

DA NO: DA-2022/105

ADDRESS: 3A DORSET ROAD, NORTHBRIDGE NSW 2063.

PROPOSAL: ALTERATIONS TO EXISTING BOATSHED, RELOCATION & BUILDING OF CABANA TO POOL AREA, NEW SPA POOL, GARDEN SHED AND ASSOCIATED WORKS.

RECOMMENDATION: APPROVAL

ATTACHMENTS:

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

RESPONSIBLE OFFICER: RITU SHANKAR - TEAM LEADER

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REPORT DATE: 23 NOVEMBER 2022

MEETING DATE FOR PUBLIC MEETING 29 NOVEMBER 2022

1. PURPOSE OF REPORT

The purpose of this report is to seek determination by Willoughby Local Planning Panel (WLPP) of Development Application DA-2022/105 for Alterations to existing boatshed, relocation & building of cabana to pool area, new spa pool, garden shed and associated works. at 3A Dorset Road, Northbridge.

The application is required to be referred to the WLPP as the application received more than 10 submissions during the assessment period.

2. OFFICER'S RECOMMENDATION

THAT the Willoughby Local Planning Panel:

2.1 Approve Development Application DA-2022/105 for alterations to existing boatshed, relocation & building of cabana to pool area, new spa pool, garden shed and associated works at 3A Dorset Road, Northbridge, subject to conditions contained in Attachment 5, for the following reasons:

2.1.1 The proposal is of minimal environmental impact. The works below the mean high water mark are related to re-roofing and cladding of the existing boatshed and some minor access works. New environmental impact to the foreshore and surrounds from this work will be negligible. The proposal results in an improvement to the foreshore environment by renovating the dilapidated shed.

2.1.2 The proposal will cause minimal new impacts to surrounding residences in terms of overshadowing, overlooking or visual intrusion.

2.1.3 The proposal is compliant with the relevant planning controls including the relevant objectives and performance criteria set out in the *WDCP* and the Sydney Harbor: Foreshores and Waterways Area *DCP*.

3. BACKGROUND

The subject site is currently undergoing construction due to a number of recent approvals listed below:

Works below the Mean High Water Mark

- DA201000871 - for repairs and alterations to existing waterfront structures and addition of a lifting platform to facilitate disabled access approved by TfNSW on 3 May 2021
- CC-2021/300 - Repairs and alterations to existing waterfront structures and addition of a lifting platform to facilitate disabled access (for the above TfNSW approval) approved by a private certifier on November 2021
- CD-2022/310 - Alteration to existing waterfront structure: replacement of ramp & pontoon (maintenance) + addition of floating boat platform inside current mooring pen - no change to lease footprint approved by a private certifier on August 2022

Works to the Dwelling house

- DA-2020/233 - Proposed alterations & additions to existing residence, including new entry structure, modifications to garage, replacement of roof, internal re-arrangement & re- modelling and new balcony & terrace extension approved by WLPP on April 2021
- DA-2020/233/A - Modify original proposal to include internal alterations and additions, relocation of lift, remove garage roof to create a courtyard, car space to car lift platform with second car space and associated works approved by WLPP on October 2021

4. DISCUSSION

The proposal seeks consent to do the following:

- Reclad the existing boatshed with timber cladding and replace the current skillion roof with a timber gable roof
- Replacing the existing boatshed dilapidated decking with new decking. A small 1m high safety wall will be constructed along the southern corner of the deck to allow safe wheel chair access to the ramp
- Provide new stone steps to access the foreshore from the property and infill portion timber decking that hosted the previous steps
- Construction of a 'sunken' garden shed hosting the pool pump. The shed will be unenclosed with a stainless steel mesh screen and gate along the southern frontage.
- Landscaping works including the removal of the pathway running along the western boundary, no significant vegetation to be removed
- Removal of existing cabana and shade awning
- Construction of new cabana with a green roof and a supporting 1.8m high stone boundary wall
- Construction of new spa pool attached to existing pool
- Reconstruction of stairs to access pool and cabana area

Works in the waterway

Previous approvals on the site include works to provide a new jetty, a new lifting platform, a mooring pen and repairs to the existing pontoon and ramp. No works are proposed to the seabed or the waterway as part of this application, which restricts the works to 'above water' renovations to the boat shed and surrounding decking.

A marine habitat survey has been submitted as part of this application which found that there were minimal risks to threatened marine species and that the zone of works was confined to unvegetated sands and slits.

The application was referred to multiple state bodies out of an abundance of caution, including the Department of Planning and Environment (Water), Water NSW, Department of Fisheries and TfNSW. All agencies either provided concurrence, or rejected the application as it did not require a state level assessment.

Conditions have been included in the consent to ensure that the proposed works are conducted with a minimum of disruption to the surrounding waterway.

Existing use rights

The site is within the Sydney Harbour Catchment and is within the Foreshores and Waterways Area. The adjoining body of water is zoned as W7- Scenic Waters: Casual Use. Boat sheds are a prohibited use under the SEPP (Biodiversity and Conservation) 2021. Nonetheless, no new use is proposed as the boatshed is existing and is not being expanded. Historic lease documents and approvals dating back to 1952 have been provided with this application, which successfully establish existing use rights.

An assessment has been carried out under Division 4.11 - Existing Use of the *Environmental Planning and Assessment Act 1979* and Part 7 – Existing Uses – the Act, Div. 4.11 of the *Environmental Planning and Assessment Regulation 2021* to further clarify the existing use rights claim.

Clause 4.66 on the Act states that nothing in this Act or an environmental planning instrument prevents the continuance of an existing use, unless expressly stated. Clause 4.67 makes specific referral to the regulations which makes provision for the rebuilding of a work being used for an existing use.

An assessment under the following clauses of the regulations has been undertaken for the development:

163 Certain development allowed

(1) *An existing use may, subject to this Part—*

- (a) be enlarged, expanded or intensified, or*
- (b) be altered or extended, or*
- (c) be rebuilt, or*
- (d) be changed to another use, but only if the other use is a use that may be carried out with or without development consent under the Act, or*
- (e) if it is a commercial use—be changed to another commercial use, including a commercial use that would otherwise be prohibited under the Act, or*
- (f) if it is a light industrial use—be changed to another light industrial use or a commercial use, including a light industrial use or commercial use that would otherwise be prohibited under the Act.*

(2) However, an existing use must not be changed under subsection (1)(e) or (f) unless the change—

- (a) involves only minor alterations, and
- (b) does not involve an increase of more than 10% in the gross floor area of the premises associated with the existing use, and
- (c) does not involve the rebuilding of the premises associated with the existing use, and
- (d) does not involve a significant intensification of the existing use.

The existing boatshed is to be reclad and provided with a gable roof into the subject site. The shed is to function as an ancillary use to the dwelling house and is not for a commercial or industrial use. Nonetheless, it will not result in any increase to the floor area of the shed which matches the existing.

166 Rebuilding of buildings and works

(1) Development consent is required for any rebuilding of a building or work used for an existing use.

(2) The rebuilding must be—

- (a) for the existing use of the building or work and for no other use, and
- (b) carried out only on the land on which the building or work was erected or carried out immediately before the relevant day.

The proposal seeks development consent to renovate the existing shed which relates only to the previous permitted use for boat storage and waterway access and is related only to the Sydney Harbour waterway that directly adjoins the subject site, which hosts the existing shed.

Subject to the above assessment, the proposal satisfies the criteria for existing use rights as held under the Act and regulations. No further objections are raised on environmental planning grounds.

Report Outline

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**.

A table of the issues raised in the submissions objecting to the proposal and the assessing officer's response is contained in **Attachment 3**.

A detailed assessment of the proposal for approval is provided in **Attachment 4**.

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/pages/xc.track/SearchApplication.aspx?id=517683>

5. CONCLUSION

The Development Application DA-2022/105 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 7.

