

**SECTION 4.15 ASSESSMENT REPORT – HORNSBY LEP**
Environmental Planning & Assessment Act 1979**SUMMARY**

DA No:	DA/65/2022
Property:	48 Norfolk Road, Epping NSW 2121, Lot 1 in DP 862266.
Proposal:	Alterations and additions to the existing dwelling including demolition of the existing detached garage and carport at rear, tree removal, relocation of the existing dwelling, construction of a new front fence and a new double carport at the rear, and Torrens Title subdivision of one lot into two lots.
Date of receipt:	27 January 2022
Applicant:	Just Planning
Owner:	W X Dou
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts disclosed:	None disclosed on the application form
Submissions received:	Seventeen (17) unique submissions
Conciliation Conference Held:	No
Recommendation:	Approval with conditions
Assessment Officer:	Sumitava Basu

LEGISLATIVE REQUIREMENTS

Environmental Planning Instruments	<ul style="list-style-type: none">• State Environmental Planning Policy (Resilience and Hazards) 2021;• SEPP (Building Sustainability Index: BASIX) 2004;• SEPP (Transport and Infrastructure) 2021;• SEPP (Biodiversity & Conservation) 2021; and• Hornsby Local Environmental Plan 2013
Zoning	R2 – Low Density Residential
Bushfire Prone Land	No
Heritage	No but in vicinity of the heritage items: <ul style="list-style-type: none">• 39 Norfolk Road – Local item 801 (House);• 40 Norfolk Road – Local item 388 (Gwydir);

Heritage Conservation Area
Integrated development
Clause 4.6 variation
Delegation

- 41 Norfolk Road – Local item 802 (House);
- 43 Norfolk Road – Local item 803 (Montrose); and
- 44 Norfolk Road – Local item 389 (Glenorie).

Yes. East Epping Heritage Conservation area

No

No

Parramatta Local Planning Panel (PLPP)

- More than 10 unique objections.

SITE HISTORY	
DA/754/2020	Development application for removal of five (5) trees was approved on 25 June 2020.
DA/773/2020	Development application for removal of three (3) trees was approved on 15 October 2020.
PL/118/2020	A pre-lodgement meeting for demolition, tree removal and Torrens title subdivision was held on 6 October 2019. Advice was provided on demolition, curtilage of the existing dwelling, lot subdivision and relocation of the existing dwelling,
PL/149/2020	A pre-lodgement meeting for demolition, tree removal and Torrens title subdivision was held on 2 December 2020. Advice was provided on subdivided lot size, future development on the site, driveway access to 'battle-axe' lot and parking.
DA/13/2021	Development application for demolition of existing detached garage and carport, alterations and additions and Torrens title subdivision of one lot into two lot was approved on 14 May 2021.
PL/142/2021	A pre-lodgement meeting for modification of the approved partial demolition, alterations and additions and Torrens tile subdivision (DA/13/2021) was held on 14 December 2021. Advice was provided on car port, alterations and additions, lot subdivision, and relevant regulatory standards.
DA HISTORY	
27 January 2022	The development application was lodged.
8 February to 22 February 2022	Notification period - 17 unique submissions were received.
14 March 2022	Additional information was requested in relation to relocation of the existing dwelling, and heritage impact statement.
8 April 2022	The requested information was submitted.
RELEVANT NEARBY DEVELOPMENT APPLICATIONS	
DA/915/2017	Development application for alterations and additions at 9 Norfolk Road was approved on 29 November 2017.
DA/125/2021	Development application for demolition, alterations and additions and lot subdivision at 28 Norfolk Road was approved under the delegation of the PLPP on 16 June 2021.
DA/1113/2021	Development application for partial demolition, alterations and additions and lot subdivision at 51 Norfolk Road is currently being assessed.
DA/223/2018	Development application for alterations and additions to a heritage item at 18 Surrey Street was approved on 18 July 2018.
DA/1014/2016	Development application for a two storey detached dwelling house on 42 Surrey Street was approved on 16 February 2017.
SITE DESCRIPTION AND CONDITIONS	

The legal property description is Lot 1 in DP 862266. The site is an irregular shaped mid-block allotment with a two-fold fall of 730mm from the south eastern to south western corner and 560mm from the south eastern corner to the north western corner.



Figure 1. Aerial image of the subject site and surrounding context (Nearmaps 2022)

The subject site has the following area and dimensions:

Area – 1286.5 square metres;

Northern side – 49.905m;

Eastern side (rear) – 25.785m;

Southern side – 55.57m; and

Western side (front) – 23.44m.

The site and the surrounding properties are zoned R2 Low Density Residential.

The subject site currently accommodates a single storey dwelling with detached carport and a shed at the back of the site.

It is located within an established residential area characterised by single and double storey residential dwellings as well as dual occupancy developments. Adjoining the subject site to the north are a set of single storey residential dwellings and to the south is a double storey dwelling.

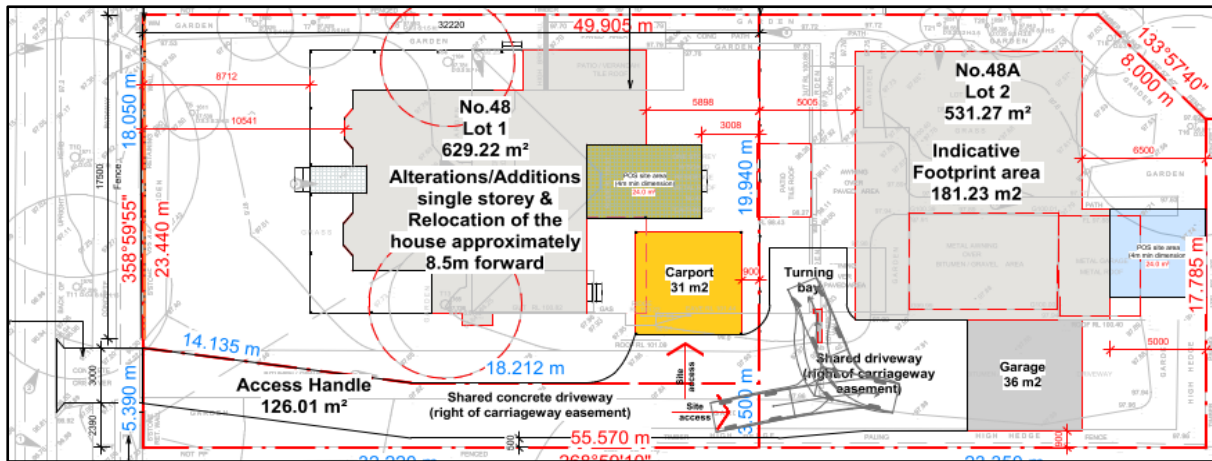


Figure 2. Proposed lot subdivision and layout of the site (extracted from the submitted plans)



