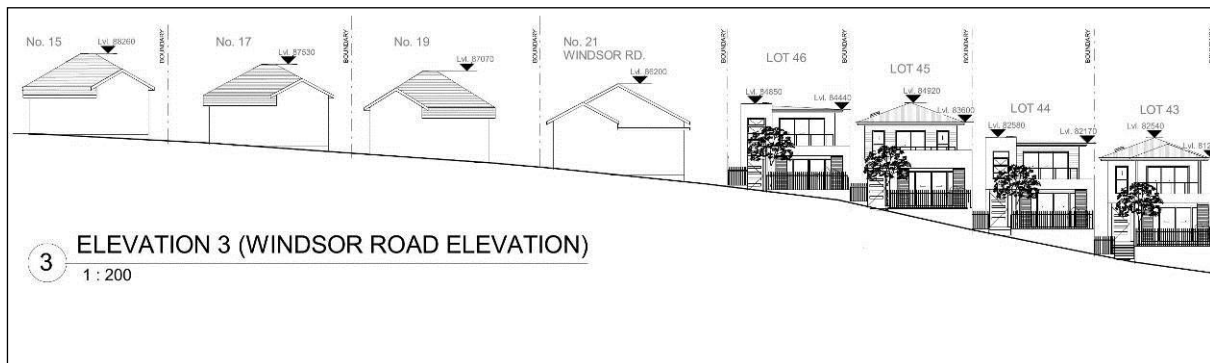
##### *Garaging*

Lots 43 to 46 are accessed via a private accessway and as such the provision of double garaging on these is considered acceptable noting Part 7.2.7 of the Design Guidelines which permits double garages which face internal streets.

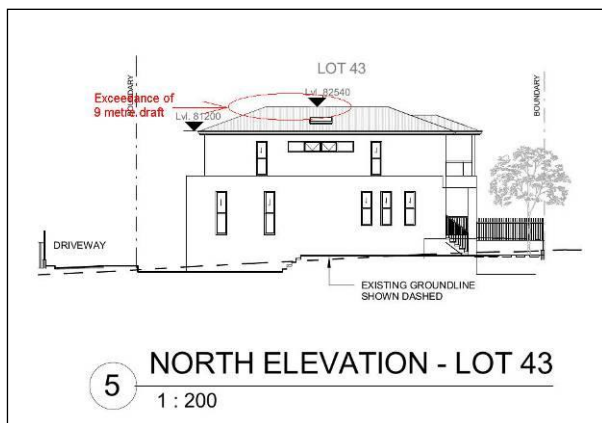
##### *Height*

The dwellings on Lot 43-46 present as 2 storeys as viewed from the Windsor Road Public Reserve. As viewed from the private accessway, the dwellings on these lots will present as 3 storeys noting the fall of the land from west to east and the provision of garaging at the lower level. Having regard to the intent of the Design Guidelines, that being to emphasise a 2 storey scale, the dwellings are considered acceptable noting that from the public domain they are considered to meet this intent. Further, the dwellings are considered to suitably

respond to the fall of the land from north to south and the adjoining dwelling in Windsor Road as shown below.



The dwelling on Lot No. 43 exceeds the 9m height control of the Draft Willoughby Local Environmental Plan 2012 but it is noted that the exceedance occurs in the eastern portion of the dwelling, fronting the private accessway and as such will not be readily visible from the public domain as shown below.



### *Bulk and Scale*

The dwellings on Lots 43 to 46 are generally within acceptable limits of the permitted GFA for the site noting that the FSR as averaged across the site is 0.8:1. The dwellings are suitably modulated by the use of recessed elements, fenestration and differing building material to break up the bulk of the dwellings as viewed from the Windsor Road Public Reserve. The dwellings will appear bulky as viewed from the private accessway however this is of a lesser concern as it will not be readily visible from the public domain.

### *Setbacks*

Lots 43 to 46 are double fronted sites and as such, in accordance to Part 3.4.1 of the Design Guidelines, the setback to the park frontage is to be a minimum of 3 metres. In this regard Lots 43 to 46 achieve compliance with this control. In all instances, the western setbacks of the dwellings from the park exceed 3 metres. It is considered that the western setbacks provide sufficient private open space for each dwelling and provides a transition area between the Windsor Road Public Reserve and the dwellings.

The eastern setbacks (fronting the private accessway) are considered to be acceptable as they provide adequate separation between the dwellings on these lots and the rear yards of the proposed dwellings on Lots 50 to 54 noting setbacks of approximately 7.7 metres. The side setbacks of the dwellings on Lots 43 to 46 are compliant with the controls of Part 3.2 of the Design Guidelines.



### *Landscaping*

The dwellings on Lots 43 to 46 are non-compliant with the soft landscaping controls. Notwithstanding, the non-compliance with the soft landscaping controls on Lot 43 is minor, being 0.2m<sup>2</sup>. Non-compliance with the soft landscaping controls on these lots is primarily driven by the accessway along the eastern boundaries which limits the ability for landscaping. However it is noted that while limited soft landscaping is provided in the accessway, this area will not be readily visible from the public domain. Along the western boundary which fronts the Windsor Road public reserve it is considered that there is an acceptable amount of soft landscaping to provide a transition area between the dwellings and the park land to achieve part of the intent of the landscaping controls, that being to maintain the predominate landscape character of the area. Further, given that the allotments adjoin the proposed Windsor Road reserve they will have adequate access to open space to supplement their rear yards.

A condition is recommended to ensure that the fencing adjoining the reserve is provided in accordance with the Design Guidelines.

#### **Recommended condition:**

- (17) The fences of Lots 43 to 46 which adjoin the public reserve are to be metal palisade to a height of 1.2 metres above finished ground level. (Condition 2d)**

The proposal includes private pathways leading from the western boundaries of the dwellings on Lots 43 to 46 to the central pathway leading through the Windsor Road Public Reserve. These pathways would be located on public land owned by Council. Council's Open Space division have requested that these pathways be deleted. It is considered that the provision of these pathways in effect privatises public land and as such they are unacceptable. The applicant was made aware of Council's concerns and have relocated the central pathway through the public reserve towards its eastern boundary to limit the extent of the private pathways. However, this does not address Council's concerns as it will still isolate public land to the benefit of the private land holder. Council gives no consent for the construction of the private pathways on the Windsor Road public reserve.

#### **Recommended condition:**

- (18) The private pathways of Lots 43 to 46 located within the Windsor Road public reserve are to be deleted. (Condition 3j)**
- (19) The Windsor Road Public Reserve being identified as Superlot 11 on DA-2004/521 is to be developed in accordance with approved landscape plans as part of DA-2004/521. No consent is given to works on the Windsor Road Public Reserve as part of this Development Application. (Condition 130)**

### *Solar Access*

In accordance with the Design Guidelines each dwelling is to receive at least 3 hours of sunlight during the winter solstice between the hours of 9am and 3pm to at least 5 square metres of private open space. Compliance with this control is achieved on all dwellings on Lots 43 to 46.

Negligible overshadowing will occur at 21 Windsor Road which adjoins Lot 46 noting it is located to the north of the development.

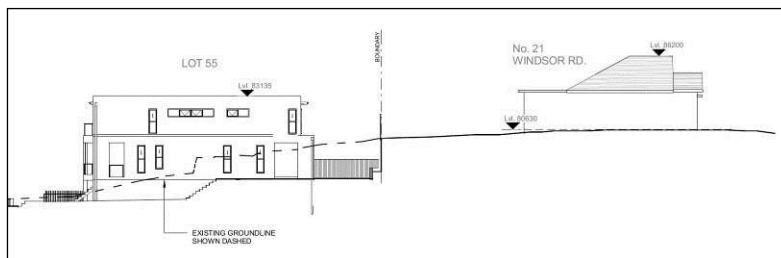
## **Lots 50-58**

### *Garaging*

Lots 50 to 58 are accessed from Road No. 5. They all have double garages facing the street which is acceptable having regard to Part 7.2.7 of the Design Guidelines which permits double garages which face internal streets.

### *Height*

Given the fall of the land from west to east, the rear of the dwellings are 2 storeys, transitioning to 3 storeys towards the front. The dwellings are not considered to be consistent with the intent of the height controls of the Design Guidelines which is to “emphasise the 2 storey scale”. However, it is considered that the dwellings are acceptable noting that the 3 storey elements face internal streets and will not be readily visible from the public domain i.e. public reserve or Eastern Valley Way. The height of the dwellings as viewed from the neighbouring properties at the rear of the site is considered acceptable as it will appear as a 1-2 storeys which is consistent with the Design Guidelines as shown in the example below.



It is noted that the dwellings comply with the 9 metre height control of the Draft Willoughby Local Environmental Control 2012.

### *Bulk and Scale*

With respect to the bulk and scale of the dwellings on the Willoughby Market Garden Site, concern is focused on areas which adjoin the public domain (exclusive of internal roads) and existing residences. As such, lesser concern is placed on the presentation of bulk as viewed from internal streets such as Road No. 5. In this regard, it is noted that the dwellings on Lots 50 to 58 exceed the 0.8:1 FSR applied on the site and they will appear bulky as viewed from Road No. 5. Notwithstanding, the dwellings will appear as 1 to 2 storey dwellings as viewed by the existing neighbouring residence in Windsor Road.

The rear of Lots 56 to 58 directly adjoin the rear of existing residential development on Windsor Road and consideration needs to be given to the bulk and scale implications as viewed from these Windsor Road properties. The non-compliance on Lots 56 to 58 is driven by floor space located in the sub floor area on the lower ground floor and as such does not directly contribute to the bulk of the buildings as viewed for the Windsor Road residences. Noting this, the FSR non-compliances on Lots 56 to 58 is acceptable.

Lots 54 and 55 directly adjoin the rear of No. 21 Windsor Road. Lots 54 and 55 are non-compliant with the FSR controls by 34.8m<sup>2</sup> and 25.5m<sup>2</sup> of which approximately half is located in sub floor areas and as such will not be visible to 21 Windsor Road. Generally the bulk of the dwellings have been located towards the front of the allotments and away from No. 21 Windsor Road. Notwithstanding, the non-compliant rear setback of the upper level of the

dwelling on Lot 54 increases the visual bulk impacts to No. 21 Windsor Road. Subject to ensuring compliance with the rear setback controls, it is considered that the bulk and scale impacts to No. 21 Windsor Road are acceptable.

**Recommended condition:**

- (20) The rear setback of the upper level of the dwelling on Lot 54 should be no less than 6 metres. (Condition 2f)**

*Setbacks*

General compliance with the setback controls of the Design Guidelines is achieved on Lots 50 to 58.

Lot 52 is not compliant with the 3 metres front setback control as a result of a protruding balcony on the ground floor level. The balcony is a light weight structure which helps to break up the bulk of the front façade and given the allotment fronts an internal road, the non-compliance is considered acceptable. Lot 54 is also non-compliant with the front setback control but this is considered acceptable noting that the non-compliance is limited to the southern portion of the site noting the angled frontage which results in the front setback varying from 2.1 metres at its southern most point to 4 metres at its northern most point.

The first floor rear setbacks on Lots 50-53 do not comply with the 6 metres setback control of Part 3.3.2 of the Design Guidelines. Notwithstanding, the rear of these dwellings directly adjoin the accessway servicing Lots 43-46 and as such there are no privacy implications resulting from the reduced setback. Further, the reduced setback of the upper level does not compromise the amount of private open space in the rear yards. As such the dwellings are considered to be consistent with the intent of the rear setback controls, that being to provide adequate private open space and separation for privacy.

Lot 54 is non-compliant with the upper level rear setback control by 500mm towards the north of the site which directly adjoins No. 21 Windsor Road. The non-compliance exacerbates the bulk and scale and privacy implications to No. 21 Windsor Road and as such it is considered reasonable to ensure compliance noting also the non-compliance with the FSR controls on this allotment.

**Recommended condition:**

- (21) The rear setback of the upper level of the dwelling on Lot 54 should be no less than 6 metres. (Condition 2f)**

The architectural plans and elevations do not make it clear as to whether there are upper level decks proposed on the western elevations. So as to ensure clarity and protect privacy of the Windsor Road residents a condition is recommended to ensure that no upper level balconies are permitted on the western elevations.

**Recommended condition:**

- (22) No upper level balconies are permitted on the western elevations of Lots 54 to 58. (Condition 3r)**

*Landscaping*

Lots 50 to 52 and Lot 58 are non-compliant with the soft landscaping controls even when generous concessions are given by including areas with stepping stones. It is considered that there is an unnecessary proliferation of stepping stone pavers in the front setback areas

of these dwellings which limits the ability and/or desire for landscaping to help soften the development. As such a condition is recommended which consolidates the access pathways in the front setback area to increase the extent of landscaping.

**Recommended condition:**

- (23) The stepping stone pavers on Lots 50, 51, 52 and 58 along the northern boundaries between the front entry stairway and the mid-point of the front entry landing are to be deleted and replaced with soft landscaping. This may require the relocation or deletion of the external stairs within the side setback area. Landscaped retained areas can be used, where necessary, in this area to address the level changes as has been proposed on Lots 59 and 60. This condition is to be addressed by amended plans to be approved by Council prior to making an application for a Construction Certificate. (Condition 2g)**

Lots 53-57 are compliant with the soft landscaping controls and are acceptable.

*Solar Access*

In accordance with the Design Guidelines each dwelling is to receive at least 3 hours of sunlight during the winter solstice between the hours of 9am and 3pm to at least 5 square metres of private open space. Compliance with this control is only achieved on Lots 55 and 56. Lots 50-52 and Lot 54 achieves 2.5 hours of solar access, Lots 57 and 58 achieves 2 hours and Lot 53 achieves 1.5 hours. Non-compliance with this control is considered acceptable on balance noting that the rear yards of these lots have been lowered to improve the privacy of the Windsor Road residents.

Minimal overshadowing will occur to the Windsor Road properties which adjoin Lots 54 to 58 noting the elevated level of these properties relative to the development site.

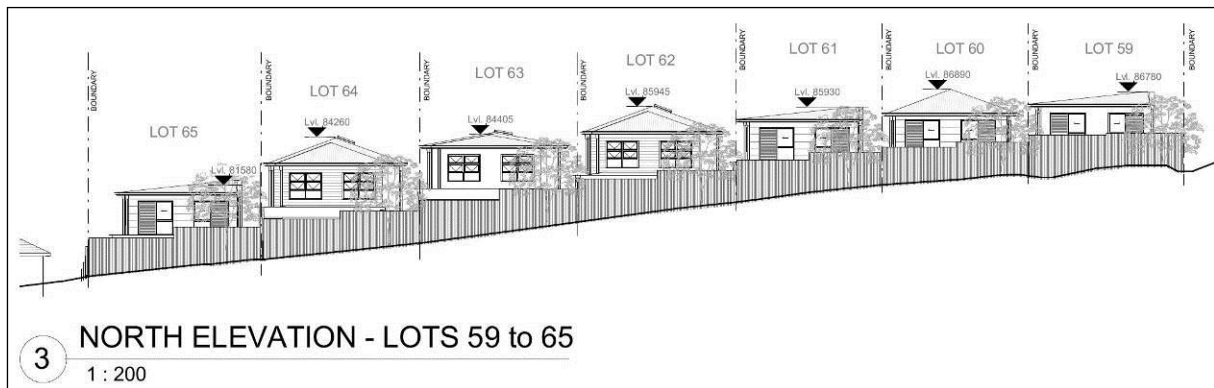
**Lots 59-65**

*Garaging*

Lots 59 to 65 are accessed from Road No. 52 which leads from Road No. 5. They all have double garages facing the street which are acceptable having regard to Part 7.2.7 of the Design Guidelines which permits double garages which face internal streets.

*Height*

Given the fall of the land from north to south, the rear of the dwellings are 2 storeys, transitioning to 3 storeys towards the front (fronting Road No. 5). The dwellings are not considered to be consistent with the intent of the height controls of the Design Guidelines which is to "emphasise the 2 storey scale". However, it is considered that the dwellings are acceptable noting that the 3 storey element fronts an internal street and as such will not be readily visible from the public domain i.e. public reserve or Eastern Valley Way. The height of the dwellings as viewed from the neighbouring properties at the rear of the site (north) is considered acceptable as they will appear as 1 to 2 storey dwellings as shown below which is consistent with the Design Guidelines.



It is noted that the dwellings comply with the 9 metre height control of the Draft Willoughby Local Environmental Plan 2012.

### *Bulk and scale*

With respect to the bulk and scale of the dwellings on the Willoughby Market Garden Site, concern is focused on areas which adjoin the public domain (exclusive of internal roads) and existing residences. As such, lesser concern is placed on the presentation of bulk as viewed from internal roads such as Road No. 5. In this regard, it is noted that the dwellings on Lots 60 to 64 exceed the 0.8:1 FSR applied on the site and they will appear bulky as viewed from Road No. 5. Notwithstanding, the bulk and scale of the dwellings on Lot 60 to 64 is considered reasonable when viewed from the neighbouring dwellings located to the north of the subject lots. It is noted that the non-compliance is primarily driven by the floor space located in sub floor areas which is concealed from view of the neighbouring properties. It is considered that the dwellings on Lot 60 to 64 are suitably modulated by the use of recessed elements, fenestration and differing building materials to break up the bulk of the dwellings as viewed from the rear of the site and are acceptable.

The dwellings on Lots 59 and 65, being sensitive locations noting that they are bounded by existing dwellings on the side and rear boundaries, are compliant with the FSR control and the bulk and scale of these dwellings is considered reasonable as viewed from the neighbouring properties.

### *Setbacks*

General compliance with the setback controls of the Design Guidelines is achieved on Lots 59 to 65.

It is noted that more generous side setbacks have been provided on Lots 59 and 65 to minimise the amenity impacts to the existing neighbouring properties to the west and east respectively.

The architectural plans and elevations do not make it clear as to whether there are upper level decks proposed on the northern elevations. So as to ensure clarity and protect privacy of the Warners Avenue residents a condition is recommended to ensure no upper level balconies are permitted on the northern elevations.

### **Recommended condition:**

- (24) No upper level balconies are permitted on the northern elevations of Lots 59 to 65. (Condition 3r)**

### *Landscaping*

Lots 60 and 61 are non-compliant with the soft landscaping controls, albeit the non-compliance on Lot 61 is minimal, being 1m<sup>2</sup>. The non-compliances are primarily driven by the lack of soft landscaping in the front setback area owing to the vehicular accessway required to serve these allotments and Lot 59. Given this constraint and noting that the front setback areas of these lots will not be prominently visible from Road No. 5, the non-compliance is considered acceptable. It is noted that sufficient private open space and landscaped setback areas are provided at the rear of the dwellings.

Lots 59 and 62 to 65 are compliant with the soft landscaping controls and are acceptable.