ATTACHMENT 1: SITE DESCRIPTION AND AERIAL PHOTO

The site is a battle-axe block, accessed from Dorset Road by means of a 2.8m wide access handle and generally oriented in a north-south direction. The site has a legal description of Lots D and F DP 378501.

The southern boundary is comprised of the mean high water mark of Middle Harbour; the northern boundary (excluding the access handle) is 12.77m, the eastern side boundary (excluding the access handle) is 58m and the western side boundary is approximately 61m in length. The total site area is 1169.8m² including the access handle (which has an area of 132m²) and 1037.8m² excluding the access handle.

The elevation of the site drops 27m from the bottom of the access handle to the mean high water mark. It is occupied by a three storey detached, masonry dwelling house with pitched, metal roof. In addition, there is an entry level further up the site which provides access from the garage to the lower levels of the house. This entry structure has a flat, partially landscaped roof.

A boat jetty is located at the bottom of the site. Approved works below the mean high water mark include the repairing of the existing pontoon and ramp, construction of a new jetty with a vertical lift platform and works to the mooring pen.

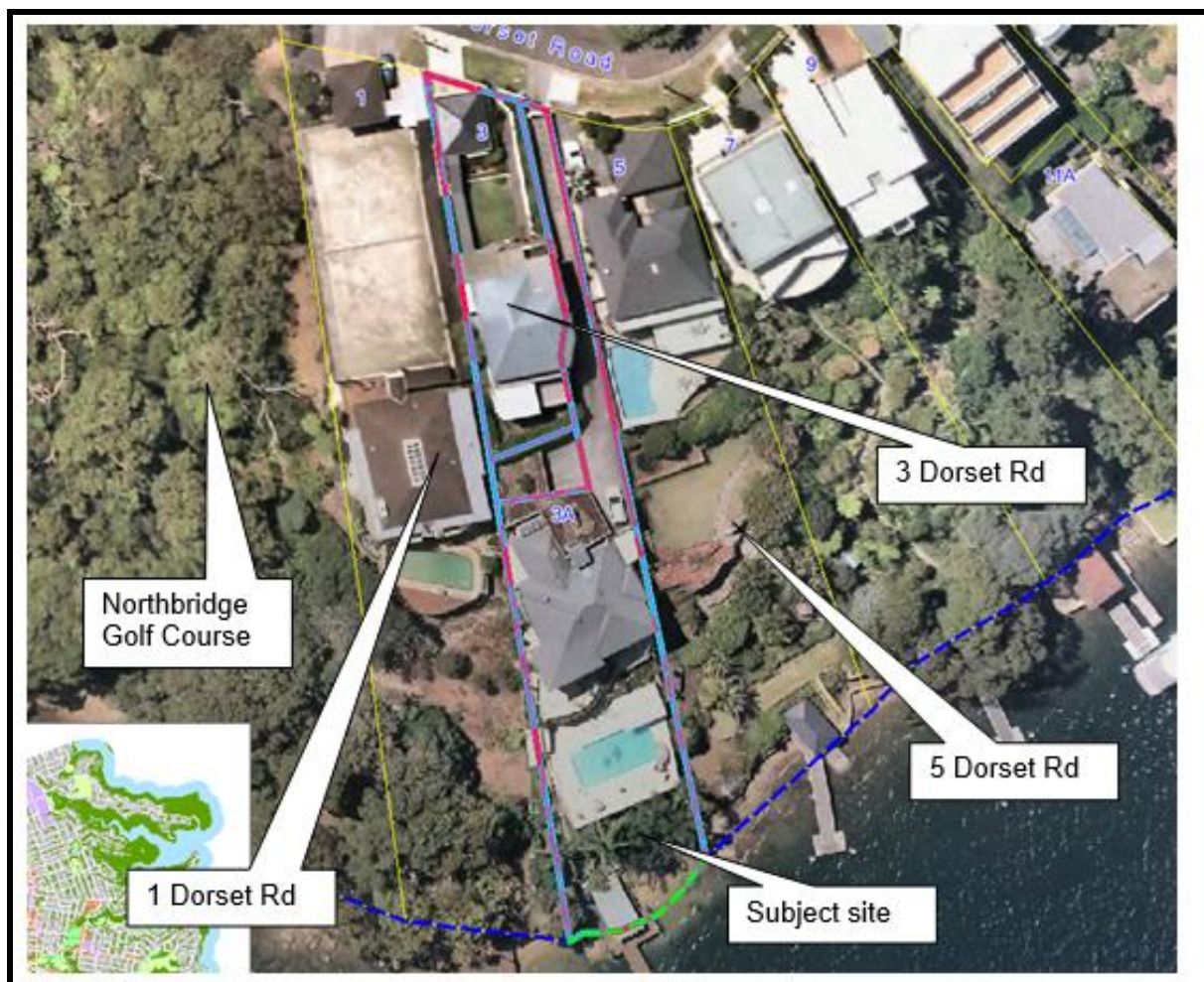


Photo 1: Site location

ATTACHMENT 2: CONTROLS & DEVELOPMENT STATISTICS AND REFERRALS

Willoughby Local Environmental Plan 2012 Zoning:	E4
Existing Use Rights	No
Additional Permitted Use	No
Conservation area	No
Aboriginal Heritage	N/A - works are limited to mainly built upon areas of the site, likelihood of any new artefacts to be very low – standard conditions have been provided on unlikely event of discovery
Heritage Item	No
Vicinity of Heritage Item	Yes
Natural Heritage Register	No
Bushfire Prone Area	Yes – Bal 40 – Council's building officer has reviewed the bushfire report and found it to be acceptable
Foreshore Protection Area	Yes – Proposed works are permissible with consent
Flood related planning control	No
Adjacent to classified road	No
Road/lane widening	No
BASIX SEPP	Yes
Infrastructure SEPP - Rail	No
Infrastructure SEPP – Road	No
Acid Sulphate Soil Category	5
Development near Lane Cove Tunnel	No
Contaminated Land	No
Adjacent / above Metro	No
Other relevant SEPPS	SEPPS (Biodiversity and Conservation) & (Resilience and Hazards) 2021
Relevant policies and resolutions	WDCP

Development Statistics (R2 & E4 – Dwelling House and/or ancillary development)

Site Area -1169.8m²
(1037.8m² excluding the access handle)

WLEP 2012

Clause	Control	Existing	Proposed by applicant	Calc. by Council	Standard	Numerical Compliance
CI.4.3	Height (m)	-	3.5m	3.5m	3.5m	Yes
CI.4.4 & CI. 4.4A	GFA (m ²)	545m ² (from latest approval)	No change	No change	290m ²	N/A - No change proposed to existing FSR as there is no change to the
	FSR	0.52:1	No change	No change	0.28:1	

						gross floor area of the existing boatshed (which is located below the MHW, outside of the subject site) and all other proposed structures are unenclosed.
<u>WDCP 2012</u>						
D1.8	Soft Landscaped Area (m²)	277m ²	277m ²	302m ² (landscaping)	52% (610m ²)	No – but acceptable See Note 1

Note 1: Landscaped area

The proposal is far deficient of the requirement for landscaping, primarily due to the existing improvements on the site including the dwelling house, swimming pool and access driveway. The proposed works are mainly on built upon areas of the site and as such have minimal impact to the existing landscaped situation, with the exception of the proposed garden shed which results in the removal of approximately 15m² of landscaped area.

Nonetheless, the proposal results in a net increase to landscaping across the site with the removal of the old cabana and access path along the western boundary of 25m². The proposal additionally provides a green roof across the cabana and the garden shed. While this does not add towards landscaped area, it will still provide a greener presentation to the foreshore and surrounding residences. Given the works proposed and the existing constraints on the site, the proposal is considered to be an improvement to the landscaping situation and is thus acceptable in this instance.

Willoughby LEP 2012**5.7 - Development below mean high water mark**

The proposal involves work below the mean high water mark and the provisions of Clause 5.7 apply. Development consent has been sought for the proposal and the application has been referred to the relevant bodies to ensure that the development is appropriate for land covered by tidal waters.

