

## DEVELOPMENT APPLICATION - SUPPLEMENTARY INFORMATION

This document defines the Willoughby City Council standard submission requirements for Development Application plans/documents. This document should be used in conjunction with the relevant DEVELOPMENT APPLICATION CHECKLIST.

### ACCESS AND MOBILITY STATEMENT

An access and mobility statement is to address Part C.6 of WDCP, Building Code of Australia and the Disability (Access to Premises – Buildings) Standards 2010. For minor works, this statement can be provided in the Statement of Environmental Effects.

The main principle involved in WDCP (Part C.6) is that of “a continuous accessible path of travel” which is fundamental to the provision of access to all people. It may be defined as an uninterrupted path of travel to or within a building, providing access to areas normally used by the building occupants.

### ARBORIST REPORT

A report prepared by a qualified arborist with minimum qualifications equivalent to AQF Level 5. The report is to incorporate an assessment of trees on the site as well as discussing the impact of the proposed development on the trees. The report will also include recommendations on the protection, management and replacement of trees.

### ACOUSTIC REPORT

A report that outlines the potential noise impact to surrounding properties as a result of a proposed use or the potential impact to a residential property from outside noise sources such as traffic and railways.

The acoustic report is to be carried out by an appropriately qualified and practicing acoustical consultant and shall include but may not be limited to the following:

- Project description.
- Relevant guidelines or policy that has been applied
- Background noise measurements.
- Details of instruments and methodology used for noise measurements.
- A site map showing noise sources, measurement locations and noise receivers.
- Noise criteria applied to the project.
- Noise predictions for the proposed activity.
- A comparison of noise predictions against noise criteria.
- A discussion of proposed noise mitigation measures, the noise reduction likely and the feasibility and reasonableness of these measures and

- How compliance can be practically determined.

All reports and assessments must consider the following policy:

- Office of Environment and Heritage (OEH) – NSW Industrial Noise Policy.

Other relevant policies/guidelines/standards that may need to be referred to depending on the proposal or situation are:

- SEPP (Infrastructure) 2007.
- NSW Department of Planning – Development near Rail Corridors and Busy Roads Interim Guideline.
- Office of Environment and heritage (OEH) – NSW Road Noise Policy.
- Australian Standard AS2107:2000 Acoustics
  - Recommended design sound levels and reverberation times for building interiors.

### ADAPTABLE UNIT PLAN

A plan of the adaptable housing units showing the housing/s unit in its pre-adaption and post-adaption stages at a scale of 1:50. A description of how the adaptation is to be achieved shall also be provided. Adaptable housing plan should demonstrate how the dwelling can easily be adapted, if required, to cater for the changing needs and capabilities of an older or disabled occupant, and then be re-adapted to a conventional configuration if that person moves out. For more details see WDCP C.6.3.

### APPLICATION TO VARY A DEVELOPMENT STANDARD

An Application to vary a Development Standard is a written request from the applicant that seeks to justify the contravention of a development standard, in accordance with Clause 4.6 of WLEP 2012, by demonstrating:

- a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Guidelines for the preparation of an Application to vary a Development Standard are available on Council's website at [www.willoughby.nsw.gov.au](http://www.willoughby.nsw.gov.au).

An application form to request a variation to a development standard can be found in [Schedule 2](#).

### ARCHAEOLOGICAL ASSESSMENT REPORT

A report prepared by a qualified archaeologist incorporating an assessment of significance and an assessment of potential impact on the archaeological resource.

### Who to contact for an Aboriginal heritage assessment

If an Aboriginal heritage assessment is required, the applicant should consult the Metropolitan Local Aboriginal Land Council (MLALC), who will undertake the cultural and Aboriginal community assessment, and a qualified archaeologist specialising in Aboriginal heritage, who will undertake the archaeological or scientific assessment.

Should a site be identified and the proposed development will impact the site, then the development becomes an integrated development and the Department of Environment and Climate Change becomes an approval body of the development (refer Aboriginal Site Management Plan for further information).

### ARCHITECTURAL PLANS

Includes site plan, floor plans, sections and elevations.

ALL PLANS ARE TO INCLUDE ONLY NORTH POINT (true north), SCALE AND TITLE and ONLY NEW WORK IS TO BE COLOURED.

#### Site Plan:

A plan showing the location of the proposed work in relation to existing buildings and boundaries. The plan is to be at a scale not less than 1:200 and is to show:

- Date, plan number, true north.
- The location and setbacks of the proposed work in relation to existing buildings and boundaries (dimensioned where the setbacks are being modified).
- Finished site levels (to AHD) where excavation or filling is required.
- Details of car parking and loading/unloading facilities (where applicable).
- Vehicle entrance/exit driveways.
- Proposed retaining walls and fences.
- The location and uses of buildings on sites adjoining the land.
- In the case of a commercial or industrial complex, the site plan is to indicate the location of the premises in the complex and is to include loading docks.

#### Floor plans:

A plan showing the layout, room sizes and intended uses of each area. The plan is to include the date, plan number including amendment/issue no., true north and is to be at a scale not less than 1:100. It is to show the following:

*For single dwellings, dual occupancies and secondary dwellings*

- Layout, room sizes and intended use of each area.
- All floor, eaves and ridge heights to AHD.
- Roof plan.
- Details of open space areas.
- Details of car parking on site (see WDCP Part C.4.2.D for parking rates).

*For Commercial/Industrial Occupation and Fitout*

- Layout, room sizes and intended use of each area.
- In the case of food premises/beauty salons, skin penetration and hair dressers, the floor plan is to include the location of specialised equipment including grease traps and mechanical exhausts.
- Details of any chimneys, flues, exhaust vents and ducts, air conditioning units and
- Existing and proposed fire safety measures.
- Bunded areas for industrial developments.

*For all other Commercial/Industrial/Mixed use development/Residential Flat Buildings*

- Layout, room sizes and intended use of each area.
- All floor, eaves and ridge heights to AHD.
- Roof plan.
- WDCP setback lines.
- Details of open space areas (communal/private).
- Details of chimneys, flues, exhaust vents and ducts, air conditioning units, racking, hoists, grease traps.
- Details of lifts including lift overruns.
- Existing and proposed fire safety measures.
- Waste and storage facilities.
- Substations.
- Security gates or access control system.
- 1:50 scale plan of adaptable units.