### *Solar Access*

In accordance with the Design Guidelines each dwelling is to receive at least 3 hours of sunlight during the winter solstice between the hours of 9am and 3pm to at least 5 square metres of private open space. No dwellings achieve compliance with this control and in this regard, generally no private open space will receive sunlight between the hours of 9am and 3pm during the winter solstice. Notwithstanding, solar access will be received to internal main living areas of all dwellings for a period of at least 3 hours. Non-compliance with the solar access control is considered acceptable on balance noting that the rear yards of these lots have been lowered to improve the privacy of the Warners Avenue residents to the north.

Minimal overshadowing will occur to the Warners Avenue properties which adjoin Lots 59 to 65 noting their location to the north of the site and the elevated level of these properties relative to the development site.

### **Lots 66-74**

#### *Vehicular access and garaging*

The development proposal includes a vehicular accessway (Accessway 53) which loops around the rear eastern boundaries of Lot 66 to 74 from Road No.5. The accessway is a significant departure from the masterplan. Further, the provision of double garaging accessed from the proposed accessway is inconsistent with the Design Guidelines which only permits double garaging on Lots greater than 8 metres in width so to ensure that garaging does not dominate the streetscape. Lots 66 to 73 have widths of less than 8 metres in width and as such double garaging is not permissible. Considering these points the accessway and double garaging on these lots are clearly not consistent with the governing documents for the development on the Willoughby Market Gardens Site. However, consideration has been given to alternate designs which may ensure consistency with the relevant provisions for the site and it is conceded that there are limited options and the proposal may result in the more preferable design outcome.

The creation of the accessway provides an opportunity to maximise the use of the north-western setback areas as the main area of private open space for the dwellings on Lots 66 to 74. This will have improved solar access as compared to the south-eastern setback areas which the Masterplan intended as the primary open space areas. Further, greater amenity will be achieved in the north-western private open space areas with respect to noise noting that the dwellings will provide a buffer against the traffic noise source of Eastern Valley Way. In addition, it is considered that the accessway will result in an improved presentation to Eastern Valley Way noting that the alternative (envisioned by the Masterplan) would involve solid rear fences along the eastern boundaries of the allotments facing Eastern Valley Way which would be visually dominant and prone to vandalism. By providing the accessway the need for solid fencing facing Eastern Valley Way is eliminated. The 5 metre Council nature strip, which is elevated above Eastern Valley Way, will help to screen the accessway, the

dwellings and their associated garaging from Eastern Valley Way subject to suitable and established planting in this area.

**Recommended condition:**

- (25) The eastern boundary of Accessway No. 53 between the dwellings on Lots 66 to 74 and Eastern Valley Way is to be fenced with an open palisade style fencing to a maximum height of 1.2 metres to provide delineation between public and private land and promote safety. (Condition 3k)**
- (26) The applicant is to maintain the planting in the road reserve for a period of 52 weeks following planting.  
Plants are to be maintained in a healthy condition, weeds suppressed and any dead plant material replaced.  
Following the 52 week maintenance period, the applicant is to contact Council's Open Space Section to arrange a site inspection prior to handover to Council. (Condition 136)**

The use of the double garaging, while inconsistent with the Design Guidelines, is considered to be acceptable in this instance noting that an effort has been made to maximise the opportunity for landscape planting between the driveways of each dwelling. The landscaping breaks up the impervious areas and will help to partially screen the developments and their associated garaging from Eastern Valley Way. Notwithstanding, concern is raised by the north-south one way system of Accessway 53 noting that the angle of the driveways for Lot 66-74 lend themselves to a south to north one way system. Consultation with Council's Traffic Engineer has been undertaken with respect to this matter who has advised that the one way accessway should run from south to north to prevent long term impact to the proposed landscaped areas. It was advised that this modification would not result in any additional traffic hazards at the ingress and egress points.

**Recommended conditions:**

- (27) Accessway No. 53 is to be a one way system running south to north with the ingress point being between Lots 74 and Lot 75 and egress being adjacent to Lot 66. (Condition 3l)**

In addition, it is considered that visual dominance of the garaging has been reduced by partially concealing them in a semi-basement area and using recessed garage doors. While not technically compliant, the double garages are located in a semi-basement form. The top of the garage doors range from between 1.4m to 1.9 metres above footpath level. In accordance with Part 7.2.6 of the Design Guidelines, a semi basement level is where the top of the garage door is no more than 1.65m above footpath level. The exceedance of the 1.65 metres height control is primarily driven by the cross fall of the land from north to south. If averaged, the height of the garages would be generally compliant with the 1.65 metre control.

*Height*

The dwellings on Lots 66 to 74 will present as 2 storeys with a semi-basement level (as discussed above) as viewed from Eastern Valley Way. Given the fall of the land from west to east, the western portion of the dwellings on Lots 66 to 74 are 2 storeys, transitioning to 2 storey plus a semi- basement level towards the east. This is considered to be generally consistent with Part 4.2.3 of the Design Guidelines which permits 2 storeys plus a semi basement level.

Lots 67, 68 and 69 are non-compliant with the 9 metres height control of the Draft Willoughby Local Environmental Plan 2012. The non-compliances occur towards the middle of the site and as such are recessed from the Road No. 5 and Eastern Valley Way frontages. The non-compliance is considered acceptable in this instance noting that the Road No. 5 is not a sensitive location and the non-compliance will be setback a minimum distance of 22 metres from Eastern Valley Way and will be barely discernable.

#### *Bulk and scale*

With respect to the bulk and scale of the dwellings on the Willoughby Market Garden Site, concern is focused on areas which adjoin the public domain (exclusive of internal roads) and existing residences. In this regard, it is noted that the dwellings on Lots 67 to 73 exceed the 0.8:1 FSR applied on the site and they will appear bulky as viewed from Eastern Valley Way. Even when discounting the floor space in the lower ground level, the FSR is exceeded by between 5 to 18 square metres on Lots 67-70 and Lot 73. The additional bulk of the building on Lots 67 to 70 is presented as a protruding element on the upper floor level which overhangs the wall of the level below by 1 metre. In this regard, a condition is recommended which increases the setback of the upper level eastern walls of bedroom 3 on lots 67 to 70 by 1 metre. This modification can readily be accommodated without significant change to the upper level floor plan and will still result in modulated elements to help break up the bulk of the dwellings.

#### **Recommended condition:**

- (28) The setback of the eastern-most wall (shown as the wall of bedroom 3 on approved architectural plans) on the upper levels of the dwellings on Lots 67 to 70 is to be increased by 1 metres so that it aligns with the eastern wall of the ground level below. (Condition 2h)**

The non-compliance with the FSR controls for Lot 73 is considered acceptable in this instance noting that it is one of the smallest allotments in the group of terraces (given a reduced allotment length) however the bulk and scale of the dwellings is considered to present uniformly in the group, subject to the above modification to Lots 67 -70 described above, and as such it will not appear out of character as presented to Eastern Valley Way.

#### *Setbacks*

General compliance with the setback controls of the Design Guidelines is achieved on Lots 59 to 65.

The front setbacks of Lots 69, 70, 73 and 74 are non-compliant for a portion of the southern part of the allotments however if averaged the front setbacks would be generally compliant.

#### *Landscaping*

Lots 72 and 73 are non-compliant with the soft landscaping controls. Notwithstanding, the non-compliance is minimal being 0.3m<sup>2</sup> and 3m<sup>2</sup> respectively which is considered acceptable.

#### *Solar Access*

In accordance with the Design Guidelines each dwelling is to receive at least 3 hours of sunlight during the winter solstice between the hours of 9am and 3pm to at least 5 square metres of private open space. Compliance with this control is achieved on all dwellings on Lots 66 to 74.



## **Lots 75 and 76**

### *Garaging*

Lots 75 to 76 are accessed from Accessway 53. They have double garages facing the accessway which is acceptable having regard to Part 7.2.7 of the Design Guidelines which permits double garages which face internal streets.

### *Height*

Lots 75 and 76 comprise 2 storey dwellings. Notwithstanding, the dwellings are elevated above natural ground level and have a height of close to 9 metres giving them the impression of being closer to 3 storeys in height. However, the elevated nature of the dwellings is primarily driven by the fact that they have been nominated as adaptable dwellings with level access from the garage to the main living areas and a potential bedroom. Noting this, the height of the dwellings is acceptable in this instance.

### *Bulk and scale*

The dwellings on Lots 75 and 76 comply with the FSR applied to the Willoughby Market Garden site. The bulk and scale of the dwellings are considered acceptable.

### *Setbacks*

The side setbacks of Lot 76 as proposed in the original development application were not compliant with the corner allotment setback controls. The upper level was setback 870mm from the side boundary, and the ground floor level was setback 900mm. Part D.2.3 of the WDCP requires a 3 metres setback from the secondary street frontage however allows the ground floor level to encroach within the prescribed 3m side setback for a total length of no more than 6m or 2/3rds of the external wall. The entire ground floor and first floor level encroached into the 3 metre setback control. Given its prominent position, it was requested that the side setbacks from the eastern boundary be increased, particularly towards the front of the dwelling. Subsequently, amended plans were received which increased the upper level eastern setback by approximately 1 metre and provided a 1.5 metre setback at the ground floor level in the southern portion of the site. While the dwelling remains non-compliant, the setback is considered sufficient to accommodate suitable landscaping which will help to screen the development.

Lots 75 and 76 are non-compliant with the front setback controls. Notwithstanding, the non-compliance on Lot 75 is minimal being 0.1m and exists in only a small portion of the southern elevation on the eastern side of the dwelling. The non-compliance on Lot 76 is caused by the irregular, angled frontage which results in the front setback varying from between 2 and 3.5 metres. The setback is considered sufficient enough to accommodate landscaping to help screen the development and is acceptable in this instance noting also that the dwelling has been identified as adaptable and therefore requires a larger footprint.

The rear setbacks of Lots 75 and 76 are generally acceptable. It is noted that the garaging on the ground floor level encroaches into the 3 metre setback area however this is to achieve level access from the garage to the main living areas and potential bedroom for the purposes of adaptability. The upper levels and pergolas comply with the rear setback controls and it is considered that the proposal achieves the intent of those controls, that being to provide space in the rear yard for private open space and separation for privacy.

## *Landscaping*

The landscaping on Lot 76 is non-compliant with the soft landscaping controls. Lot 75 is only compliant with the soft landscaping controls with generous concessions being granted for areas with stepping stones. In this regard, it is considered that there is an unnecessary proliferation of stepping stones which reduces the potential for significant landscaping to help soften the development. The use of the stepping stones in the front setback area and side setback area of Lot 75 is considered unnecessary. The use of stepping stones and the location of the clothes drying area within the eastern side setback area of Lot 76 is considered unacceptable noting the sensitivity of this site, at the entrance to Willoughby Market Garden and adjoining Eastern Valley Way.

### **Recommended condition:**

- (29) The stepping stones in the front setback area of Lot 75 are to be deleted except as needed to provide access from the front gate to the front entrance portico. The stepping stones in the front setback (except as needed to provide access from the front gate to the front entrance portico) and eastern side setback area (from front to rear) of Lot 76 are to be deleted. Landscaping in the eastern side setback area is to be native shrubs to a minimum mature height of 3 to 5 metres. (Condition 3m)**
- (30) The clothes drying area on Lot 76 is to be moved from the eastern side setback to the rear yard. (Condition 3n)**
- (31) Landscape Plan LP07E is to be amended to be appropriately scaled at 1:100. Further, the dwelling as indicated on Lot 76 is to be amended to reflect the building footprint as shown in the architectural drawings. (Condition 3o)**

The use of “groundcovers” on the landscape plans is noted on all sites throughout the proposed development.. In this regard, a condition is recommended which clarifies that this is to be a vegetated ground cover and not mulch.

### **Recommended condition:**

- (32) The landscape plans are to be amended to include a notation which states that the “groundcovers” are to be vegetated groundcovers and are not to be mulch areas. (Condition 3p)**

## *Retaining Wall and Fencing*

Lots 75 and 76 include significant retaining walls of up to 2 metres along the Road No. 5 frontage. Further, as per Part 8.2.1 of the Design Guidelines, front fences are not permitted. In this regard, a condition is recommended to break up the height of the walls and disguise the front fences where they are necessitated by the Building Code of Australia.

### **Recommended condition:**

- (33) Retaining walls on the southern boundaries of Lot 75 and 76 are to be no higher than 1.5 metres in height as measured from natural ground level of the nature strip. Where the retaining walls exceed this height, planter boxes to a height of no greater than 1.5 metres and with a width of 1 metre are to be used to create a stepping effect and break up the bulk of the walls. The planter boxes are to be located within the subject allotments and landscaped with native shrubs with a minimum mature height of 1 metre. (Condition 2d)**

- (34) Front fences can only be used on sites where required by the Building Code of Australia i.e. where the fall is greater than 1 metres. Where required, the fences are to be setback a minimum of 1 metre from the front boundary and the 1 metre setback is to be landscaped with shrubs with a minimum height of 1 metre. (Condition 2e)
- (35) The retaining wall on boundaries facing the public reserves and Eastern Valley Way are to be of a natural/unpainted finish e.g. facebrick or sandstone to minimise the likelihood of graffiti attack. (Condition 3i)

### Solar Access

In accordance with the Design Guidelines each dwelling is to receive at least 3 hours of sunlight during the winter solstice between the hours of 9am and 3pm to at least 5 square metres of private open space. Compliance with this control is achieved on Lots 75 and 76.

### Neighbour Notification Issues:

The application was notified for a period of 21 days in accordance with Part B.9 of the Willoughby Development Control Plan (WDCP). 3 submissions were received which are summarised and addressed below:

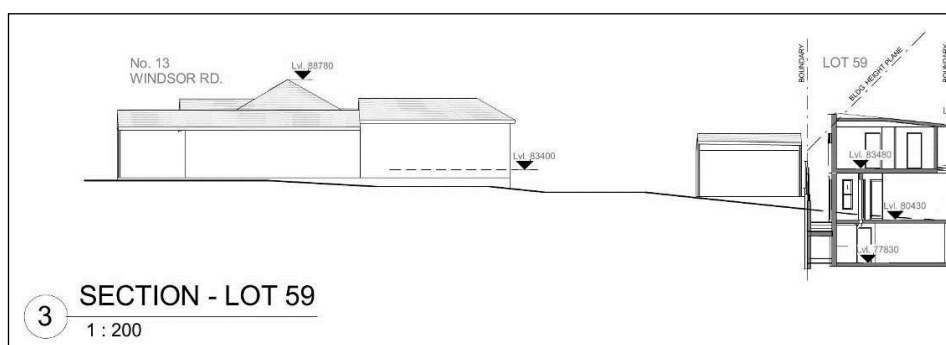
#### **13 Windsor Road**

- Ground level has been artificially raised. The existing ground level shown in drawing number C207A is not a true reflection of the actual ground level that existed prior to the dumping of dirt/soil.

*Comment:* The survey plan submitted with the proposal was prepared in 2010 which preceded the earth works which are occurring in the northern sector of the site. The levels shown on the section plan C207A and C207B correlate with those shown on the survey plan. As such the levels are considered to be a reflection of the ground level in 2010 which was before any of the recent earth works in this area.

- Proposal will impact on privacy noting the location of Lot 59 close to the boundary fence. The dwelling on this lot will look directly into adjoining garden.

*Comment:* The level of the ground floor terrace is RL 80.430 on Lot 59 and the lawn area is RL80.330. According to the survey plan provided with the application, the level of the rear garden of No. 13 Windsor Road ranges from between RL 81.5 and RL 82.5 and as such will be elevated above the rear yard of the proposed development on Lot 59. Noting this, the overlooking ability from the terrace and rear yard of Lot 59 will be limited as illustrated in the section below which shows the relationship between the two dwellings.



The first floor level of Lot 59 is elevated above the rear yard of No. 13 Windsor Road but the fenestration of the western elevation is minimal and is not considered to present significant privacy concerns. The bathroom and stairway windows are highlight windows with a sill height of 1.5 metres above finished floor level. The bedroom windows on the western elevation are limited in width, being 610mm and as such do not present significant privacy concerns noting also that they do not serve main living areas. Further, only the windows serving bedroom 4/study directly adjoins No. 13, the remaining window adjoins No. 15 Windsor Road. Noting the above it is considered that the proposal is acceptable having regard to the privacy impacts to No.13 Windsor Road.

- Concerned that given the size of the dwellings that the infrastructure will not be able to cope with the increased population.

*Comment:* The proposal is generally consistent with the Masterplan in that it will result in a total of 80 dwellings on the masterplan site and the total gross floor area of the residential dwellings is acceptable having regard to the 16000 square metres envisioned by the masterplan. Given the masterplan required detailed consideration of the impact to infrastructure, the proposal is considered acceptable.

### **54 Mowbray Place**

- The front setback of Lot 41 is out of character with Mowbray Place.

*Comment:* The front setback of 3 metres is consistent with the setback requirements of the Design Guidelines. While it is noted that this is out of character with the front setbacks of Mowbray Place which are around 5 to 6 metres, it is acknowledged that the controls relating to the Masterplan site are considerably different to the dwellings on Mowbray Place which have a reduced FSR and greater setback requirements. It is considered that the front setback of Lot 41 is acceptable noting also that landscaping and the retention of the mature gum on the nature strip adjoining the north-western corner of the site will help to screen the development in the streetscape.

- Lots 40 and 41 have westerly facing windows on the upper level which will overlook No. 54 Mowbray Place, impacting on privacy. Requests reducing the amount of westerly facing windows and/or those windows to be obscure glazing.

*Comment:* A condition is recommended requiring the use of opaque glazing for the windows on the western elevations of the upper level of the dwellings on Lots 40 and 41 to a height of at least 1.5 metres above finished floor level (**Condition 3q**)

- Concerned by the height and bulk of the proposed rainwater tanks of Lots 40 and 41. Requests that the plinth of the tanks be lowered by at least 1 metres.

*Comment:* A condition is recommended requiring the rainwater tanks to be relocated to the southern side setback area between the southern elevation and southern boundary (**Condition e**).

### **61 Mowbray Place**

- The proposed garage of Lot 41 will take away two on-street car parking spaces from Mowbray Place residents. The property should have access from Road No. 4 consistent with the development so as not to impact on the Mowbray Place residents.

*Comment:* Mowbray Place does not currently extend to the frontage of proposed Lot 41 and as such there will be no loss of onstreet parking. Further, under the NSW Road Rules a vehicle cannot park within 10 metres of the intersection of the kerb line. As such there would be insufficient room in front of Lot 41, regardless of the proposed driveway, to accommodate an additional onstreet car parking space.

- The removal of the garden bed that separates Road No. 3 and 5 and the placement of a bollard is unacceptable separation of these roads as it will create a rat run for motorcyclists and a future opportunity to remove the bollards so that full vehicular access can be provided from Mowbray Place to Eastern Valley Way and vice versa.