6.4 - Foreshore Area

The site is located within the foreshore area and the provisions of Clause 6.4 apply.

Clause 6.4 (2) permits limited development in the foreshore area:

(2) Development consent must not be granted for development on land in the foreshore area except for the following:

(a) single storey structures such as boat sheds, slipways and jetties that have a direct functional relationship with the waterway,

- (b) *inclinator, stairs and other structures designed to provide pedestrian access to the waterway,*
- (c) *development for the purposes of barbecues, cycleways, fences, garden sheds, pergolas, picnic facilities, public amenities, retaining walls, swimming pools or walking trails.*

The proposed works are permissible in the foreshore area. The works are to renovate the existing shed and decking, making the area safer for access.

The proposal does not contravene the objectives of the C4 zone.

The proposed shed is compatible with neighbouring foreshore development.

The development will not cause adverse environmental impacts subject to conditions. The development will not result in any additional congestion of the waterway as it replaces an existing structure. As such, there is no intensification of use.

Any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land will not be impacted subject to conditions.

The rising sea level has been considered with this application, but given that is for a boating structure located within the mean high water mark, no changes to the design are required.

Willoughby Development Control Plan (WDCP)

The application does not contravene any of the relevant objectives set out in the *WDCP*, subject to conditions. The shortfall with landscaped area has been discussed above and is acceptable given the existing context.

The proposed works within the foreshore building line are permissible. The upgraded boatshed with the gable ended roof would be more compliant with the *DCP* controls. The proposed spa pool is below ground level and the proposed cabana is sited to create minimal impacts to neighbours and the foreshore given the sloping green roof. There will be some minimal excavation to provide the cabana roof, but this is considered to be acceptable given the small footprint of the cabana and the site constraints including the topography and the existing location of the pool.

No significant trees are to be removed with the application. Given the above, the proposal is considered to meet all the relevant objectives and performance criteria set out in the *WDCP*.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 Coastal management

The chapter intends to plan for and effectively respond to coastal challenges such as major storms, coastal erosion and climate change impacts, through more strategic planning around coastal development and emergency management.

The SEPP includes development controls for four coastal management areas. Two of these Coastal Management Areas apply to Northbridge: Coastal Environment Area and Coastal Use Area. However, the provisions of the SEPP relating to these Management Areas do not apply to land within the Foreshore and Waterways Area within the meaning of the SREP (Sydney Harbour Catchment 2005).

It is considered however that the proposed development is consistent with the general provisions of Clause 2.12 of the SEPP:

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 10 - Sydney Harbour Catchment

PART 10.3 Foreshores and Waterways Area

Division 1 Development Control

The site is located within the Foreshore and Waterways area so the provisions of this chapter applies.

The objectives of the W7 Scenic Waters: Casual Use are as follows:

- (a) to allow certain water-dependent development close to shore to meet casual boating needs and other water access needs,
- (b) to allow such development only where it can be demonstrated that it achieves a predominantly open and unobstructed waterway and does not dominate the landscape setting,
- (c) to restrict development for permanent boat storage in locations that are unsuitable due to the adverse visual impact of such development or to physical constraints such as shallow water depth, severe wave action or unsafe navigation,
- (d) to ensure that the scale and size of development are appropriate to the location and protect and improve the natural and cultural scenic quality of the surrounding area, particularly when viewed from waters in this zone and areas of public access,
- (e) to maintain and enhance views to and from waters in this zone,
- (f) to minimise the number and extent of structures over waters in this zone through mechanisms such as the sharing of structures between adjoining waterfront property owners,
- (g) to ensure remnant natural features, aquatic habitat (including wetlands) and public access along the intertidal zone are not damaged or impaired in any way by development.

It is noted that the boat sheds are prohibited development in the zone. Nonetheless, the proposal is for the recladding and re-roofing the existing shed and as such existing use rights apply. Documentation proving these rights have been submitted to Council.

The proposal will result in minimal impacts to the existing foreshore area because it renovates the existing boatshed and decking without intensifying any activity. The proposal will not dominate the landscaped setting or cause excessive visual impact. It is of a size and scale that is similar to adjoining boatsheds in the immediate area and will not unduly impact views to and from waters.

The development will not result in an increase in the number of structures over the waterfront and will not overly impact natural features and the aquatic habitat as per the marine habitat survey.

The development is acceptable given the above.

Division 2 Matters for consideration

10.19 Biodiversity, ecology and environment protection

The matters to be taken into consideration in relation to biodiversity, ecology and environment protection are as follows—

- (a) development should have a neutral or beneficial effect on the quality of water entering the waterways,*
- (b) development should protect and enhance terrestrial and aquatic species, populations and ecological communities and, in particular, should avoid physical damage and shading of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities),*
- (c) development should promote ecological connectivity between neighbouring areas of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities),*
- (d) development should avoid indirect impacts on aquatic vegetation (such as changes to flow, current and wave action and changes to water quality) as a result of increased access,*
- (e) development should protect and reinstate natural intertidal foreshore areas, natural landforms and native vegetation,*
- (f) development should retain, rehabilitate and restore riparian land,*
- (g) development on land adjoining wetlands should maintain and enhance the ecological integrity of the wetlands and, where possible, should provide a vegetative buffer to protect the wetlands,*
- (h) the cumulative environmental impact of development,*
- (i) whether sediments in the waterway adjacent to the development are contaminated, and what means will minimise their disturbance.*

The development will have a neutral effect on the water quality given that the proposal does not involve any work to the seabed or within the water.

10.20 Public access to, and use of, foreshores and waterways

The matters to be taken into consideration in relation to public access to, and use of, the foreshores and waterways are as follows—

- (a) development should maintain and improve public access to and along the foreshore, without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation,*
- (b) development should maintain and improve public access to and from the waterways for recreational purposes (such as swimming, fishing and boating), without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation,*
- (c) if foreshore land made available for public access is not in public ownership, development should provide appropriate tenure and management mechanisms to safeguard public access to, and public use of, that land,*
- (d) the undesirability of boardwalks as a means of access across or along land below the mean high water mark if adequate alternative public access can otherwise be provided,*
- (e) the need to minimise disturbance of contaminated sediments.*

The proposal will have negligible impacts to the general public's access to the foreshore but will improve access of the residents to the foreshore by replacing the dilapidated boatshed.

10.21 Maintenance of a working harbour

The matters to be taken into consideration in relation to the maintenance of a working harbour are as follows—

- (a) foreshore sites should be retained so as to preserve the character and functions of a working harbour, in relation to both current and future demand,*

- (b) consideration should be given to integrating facilities for maritime activities in any development,*
- (c) in the case of development on land that adjoins land used for industrial and commercial maritime purposes, development should be compatible with the use of the adjoining land for those purposes,*
- (d) in the case of development for industrial and commercial maritime purposes, development should provide and maintain public access to and along the foreshore where such access does not interfere with the use of the land for those purposes.*

The proposal will renovate the existing boatshed allowing for the functioning of a working harbor. The proposal will not impede public access to the foreshore and is compatible with the land uses in the immediate area which show boatsheds servicing residential development.

10.22 Interrelationship of waterway and foreshore uses

The matters to be taken into consideration in relation to the interrelationship of waterway and foreshore uses are as follows—

- (a) development should promote equitable use of the waterway, including use by passive recreation craft,*
- (b) development on foreshore land should minimise any adverse impact on the use of the waterway, including the use of the waterway for commercial and recreational uses,*
- (c) development on foreshore land should minimise excessive congestion of traffic in the waterways or along the foreshore,*
- (d) water-dependent land uses should have priority over other uses,*
- (e) development should avoid conflict between the various uses in the waterways and along the foreshores,*
- (f) development on foreshore land should minimise any risk to the development from rising sea levels or changing flood patterns as a result of climate change.*

The proposal will not cause additional impact to use of the waterway by other recreational craft and will not cause excessive traffic as it replaces the existing shed and does not intensify the use. The proposal is for a water dependent use and will not conflict with any other uses along the waterways or foreshore.

