

**DA NO:** DA-2022/4

**ADDRESS:** 105 ARTARMON ROAD, ARTARMON NSW 2064.

**PROPOSAL:** PARTIAL DEMOLITION OF EXISTING DWELLING AND GARAGE WITH RETENTION OF FRONT FACADE, SYMPATHETIC RECONSTRUCTION OF GARAGE AND PART OF DWELLING FAÇADE, TWO STOREY ADDITIONS, FENCING AND ASSOCIATED WORKS.

**RECOMMENDATION:** APPROVAL

**ATTACHMENTS:**

1. SITE DESCRIPTION AND AERIAL PHOTO
2. DEVELOPMENT CONTROLS, STATISTICS, DEVELOPER CONTRIBUTION & REFERRALS
3. ASSESSMENT UNDER WDCP
4. SUBMISSIONS TABLE
5. SECTION 4.15 (79C) ASSESSMENT
6. SCHEDULE OF CONDITIONS
7. NOTIFICATION MAP

**RESPONSIBLE OFFICER:** RITU SHANKAR - TEAM LEADER

**AUTHOR:** PATRICK WILLIAMS - DEVELOPMENT ASSESSMENT OFFICER

**REPORT DATE:** 18 October 2022

**MEETING DATE FOR PUBLIC MEETING** 25 October 2022

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## 1. PURPOSE OF REPORT

The purpose of this report is to seek determination by Willoughby Local Planning Panel (WLPP) of Development Application DA-2022/4 for *partial demolition of existing dwelling and garage with retention of front facade, sympathetic reconstruction of garage and part of dwelling façade, two storey additions, fencing and associated works* at 105 Artarmon Road, Artarmon.

The application is required to be referred to the WLPP for determination because the development received over ten (10) individual submissions of objection.

## 2. OFFICER'S RECOMMENDATION

**THAT** the Willoughby Local Planning Panel:

**2.1 Approve Development Application DA-2022/4 for *partial demolition of existing dwelling and garage with retention of front facade, sympathetic reconstruction of garage and part of dwelling façade, two storey additions, fencing and associated works* at 105 Artarmon Road, Artarmon NSW 2064 subject to conditions contained in Attachment 6, for the following reasons:**

**2.1.1 The proposal is consistent with the objectives of the R2- Low Density Residential Zone and considered to be consistent with the objectives of Part D1 & Part H of the *Willoughby DCP*;**

**2.1.2 The proposed development will not have unreasonable impacts on the streetscape, the residential amenity of the neighbouring properties or the surrounding locality;**

**2.1.3 It is considered that the proposed development meets the desired outcomes and objectives of the development standards contained in the *Willoughby Local Environmental Plan 2012 (WLEP)* and objectives of the *Willoughby Development Control Plan (WDCP)*.**

### **3. BACKGROUND**

The applicant undertook a pre-lodgement meeting on 2 August 2021 with regards to a potential redevelopment. Detailed minutes were later provided and highlighted the unlikely nature of full demolition and what information would need to be supplied to satisfy Council.

The application was lodged for the complete demolition of the existing dwelling and construction of a new dwelling. The applicant provided findings from a structural engineer and costings of remediation/construction, putting forward the argument that the cost to remediate was unreasonable given the total price tag of a knock down rebuild.

The assessing officer's review of the material concluded the following:

- In this case, the existing dwelling is a representative example of the early 20th Century residential architecture which is the identified period of significance for the HCA and forms part of a high level of aesthetic contribution to the streetscape setting.

The supporting Heritage Impact Statement does not adequately address relevant NSW guidelines and adopted Planning Principles for the demolition of contributory items and does not make a convincing case.

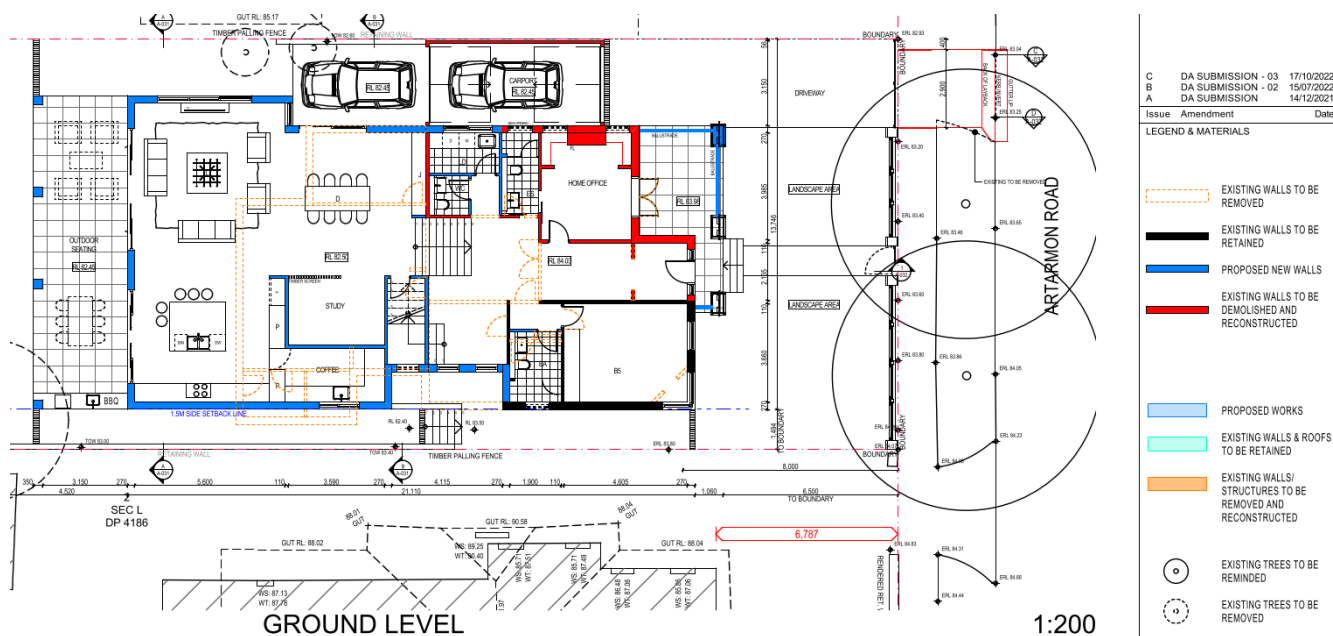
- The supporting material attempts to explain how the development is more cost effective than reinstating/renovating the dwelling. However;
  - o The evidence/costs supplied are for the complete restoration of the existing dwelling to an engineering standard well above what is required with inflated figures.
  - o The applicant takes the position of "a knockdown rebuild is cheaper than a full sympathetic renovation". However, this argument is not suitable with regards to heritage development, as it is a matter of what is reasonable. The existing dwelling could be partially restored, altered and added to in a sympathetic way within a reasonable cost of works.
  - o Note, the new owners must have been cognisant of the constraints of a site upon purchase.
- Demolition of the existing dwelling on its own would diminish the historic and aesthetic values of the conservation area, and its collective significance and cannot be supported.