### Elevations and Sections

*Note: not required for commercial / industrial occupation and internal fitouts.*

Sections (at least one horizontal or vertical view dissecting the proposed work) and Elevations (an elevation of the building/structure viewed from each direction) showing:

- Scale of 1:100 or 1:200.
- Date, plan number.
- Natural and existing ground levels.
- Finished ground levels, floor levels, ceiling levels, roofline levels (show driveway grade).
- Building envelope for single dwellings, dual occupancies and secondary dwellings (see WDCP Part D.1.7).
- Proposed retaining walls and fences (indicate height, material and elevations).
- Extent of excavation or filling of the site.
- Details of chimneys, flues, exhaust vents and ducts (show height in relation to adjoining roof levels).

### BASIX AFFECTED DEVELOPMENT

Development that involves any building that contains one or more dwellings but does not include a hotel or

motel. It includes development for the erection of a dwelling, change of use by which a building becomes a dwelling and development that involves the alteration, enlargement or extension of a dwelling where the costs exceed \$50,000.

It also includes development for the purpose of a swimming pool and/or spa that services one dwelling and that has a capacity or combined capacity of 40,000 litres or more.

It does not involve development for the purpose of a garage, storeroom, carport, gazebo, verandah or awning. It also excludes alterations or additions to state heritage items and spaces that cannot be fully enclosed (for example a verandah enclosed by mesh that permits free or uncontrolled flow of air).

### **BASIX CERTIFICATE**

BASIX is a NSW Government initiative that ensures residential dwellings are designed and built to use less potable water and produce fewer greenhouse gas emissions. BASIX is a flexible tool which allows the user to select from a range of options in order to meet the energy and water reduction targets. Each development application or a residential dwelling must be submitted with a BASIX Certificate unless exempted. A Certificate is issued once a BASIX assessment has been satisfactorily completed using the on line tool. The building applicant (e.g. architect, builder, owner builder) is responsible for completing the assessment, ensuring the BASIX commitments are clearly marked on the plans and submitting the BASIX Certificate with the development application.

Applicants can generate the BASIX Certificate only on the NSW Department of Planning's BASIX website: [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au) or for more information call the BASIX Help Line on 1300 650 908.

### **BUILDING FOOTPRINT CONCEPT PLAN**

A building footprint concept plan is required for submission where a vacant lot is being created. The plan is to be submitted to a minimum scale of 1:200 and is required to show the possible future outline of proposed buildings relative to boundaries of the new allotment, trees and any significant features of the land.

### **BUSHFIRE HAZARD ASSESSMENT**

A report that determines the level of bushfire risk and the protection measures required to minimise the risk. The report is required where the development site is located within a bushfire prone area. Where minimal change of an ancillary structure is proposed a statement within the State of Environmental Effects is required. For all other development a separate report addressing matters identified in the publication "Planning for Bushfire Protection, 2006" prepared by the NSW Rural Fire Service is to be submitted.

Alternatively, a Bushfire Hazard Self Assessment (single dwelling application kit) available on the Rural Fire Service website may also be used. (see [www.fire.nsw.gov.au](http://www.fire.nsw.gov.au))

The Bushfire Prone Property map can be viewed on Council's website [www.willoughby.nsw.gov.au](http://www.willoughby.nsw.gov.au). For further details refer to Part C.7 of Willoughby Development Control Plan.

### **CAR PARKING PLAN**

- Scale of not less than 1:100.
- Date, plan number, true north.
- Details of all levels of car parking on site, including driveway crossovers, egress/ingress, access ramps, fire stairs etc.
- Details of car parking spaces showing car spaces allocated to each tenancy, visitors spaces, disabled spaces, security access (see WDCP Part C.4 for parking rates).

### **COST REPORT**

Either a "cost summary report" prepared by a suitably qualified person or a "detailed cost report" prepared by a quantity surveyor. The detailed cost report is required where works exceed \$750,000. (See "Guide to Estimating Cost of Works and Section 94A contributions" for further information.)

### **DEMOLITION PLAN**

A site plan which identifies all structures, or parts of structures, to be removed (see WDCP Part C.1 Demolition).

### **DEMOLITION REPORT**

A statement which outlines the method of demolition and addresses issues such as sediment control, safety fencing and hoardings, traffic management, waste management, tree protection, noise and dust control, hazardous substances (e.g. asbestos), and protection of public and adjoining properties. See AS 2601 for further details (see WDCP Part C.1 Demolition). This may form part of the Statement of Environmental Effects.

### **DIAL BEFORE YOU DIG**

Dial Before You Dig is a FREE national referral service designed to assist in preventing damage and disruption to Australia's vast infrastructure networks which provide essential services we use every day.

A single point of contact to request information about any infrastructure networks at the planned project site from registered Dial Before You Dig Members without the need to contact them individually.

Asset owners provide information about the presence, approximate location (usual in the form of plans) and instructions about working around their registered infrastructure asset.

### **DIGITAL COPY OF PLAN**

Electronic copy is to be in pdf format viewable in Adobe Acrobat. Each sheet of a set of plans shall be a separate pdf. The pdf shall not have security settings applied including no passwords. Each pdf shall be accurately named capturing plan description, drawing

number and address, for example “Site plan – A01 – 2 Pacific Highway Chatswood”. The plan should clearly display the scale and the original sheet size and plans are to be converted electronically from its original source rather than printed and scanned.

### **DRIVEWAY DESIGN STATEMENT**

An engineering assessment of the proposed driveway to determine whether a vehicle will bottom out once the crossover is constructed.

### **DRIVEWAY PLAN / LONGITUDINAL SECTION**

Design plans showing the location of the proposed driveway in relation to the proposed parking slab which include longitudinal sections provided along each side of the proposed driveway drawn at 1:20 Natural Scale. The section shall show horizontal distance, both existing and proposed levels to AHD along the vehicle path from the centre of the road through the gutter/layback to the proposed parking slab.