*Comment:* Subsequent to the above, the plans have been amended to reinstate the public open space at the front of Lot 49, which is consistent with DA-2004/521.

- The modification to the allotment pattern so that 4 additional lots will be accessed (vehicular) from Mowbray Place will impact on traffic and parking in the street.

*Comment:* A traffic report was provided with the development application which concluded that the additional 4 dwellings accessing Mowbray Place will be statistically insignificant and will not have any unacceptable traffic implications in terms of road network capacity. The report and application was reviewed by Council's Traffic Engineers who advised that no objection is raised to the change in vehicle access arrangements. Council's Traffic Engineer advised that the proposed arrangement is considered preferable given the presence of traffic signals at the Mowbray Place/Alpha Road intersection which facilitates both left and right turn ingress and egress.

- The modification to the allotment pattern results in 4 dwellings which will overlook the side of No. 61 Mowbray Place when previously there would have only been 2. This impacts on privacy but also has bulk and scale implications.

*Comment:* Lots 43 and 46 have been reconfigured to face the Windsor Road Public Reserve. The allotments are separated from No. 61 Mowbray Place by approximately 20 metres which is considered acceptable for visual separation between properties. Further, the proposed vegetation within the parkland will help screen direct views to No. 61 Mowbray Place.

The reconfiguration of the allotments are such that it has resulted in increased setbacks from the boundary shared with the public reserve than what could have been envisaged by the previous scheme noting that the previous scheme could have resulted in side setbacks of only 900mm. Further, the proposed scheme results in greater articulation of the western elevations of Lots 43 to 46 (facing the Reserve) than side setback elevations which are more difficult to modulate and disguise bulk. The western elevations include the use of balconies and varied setbacks to break up the bulk of the building. As such it is considered that the reconfiguration of the allotments results in a reduced visual bulk impact than what could have potentially been proposed under the previously approved conceptual subdivision plan.

- The private footpaths leading onto the central pedestrian link through the public reserve will create more private property, effectively halving the public reserve.

*Comment:* Agreed. A condition is recommended requiring the deletion of the private pathways from Lots 43 to 46 which connect to the central pedestrian link through the public reserve (**Condition 3j**).

- A new landscape plan should be submitted for the public reserve given the outlooks has be changed by the modifications to the allotment patterns and the placement of the substation.

*Comment:* The landscape plan for the Windsor Road public reserve was approved as part of DA-2004/521. While the configuration of the allotments adjoining the reserve has changed it is considered that the approved landscape plan is still acceptable. The reconfiguration of the allotments promotes passive surveillance of the public reserve.

## **CONCLUSION**

The proposed development is considered to be generally acceptable having regard to Section 79C of the Environmental Planning and Assessment Act 1979, Willoughby Market Gardens Masterplan and associated Design Guidelines, Willoughby Local Environmental Plan 1995, Willoughby Development Control Plan and Draft Willoughby Local Environmental Plan 2012.

The assessment notes significant departures from the Masterplan with respect to the allotment layouts and road design in the northern sector of the site such as the inclusions of Accessway No. 31 and 53. However, the modifications are considered to result in a better design outcome for the site as they seek to maximise solar access to private open spaces and minimise noise impacts from Eastern Valley Way, improve the passive surveillance of the Windsor Road Public Reserve and create a softer interface with Eastern Valley Way.

The proposal results in an exceedance of the 16,000 square metres of gross floor area allowed by the Masterplan. Notwithstanding, generally the bulk and scale of the dwellings are acceptable in the site context and the amenity impacts to existing neighbouring residential areas have been minimised. However, the height, bulk and scale of the dwellings located in prominent areas fronting the public reserve and Eastern Valley Way are considered excessive and inconsistent with the Masterplan and Design Guidelines. The Masterplan and Design Guidelines promote 2 storey dwellings which “create a positive relationship between the housing and the natural environment and the public open spaces within the site”. As such, conditions have been recommended to reduce the height, bulk and scale of those dwellings in sensitive locations to ensure consistency with the intent of the Masterplan and Design Guidelines.

No approval can be given for the dwellings on proposed Lots 31, 75 and 76 noting they are not currently zoned for residential development. The applicant will need to reapply for approval of the dwellings on these lots when the zoning boundaries are modified in accordance with the Draft Willoughby Local Environmental Plan 2012.

## **OFFICER’S RECOMMENDATION**

**That the application be approved and delegated authority be granted to the General Manager to issue the consent notice subject to the attached Conditions of Consent.**

## SCHEDULE

**Conditions of Consent:** (including reasons for such conditions)

### CONSENT IDENTIFICATION

**The following condition provides information on what forms part of the Consent.**

#### 1. Approved Plan/Details

The development must be in accordance with the following plans:

Type	Plan No.	Revision / Issue No	Plan Date (as Amended)	Date Stamped by Council	Prepared by
Architectural	B100	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	B101	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	B102	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	B103	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	B104	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	B200	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	B201	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	B202	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	B203	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	B400	A	13.08.2012	24.08.20120	Giles Tribe Architects
Architectural	B401	A	13.08.2012	24.08.20120	Giles Tribe Architects
Architectural	B402	A	13.08.2012	24.08.20120	Giles Tribe Architects
Architectural	B403	A	13.08.2012	24.08.20120	Giles Tribe Architects
Architectural	B404	A	13.08.2012	24.08.20120	Giles Tribe Architects
Architectural	B500	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	B501	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	B502	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	B503	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	B504	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	B505	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	B506	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	B507	A	13.08.2012	22.08.2012	Giles Tribe Architects

Architectural	B508	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	B509	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	B510	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C100	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C101	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C102	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C103	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C104	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C105	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C106	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C107	A	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C200	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C201	A	13.08.2012	24.08.2012	Giles Tribe Architects
Architectural	C202	A	13.08.2012	24.08.2012	Giles Tribe Architects
Architectural	C203	A	13.08.2012	24.08.2012	Giles Tribe Architects
Architectural	C204	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C205	A	13.08.2012	24.08.2012	Giles Tribe Architects
Architectural	C206	A	13.08.2012	24.08.2012	Giles Tribe Architects
Architectural	C207	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C201	A	13.08.2012	24.08.2012	Giles Tribe Architects
Architectural	C400	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C401	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C402	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C500	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C501	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C502	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C503	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C504	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C505	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C506	B	30.10.2012	01.11.2012	Giles Tribe Architects
Architectural	C507	A	13.08.2012	22.08.2012	Giles Tribe Architects



Architectural	C508	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C509	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C510	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C511	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C512	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C513	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C514	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C515	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C516	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C517	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C518	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C519	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C520	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C521	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C522	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C523	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C524	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C525	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C526	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C527	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C528	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C529	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C530	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C531	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C532	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C533	A	13.08.2012	22.08.2012	Giles Tribe Architects
Architectural	C543	B	30.10.2012	01.11.2012	Giles Tribe Architects
Landscape	LP01	E	29.10.2012	01.11.2012	Spirit Level
Landscape	LP02	E	29.10.2012	01.11.2012	Spirit Level
Landscape	LP03	D	26.10.2012	01.11.2012	Spirit Level
Landscape	LP04	E	09.11.2012	09.11.2012	Spirit Level

Landscape	LP05	D	09.11.2012	09.11.2012	Spirit Level
Landscape	LP06	D	09.11.2012	09.11.2012	Spirit Level
Landscape	LP07	E	09.11.2012	09.11.2012	Spirit Level
Landscape	LP08	D	09.11.2012	09.11.2012	Spirit Level
Landscape	LP09	D	09.11.2012	09.11.2012	Spirit Level
Landscape	LP10	E	09.11.2012	09.11.2012	Spirit Level
Landscape	LP11	A	25.05.2012	01.11.2012	Spirit Level
Subdivision	6003/65B	-	14.08.2012	22.08.2012	YSCO Geomatics
Stormwater	6003/66C – Sheet 1	-	08.11.2012	09.11.2012	YSCO Geomatics
Stormwater	6003/66C – Sheet 2	-	08.11.2012	09.11.2012	YSCO Geomatics
Stormwater	6003/66C – Sheet 3	-	08.11.2012	09.11.2012	YSCO Geomatics
Stormwater	6003/66C – Sheet 4	-	08.11.2012	09.11.2012	YSCO Geomatics
Stormwater	6003/66C – Sheet 5	-	08.11.2012	09.11.2012	YSCO Geomatics
Stormwater	6003/66C – Sheet 6	-	08.11.2012	09.11.2012	YSCO Geomatics
Road	6003/67B – Sheet 1	-	14.08.2012	22.08.2012	YSCO Geomatics
Road	6003/67B – Sheet 2	-	14.08.2012	22.08.2012	YSCO Geomatics
Road	6003/67B – Sheet 3	-	14.08.2012	22.08.2012	YSCO Geomatics
Stormwater	6003/68 – Sheet 1	-	July 2012	22.08.2012	YSCO Geomatics
Stormwater	6003/68 – Sheet 2	-	July 2012	22.08.2012	YSCO Geomatics
Stormwater	6003/68 – Sheet 3	-	July 2012	22.08.2012	YSCO Geomatics
Stormwater	6003/68 – Sheet 4	-	July 2012	22.08.2012	YSCO Geomatics
Subdivision	6003/69	-	09.07.2012	22.08.2012	YSCO Geomatics

the application form and any other supporting documentation submitted as part of the application, except for:

- a) any modifications which are "Exempt Development" as defined under S76(2) of the Environmental Planning and Assessment Act 1979.
- b) any modifications which are 'Exempt Development' in Willoughby Development Control Plan Part B.2, or as may be necessary for the purpose of compliance with the Building Code of Australia and any Australian Standards incorporated in the Code:
- c) otherwise provided by the conditions of this consent.  
(Reason: Information and ensure compliance)

## **PRIOR TO MAKING AN APPLICATION FOR A CONSTRUCTION CERTIFICATE**

**The following conditions are to be complied with before any Construction Certificate Application is made to the Certifying Authority.**

### **2. Submit the Following Information to Willoughby City Council**

Prior to the lodgement of an application for a construction certificate, the applicant shall submit plans and specifications satisfying the following requirements to Willoughby City Council for approval. A letter confirming the documentation is approved by Willoughby City Council, shall then be submitted to the certifying authority for the application of a construction certificate which incorporates the changes outlined below.

The following issues shall be submitted to Council for approval:

- a) The internal depth of the lower ground floor level of all dwellings is not to exceed 9.5 metres. Plans detailing these amendments are to be submitted to Council for approval.
- b) The southern upper level building line (exclusive of balcony) of lots 42, 47, 48 and 49 are to be setback 2 metres from the building line (exclusive of balcony) of the level below. The eastern upper level building line of Lot 49 is to be setback 1.5 metres from the building line of the level below.
- c) The front setback of lots 42, 47, 48 and 49 are to be increased to be no less than 3 metres as measured from the front boundary to the front building facade.
- d) Retaining walls on the southern boundaries of Lot 42, 47, 48, 49, 75 and 76 are to be no higher than 1.5 metres in height as measured from natural ground level of the nature strip. Where the retaining walls exceed this height, planter boxes to a height of no greater than 1.5 metres and with a width of 1 metre are to be used to create a stepping effect and break up the bulk of the walls. The planter boxes are to be located within the subject allotments and landscaped with native shrubs with a minimum mature height of 1 metre.
- e) Front fences can only be used on sites where required by the Building Code of Australia i.e. where the fall is greater than 1 metre. Where required, the fences are to be setback a minimum of 1 metre from the front boundary and the 1

metre setback is to be landscaped with shrubs with a minimum height of 1 metre. Plans are to be modified to address the above.

- f) The rear setback of the upper level of the dwelling on Lot 54 should be no less than 6 metres.
- g) The stepping stone pavers on Lots 50, 51, 52 and 58 along the northern boundaries between the front entry stairway and the mid-point of the front entry landing are to be deleted and replaced with soft landscaping. This may require the relocation or deletion of the external stairs within the side setback area. Landscaped retained areas can be used, where necessary, in this area to address the level changes as has been proposed on Lots 59 and 60.
- h) The setback of the eastern-most wall (shown as the wall of bedroom 3 on approved architectural plans) on the upper levels of the dwellings on Lots 67 to 70 is to be increased by 1 metre so that it aligns with the eastern wall of the ground level below.
- i) Detailed design with supporting calculations, prepared by a Chartered Civil Engineer, showing the method of disposal of all sub-surface and surface water from the proposed Road No.5 shall be submitted. The proposed size, location, extent and gradients of all drainage components, stormwater pipes size, kerb inlet pits, overland flow paths and discharge points shall be shown on the plans. Note that Council will not support the proposed bio-retention areas in the Council's reserve.
- j) The underground drainage system for the proposed Road No.5 shall be designed to cater for all storm events up to and including 1 in 20yr ARI with an overland flow path to convey for storm events up to 1 in 100yr ARI.
- k) The underground drainage system for the proposed Road No.52 shall be designed to cater for all storm events up to and including 1 in 20yr ARI with an overland flow path to convey for storm events up to 1 in 100yr ARI.
- l) Detailed analysis with supporting calculations shall be submitted demonstrating that the existing stormwater system fronting proposed Lot 68 has sufficient capacity to convey the additional runoff from the proposed Road No.52 and all private interallotment drainage easements at the rear between proposed Lot 61 and 65.
- m) Supporting calculations showing the method of disposal of all surface water from the proposed Road No. 5 shall be submitted to Council demonstrating that the proposed bio retention areas do not exceed the capacities and depth of the WSUD areas as approved on the landscape concept plan LC02/03 and LC03/03, alternative disposable methods are to be designed which ensures that any additional surface water from Road No. 5, beyond the capacity of the bio-retention areas shown on Drainage Plan 6003/66C, Sheet 1 of 6, is not disposed of into the public reserve. In the event that another approved WSUD area within the public reserve has sufficient capacity to support any additional run-off, these may be used.
- n) All proposed interallotment drainage pipelines shall be designed so that it has adequate capacity to carry the uncontrolled runoff (up to 1 in 100yr ARI) from each proposed allotment. Full supporting calculations and design documentation shall be submitted.

- o) The proposed bio-retention areas BR1 to BR7 in Council nature strip are not supported due to the ongoing maintenance reasons which will become Council's responsibility. The stormwater runoff from the proposed Lot 49 to Lot 58 shall either be discharged to the proposed underground drainage system on Road No.5 or an interallotment drainage easement shall be created within the respective allotments.
- p) The proposed 225mm RCP from the proposed access way No.31 to the proposed bio-retention area in Council's park reserve is not supported. A minimum 375mm diameter Reinforced Concrete Pipe shall be discharged to pit 30.  
(Reason: Ensure compliance)

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

**The following conditions of consent must be complied with prior to the issue of a construction certificate.**

### **3. Amendments**

The proposal is to be amended in the following manner:

- (a) The dwellings and associated works on Lots 31, 74 and 75 are to be deleted from plans. In this regard no approval is given for works on these lots.
- (b) The architectural plans are to be amended to accurately depict the dimensions of the rainwater tanks on the lower ground floor levels, consistent with that of the BlueScope Waterpoint Slimline 3000 litre rainwater tanks as shown on the drainage plans.
- (c) Landscape plans are to be amended to include a 1.5 metre wide landscape strip on public land, along the southern boundary of Lot 31, which is to be planted with native shrubs with a mature height of 3 to 5 metres.
- (d) Plans are to be amended which shows/notates that any fence which adjoins the public reserves are to be open metal palisade fencing to a maximum height of 1.2 metres above finished ground level.
- (e) The rainwater tanks proposed on Lots 40 and 41 are to be relocated to the side setback area between the southern elevation and the southern boundary or be located within the building footprint.
- (f) The clothes drying area on Lot 40 is to be relocated to the southern boundary fence in the rear yard and setback at least 1 metre from the western boundary to ensure the provision of sufficient landscape screening for No. 54 Mowbray Place.
- (g) The proposed crepe myrtle along the southern boundary in the rear yard of Lot 40 is to be relocated to the south-western corner on the western boundary.
- (h) Landscape plans are to be amended to include landscape screening to a minimum mature height of 3-5 metres in the current location of the proposed rainwater tank on Lots 40 and 41 and the proposed clothes drying area on Lot 40 along the western boundaries.
- (i) The retaining wall on boundaries facing the public reserves and Eastern Valley Way are to be of a natural/unpainted finish e.g. facebrick or sandstone to

minimise the likelihood of graffiti attack.

- (j) The private pathways of Lots 43 to 46 located within the Windsor Road public reserve are to be deleted.
- (k) The eastern boundary of Accessway No. 53 between the dwellings on Lots 66 to 74 and Eastern Valley Way is to be fenced with an open palisade style fencing to a maximum height of 1.2 metres to provide delineation between public and private land and promote safety.
- (l) Accessway No. 53 is to be modified to be a one way system running south to north with the ingress point being between Lots 74 and Lot 75 and egress being adjacent to Lot 66.
- (m) The stepping stones in the front setback area of Lot 75 are to be deleted except as needed to provide access from the front gate to the front entrance portico and replaced with landscaping. The stepping stones in the front setback (except as needed to provide access from the front gate to the front entrance portico) and eastern side setback area (from front to rear) of Lot 76 are to be deleted and replaced with landscaping. Landscaping in the eastern side setback area is to be native shrubs to a minimum mature height of 3 to 5 metres.
- (n) The clothes drying area on Lot 76 is to be moved from the eastern side setback to the rear yard.
- (o) Landscape Plan LP07E is to be amended to be appropriately scaled at 1:100. Further, the dwelling as indicated on Lot 76 is to be amended to reflect the building footprint as shown in the architectural drawings.
- (p) The landscape plans are to be amended to include a notation which states that the "groundcovers" are to be vegetated groundcovers and are not to be mulch areas.
- (q) The upper level windows on the western elevation of the dwellings on Lots 40 to 41 are to be of opaque glazing to a height of at least 1.5 metres above the finished floor level.
- (r) Plans are to be amended to show no upper level balconies are permitted on the western elevations of Lots 40 and 41 and Lots 54 to 58. Further, no upper level balconies are permitted on the northern elevations of Lots 59 to 65.

Plans detailing these amendments are required to be shown on the Construction Certificate plans.

(Reason: Ensure compliance)

#### **4. Services - Notification to Sydney Water**

Suitable documentation is to be submitted to Council which indicates that Sydney Water has been informed of this development and that satisfactory arrangements have been made to adequately service the proposal.

