

Development Application No. 0918/20DA

Schedule of Conditions

ADMINISTRATIVE CONDITIONS

Development Description:

1. Development consent is granted only to carrying out the development described in detail below:
 - ***Seniors Housing (16 self-contained dwellings in Building A and 57 self-contained dwellings in Building B and alterations and additions to enclose building C/D car park)***

Prescribed Conditions:

2. The proponent shall comply with the prescribed conditions of development approval under Clauses 97A, 98, 98A - E of Environmental Planning and Assessment Regulation 2000 as are of relevance to this development.

Development is to be in accordance with approved plans:

3. The development is to be implemented in accordance with the plans set out in the following table except where modified by any conditions of this consent (Development Consent No. 0918/20DA).

Plan No.	Plan	Version	Prepared by	Dated
DA-1.01	Location Plan	A	Reddog Architects	25 June 2020
DA-1.02, DA-1.03, DA-1.04, DA-1.05, DA-1.06, A-1.07	Building A and B Overall Plans	A	Reddog Architects	25 June 2020
DA-2.01, DA-2.02, DA-2.03, DA-2.04	Building A Floor Plans	A	Reddog Architects	25 June 2020
DA-2.05, DA-2.06, DA-2.07, DA-2.08, DA-2.09, DA-2.10, DA-2.11, DA-2.12, DA-2.13, DA-2.14, DA-2.15, DA-2.16	Building B Floor Plans	A	Reddog Architects	25 June 2020
DA-3.01, DA-3.02	Streetscape Elevations	A	Reddog Architects	25 June 2020
DA-3.03, DA-3.04	Building A Elevations	A	Reddog Architects	25 June 2020
DA-3.05, DA-3.06, DA-3.07, DA-3.08	Building B Elevations	A	Reddog Architects	25 June 2020
DA-3.09, DA-3.10, DA-3.11	Sections	A	Reddog Architects	25 June 2020

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Plan No.	Plan	Version	Prepared by	Dated
DA-3.20, DA-3.21, DA-3.22, DA-3.23	Building C and D Elevations	A	Reddog Architects	25 June 2020
DA-4.01, DA-4.02, DA-4.03, DA-4.04, DA-4.05, DA-4.06, DA-4.07, DA-4.08, DA-4.09, DA-4.10	Building A Unit Plans	A	Reddog Architects	25 June 2020
DA-4.11, DA-4.12, DA-4.13, DA-4.14, DA-4.15, DA-4.16, DA-4.17, DA-4.18, DA-4.19, DA-4.20, DA-4.21, DA-4.22, DA-4.23, DA-4.24, DA-4.25, DA-4.26	Building B Unit plans	A	Reddog Architects	25 June 2020
C04	Sediment and Erosion Control Details	A	De Groot & Benson	23 June 2020

In the event of any inconsistency between conditions of this development consent and the plans referred to above, the conditions of this development consent prevail.

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

Development in Accordance with Documents:

4. The development shall be undertaken in accordance with the following documents:

- (1) Statement of Environmental Effects (and appendices), prepared by de Groot & Benson Pty Ltd and dated June 2020

Inconsistency Between Documents:

5. In the event of any inconsistency between:

- (1) The conditions of this approval and the drawings/documents referred to in conditions 3 and 4, the conditions of this approval prevail; and
- (2) Any drawing/document listed in conditions 3 and 4 and any other drawing/document listed in conditions 3 and 4, the most recent document shall prevail to the extent of inconsistency.

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PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Construction Certificate:

6. No building work is to commence on site until a Construction Certificate has been issued for the work and Council has been notified that a Principal Certifier has been appointed.

Stormwater Management Plan:

7. A Stormwater Management Plan complying with the relevant controls of Council's Water Sensitive Urban Design Policy being submitted to and approved by Council **prior to issue of the relevant Construction Certificate**.

The design is to incorporate a detention system that achieves compliance with the Coffs Harbour City Council Water Sensitive Urban Design Policy targets. Design details are to include calculations showing the effect of the proposed development on design stormwater run-off flow rates and the efficiency of proposed measures to limit the flows. A MUSIC model, and an Operation and Maintenance Plan shall accompany the design for the system.

Landscape Plan:

8. A detailed landscaping plan for all unbuilt-on areas of the site being submitted to and approved by Council **prior to issue of the relevant Construction Certificate/s**.

The Plan must be prepared and certified by a qualified architect, landscape architect or professional landscape consultant. The Plan is to comply with Council's Landscaping Guidelines, and is to incorporate measures to ensure the maintenance and survival of the landscaping.