Further discussions were held with the applicant with regards to the structural complexities of the site and listened to further arguments for the position of full knockdown. These discussions resulted in the following:

- Retention of a portion of the front facade
- Like-for-like reconstruction of the other portion of the facade and roof that needs to be structurally reinstated.

- Amended rear addition to be more in line with the heritage controls and character. Also addressing overlooking concerns.

The amended design was renotified with a significant reduction in submissions as discussed within the report. These plans are subject to the enclosed assessment. Below is the proposed floor plan showing the areas of retention and like-for-like rebuild.



#### 4. DISCUSSION

A description of the site and surrounding area, including an aerial photograph is contained in **Attachment 1**.

The controls and development statistics that apply to the subject land are provided in **Attachment 2**.

An assessment of the development application non-compliances against the relevant controls of the *Willoughby Development Control Plan (WDCP)* are located in **Attachment 3**.

A table of the issues raised in the submissions objecting to the proposal and the assessing officer's response is contained in **Attachment 4**.

A detailed assessment of the proposal for approval is provided in **Attachment 5**.

The **plans** used for this assessment can be found in a file named **WLPP Plans** under the DA tracking functionality for this application on Council's website:

<https://eplanning.willoughby.nsw.gov.au/Common/Common/terms.aspx>

#### 5. CONCLUSION

The Development Application DA-2022/4 has been assessed in accordance with Section 4.15 (79C) of the *Environmental Planning and Assessment Act 1979*, *WLEP 2012*, *WDCP*, and other relevant codes and policies. It is considered that the proposal is acceptable in the particular location, subject to the consent conditions included in Attachment 6.

## ATTACHMENT 1: SITE DESCRIPTION AND AERIAL PHOTO

The property known as 105 Artarmon Road, legally described as Lot 3 Sec I DP 4186, is a rectangular shaped lots orientated generally on a north/south axis. The site is zoned R2-Low Density Residential and is located within the 'Artarmon Heritage Conservation Area'.

The site is located on the northern side of Artarmon Road and is currently occupied by the original single storey dwelling that as constructed in the early 1900's, with a newer rear extension. The dwelling has a tiled roof, rendered walls with sandstone blocks and an attached garage along the boundary. The site has a slight slope from front to rear with an overgrown backyard.

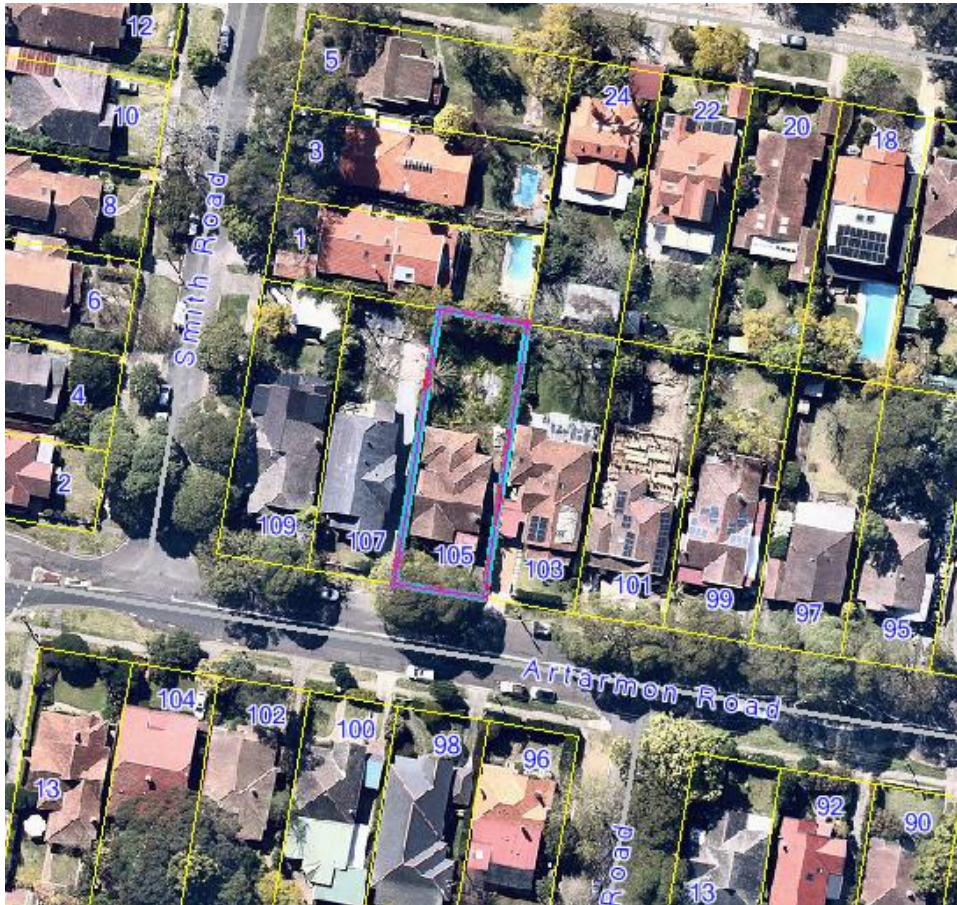


Figure 2: Aerial Image

Development in the surrounding locality comprises of a similar sized lots in the R2- Low density zone within the same Artarmon Heritage Conservation Zone. Development is characterised by single detached dwellings with sympathetic additions with a range of architectural styles that are consistent with the heritage of the area.



Figure 3: Photo of front facade.