Figure 3 and 4. Proposed western (front) and eastern (rear) elevations of building on Lot 1. (extracted from the submitted plans)



Figure 5. Proposed northern elevation of building on Lot 1. (extracted from the submitted plans)

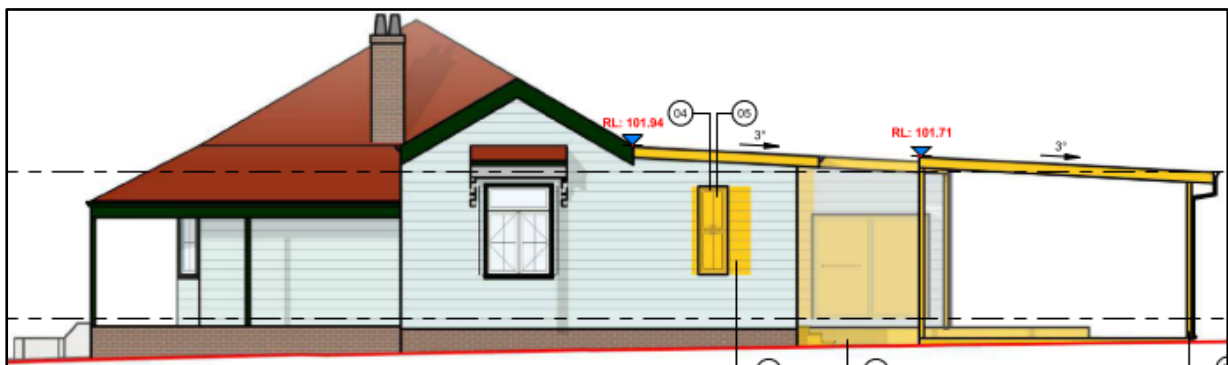


Figure 6. Proposed southern elevation of building on Lot 1. (extracted from the submitted plans)

SECTION 4.15 EVALUATION

THE PROPOSAL

The proposed development includes the following components:

- Demolition of existing carport and detached structures from the rear of the site;
- Relocation of the existing dwelling house 8.5m toward the front boundary
- Alterations and additions to the existing dwelling house;
- Construction of a double carport at the rear of the dwelling;
- Torrens title subdivision of one lot into two lots in the following way;

	Site Area	Frontage
Lot 1	618.72m ²	23.44m
Lot 2	513.27m ² (including 154.5m ² access handle). Refer to discussion below	N/A (Battle-axe lot)

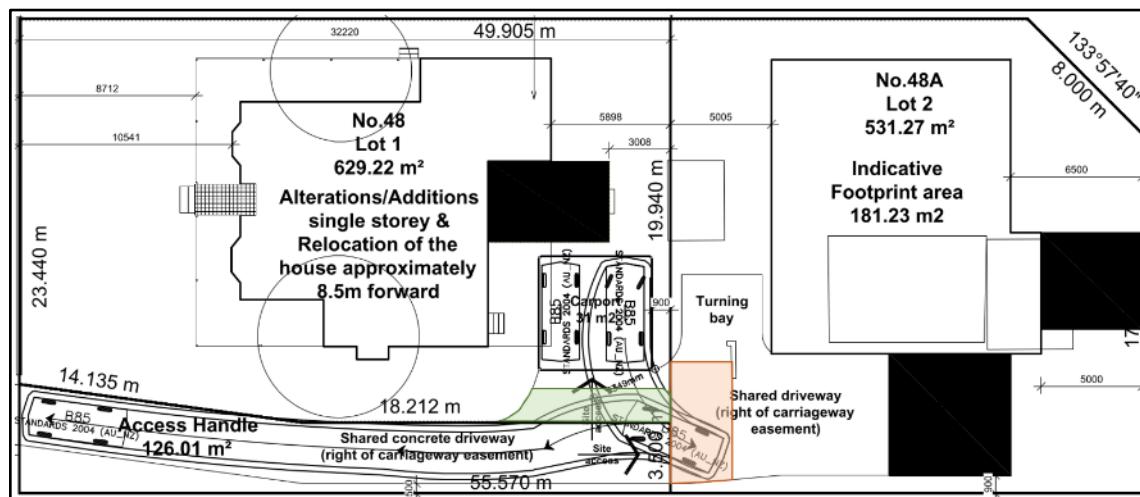


Figure 7. Submitted swept path plan showing parts of respective lots shown in colour included to the access handle

Planner's comment

The submitted swept path plans indicate additional area shall be required of both Lot 1 and Lot 2 for vehicles accessing carport of Lot 1. Therefore, to avoid potential encroachment 10.5m² of Lot 1 (shown in green) and 18m² of Lot 2 (shown in red) have been included in the access handle. It is noted, both the reduced lot sizes continue to comply with the minimum regulatory requirements for lot size discussed under the LEP table.

- Tree removal; and
- Associated earthworks including excavations, stormwater drainage, landscaping, etc.

Vehicle access to both lots is via the access handle as shown in Figure 2 above.

ENVIRONMENTAL PLANNING INSTRUMENTS

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021 – CHAPTER 4

The provisions of SEPP have been considered in the assessment of the development application.