The driveway is to be designed using Council’s standard vehicle profile (drawing SD100) and is to be in accordance with Council’s standards and specifications. Council’s standard layback is 500mm deep and back of layback is 100mm above the gutter invert. For design levels within the property, the existing levels across the nature strip (which form part of the proposed crossing) must remain unaltered. The footpath section (which form part of the proposed crossing) shall have a maximum crossfall of 2.5%. All driveway grades and transitions must comply with AS2890.1.

### **ENGINEERS DESIGN COMPLIANCE CERTIFICATE**

Certification from the stormwater design Engineer for hydraulic compliance. A template of the Certificate is available in WCC Technical Standard No. 1 on Council’s website [www.willoughby.nsw.gov.au](http://www.willoughby.nsw.gov.au)

### **EROSION / SEDIMENT CONTROL PLAN (ESCP)**

A plan detailing where soil has been disturbed and the proposed method of controlling erosion. The ESCP must account for all aspects of development of the site and must be effective from the initial clearing of the site through to the completion of the development.

The standard format for an ESCP consists of:

- A site plan.
- Supporting information.

The erosion/sediment control plan shall include as a minimum the following:

- To be a recognised scale (1:100, 1:200 for a general plan).
- Locality.
- Contours.
- Existing vegetation.
- Existing site drainage.
- Land slope gradient.
- Location of stockpiles.
- Erosion control measures.

- Sediment control measures.
- Location of roads, driveways, access ways and all impervious surfaces.
- Details of site revegetation program.
- Outline of maintenance program for erosion and sediment control.
- Details for method of pumping out / removal of excess water from the site.
- Name of person responsible for implementing ESCP.

The supporting information to be submitted along with the plan may include:

- A brief description of any areas on site that have the potential for serious erosion or sedimentation, together with the proposed management details.
- Maintenance strategy for all control measures, including the nomination of responsibility for the follow-up maintenance required.
- A brief description of the overall site rehabilitation program.

### **EXTERNAL FINISHES AND MATERIALS**

Details of external building materials and finishes shown on elevations. This is to include manufacturers brochures, paint colours, swatches etc. (where external works are proposed). Samples and/or colour charts are suitable.

### **FIRE SAFETY SCHEDULE**

A fire safety schedule lists the existing and proposed fire and other safety measures installed within the premises together with the standard of performance they have been installed or proposed to be installed to. These standards of performance are to generally be in accordance with the Building Code of Australia. The Fire Safety Schedule is to relate to the whole of the premises.

### **FLOOD RISK IMPACT STATEMENT**

A study prepared by a suitably and qualified civil engineer experienced in flood plain management which documents the hydrologic and hydraulic assessment undertaken using modelling programs such as RAFTS, DRAINS, MIKE 11 or HECS-RAS to determine with more certainty the extent, velocity, volume and height of overland flows. Refer to attachment 22 of Willoughby DCP for further information.

### **FLOOD RISK MANAGEMENT REPORT**

A report prepared by a suitably qualified and civil engineer experienced in flood plain management which addresses the planning controls and management of flood risk on the site.

### **FLOOR PLANS**

See Architectural Plans.

### **FLOOR SPACE RATIO (FSR) CALCULATION PLAN**

A floor space ratio calculation plan is a floor plan of each floor of the dwelling/building clearly delineating the gross floor area of that floor and the associated



calculation. If clearly discernible, this information may be provided on the floor plans for the development.

The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area. The following land must be excluded from the site area:

- a) land on which the proposed development is prohibited, whether under this Plan or any other law.
- b) community land or a public place.

As defined by WLEP, gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- a) *the area of a mezzanine, and*
- b) *habitable rooms in a basement or an attic, and*
- c) *any shop, auditorium, cinema, and the like, in a basement or attic.*

*But excludes:*

- d) *any area for common vertical circulation, such as lifts and stairs, and*
- e) *any basement:*
  - i) *storage, and*
  - ii) *vehicular access, loading areas, garbage and services, and*
- f) *plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
- g) *car parking to meet any requirements of the consent authority (including access to that car parking), and any space used for the loading or unloading of goods (including access to it), and*
- h) *any space used for the loading or unloading of goods (including access to it), and*
- i) *terraces and balconies with outer walls less than 1.4 metres high, and*
- j) *voids above a floor at the level of a storey or storey above.*

### **GEOTECHNICAL REPORT for On-site disposal Systems**

A report prepared by a suitably qualified and experienced civil or geotechnical engineer which assesses the suitability that soil and terrain conditions can accommodate an infiltration or soil absorption system having regard to the soil types, slope of the land, level of water table and contamination and hydraulic conductivity of the soils.

### **GREEN STAR**

Green star is a rating system for buildings and fitouts. For development exceeding \$5 million, a minimum 4 of 5 Green Star Rating will be required. Refer to Clause C3.3.5 of WDCP for further details.

### **HERITAGE IMPACT STATEMENT**

Means a document which assesses the heritage significance of a heritage item or of a building, work, relic, tree or place within a conservation area. Heritage significance means historic, scientific, cultural, social,

archaeological, natural or aesthetic significance. A heritage item means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5 of the WLEP.

Heritage impact statements must:

- Describe the significance of the Heritage Item or component of the Conservation Area as part of the heritage of the City of Willoughby.
- Demonstrate that consideration has been given to the retention of that significance.
- Address the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features.
- Set out the steps to be taken to mitigate any likely adverse impact on the heritage significance of that Heritage Item or Conservation Area.
- Record details of the building, its setting, its relationship to other buildings in the area and its contribution to the special character of the streetscape (sketches, plans and photographs should clearly illustrate the existing and proposed situations).
- Identify whether any archaeological site or potential archaeological site would be adversely affected by the proposed development.
- In respect to the development in the vicinity of a Heritage Item, assess whether the development will:
  - Have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing.
  - Undermine or otherwise cause physical damage to a Heritage Item.
  - Otherwise have any adverse impact on the heritage significance of a heritage item or of any heritage conservation area within which it is situated.

The matters listed as characteristics for individual areas in Part H Conservation Areas are a guide to the heads of consideration that need to be addressed in describing the heritage significance of a building. Examination of these heads of consideration will assist in demonstrating that consideration has been given to the conservation and heritage of the item or component of a Conservation Area.