Outdoor Lighting:

9. All outdoor lighting shall comply with, where relevant, AS/NZ 1158.3:1999 "*Pedestrian Area (Category P) Lighting*" and Australian Standard AS 4282:1997 "*Control of the Obtrusive Effects of Outdoor Lighting*" and the requirements of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Details demonstrating compliance with these requirements being submitted to the satisfaction of Council or the accredited certifier **prior to issue of the relevant Construction Certificate**.

Construction Waste Management Plan:

10. Prior to works for each stage commencing on the site for each stage of the development, a Construction Management Plan shall be submitted to and approved by the Principal Certifying Authority. The Plan shall address, but not be limited to, the following matters where relevant:
 - (i) hours of work;
 - (ii) contact details of site manager;
 - (iii) traffic management, including recycling or disposal of waste to an approved disposal depot: no burning of materials is permitted on the site;

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- (iv) noise and vibration management;
- (v) waste management;
- (vi) erosion and sediment control; and
- (vii) suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site.

Where the Principal Certifying Authority is not Council, the applicant shall submit a copy of the approved plan to Council for information prior to works commencing on site.

Separation of Waste:

11. The waste management arrangements for the proposal are to cater for the separation of both recyclables and all organics (including food) wastes from the mixed waste stream. Other waste streams generated by the premises must be identified within waste storage areas on detailed design plans with details being submitted to Council for approval **prior to the issue of the relevant Construction Certificate/s**.

Bulk Waste Bins and Communal 240 Litre Bins:

12. The waste bin areas and associated waste storage rooms are to be enclosed by a roofed and screened enclosure in accordance with the provisions of Council's Development Control Plan 2015 (DCP).

The refuse rooms on each level are to accommodate a minimum of 3 x 240L MGBs to cater for the three waste streams; general waste, recycling and organics waste.

The Building B ground floor waste room is to be sized to accommodate the following minimum waste volumes per week in suitable Mobile Garbage Bins (or other receptacles as may apply for liquid or other specific wastes):

Building	Waste	Recycling	Organic	AND Other
ILU A+B	5840L or minimum 3 x 1100L bulk bins emptied a minimum of twice per week	2920L or minimum 3 x 1100L bulk bins emptied a minimum of twice per week	3650L or 8 x 240L bins emptied twice weekly	Liquid waste = 1 x palletised 200L drum

Access to the ground floor waste room for servicing by the Waste Collection Contractor must meet access and design requirements contained in DCP, part F6.3 Waste Storage Requirements.

Details being submitted and approved by Council **prior to issue of the relevant Construction Certificate**.

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Compensatory Excavation (Flood Storage)

13. Detailed design of the compensatory excavation as described in 'de Groot & Benson Pty Ltd Flood Impact Assessment' (Ref: 04257 dated 25 June 2020) and shown on conceptual Drawings 04257-C02 and C03, being submitted and approved by Council **prior to the issue of the relevant Construction Certificate.**

Flood Permeable Fencing:

14. Details of flood permeable fencing, to ensure passage of floodwaters is maintained across the site from York St to San Francisco Ave (or vice versa), as described in 'de Groot & Benson Pty Ltd Flood Impact Assessment' (Ref: 04257 dated 25 June 2020) being submitted and approved by Council **prior to the issue of the relevant Construction Certificate.**

Noise Control from Pacific Highway:

15. The proposed development shall be designed such that the road traffic noise from the existing Pacific Highway is mitigated by durable materials in accordance with Clause 102 of State Environmental Planning Policy (Infrastructure) 2007 and the *Development Near Rail Corridors & Busy Roads Interim Guideline 2008*, prepared by the Department of Planning.

A report from a suitably qualified person detailing the proposed method/s of addressing the above requirements being submitted to and approved by Council **prior to the issue of the relevant Construction Certificate.**

Section 7.11 (formerly sec 94) Monetary Contributions:

16. Payment to Council of contributions, at the rate current at the time of payment, towards the provision of the following public services or facilities:

Note 1 - The contributions are to be paid prior to release of the relevant Construction Certificate for building works, unless other arrangements acceptable to Council are made.

Note 2 - The rates will be adjusted in accordance with the procedures set out in Council's Section 7.11 (formerly sec 94) Contributions Plans. The applicant is advised to confirm the contribution rate applicable at the time of payment as rates are revised at least annually.

Note 3 - If the development is to be staged, contributions are to be paid on a pro rata basis in respect of each stage.

	\$ Per Unit
- Coordination and Administration	133.63
- Coffs Harbour Road Network	477.57
- Surf Rescue Facilities	77.51
- District Open Space	2,179.05

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The Section 7.11 (formerly sec 94) contribution is currently \$203,610.96 for the 73 senior living dwellings, contained in building A & B. This includes a credit for two apartments previously paid for and as subsequently modified.