<input checked="" type="checkbox"/>	A site inspection reveals the site does not have an obvious history of a previous land use that may have caused contamination.
<input checked="" type="checkbox"/>	Historic aerial photographs were used to investigate the history of uses on the site.
<input checked="" type="checkbox"/>	A search of Council records did not include any reference to contamination on site or uses on the site that may have caused contamination.
<input checked="" type="checkbox"/>	A search of public authority databases did not include the property as contaminated.
<input checked="" type="checkbox"/>	The statement of Environmental Effects states that the property is not contaminated.
<input checked="" type="checkbox"/>	There is no specific evidence that indicates the site is contaminated.

Therefore, in accordance with Clause 4.6 of the SEPP, the land is suitable for the proposed use. Conditions of consent are recommended that the developer must inform Council of any contamination that may be present on site that is found through the demolition and construction stages.

STATE ENVIRONMENTAL PLANNING POLICY – BASIX

The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal. A condition has been imposed to ensure such commitments are fulfilled during the construction of the development.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021 – CHAPTER 2

The provisions of the SEPP have been considered in the assessment of the development application.

Clause	Comment
Clause 2.48 – electricity infrastructure	N/A
Clause 2.76 – pipeline corridor	N/A
Clause 2.118 – frontage to a classified road	N/A
Clause 2.121 - average daily traffic volume of more than 20,000 vehicles.	Norfolk Road has less than 20,000 vehicles per day.

Appropriate conditions are recommended to address the requirements of the SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY & CONSERVATION) 2021 - VEGETATION IN NON-RURAL AREAS (CHAPTER 2)

The application has been assessed against the requirements of SEPP, for protection of the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The application proposes the removal of non-native vegetation from the site and the replacement of native vegetation as part of the landscape plan. Council's Tree and Landscape Officer has reviewed the application and raised no objections to the removal of the following vegetation from the site subject to facilitate the development:

Tree No.	Name	Common Name	Location	Condition/Height
6	<i>Lagerstroemia indica</i>	Crepe Myrtle	Front yard	Fair. 7 metres

7	<i>Magnolia soulangeana</i>	Saucer Magnolia	Front yard	Fair. 5 metres
8	<i>Magnolia soulangeana</i>	Saucer Magnolia	Front yard	Fair. 5 metres
10	<i>Elaeocarpus reticulatus</i>	Blueberry Ash	Rear yard	Good. 5 metres
11	<i>Melaleuca linariifolia</i>	Snow in Summer	Rear yard	Good. 5 metres

Ensuring restoration of the neighbourhood environmental amenity, the following additional planting has been recommended:

Qty	Name	Common Name	Minimum Pot Size	Name of Street Frontage
1	<i>Tristanopsis laurina</i>	Water Gum	45L	Front yard

DRAFT PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2020

Draft Parramatta LEP 2020 was placed on public exhibition on the 31 August 2020, with exhibition closing on the 12 October 2020. The draft LEP will replace the five existing LEPs that apply within the Local Government Area and will be the primary legal planning document for guiding development and land use decisions made by Council.

Whilst the draft LEP must be considered when assessing this application, under cl4.15(1)(a)(ii) of the Environmental Planning & Assessment Act, the LEP is neither imminent or certain and therefore limited weight has been placed on it. Nonetheless, it is noted that the following principal development standards of the draft LEP are comparable with the current HLEP 2013 as discussed below:

Development Standard	HLEP 2013	Draft Parramatta LEP 2020	Proposal
Land zoning	R2 – Low Density Residential	R2 – Low Density Residential	-
Height of building	9m	9m	Lot 1 – 7.25m; and Lot 2 – 7.45m.
Floor space area	N/A	Lot 1 - 0.5:1 or 309.36m ² ; and Lot 2 – 0.5:1 or 256.63m ²	Lot 1 – 164m ² or 0.26:1; and Lot 2 – Vacant
Subdivision Lot size	500m ²	Lot 1 - 550m ² Lot 2 - 670m ² for a battle axe allotment (excluding the access handle)	Lot 1 – 618.72m ² Lot 2 – 513.27m ²

According to clause 4.1 of the Draft Parramatta LEP 2020, the minimum subdivision lot size is 550m². This means size of Lot 2 will fail to meet the requirements of the development standard. While the draft LEP is still to be made, it signals a clear strategic intent to increase the minimum size of residential allotments and bring consistency across the local government area.

However, this has not been raised as a reason for refusal as noted above, as the draft LEP is neither imminent nor certain and does not warrant being considered as the foundation for a refusal.

HORNSBY LOCAL ENVIRONMENTAL PLAN 2013

The site is zoned R2 Low Density Residential under Hornsby Local Environmental Plan 2013. The proposed subdivision and other development works are permissible with consent in the zone.