(Reason: Ensure compliance)

#### **5. Services - Energy Australia**

The applicant should consult with Energy Australia to determine the need and location of any electrical enclosure for the development. Should such an electrical enclosure be required, the location and dimensions of the structure are to be detailed on all the plans issued with the Construction Certificate. In the event of Energy

Australia requiring such a structure eg. a substation, the applicant is required to dedicate the land for the substation as public roadway. The Plan of Dedication shall be lodged to Council prior to issue of the Construction Certificate and registered at the Department of Lands prior to issue of the Occupation Certificate.  
(Reason: Compliance)

**6. Roof Material – Reflectivity**

The external finish to the roof shall be painted or treated in a neutral, recessive non reflective colour range to minimise the effects of glare to neighbouring properties. Roof colour details being submitted with the construction certificate application for approval.  
(Reason: Amenity)

**7. RMS Condition**

Prior to the issue of the Construction Certificate, plans are to be prepared in accordance with AS 2890.1- 2004 and AS 2890.2 – 2002 showing the layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions).  
(Reason: Traffic and safety)

**8. “No Parking” signage**

In order to ensure that adequate access is maintained to angle parking bays, to driveways and along Road No.5, No.4, No.3 and Accessway 52 it will be necessary to install “No Parking” signage across driveways, at the end of roads and along the length of the access roads. Plans indicating the proposed locations of such signage are required to be submitted to Council for approval prior to the issue of the Construction Certificate.  
(Reason: Traffic and Parking)

**9. One Way Signage**

The One Way accessway between Road 52 and Road 5 requires the installation of No Entry and One Way signage and markings to ensure vehicles do not travel contrary to the intended direction of travel. Plans indicating the proposed locations of such signage are to be submitted to Council for approval prior to the issue of the Construction Certificate.  
(Reason: Traffic and Safety)

**10. Accessway No. 31**

The section of accessway 31 between Road 3 and the southern boundary of lot 43 shall be constructed to sustain heavy vehicle traffic. Plans designed and certified by a qualified practicing engineer are to be submitted to the Principal Certifying Authority (PCA) prior to the issue of the construction certificate which demonstrates compliance with this condition.  
(Reason: Ensure compliance and waste collection)

**11. NSW Office of Water – Controlled Activity Approval**

A construction certificate is not to be issued for any part of the site which requires a controlled activity approval until a copy of the Controlled Activity Approval has been provided to Council.  
(Reason: Ensure compliance)

## **12. NSW Office of Water – Controlled Activity Approval**

Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CM) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

(Reason: Ensure Compliance)

## **13. NSW Office of Water – General Terms of Approval**

The consent holder must prepare or commission the preparation of:

- (i) Erosion and Sediment Control Plan
- (ii) Soil and Water Management Plan

All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at [www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx](http://www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx)

- (i) Outlet structures

(Reason: Ensure compliance)

## **14. Willoughby Local Housing Program**

A monetary contribution for the purpose of providing Willoughby Local Housing, in accordance with the Willoughby Local Housing Program that is calculated at 4% of the accountable total floor area of the development is to be paid to Council. In calculating the monetary contribution reference is to be made to the market value of dwellings of a similar size and taken from the most recent median sales price of such dwellings for the Willoughby local government area as documented in the Rent and Sales Report NSW (Non Strata) published by the Department of Housing or, if another document has been approved for that purpose by the Director – General, that document.

Prior to payment of the contribution evidence shall be submitted to Council's Director of Environmental Services demonstrating how the contribution has been calculated in accordance with the above requirement. The contribution is to be paid **prior to release of the construction certificate.**

(Reason: Ensure compliance)

## **15. External Finishes – Colours and Textures**

All external building materials shall be in neutral, recessive, non-reflective colours and textures, which harmonise with the colours of the natural landscape. In this regard the Schedule of Colours and Finishes submitted with the application satisfy this requirement.

(Reason: Visual amenity)



**16. Damage Deposit**

The applicant shall lodge a Damage Deposit of \$285,000 (GST Exempt) as cash, cheque or an unconditional bank guarantee, to Council against possible damage to Council's asset during the course of the building works. The deposit will be refundable subject to inspection by Council after the issue of a final Occupation Certificate for all dwellings and the completion of all civil works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of \$980 (GST inclusive) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

(Reason: Protection of public asset)

**17. Temporary Ground Anchors**

Obtain written permission from all private property owners affected by any encroachment either below ground or the air space above as a result of the above works prior to issue of the Construction Certificate. Copies of the permission shall be sent to Council. All works associated with the drilling and stressing of the ground anchors shall be installed in accordance with approved drawings.

(Reason: Encroachment of works)

**18. Stormwater Conveyed to Street Drainage**

Stormwater runoff from the site shall be collected and conveyed to the street drainage system in accordance with Council's specifications. Any new drainage pipe connections to street kerb shall be made using a 125mm x 75mm x 4mm thick galvanised Rectangular Hollow Section (RHS) with a grated drainage pit (min. 450mm x 450mm) provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system. All drainage works shall comply with the requirements described in Part C.5 of Council's DCP and Technical Standards. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site shall be shown on the Construction Certificate plans.

(Reason: Stormwater control)

**19. Detailed Stormwater Management Plan (SWMP)**

Submit for approval by the Accredited Certifier, detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civic engineer. All drawings shall comply with Part C.5 of Council's Development Control Plan and Technical Standards, AS3500.3 – *Plumbing and Drainage Code* and BCA.

(Reason: Ensure Compliance)

**20. Construction Management Plan (CMP)**

Submit, for approval by the Accredited Certifier, detailed Construction Management Plan (CMP). The CMP shall address:

- (a) Construction vehicles access to and egress from the site
- (b) Parking for construction vehicles
- (c) Locations of site office, accommodation and the storage of major materials

- related to the project
  - (d) Protection of adjoining properties, pedestrians, vehicles and public assets
  - (e) Location and extent of proposed builder's hoarding and Work Zones
  - (f) Tree protection management measures for all protected and retained trees.
- (Reason: Compliance)

## **21. Traffic Management Plan**

A detailed Traffic Management Plan shall be prepared for pedestrian and traffic management and be submitted to the relevant road authority for approval. The plan shall: -

- a) Be prepared by a RTA accredited consultant.
- b) Implement a public information campaign to inform any road changes well in advance of each change. The campaign shall be approved by the Traffic Committee.
- c) Nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police.
- d) Temporary road closures shall be confined to weekends and off-peak hour times and are subject to the approval of Council. Prior to implementation of any road closure during construction, Council shall be advised of these changes and a Traffic Control Plan shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.

(Reason: Public safety and amenity)

## **22. Design of Interallotment Drainage System**

All inter-allotment drainage system at the development site shall be provided, at the applicant's expense, to cater all upstream properties that fall towards the site. All proposed interallotment drainage pipelines shall be designed so that the pipelines have adequate capacity to carry the uncontrolled runoff (up to 1 in 100yr ARI) in accordance with Part C5 of Council's Development Control Plan.

Detailed design drawings prepared by a suitably qualified and experienced civil engineer of the required interallotment drainage system shall be submitted to the Accredited Certifier for approval prior to issue of any Construction Certificate.

(Reason: Prevent nuisance flooding)

## **23. Design of Retaining walls**

All proposed retaining wall with an overall height of 900 mm or over shall be designed by a competent Structural Engineer. Design drawings prepared by a suitably qualified and experienced Structural Engineer shall be submitted to the Accredited Certifier for approval prior to issue of any Construction Certificate.

(Reason: Ensure compliance)

## **24. Vehicular Driveway Profile & Gradients**

The applicant shall ensure that all vehicular access driveway profiles are designed and constructed in accordance with Council's standard specification and drawings. In particular, the maximum gradient of all access driveways across the property line shall be 5% and adequate ground and side clearances for B85 vehicles shall also be

provided. All driveways profile where the algebraic sum of change in grade is greater than 12% shall be checked for ground clearance.

Prior to issue of any Construction Certificate, the applicant shall submit, for approval by the Accredited Certifier, certification from a suitably qualified and experienced traffic engineer that all proposed vehicular access path and parking arrangements comply in full with AS2890.1 – 2004 in terms of gradients, adequate ground and side clearances for B83 vehicles and minimum dimensions.

(Reason: Ensure compliance)

## **25. Steep Vehicular Access - Provide Longitudinal Sections**

The applicant shall submit revised longitudinal sections along each side/edge of the proposed vehicular access path drawn at 1:20 Scale for the proposed dwellings of Lot 31 to 75. The longitudinal sections shall be prepared by a suitably qualified civil engineer using a B85 Ground Clearance template and shall include the following: -

- Horizontal distance from the centreline of the proposed road pavement to the proposed parking slab, including provision of Council's standard layback as per Council's standard drawing SD105 which is available from Council's website. Council's standard layback is 500mm deep and the back of layback is 100mm above the gutter invert.
- Proposed levels (in AHD) and gradients represented in percentage of the vehicular crossing and driveway.
- Crossfall on the proposed road pavement or right-of-carriageway shall be shown on long sections and proposed levels shall be shown on site plan.

The vehicular crossings shall be 3.5 metres wide with no splays for dwellings with a double garage and 3 metres wide with no splays for dwellings with a single garage. All vehicular crossings shall be constructed at right angle to street kerb in plain concrete. The centreline of the new crossing shall be in-line with the centreline of the driveway.

For the design levels of the vehicular crossing at the property boundaries, the following levels are to be adopted:

- At back of layback-100mm above and parallel to the gutter invert.
- At the property boundary for Road Number 2 – 150mm above and parallel to the gutter invert.
- At the property boundary for Road Number 3 – 200mm above and parallel to the gutter invert.
- At the property boundary for Road Number 4 – 200mm above and parallel to the gutter invert.
- At the property boundary for Road Number 5 – 150mm above and parallel to the gutter invert.
- At the property boundary for Road Number 52 – 150mm above and parallel to the gutter invert.

All footpath which forms part of the proposed vehicular crossing shall have a crossfall of 3%. All driveway grades and transitions shall comply with AS 2890.1 - 2004 and Council's specifications.

**26. Certificate Issued by Willoughby City Council**

Prior to issue of any Construction Certificate, the applicant shall submit, for approval by the Accredited Certifier, a letter issued by Willoughby City Council confirming that the documentation listed in Section 2 of this consent has been approved by Council.  
(Reason: Ensure compliance)

**27. Design of Works in Public Road in front of Lot 47 & 48**

Prior to issue of any Construction Certificate, the Applicant shall submit, for approval by Council as a road authority, full design engineering plans and specifications prepared by a suitably qualified and experienced civil engineer for the following:-

- a. An Autoturn simulation must be provided on the driveway layout for Lot43 to 46 demonstrating that there are sufficient turning areas for MR vehicles to ingress and egress from Road No.3 to the right –of-carriageway.
- b. In light of point a above, the layout of the new kerb and gutter alignment with all required dimensions and radius in front of lot 47 and 48 shall be provided.

The required plans shall be designed in accordance with Austroad, Council's specifications (AUS-SPEC) and AS2890.1. Approval must be obtained from Willoughby City Council as the road authority under the Roads Act 1993 prior to issue of any Construction Certificate.  
(Reason: Ensure compliance)

**28. Detailed Landscape Design**

Submit to the accredited certifier detailed landscape design prepared by a qualified landscape design professional. This information is to include the following information in addition to that shown on the approved Landscape Plans:

- I. Installation of root control barriers to all street trees to deflect tree roots from services and pavements  
(Reason: Landscape amenity)

**29. Internal Noise Levels Residential**

To minimise the noise intrusion from any external noise source, the building shall be designed and constructed to comply with the following criteria with windows and doors closed:

All habitable rooms other than sleeping rooms: 45 dB(A)<sub>Leq(15hr)</sub> and 40 dB(A)<sub>Leq(9hr)</sub>  
and Sleeping Rooms: 35 dB(A)<sub>Leq(9hr)</sub>

Note:

1. The above criteria does not apply to kitchens, bathrooms, laundries, foyers, hallways, balconies or outdoor areas.

2. The above criteria define the minimum acceptable levels. Buildings may be built to a better than average standard by applying more stringent criteria.

Certification from an appropriately qualified acoustic consultant that the building has been designed to meet this criteria shall be submitted to the Principal Certifying authority prior to issue of the Construction Certificate.

(Reason: Amenity)

### **30. Noise from Transport Corridor**

To minimise the impact of noise from any external noise source on the amenity of the occupants, the building shall be constructed in accordance with the recommendations and specifications of the acoustic report no:4834 prepared by Day Design Pty Ltd dated 21 August 2012.

Details of the proposed acoustic treatment shall be submitted to the Principal Certifying Authority.

(Reason: Amenity)

### **31. Soil and Water Management Plan**

A Soil and Water Management Plan (SWMP) shall be prepared and submitted to the Principal Certifying Authority (PCA), for consideration. The PCA must approve the SWMP, prior to the issue of the Construction Certificate. The SWMP shall incorporate but not be limited to the following:

- 1) An Erosion and Sediment Control Plan (ESCP) with the following information presented on the drawing as a minimum;
  - a) Site boundaries, adjoining roads and grades with an indication of fall direction,
  - b) Location of trees, and all vegetation showing items for removal or retention,
  - c) Location of site access, proposed roads and other impervious areas,
  - d) Existing and proposed drainage patterns together with stormwater discharge points.
- 2) The SWMP shall explain how the various soil conservation measures will be carried out and shall include as a minimum the following:
  - a) Timing of works,
  - b) Locations of lands where a protective ground cover will be maintained,
  - c) Access protection measures,
  - d) Stormwater discharge water quality targets (to include water treatment measures if necessary and water testing program),
  - e) Nature and extent of earthworks,
  - f) Diversion of runoff from upslope land around the disturbed area (designed to carry the peak 10 year ARI catchment runoff),
  - g) Location of all soil and other material stockpiles,
  - h) Location and type of proposed erosion and sediment control measures,
  - i) Engineering details with supporting design calculations for sediment basins and other such controls (design storm event as the 10 year ARI time of concentration of storm event),
  - j) Frequency and nature of any maintenance/inspection program,
  - k) Outline the reporting and reviewing requirements (to include incident management procedure),

- l) Site rehabilitation.

The ESCP and SWMP shall meet the requirements of 'Managing Urban Stormwater – Soils and Construction Volume 1 published by Landcom 2004' commonly known as the 'Blue Book'.

Certification prepared by a qualified and practising engineer, experienced in soil and water management and registered with the National Engineering Registration Board, that the ESCP and SWMP meets these requirements shall be submitted to the Principal Certifying Authority, prior to issue of the Construction Certificate.  
(Reason: Environmental Protection)

## **PRIOR TO COMMENCEMENT**

**The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. All of these conditions are to be complied with prior to the commencement of any works on site, including demolition.**

### **32. NSW Office of Water – General Terms of Approval**

The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.  
(Reason: Ensure compliance)

### **33. Dilapidation Report of Adjoining Properties**

Submit a photographic survey and report of the adjoining properties to the PCA and all owners of these adjoining properties. Such photographic survey and report shall be prepared by a suitably qualified person, detailing the physical condition of these properties, both internal and external including items as walls, ceilings, roof, structural members and other items as necessary.

In the event of a property owner refusing to allow access to carry out the photographic survey, the proponent must demonstrate in writing to the PCA, and provide a copy to Council, that the purpose of the survey was made clear to the property owner and that reasonable attempts to obtain access were made.  
(Reason: Protection of adjoining owners)

### **34. Licensee Details**

The name, address and contractor licence number of the licensee who has contracted to carry out the work or the name and permit number of the owner-builder who intends to carry out the work shall be furnished in writing to the Principal Certifying Authority.

NB: Should changes be made for the carrying out of the work the Principal Certifying Authority must be immediately informed.  
(Reason: Information)

### **35. Building Site Hoarding**

Provision of a hoarding, complying with WorkCover NSW requirements which is to be erected to restrict public access to the site (including demolition and/or excavation

site) and building works, materials or equipment. A separate application is to be made to Council's Infrastructure Services Division for this purpose should the hoarding be located on Council property.  
(Reason: Safety)

### **36. Soil and Water Management – Implementation**

Prior to the commencement of any earthworks or removal of vegetation, all soil and water management measures shall be implemented in accordance with the approved Soil and Water Management Plan (SWMP) and Erosion and Sediment Control Plan (ESCP). Certification that all controls have been implemented in accordance with the approved SWMP & ESCP shall be prepared by a qualified and practising engineer experienced in soil and water management and registered with the National Engineering Registration Board. The certification shall be lodged with the Principal Certifying Authority, prior to commencement of any earthworks or removal of vegetation.

(Reason: Environmental Protection)

### **37. Dilapidation Report of Council's Property**

Submit a dilapidation report including photographic record of Council's property extending to a distance of 50m from the development, detailing the physical condition of items such as, but not exclusively to, the footpath, roadway, nature strip, and any retaining walls.

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works. In this regard, the damage deposit lodged by the applicant may be used by Council to repair such damage on Council's property.

This dilapidation report shall be submitted to Council and the Principal Certifying Authority.

(Reason: Protection of Council's infrastructure)

### **38. Permits and Approvals Required**

Application is to be made to Council's Infrastructure Services Division for the following approvals and permits as appropriate:-

- a) Permit to erect Builder's hoarding where buildings are to be erected or demolished within 3.50m of the street alignment. Applications are to include current fees and are to be received at least 21 days before commencement of the construction.
- b) Permit to stand mobile cranes and/or other major plant on public roads. Applications are to include current fees and security deposits and are to be received at least seven days before the proposed use. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and the RTA. A separate written application to work outside normal hours must be submitted for approval.

It should also be noted that, in some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.

- c) Permit to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever. All applications are to include current fees.
- d) Permit to place skip/waste bin on footpath and/or nature strip. (Maximum three (3) days).
- e) Permit to work and/or place building materials on footpath and/or nature strip. (Maximum two (2) weeks).
- f) Permit to establish Works Zone on Public Roads adjacent to the Development including use of footpath area. Applications must be received by Council at least twenty-one days prior to the zone being required. The application will then be referred to the Council's Local Traffic Committee for approval, which may include special conditions.
- g) Permit to construct vehicular crossings over Council's footpath, road or nature strip.

(Reason: Legal requirements)

#### **39. Application for Vehicle crossing**

Submit an application with fees to Council for the construction of a plain concrete vehicular crossing.

(Reason: Protection of public asset)

#### **40. Spoil Route Plan**

Submit a "to and from" spoil removal route plan to Council prior to the commencement of excavation on the site. Such a route plan should show entry and exit locations of all truck movements.

(Reason: Public amenity)

#### **41. Adjustment to Street Lighting**

Consult with utility authorities to determine the requirements of relocation/adjustment of electricity supply and street lighting services fronting the development site. Such street lighting shall also conform to Council's standard specifications.

(Reason: Public amenity)

#### **42. Underground Utility Services**

Locate and establish the size and levels of all utility services in the footpath and road reserve. Contact "Dial Before You Dig" Service" prior to commencement of any works.

All adjustments to public utilities' mains and services as a consequence of the development and associated construction works shall be at the full cost to the applicant.