Contributions have been imposed under the following plans:

- Coffs Harbour Open Space 2017
- Coffs Harbour Road Network 2016
- Surf Rescue Facilities 2019
- Coffs Harbour Administration Levy 2019

The Contribution Plans may be inspected at the Council Administration Offices, 2 Castle Street, Coffs Harbour or on Council's web site, www.coffsharbour.nsw.gov.au.

Water Management Act 2000:

17. **The relevant Construction Certificate not being released** until a Certificate of Compliance pursuant to Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 evidencing that adequate arrangements have been made for the provision of water and sewerage services to and within the development is produced to Council.

PRIOR TO COMMENCEMENT OF WORKS

Site Notice:

18. Prior to commencement of works a site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of the development details including but not limited to:
- (1) Details of the Principal Contractor and Principal Certifier for all stages of the development;
 - (2) The approved hours of work;
 - (3) The name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction noise complaints are to be displayed on the site notice; and
 - (4) To state that unauthorised entry to the site is not permitted.

Notice to be Given Prior to Commencement / Earthworks:

19. The Principal Certifier and Council shall be given written notice, at least 48 hours prior to the commencement of earthworks on the site;

The Principal Certifier is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifier via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

Contact Telephone Number:

20. Prior to the commencement of the works for each stage of the development, the proponent shall forward to Council a 24 hour telephone number to be operated for the duration of the construction works.

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Erosion and Sediment Control

21. Prior to commencement of work on the site for each stage of the development, erosion and sedimentation control measures are to be installed and operational, including the provision of a “shake down” area, where required to the satisfaction of the Principal Certifying Authority.

Sanitary Plumbing and Draining:

22. A separate application is to be made to Council by the licensed plumber and drainer prior to the commencement of any sanitary plumbing and drainage work on site.

DURING CONSTRUCTION

Approved Plans to be On-Site:

23. A copy of the approved and certified plans, specifications and documents incorporating the conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifier.

Excavated Material:

24. Where excavated material is to leave the site it is to be disposed of at an approved landfill facility.

Alternatively, where it is proposed to dispose of the excavated material at another location no material is to leave the site until:

- Council has been advised in writing of the destination site(s); and
- Council has been advised of the quantity and makeup of the material; and
- Council has issued written approval for disposal to the alternate location(s).

Note: The exportation of fill or soil from the site must be in accordance with the provisions of the Protection of the Environment Operations Act (POEO) 1997 and the Office of Environment and Heritage “*Waste Classification Guidelines*” and shall comply with the terms of any approval issued by Council.

Fill

25. All fill is to be placed in accordance with the requirements of Council’s Development Design and Construction Specifications and the approved Sediment and Erosion Control Plan.

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D008.02 Importation of Fill:

26. The only fill material that may be received at the development is:

- a) Virgin excavated natural material (within the meaning of the Protection of the Environment Operations (POEO) Act);
- b) Any other waste-derived material the subject of a resource recovery exemption under Clause 51A of the Protection of the Environment Operations (*Waste*) Regulation 2005 that is permitted to be used as fill material, excluding waste tyre.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifier on request.

Construction Waste Management:

27. Compliance with the terms of approved construction waste management plan.

Erosion and Sediment Control:

28. All erosion and sediment control measures, as designed in accordance with the approved plans are to be effectively implemented and maintained at or above design capacity for the duration of the construction works for each stage of the project, and until such time as all ground disturbance by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

D014.01 Dust Control Measures(2):

29. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (1) All materials shall be stored or stockpiled at the best locations;
- (2) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that runoff occurs;
- (3) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other materials;
- (4) Cleaning of footpaths and roadways shall be carried out regularly; and
- (5) Rumble grids being installed at access points to the site.

Hours of Work:

30. The hours of construction for all stages of the development, including delivery of materials to the site, shall be restricted as follows:

- (1) Between 7:00am and 6:00pm, Mondays to Fridays inclusive;
- (2) Between 7:00am and 1:00pm, Saturdays if inaudible from adjoining residential properties, otherwise between 8:00am and 1:00pm;
- (3) No construction work on Sundays and Public Holidays.

Works may be undertaken outside these hours where:

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- (1) The delivery of materials is required by the Police or other authorities; and/or
- (2) It is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and/or
- (3) The work is approved through the Construction Noise and Vibration Management Plan; and Version: 4, Version Date: 23/03/2020 Document Set ID: 6877253 Development Application No. 0902/17 Schedule of Conditions as per Section 4.55 Modification determination of 23 March 2020
- (4) Residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of works.