10.23 Foreshore and waterways scenic quality

The matters to be taken into consideration in relation to the maintenance, protection and enhancement of the scenic quality of foreshores and waterways are as follows—

- (a) the scale, form, design and siting of any building should be based on an analysis of—*
 - (i) the land on which it is to be erected, and*
 - (ii) the adjoining land, and*
 - (iii) the likely future character of the locality,*
- (b) development should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands, foreshores and tributaries,*
- (c) the cumulative impact of water-based development should not detract from the character of the waterways and adjoining foreshores.*

The proposal will result in minimal new cumulative impacts to the unique visual qualities to Sydney harbour as it replaces an existing shed. The scale, form, design and siting of the building is suited to the land, adjoining land and the future desired character of the locality.

10.24 Maintenance, protection and enhancement of views

The matters to be taken into consideration in relation to the maintenance, protection and enhancement of views are as follows—

- (a) development should maintain, protect and enhance views (including night views) to and from Sydney Harbour,*
- (b) development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items,*
- (c) the cumulative impact of development on views should be minimised.*

The proposal will result in minimal new impacts to existing views to and from the Sydney harbour. The cumulative impacts on views will be unchanged.

10.25 Boat storage facilities

The matters to be taken into consideration in relation to boating facilities are as follows—

- (a) development should increase the number of public boat storage facilities and encourage the use of such facilities,*
- (b) development should avoid the proliferation of boat sheds and other related buildings and structures below the mean high water mark,*
- (c) development should provide for the shared use of private boat storage facilities,*
- (d) development should avoid the proliferation of private boat storage facilities in and over the waterways by ensuring that all such facilities satisfy a demonstrated demand,*
- (e) boat storage facilities should be as visually unobtrusive as possible,*
- (f) in the case of permanent boat storage, the safety and utility of the development should not be adversely affected by the wave environment, and the development should avoid adverse impacts on safe navigation and single moorings.*

The proposal will improve boat storage for the subject lot and will not add to a proliferation below the mean high water mark. The development will fulfil the existing demand for a boatshed set by the foreshore residential development on the subject lot. The proposed boat shed is visually unobtrusive and would not result in adverse impacts on safe navigation and single moorings.

Foreshores and Waterways Area Development Control Plan

Part 2: Ecological Assessment

The site is identified as having a terrestrial ecological community of urban development with scattered trees which is of low conservation value. The proposal will not impact any significant land based vegetation and will not risk native fauna. The development will be conditioned to minimise impacts associated with soil erosion and siltation during construction.

The development is assessed as having an aquatic ecological community of mixed rocky intertidal and sand platform which has a high conservation value. Nonetheless, the proposal meets the performance criteria set out in the *DCP*. The area beneath the proposal is un-vegetated and the proposal will not affect tidal flows or currents.

It is considered that the proposed development is consistent with the general aims of the *DCP* for ecological assessment.

Part 3: Landscape Status

The site is located within Landscape Character Type 3 which applies to the residential bays of Middle Harbour. It is considered that the proposed development is consistent with the performance criteria for the Landscape Character Type 3. The proposed development would have a negligible impact on the natural environment of the foreshore given that it does not result in the removal of any vegetation and it replaces a similar structure.

Part 4 and Part 5: Guidelines for Development

The proposal complies with the general requirements for land/water interface developments. The proposal does not result in any additional congestion or conflicts with the waterway or foreshore. The development will not interfere with water based activities and will not obstruct the flow of waters. The development does not visually dominate the foreshore area, provides adequate setbacks and is suited for the character of the locality.

Boatsheds

The *DCP* contains design guidelines for boatsheds that are water-based and land/water interface developments and for boatsheds that are land based developments.

For developments, below mean high water mark (MHW) and used for private purposes, the following compliance assessment has been undertaken under Section 4.16 of the *DCP*.

Control	Compliance
boat sheds will only be permitted below MHW where: <ul style="list-style-type: none">○ there are no feasible alternatives to site the boat shed above MHW,○ there are existing boat sheds below MHW,○ and – the provision of an additional boat shed will not result in an overdeveloped water's edge;	Yes - The boat shed renovates the existing shed. There are existing sheds in the area that exist below the MWHM and there will be no overdevelopment at the water's edge.
boat sheds should be one storey	Yes
the building is used in accordance with the definition i.e. for the storage and routine maintenance of a boat or boats, is associated with a private residence and includes any skid used in connection with the building or other structure. Boat sheds are not to be used for any other purpose unless approved by the consent authority;	Yes
minimum headroom of 2.2m and a maximum of 2.5m	Yes
boatshed floor to be at 1.57 AHD	Yes
maximum area of 6m x 3.7m (22.2m ²)	Yes – Proposed shed is 6.31m x 3.45m. (21.76m ²) While the shed is slightly longer than what is allowable, a variation to the control is acceptable in this instance. The shed is still under the allowable floor area and strict compliance with the length limit not yield a discernible improvement to the foreshore area.
roof pitch should not exceed 35 degrees and should be gabled. Other roof styles will be	Yes

considered having regard to the context and design of surrounding buildings.	
The use of roofs as decks is prohibited.	Yes
exterior colours should be compatible with the immediate surrounds and the landscape character in which the boatshed is proposed	Yes - The proposed timber cladding and timber roof will be in keeping with the foreshore.
Boatsheds built over water should be of light-weight materials	Yes- The deck and shed are constructed of lightweight materials.


Developer's Contribution Plans:

S7.11/7.12 Section 94A contribution:	Yes
a. Applicable rate (%):	1%
b. The cost of development (Part A CI 25J) (\$)	\$270,600.00
c. Date of accepted cost of development:	10/02/2022
d. The total contribution payable (\$)	\$2,706.00

Referrals

Building services	<p>Comments:</p> <p>The following conditions of consent are recommended by the accredited Building Surveyor after having taken into consideration the following:</p> <p>1 Considered & satisfactory 2 Considered and not satisfactory 3 Not relevant</p> <table><tr><th></th><th>1</th><th>2</th><th>3</th></tr><tr><td>• S. 79C (a)(iv) EP & A Act – any matters prescribed by the regulations</td><td></td><td></td><td></td></tr><tr><td> o EP & A Reg Clause 92 – Demolition of a building to AS 2601</td><td>X</td><td></td><td></td></tr><tr><td> o EP & A Reg Clause 93 – Fire safety considerations</td><td></td><td></td><td>X</td></tr><tr><td> o EP & A Reg Clause 94 – Fire upgrade of existing building</td><td></td><td></td><td>X</td></tr><tr><td>• Non National Construction Code Construction and Compliance Issues</td><td>X</td><td></td><td></td></tr><tr><td>• BASIX / Sustainability Issues</td><td></td><td></td><td>X</td></tr><tr><td>• Non National Construction Disability Issues</td><td>X</td><td></td><td></td></tr><tr><td>• Bush Fire Issues</td><td></td><td></td><td>X</td></tr><tr><td>• Entertainment Venue Issues</td><td></td><td></td><td>X</td></tr><tr><td>• Swimming pool barrier issues (from Jan 2014)</td><td>X</td><td></td><td></td></tr></table> <p><input type="checkbox"/> In accordance with Council's procedures this referral has been prepared based on a desk assessment and <u>no</u> site inspection has been carried out</p>		1	2	3	• S. 79C (a)(iv) EP & A Act – any matters prescribed by the regulations				o EP & A Reg Clause 92 – Demolition of a building to AS 2601	X			o EP & A Reg Clause 93 – Fire safety considerations			X	o EP & A Reg Clause 94 – Fire upgrade of existing building			X	• Non National Construction Code Construction and Compliance Issues	X			• BASIX / Sustainability Issues			X	• Non National Construction Disability Issues	X			• Bush Fire Issues			X	• Entertainment Venue Issues			X	• Swimming pool barrier issues (from Jan 2014)	X		
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• Bush Fire Issues			X																																										
• Entertainment Venue Issues			X																																										
• Swimming pool barrier issues (from Jan 2014)	X																																												
Engineering	<p>The above application has been investigated with respect to aspects relevant to development engineering. It is advised that the proposed stormwater management system is considered acceptable. The applicant has proposed to install stormwater filtration device prior to discharging stormwater into the harbour. The proposal is consistent with the requirement stipulated in Council's <i>DCP</i>. Further, the applicant will install 15kL RWT as part of this application.</p> <p>There are no further engineering objections to this application subject to the conditions.</p>																																												
Landscape	<p>Compulsory Details Required for Tree Removal response to Planning Portal:</p> <p>Number of trees to be impacted (square metres) – Nil</p> <p>Area of land to be impacted (square metres) – Nil</p>																																												