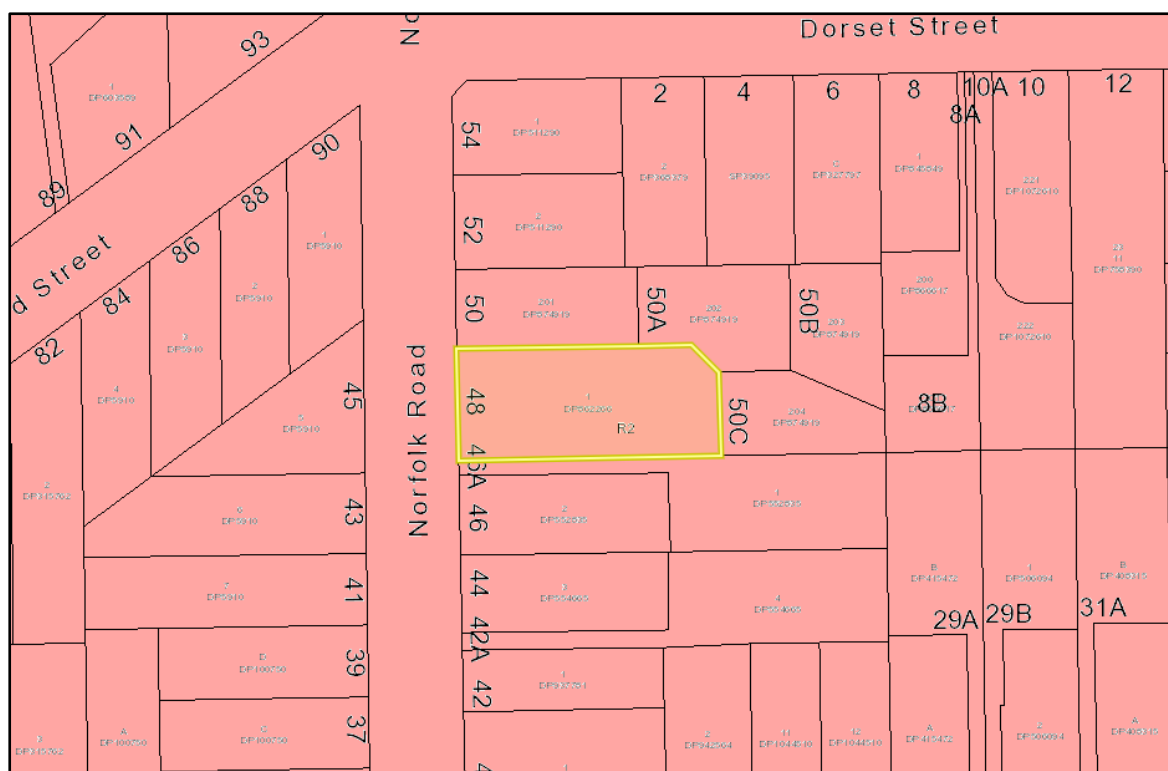


Figure 8. Land Zoning Map (LEP 2013)

Zone Objectives

The proposed development is consistent with the relevant objectives of the zone:

- To provide for the housing needs of the community within a low density residential environment,

The development proposal is not inconsistent with the remaining objectives of the zone.

The relevant matters to be considered under HLEP 2013 for the proposed development are outlined below.

Development Standard	Compliance
Cl. 2.7 Demolition requires development consent	Yes. Demolition complies with minimum requirements.
4.1 Minimum subdivision lot size <i>Minimum – 500m²</i>	Yes: Lot 1 – 618.72m ² Lot 2 – 513.27m ² (excluding 154.5m ² access handle) (Only required for Torrens title subdivision)
Cl. 4.3 Height of Buildings <i>Maximum – 8.5m</i>	Yes. Proposed: Lot 1 – 7.25m; and Lot 2 – Building Footprint only.
Cl. 4.4 Floor Space Area	N/A. The site is not identified on the map.
Cl. 5.6 Architectural roof features	An architectural roof feature is not proposed.
Cl. 5.10 Heritage Conservation	Refer to discussion below.
The subject site is not identified as a heritage item but located within East Epping heritage conservation area.	

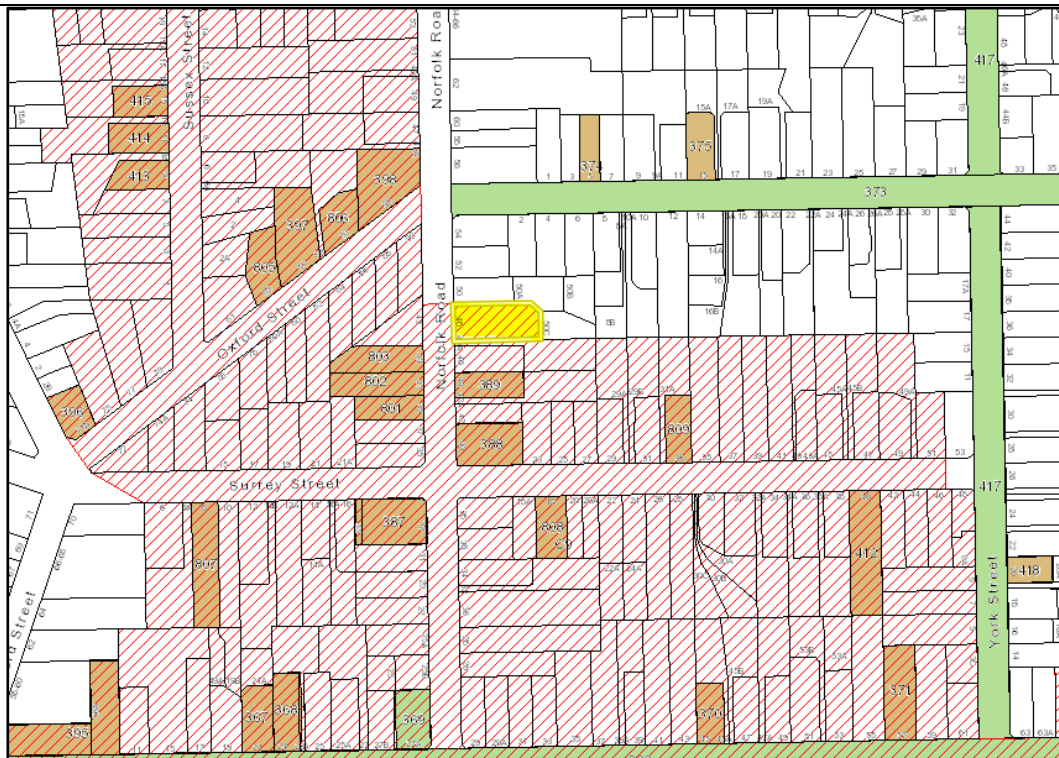


Figure 9. Map of East Epping Heritage Conservation Area shown in red with the subject site highlighted in yellow (LEP 2013)

Contextual Analysis

The subject site is not separately listed as a heritage item but located in vicinity to a number of contributory elements within the East Epping Heritage Conservation Area.