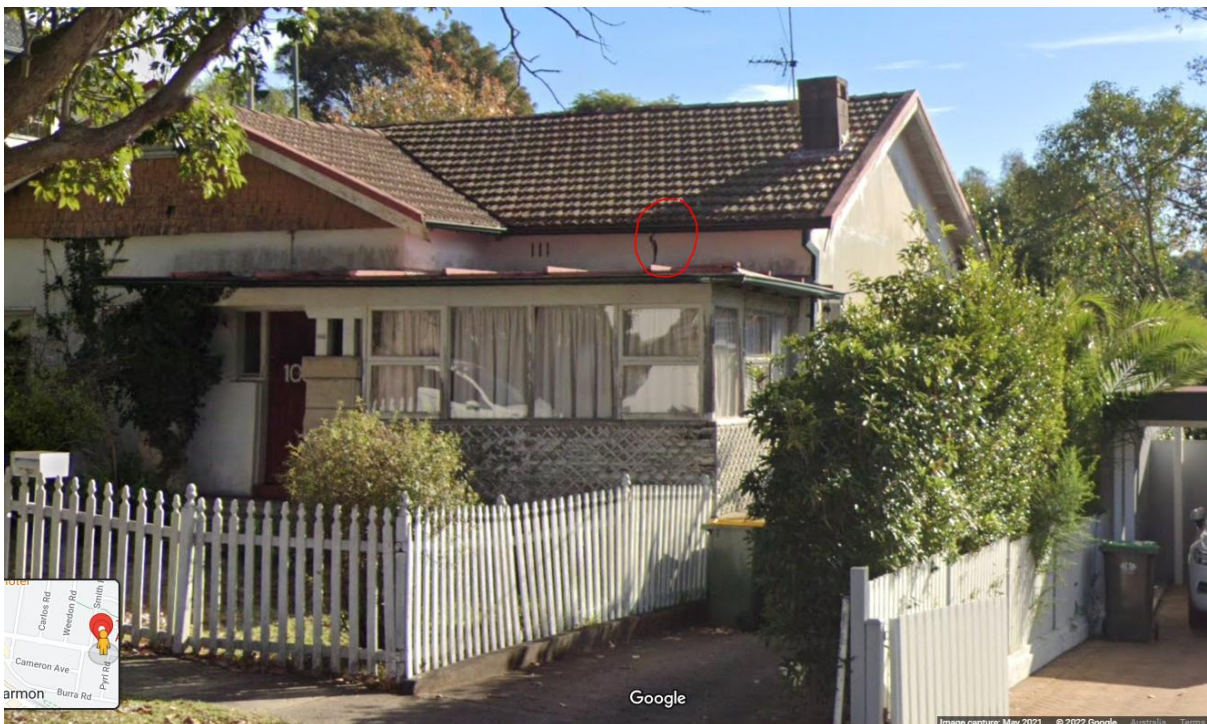


Figure 4: Streetview showing the eastern portion of the existing dwelling pulling away.  
(Source: Google Streetview)

**ATTACHMENT 2: CONTROLS & DEVELOPMENT STATISTICS AND REFERRALS**

<b>WLEP 2012 Zoning:</b>	<b>R2- Low Density Residential</b>
Existing Use Rights	NO
Additional Permitted Use	NO
Conservation area	YES - Artarmon Heritage Conservation Area: C1
Aboriginal Heritage	NO
Heritage Item	NO
Vicinity of Heritage Item	NO
Natural Heritage Register	NO
Bushfire Prone Area	NO
Flood related planning control	NO
Foreshore Building Line	NO
Adjacent to classified road	NO
Road/lane widening	NO
BASIX SEPP	YES
Infrastructure SEPP - Rail	NO
Infrastructure SEPP - Road	NO
Coastal Management SEPP	NO
Acid Sulphate Soil Category	5
Development near Lane Cove Tunnel	NO
Contaminated Land	NO
Adjacent / above Metro	NO
Land Issues - Exponare	NO
Other relevant SEPPS	N/A.
Other relevant REPS	Sydney Regional Environmental Plan (Sydney Regional Harbour catchment)
Relevant DCPs policies and resolutions	WDGP

Development Statistics (R2– Dwelling House and/or ancillary development)					
Site Area (m <sup>2</sup> )		695.55m <sup>2</sup>			
<u>WLEP 2012</u>					
		Existing	Proposed	Standard	Numerical Compliance
Cl.4.3	Height (m)	6.6m	7.1m	8m (HCA)	Yes
Cl.4.4 & Cl. 4.4A	GFA (m <sup>2</sup> )	149m <sup>2</sup>	275.3	278.22m <sup>2</sup>	Yes
	FSR		0.395:1	0.4:1	

Development Statistics (R2– Dwelling House and/or ancillary development)					
<u>WDCP</u>					
		Existing	Proposed	Standard	Numerical Compliance
C.4.2	Parking	1	2	2	Yes
C.5	Water management (kl)		Appropriate conditions have been imposed for stormwater management.	10kl	Yes
C.9	Tree preservation		Development has been amended to reduce impacts to trees. Appropriate conditions imposed.	Trees exceeding 4m, trunk girth 0.6m or crown exceeding 3 m subject to preservation controls	Yes
D1.4.2.4	Colours		The proposed colours and non-reflective and compatible with the heritage conservation area.	Sensitive to surroundings and in accordance with the Heritage provisions.	Yes
D1.4.3.2	Two storey wall length		Lengths of two storey unarticulated wall are avoid and not seen from the street.	6m max without articulation	Yes
D1.7	Building Height Plane	Slight encroachment of the gable roof on front of house	Slight encroachment of the existing gable roof on the front of the dwelling.	envelope 3.5 m high at boundary and 45 degree angle inwards over site	No. However considered appropriate given existing non-compliance
	Front Setback (m)	7m	Matching the existing	consistent with adjoining or 7m if no established building line	Yes
	East Side Setback (m)	Nil garage and 3m from dwelling	Garage – NIL (reconstructed). Ground - 2.1m First – 4.5m	Ground- 0.9m First- 1.5m	No. See attachment 3.
	West Side Setback (m)	0.9m	Ground – 1.5m First – 2.8m		
	Rear Setback (m)	20m	16m	6m for 2 storey dwelling or consistent with established line	Yes
D1.8	Soft Landscaped Area (m <sup>2</sup> )		291m <sup>2</sup>	290m <sup>2</sup>	Yes

Development Statistics (R2– Dwelling House and/or ancillary development)					
	Landscaping within front setback area (%)		72%	50% where < 18m frontage or heritage	Yes
D1.9	Private open space (>400m <sup>2</sup> )		200m <sup>2</sup> +	150m <sup>2</sup>	Yes
D1.10	Private Recreation Facilities		Pool has been removed from the application due to impacts on the trees in the neighbouring properties. The applicant will further review and lodge as a separate application when/if resolved.	Pools not to exceed 1.5m high setback min 1 m from boundary. Tennis courts min setback 2m from boundary	N/A
D1.11	Privacy		The design has been amended to address overlooking and is considered appropriate. Amendments include a Juliet style balcony on the first floor and high sill windows in the first floor living area.	Need for privacy protection	Yes
D1.12	Solar access		Shadow impacts are considered appropriate and will ensure southern lots achieve over 3 hours sunlight.	3 hours between 9am to 3pm on 22 June to private open space and living areas	Yes
H.3.2 Artarmon Heritage Conservation Area: C1					
H3.11	Setback (m)		As above. Setback are consistent with the conservation area and respect the original dwelling.	Consistent with adjoining houses. 0.9 – 2.5m (driveway)	Yes
	Height (m)	6.6m	7.1m	8m Second storey within roof	Yes
	Ridge height (m)	5.65m	5.65m	6-6.5m	Yes
	Eave height (m)	3.1m	3.1m	3.5m	Yes
	Roof pitch (degrees)	23	23-29°	25-30°	Yes
	Front fence		Proposed 1.2m fence. Conditions added to ensure compliance with heritage controls.	Low unpainted face brick	Yes

### Developer's Contribution Plans:

<b>S7.11/7.12 Section 94A contribution:</b>	Yes
a. Applicable rate (%):	1%
b. The cost of development (Part A CI 25J) (\$)	<b>\$968,000</b>
d. The total contribution payable (\$)	<b>\$9,680</b>