	<p>Approximate area of canopy to be removed (square metres) – Nil</p> <p>Number of replacement trees (if required) – Nil</p> <p>The plans indicate that no significant landscape features are affected by the proposed works. The site is not mapped on the DPE Biodiversity Values Map and no threatened species are identified on the CMA mapping layer in Councils GIS system.</p> <p>No details were sighted regarding the two proposed roof gardens, one to the cabana roof and one to the garden shed roof. Whilst the concept is supported in principle, due to the lack of detail conditions have been included requiring the details to be provided by a qualified landscape designer to the Certifying Authority prior to issue of a Construction Certificate.</p> <p>The plans indicate that no trees are to be removed to accommodate the proposed works. No Arborist's report was sighted with the application. Retention of all non-exempt trees is supported, however, in the absence of an Arborist's report, conditions have been included requiring the preparation of a Tree Protection Plan to be submitted to the Certifying Authority prior to issue of a Construction Certificate.</p> <p>No objections are raised with regard to landscape issues subject to conditions as recommended.</p>
Department of Fisheries	The application was rejected for assessment as there are no works to the seabed.

<p>Department of Planning and Environment (Water)</p>	<p style="text-align: right;">7 November 2022</p> <p>The General Manager Willoughby City Council PO Box 57 CHATSWOOD NSW 2057</p> <p>Attention: Mark Bolduan</p> <p>Uploaded to the ePlanning Portal</p> <p>Dear Sir/Madam</p> <p>Re: IDAS-2022-10248 - Controlled Activity Approval Exemption Dev Ref: DA 2022/105 Description: Alterations to Existing Boat Shed, New Garden Shed, New Cabana and Spa Pool. Location: Lots D&F DP 378501, 3A DORSET ROAD, NORTHBRIDGE 2063</p> <p>The Department of Planning and Environment—Water has reviewed documents for the above development application and considers that, for the purposes of the Water Management Act 2000 (WM Act), the proposed works are exempt from the need to obtain a controlled activity approval and no further assessment by this agency is necessary.</p> <p><u>Exemption</u></p> <p>The proposed garden shed, cabana and pool are exempt as detailed in Water Management Act (General) Regulation Schedule 4, 29 - Activities with respect to dwellings</p> <p>The alterations and repairs to the existing boatshed are identified as works on Crown land and therefore exempt as detailed in Water Management Act (General) Regulation Schedule 4, 18 - Activities under mining, crown lands or western lands legislation</p> <p>If you have any questions regarding this correspondence, please use Water Assist to obtain further information or make an enquiry: https://www.dpie.nsw.gov.au/water/water-assist</p> <p>Yours Sincerely  For Jeremy Morice Manager Licensing and Approvals Department of Planning and Environment—Water</p>
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WaterNSW	<p style="text-align: right;">7 July 2022</p> <p>Dear Sir/Madam</p> <p>RE: Development Application DA2022/105 – 3A Dorset Road, Northbridge NSW</p> <p>I refer to the above-mentioned development application referred to WaterNSW.</p> <p>WaterNSW has reviewed the information submitted with the application regarding the alterations to the existing boat shed, new garden shed, cabana & spa pool and considers that for the purposes of the Water Management Act 2000, no further investigation is required by WaterNSW.</p> <p>While it has been deemed that no approvals are required to be issued by WaterNSW, development on waterfront land may need to be considered by the Department of Planning and Environment—Water, under s.91 of the Water Management Act 2000.</p> <p>If groundwater is encountered during the development and requires removal, the proponent should contact WaterNSW immediately and apply for a dewatering water supply work approval. Failure to do so may result in NRAR taking compliance action under the Water Management Act 2000.</p> <p>As part of this application, they may need to provide a Dewatering Management Plan, Authority to Discharge groundwater as well as an updated Geotechnical Report that states volume of water to be taken, time frame of dewatering and basement construction (if relevant).</p> <p>Please feel free to contact me should you require any further information.</p> <p>Yours sincerely</p> <p><i>Amanda Herringe</i></p> <p>Amanda Herringe Water Regulation Officer</p>
TfNSW	<p>Reference is made to Development Application DA2022/105 that relates to alterations to existing boatshed, relocation & building of cabana to pool area, new spa pool, garden shed and associated works at 3A Dorset Road, Northbridge.</p> <p>Transport for NSW recommends that Council satisfies itself that pursuant to the provisions outlined in Section 10.4 of State Environmental Planning Policy (Biodiversity and Conservation) 2021, it is the relevant consent authority for all proposed development located seaward of the mean high water mark as nominated on the drawings prepared by John Bradley Architect (Drawing CBH104, dated 02/10/22 & Drawing CBH105, dated 11/26/21).</p>

ATTACHMENT 3: SUBMISSIONS TABLE

Council was in receipt of 11 individual submissions. A brief letter of support was additionally provided by the neighbour at No. 5 Dorset Road, for the cabana structure.

One objection was resent from an email address belonging to the resident of 1 Dorset Road. However, it included a letter from an N Ryan who has not provided any further contact details. Nonetheless, Council has accepted and assessed the submission in full, as part of due process.

Email copied below:

To: Council's Email

Subject: Submission - DA-2022/105 - 3A Dorset Rd Northbridge - N Ryan

Nick

*It was a real good evening and you are very welcome to come over when you have any spare time....
(Redacted private details here)....*

I have attached the letter for the Council. If you are happy just PDF the document and send to the emails below – no real need to sign it as it is fine as long as it comes from a different email address to mine.

(Redacted private details here)...

Issues Raised	Officer's Response
Issues raised by objectors with no address in the LGA	
The proposal is an overdevelopment the shed appears to have a water outlook with a deck.	The shed services the dwelling by hosting the pool pump and providing storage. It is permissible in the area.
The proposal results in a further reduction of landscaping and result in the removal of trees.	The proposal results in a net increase to landscaping across the site. The proposal will not result in the removal of any trees. Detailed landscape design has been conditioned by Council officers to ensure a high quality of landscape design.
The proposal looks to add a second jetty and a new set of stairs that would impact public access to the foreshore	The proposal is not seeking to add a second jetty. The new steps to the foreshore would have a negligible impact on the public's access to the foreshore. The proposal additionally involves the removal of the existing stairs from the boatshed which should improve access.
The dwelling is an overdevelopment	Irrelevant to the subject application.
The proposal does not have an attached landscape plan, no bio-diversity management plan, no bio-habitat survey, no aboriginal heritage survey and not even a seabed survey.	The documents that have been provided with this application were appropriate for the assessment. No significant trees are to be removed with the application the threat to biodiversity is minimal. Net landscaping should be an improvement across the site. No works are proposed to the seabed. The provided marine habitat survey finds that there will be no impact to threatened marine species and that there is no significant habitat within the footprint of the works.
There are too many structures within the foreshore area	The proposal does introduce any new structures that will impact public access to the foreshore, given that it is mainly for the refurbishment of existing structures below mean high water mark.
The boatshed	The amended boat shed is compliant with height.