Selection of a suitably qualified consultant to prepare your Heritage Impact Statement may be cost effective in reducing delays and achieve a better design. Examples of Heritage Impact Statements are available for viewing at Council's Environmental Services Division.

It should be noted that while the majority of buildings in a conservation area contribute to the heritage significance of the area, an individual building may not be contributing, in which case they would not need to be retained. Any infill development however would need to respect the heritage value and character of the area.

See also Clause 5.10 of WLEP and WDCP Part H (Heritage and conservation) and Part C.1 (Demolition).

### **IMPERVIOUS AREA**

Impervious area is the area of a site which contains any built structures such as roofs (including eaves); swimming pools; driveways and pathways; paved/concreted areas and other partially permeable surfaces such as gravel paths and driveways. Open slatted timber decks are excluded provided the area below the deck is unpaved.

For more information see Part C.5 – Water Management of the Willoughby Development Control Plan.

### **IMPERVIOUS AREA CALCULATION PLAN**

A site plan (at a minimum scale of 1:200) indicating the area of the site calculated as impervious area and the associated calculation. See definition of impervious area above and Part C.5 – Water Management of the Willoughby Development Control Plan for further information.

### **INTEGRATED DEVELOPMENT**

See [Schedule 1](#)

### **LANDSCAPE PLAN**

A plan which may include supporting documentation outlining the extent, type and location of proposed landscaping and planting that includes:

- A scale at 1:100 or 1:200 and 1:10, 1:20 or 1:50 for section information.
- All existing trees to be retained and removed, including those on adjoining sites within 5m of the boundary.
- Species of trees to be removed and their height and spread.
- Photographs of trees to be removed.
- Plant schedule including species, pot size and maturity height with appropriate symbols.
- Location of planting of proposed species.
- All proposed natural/soft landscaped areas.
- Existing natural landscape features of a site such as cliffs or rock outcrops.
- All existing natural site levels (contours) to AHD and proposed finished levels to AHD, (where finished levels are to be altered).
- Proposed hard paved surfaces including materials.
- Planting layout of proposed vegetation.
- Location, height, construction details and materials of fencing and retaining walls.
- Sectional details of retaining walls, paving, edging turf, mulched gardens and other relevant works.
- Proposed drainage and irrigating systems.

See WDCP for more information and specific controls: Part D.1.8 – single dwellings, dual occupancies, secondary dwellings; Part D.2.10 – attached dwellings, multi-dwelling housing, and residential flat buildings; Part E.1.6 – commercial and shoptop development; Part F.3.6 – industrial development.

### **LOW-RENTAL RESIDENTIAL BUILDING REPORT**

A report which takes into account the guidelines entitled “guidelines for the Retention of Existing Affordable Rental Housing” prepared by the Department of Planning, State environmental Planning Policy (Affordable Rental Housing) 2009 and the following:

- (a) whether there is likely to be a reduction in affordable housing on the land to which the application relates,
- (b) whether there is available sufficient comparable accommodation to satisfy the demand for such accommodation,
- (c) whether the development is likely to cause adverse social and economic effects on the general community,
- (d) whether adequate arrangements have been made to assist the residents (if any) of the building likely to be displaced to find alternative comparable accommodation,
- (e) the extent to which the development contributes to any cumulative loss of affordable housing in the local government area,
- (f) the structural soundness of the building, the extent to which the building complies with any relevant fire safety requirements and the estimated cost of carrying out work necessary to ensure the structural soundness of the building and the compliance of the building with the fire safety requirements,
- (g) whether the imposition of a condition requiring the payment of a monetary contribution for the purposes of affordable housing would adequately mitigate the reduction of affordable housing resulting from the development,
- (h) in the case of a boarding house, the financial viability of the continued use of the boarding house.

### **MODEL (Virtual) - no longer accepts physical models**

The 3D digital / virtual model must be animated (not still image) and must show the relationship of the proposal with adjoining developments and topographical features.

- The generated model output is to be a “fly-through” video in the format of .mov / .mpg / .mp4 / .avi
- The flow of “fly-through” should demonstrate: zoomed out view(s) of the subject development with its relationship with the surrounding context and buildings; then closer view(s) to all elevations around the site; for larger development such as a development with multiple buildings, the fly-thru should show the context between multiple buildings and should capture their elevations as best as you could

### **NATURAL LANDSCAPED AREA CALCULATION PLAN**

A site plan (at a minimum scale of 1:200) is to be provided indicating the area of the site calculated as Natural Landscaped Area and the associated

calculation indicated on the plan. Areas excluded from the natural landscaped area calculation include:

- The footprint of all buildings on site.
- The area of swimming pools.
- The area of all paved surfaces including terraces/patios, pathways, swimming pool surrounds, etc.
- The area of all decks.
- The area of all driveways and parking spaces.
- Any areas surfaced with gravel, grass cells/grasscrete, or artificial grass.
- Any garden area with a dimension of less than 1 metre.

If clearly discernable, this information may be provided on a site plan incorporating other required information.

### **OWNERS CONSENT**

Refer to the development application form for further details.

### **PHOTOMONTAGE**

- A photomontage is a still image by superimposing an elevation of the proposed development (modelled virtually or illustrated manually) onto the existing site context.
- It must be to scale and must show the key contextual streetscape, and neighbourhood settings of the proposed development and other relevant images, such as impacts on critical/sensitive views from both the public (including waterways) and private domains. The montages are to be accurate; to scale and if applicable be generated and detailed by 3D computer models of the proposed development.

### **PRELIMINARY CONTAMINATION REPORT**

The preliminary contamination report is to be carried out by an appropriately qualified and practising contaminated land consultant and shall contain sufficient and appropriate information.

The preliminary site investigation report shall include but may not be limited to the following:

- Identification of all past and present potentially contaminating activities.
- Identification of potential contamination types.
- Discussion of the site conditions.
- A preliminary assessment of site conditions.
- Assessment of the need for further investigations.