### Referrals

Building services	No objection subject to conditions.
Engineering	<p>The site falls to the rear. Evidence does not appear to have been provided to confirm that the applicant has requested an easement from the downstream neighbour. Stormwater plans have been provided that include a charged system to a 10kL rainwater tank for all roofwater and runoff from the driveway draining to an on-site disposal system. This revised plan complies with Part C.5 of the Willoughby DCP. The proposed outlet location is in the same position as the existing through the area where the tree is located, to minimise the impact on the trees. It is possible that the footpath will need to be raised to allow the new pipe to be installed. We have included conditions that require the replacement of the section of path if required.</p> <p>Changes are proposed to the parking arrangements. The dimensions of the proposed carports comply with AS/NZS2890.1. A new vehicle crossing is required. In order to allow separation from the neighbour's, which is currently a shared crossing, we have conditioned that the new crossing is to be located 400mm off the side boundary. This will allow the new crossing to be at a different level from the neighbour's, to prevent scraping.</p>
Heritage	<p>Further to my previous correspondence and the initial heritage memo of 9<sup>th</sup> March 2022, a revised scheme for the property has been submitted - Drawings by SWA Group, Issue B, dated 1<sup>st</sup> August 2022. The revised design now retains a section of the front of the house and is a more authentic reconstruction of the original existing dwelling at the front of the house.</p> <p>The proposed two storey rear additions have been designed to be screened behind the reconstructed house and are more complementary in scale and siting to the house itself as well as to the adjoining houses. The additions may be visible from the street but will not visually dominate nor detract from the place, and the extent of its visibility is seen as acceptable and will have less impact on the streetscape and Heritage Conservation Area.</p> <p>Details of fabric to be retained and a conservation methodology have also been described in the <i>Heritage Management Plan and Schedule of Conservation Works</i>, written by Perumal Murphy Alessi, dated July 2022.</p>

	Several conditions of consent have been added to ensure the front portion of the original house is constructed with authentic details, including following the methodology and details described in the accompanying <i>Heritage Management Plan and Schedule of Conservation Works</i> .
Landscape	No objection subject to conditions.

### ATTACHMENT 3: ASSESSMENT UNDER WDCP

This section of this report provides an assessment of the proposed development in accordance with the ***Willoughby Development Control Plan (WDCP)*** and any non-compliance with the relevant controls.

#### D1.7 - Setbacks

The development contains a zero setback for the existing detached garage which is proposed to be reconstructed like-for-like. Whilst the side setback is 0.9m within the *WDCP*, the heritage controls for the Artarmon area allow for the garages at the side of the dwelling which are consistent with the character.

Given the dwelling and garage are original and contribute to the heritage conservation area, the reconstruction at Zero setback like-for-like is consistent with the objectives of the setback control and is suitable for endorsement.

Apart from the garage, the development is fully compliant with the setback requirements.

#### ATTACHMENT 4: SUBMISSIONS TABLE

Council was in receipt of Eighteen (18) individual submissions during the initial round of notification dated 24 Jan 2022 to 08 Feb 2022. Amongst these submissions includes one letter of support. Submissions where from the following objectors:

1.	10 Cooney Road, Artarmon
2.	3/1 Palmer St, Artarmon
3.	42 Tindale Rd, Artarmon
4.	14/20 Innes Rd, Greenwich
5.	28 Jenkins St, Chatswood
6.	49 Muttama Road, Artarmon
7.	3 Coree Rd, Artarmon
8.	9 Smith Road, Artarmon
9.	29 Muttama Rd, Artarmon
10.	9 Muttama Rd, Artarmon
11.	25 Shepherd Road, Artarmon
12.	100 Artarmon Rd, Artarmon
13.	6/1a Hazelbank Rd, Wollstonecraft
14.	49 Muttama Rd, Artarmon
15.	101 Artarmon Rd, Artarmon
16.	99 Artarmon RD, Artarmon
17.	1 Smith Road, Artarmon
18.	103 Artarmon Rd, Artarmon

The below table provides the issues raised by the objectors and Council's response.

Issues Raised	Officer's Response
<b>Demolition of dwelling</b>	
The heritage house should be preserved, not demolished	<p>As explained in the background, Council agree that the complete demolition of the dwelling was not justified and would be a negative impact to the Artarmon Conservation Area.</p> <p>Council worked further with the applicant to reach a better solution, with this design later being renotified. This new design did not result in the full demolition of the dwelling and requires the applicant to reconstruct the part of the front façade like-for-like to maintain the heritage character.</p>
<b>Estimated costs of remediation and rebuild</b>	
estimated costs of remediation appear excessively high and the estimated cost of demolition/rebuild appear excessively low.	Council flagged the inflated costs structural remediation that where being used to justify full demolition. Ultimately these where not accepted.
<b>Privacy</b>	
balcony will	

definitely disturb our privacy as people at the balcony can look into our backyard/deck	The design has been amended to address privacy and overlooking to the neighbouring properties. The design has reduced the first floor balcony to a Juliet style (1m deep) and amended the first floor windows to have a sill height of 1.6m+ all to reduce privacy and overlooking.
first floor incorporates a number of windows which allows the residents of 105 Artarmon Road to overlook neighbouring properties	The new design that has been readvertised adequately mitigates these issues as shown by the reduction in overall submissions.
<b>Noise from pool</b>	
Concern about noise from pool equipment	Pool pump and equipment is usually conditioned to be enclosed and given noise restrictions to comply with. However, the pool has been deleted as part of the amended application.

The application was renotified on the submission of amended plans from 8 Aug 22 to 22 Aug 2022. Re-notification resulted in Four (4) individual submissions from the same list as above. The below table provides the issues raised by the objectors and Council's response.

Issues Raised	Officer's Response
<b>Noise from pool</b>	
Our privacy may be affected, and the noise associated with the workings and use of the pool will also affect us	The dwelling has been designed to mitigate overlooking and privacy impacts. The pool has also been deleted from the application.
<b>Precedent</b>	
<p>The changes made to the application 8/08/22 make the facade/streetscape proposal more appropriate and contributory to the character of the Artarmon Conservation Area.</p> <p>We still however hold serious concerns about the setting of precedents around demolition and unsympathetic development in the Artarmon Conservation Area.</p>	<p>A valid concern which has been taken into consideration. For this development, the structural faults along the eastern side of the original portion of the dwelling require fairly intensive remediation given the previous owner had neglected property maintenance. Yes, these works could be undertaken with the existing building however the applicant has made a suitable argument for the proposed method.</p> <p>Council will always hold a zero tolerance for demolition of contributory items within a conservation area, however there are some instances where it is not practical and consistent with Planning Principles (very rare). Notwithstanding, this development is requiring the applicant to maintain the structurally sound portion for the original dwelling and construct like-for-like the other portion. This is not to be taken as a concession and still reiterates Council's overall position for heritage development.</p>

## ATTACHMENT 5 - SECTION 4.15 (79C) ASSESSMENT

The application has been assessed under the provisions of S.4.15 (79C) of the *Environmental Planning and Assessment Act*.