breaches the height limit	
The new jetty should not be approved.	The jetty is not a subject of this application.
Concerns about stormwater	Council's engineers have assessed the stormwater design for the application and have found it to be suitable and compliant, subject to the conditions imposed in the consent.
Issues raised by No 1 Dorset Road	
Insufficient details have been providing regarding stormwater. Current construction has resulted in spill to the harbour.	Council's engineers have assessed the stormwater design for the application and have found it to be suitable and compliant, subject to the conditions imposed in the consent.
There is no plan showing existing trees and a proper landscaping plan should be provided. The landscaped area plans have discrepancies.	No consent is sought for the removal on any trees and application has been conditioned for tree protection accordingly. The provided documentation is adequate in this regard. Furthermore, the proposal will result in a net increase of landscaped area. The landscape plans are found to be acceptable, given the proposed works. Council's tree management officer has reviewed the application and found it to be acceptable subject to conditions including for a detailed landscape design at CC stage to ensure a high quality of landscaping.
The current construction land has resulted in impacts.	Not relevant to this application.
The boat shed area is not included in any FSR calculation	There is no increase to FSR with the proposed application as there is no increase to the floor area of the application and all other structures are unenclosed.
The height of the boatshed is not compliant	Revised plans show that the proposed height for the boatshed is 3.5m which is compliant.
The proposal restricts public access to foreshore	The works that are the subject of this application will have minimal impacts on the public's access to the foreshore.
The garden shed is not included in the FSR, the shed can serve as a walk through from the pool.	The shed is unenclosed and does not count towards FSR. The shed does not have any access to the pool area.
There should be a marine ecological review or seabed survey for the proposed works.	There are no works proposed to the seabed and the marine habitat survey found that no species or habitat would be threatened in the immediate vicinity of the site.
Photomontage has not been provided for the works	The proposed works do not require a photomontage given that they are minor.
No survey plan provided	A survey from Norton Survey Partners has been provided for the development.
There are existing encroachments on neighbouring sites.	This has no bearing on the current application. A standard condition is included requiring works to be within the boundaries of the subject site.
The cabana will overshadow existing properties and result in view loss.	The cabana is not excessive in height having being built into the existing topography, impacts from height and view loss will be negligible.
The proposal is an eyesore	This is a subjective claim. The proposal uses materials and finishes that are compliant with the requirements for the foreshore and match

	the area.
The owners have blocked public access to the foreshore	The proposal will not limit public access to the foreshore.
The garden shed has a verandah	The garden shed does not have a verandah
The owners have done unauthorised works.	This is claim has no relevance to this application.
The proposal shows a modified design to the house and the applicant needs to clarify any proposed works to the inclinor and dwelling house.	No works are proposed to the inclinor or dwelling house with this approval. All works are coloured in on the stamped plans and a restricted to what is discussed in this report.
Issues raised by 7 Dorset Road	
The FSR is significantly over on site and no additional FSR should be added	The proposal will not result in any increase to FSR on the site. The boatshed is below the mean high water mark and the garden shed is unenclosed.
There are no setbacks for the proposed cabana	<p>There is no requirement in the <i>DCP</i> for setbacks to a recreational structure like a cabana. The cabana is a relatively light weight structure and is attached to the proposed stone wall to provide stability. The roof is setback 600mm from the neighbour. New impacts from overshadowing and privacy to the neighbours will be minimal given its location.</p> <p>The neighbour at No 5, directly adjacent to the cabana, is supportive of the proposal as it would improve privacy between the two neighbours.</p> <p>It is difficult to understand how the neighbour at No. 7 will be impacted by the cabana.</p>
The garden shed is incorporated into the living space and forms a connection between the house and the boatshed.	There is no evidence for this claim. The garden shed is sunk in and built into the existing retaining wall. It is not connected to the house.
The proposal does not comply with building height.	The proposal complies with building height.
The site is overdeveloped and the ongoing construction has caused impacts to neighbours.	The proposal is limited to very minor works. Standard conditions will be included in the consent to alleviate the impacts of any proposed construction for this application.
Issues raised by 3 Dorset Road	
The previous approvals have resulted in amenity impacts	This has no bearing on the current application. The current proposal is for minor works that will have limited impacts to surrounding neighbours. The most impacted neighbour would be at No. 5 who has provided support for the development.
A full boundary survey should be conducted	A standard condition is included requiring works to be within the boundaries of the subject site. The proposed works are mainly within

WLPP REPORT - DA-2022/105 - 3A DORSET ROAD, NORTHBRIDGE NSW 2063.

due to past infringements.	the foreshore and not on neighbouring boundaries (aside from the proposed wall along No.5).
The proposal should not be allowed to breach height and FSR	The proposal will not breach height of FSR.

ATTACHMENT 4 - 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"> • <i>State Environmental Planning Policies (SEPP)</i> 	✓
	<ul style="list-style-type: none"> • <i>Regional Environmental Plans (REP)</i> 	✓
	<ul style="list-style-type: none"> • <i>Local Environmental Plans (LEP)</i> 	✓
	<p>Comment: The development proposal does not contravene any State or Regional Plans or policies.</p> <p>The proposed development is consistent with the general provisions for development within the coastal zone as contained in the SEPP State Environmental Planning Policy (Resilience and Hazards) 2021.</p> <p>The site adjoins the Harbour foreshore and is located within the Foreshores and Waterways Area identified in Chapter 10 State Environmental Planning Policy (Biodiversity and Conservation) 2021. The development proposal has been assessed according to The Matters for Consideration in Division 2 of the chapter and is found to be consistent with the aims of the plan. It is considered that the proposed development will have an acceptable impact on the scenic qualities of Sydney Harbour and views to and from the subject site.</p>	
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> • <i>Draft State Environmental Planning Policies (SEPP)</i> 	N/A
	<ul style="list-style-type: none"> • <i>Draft Regional Environmental Plans (REP)</i> 	N/A
	<ul style="list-style-type: none"> • <i>Draft Local Environmental Plans (LEP)</i> 	N/A
	Comment: There are no draft SEPPs that apply to the subject land.	
(a)(iii)	Any development control plans	
	<ul style="list-style-type: none"> • <i>Development control plans (DCPs)</i> 	✓

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

Considered and Satisfactory ✓ and Not Relevant N/A

	<p>Comment:</p> <p>The proposed development is considered to be consistent with the objectives for development contained in the Sydney Harbour Foreshores and Waterways Development Control Plan. The larger floor space for the boatshed has been justified in the assessment section of the report.</p> <p>Part C10 of the <i>WDCP</i> contains development guidelines for development within the foreshore area. It is considered that the proposed development is consistent with the intent of Part C10 of the <i>WDCP</i> which is to preserve and enhance the natural features and vegetation of the foreshore area for its scenic and ecological values and to ensure development does not detract from the natural character of these areas.</p> <p>Part D1.16 of the <i>WDCP</i> contains objectives and controls for development in the E4 Environmental Living Zone. The proposed development complies with the relevant objectives and controls for development contained in Part D1.16.</p> <p>It is considered that there will be no significant adverse impacts to adjoining properties as a result of the proposed development.</p>	
(a)(iv)	Any matters prescribed by the regulations	
	<ul style="list-style-type: none"> • Clause 92 EP&A Regulation-Demolition 	✓
	<ul style="list-style-type: none"> • Clause 93 EP&A Regulation-Fire Safety Considerations 	✓
	<ul style="list-style-type: none"> • Clause 94 EP&A Regulation-Fire Upgrade of Existing Buildings 	✓
	Comment: There are no prescribed matters that affect the application.	
(b)	The likely impacts of the development	
	<ul style="list-style-type: none"> • Context & setting 	✓
	<ul style="list-style-type: none"> • Access, transport & traffic, parking 	✓
	<ul style="list-style-type: none"> • Servicing, loading/unloading 	✓
	<ul style="list-style-type: none"> • Public domain 	✓
	<ul style="list-style-type: none"> • Utilities 	✓
	<ul style="list-style-type: none"> • Heritage 	✓
	<ul style="list-style-type: none"> • Privacy 	✓
	<ul style="list-style-type: none"> • Views 	✓
	<ul style="list-style-type: none"> • Solar Access 	✓
	<ul style="list-style-type: none"> • Water and draining 	✓
	<ul style="list-style-type: none"> • Soils 	✓
	<ul style="list-style-type: none"> • Air & microclimate 	✓
	<ul style="list-style-type: none"> • Flora & fauna 	✓
	<ul style="list-style-type: none"> • Waste 	✓
	<ul style="list-style-type: none"> • Energy 	✓
	<ul style="list-style-type: none"> • Noise & vibration 	✓
	<ul style="list-style-type: none"> • Natural hazards: Overland flowpath 	✓
	<ul style="list-style-type: none"> • Safety, security crime prevention 	✓
	<ul style="list-style-type: none"> • Social impact in the locality 	✓
	<ul style="list-style-type: none"> • Economic impact in the locality 	✓
	<ul style="list-style-type: none"> • Site design and internal design 	✓
	<ul style="list-style-type: none"> • Construction 	✓
	<ul style="list-style-type: none"> • Cumulative impacts 	✓