The DCP states that the East Epping Conservation Area is predominantly characterised by single storey developments, with Federation houses interspersed with ‘between the wars’ bungalows and mature landscaping. The area retains various housing styles and early subdivision patterns from the 1886 to the period just after the Second World War. The 1943 aerial imagery indicates the historic characteristics of the immediate neighbourhood has remained fairly intact.

Council’s records indicate that a number of the neighbouring dwellings have undergone development which has been discussed earlier in the report. These are primarily alterations and additions and secondary dwellings and appear generally sympathetic to the established character of the neighbourhood.

It is envisaged that the established character in the streetscape that forms part of the East Epping Conservation Area will be maintained. In addition, where any new development within the neighbourhood is proposed, they are to be designed as single storey developments with large garden spaces in sympathy with the established character of the area.

Proposed development

The existing dwelling house is a single storey timber weatherboard clad Federation period dwelling with terracotta tiled ‘hipped’ roof. Council’s records indicate that the subject dwelling was built on a larger lot in 1940s.



Figure 10. The 1943 aerial imagery of the neighbourhood with the subject site highlighted in yellow (NSW Spatial Services - Historical Imagery 2022)

The subject site was subdivided in 1996 and the eastern part of the site was amalgamated with the adjoining northern neighbouring property at 50 Norfolk Road and the reminder part forms the current site.

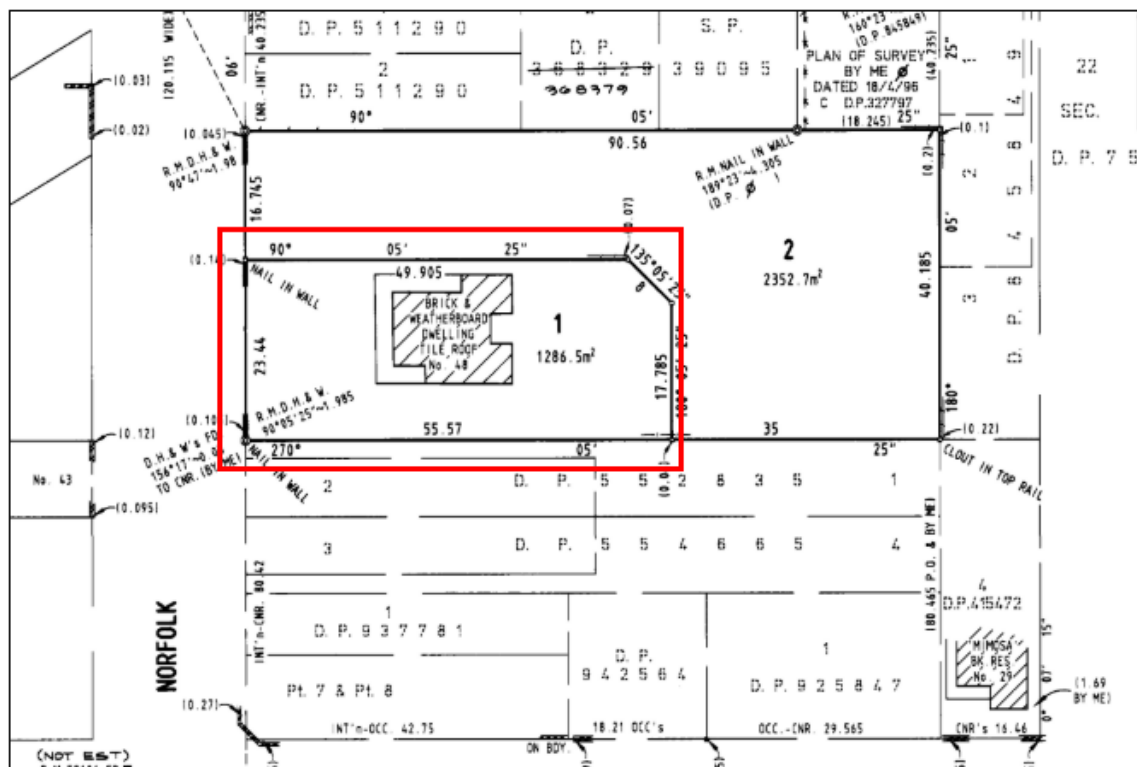


Figure 11. The approved lot subdivision in 1996 with the subject site highlighted in red (extracted from the submitted documents)

The existing dwelling has remained fairly intact circa 1940's except for the detached double carport and the shed at the back of the site.

The objective (b) of Clause 5.10 seeking "to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views" is relevant for the proposal.

The proposal is for *partial demolition, relocation of existing dwelling to the front of the site, construction of a two parking carport and alterations and additions to the back of the dwelling house and Torrens title subdivision into two lots.*

The proposal meets the intent of objective (b) of conserving the heritage significance of the conservation area due to the following reasons:

- The prevailing single storey with front lawn street presentation is retained;
- The subdivision is sympathetic with the following subdivision pattern within the immediate neighbourhood e.g., 36, 38, 52 and 54 Norfolk Road;
- Both resultant lots are sympathetic with prevailing lot sizes of the neighbourhood, and complies with the minimum allotment size specified in the Hornsby LEP; and
- The dwelling house on Lot 1 meets the prescriptive measures such as building separation, solar access, stormwater drainage and building line on Norfolk Road.

Overall, the proposed development is consistent with the characteristics of the East Epping Heritage Conservation Area.

Cl. 5.11 Bush fire hazard reduction	N/A – The site is not identified as bushfire prone.
Cl. 5.21 Flood planning	Council's records do not identify the site flood prone.
Cl. 6.1 Acid sulphate soils	N/A. The subject site is not identified to contain an Acid Sulphate Soils.
Cl. 6.2 Earthworks	Refer to discussion below.

The submitted cut and fill plan indicates fill between 800mm and 1m at the north eastern corner of Lot 2. Refer to image below.