(Reason: Protection of utilities)



## DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

The following conditions are to be complied with throughout the course of site works including demolition, excavation and construction.

### 43. NSW Office of Water – General Terms of Approval

The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.  
(Reason: Ensure compliance)

### 44. NSW Office of Water - General Terms of Approval

The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.  
(Reason: Ensure compliance)

### 45. NSW Office of Water - General Terms of Approval

The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.  
(Reason: Ensure Compliance)

### 46. NSW Office of Water – General Terms of Approval

The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.  
(Reason: Ensure compliance)

### 47. NSW Office of Water – General Terms of Approval

The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.  
(Reason: Ensure compliance)

### 48. NSW Office of Water – General Terms of Approval

The consent holder must comply with any requirements relating to the implementation of the approved Vegetation Management Plan (VMP) - **Kiah - Proposed Residential Subdivision - Alpha Road, Willoughby - Project No.1 0120, dated May 2011, Rev no E stamped by the NSW Office of Water on 7 June 2011** for the Controlled Activity Approval Number 10-0678.  
(Reason: Ensure compliance)

### 49. NSW Office of Water – General Terms of Approval

The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under

the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.  
(Reason: Ensure compliance)

#### **50. Hours of Work**

All construction/demolition work relating to this Development Consent within the City must be carried out only between the hours of 7 am to 5 pm Mondays to Fridays and 7 am to 12 noon on Saturdays. No work is permitted on Sundays or Public Holidays.

An application under Section 96 of the Environmental Planning and Assessment Act for a variation to these approved hours must be lodged with Council at least 3 working days in advance of the proposed work. The application must include a statement regarding the reasons for the variation sought and must be accompanied by the required fee.

Note: This S96 application may require re-notification in some circumstances.  
(Reason: Ensure compliance and amenity)

#### **51. Construction Information Sign**

A clearly visible all weather sign is required to be erected in a prominent position on the site detailing:

- (a) that unauthorised entry to the work site is prohibited;
- (b) the excavator's and / or the demolisher's and / or the builder's name;
- (c) contact phone number/after hours emergency number;
- (d) licence number;
- (e) approved hours of site work; and
- (f) name, address and contact phone number of the Principal Certifying Authority (if other than Council)

ANY SUCH SIGN IS TO BE REMOVED WHEN THE WORK HAS BEEN COMPLETED.

Council may allow exceptions where normal use of the building/s concerned will continue with ongoing occupation, or the works approved are contained wholly within the building.

(Reason: Ensure compliance)

#### **52. Building Site Fencing**

Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5m). Temporary fences are to have a minimum height of 1.8m and be constructed of cyclone wire or similar with fabric attached to the inside of the fence to provide dust control.

Fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

The public safety provisions and temporary fences must be in place and be maintained throughout construction.  
(Reason: Safety)

**53. Survey Certificate**

Certification of the following shall be submitted to the Principal Certifying Authority by a registered surveyor at completion indicating the relation of the building and any projections to the boundaries, and that the building has been erected to the levels approved in the Development Application.

(Reason: Ensure compliance)

**54. Road and Footpath**

Council's footpath, nature strip or roadway not being damaged and shall be kept clear at all times.

(Reason: Maintain public safety)

**55. No storage on Foot/Roadway**

Building materials, plant and equipment and builder's waste, are not to be placed or stored at any time on Council's footpath, nature strip or roadway adjacent to building sites unless prior written approval has been granted by Council.

(Reason: Safety)

**56. Skips and Bins**

Rubbish skips or bins are not to be placed on Council's footpath, nature strip or roadway unless prior written approval has been granted by Council.

(Reason: Safety)

**57. Excavations and Backfilling**

All excavations and backfilling associated with the erection or demolition of a building must be executed safely, and must be properly guarded and protected to prevent them from being dangerous to life or property.

(Reason: Safety)

**58. Temporary Toilet Facilities**

Temporary toilet facilities shall be provided to the satisfaction of the Principal Certifying Authority.

The provision of toilet facilities must be completed before any other work is commenced on site. NOTE: Portable toilet facilities are not permitted to be placed on public areas without prior approval having been obtained from Council.

(Reason: Health and amenity)

**59. Swimming Pool Safety During Construction**

Swimming pools are to be made safe during the construction of the dwellings, by the erection of a temporary safety fence to the satisfaction of the accredited certifier. A pool is not to be filled with water until the dwelling is completed and occupied and a

child resistant barrier erected in accordance with the regulations prescribed in the Swimming Pool Act 1992.

(Reason: Safety)

**60. Retaining Walls and Drainage**

If the soil conditions require it:

- a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- b) adequate provision must be made for drainage.

(Reason: Safety)

**61. Temporary Ground Anchors – Supervision**

A professional Geotechnical Engineer shall be on site to supervise the piling, excavation and finally the installation and stressing of the ground anchors. On completion of these works, a report from the Geotechnical Engineer shall be submitted to Council for record purposes.

A Chartered Professional Engineer shall monitor adjoining public infrastructures to detect any ground heaving or settlement during and after the installation of the piling and ground anchors. A rectification report shall be submitted to Council should unacceptable displacements occur within the zone of influence.

(Reason: Protection of public assets)

**62. Sweep & Clean Pavement**

Sweep and clean pavement surface adjacent to the ingress and egress points of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council.

(Reason: Legal requirement)

**63. Street Signs**

The applicant is responsible for the protection of all regulatory / parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works are to be replaced at full cost to the applicant.

(Reason: Protection of Public Assets)

**64. Stormwater Kerb Outlet**

New stormwater connection outlets at street kerb shall be made using 125x75x4 galvanised Rectangular Hollow Section (RHS). Where there are multiple outlets required, a minimum distance of 100mm shall separate these outlets. A grated drainage pit (min. 600mm x 600mm) shall be provided within and adjacent to the property boundary prior to discharging to the Council's drainage system.

(Reason: Protection of Public Asset)

**65. Vehicular Access and Garaging**

Driveways and vehicular access ramps shall be designed to provide adequate ground clearance to the underside of B85 vehicles. In all respects, the proposed vehicle access and/or parking spaces shall be designed and constructed to comply

with the minimum requirements of AS/NZS 2890.1 and Council's standard specification.

(Reason: Vehicular access)

#### **66. Soil and Water Management Controls – Inspection**

During site works, the person responsible for on site soil and water management shall undertake regular inspections and keep records regarding maintenance of measures detailed in the approved Soil and Water Management Plan (SWMP). The inspections and records shall meet the following:

1. Inspections undertaken after each rain event,
2. Information recorded shall include:
  - a. Weather measurements including rainfall, temperature and wind,
  - b. Condition of controls as documented in the approved SWMP including,
    - i. Condition of sedimentation control devices,
    - ii. Condition of sedimentation basins including water level, water quality, any activities relating to water treatment, water quality sampling results and the release of water.

Where site conditions have changed due to weather or need to change due to progression of site works, a new Erosion and Sediment Control Plan (ESCP) shall be prepared and submitted to the Principal Certifying Authority (PCA), for consideration. The ESCP shall be approved by the PCA and implemented prior to the carrying out of the new site works.

The recorded data shall be made available to Council upon request.

(Reason: Environmental Protection)

#### **67. Soil and Water Management Controls – Certification**

During site works, an inspection of the site shall be conducted every 60 days by a qualified and practising engineer, experienced in soil and water management and registered with the National Engineering Registration Board. As a result of this inspection, the engineer shall certify that all soil and Water Management Controls conform with the approved Soil and Water Management Plan (SWMP), Erosion and Sediment Control Plan (ESCP) and the requirements of 'Managing Urban Stormwater – Soils and Construction Volume 1 published by Landcom 2004' commonly known as the 'Blue Book'.

(Reason: Environmental Protection)

#### **68. Cessation of Site Works**

During site works, if any works or rain events cause a water pollution incident as defined under the Protection of the Environment Operations Act 1997, all site works shall cease immediately and the person responsible for soil and water management shall immediately inform Council by phone 9777 7624 and in writing. The breach shall be addressed and the affected area rehabilitated, as directed by Council, prior to the continuation of any further site works.

(Reason: Environmental Protection)

## **PRIOR TO OCCUPATION OF THE DEVELOPMENT**

**The following conditions of consent must be complied with prior to the issue of an occupation certificate.**

### **69. Section 73 Compliance Certificate**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 for subdivision must be obtained prior to occupation. Application must be made through an authorised Water Servicing Coordinator, for details see Customer Service, Urban Development at [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority.  
(Reason: Ensure Statutory Compliance)

### **70. Street Number Display**

The street number at least 100mm high shall be clearly displayed.  
(Reason: Information)

### **71. Automatic Fire Detection**

Provision of an automatic fire detection and alarm system complying with Part 3.7.2 of the Housing Provisions or smoke alarms complying with AS 3786 or listed in the SSL Register of Accredited Products, connected to the mains electricity and having a stand by power supply. Smoke alarms must be installed in a class 1 building on or near the ceiling in:

- a) any storey containing bedrooms
  - i) between each part of the dwelling containing bedrooms and the remainder of the dwelling.
  - ii) where the bedrooms are served by a hallway, in the hallway.
- b) any other storey not containing bedrooms.

(Reason: Safety)

### **72. Swimming Pool - Access**

Access to swimming pools shall be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act 1992.

- a) The pool shall not be filled with water, or be allowed to collect stormwater, until the installation of the child resistant barrier is completed to the Principal Certifying Authority's satisfaction.
- b) The barrier is to conform to the requirements of AS 1926 –  
Part 1 – “Safety Barriers for Swimming Pools”  
Part 2 – “Location of Safety Barriers for Swimming Pools”

(Reason: Safety)

### **73. Swimming Pool Notice**

The owner of the pool shall display a notice showing:

- (a) Appropriate instructions of artificial resuscitation methods.

- (b) A warning stating "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL"

NB: This notice shall be kept in a legible condition and at the pool side.

(Reason: Safety)

**74. Emitted Noise**

The noise emitted by swimming pool pumps and filter equipment shall be not more than 5dBA above the ambient background noise level measured at the boundaries in accordance with the current Environment Protection Authority (EPA) guidelines for noise assessment. The equipment is not to operate between 8pm to 7am weekdays and 8pm to 8am on weekends and public holidays. A time switch is to be installed on the power source for the above equipment to ensure that the non-permitted hours are observed.

(Reason: Amenity)

**75. Swimming Pool Backwash and/or Overflow**

Swimming pool backwash and/or overflow are to be discharged to the sewer by permanent piping and the works shall be in accordance with the requirements of Sydney Water.

(Reason: Health and amenity)

**76. BASIX Certificate**

A completion certificate is to be submitted to the Principal Certifying Authority demonstrating the manner in which the measures committed to in the latest BASIX Certificate have been satisfied.

(Reason: Environmental Sustainability)

**77. Services - Electricity Supply and Telecommunication Mains**

All existing and proposed electricity supply and telecommunication mains and services around the perimeter of the site are to be underground to the satisfaction of Energy Australia and Telstra at the full cost of the applicant.

(Reason: Compliance)

**78. Services - Mailboxes**

All mail boxes provided on site are to comply with the requirements of 'Australia Post' in terms of size, location, numbering and clearing. Details of the requirements can be obtained from Australia Post or from their web site. Letter boxes for adaptable dwellings shall comply with AS 4299 CI 3.8.

(Reason: Legal)

**79. NSW Office of Water – General Terms of Approval**

The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.

(Reason: Ensure Compliance)

**80. Temporary Ground Anchors – Destressing**

All damages to Council's infrastructures due to the works associated with the piling and installation of the ground anchors shall be restored to the requirements of Willoughby City Council at no cost to Council. All ground anchors shall be de-stressed by the removal of the anchor heads and protruding tendons on completion of the works. A certificate issued by a professional Geotechnical Engineer verifying that all ground anchors have been decommissioned shall be submitted to Council.  
(Reason: Destressing of ground anchors)

**81. Stormwater Runoff from Upstream Lots**

Provide an interceptor drainage system to capture and convey all stormwater runoff from the upstream neighbouring property to the Council or public drainage system. The drainage system is to comprise suitable inlet pits, grated drains, pipes and channels and is to be designed in accordance with Part C.5 of the Council's WDCP. This drainage system is to be designed for storm events up to and including the 100-year ARI.  
(Reason: Prevent nuisance flooding)

**82. Grated Box Drain**

For stormwater control a 225 mm wide grated trench drain with a heavy duty removable galvanised grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The trench drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.  
(Reason: Proper disposal of stormwater)

**83. On-site Water Management System**

The stormwater runoff from the site shall be collected and disposed of via an approved rainwater retention and reuse system in accordance with Sydney Water's requirements, the NSW Code of Practice – Plumbing and Drainage, Council's DCP and Technical Standards. The construction of the stormwater drainage system of the proposed development shall be generally in accordance with the approved design stormwater management plans and Council's specification (AUS-SPEC).  
(Reason: Prevent nuisance flooding)

**84. Rainwater Re-use – Major**

The applicant shall supply and install rainwater re-use tanks with a minimum storage volume of 2.5 m<sup>3</sup> in accordance with the approved stormwater management plans, Sydney Water's requirements and Council's DCP and Technical Standards. The rainwater reuse system shall be connected to supply non-potable use including, but not limited to laundry, toilet flushing and landscape irrigation. The rainwater tank shall be located behind the front alignment of the building to which the tank is connected.  
(Reason: Ensure compliance and conserve natural resources)

**85. Sign for Rainwater Reuse system**

An aluminium plaque measuring no less than 400mm x 200mm is to be permanently attached and displayed within the immediate vicinity of the rainwater tank for each dwelling.



The wording for the plaque shall state *“This is the Rainwater Retention and Reuse System required by Willoughby City Council. It is an offence to alter any part of the system without written consent from Council. The registered proprietor shall keep the system in good working order by regular maintenance including removal of debris”*.  
(Reason: Prevent unlawful alteration)

#### **86. Certification of Rainwater Reuse System**

Upon completion of the Rainwater Retention and Reuse System, a licensed plumber shall certify on Council's standard certification form that the rainwater retention and reuse system has been constructed in accordance with the approved stormwater management plans and that the as-built system has been fitted with proprietary first flush device and connected to non-potable use including toilet flushings, laundry and landscape irrigations. All plumbing/drainage works shall be carried out which comply with the current plumbing requirements of Sydney Water and Committee on Uniformity of Plumbing and Drainage Regulations of NSW". Council's Standard Certification form is available in the appendix of Council's Technical Standard No. 2.  
(Reason: Record or works)

#### **87. Works-As-Executed Plans – Rainwater Reuse**

Upon completion of the Rainwater Re-use System, the following shall be submitted to the Principal Certifying Authority:

- Work-as-executed plans based on the approved stormwater plans from a registered surveyor to verify that the volume of storage, invert levels of inlet, overflow pipes and discharge outlet are constructed in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved stormwater plans.
- Plumber's certification that the Rainwater Re-use system has been fitted with proprietary first flush device and connected to non-potable use including toilet flushings, laundry and landscape irrigations. All works completed shall comply with the current plumbing requirements of Sydney Water and Committee on Uniformity of Plumbing and Drainage Regulations of NSW.

(Reason: Record of works)

#### **88. S88B Instrument**

Create Positive Covenant and Restriction on the Use of Land on the Title in favour of Council as the benefiting authority for the as-built rainwater retention and reuse system. The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council's Technical Standards.

The above instruments shall be created under Section 88B of the Conveyancing Act 1919 for newly created lots. The relative location of the rainwater retention and reuse system, in relation to the building footprint, must be shown on the final plan of subdivision/strata plan. The S88B instrument shall be lodged with Council's Standard S88B/S88E Lodgement Form with all supporting documentations listed in the Form. Council's Standard Form is available from Council upon requested.

Documentary evidence of registration of these instruments with the Land and Property Information shall be submitted to the Principal Certifying Authority and Council prior to issue of any Occupation Certificate.

(Reason: Maintenance requirement)

## **89. Documentary Evidence of Positive Covenant, Engineers Certificate**

The following documentary evidence of the completed drainage works shall be submitted to Principal Certifying Authority and Council: -

- Registered Positive Covenant and Restriction on the Use of Land by way of the Title Deed.
- Certification from a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) for the as-built OSD system and/or plumber's certification of the as-built rainwater reuse system.
- Work-as-Executed plans highlighting in red based on the approved stormwater management plans from a registered surveyor for the as-built OSD system and/or rainwater reuse system.

(Reason: Public record)

## **90. Vehicular Crossing**

A separate application for a new vehicular crossing for each dwelling including current fees and charges is to be submitted for approval by Council.

New vehicular crossings including reconstruction of the existing layback and/or gutter and any associated road restoration is to be constructed in accordance with Council's specification AUS-SPEC C271 and Council's Standard Drawing SD105 - Council Vehicular Footpath Crossing and Kerb and Gutter details and any approved longitudinal sections.

The vehicular crossing shall be 3.5 metres wide with no splays for dwellings with a double garage and 3 metres wide with no splays for dwellings with a single garage. The new crossing shall be constructed at right angle to street kerb in plain concrete. The centreline of the new crossing shall be in-line with the centreline of the driveway.

For the design levels of the vehicular crossing at the property boundaries, the following levels are required:

- At back of layback -100mm above and parallel to the gutter invert.
- At the property boundary for Road Number 2 – 150mm above and parallel to the gutter invert.
- At the property boundary for Road Number 3 – 200mm above and parallel to the gutter invert.
- At the property boundary for Road Number 4 – 200mm above and parallel to the gutter invert.
- At the property boundary for Road Number 5 – 150mm above and parallel to the gutter invert.
- At the property boundary for Road Number 52 – 150mm above and parallel to the gutter invert.

The footpath which forms part of the proposed crossing shall have a maximum crossfall of 3%. The suitability of the grade of driveway inside the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels.

All adjustments to the nature strip, footpath and/or public utilities' mains and services as a consequence of the development and any associated construction works shall

be carried out at the full cost to the Applicant. All driveway grades and transitions must comply with AS/NZS 2890.1.

Vehicular Crossing Formwork Inspection Sheet shall be obtained from Council (attesting to this condition being appropriately satisfied) and submit to the Principal Certifying Authority prior to issue of any Occupation Certificate.  
(Reason: Public amenity)

**91. Turfing of Nature Strip**

In the event of damages to the grass verge during works, trim the strip of land between the property boundary and the road, spread topsoil on top of the trimmed surface and lay approved turfing on the prepared surfaces. The turf shall be protected from vehicular traffic and kept watered until established.  
(Reason: Public amenity)

**92. Construction of Retaining Walls**

All proposed retaining wall with an overall height of 900 mm or over shall be designed by a competent Structural Engineer. Construction of these walls shall be inspected and approved by the Structural Engineer.