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

	Comment: The proposed development results in ancillary uses to an existing dwelling and is minor in nature. As outlined above, the proposed boatshed, decking, garden shed, cabana and spa are considered to have a satisfactory impact on neighbouring properties. It is considered that the proposal will have an acceptable impact on the scenic quality of the Harbour.	
(c)	The suitability of the site for the development	
	<ul style="list-style-type: none"> Does the proposal fit in the locality? 	✓
	<ul style="list-style-type: none"> Are the site attributes conducive to this development? 	✓
	Comment: The proposed development is for ancillary uses to a dwelling house in the C4 Environmental Living Zone. The works are considered to be relatively minor and consistent with the character of the foreshore area in the Northbridge locality. The site is considered suitable for the proposed development and has no major constraints to the proposed development.	
(d)	Any submissions made in accordance with this Act or the regulations	
	<ul style="list-style-type: none"> Public submissions 	✓
	<ul style="list-style-type: none"> Submissions from public authorities 	✓
	Comment: All submissions from the public and any state authorities have been closely considered and documented in the report.	
(e)	The public interest	
	<ul style="list-style-type: none"> Federal, State and Local Government interests and Community interests 	✓
	Comment: The proposed development is considered to be consistent with the objectives of the C4 Environmental Living zone and for development in the foreshore area and will not have unreasonable amenity impacts on the harbour, adjoining private properties or the surrounding bushland. The proposed development is considered to be consistent with the desired future character of the Northbridge locality.	

ATTACHMENT 5: 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. WaterNSW

The following conditions from WaterNSW must be complied with:

- A. If groundwater is encountered during the development and requires removal, the proponent should contact WaterNSW immediately and apply for a dewatering water supply work approval. Failure to do so may result in NRAR taking compliance action under the Water Management Act 2000.

As part of this application, they may need to provide a Dewatering Management Plan, Authority to Discharge Groundwater as well as an updated Geotechnical Report that states volume of water taken, time frame of dewatering and basement construction (if relevant).

(Reason: Ensure compliance)

2. Approved Plan/Details

The development must be in accordance with the following consent plans electronically stamped by Council:

Plan Type	Plan No.	Revision/ Issue No.	Plan Date (as Amended)	Prepared by
Site Plan	CBH 101	A	26/08/2022	John Bradley Architect
Cabana	CBH 102	A	26/08/2022	
Cabana	CBH 103	1A	26/08/2022	
Boat Shed & Garden Shed	CBH 104	1A	26/08/2022	
Boat Shed & Garden Shed	CBH 105	1A	26/08/2022	
External Finishes and Materials	CBH 107	A	26/08/2022	

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.

3. 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 **\$2,706.00** 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 \$270,600.00 at 10/02/2022 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

(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. Bushfire Protection

The design and construction of the proposal shall comply with the requirements of the *Planning for Bushfire Protection* and Australian Standards 3959-2009. Details of compliance are to be included in plans/specifications prior to the release of the Construction Certificate.

(Reason: Safety and protection of property)

6. Construction Management Plan (CMP)

Prior to the issue of the Construction Certificate, submit, for approval by the Certifier, detailed Construction Management Plan (CMP). The CMP shall address:

- (a) Construction vehicles access to and egress from the site, including from the foreshore and adjoining waterway
- (b) Parking for construction vehicles
- (c) Locations of site office, accommodation and the storage of major materials related to the project
- (d) Protection of adjoining properties, pedestrians, vehicles and public assets
- (e) Location and extent of proposed builder's hoarding and Work Zones
- (f) Tree protection management measures for all protected and retained trees.
- (g) Protection of the foreshore and marine environment, including the use of appropriate environmental safeguards to reduce turbidity during construction and proper management and disposal of construction waste.

(Reason: Compliance)

7. Damage Deposit

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$4,500** (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 **\$176** (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 = \$4,500 + \$176 = \$4,676.

(Reason: Protection of public asset)

8. 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 existing stormwater drainage system. The plans shall include a rainwater re-use tank(s) system with a minimum storage volume of 15m³, in accordance with Sydney Water's requirements and Part C.5 of the *Willoughby DCP* and Technical Standard No. 1. Runoff from roof areas shall be directed to the

tank(s). The rainwater reuse tank system shall be connected to supply non-potable use including landscape irrigation, pool top-up 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 the concept stormwater management plans, prepared by Acor Consultants P/L, referenced NSW211927, dated 31/01/2022. 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)

9. Stormwater Conveyed to Harbour

Stormwater runoff from the site shall be collected and conveyed to the harbour in accordance with Council's specifications. For stormwater quality control, stormwater runoff from hard surface areas shall be collected and conveyed via a filtration device/pollutant trap prior to discharging to the harbour. All drainage works shall comply with the requirements described in Part C.5 of Council's *DCP* and Technical Standards. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site shall be shown on the Construction Certificate plans.

(Reason: Stormwater control)

10. Tree Protection Plan

- (a) Submit to the registered certifier a Tree Protection Plan for approval prior to issue of a construction certificate.
- (b) The Tree Protection Plan is to be prepared by a qualified Arborist with minimum qualification AQF Level 5.
- (c) Tree Protection Plan shall address tree protection and management of all trees (including those on adjoining properties) in accordance with AS 4970-2009 'Protection of trees on development sites' and clearly mark tree protection zones as well as tree protection measures and fencing.

(Reason: Tree protection)

11. Detailed Landscape Design

Prior to the issue of the Construction Certificate, submit to the registered certifier a detailed landscape design prepared by a qualified landscape design professional. This information is to include the following information:

- (a) Details of the green roof to the cabana including drainage layer, soil profile, irrigation and native plant species;
- (b) Details of the roof garden above the garden shed including a minimum soil depth of 600mm, drainage layer, soil profile, irrigation and native plant species
- (c) Not include environmental weed species and trees listed as undesirable in the Willoughby Development Control Plan;
- (d) Use locally occurring native plant species in all new garden areas;

- (e) Address landscape guidelines for Asset Protection Zone on bushfire prone land;
 - (f) Comply with ecologically sustainable development landscape principles;
- (Reason: Landscape amenity)

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.

12. Asbestos Sign to be Erected

On sites involving demolition or alterations and additions to building where asbestos cement is being repaired, removed or disposed of a standard commercially manufactured sign not less than 400mm x 300mm containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" is to be erected in a prominent visible position on the site. The sign is to be erected prior to the commencement of works and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility.

(Reason: Public Health and safety/Ensure compliance)

13. Neighbour Notification of Asbestos Removal

The applicant/builder is to notify anyone occupying premises in the immediate vicinity of the site, five working days prior to demolition works involving removal of asbestos. Such notification is to be clearly written, giving the date work will commence.

As a minimum, this notification is to be placed in the letterbox of every property (including every residential flat or unit) either side and immediately at the rear of the site.

(Reason: Public health)

14. 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)

15. 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)

16. 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.