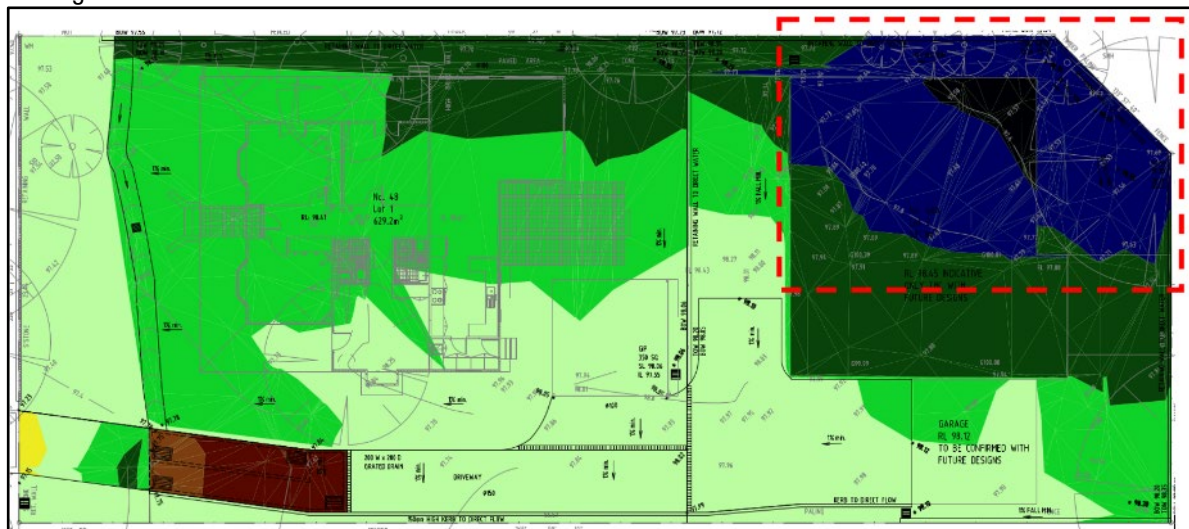


Figure 12. Submitted cut and fill plan showing 600mm to 800mm fill in 'deep blue' and 800mm to 1m fill in 'black'

Council's investigation confirms the fill is in response to natural topography facilitating future development. Concerns of privacy impacts on the neighbouring properties are minimal as future development on Lot 2 will

overlook the driveway and front of the dwellings of the northern neighbouring properties located at 50, 50A, 50B & 50C Norfolk Avenue. Refer to image below,



Figure 13. Aerial image of the subject site with potential privacy impacts shown with 'red arrows' (Nearmaps 2022)

The proposed earthworks are considered satisfactory by Council's Stormwater Engineer and will not contribute to land instability and slip. The earthworks are accepted in this instance.

Cl. 6.4 Territorial biodiversity

Council's records do not identify the site being territorial biodiversity sensitive.

HORNSBY DEVELOPMENT CONTROL PLAN 2013

The relevant matters to be considered under Hornsby Local Environmental Plan 2013 for the proposed development are outlined below.

Control	Proposal	Complies
Part 1 General		
Stormwater Management <ul style="list-style-type: none"> <i>Development that protects waterways from erosion, pollution and sedimentation, and maintains or improves water quality and aquatic habitats.</i> <i>Water management systems that minimise the effects of flooding and maintains natural environmental flows.</i> 	<p>The proposed on-site detention tanks (OSD) underneath the access handle for storage of the collected stormwater for both Lot1 and Lot 2 has been supported by Council's Development Engineer.</p> <p>The proposal complies with the objectives of stormwater management.</p>	Yes
Biodiversity	Council's Landscape Officer considers the proposed development satisfactory.	Yes

<ul style="list-style-type: none"> • <i>Avoid potential adverse impact on biodiversity;</i> • <i>A flora and fauna assessment is required;</i> • <i>Avoid fragmentation of existing native vegetation;</i> • <i>Retain unique environmental features; and</i> • <i>Maintain a buffer zone.</i> 	Appropriate conditions have been included in the recommendation.	
Earthworks and slopes <ul style="list-style-type: none"> • <i>Noise sensitive land uses should include siting and design measures to ameliorate the potential impact of existing noise generating uses on the proposed development; and</i> • <i>Noise sensitive land uses adjoining a major road or a railway corridor should be accompanied by an acoustic report that demonstrates the site and building design is suitable for use in terms of acoustic amenity</i> 	<p>No concerns of land instability and slip are raised by Council's Development Engineer.</p> <p>Appropriate conditions have been included in the recommendation.</p>	Yes
Waste Management <ul style="list-style-type: none"> • <i>A Waste Management Plan should be prepared in accordance with Council guidelines and submitted with the development application, to address demolition and construction waste.</i> 	A satisfactory waste management has submitted. The proposal complies with the controls of the DCP.	Yes
Noise and Vibration <ul style="list-style-type: none"> • <i>Noise sensitive land uses should include siting and design measures to ameliorate the potential impact of existing noise generating uses on the proposed development</i> 	The subject site is not identified located near noise generating land uses.	Yes
Bushfire <ul style="list-style-type: none"> • <i>Development should address the bushfire protection measures;</i> • <i>The development should be located and designed to minimise the need for bush fire hazard reduction; and</i> • <i>Appropriate measures such as higher fire-resistant construction standards, improved access and water supplies to be included.</i> 	The subject site is not identified as bushfire prone.	N/A
Part 3 Residential - Dwelling Houses		
Scale <ul style="list-style-type: none"> • <i>Development with a height, bulk and scale that is compatible with a low-density residential environment;</i> • <i>max. 2 + attic</i> 	The bulk and scale single storey dwelling on Lot 1 is suitable for the site, positively responds to the visual character of the street and surrounding heritage context.	Yes