Upon completion, certification from the Structural Engineer shall be submitted to the Principal Certifying Authority with a copy to Council prior to the issue of any Occupation Certificate.  
(Reason: Ensure compliance)

**93. Engineer's Certification - Vehicular Driveway Profile & Gradients**

Prior to issue of any Occupation Certificate, the applicant shall submit, for approval by the Principal Certifying Authority, certification from a suitably qualified and experienced traffic engineer that all proposed vehicular access path and parking arrangements have been constructed in accordance with AS2890.1 – 2004 in terms of gradients, adequate ground and side clearances for B85 vehicles and minimum dimensions.  
(Reason: Ensure Compliance)

**94. Construction of Interallotment Drainage Pipelines**

All required interallotment drainage system within the development site shall be installed, surveyed and certified. The designing engineer or equivalent professional engineer shall supervise the works.

Prior to issue of any Occupation Certificate, the applicant shall submit to the Principal Certifying Authority for approval of the following:

- i. Certification from the supervising engineer that the as-constructed drainage works comply with the approved interallotment design drawings, and
- ii. A full works-as-executed drawing of the as-built interallotment drainage line (dimensions, grades, materials, invert levels) prepared by a registered surveyor, and
- iii. Certification from the surveyor that all drainage structures are wholly contained within the drainage easement to be registered.

(Reason: Ensure Compliance)

**95. Completion of Landscape Works**

The approved landscape works are to be consistent with the approved design, completed to a professional standard, consistent with industry best practice and published standards. All planted trees cannot be pruned unless such pruning complies with Council's Tree Preservation order or removed without a permit issued under Council's Tree Preservation Order.

All trees indicated on the approved landscape plan are to be planted in accordance with the landscape plans. Documented evidence of compliance is to be provided to the principal Certifying Authority prior to issue of Occupation Certificate.  
(Reason: Landscape amenity)

**96. Weed Removal**

All noxious and environmental weeds shall be removed from the property prior to completion of building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the final Occupation Certificate.

(Reason: Environmental Protection; landscape Amenity)

**97. Acoustic Treatment – Certification**

Certification shall be provided from a suitably qualified acoustic engineer certifying that the acoustic treatment of the building complies with the internal noise criteria and the attenuation recommendations made in acoustic report no:4834 prepared by Day Design Pty Ltd dated 21 August 2012.

(Reason: Amenity)

**98. Waste collection signage**

No waste collection vehicles or any other heavy vehicles shall travel beyond the southern boundary of lot 43 on accessway 31. Signage to this effect shall be erected at this point prior to the issue of the occupation certificate.

(Reason: Traffic and safety)

**PRIOR TO THE RELEASE OF LINEN PLANS/SUBDIVISION  
CERTIFICATE/STRATA APPROVAL**

**The following are to be complied with prior to the issue of the Subdivision Certificate / Strata Approval and the release of the Linen Plans for registration at the Land and Property Information Office.**

**99. “No parking” signage**

“No Parking” signage is to be installed across driveways, at the end of roads and along the length of the access roads in accordance with plans approved by Council prior to the release of Linen Plans/Subdivision Certificate.

(Reason: Traffic and Parking)

#### **100. One Way Signage**

Prior to the release of Linen Plans/Subdivision Certificate for **Stage 4**, the One Way accessway between Road 52 and Road 5 is to be installed with “No Entry” and “One Way” signage and markings to ensure vehicles do not travel contrary to the intended direction of travel in accordance with Plans approved by Council.

(Reason: Traffic and Safety)

#### **101. Subdivision – Substantial commencement of dwellings – Stage 3**

The linen plans/subdivision certificates for **Stage 3** are not to be released prior to the laying of the slabs and the erection of the framework and roofs of all the dwellings within Stage 3, being within Superlots 5 and 6.

(Reason: Ensure compliance)

#### **102. Subdivision – Substantial commencement of dwellings – Stage 4**

The linen plans/subdivision certificates for **Stage 4** are not to be released prior to the laying of the slabs and the erection of the framework and roofs of all the dwellings within Stage 4, being within Superlots 7, 8 and 9.

(Reason: Ensure compliance)

#### **103. Completion of Landscape Works within Public Land**

The approved landscape works to be dedicated as public land including the nature strip adjoining Eastern Valley Way are to be consistent with the approved design, completed to a professional standard, consistent with industry best practice and published standards. All planted trees cannot be pruned unless such pruning complies with Council's Tree Preservation order or removed without a permit issued under Council's Tree Preservation Order.

All trees indicated on the approved landscape plan for works to be dedicated as public land are to be planted in accordance with the landscape plans. Documented evidence of compliance is to be provided to Council prior to the release of the linen plans/subdivision certificate.

(Reason: Landscape amenity)

#### **104. Section 73 Compliance Certificate**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of the subdivision certification. Application must be made through an authorised Water Servicing Coordinator, for details see Customer Service, Urban Development at [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92.

The Section 73 Certificate must be submitted in conjunction with the application for Subdivision Certificate/Strata Approval.

(Reason: Statutory requirement)

#### **105. Land Subdivision**

Land subdivision requires Linen Plan plus eight copies to be prepared by a Registered Surveyor. In this regard the applicant's attention is drawn to the requirement for a Subdivision Certificate, which is to be obtained from Council by separate application, to allow registration of the land subdivision with the Land Titles Office.

(Reason: Information)

**106. Subdivision – Stage 3**

All conditions of Development Consent 2004/521 relating to **Stage 3** works are to be completed and complied with to the satisfaction of Council prior to the issue of the Subdivision Certificate for **Stage 3**.

(Reason: Ensure compliance)

**107. Subdivision – Stage 4**

All conditions of Development Consent 2004/521 relating to **Stage 3 and 4** works are to be completed and complied with to the satisfaction of Council prior to the issue of the Subdivision Certificate for **Stage 4**.

(Reason: Ensure compliance)

**108. Subdivision - Surveyors Report**

Where a dwelling/building exists on land to be subdivided, a surveyor's report is to be submitted prior to issue of the Subdivision Certificate to Council confirming that no currently connected services straddle the proposed boundary.

(Reason: Ensure compliance)

**109. S88B Instrument**

Create Positive Covenant and Restriction on the Use of Land on the Title in favour of Council as the benefiting authority for the as-built rainwater retention and reuse system for each dwelling. The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council's Technical Standards.

The above instruments shall be created under Section 88B of the Conveyancing Act 1919 for newly created lots. The request forms shall be lodged together with Council's Standard Lodgement Form which is available from Council upon request. The relative location of the rainwater tank, in relation to the building footprint of each allotment, must be shown on final plan of subdivision.

(Reason: Maintenance requirement)

**110. Dedication of Public Works – Stage 3**

Prior to the issue of the Subdivision Certificate/Linen Plans for **Stage 3**, the Applicant shall without compensation dedicate to the Council **all** land identified for dedication in the Deed of Covenant within **Stage 3** as identified in DA-2004/521 (including the proposed road reserves, drainage reserves, public open space related to the district park (as pertains to Stage 3 work).

The plan of subdivision shall be submitted to Willoughby City Council for approval prior to the registration with the Land and Property Information and a copy of the registered plan shall be submitted to Council for record purposes. Furthermore, all works associated with the roads, footpaths, park, landscaping and civil works that are to be transferred to Council as part of Stage 3 of DA-2004/521 are to be completed to the satisfaction to Council prior to the release of the linen plan/subdivision certificate.

(Reason: Public amenities)

#### **111. Dedication of Public Works – Stage 4**

Prior to the issue of the Subdivision Certificate/Linen Plans for **Stage 4**, the Applicant shall without compensation dedicate to the Council **all** land identified for dedication in the Deed of Covenant within **Stages 3 and 4** as identified in DA-2004/521 (including the proposed road reserves, drainage reserves, public open space related to the district park (as pertains to Stage 3 and 4 work).

The plan of subdivision shall be submitted to Willoughby City Council for approval prior to the registration with the Land and Property Information and a copy of the registered plan shall be submitted to Council for record purposes. Furthermore, all works associated with the roads, footpaths, park, landscaping and civil works that are to be transferred to Council as part of Stage 3 and 4 of DA-2004/521 are to be completed to the satisfaction to Council prior to the release of the linen plan/subdivision certificate.  
(Reason: Public amenities)

#### **112. Completion of Civil Works – Stage 3**

Prior to release of any linen plan/subdivision certificate for **Stage 3**, the Applicant shall satisfactorily complete all required road works, kerb and gutter, footpaths and associated drainage works for stage 3 development site of DA 2004/521 in accordance with Council's AUSPEC specifications and to the satisfaction of Council.

Upon completion, all engineering certification, geotechnical testing result/report, photographs and Work-as-Executed drawings prepared by a registered surveyor shall be submitted for approval by Council for record purposes.  
(Reason: Ensure compliance)

#### **113. Completion of Civil Works – Stage 4**

Prior to release of any linen plan/subdivision certificate for **Stage 4**, the Applicant shall satisfactorily complete all required road works, kerb and gutter, footpaths and associated drainage works for stage 3 and 4 development site of DA 2004/521 in accordance with Council's AUSPEC specifications and to the satisfaction of Council.

Upon completion, all engineering certification, geotechnical testing result/report, photographs and Work-as-Executed drawings prepared by a registered surveyor shall be submitted for approval by Council for record purposes.  
(Reason: Ensure compliance)

#### **114. Construction of Footpath – Stage 3**

Prior to the issue of the linen plans/subdivision certificate for **Stage 3**, a 1200mm wide concrete footpaths on one side of Road No. 2, 3 and 4 shall be constructed for the full frontage of the development lots, in accordance with Council's standard specifications (AUSPEC).

#### **115. Construction of Footpath – Stage 4**

Prior to the issue of the linen plans/subdivision certificate for **Stage 4**, a 1200mm wide concrete footpaths on one side of Road No. 5 and 52 shall be constructed for the full frontage of the development lots, in accordance with Council's standard specifications (AUSPEC).

#### **116. Inspection of Civil Works – Stage 3**

All required road pavement, footpath, kerb and gutter, drainage works and/or any necessary associated works on Road No. 2, 3 and 4 shall be completed in accordance with the approved drawings, conditions and specification (AUS-SPEC).

All civil works carried out shall be inspected and approved by a Chartered Civil Engineer. Upon completion, all engineering certification, geotechnical testing result/report, photographs and Work-as-Executed drawings prepared by a registered surveyor shall be submitted for approval by Council prior to issue of the subdivision plan/release of a linen plan for **Stage 3**.

(Reason: Ensure compliance)

#### **117. Inspection of Civil Works – Stage 4**

All required road pavement, footpath, kerb and gutter, drainage works and/or any necessary associated works on Road No. 5 and 52 shall be completed in accordance with the approved drawings, conditions and specification (AUS-SPEC).

All civil works carried out shall be inspected and approved by a Chartered Civil Engineer. Upon completion, all engineering certification, geotechnical testing result/report, photographs and Work-as-Executed drawings prepared by a registered surveyor shall be submitted for approval by Council prior to issue of the subdivision plan/release of a linen plan for **Stage 4**.

(Reason: Ensure compliance)

#### **118. CCTV Report of Council Pipe System**

A qualified practitioner, with a certificate of attainment in NWP331A Perform Conduit Evaluation, shall undertake a closed circuit television (CCTV) inspection and then report on the condition of the Council drainage pipeline after the completion of all works. No person is to enter any Council stormwater conduit without written approval from Council. The camera and its operation shall comply with the following: -

- The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner.
- The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints.
- Distance from the manholes shall be accurately measured and displayed on the video.
- All pipe joints and defects are to be inspected by stopping movement and panning the camera to fully inspect the joint and/or defect.
- The inspection survey shall be conducted from manhole to manhole.

The written report, together with a copy of the digital video footage of the pipeline shall be submitted to Council. Any damage that has occurred to the section of the pipeline since the commencement of any works on the site shall be repaired in full to the satisfaction of Council at no cost to Council, which may include full reconstruction.

A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority.

(Reason: Ensure compliance and protection of public asset)



#### **119. Restoration of Council's Assets**

Prior to issue of the Subdivision Certificate, the applicant shall restore all damages caused to Council's assets in the vicinity of the subject site as a result of construction works to the satisfaction of Council's Director of Infrastructure Services Division.  
(Reason: Protection of public asset)

#### **120. Performance Bond**

Prior to issue of any Occupation Certificate or the issue of a Subdivision Certificate for **Stages 3 or 4**, the Applicant shall lodge with the Council a performance bond of \$140,000 against defective public civil works undertaken by the main Contractor for a period of twelve (12) months from the date of the issue of all occupation certificates for all dwellings. The bond shall be lodged in the form of a cash deposit, cheque or unconditional bank guarantee which will be refundable subject to the approval of Council's Engineers at the end of the maintenance period. In this period, the Applicant is liable for any part of the work which fails to achieve the design specifications. Council shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary.  
(Reason: Ensure compliance and specification)

#### **121. S88B Instrument for Council Pipe**

Prior to issue of the Subdivision Certificate for **Stage 4**, the applicant shall dedicate, at no cost to Council, a drainage easement of 2 metres wide over the proposed allotment No. 66, 67 and 68 in favour of Council for the as-built stormwater drainage pipe on Road No. 5. The standard wording of the terms of the Drainage Easement shall be in accordance with Part 3 of Schedule 4A of the Conveyancing Act 1919.

Prior to issue of the Subdivision Certificate, a registered surveyor is to provide certification that the Council's drainage system pipe are wholly contained within the proposed drainage easement.  
(Reason: Maintenance requirement)

#### **122. General Easement/ROW Provision and Certification**

Prior to issue of a Subdivision Certificate, a registered surveyor is to provide certification that all driveways, drainage structures and services are fully contained within the proposed allotment or will be fully covered by the proposed burdens upon registration of the final plan of subdivision.  
(Reason: Ensure Compliance)

#### **123. Creation of Reciprocal Right-of-Carriageway**

Prior to issue of the Subdivision Certificate for **Stage 4**, the applicant shall create, at its expense, reciprocal right-of-carriageway of variable width for the following allotments:

- a. Lots No. 43 to 46 as per plan No. 6003/65B dated 14/8/12.
- b. Lots No. 59 to 61 as per plan No. 6003/65B dated 14/8/12.
- c. Lots No. 66 to 76 as per plan No. 6003/65B dated 14/8/12.

The Plan of Subdivision, showing the creation of these rights of carriageway shall be submitted to Council for approval.  
(Reason: Provide Access)

#### **124. Creation of Interallotment Drainage Easements – Stage 3**

Prior to issue of the Subdivision Certificate for Stage 3, the applicant shall create, at no cost to Council, interallotment drainage easements over the following allotments:

- a. 1 metre wide in favour of Lot No. 34, 33 and 32 over the affected downstream development lots.
- b. 1 metre wide in favour of Lot No. 34, 33 and 32 over the affected downstream development lots.

The Plan of Subdivision, showing these interallotment drainage easements shall be submitted to Council for approval

(Reason: Legal requirement)

#### **125. Creation of Interallotment Drainage Easements – Stage 4**

Prior to issue of the Subdivision Certificate for **Stage 4**, the applicant shall create, at no cost to Council, interallotment drainage easements over the following allotments:

- c. 2 metres wide in favour of the existing properties on the eastern side of Windsor Road over the affected downstream development lots.
- d. 2 metres wide in favour of the existing properties in the Warners Avenue catchment area over the affected downstream development lots.
- e. 1 metre wide in favour of Lot No. 59 and 60 over the affected downstream development lots.
- f. 1 metre wide in favour of Lot No. 58 over the affected downstream development lots.
- g. 1 metre wide in favour of Lot No. 53 over the affected downstream development lots.
- h. 1 metre wide in favour of Lot No. 50 over the affected downstream development lots.
- i. 1 metre wide in favour of Lot No. 46, 45, 44 and 43 over the affected development lots.
- j. 1 metre wide in favour of Lot No. 66 and 67 over the affected downstream development lots.
- k. 1 metre wide in favour of Lot No. 69, 70, 71, 72 and 73 over the affected downstream development lots.
- l. 1 metre wide in favour of Lot No. 74 over the affected downstream development lots.
- m. 1 metre wide in favour of Lot No. 76 over the affected downstream development lots.

The Plan of Subdivision, showing these interallotment drainage easements shall be submitted to Council for approval

(Reason: Legal requirement)

#### **ADDITIONAL CONDITIONS**

**The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land, and relevant legislation.**

**126. Domestic Air Conditioning Units Noise Level**

All air conditioning units installed shall not be heard in a habitable room in another residential premises between the hours of 10.00pm and 7.00am weekdays and 10.00pm and 8.00am weekends and public holidays.  
(Reason: Compliance and amenity)

**127. Compliance with Original DA**

Development is to be compliant with the relevant terms and conditions of Development Consent 2004/521 as applicable to Stage 3 and 4 development.  
(Reason: Ensure Compliance)

**128. RMS Condition**

All work associated with the proposed development is to be at no cost to the RMS.  
(Reason: RMS condition)

**129. RMS Condition**

Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the proposed access driveways to motorists, pedestrians and cyclists.  
(Reason: Traffic and Safety)

**130. Windsor Road Public Reserve**

The Windsor Road Public Reserve being identified as Superlot 11 on DA-2004/521 is to be developed in accordance with approved landscape plans as part of DA-2004/521. No consent is given to works on the Windsor Road Public Reserve as part of this Development Application.  
(Reason: Ensure Compliance)Text

**131. Erection Wholly within the Boundaries**

All works (with the exception of any works approved under S138 of the Roads Act 1993) including footings, shall be erected wholly within the boundaries of the property.  
(Reason: Ensure compliance)

**132. NSW Office of Water – General Terms of Approval**

The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.  
(Reason: Ensure compliance)

**133. NSW Office of Water – General Terms of Approval**

The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.  
(Reason: Ensure compliance)

#### **134. Road Closure**

Any closure (full or partial) of a public road is strictly prohibited without the approval of Council.

(Reason: Public protection)

#### **135. Public Infrastructure Restoration**

Prior to the release of the Damage Deposit, any damaged public infrastructure caused as a result of the construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) must be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

(Reason: Protection of Public Assets)

#### **136. Road Reserve Planting**

Replacement planting proposed within the road reserve may be undertaken subject to the following conditions:

- i) The cost of all works being borne by the applicant.
- ii) All service location checks and liability being the responsibility of the applicant.
- iii) The applicant is to maintain the planting in the road reserve for a period of 52 weeks following planting

Plants are to be maintained in a healthy condition, weeds suppressed and any dead plant material replaced.

Following the 52 week maintenance period, the applicant is to contact Council's Open Space Section to arrange a site inspection prior to handover to Council.

- iv) Council retains the right to prune or remove the planting as may be required for road or service maintenance and safety.

(Reason: Management of public assets)

#### **137. Trees on Adjoining Properties**

No approval is given for the removal or pruning of trees on the nature strip, adjoining reserves, or neighbouring private land.