Where a complete site history clearly demonstrates that the site activities have been non-contaminating there may be no need for further investigation or site sampling. In this case a clear statement that the land is suitable for the proposed use must be provided by the consultant. However, where contaminating activities are suspected or known to have occurred, or if the site history is incomplete, it may be necessary to undertake a preliminary sampling and analysis program to assess the need for a detailed investigation.

### **PRIVATE OPEN SPACE PLAN**

A site plan at a scale of not less than 1:200 which

shows the area of the site calculated as private open space (as defined in Willoughby Development Control Plan). The associated calculation is to be indicated on the plan.

### **SEPP 65 DESIGN VERIFICATION STATEMENT**

See SEPP 65 – Design Quality of Residential Flat Development.

### **SETBACK PLAN**

A site plan at a scale of not less than 1:200 which shows existing and proposed boundaries, dimensions, easements, drainage reserves, rights of carriageway and the like. The plan shall also show the location of all proposed and existing structures and their setback from proposed and existing boundaries.

### **SHADOW DIAGRAMS**

Plans that show the shadowing effect of the proposal upon adjoining properties at 9.00am, 12 noon and 3.00pm on June 22 (winter solstice). Include the following:

- Diagrams drawn to the same scale as the architectural plans.
- Date, plan number, north point (true north).
- Position of existing and proposed buildings on the site.
- Position of buildings on adjoining land including window locations in affected areas.
- Shadows cast on June 22<sup>nd</sup> at 9.00am, 12 noon and 3.00pm.
- If the proposal is replacing an existing building, show change in shadows from the existing to the proposed development.
- Depending upon the orientation of the site and likely impacts, it may also be appropriate to provide elevational shadow diagrams (diagrams showing the shadow impact on the wall/windows of the adjoining property). If not provided and determined to be necessary for assessment, elevational shadow diagrams may be required to be submitted during the processing of an application.

### **SIGNAGE PLAN**

Elevations and design plans to scale showing the design and placement of signage on a building or site.

### **SITE PLAN**

See Architectural Plans.

### **SITE & CONTEXT ANALYSIS**

A plan that uses a survey plan or site plan as a base, showing the existing structures on the site and illustrating the development constraints of the site. The plan is to include:

- North point (true north).
- Contours and levels to Australian Height Datum.
- The location and use of existing structures on the site and surrounding properties.
- Fences, boundaries, easements and rights of way.
- Natural features such as rock outcrops.
- Location of existing vegetation within the site,

including species, height, spread of established trees, and spot levels at their base.

- Significant noise sources, such as main roads and railway lines.
- Significant views to and from the site.
- Drainage services (including overland flow paths and existing detention systems).
- Street frontage features such as telegraph poles, street trees, kerb crossovers (driveways), bus stops, services.
- Wind directions.
- Any other notable features and where relevant the location of foreshore building lines.

## STATEMENT OF ENVIRONMENTAL EFFECTS

A statement of environmental effects is a detailed report of the proposal with comments on possible impacts to surrounding properties/streetscape and how you will minimise these impacts.

The statement should include, but not necessarily be limited to, the following:

*For commercial & industrial occupation/change of use*

- Detailed description of proposed use.
- A company profile with an explanation of what is happening in each use area within the tenancy.
- For Industrial uses provide office/showroom calculations to demonstrate compliance with Part F.2.2 of the WDCP.
- Description of current / previous use of the site including when the use ceased operating.
- Details of the hours and days of operation.
- Details of the maximum number of staff (full-time/part-time) on the site at any one time.
- Details of numbers of car parking spaces allocated to tenancy (including staff, visitors and disabled parking).
- Is the proposed car parking compliant with the car parking requirements of Part C4 of the Willoughby Development Control Plan? If not, please justify the non-compliance.
- Access and Mobility Statement (see definition above).
- What loading / unloading facilities are available on site? If none, please justify.
- Details of the hours and days of collection and delivery of goods and materials to/from the premises.
- Details of the size of vehicles and the number of vehicle movements anticipated per day.
- What goods will be manufactured and / or stored on the site.
- Will the proposed use generate any noise / odours? If yes, detail the measures taken to mitigate these impacts.
- What type and amount of waste will be generated by use and how will it be stored and disposed of?

*For all other applications including residential, commercial and industrial development*

- Detailed description of the proposal.
- Reference to all relevant considerations under the

applicable State Environmental Planning Policy (SEPP), State Regional Environmental Plan (SREP), Local Environmental Plan ((LEP), any Draft Local Environmental Plan, WDCP and council policies.

- Impacts of the proposal on existing vegetation on the site and surrounding properties.
- Impact of the proposal on the existing streetscape.
- Visual and acoustic privacy impacts on surrounding properties and any mitigation measures proposed.
- View impacts to/from neighbouring properties.
- Solar access impacts to neighbouring properties.
- A compliance table, listing the relevant development standards applicable to the development and highlighting any non-compliances.
- Details of car parking, impacts on local traffic, access for garbage trucks.
- Impacts of the proposal on existing infrastructure.
- Building Sustainability (Refer to Appendix B of Part C3 of WDCP)

A guide to preparing a Statement of Environmental Effects is available on Council's website or from Council's Customer Services.

## STORMWATER DRAINAGE PLAN

Stormwater Drainage plans should indicate all stormwater lines and locations of any existing / proposed on-site detention (OSD)\*, rainwater tank etc. Plans are to include:

- A scale of 1:100 for detail plans and 1:200 for site plans.
- Property boundaries and dimensions.
- Existing proposed contours or reduced levels extended to approx. 5m into adjoining road reserve and properties showing the differences in ground levels between the site and adjoining land.
- Site area including pervious and impervious. Please see definition of impervious area above.
- Easements, rights-of-way, covenants.
- Location of sewer mains, water, stormwater, gas, electricity and telecommunications services.
- Landfill, embankments, rock outcrops, retaining walls.
- Existing trees on and adjoining the site (location height, species).
- Overland flow paths, watercourses or channels.
- Site access – existing public roads, laneways, bus stops, vehicular crossings, driveways, parking areas, footpaths.
- Location of buildings, fences, walls, trees, poles etc. Both on and adjoining the site.
- OSD or Rainwater Tank details and calculations.
- Discharge Point.

NOTE1: Stormwater must flow by gravity to the nearest Council stormwater line – generally in the street.