Site Coverage <i>max. 50% for lots between 450m² – 899m² or Lot 1 – 309.36m² Lot 2 – 256.63m²</i>	Lot 1 – 164m ² or 26.05%; and Lot 2 – Vacant	Yes
Floor Area <i>max. 380m² for lots between 600m² to 899m² for Lot 1; and max. 330m² for lots between 450m² – 599m² for Lot 2</i>	Lot 1 – 164m ² ; and Lot 2 – Vacant	Yes
Setbacks		
Front <i>Min. 6m and complement the streetscape</i>	Lot 1 – 10.54m; and Lot 2 – Vacant	Yes
Rear <i>Min. 3m (1 storey), and 8m (2 storeys)</i>	Lot 1 – 5.9m; and Lot 2 – Vacant	Yes
Side (north) <i>Min. 0.9m (1 storey), and 1.5m for 2 storeys</i>	Lot 1 – 2m; and Lot 2 – Vacant	Yes
Side (south) <i>Min. 0.9m (1 storey), and 1.5m for 2 storeys</i>	Lot 1 – 6.6m; and Lot 2 – Vacant	Yes
Landscaped Area <i>max. 30% for lots between 600m² – 899m² or 185.6m² for Lot 1, and max. 20% for lots between 450m² – 599m² or 106.25m² for Lot 2</i>	Lot 1 – 292m ² or 47.2% Lot 2 – Vacant	Yes
Front fence <i>max. 1.2m high</i>	1200mm timber picket fence will reinforce the spatial character of the street.	Yes
Private Open Space <ul style="list-style-type: none"> <i>minimum area – 24m²;</i> <i>minimum dimension – 3m</i> 	Private open space with minimum 3m dimensions: Lot 1 – 86m ² Lot 2 – Vacant	Yes
Sunlight Access <i>Private open space, common areas and adjoining private open space receives a minimum of 3 hours winter solstice direct sunlight between 9am and 3pm.</i>	The submitted plans indicate the dwelling house will continue to receive a minimum of 3 hours of solar access to majority of habitable rooms with at least 50% of the private open areas between 9am and 3pm on mid-winter. 50% of private open area and living areas of adjoining properties will have solar access for a minimum of 3 hours between the period 9 am and 3 pm on mid-winter.	Yes

Privacy	Views from the single storey dwelling are generally screened by the standard 1.8m boundary fence.	Yes
Car Parking <i>Min. 2 parking spaces</i>	Proposal is for double car port garage for Lot 1.	Yes
Design Details	Lot 1 – The dwelling house will continue to reinforce the visual coherence of Norfolk Road; and Lot 2 - Vacant	Yes
Part 6 Subdivision – Urban Subdivision		
Lot Size <i>500m² (excluding the access - handle)</i>	Lot 1 – 618.72m ² ; and Lot 2 – 513.27m ²	Yes
Lot shape <i>Min. width - 12m</i>	Lot 1 – 23.44m; and Lot 2 – 23.44m.	Yes
Setback <i>Building envelope as per the dwelling house controls</i>	Yes. Refer to the building setback discussions under dwelling house above.	Yes
Accessway Design	<p>The proposed subdivision provides the following access arrangements: Accessway width: 3.5m; Carriageway width: 3m; and Landscape verge width: 0.5m It is also noted that the maximum average grade of the carriageway is less than 20%.</p> <p>The dwelling house on Lot 1 will have the 'right of access' on the south. The submitted plans indicate the right of access with no building encroachments (including eaves) with a minimum height clearance of 5.5m for clear and unhindered passage of vehicles.</p> <p>Pursuant to Section 88B of the Conveyancing Act 1919 the right of access being created over Lot 1 in favour of Lot 2 is supported.</p>	Yes
Part 9 Heritage – East Epping Heritage Conservation Area		
General Design Provision		
Form, massing, scale, setbacks – streetscape character <i>New work should be designed to complement the existing streetscape in terms of scale, height, bulk, massing, roof form, orientation, façade treatments, setbacks and spaces between buildings</i>	Lot 1 – The dwelling house will complement the streetscape and the heritage significance of the neighbourhood; and Lot 2 - Vacant	Yes

Subdivision <ul style="list-style-type: none"> Subdivision that retains characteristic subdivision patterns; and Subdivision that prevents intrusive developments. 	The proposed lot subdivision will be sympathetic with the subdivision pattern of the neighbourhood. Refer to the 'Heritage Conservation' discussion under LEP table.	Yes
East Epping Heritage Conservation Area		
Streetscape Character <i>Development should be single storey</i>	Lot 1 – Single storey dwelling house; and Lot 2 - Vacant	Yes
Garages and carports <i>Garages and carports should be located behind the main building line and be separately articulated from the dwelling.</i>	Lot 1 – A detached double car port is to be located at the back of the dwelling house; and Lot 2 - Vacant	Yes
Subdivision <i>Altering the existing subdivision pattern through subdivision, amalgamation or boundary adjustments should be avoided</i>	The existing subdivision pattern has been retained.	Yes
Development in the Vicinity of Heritage Items		
Heritage Conservation Areas <i>Development is to be sympathetic to the primary characteristics and heritage values of the HCA.</i>	Lot 1 – The single storey dwelling will be sympathetic to the primary characteristics of the heritage conservation area; and Lot 2 - Vacant	Yes

REFERRALS

Internal Referrals	Comment
Heritage	<p>Council's Heritage Advisor provided the following comments –</p> <p><i>'The proposed works are intended to improve the accommodation, use and amenity of the existing dwelling and will ensure that it remains a desirable historic dwelling that makes a positive visual contribution to the Norfolk Road streetscape and area.</i></p> <p><i>The proposed relocation of the house presents several positive impacts and benefits and will have no adverse impact on the area.</i></p> <p><i>The site and area have continued to develop since the construction of the house. Whilst the front setback will be reduced, the existing wider street frontage and a sense of the earlier site proportions will be retained and interpreted.</i></p> <p><i>The visibility to and from the house and its relationship to the Norfolk Road streetscape and neighbouring dwellings will be improved.</i></p> <p><i>In accordance with the SoHI any potential heritage impacts of the proposed modifications on the conservation area are minimised in the following ways:</i></p> <ul style="list-style-type: none"> <i>by the provision of an appropriate front setback and retention of the width of the street frontage which has been in place since 1929;</i> <i>by the retention of the existing street proportions, verge and street trees, and streetscape pattern by the retention of a front and side building setbacks;</i> <i>by the retention of one, single vehicular crossing and driveway;</i>