Public Way to be Unobstructed:

31. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

Acid Sulfate Soils Management Plan

32. The Acid Sulfate Soil Management Plan prepared by deGroot & Benson (*Park Beach Residences Development Application Acid Sulfate Report, Ref: 14257*) and dated 22 February 2017, shall be implemented in full.

Finished Floor Level (New Building):

33. The minimum finished floor level for buildings A and B is to RL 5.90m, and RL 5.75m, respectively. In accordance with the proposed floor levels nominated on the 'de Groot & Benson Pty Ltd Flood Impact Assessment (Ref: 04257 dated 25 June 2020).

A registered surveyor's certificate that construction has complied with these levels must be submitted to the Principal Certifying Authority **prior to works proceeding beyond ground floor level.**

D025.01 Stormwater:

34. No new paving, excavation, filling or other work on the site is to interfere with the existing drainage system so as to pond or divert water onto adjoining properties.

Cultural Heritage:

35. In the event that future works during any stage of the development disturb Aboriginal Cultural materials, works at or adjacent to the material must stop immediately. Temporary fencing must be erected around the area and the material must be identified by an independent and appropriately qualified archaeological consultant. The Office of Environment and Heritage (OEH), Northern Aboriginal Heritage Unit and the Aboriginal Stakeholder groups must be informed. These groups are to advise on the most appropriate course of action to follow. Works must not resume at the location without the prior written consent of the OEH and Northern Aboriginal Heritage Unit and the Aboriginal Stakeholder groups.

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PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

Occupation Certificate:

36. A person must not commence occupation or use of any new building prior to obtaining the relevant Occupation Certificate for that building from the Principal Certifying Authority.

Stormwater Management Certification:

37. **Prior to the issue of the relevant Occupation Certificate** certification, prepared by a suitably qualified person, is required to be submitted to the Principal Certifying Authority to the effect that the stormwater treatment system has been installed and complies with the approved design.

Car Parking Spaces:

38. Car parking spaces as shown on the plans approved as part of this consent, being provided on the development site **prior to the issue of the relevant Occupation Certificate**.

All car parking and manoeuvring areas being constructed in accordance with the provisions of Australian Standard AS 2890.1 "Parking Facilities: Off-Street Car Parking" and the provisions of AS/NZS 2890.6:2009 "Parking Facilities: Part 6: Off-Street parking for people with disabilities".

Retaining Works:

39. Any excavation or fill, regardless of height must be suitably retained or stabilised **prior to the issue of the relevant Occupation Certificate**.

Landscaping Works:

40. **Prior to the issue of the relevant Occupation Certificate** a works as executed plan is to be submitted to the Principal Certifier, certifying that all landscape works have been carried out in accordance with the approved plan.

Rainwater Tanks:

41. A separate application being submitted to Council's Water Services Section for assessment and registration of the proposed rain water tank(s) and associated plumbing works, prior to their installation. Evidence of registration is to be confirmed by the Principal Certifier **prior to the issue of the relevant Occupation Certificate**.

Note: A testable backflow prevention device is required with underground water storage tanks.

Note: an application form may be downloaded from Council's web site
www.coffsharbour.nsw.gov.au <http://www.coffsharbour.nsw.gov.au>

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Internal Roads

42. Internal roads that service this development are to be constructed **prior to release of the relevant Occupation Certificate**.

Noise Attenuation:

43. Noise attenuation methods specified in the acoustic consultant report, required by this consent, being implemented in the development and the completed works subsequently certified by the acoustic consultant **prior to the issue of the relevant Occupation Certificate**. A copy of the certification being referred to the Principal Certifying Authority **prior to the issue of the relevant Occupation Certificate**.

One month after the use has commenced a follow up report is to be submitted to the Principal Certifying Authority to assess noise emission from the development, the effectiveness of the noise attenuation methods and compliance with the appropriate maximum noise level (where applicable), is to be submitted to Council.

Flood Management:

44. A Floodsafe Plan in accordance with the NSW State Emergency Service Guidelines (FloodSafe Toolkit) is to be prepared **prior to the issue of the relevant Occupation Certificate**. For further details visit the SES website at www.ses.nsw.gov.au

BASIX:

45. All of the commitments listed in each relevant BASIX Certificate for the development being fulfilled **prior to the issue of the relevant Occupation Certificate**.

Restriction on Title – garbage and recycling collection:

46. **Prior to the issue of the relevant Occupation Certificate**, a restriction on title under Section 88B of the Conveyancing Act 1919, being registered on the title of Lot 101 DP 1223708 to the effect that:

- i. The Council, its servants and agents and persons authorised by it, to enter upon the subject land and to operate thereon vehicles and other equipment for the purposes of garbage and recycling collection, shall be granted to the Council by the owner of the subject land at the cost of the applicant.