The most relevant matters for consideration are assessed under the following headings:

### Matters for Consideration Under S.4.15 (79C) EP&A Act

Considered and Satisfactory ✓ and Not Relevant N/A

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> <li>State Environmental Planning Policies (SEPP)</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Regional Environmental Plans (REP)</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Local Environmental Plans (LEP)</li> </ul>	✓
	<b>Comment:</b> The proposal is consistent with the WLEP and WDCP as proposed.	
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> <li>Draft State Environmental Planning Policies (SEPP)</li> </ul>	N/A
	<ul style="list-style-type: none"> <li>Draft Regional Environmental Plans (REP)</li> </ul>	N/A
	<ul style="list-style-type: none"> <li>Draft Local Environmental Plans (LEP)</li> </ul>	✓
	<b>Comment:</b> There are no draft SEPPs that apply to the subject land. Consideration to the draft LEP revealed no impact on this development.	
(a)(iii)	Any development control plans	
	<ul style="list-style-type: none"> <li>Development control plans (DCPs)</li> </ul>	✓
	<b>Comment:</b> See assessment.	
(a)(iv)	Any matters prescribed by the regulations	
	<ul style="list-style-type: none"> <li>Clause 92 EP&amp;A Regulation-Demolition</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Clause 93 EP&amp;A Regulation-Fire Safety Considerations</li> </ul>	N/A
	<ul style="list-style-type: none"> <li>Clause 94 EP&amp;A Regulation-Fire Upgrade of Existing Buildings</li> </ul>	N/A
	<b>Comment:</b> There are no prescribed matters that affect the application.	
(b)	The likely impacts of the development	
	<ul style="list-style-type: none"> <li>Context &amp; setting</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Access, transport &amp; traffic, parking</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Servicing, loading/unloading</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Public domain</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Utilities</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Heritage</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Privacy</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Views</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Solar Access</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Water and draining</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Soils</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Air &amp; microclimate</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Flora &amp; fauna</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Waste</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Energy</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Noise &amp; vibration</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Natural hazards: Overland flowpath</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Safety, security crime prevention</li> </ul>	N/A
	<ul style="list-style-type: none"> <li>Social impact in the locality</li> </ul>	N/A

**Matters for Consideration Under S.4.15 (79C) EP&A Act**  
**Considered and Satisfactory ✓ and Not Relevant N/A**

	<ul style="list-style-type: none"> <li>Economic impact in the locality</li> </ul>	N/A
	<ul style="list-style-type: none"> <li>Site design and internal design</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Construction</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Cumulative impacts</li> </ul>	✓
	<b>Comment:</b> The impacts of the proposal on adjoining or nearby properties are considered to be reasonable.	
(c)	The suitability of the site for the development	
	<ul style="list-style-type: none"> <li>Does the proposal fit in the locality?</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Are the site attributes conducive to this development?</li> </ul>	✓
	<b>Comment:</b> The development even with the proposed demolition of part of the dwelling results in a development consistent with the conservation area and character of the streetscape.	
(d)	Any submissions made in accordance with this Act or the regulations	
	<ul style="list-style-type: none"> <li>Public submissions</li> </ul>	✓
	<ul style="list-style-type: none"> <li>Submissions from public authorities</li> </ul>	✓
	<b>Comment:</b> 18 submissions received and addressed in Attachment 4.	
(e)	The public interest	
	<ul style="list-style-type: none"> <li>Federal, State and Local Government interests and Community interests</li> </ul>	✓
	<b>Comment:</b> The proposal will not adversely impact the character of the locality and therefore approval of the application is in the public interest.	

## ATTACHMENT 6: SCHEDULE OF CONDITIONS

### 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 consent plans electronically stamped by Council:

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Floor Plan – Existing	DA-03/B	B	17/10/2022	SWA Group
Floor Plan – Demolition	DA-04/C	C		
Roof and Site Plan	DA-11/C	C		
Floor Plan Overall	DA-12/C	C		
Floor Plan - Ground	DA-13/C	C		
Floor Plan – Level 1	DA-14/C	C		
Elevations – North & South	DA-21/C	C		
Elevations – East & West	DA-22/C	C		
Elevations – Streetscape & Fence	DA-23/C	C		
Sections - A & B	DA-31/B	B		
Sections - 1	DA-32/C	C		

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 S.4.1(1) of the *Environmental Planning and Assessment Act 1979*;
- (b) otherwise provided by the conditions of this consent.  
(Reason: Information and 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.

### 2. S7.12 Contribution

Prior to the issue of the Construction Certificate, a monetary contribution is to be paid in accordance with section 7.12 of *Environmental Planning and Assessment Act, 1979* in the amount of **\$9,680** for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

This contribution is based on 1% of the estimated cost of development, being \$968,000 and the adopted *Willoughby Local Infrastructure Contributions Plan*.

#### Indexation

To calculate the monetary contribution that is payable, the proposed cost of development is to be indexed to reflect quantity variations in the Consumer Price Index, All Groups, Sydney, as published by the Australian Bureau of Statistics (ABS) between the date the proposed cost of development was agreed by the Council and the date the levy is to be paid as required by this Plan.

To calculate the indexed levy, the formula used to determine the monetary contribution is set out below:

$$\frac{\$C_o \times \text{Current CPI}}{\text{Base CPI}}$$

Where:

$\$C_o$  = the original development contribution determined by the Council based on a percentage of the cost of development as set out in the Contributions Plan

Current CPI = the Consumer Price Index (All Groups Index), Sydney, as published by the ABS at the quarter immediately prior to the date of payment

Base CPI = the Consumer Price Index (All Groups Index), Sydney, as published by the ABS at the quarter ending immediately prior to the date of imposition of the condition requiring payment of a contribution

Deferred payments of contributions will not be accepted.

Prior to payment Council can provide the value of the indexed levy.

Copies of the *Willoughby Local Infrastructure Contributions Plan* are available for inspection online at [www.willoughby.nsw.gov.au](http://www.willoughby.nsw.gov.au)

(Reason: Statutory requirement)

### 3. Local Infrastructure Contributions

For development that involves subdivision and/or building work, any contribution required under Council's Local Infrastructure Plan must be paid to Council prior to the issue of the subdivision certificate or first construction certificate, whichever occurs first.

(Reason: Statutory requirement)

**4. Sydney Water 'Tap In'**

Prior to the issue of the Construction Certificate, the approved plans must be submitted online to "Sydney Water Tap In" to determine whether the development will affect Sydney Water's sewer and water mains and to see if further requirements need to be met.

An approval receipt will need to be obtained prior to release of the Construction Certificate.