NOTE 2: All Stormwater Drainage Plans are to be



accompanied by an Engineer's Design Compliance Certificate.

- \* On-Site Detention refers to the control of stormwater from a site by using a storage device with a controlled outlet to reduce the rate of flow.

For additional information please refer to WDCP (Part C.5) Water Management, WDCP Technical Standard No. 1 and [schedules 3](#) and [4](#) of the Development Application Supplementary Information Guide.

### **SUBDIVISION CONCEPT PLAN**

A Subdivision Concept Plan is a plan required for submission with a dual occupancy development where subdivision is likely to be sought at a future date. The concept plan is to be submitted at a minimum scale of 1:200 and is required to show the possible future line of subdivision relative to existing boundaries and relative to the proposed development on site demonstrating that the dual occupancy provisions of WLEP and WDCP (Part D.1) will be achieved relative to each newly created allotment with the future subdivision.

NOTE: Subdivision of dual occupancy development is not permissible until 5 years after the issue of an Occupation Certificate for the dual occupancy dwellings.

### **SURVEY PLAN**

A plan prepared by a Registered Surveyor showing contours and spot levels to AHD, location of buildings, significant trees, rock outcrops, and any easements which are within 5m of the proposed works. Floor, eaves, ridge heights and window locations for buildings on adjoining sites are to be indicated.

### **SUSTAINABILITY PERFORMANCE STATEMENT (SPS)**

It is a statement prepared by a suitably qualified person that includes details of the proposed method intended to be used to achieve on energy efficient and sustainable development. The SPS must address the sustainability principles outlined in Appendix B of Part C3 of WDCP.

### **TRAFFIC AND PARKING ASSESSMENT**

A traffic and parking assessment is a report on the traffic and parking implications of the development and outlining the impacts to the surrounding road network and how these impacts will be minimised. It should include:

- The size and nature of the development, amount of additional floor area relative to the existing floor area and the parking demand generated.
- The existing and likely future traffic volumes

generated by the site and how the generated traffic will be dispersed on the surrounding road network. Any measures proposed to manage the traffic impact of the development should also be outlined.

- Parking surveys and other support material to justify demand for the proposed use and any departures from the car parking rates detailed in Part C.4.2.D of the WDCP.
- Turning path analysis for the loading bays and other critical access points demonstrating how large vehicles will turn around and enter and exit the parking areas.
- The provisions made for loading/unloading, bicycle parking, motor cycle parking, disabled parking, and other parking.
- The provisions made for pedestrian, cyclist and motor vehicle access to and through the site.
- Availability and accessibility of other public parking.
- Accessibility of public transport and the probable transport mode of users.
- Proximity to bicycle routes and detailing provisions to be made for bicycle parking, change / shower facilities etc.
- Details of any Green Travel Plan (if proposed) and how the implementation of measures detail in the Green travel plan will be implemented post construction.

### **TRAFFIC MANAGEMENT PLAN**

A plan drawn/written by an accredited traffic controller to indicate the manner in which the vehicular and pedestrian traffic surrounding the development site is to be managed during the construction process.

### **WASTE MANAGEMENT PLAN**

Your Waste Management Plan should outline:

- Type and amount of waste to be generated.
- On-site storage and treatment of waste.
- Disposal of leftover waste.

For occupation/change of use applications this can be provided in the Statement of Environmental Effects.

For multi-dwelling, commercial and industrial development, an ongoing waste management plan is to be provided in accordance with Attachment 11 of WDCP.

For more information see WDCP (Part C.8).

## SCHEDULE 1

Section 4.46 of the Environmental Planning and Assessment Act defines integrated development as development (not being State significant development or complying development) that in order for it to be carried out, requires development consent and one or more of the following approvals.

Act	Provision	Approval
<a href="#"><i>Fisheries Management Act 1994</i></a>	s 144	aquaculture permit
	s 201	permit to carry out dredging or reclamation work
	s 205	permit to cut, remove, damage or destroy marine vegetation on public water <a href="#">land</a> or an aquaculture lease, or on the foreshore of any such <a href="#">land</a> or lease
	s 219	permit to:(a) set a net, netting or other material, or(b) construct or alter a dam, floodgate, causeway or weir, or(c) otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat
<a href="#"><i>Heritage Act 1977</i></a>	s 58	<a href="#">approval</a> in respect of the doing or carrying out of an act, matter or thing referred to in s 57 (1)
<a href="#"><i>Coal Mine Subsidence Compensation Act 2017 - Long Title</i></a>	s 22	<a href="#">approval</a> to alter or erect improvements within a mine subsidence <a href="#">district</a> or to subdivide <a href="#">land</a> therein
<a href="#"><i>Mining Act 1992</i></a>	ss 63, 64	grant of mining lease
<a href="#"><i>National Parks and Wildlife Act 1974</i></a>	s 90	grant of Aboriginal heritage impact permit
<a href="#"><i>Petroleum (Onshore) Act 1991</i></a>	s 16	grant of production lease
<a href="#"><i>Protection of the Environment Operations Act 1997</i></a>	ss 43 (a), 47 and 55	<a href="#">Environment</a> protection licence to authorise carrying out of scheduled <a href="#">development</a> work at any <a href="#">premises</a> .
	ss 43 (b), 48 and 55	<a href="#">Environment</a> protection licence to authorise carrying out of scheduled activities at any <a href="#">premises</a> (excluding any <a href="#">activity</a> described as a “waste <a href="#">activity</a> ” but including any <a href="#">activity</a> described as a “waste facility”).
	ss 43 (d), 55 and 122	<a href="#">Environment</a> protection licences to <a href="#">control</a> carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the <a href="#">activity</a> .
<a href="#"><i>Roads Act 1993</i></a>	s 138	consent to:(a) erect a structure or carry out a work in, on or over a <a href="#">public road</a> , or(b) dig up or disturb the surface of a <a href="#">public road</a> , or(c) remove or interfere with a structure, work or tree on a <a href="#">public road</a> , or(d) pump water into a <a href="#">public road</a> from any <a href="#">land</a> adjoining the road, or(e) connect a road (whether public or private) to a classified road
<a href="#"><i>Rural Fires Act 1997</i></a>	s 100B	authorisation under section 100B in respect of bush fire safety of <a href="#">subdivision of land</a> that could lawfully be used for residential or rural residential purposes or <a href="#">development</a> of <a href="#">land</a> for special fire protection purposes
<a href="#"><i>Water Management Act 2000</i></a>	ss 89, 90, 91	water use <a href="#">approval</a> , water management work <a href="#">approval</a> or <a href="#">activity approval</a> under Part 3 of Chapter 3

## SCHEDULE 2

### Application Form to vary a development standard

#### Written application providing grounds for variation to development standards

To be submitted together with the development application (refer to EP&A Regulation 2000 Schedule 1 Forms).