(Reason: Environmental protection)

### **PRESCRIBED CONDITIONS**

**The following conditions are prescribed by S80A of the Environmental Planning & Assessment Act for developments involving building work.**

#### **138. Compliance with Building Code of Australia**

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

(Reason: Compliance)

### **139. Support for Neighbouring Buildings**

- (1) If development involves an excavation that extends below the level of the base of the footings of a building on an adjoining property, the person having the benefit of the development consent must, at the person's own expense:
  - a) protect and support the adjoining premises from possible damage from the excavation, and
  - b) if necessary, underpin and support the adjoining premises to prevent any such damage, and
  - c) 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.
- (2) 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.
- (3) In this clause, "allotment of land" includes a public road and any other public place.

(Reason: Safety)

## **STATUTORY REQUIREMENTS**

**The following advisory notes are statutory requirements of the Environmental Planning & Assessment Act and the Environmental Planning & Assessment Regulations and are provided to assist applicants**

### **140. Detailed Drawings**

Detailed construction drawings, specifications, and other supporting documentation required for a Construction Certificate are to be in accordance with the terms of this Consent and comply with the requirements of the Building Code of Australia.

(Reason: Ensure compliance)

### **141. Construction Certificate Required**

This consent IS NOT an approval to carry out any building works (with the exception of demolition work). A Construction Certificate is required PRIOR TO ANY BUILDING WORKS BEING COMMENCED.

Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 9777 1000.

(Reason: Ensure compliance and Statutory requirement)

### **142. Notify Council of Intention to Commence Works**

In accordance with the provisions of Clause 81A(2) of the Environmental Planning and Assessment Act 1979 the person having the benefit of the development consent shall appoint a Principal Certifying Authority and give at least 2 days' notice to Council, in writing, of the persons intention to commence the erection of the building.

(Reason: Information and ensure compliance)

#### **143. Occupation Certificate**

The buildings/structure or part thereof shall not be occupied or used until an interim occupation / final occupation certificate has been issued in respect of the buildings or part.

An occupation certificate shall not be issued in respect of the buildings or part until the proposed lots have been created and registration of the appropriate survey plan by Land Titles Office.

(Reason: Safety)

## Appendix 1 – Development Statistics

	Proposed	Standard	Compliance
<b>Site Area</b>			
Lot 31	348.4	N/A	
Lot 32	300.6	N/A	
Lot 33	300.6	N/A	
Lot 34	300.6	N/A	
Lot 35	300.7	N/A	
Lot 36	270.7	N/A	
Lot 37	235.2	N/A	
Lot 38	235.2	N/A	
Lot 39	238.3	N/A	
Lot 40	294.6	N/A	
Lot 41	291.9	N/A	
Lot 42	219.6	N/A	
Lot 43	233.1	N/A	
Lot 44	267	N/A	
Lot 45	298.7	N/A	
Lot 46	228.4	N/A	
Lot 47	218.6	N/A	
Lot 48	191.9	N/A	
Lot 49	190.8	N/A	
Lot 50	190.4	N/A	
Lot 51	190.4	N/A	
Lot 52	191.6	N/A	
Lot 53	199.6	N/A	
Lot 54	217.4	N/A	
Lot 55	229.4	N/A	
Lot 56	242.4	N/A	
Lot 57	244.6	N/A	
Lot 58	200	N/A	
Lot 59	243.9	N/A	
Lot 60	225.4	N/A	
Lot 61	222.3	N/A	
Lot 62	240.1	N/A	
Lot 63	238.9	N/A	
Lot 64	237.5	N/A	
Lot 65	258.8	N/A	
Lot 66	224.6	N/A	
Lot 67	184.5	N/A	
Lot 68	196.5	N/A	
Lot 69	196.9	N/A	
Lot 70	190.4	N/A	
Lot 71	206.9	N/A	
Lot 72	198	N/A	
Lot 73	186.5	N/A	
Lot 74	300.7	N/A	

	Proposed	Standard	Compliance
Lot 75	309	N/A	
Lot 76	309.2	N/A	
<b>Total</b>	<b>11040.8m<sup>2</sup></b>	<b>N/A</b>	
<b>Cumulative Total (including previous approved stages)</b>	<b>19331.3m<sup>2</sup></b>	<b>N/A</b>	
<b>GFA (Clause 26D WLEP) Note: Masterplan control of 16,000m<sup>2</sup> for the entire masterplan site has been applied relative to each allotment.</b>			
Lot 31	283.5	278.72	No*
Lot 32	249.3	240.48	No*
Lot 33	250.5	240.48	No*
Lot 34	254.3	240.48	No*
Lot 35	249.5	240.56	No*
Lot 36	221	216.56	No*
Lot 37	231.5	188.16	No*
Lot 38	230.5	188.16	No*
Lot 39	235.4	190.64	No*
Lot 40	223.6	235.68	Yes
Lot 41	219.4	233.52	Yes
Lot 42	226.4	175.68	No*
Lot 43	198	186.48	No*
Lot 44	199.6	213.6	Yes
Lot 45	200	238.96	Yes
Lot 46	200.7	182.72	No*
Lot 47	227.1	174.88	No*
Lot 48	167.5	153.52	No*
Lot 49	215.1	152.64	No*
Lot 50	190.1	152.32	No*
Lot 51	193.5	152.32	No*
Lot 52	192.6	153.28	No*
Lot 53	193.1	159.68	No*
Lot 54	208.7	173.92	No*
Lot 55	209	183.52	No*
Lot 56	207.6	193.92	No*
Lot 57	209.6	195.68	No*
Lot 58	185.8	160	No*
Lot 59	189	195.12	Yes
Lot 60	185.9	180.32	No*
Lot 61	187.8	177.84	No*
Lot 62	207.4	192.08	No*
Lot 63	207.8	191.12	No*
Lot 64	207.2	190	No*
Lot 65	189.6	207.04	Yes
Lot 66	179.3	179.68	Yes
Lot 67	175	147.6	No*
Lot 68	173.7	157.2	No*
Lot 69	173.1	157.52	No*



	Proposed	Standard	Compliance
Lot 70	175.4	152.32	No*
Lot 71	177.7	165.52	No*
Lot 72	165.3	158.4	No*
Lot 73	179.4	149.2	No*
Lot 74	203	240.56	Yes
Lot 75	221.7	247.2	Yes
Lot 76	207.2	247.36	Yes
<b>DA Total</b>	<b>9478.4</b>		
<b>Cumulative Total (including previous approved stages)</b>	<b>16,661m<sup>2</sup></b>	<b>16,000m<sup>2</sup></b>	<b>No*</b>
<b>FSR (Clause 26D WLEP) Note: An FSR has been derived from the GFA Masterplan control of 16,000m<sup>2</sup> relative to the total residential site area (20344.3m<sup>2</sup>) which equates to an FSR of 0.8:1</b>			
Lot 31	0.81:1	0.8:1	No*
Lot 32	0.83:1	0.8:1	No*
Lot 33	0.83:1	0.8:1	No*
Lot 34	0.85:1	0.8:1	No*
Lot 35	0.83:1	0.8:1	No*
Lot 36	0.82:1	0.8:1	No*
Lot 37	0.98:1	0.8:1	No*
Lot 38	0.98:1	0.8:1	No*
Lot 39	0.99:1	0.8:1	No*
Lot 40	0.76:1	0.8:1	Yes
Lot 41	0.75:1	0.8:1	Yes
Lot 42	1.03:1	0.8:1	No*
Lot 43	0.85:1	0.8:1	No*
Lot 44	0.75:1	0.8:1	Yes
Lot 45	0.67:1	0.8:1	Yes
Lot 46	0.88:1	0.8:1	No*
Lot 47	1.04:1	0.8:1	No*
Lot 48	0.87:1	0.8:1	No*
Lot 49	1.13:1	0.8:1	No*
Lot 50	1.00:1	0.8:1	No*
Lot 51	1.02:1	0.8:1	No*
Lot 52	1.01:1	0.8:1	No*
Lot 53	0.97:1	0.8:1	No*
Lot 54	0.96:1	0.8:1	No*
Lot 55	0.91:1	0.8:1	No*
Lot 56	0.86:1	0.8:1	No*
Lot 57	0.86:1	0.8:1	No*
Lot 58	0.93:1	0.8:1	No*
Lot 59	0.77:1	0.8:1	Yes
Lot 60	0.82:1	0.8:1	No*
Lot 61	0.84:1	0.8:1	No*
Lot 62	0.86:1	0.8:1	No*
Lot 63	0.87:1	0.8:1	No*
Lot 64	0.87:1	0.8:1	No*

	Proposed	Standard	Compliance
Lot 65	0.73:1	0.8:1	Yes
Lot 66	0.80:1	0.8:1	No*
Lot 67	0.95:1	0.8:1	No*
Lot 68	0.88:1	0.8:1	No*
Lot 69	0.88:1	0.8:1	No*
Lot 70	0.92:1	0.8:1	No*
Lot 71	0.86:1	0.8:1	No*
Lot 72	0.83:1	0.8:1	No*
Lot 73	0.96:1	0.8:1	No*
Lot 74	0.68:1	0.8:1	Yes
Lot 75	0.72:1	0.8:1	Yes
Lot 76	0.67:1	0.8:1	Yes
<b>DA Total</b>	<b>0.86:1</b>	<b>0.8:1</b>	<b>No*</b>
<b>Landscape Area Exc. Accessway</b> (Part C.9 WDCP- Single dwelling landscape area control - see assessment section below for an explanation)			
Lot 31	104.3	101.9	Yes – but no pool surrounds
Lot 32	82.6	85.2	No*
Lot 33	83.1	85.2	No*
Lot 34	82.5	85.2	No*
Lot 35	82.2	85.2	No*
Lot 36	77.23	74.7	Yes
Lot 37	71.8	62.3	Yes
Lot 38	76.5	62.3	Yes
Lot 39	75.9	63.2	Yes
Lot 40	75.41	83.4	No*
Lot 41	95.39	82.2	Yes
Lot 42	56.3	56.9	No*
Lot 43	42.6	48.2	No*
Lot 44	46.5	54.0	No*
Lot 45	39	59.9	No*
Lot 46	51.8	59.9	No*
Lot 47	55.6	56.5	No*
Lot 48	43.4	47.2	No*
Lot 49	51.7	46.8	Yes
Lot 50	47.1	46.6	Yes
Lot 51	46.6	46.6	Yes
Lot 52	48.4	47.1	Yes
Lot 53	55.5	49.9	Yes
Lot 54	58.5	56.1	Yes
Lot 55	66.1	60.3	Yes
Lot 56	76.9	64.8	Yes
Lot 57	68.1	65.6	Yes
Lot 58	49.5	50.0	No*
Lot 59	80.7	65.4	Yes
Lot 60	49.8	58.9	No*
Lot 61	56.8	57.8	No*
Lot 62	66.4	64.0	Yes

	Proposed	Standard	Compliance
Lot 63	66.29	63.6	Yes
Lot 64	64.11	63.1	Yes
Lot 65	105.6	70.6	Yes
Lot 66	71.54	50.6	Yes
Lot 67	45.25	38.5	Yes
Lot 68	53.45	42.0	Yes
Lot 69	49.34	40.5	Yes
Lot 70	44.7	38.5	Yes
Lot 71	48.2	43.6	Yes
Lot 72	40.33	40.6	No*
Lot 73	36.2	36.7	No*
Lot 74	64.19	57.6	Yes
Lot 75	84.2	82.4	Yes*
Lot 76	74.5	82.7	No*
<b>Height (storeys) (Clause 26D WLEP/ 4.2.3 Design Guidelines/DWLEP)</b>			
Lot 31	2 storeys (street) - 9.45m	2 storey (Design Guidelines) - 9m (DWLEP)	No*
Lot 32	2 storeys (street) - 8.265m	2 storey (Design Guidelines) - 9m (DWLEP)	Yes
Lot 33	2 storeys (street) - 8.49m	2 storey (Design Guidelines) - 9m (DWLEP)	Yes
Lot 34	2 storeys (street) - 8.91m	2 storey (Design Guidelines) - 9m (DWLEP)	Yes
Lot 35	2 storeys (street) - 6.55m	2 storey (Design Guidelines) - 9m (DWLEP)	Yes
Lot 36	2 storeys + semi basement* - 7.765m	2 storey (Design Guidelines) - 9m (DWLEP)	Yes
Lot 37	2 storeys + semi basement* - 7.2m	2 storey (Design Guidelines) - 9m (DWLEP)	Yes
Lot 38	2 storeys + semi basement* - 7.25m	2 storey (Design Guidelines) - 9m (DWLEP)	Yes
Lot 39	2 storeys + semi basement* - 7.525m	2 storey (Design Guidelines) - 9m (DWLEP)	Yes
Lot 40	2 storeys - 7.455m	2 storey (Design Guidelines) - 9m (DWLEP)	Yes
Lot 41	2 storeys - 7.83m	2 storey (Design Guidelines) - 9m (DWLEP)	Yes
Lot 42	3 storeys - 9.113m	2 storey (Design Guidelines) - 9m (DWLEP)	No*
Lot 43	3 storeys - 9.04m	2 storey (Design Guidelines) - 9m (DWLEP)	No*
Lot 44	3 storeys - 6.58m	2 storey (Design Guidelines) - 9m (DWLEP)	No*
Lot 45	3 storeys - 7.42m	2 storey (Design Guidelines) - 9m (DWLEP)	No*
Lot 46	3 storeys - 5.35 – 6m	2 storey (Design Guidelines) - 9m (DWLEP)	No*
Lot 47	3 storeys - 9.23m	2 storey (Design Guidelines) - 9m (DWLEP)	No*
Lot 48	3 storeys - 8.66m	2 storey (Design Guidelines) - 9m (DWLEP)	No*
Lot 49	3 storeys - 9.85m	2 storey (Design Guidelines) - 9m (DWLEP)	No*
Lot 50	3 storeys - 7.485m	2 storey (Design	No*

	Proposed	Standard	Compliance
		Guidelines) - 9m (DWLEP)	
Lot 51	3 storeys - 7.85m	2 storey (Design Guidelines) - 9m (DWLEP)	No*
Lot 52	3 storeys - 7.705m	2 storey (Design Guidelines) - 9m (DWLEP)	No*
Lot 53	3 storeys - 7m	2 storey (Design Guidelines) - 9m (DWLEP)	No*
Lot 54	3 storeys - 7.315m	2 storey (Design Guidelines) - 9m (DWLEP)	No*
Lot 55	3 storeys - 7.135m	2 storey (Design Guidelines) - 9m (DWLEP)	No*
Lot 56	3 storeys - 6.65m	2 storey (Design Guidelines) - 9m (DWLEP)	No*
Lot 57	3 storeys - 7.62m	2 storey (Design Guidelines) - 9m (DWLEP)	No*
Lot 58	3 storeys - 6.615m	2 storey (Design Guidelines) - 9m (DWLEP)	No*
Lot 59	3 storeys - 5.73m	2 storey (Design Guidelines) - 9m (DWLEP)	No*
Lot 60	3 storeys - 6.89m	2 storey (Design Guidelines) - 9m (DWLEP)	No*
Lot 61	3 storeys - 7.43m	2 storey (Design Guidelines) - 9m (DWLEP)	No*
Lot 62	3 storeys - 7.945m	2 storey (Design Guidelines) - 9m (DWLEP)	No*
Lot 63	3 storeys - 7.49m	2 storey (Design Guidelines) - 9m (DWLEP)	No*
Lot 64	3 storeys - 8.69m	2 storey (Design Guidelines) - 9m (DWLEP)	No*
Lot 65	3 storeys - 6.85m	2 storey (Design Guidelines) - 9m (DWLEP)	No*
Lot 66	2 storeys + semi basement* - 8.9m	2 storey (Design Guidelines) - 9m (DWLEP)	Yes
Lot 67	2 storeys + semi basement* - 9.155m	2 storey (Design Guidelines) - 9m (DWLEP)	No*
Lot 68	2 storeys + semi basement* - 9.04m	2 storey (Design Guidelines) - 9m (DWLEP)	No*
Lot 69	2 storeys + semi basement* - 8.905m	2 storey (Design Guidelines) - 9m (DWLEP)	Yes
Lot 70	2 storeys + semi basement* - 8.755m	2 storey (Design Guidelines) - 9m (DWLEP)	Yes
Lot 71	2 storeys + semi basement* - 8.305m	2 storey (Design Guidelines) - 9m (DWLEP)	Yes
Lot 72	2 storeys + semi basement* - 8.385m	2 storey (Design Guidelines) - 9m (DWLEP)	Yes
Lot 73	2 storeys + semi basement* - 8.35m	2 storey (Design Guidelines) - 9m (DWLEP)	Yes
Lot 74	2 storeys + semi basement* - 8.42m	2 storey (Design Guidelines) - 9m (DWLEP)	Yes
Lot 75	2 storeys - 8.995m	2 storey (Design Guidelines) - 9m (DWLEP)	Yes
Lot 76	2 storeys - 8.525m	2 storey (Design Guidelines) - 9m (DWLEP)	Yes
<b>Garaging (Part 7 Design Guidelines)</b>			
Lot 31	Double Garage	Permissible – faces road	Yes
Lot 32	Double Garage	Permissible – faces road	Yes

	<b>Proposed</b>	<b>Standard</b>	<b>Compliance</b>
Lot 33	Double Garage	Permissible – faces road	Yes
Lot 34	Double Garage	Permissible – faces road	Yes
Lot 35	Double Garage	Permissible – faces road	Yes
Lot 36	Semi Basement Double Garaging (1.626 - 1.745m)	Permissible in semi basement - 1650mm above footpath	No*
Lot 37	Semi Basement Double Garaging (1.68 - 1.846m)	Permissible in semi basement - 1650mm above footpath	No*
Lot 38	Semi Basement Double Garaging (1.69 - 1.88m)	Permissible in semi basement - 1650mm above footpath	No*
Lot 39	Semi Basement Double Garaging (1.71 - 1.95m)	Permissible in semi basement - 1650mm above footpath	No*
Lot 40	Double Garage (2.8 - 3.1m)	Permissible in semi basement - 1650mm above footpath	No*
Lot 41	Double Garage	Permissible – faces road	Yes
Lot 42	Double Garage (2 - 2.2m)	Permissible in semi basement - 1650mm above footpath	No*
Lot 43	Double Garage	Permissible – faces road	Yes
Lot 44	Double Garage	Permissible – faces road	Yes
Lot 45	Double Garage	Permissible – faces road	Yes
Lot 46	Double Garage	Permissible – faces road	Yes
Lot 47	Double Garage (2 - 2.3m)	Permissible in semi basement - 1650mm above footpath	No*
Lot 48	Double Garage (2.3 - 2.7m)	Permissible in semi basement - 1650mm above footpath	No*
Lot 49	Double Garage	Permissible – faces road	Yes
Lot 50	Double Garage	Permissible – faces road	Yes
Lot 51	Double Garage	Permissible – faces road	Yes
Lot 52	Double Garage	Permissible – faces road	Yes
Lot 53	Double Garage	Permissible – faces road	Yes
Lot 54	Double Garage	Permissible – faces road	Yes
Lot 55	Double Garage	Permissible – faces road	Yes
Lot 56	Double Garage	Permissible – faces road	Yes
Lot 57	Double Garage	Permissible – faces road	Yes
Lot 58	Double Garage	Permissible – faces road	Yes
Lot 59	Double Garage	Permissible – faces road	Yes
Lot 60	Double Garage	Permissible – faces road	Yes
Lot 61	Double Garage	Permissible – faces road	Yes
Lot 62	Double Garage	Permissible – faces road	Yes
Lot 63	Double Garage	Permissible – faces road	Yes
Lot 64	Double Garage	Permissible – faces road	Yes
Lot 65	Double Garage	Permissible – faces road	Yes
Lot 66	Semi Basement Double Garaging (1.5 - 1.9m)	Frontage <8m – Double garaging not permissible	No*
Lot 67	Semi Basement Double	Frontage <8m – Double	No*