(Reason: Ensure compliance)

**5. Structural Engineer's Report**

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the building and its ability to withstand the proposed additional, or altered structural loads during all stages of construction. The certificate must also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

(Reason: Heritage conservation and ensure compliance)

**6. Unglazed Terracotta Tiles**

Unglazed terracotta colour and material Marseilles pattern roof tiles are to be used. Details of compliance are to be shown on the Construction Certificate plans.

(Reason: Heritage conservation)

**7. External Finishes – Heritage Character**

Materials and finishes must be complementary to the predominant character and streetscape of the area, and any existing buildings & the period of construction of the buildings. New materials that are not depicted on the approved plans must not be used. Highly reflective wall or roofing materials and glazing must not be used. Materials must be designed so as to not result in glare (maximum normal specular reflectivity of visible light 20%) or that causes any discomfort to pedestrians or neighbouring properties. Colours are to be muted tones – not bright whites. Details of finished external surface materials, including colours and texture must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority.

(Reason: Heritage Conservation and Visual amenity)

**8. Amendments**

Prior to the issue of the Construction Certificate, the design is to be amended in the following manner:

- a) The front fence is to be amended so that no part of the brick base is higher than 300mm. The fence is to be stepped to conform to the slope of the land.
- b) The brick pier on the west side of the fence, adjacent to the front fence at No.107 Artarmon Road, is to be replaced with a timber post, to match the other posts, in order to reduce visual bulk when viewed along the street.

Plans detailing these amendments are required to be approved in writing by Council's Heritage Planner prior to the issue of any Construction Certificate.

(Reason: Heritage streetscape and visual amenity)

**9. Damage Deposit**

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$4,670** (GST Exempt) to Council against possible damage to Council's assets and any infrastructure within the road reserve/footway during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of **\$182** (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

**Total Payable = \$4,670 + \$182 = \$4,852**

(Reason: Protection of public asset)

**10. 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 wide x 75mm high x 4mm thick hot dip galvanised Rectangular Hollow Section (RHS) with a grated drainage pit of minimum 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, Technical Standards and AS 3500.3. 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)

**11. Detailed Stormwater Management Plan Including Rainwater Tank (SWMP)**

Prior to the issue of the Construction Certificate, submit for approval by the Certifier, detailed stormwater management plans for collection of stormwater drainage from the site and connection to the kerb and gutter. The plans shall include a rainwater re-use tank(s) system with a minimum storage volume of 10m<sup>3</sup>, in accordance with Sydney Water's requirements and Part C.5 of the Willoughby DCP and Technical Standard No. 1. Runoff from all roof areas shall be directed to the tank(s). The rainwater reuse tank system shall be connected to supply non-potable use including flushing of toilets, laundry use, landscape irrigation and car washing. Overflow from the rainwater tank(s) shall be directed to the receiving stormwater-system by gravity. Any above ground rainwater re-use tank shall be located behind the front alignment of the building to which the tank is connected.

The construction drawings and specifications shall be prepared by a qualified and experienced civil engineer or suitably qualified stormwater drainage consultant and shall be in accordance with MBC Engineering's drawings S1 Rev 2. And S2 Rev 2. All drawings shall comply with Part C.5 of the Willoughby DCP and Technical Standards, AS/NZS 3500.3 – *Plumbing and Drainage Code*, Sydney Water's requirements and the National Construction Code.

(Reason: Ensure compliance)

**12. Driveway Longsection**

Prior to issue of the Construction Certificate and in order to assess the susceptibility of vehicles to scraping as they pass over the proposed access driveway the applicant shall submit longitudinal sections for approval by the certifying authority along each side of the proposed vehicular access path drawn at 1:20 Scale. The longitudinal sections shall include the following: -

- (a) Horizontal distance from the centreline of the road 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 wide and back of layback is 100mm above the gutter invert.
- (b) Both existing and proposed levels (in AHD) and gradients represented in percentage (%) of the vehicular crossing and driveway.
- (c) Crossfall on road pavement shall be shown on long sections.

The design shall be prepared by a suitably qualified civil engineer using Council's standard vehicle profile (SD100). All driveway grades and transitions shall comply with AS/NZS 2890.1 -2004 and Council's specifications.

The new crossing is to be 2.9 metres wide with no splays and be constructed at right angle to street kerb, with the edge located 400mm off the side boundary. The footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5% towards the kerb. For the design levels of the vehicular crossing at the property boundary, the following shall be complied with, unless written approval is gained from Council for alternate levels:

- (a) At back of layback – 100 mm above and parallel to the gutter invert.
- (b) At 2.1m from the face of kerb – 50mm below and parallel to the gutter invert.
- (c) At property boundary – 30mm below and parallel to the gutter invert.

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.

(Reason: Safe vehicular access)

### **13. OSD/Rainwater Tank Design**

The design of all rainwater/OSD tanks shall comply with the requirements of the NSW Work Health and Safety Regulation 2017, to minimise risks associated with confined spaces. The design shall also consider "Safety in Design" requirements. Prior to issue of a Construction Certificate, a suitably qualified person shall certify that the design meets these requirements.

(Reason: Safe access to tanks)

## **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.**

### **14. 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 Certifier prior to commencement of work. N.B. Should changes be made for the carrying out of the work the Certifier must be immediately informed.

(Reason: Information)

## **15. Report Existing Damages on Council's Property**

Prior to commencement of any works on site, submit to Council and the Principal Certifier a report with digital photographs of any existing damages to Council's assets fronting the property and the immediate adjoining properties. Failure to do so will result in the applicant being liable for any construction related damages to these assets. In this respect, the damage deposit lodged by the applicant may be used by Council to repair such damages.

(Reasons: Protection of Council's Infrastructure)

## **16. 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 TfNSW (RMS). 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. (Minimum one (1) weeks' notice required.)
- (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.

The public footway must not be obstructed at any time unless written approval has been granted by Council. Council's footpath and footway shall be maintained in a safe condition for pedestrians and the general public at all times.

(Reason: Legal requirements)

## **17. 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)

## **18. Underground Utility Services**

Where excavation is proposed, 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.**

## **19. Hours of Work**

All construction/demolition work relating to this Development Consent within the City, unless varied by an Out of Hours Work Permit, 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 for an Out of Hours Work Permit to allow variation to these approved hours must be lodged with Council at least 48 hours prior to the proposed commencement of the work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and must be accompanied by the required fee. One (1) permit is required for each variation to the approved working hours within any 24 hour period.

If a variation to these approved hours for multiple or extended periods is sought, an application under Section 4.55 of the *Environmental Planning and Assessment Act 1979* must be lodged with Council at least twenty-one (21) days in advance of the proposed changes to the hours of work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and be accompanied by the required fee. Note: This Section 4.55 application may require re-notification in some circumstances.

(Reason: Ensure compliance and amenity)

## **20. Provide Erosion and Sediment Control**

Where work involves excavation or stockpiling of raw or loose materials, erosion and sediment control devices shall be provided wholly within the site whilst work is being carried out in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system natural watercourses, bushland and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the *Protection of Environment Operations Act 1997* and the Department of Environment, Climate Change and Water guidelines. The control devices are to be maintained in a serviceable condition AT ALL TIMES.