Such easement shall be in a form acceptable to Council and shall include covenants to the effect that in the absence of negligence on the part of Council, its servants, agents and those authorised by Council to enter the subject property, they will not be liable for any damage caused to the subject land or any part thereof, or to any property located therein or thereon by reason of the operation thereon of any vehicle or other equipment used in connection with the collection of garbage and recycling and to the effect that the owner for the time being of the subject land shall indemnify Council, its servants, agents and persons authorised by it, to collect garbage and recycling against liability in respect of such claims made by any person whomsoever.

Note: an 88B instrument is acceptable subject to the area effected by the easement not requiring renewal upon sale or transfer at any time.

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Any section 88B instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of carriageway to be revoked, varied or modified only with the consent from Council.

Confirmation of the restriction outlined above being registered on title is to be provided to the Certifying Authority **prior to the issue of the relevant Occupation Certificate.**

Restriction on Title – Occupation Limitation:

47. **Prior to the issue of the relevant Occupation Certificate**, a restriction on title under Section 88E of the Conveyancing Act 1919, being registered on the title of Lot 101 DP 1223708, to the effect that:

Occupation of the development, as detailed on the approved plans and to which this development application relates is limited to the following persons:

- i. seniors or people who have a disability, as defined by State Environmental Planning Policy (Housing For Seniors or People with a Disability) 2004.
- ii. people who live within the same household with seniors or people who have a disability,
- iii. staff employed to assist in the administration of and provision of services to housing provided under State Environmental Planning Policy (Housing For Seniors or People with a Disability) 2004.

Any section 88E instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of carriageway to be revoked, varied or modified only with the consent from Council.

Confirmation of the restriction outlined above being registered on title is to be provided to the Certifying Authority **prior to the issue of the relevant Occupation Certificate.**

Standards concerning accessibility and useability

48. **Prior to the issue of the relevant Occupation Certificate**, certification from a suitably qualified person is to be provided to the Certifying Authority, confirming compliance of the development with Schedule 3 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

OPERATIONAL MATTERS

Occupants of the Development:

49. Only the following persons may occupy the accommodation to which this development application relates:
- (a) seniors or people who have a disability, as defined by State Environmental Planning Policy (Housing For Seniors or People with a Disability) 2004.
 - (b) people who live within the same household with seniors or people who have a disability, as defined by State Environmental Planning Policy (Housing For Seniors or People with a Disability) 2004.
 - (c) staff employed to assist in the administration of and provision of services to housing provided under State Environmental Planning Policy (Housing For Seniors or People with a Disability) 2004.

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Stormwater:

50. All stormwater management systems are to be maintained in accordance with the approved stormwater plans.

Car Parking Areas

51. Car Parking areas approved by this development consent are to be maintained in a serviceable condition at all times.

Stormwater:

52. All stormwater management systems must be maintained in accordance with the approved stormwater plans.

Landscape Works:

53. Landscaping is to be maintained in accordance with the approved landscape plans at all times.

Noise:

54. Noise emanating from the premises shall at all times be in accordance with the provisions of the Protection of the Environment (Operations) Act 1997.

With regards to plant and machinery the following requirements apply:

- a) Noise associated with the operation of any plant, machinery or other equipment on the Subject Site, shall not exceed 5dB(A) above the background noise level when measured at the boundary of the Subject Site.
- b) Noise generated in Industrial area is to accord with the industrial noise criteria within the 'Industrial Noise Policy' prepared by the Environment Protection Authority, 1999.

External Lighting:

55. External lighting shall comply with the requirements of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit to Council evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

Internal Roads

56. Any vehicle required to park temporarily within the internal roads of the site to carry out waste collection, removalist services, and the like; must do so to ensure all other movements on the internal road can occur safely.

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ADVISORY NOTES

Public Road Reserves:

57. No work is to be undertaken within a public road reserve without prior written approval from Council. Applications for such approval are to be accompanied by the necessary security deposit and must satisfy Council that adequate Public Liability Insurance has been obtained, with Council being nominated as co-insured.

Retaining Works:

58. A construction certificate is required for retaining walls exceeding 600mm in height. Timber retaining walls exceeding 600mm in height are not to be permitted within 1 metre of the boundary.

Note: Retaining Structures must be fully within private property.

Stormwater:

59. No new paving, excavation, filling or other work on the site is to interfere with the existing drainage system so as to pond or divert water onto adjoining properties.