	Proposed	Standard	Compliance
	Garaging (1.4 - 1.8m)	garaging not permissible	
Lot 68	Semi Basement Double Garaging (1.5 - 1.8m)	Frontage <8m – Double garaging not permissible	No*
Lot 69	Semi Basement Double Garaging (1.5 - 1.9m)	Frontage <8m – Double garaging not permissible	No*
Lot 70	Semi Basement Double Garaging (1.6 - 1.9m)	Frontage <8m – Double garaging not permissible	No*
Lot 71	Semi Basement Double Garaging (1.6 - 1.9m)	Frontage <8m – Double garaging not permissible	No*
Lot 72	Semi Basement Double Garaging (1.6 - 1.9m)	Frontage <8m – Double garaging not permissible	No*
Lot 73	Semi Basement Double Garaging (1.5 - 1.8m)	Frontage <8m – Double garaging not permissible	No*
Lot 74	Semi Basement Double Garaging (1.6 - 1.8m)	Permissible – faces road	Yes
Lot 75	Double Garage	Permissible – faces road	Yes
Lot 76	Double Garage	Permissible – faces road	Yes
<b>House Front Setback</b> (3.1.2 Design Guidelines)			
Lot 31	>3m	3m	Yes
Lot 32	>3m	3m	Yes
Lot 33	>3m	3m	Yes
Lot 34	>3m	3m	Yes
Lot 35	>3m	3m	Yes
Lot 36	>3m	3m	Yes
Lot 37	>3m	3m	Yes
Lot 38	>3m	3m	Yes
Lot 39	>3m	3m	Yes
Lot 40	2.6m	3m	No*
Lot 41	3m	3m	Yes
Lot 42	2.7m	3m	No*
Lot 43	>3m	3m	Yes
Lot 44	>3m	3m	Yes
Lot 45	>3m	3m	Yes
Lot 46	>3m	3m	Yes
Lot 47	2.7m	3m	No*
Lot 48	2.7m	3m	No*
Lot 49	2.9m	3m	No*
Lot 50	3m	3m	Yes
Lot 51	3m	3m	Yes
Lot 52	2.7m - 2.9m	3m	No*
Lot 53	>3m	3m	Yes
Lot 54	2.1-4m	3m	No
Lot 55	3m	3m	Yes
Lot 56	>3m	3m	Yes
Lot 57	>3m	3m	Yes
Lot 58	>3m	3m	Yes
Lot 59	>3m	3m	Yes
Lot 60	>3m	3m	Yes
Lot 61	>3m	3m	Yes
Lot 62	>3m	3m	Yes

	Proposed	Standard	Compliance
Lot 63	>3m	3m	Yes
Lot 64	>3m	3m	Yes
Lot 65	>3m	3m	Yes
Lot 66 (east)	>3m	3m (double fronted site)	Yes
Lot 67 (east)	>3m	3m (double fronted site)	Yes
Lot 68 (east)	>3m	3m (double fronted site)	Yes
Lot 69 (east)	2.5 - 5.8m	3m (double fronted site)	No*
Lot 70 (east)	2.4 - 5.3m	3m (double fronted site)	No*
Lot 71 (east)	>3m	3m (double fronted site)	Yes
Lot 72 (east)	>3m	3m (double fronted site)	Yes
Lot 73 (east)	2.1 - 4.2m	3m (double fronted site)	No*
Lot 74 (east)	2.4 - 4.1m	3m (double fronted site)	No*
Lot 75	2.9m	3m (double fronted site)	No*
Lot 76	2-3.5m	3m (double fronted site)	No*
<b>Ground Floor Side Setback (3.2.2 Design Guidelines)</b>			
Lot 31	1m	0 - 0.9m	Yes
Lot 32	0 - 1m	0 - 0.9m	Yes
Lot 33	0 - 1m	0 - 0.9m	Yes
Lot 34	0 - 1m	0 - 0.9m	Yes
Lot 35	0 - 1m	0 - 0.9m	Yes
Lot 36	0 - 1.1m	0 - 0.9m	Yes
Lot 37	0 - 1.1m	0 - 0.9m	Yes
Lot 38	0 - 1.1m	0 - 0.9m	Yes
Lot 39	0 - 1.2m	0 - 0.9m	Yes
Lot 40	0.9 - 1m	0 - 0.9m	Yes
Lot 41	1 - 3m	900mm – 3m	Yes
Lot 42	0.9 - 1m	0 - 0.9m	Yes
Lot 43	0 - 0.9m	0 - 0.9m	Yes
Lot 44	0 - 0.9m	0 - 0.9m	Yes
Lot 45	0 - 0.9m	0 - 0.9m	Yes
Lot 46	0 - 0.9m	0 - 0.9m	Yes
Lot 47	0.9 - 1m	0 - 0.9m	Yes
Lot 48	0.9 - 1m	0 - 0.9m	Yes
Lot 49	0.9m	0 - 0.9m	Yes
Lot 50	0 - 0.9m	0 - 0.9m	Yes
Lot 51	0 - 0.9m	0 - 0.9m	Yes
Lot 52	0 - 0.9m	0 - 0.9m	Yes
Lot 53	0 - 0.9m	0 - 0.9m	Yes
Lot 54	0 - 0.9m	0 - 0.9m	Yes
Lot 55	0 - 0.9m	0 - 0.9m	Yes
Lot 56	0 - 0.9m	0 - 0.9m	Yes
Lot 57	0 - 0.9m	0 - 0.9m	Yes
Lot 58	0 - 1.1m	0 - 0.9m	Yes
Lot 59	0 - 1.5m	0 - 0.9m	Yes
Lot 60	0 - 0.9m	0 - 0.9m	Yes
Lot 61	0 - 0.9m	0 - 0.9m	Yes
Lot 62	0 - 0.9m	0 - 0.9m	Yes
Lot 63	0 - 0.9m	0 - 0.9m	Yes

	Proposed	Standard	Compliance
Lot 64	0 - 0.9m	0 - 0.9m	Yes
Lot 65	0 - 0.9m	0 - 0.9m	Yes
Lot 66	0 - 1.5m	0 - 0.9m	Yes
Lot 67	Nil	Nil	Yes
Lot 68	Nil	Nil	Yes
Lot 69	Nil	Nil	Yes
Lot 70	Nil	Nil	Yes
Lot 71	Nil	Nil	Yes
Lot 72	Nil	Nil	Yes
Lot 73	Nil	Nil	Yes
Lot 74	0 - 2.4m	0 - 0.9m	Yes
Lot 75	0 - 1.1m	0 - 0.9m	Yes
Lot 76	0 - 0.9m	0 - 3m	No*
<b>Upper Floor Side Setback (3.2.3 Design Guidelines)</b>			
Lot 31	1.6 - 1.7m	0.9m	Yes
Lot 32	0.9 - 1m	0.9m	Yes
Lot 33	0.9 - 1m	0.9m	Yes
Lot 34	0.9 - 1m	0.9m	Yes
Lot 35	0.9 - 1m	0.9m	Yes
Lot 36	1 - 1.1m	0.9m	Yes
Lot 37	1 - 1.1m	0.9m	Yes
Lot 38	1 - 1.1m	0.9m	Yes
Lot 39	1 - 1.8m	0.9m	Yes
Lot 40	1 - 2.385m	0.9m	Yes
Lot 41	1.6 - 4.2m	0.9m	Yes
Lot 42	0.9 - 1.17m	0.9m	Yes
Lot 43	0.9 - 1m	0.9m	Yes
Lot 44	0.9 - 1m	0.9m	Yes
Lot 45	1m	0.9m	Yes
Lot 46	0.9 - 1m	0.9m	Yes
Lot 47	1 - 1.1m	0.9m	Yes
Lot 48	1.17 - 1.4m	0.9m	Yes
Lot 49	1 - 1.17m	0.9m	Yes
Lot 50	0.9m	0.9m	Yes
Lot 51	0.9m	0.9m	Yes
Lot 52	0.9-1m	0.9m	Yes
Lot 53	0.9m	0.9m	Yes
Lot 54	0.9m	0.9m	Yes
Lot 55	0.9m	0.9m	Yes
Lot 56	0.9m	0.9m	Yes
Lot 57	0.9m	0.9m	Yes
Lot 58	0.9 - 1.2m	0.9m	Yes
Lot 59	0.9 - 1.5m	0.9m	Yes
Lot 60	0.9 - 1m	0.9m	Yes
Lot 61	0.9m	0.9m	Yes
Lot 62	0.9m	0.9m	Yes
Lot 63	0.9m	0.9m	Yes
Lot 64	0.9m	0.9m	Yes



	<b>Proposed</b>	<b>Standard</b>	<b>Compliance</b>
Lot 65	0.9-1.6m	0.9m	Yes
Lot 66	0-1.5mm	0.9m	Yes
Lot 67	Nil	Nil	Yes
Lot 68	Nil	Nil	Yes
Lot 69	Nil	Nil	Yes
Lot 70	Nil	Nil	Yes
Lot 71	Nil	Nil	Yes
Lot 72	Nil	Nil	Yes
Lot 73	Nil	Nil	Yes
Lot 74	0 - 3.4m	0 - 0.9m	Yes
Lot 75	1 - 1.1m	0.9m	Yes
Lot 76	0.9m	0.9 - 3m	No*
<b>Ground Floor Rear Setback (3.3.2 Design Guidelines)</b>			
Lot 31	3.7-9m	4m	No*
Lot 32	9.5m	4m	Yes
Lot 33	9.5m	4m	Yes
Lot 34	9.5m	4m	Yes
Lot 35	9.5m	4m	Yes
Lot 36	14.6m	4m	Yes
Lot 37	7m	4m	Yes
Lot 38	7m	4m	Yes
Lot 39	7m	4m	Yes
Lot 40	3m	4m	No*
Lot 41	0.9m	4m	No*
Lot 42	1.5m	4m	No*
Lot 43	3.8m	4m	No*
Lot 44	5.7m	4m	Yes
Lot 45	7.8m	4m	Yes
Lot 46	7.8m	4m	Yes
Lot 47	1.5m	4m	No*
Lot 48	0.97m	4m	No*
Lot 49	0.97m	4m	No*
Lot 50	7m	4m	Yes
Lot 51	7m	4m	Yes
Lot 52	7m	4m	Yes
Lot 53	7.5m	4m	Yes
Lot 54	7.5m	4m	Yes
Lot 55	8.2 - 9.3m	4m	Yes
Lot 56	8.7 - 9.9m	4m	Yes
Lot 57	10.3 - 11.5m	4m	Yes
Lot 58	7.2 - 8.3m	4m	Yes
Lot 59	9.2m	4m	Yes
Lot 60	9m	4m	Yes
Lot 61	8.8m	4m	Yes
Lot 62	7.7m	4m	Yes
Lot 63	7.5m	4m	Yes
Lot 64	7.3m	4m	Yes
Lot 65	8.6m	4m	Yes

	<b>Proposed</b>	<b>Standard</b>	<b>Compliance</b>
Lot 66 (west)	6.6 - 9m	3m (double fronted site)	Yes
Lot 67 (west)	9.6 - 11.5m	3m (double fronted site)	Yes
Lot 68 (west)	10.4 - 12.3m	3m (double fronted site)	Yes
Lot 69 (west)	9.8 – 11.6m	3m (double fronted site)	Yes
Lot 70 (west)	9.1 – 10.9m	3m (double fronted site)	Yes
Lot 71 (west)	8.5 – 10m	3m (double fronted site)	Yes
Lot 72 (west)	7.8 - 8.7m	3m (double fronted site)	Yes
Lot 73 (west)	7.5 – 7.7m	3m (double fronted site)	Yes
Lot 74 (west)	6.4m	3m (double fronted site)	Yes
Lot 75	1.58m (garage) – 7.5m (dwelling)	3m (double fronted site)	Yes
Lot 76	1.57m (garage) – 7.5m (dwelling)	3m (double fronted site)	Yes
<b>Upper Floor Rear Setback (3.3.2 Design Guidelines)</b>			
Lot 31	2.1-9m (3.2 - 14m Top level)	6m	No*
Lot 32	12.5m	6m	Yes
Lot 33	12.5m	6m	Yes
Lot 34	12.5m	6m	Yes
Lot 35	12.4m	6m	Yes
Lot 36	13.6m	6m	Yes
Lot 37	6m	6m	Yes
Lot 38	6m	6m	Yes
Lot 39	6m	6m	Yes
Lot 40	4m	6m	No*
Lot 41	1m	6m	No*
Lot 42	1.6m	6m	No*
Lot 43	4.8m	6m	No*
Lot 44	6.7m	6m	Yes
Lot 45	8.8m	6m	Yes
Lot 46	8.8m	6m	Yes
Lot 47	1.6m	6m	No*
Lot 48	1m	6m	No*
Lot 49	1m	6m	No*
Lot 50	4.3m	6m	No*
Lot 51	4.29m	6m	No*
Lot 52	4.29m	6m	No*
Lot 53	4.8m	6m	No*
Lot 54	5.5 - 6.6m	6m	No*
Lot 55	6 - 7.2m	6m	Yes
Lot 56	6.7 - 7.9m	6m	Yes
Lot 57	8.3 - 9.5m	6m	Yes
Lot 58	5.5 - 6.5m	6m	No*
Lot 59	6.5m	6m	Yes
Lot 60	6.4m	6m	Yes
Lot 61	6.2m	6m	Yes
Lot 62	6.7m	6m	Yes
Lot 63	6.5m	6m	Yes
Lot 64	6.3m	6m	Yes

	Proposed	Standard	Compliance
Lot 65	6-6.1m	6m	Yes
Lot 66 (west)	6.3 – 6.8m	3m (double fronted site)	Yes
Lot 67 (west)	8 – 8.7m	3m (double fronted site)	Yes
Lot 68 (west)	9 – 9.6m	3m (double fronted site)	Yes
Lot 69 (west)	8.2 – 9m	3m (double fronted site)	Yes
Lot 70 (west)	7.2 – 8.3m	3m (double fronted site)	Yes
Lot 71 (west)	6.8 – 7.2m	3m (double fronted site)	Yes
Lot 72 (west)	5.9 - 6.2m	3m (double fronted site)	Yes
Lot 73 (west)	4.9 - 5.9m	3m (double fronted site)	Yes
Lot 74 (west)	3.5 - 4.8m	3m (double fronted site)	Yes
Lot 75	8.8m	3m (double fronted site)	Yes
Lot 76	9.3m	3m (double fronted site)	Yes
<b>Rear Pergola Setback (3.3.2 Design Guidelines)</b>			
Lot 31	1.9-6m	3m	No*
Lot 32	9.5m	3m	Yes
Lot 33	9.5m	3m	Yes
Lot 34	9.5m	3m	Yes
Lot 35	6.5m	3m	Yes
Lot 36	11.6m	3m	Yes
Lot 37	4m	3m	Yes
Lot 38	4m	3m	Yes
Lot 39	4m	3m	Yes
Lot 40	N/A	3m	N/A
Lot 41	N/A	3m	N/A
Lot 42	1.5m	3m	No*
Lot 43	3.7m	3m	Yes
Lot 44	3.7m	3m	Yes
Lot 45	3.7m	3m	Yes
Lot 46	3.7m	3m	Yes
Lot 47	1.5m	3m	No*
Lot 48	0.97m	3m	No*
Lot 49	0.97m	3m	No*
Lot 50	4.3m	3m	Yes
Lot 51	4.29m	3m	Yes
Lot 52	4.29m	3m	Yes
Lot 53	4.8m	3m	Yes
Lot 54	4.5 - 5.5m	3m	Yes
Lot 55	5m	3m	Yes
Lot 56	5.7 - 6.9m	3m	Yes
Lot 57	7.3 - 8.5m	3m	Yes
Lot 58	4.5 - 5.6m	3m	Yes
Lot 59	6.5m	3m	Yes
Lot 60	6.4m	3m	Yes
Lot 61	6.1m	3m	Yes
Lot 62	5m	3m	Yes
Lot 63	4.8m	3m	Yes
Lot 64	4.6m	3m	Yes
Lot 65	5.9 - 6m	3m	Yes

	Proposed	Standard	Compliance
Lot 66	4.9 – 6.9m	3m	Yes
Lot 67	7.5 – 8.6m	3m	Yes
Lot 68	8.1 – 9.4m	3m	Yes
Lot 69	7.5 – 8.9m	3m	Yes
Lot 70	6.7 – 8.4m	3m	Yes
Lot 71	6.1 – 7.3m	3m	Yes
Lot 72	5.3 – 6.1m	3m	Yes
Lot 73	4.8 - 4.9m	3m	Yes
Lot 74	3.7m	3m	Yes
Lot 75	8.8m	3m	Yes
Lot 76	9.3m	3m	Yes
<b>Private Open Space</b> (5.2 Design Guidelines / Part D.3.6 WDCP)			
Lot 31	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 32	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 33	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 34	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 35	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 36	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 37	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 38	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 39	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 40	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 41	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 42	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 43	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 44	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 45	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 46	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 47	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 48	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 49	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 50	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 51	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 52	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 53	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 54	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 55	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 56	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 57	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 58	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 59	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 60	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 61	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 62	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 63	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 64	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 65	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 66	>25m <sup>2</sup>	25m <sup>2</sup>	Yes

	<b>Proposed</b>	<b>Standard</b>	<b>Compliance</b>
Lot 67	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 68	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 69	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 70	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 71	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 72	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 73	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 74	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 75	>25m <sup>2</sup>	25m <sup>2</sup>	Yes
Lot 76	>25m <sup>2</sup>	25m <sup>2</sup>	Yes

\* See assessment section above.