(Reason: Environmental protection)

**21. Demolition Work AS 2601-2001**

Any demolition must be carried out in accordance with AS 2601 – 2001, *The demolition of structures*.  
(Reason: Safety)

**22. Asbestos Removal and Disposal**

Works involving the removal of asbestos must comply with Councils Policy on handling and disposal of asbestos, and must also comply with the Code of Practice for “How to Safely Remove Asbestos” approved under section 274 of the NSW Work Health and Safety Act 2011.

Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS 2601 – The Demolition of Structures.

All asbestos laden waste, including bonded or friable asbestos must be disposed of at a waste disposal site approved by the NSW Department of Environment, Climate Change and Water.

Upon completion of the asbestos removal and disposal the applicant must furnish the Certifier with a copy of all receipts issued by the waste disposal site as evidence of proper disposal.  
(Reason: Environmental protection/Public health and safety)

**23. Temporary Toilet Facilities**

Temporary toilet facilities shall be provided to the satisfaction of the Certifier.

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)

**24. 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. All parts of the fence, including the fencing blocks shall be located wholly within the property boundaries.

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

**25. Suitable Screens**

In the event of likely emission of dust, noise, waste water or other matter, suitable screens shall be erected during demolition and building work to prevent their emission from the site.

(Reason: Maintain amenity to adjoining properties)

**26. Access to Site**

During Demolition, Excavation and Construction, access to the site is to be available in all weather conditions, and stabilised to prevent vehicles tracking soil materials onto public roads.

(Reason: Environmental protection)

**27. Survey Certificate**

Certification of the following shall be submitted to the Certifier by a registered surveyor:

- (a) Prior to the construction of footings or first completed floor slab (i.e. prior to pouring of concrete) showing the area of the land, building under construction and boundary setbacks;
- (b) 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)

**28. Road and Footpath**

Council's footpath, nature strip or roadway shall not be damaged and shall be kept clear at all times. The public footway must not be obstructed at any time unless written approval has been granted by Council and the footway including any footpath shall be maintained in a safe condition for pedestrians and the general public at all times.

(Reason: Maintain public safety)

**29. No Storage or Parking on Footway/Nature Strip**

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.

Further, the parking of motor vehicles on footpaths, nature strips and cross overs and unloading vehicles while double parked or otherwise unsafely parked is not permitted. All vehicles are required to be parked legally and safely

(Reason: Safety)

**30. 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)

**31. 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)

**32. 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)

**33. 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)

**34. 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)

**35. Storage of Materials on Council Land Prohibited**

The dumping or storage of building materials, spoil, vegetation, green waste, or any other material in the Council reserve is prohibited.

(Reason: Safety, environmental protection)

**36. Public Tree Protection**

Unless identified by the development consent, no tree roots over 25mm diameter are to be damaged or cut and all structures are to be bridged over such roots.

Should any problems arise with regard to the existing or proposed trees on public land during the construction or bond period, the applicant is to immediately Contact Council's Open Space section and resolve the matter to Council's satisfaction.

(Reason: Tree management)

**37. Tree Protection**

(a) Retain and protect the following trees and vegetation throughout the demolition and construction period: All trees not indicated for removal on the approved plans unless exempt under relevant planning instruments or legislation.

(b) The above trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.

(c) Tree roots greater than 50mm diameter are not to be removed unless approved by a qualified Arborist on site.

- (d) All structures are to bridge roots unless directed by a qualified Arborist on site.
  - (e) Tree protection measures must comply with the AS 4970-2009 Protection of trees on development sites with particular reference to Section 4 Tree Protection Measures
- (Reason: Tree management)

**38. Conservation works and retention and reuse of heritage fabric**

The conservation works and retention and reuse of heritage fabric described in the document, *Heritage Management Plan and Schedule of Conservation Works* by Perumal Murphy Alessi, dated July 2022, is to be carried out as part of the approved works.

(Reason: Heritage conservation, to adequately define scope of approved work, and to ensure compliance)

**PRIOR TO OCCUPATION OF THE DEVELOPMENT**

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

**39. BASIX Certificate**

Prior to the issue of the relevant Occupation Certificate, a completion certificate is to be submitted to the Certifier demonstrating the manner in which the measures committed to in the latest BASIX Certificate have been satisfied.

(Reason: Environmental sustainability)

**40. Automatic Fire Detection**

Prior to the issue of any relevant Occupation Certificate, an automatic fire detection and alarm system complying with Part 3.7.2 of the Housing Provisions or smoke alarms complying with AS 3786 connected to the mains electricity and having a stand by power supply shall be provided to the dwelling. Smoke alarms must be interconnected and 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)

**41. Surface Water Runoff**

Prior to the issue of the Occupation Certificate and in perpetuity, surface water runoff from new paved areas shall be directed away from neighbouring properties and disposed of to the satisfaction of the Certifier.

(Reason: Health and amenity)

**42. Certify Front Portion of Building**

Prior to issue of any Occupation Certificate, a qualified architect with experience in heritage conservation must provide satisfactory evidence, in writing, to the Certifying Authority, that the dwelling (including details, materials and finishes described in the Heritage Management Plan and Schedule of Conservation Works by Perumal Murphy Alessi, dated July 2022) has been reconstructed, in accordance with the original design and the development consent.

A copy of the written evidence shall also be submitted to Council, for record keeping, prior to issue of any Occupation Certificate.

(Reason: Heritage conservation and Ensure compliance)

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

Prior to the issue of any Occupation Certificate pertaining to any works other than internal renovations, the stormwater runoff from the site shall be collected and disposed of to the kerb and gutter or the on-site disposal system in accordance with Sydney Water's requirements AS/NZS3500.3, Council's DCP and Technical Standards. All runoff from roof areas shall drain to the required rainwater tank. The construction of the stormwater drainage system of the proposed development shall be generally in accordance with the approved detailed stormwater management drawings required under this development consent and Council's specification (AUS-SPEC).

(Reason: Prevent nuisance flooding)

**44. Rainwater Re-use – 10kL tank**

Prior to the issue of any Occupation Certificate pertaining to any works other than internal renovations, and in perpetuity, the applicant shall supply and install rainwater re-use tanks with a minimum storage volume of 10m<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 use, toilet flushing, washing of vehicles and landscape irrigation. Any above ground rainwater tanks shall be located behind the front alignment of the building to which the tank is connected. Runoff from all roof areas shall drain to the rainwater tank(s).

(Reason: Ensure compliance and stormwater management)

**45. Sign for Rainwater System**

Prior to the issue of any Occupation Certificate pertaining to any works requiring a 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/s.