17. 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)

18. 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)

19. Demolition Work AS 2601-2001

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

20. 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)

21. Survey Certificate

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

- (a) 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)

22. Swimming Pool Safety During Construction

The swimming pool is to be made safe during the construction of the dwelling, by the erection of a temporary safety fence to the satisfaction of the registered certifier. The pool is not to be filled with water until the dwelling is completed and occupied and a child resistant barrier erected in accordance with the regulations prescribed in the *Swimming Pool Act 1992*.

(Reason: Safety)

23. Swimming Pool Notice

During construction and in perpetuity following completion, a notice shall be displayed showing:

- (a) Appropriate instructions of artificial resuscitation methods.
- (b) A warning stating
 - (i) "YOUNG CHILDREN SHOULD BE ACTIVELY SUPERVISED WHEN USING THIS SWIMMING POOL",
 - (ii) "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
 - (iii) "KEEP ARTICLES, OBJECTS AND STRUCTURES CLEAR OF THE POOL FENCE AT ALL TIMES"

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

(Reason: Safety)

24. Erection Wholly within the Boundaries

All works (with the exception of any works approved under S138 of the *Roads Act 1993* and approved works below the Mean High Water Mark) including footings, shall be erected wholly within the boundaries of the property.

(Reason: Ensure compliance)

25. 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)

26. 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)

27. Maintenance of Nature Strip

Where a nature strip and/or footpath is located directly adjacent to the property, the nature strip must be maintained during the construction period to ensure the turf/vegetation is no higher than 75mm in height and the public footpath is kept free of all rubbish, weeds and debris to ensure safe public access.

(Reason: Public amenity and safety)

28. 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)

29. Existing Landscaped Gardens

The existing gardens and landscaped areas are to be retained and protected from any construction damage. All areas adjacent to the approved building works are to be reinstated with local native species. The existing, soft landscaped areas are not to be substituted for paving, unless shown in the approved plans.

(Reason: Landscape protection)

30. Protection of Rock and Sites of Significance

(a) All existing rock outcrops outside and below the approved construction footprint are to be maintained and preserved during the works;

(b) Should any Aboriginal sites be uncovered during works, works are to cease and the Council, the NSW Office of Environment and Heritage and the Metropolitan Local Aboriginal Land Council are to be contacted.

(Reason: Protection of significant environmental features)

31. Tree Trunk, Branch and Root 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 protection measures must comply with the approved Tree Protection Plan and AS 4970-2009 Protection of trees on development sites with particular reference to Section 4 Tree Protection Measures.

(d) Tree protection measures in accordance with (c) above are to be certified by a project arborist prior to commencement of works.

(e) Tree roots greater than 25mm diameter are not to be removed unless approved by a project arborist on site.

(f) All structures are to bridge roots unless directed by a project arborist on site.

(Reason: Tree management)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

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

32. Emitted Noise – Swimming Pool/Spa

Prior to the issue of the Occupation Certificate and in perpetuity, the noise emitted by the swimming pool/spa pump and filter equipment shall be not more than 5dBA above the background noise level measured at the boundaries in accordance with the current Environment Protection Authority (EPA) guidelines for noise assessment. Further, in accordance with the *Protection of the Environment Operations (Noise Control) Regulation 2017*, the equipment is not to operate between 8pm to 7am weekdays and 8pm to 8am on weekends and public holidays if noise can be heard within any room in any other residential premises (that is not a garage, storage area, bathroom, laundry, toilet or pantry) whether or not any door or window to that room is open. A time switch is to be installed on the power source for the above equipment to ensure that the non-permitted hours are observed.

(Reason: Amenity)

33. 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)

34. Bushfire Construction

No Occupation Certificate is to be issued until the building works have been constructed in accordance with the appropriate Bushfire Attack level (BAL) determined by the Bushfire Assessment Report and/or Consent Conditions.

(Reason: Bushfire safety)

35. Swimming Pool Registration

The Swimming Pool must be registered on the NSW Swimming Pool Register when it is capable of holding water and before the issue of an Occupation Certificate. The swimming pool is to be registered at

www.swimmingpoolregister.nsw.gov.au or in person at Willoughby City Council

(Fee applies when registering at Council)

(Reason: Statutory Compliance)

36. Stormwater Runoff from Upstream Lots

Prior to the issue of any Occupation Certificate, provide an interceptor drainage system to capture and convey all stormwater runoff from the upstream neighbouring property to the Council or public drainage system. The drainage system is to comprise suitable inlet pits, grated drains, pipes and channels and is to be designed in accordance with Part C.5 of the Council's *WDCP*. This drainage system is to be designed for storm events up to and including the 1%AEP storm event.

(Reason: Prevent nuisance flooding)

37. Grated Box Drain

For stormwater control, a minimum 225mm wide grated trench drain with a heavy duty removable galvanised grate is to be provided along the driveway. The trench drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.

(Reason: Proper disposal of stormwater)

38. On-site Water Management System

Prior to the issue of any Occupation Certificate, the stormwater runoff from the site shall be collected and disposed of via an approved rainwater retention and reuse system in accordance with Sydney Water's requirements AS/NZS3500.3, Council's DCP and Technical Standards. The construction of the stormwater drainage system of the proposed development shall be in accordance with the approved detailed stormwater drawings required under this development consent and Council's specification (AUS-SPEC).

(Reason: Prevent nuisance flooding)

39. Rainwater Re-use – Minor

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 15m³ in accordance with Sydney Water's requirements and Council's DCP and Technical Standards. The rainwater reuse tank system shall be connected to supply non-potable use including landscape irrigation, pool top-up and car washing. Any above ground rainwater tanks shall be located behind the front alignment of the building to which the tank is connected.

(Reason: Ensure compliance and stormwater management)

40. Sign for Rainwater Tank

Prior to the issue of any Occupation Certificate pertaining to any works requiring Rainwater Reuse system or On-Site Detention 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.

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)

41. 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)

42. 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)

43. 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)

44. Stormwater to Harbour

For stormwater quality control, stormwater runoff from all hard surface areas shall be collected and conveyed via a filtration device prior to discharging to the harbour.

(Reason: Environmental Protection)

45. 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)

46. Certification of Water Quality Improvement System

Prior to the issue of an Occupation Certificate, a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify that the as built water quality improvement system is in accordance with the approved plans and complies with the requirements of Technical Standard 1.

(Reason: Legal requirement)

47. Completion of Landscape Works

Prior to the issue of a Whole Occupation Certificate, approved landscape works shall be consistent with the approved design, completed to a professional standard, consistent with industry best practice and published standards, and certified in writing by a qualified horticulturalist, landscape architect or landscape designer.
(Reason: Landscape amenity)

48. Weed Removal

All noxious and environmental weeds under the Biodiversity Conservation Act 2016 shall be removed from the property prior to completion of building works. Documentary evidence of compliance with this condition shall be submitted to the Certifier prior to the release of a Whole Occupation Certificate.
(Reason: Environmental protection; landscape amenity)

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.

49. Building Use

The proposed boatshed and garden shed shall not be used for the purpose of any trade, industry, manufacture or habitable purpose.
(Reason: Preserve amenity)

50. Bushfire Control

The Asset Protection zones (APZ) being maintained in accordance with the principles contained in the NSW Rural Fire Service's '*Planning for Bushfire Protection*'.
(Reason: Bushfire safety)

51. 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)

52. Stormwater Treatment System – Ongoing Maintenance

The registered proprietor of the land shall take full responsibility for the ongoing maintenance of the Stormwater Treatment System constructed on the land. The maintenance of the system is to be undertaken in accordance with the recommendations of "Guidelines for the Maintenance of Stormwater Treatment

Measures" published by Stormwater NSW or other relevant guidelines or publications.

(Reason: Ensure compliance)

53. 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.

54. 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)

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.

55. 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)

56. 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)

57. 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 6: NOTIFICATION MAP



Record of Neighbour Notifications sent relating to:

DA: 2022/105

At: 3A Dorset Road, NORTHBRIDGE NSW 2063