**1. What is the name of the environmental planning instrument that applies to the land?**

Willoughby Local Environmental Plan 2012 (WLEP 2012).

**2. What is the zoning of the land and what are the objectives of the zone? (Select applicable zone and follow link to find objectives for that zone. Copy the list of objectives for the relevant zone into the document).**

Under the WLEP 2012, each zone has a series of objectives that need to be considered when assessing a development application. To answer this question you will need to list the objectives of the relevant zone that your development is proposed to ensure the variation of the standard will not conflict with these objectives. You only need to include the objectives of the zone the subject property is located within.

(a) [R2 Low Density Residential](#)

Objectives: (Example)

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provides facilities or services to meet the day to day needs of residents.*
- *To accommodate development that is compatible with the scale and character of the surrounding residential development.*
- *To retain and enhance residential amenity, including views, solar access, aural and visual privacy, and landscape quality.*
- *To retain the heritage values of particular localities and places.*
- *To encourage self sufficiency with respect to energy and food supply.*

(b) [R3 Medium Density Residential](#)

Objectives:

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(c) [R4 High Density Residential](#)

Objectives:

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(d) [B1 Neighbourhood Centre](#)

Objectives:

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(e) [B2 Local Centre](#)

Objectives:

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(f) [B3 Commercial Core](#)

Objectives:

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(g) [B4 Mixed Use](#)

Objectives:

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(h) [B5 Business Development](#)

Objectives:

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(i) [B7 Business Park](#)

Objectives:

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(j) [IN1 General Industrial](#)

Objectives:

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(k) [IN2 Light Industrial](#)

Objectives:

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(l) [C4 Environmental Living](#)

Objectives:

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### 3. Identify the Development Standard to which this Clause 4.6 Variation applies?

To answer this question, reference needs to be made to the planning instrument (Willoughby Local Environmental Plan 2012) and clause number containing the relevant development standard. Below are examples of development standards which may be varied and their relevant clause numbers.

- Clause 4.1 Minimum subdivision lot size
- Clause 4.3 Height of buildings
- Clause 4.4 Floor space ratio
- Clause 4.3A Exceptions to Height of buildings
- Clause 4.4A Exceptions to Floor space ratio
- Other (outline below):

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### 4. What are the objectives of the development standard?

It is necessary to identify the objectives of the development standard for which variation is sought. Each of the development standards within the WLEP 2012 contain objectives which need to be provided in response to this questions.

There may be occasions where the objectives will not always be expressed within the LEP in which case it may be necessary to ascertain by other means the likely objectives underlying the control. This may best be achieved by reference to other planning documents such as the relevant Development Control Plan in which the standard is elaborated upon.

- Minimum subdivision lot size objectives:

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- Height of buildings objectives

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- Floor space ratio objectives

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- Other (Outline below):

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**5. What is the numeric value of the development standard in the environmental planning instrument?**

The standard proposed to be varied needs to be identified. Some controls within the WLEP 2012 are site specific and are mapped. To determine the numeric value of the development standard affecting the subject property you may need to refer to the [WLEP 2012 Maps](#).

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**6. How do the existing and proposed numeric values relate to the development standard? What is the percentage variation (between your proposal and the environmental planning instrument)?**

To answer this question you will need to fill out the relevant table provided below based on the control being varied.

It must be clearly demonstrated what the existing site conditions are. You will need to identify what is on the site and what the current conditions of the site are in relation to the development standard being varied.

e.g. The site may currently have a floor space ratio of 0.4:1 which is being proposed to be increased under the subject application.

Outline numerically what you are proposing and how much you are seeking to vary the applicable development standard under the WLEP 2012 as a percentage in the following table.

e.g. A proposed increase in the floor space ratio to 0.45 where the WLEP 2012 requirement is 0.4:1 would result in a variation of 12.5% to the floor space ratio development standard under the WLEP 2012

<u>Floor Space Ratio</u>			
Current Floor Space Ratio (e.g. 0.45:1)	Maximum Floor Space Ratio under WLEP 2012	Proposed Floor Space Ratio	Percentage Variation
e.g. 0.35:1	e.g. 0.4:1	e.g. 0.45:1	e.g. 12.5%

<u>Minimum Subdivision Lot Size</u>			
Current Lot Size (m <sup>2</sup> )	Minimum Lot Size Requirement under WLEP 2012 (m <sup>2</sup> )	Proposed Lot Size (m <sup>2</sup> )	Percentage Variation

<u>Height of Building</u>			
Current Height of Building (m)	Maximum Height of Building under WLEP 2012 (m)	Proposed Height of Building (m)	Percentage Variation

Any other comments:

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**7. How is compliance with the development standard unreasonable or unnecessary in the circumstances of this particular case?**

The NSW Land and Environment Court in *Four2Five Pty LTD v Ashfield Council* [2015] NSWLEC 90, considered how this question may be answered and referred to the earlier Court decision in *Wehbe v Pittwater Council* [2007] NSWLEC 827. The court provided five tests as follows that can be used as prompts to answer the above question in relation to your application.

**Note:** These five tests are not exhaustive of the ways in which you might demonstrate that compliance with a development standard is unreasonable or unnecessary; they are merely the most commonly invoked ways. You do not need to establish all of the ways. It may be sufficient to establish only one way, although if more ways are applicable, you can demonstrate that compliance is unreasonable or unnecessary in more than one way.