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)

**46. Confined Space Sign**

Prior to the issue of any Occupation Certificate, securely install standard confined space danger signs in a prominent location within the immediate vicinity of access points to on site stormwater detention systems, rainwater tanks and confined spaces in accordance with the requirements of NSW Work Health and Safety Regulation 2017.

(Reason: Safe access to tank)

**47. Certification of Rainwater Reuse System**

Prior to the issue of any Occupation Certificate pertaining to any works requiring a Rainwater Reuse system and upon completion of the Rainwater Retention and Reuse System, a licensed plumber shall certify 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 flushing, laundry and landscape irrigation. All plumbing/drainage works shall be carried out which comply with the current plumbing requirements of Sydney Water and the National Construction Code Volume 3.

(Reason: Record of works)

**48. Works-As-Executed Plans – Rainwater Reuse**

Prior to the issue of any Occupation Certificate pertaining to any works requiring a Rainwater Reuse system and upon completion of the Rainwater Reuse System, the following shall be submitted to the Certifier:

- (a) 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.
- (b) Plumber's certification that the Rainwater Reuse system has been fitted with proprietary first flush device and connected to non-potable use including toilet flushing, laundry and landscape irrigation. The Certificate shall detail the number and type of fixtures connected to the tank. All works completed shall comply with the current plumbing requirements of Sydney Water and the National Construction Code Volume 3.

(Reason: Record of works)

**49. Concrete Footpath**

Prior to the issue of any Occupation Certificate, reconstruct a minimum 7m of footpath, as required to suit level changes required for the installation of the new stormwater pipe. The reconstructed path shall have a minimum longitudinal grade of 1% and a maximum grade of 5%, unless approval is gained from Council for alternate levels. It is to have a continual grade with no low points.

All works shall be carried out in accordance with Council's standard specifications and drawings.

(Reason: Public amenity)

## 50. Vehicular Crossing

Construct a new vehicular crossing including the replacement of the existing layback and/or gutter and any associated road restoration as directed by Council's Engineers. All works shall be carried out 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. A separate application for the crossing including current fees and charges is to be submitted for approval by Council.

The crossing is to be 2.9 metres wide with no splays and is to be constructed at right angles to the street kerb in plain concrete. The new crossing shall be located no closer than 1 metre from any power pole and 2 metres from any street tree unless otherwise approved by Council. The centreline of the new crossing shall be generally "in-line" with the centreline of the parking space(s), with the edge located 400mm off the side boundary, with the exact position to be determined during construction to protect the roots of existing trees.

For the design levels of the vehicular crossing at the property boundary, the following shall be complied with unless written approval is gained from Council for alternate levels:

- (d) At back of layback – 100 mm above and parallel to the gutter invert.
- (e) At 2.1m from the face of kerb – 50mm below and parallel to the gutter invert.
- (f) At property boundary – 30mm below and parallel to the gutter invert.

The footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5% towards the kerb. The nature strip and footpath is to be adjusted for a minimum distance of 1.0 metres on both sides of the crossing to suit the new levels.

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 submitted to the Certifier prior to issue of any Occupation Certificate.  
(Reason: Public amenity)

## 51. Removal of Redundant Crossings

Remove all redundant crossings together with any necessary works and reinstate the footpath, nature strip and kerb and gutter accordingly. Such work shall be carried out in accordance with Council's specification.

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

**52. Turfing of Nature Strip**

Prior to the issue of a Whole Occupation Certificate and 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)

**53. 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, prior to the issue of any Occupation Certificate, the proposed vehicle access, including any parking spaces, shall be designed and constructed to comply with the minimum requirements of AS/NZS 2890.1 and Council's standard specification. Any columns shall be located in positions that comply with AS/NZS 2890.1.

(Reason: Vehicular access)

**54. 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)

**ONGOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

**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.**

**55. Single Dwelling Only**

To maintain the use of the premises as a single dwelling and maintain the building classification as that of a single dwelling with commensurate fire safety requirements, only one kitchen is approved by this consent. The premises is to be used at all times as a single dwelling only and must not be used for dual occupancy or as a boarding house or as a secondary dwelling (granny flat) without obtaining prior written development consent.

(Reason: Ensure compliance)

**56. Retaining Walls and Drainage**

If the soil conditions require it:

- (a) retaining walls, complying with the National Construction Code and 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)

**57. Maintain Existing Portion of Building**

The portion of the house, marked as existing on the plans, is to be retained and reconstructed without alteration and as shown on the approved plans. For this approval, only items specifically shown / noted in the application documents, or as amended by these conditions, that are part of the existing building may be changed from their existing configuration and finishes. A qualified architect with experience in heritage conservation must provide evidence, satisfactory to the Certifying Authority, that the works are in compliance with the development consent.

Should any portion of the existing building which is indicated on the approved plans to be retained be damaged, all the works on-site are to cease and written notification given to Council. No work is to resume until the written approval of Council is obtained.

(Reason: Heritage conservation, to adequately define scope of approved work and ensure compliance)

**58. Stormwater Kerb Outlet**

New stormwater connection outlets at the street kerb shall be made using 125mm wide x 75mm high x 4mm thick hot dip 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. 450mm x 450mm) shall be provided within and adjacent to the property boundary prior to discharging to the Council's drainage system.

(Reason: Protection of public asset)

**59. Rainwater Retention and Re-Use Tank(s) System – Ongoing Maintenance**

The registered proprietor of the land shall take full responsibility for the ongoing maintenance of the Rainwater Retention and Re-Use Tank(s) system constructed on the land, in accordance with the conditions of this consent, the certified constructed system and the Registered Surveyor's Work As Executed plans. The registered proprietor shall not carry out any alterations to this system and shall carry out regular maintenance to tanks, pipelines, walls and other structures, plumbing fixtures, first flush apparatus, gutters, leaf gutter guards, downpipes, pumps, pipe connections and any associated devices relevant to the system, to keep the system clean, in good working order and to ensure efficient and on-going operation of the system

(Reason: Ensure compliance)

**60. 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 Section 4.17 of the Environmental Planning & Assessment Act for developments involving building work.**

### **61. Compliance with National Construction Code**

All building works must be carried out in accordance with the performance requirements of the National Construction Code.  
(Reason: Compliance)

### **62. 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 Certifier (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)

## **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**

### **63. Construction Certificate**

This consent IS NOT an approval to carry out any building works. A Construction Certificate may be required PRIOR TO ANY 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)

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

In accordance with the provisions of Section 6.6 of the *Environmental Planning and Assessment Act 1979* the person having the benefit of the development consent shall

appoint a Certifier and give at least 2 days' notice to Council, in writing, of the person's intention to commence the erection of the building.  
(Reason: Information and ensure compliance)

**65. Occupation Certificate**

The building/structure or part thereof shall not be occupied or used until an occupation certificate has been issued in respect of the building or part.  
(Reason: Safety)

ATTACHMENT 7: NOTIFICATION MAP



Record of Neighbour Notifications sent relating to:

DA: 2022/4  
At: 105 Artarmon Road, ARTARMON NSW 2064