Test 1: The objectives of the standard are achieved notwithstanding non-compliance with the standard: (Answer below in Q.8)

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Test 2: The underlying object or purpose of the standard is not relevant to the development and compliance is unnecessary: (Give details)

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Test 3: The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable: (Give details)

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Test 4: The development standard has been virtually abandoned or destroyed by the council’s own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable: (Give details)

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Test 5: The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone: (Give details)

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**8. Are there sufficient environmental planning grounds to justify contravening the development standard?**

Note: Must be answered by identifying and focusing on the development that contravenes the development standard. The answer must demonstrate substantive justification as to why the contravention must be acceptable. Furthermore, this section must include justification on how the contravention will not have adverse impacts on the amenity of adjoining properties.

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**9. Is the proposed development, despite the contravention to the development standard, in the public interest?**

The WLEP 2012 notes that for consent to be granted, consideration needs to be given to the public benefit of maintaining the development standard. Previous Land and Environment Court Cases have identified that a proposed development will be in the public interest as long as it is consistent with the objectives for development within the zone and the objectives of the standard in which the development is proposed to be carried out.

To answer this question, reference should be made to each of the objectives of the control and the zone and how the non-compliance with the control will maintain consistency with the applicable objectives. The focus of the test against each of the objectives needs to be on the aspect or element of the development that contravenes the development standard, not on the development as a whole. The environmental planning grounds advanced must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole.

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**10. Is there any other relevant information to be considered in order to justify varying the development standard?**

Provide details of any other information you feel relevant in justifying your proposed variation to the subject development control.

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### SCHEDULE 3

#### WDCP – Part C5 – Stormwater Management – Rainwater Reuse Tanks

	Development Type	Requirement			
		10,000 litre	5,000 litre	3,000 litre	Nil
	<b>New dwellings</b>				
1	New dwellings on lots greater than 400m <sup>2</sup> .	x			
2	New dwellings on lots less than 400m <sup>2</sup> .		x		
	<b>New dual occupancies and boarding houses</b>				
3	New attached and detached dual occupancy on potential lots greater than 400m <sup>2</sup> /dwelling.	x (per dwelling)			
4	New attached and detached dual occupancy on potential lots less than 400m <sup>2</sup> /dwelling.		x (per dwelling)		
5	New attached dual occupancy on potential strata subdivision lots.		x (per dwelling)		
6	New boarding houses (not exceeding 300m <sup>2</sup> and 12 persons).	x			
	<b>New attached dwellings</b>				
7	New attached dwellings not more than 2 storeys on potential lots greater than 400m <sup>2</sup> /dwelling.	x (per dwelling)			
8	New attached dwellings not more than 2 storeys on potential lots less than 400m <sup>2</sup> /dwelling.		x (per dwelling)		
	<b>Alterations and additions (including attached secondary dwellings)</b>				
9	Alterations and additions to minor developments that involves significant demolition on lots greater than 400m <sup>2</sup> . <sup>(i)</sup>	x			
10	Alterations and additions to minor developments that involves significant demolition on lots less than 400m <sup>2</sup> . <sup>(i)</sup>		x		
11	Alterations and additions to minor developments that result in more than 60% impervious areas on lots greater than 400m <sup>2</sup> .	x			
12	Alterations and additions to minor developments that result in more than 60% impervious areas on lots less than 400m <sup>2</sup> .		x		
13	Alterations and additions to minor developments with an estimated cost of more than \$50,000 and impervious area between 50-60%.		x		
14	Alterations and additions to minor developments with an estimated cost that is less than \$50,000 and impervious area between 50-60%. <sup>(ii)</sup>			x	
15	Alterations and additions to minor developments that do not result in impervious areas more than 50%. <sup>(iii)&amp;(iv)</sup>				x
16	Notwithstanding items 11, 12, 13 & 14 above, alterations and additions to minor developments that do not result in more than 5% over the existing impervious areas, and providing the additional impervious area does not exceed 25m <sup>2</sup> . <sup>(iii)&amp;(iv)</sup>				x
	<b>Detached secondary dwelling</b>				
17	New detached secondary dwellings and alterations			x	

Development Type		Requirement			
	and/or additions to convert an existing out buildings/studio to a detached secondary dwelling.				
	<b>Subdivision</b>				
18	Subdivision of an existing approved dual occupancy with no building and/or ancillary works proposed in the same development application.				x
	<b>Other Controls</b>				
19	Irrespective of the development type, a rainwater reuse tank is not required for sites that drain directly into Middle Harbour or Lane Cove River. <sup>(v)</sup>				x
20	Irrespective of the development type, a 5,000litre rainwater reuse tank is required for sites that drain into a natural watercourse, creek or bushland. <sup>(v)</sup>		x		

**Notes:**

- i. demolition is regarded as 'significant' if the extent of demolition is more than 50% of the external fabric of the existing building
- ii. the rainwater reuse tank is only required to be plumbed to outdoor facilities
- iii. it should be noted that a 3,000 litre rainwater tank may be required under the State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 for any development with an estimated cost of \$50,000 or more or a swimming pool that has a volume of more than 40,000 litres
- iv. whilst a rainwater reuse tank is not required, if the site cannot drain by gravity into Council's stormwater drainage system, there may be a need to provide measures such as infiltration or on-site disposal systems to ensure downstream properties are not affected by stormwater runoff from the subject property
- v. for further information regarding approvals and guidelines to drain directly into Middle Harbour, Lane Cove River, natural waterways, creeks or bushland, please refer to Technical Standard No.1 - Stormwater Management
- vi. any variation to the size of rainwater tanks will need to be justified and assessed on their individual merits. A written request to vary the size of the rainwater reuse tank and/or the plumbing requirement to indoor facilities must be prepared by a suitably qualified person
- vii. for further information relating to the installation and discharge of overflow for rainwater reuse tanks, please refer to Technical Standard No.1 - Stormwater Management
- viii. for further information relating to OSD systems, please refer to Technical Standard No.1 - Stormwater Management
- ix. the table provides the minimum size of rainwater tanks for minor developments. Households are encouraged to provide larger rainwater reuse tanks if adequate space is available

## SCHEDULE 4

### WDCP – Part C5 – Stormwater Management – Discharge Requirements