	<ul style="list-style-type: none"> • <i>by the retention of a front garden setting and an appropriate front fence;</i> • <i>by the retention, repair and reinstatement of the existing house and primary details;</i> • <i>by the retention of the scale, primary form and Federation character and details;</i> • <i>by retention of the open front verandah and visible building entry;</i> • <i>by the retention of a secondary, skillion roofed rear wing;</i> • <i>by the provision of a simple and open carport that is secondary in terms of height and scale and is setback behind the house and from the street; and</i> • <i>by the retention of the open private space and a rear garden area. '</i> <p>The proposal has been supported subject to conditions.</p>
Development Engineer	Supported subject to conditions.
Landscape	Supported subject to conditions.
Traffic and Transport	Supported subject to conditions.
Environmental Health (waste)	Supported subject to conditions.
External Referrals	
No external referrals required.	

PUBLIC CONSULTATION

The application was notified between **8 February and 22 February 2022** in accordance with Council's notification procedures contained within Council's Community Engagement Strategy, Appendix 1 – Consolidated Notification Requirements. In response seventeen (17) unique submissions were received. The issues raised within those submissions are addressed below. Issues have been grouped to avoid repetition

Issue	Response
Unjustified impact on the heritage character and cultural value	<p>The proposal seeks to retain, albeit relocate, the existing dwelling and utilise the existing driveway crossover location, minimising the need for additional crossovers in the street and potential impact on any nearby street trees, or reduce available on-street parking.</p> <p>The proposal will have minimal impact on the values and characteristics of the neighbourhood which is characterised by subdivisions in similar battle-axe arrangements.</p>
Loss of streetscape character	<p>The application proposes the retention of the existing dwelling, albeit relocated closer to the front boundary. The proposed access handle is in a similar position to the existing driveway servicing the site.</p> <p>No street trees are proposed for removal.</p> <p>In this instance, the relocation of the dwelling and proposed works would not negatively impact on the streetscape character of Norfolk Road, Epping.</p>
Unjustified impact on the heritage item	<p>The existing dwelling is not a heritage item nor a contributory item within the heritage conservation area, however has been proposed for retention nevertheless.</p>

Loss of mature vegetation	Removal of non-significant vegetation has been approved to facilitate the development subject to appropriate replanting. Appropriate conditions are recommended for the protection of retained vegetation.
Unsympathetic lot subdivision	The proposed lot subdivision complies with respect to the minimum lot sizes in the Hornsby LEP 2013 and is sympathetic to the prevailing pattern of the neighbourhood.
Difficult vehicular manoeuvrability for the 'battle-axe lot	As per regulatory standards the width of the right of access is appropriate for vehicular access. The submitted plans satisfactorily demonstrated easy vehicular manoeuvrability for both Lot 1 and Lot 2.
Inadequate information on the building relocation process	<p>Satisfactory information on the relocation process has been provided to complete the current assessment.</p> <p>Council's Heritage Advisor has reviewed the Construction Management Plan and is satisfied with the information received with regards to the relocation of the dwelling house.</p> <p>Appropriate conditions has been included in the recommendation for preservation of the existing dwelling house.</p>

Amended Plans

Yes

Summary of amendments:

- Additional information on heritage impacts and relocation of the dwelling house were submitted.

In accordance with page 6 of the Consolidated Notification Requirements the application did not require re-notification as the amended application is considered to be substantially the same development and does not result in a greater environmental impact.

CONCILIATION CONFERENCE

On 11 December 2017, Council resolved that:

"If more than 7 unique submissions are received over the whole LGA in the form of an objection relating to a development application during a formal notification period, Council will host a conciliation conference at Council offices."

Conciliation Conference – Required and Not Held

The application received 17 unique submissions during the formal notification period and as a result a Conciliation Conference was required to be held.

In this instance, the applicant chose not to attend a Conciliation Conference and therefore one was not held. [TRIM No. D08497831]

DEVELOPMENT CONTRIBUTIONS

According to City of Parramatta (Outside CBD) Development Contributions Plan 2021, a Section 7.11 Development Contribution is not required to be paid.

A Section 7.11 contribution would be required to be paid prior to the issue of a construction certificate for any future dwelling house on the rear lot.

BONDS

In accordance with Council's Schedule of Fees and Charges, the developer will be obliged to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site.

A standard condition of consent has been imposed requiring the Security Bond to be paid prior to the issue of a Construction Certificate.

EP&A REGULATION 2000

All relevant provisions of the Regulations have been considered in the assessment of this proposal.

CONCLUSION

Conditional consent

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest.

Therefore, it is recommended that the application be approved subject to conditions.

RECOMMENDATION

That, Local Planning Panel, exercising the functions of Council pursuant to Section 4.17 of the Environmental Planning and Assessment Act, 1979, grant consent to DA/65/2022 for a period of five (5) years which physical commencement is to occur from the date on the Notice of Determination, subject to conditions of consent.

It has been recommended for approval for the following reasons:

1. The development is permissible in the R2 zone and satisfies the requirements of all of the applicable planning controls,
2. The development will not create adverse impacts onto the locality and will be compatible with the existing area,
3. The proposed development ensures the conservation of the existing dwelling while maintaining its contribution to the East Epping Heritage Conservation Area,
4. The development will be compatible with the emerging and planned future character of the area, and
5. For the reasons given above, approval of the application is in the public interest.

“Appendix 1” to Section 4.15 Assessment Report - DA/65/2022

DRAFT CONDITIONS OF CONSENT

Upon the signature of the applicable delegate, the conditions in this Appendix will form the conditions of development consent.

Development Consent No.: DA/65/2022
Property Address: Lot 1 DP 862266
48 Norfolk Road, Epping NSW 2121

PART A – GENERAL CONDITIONS

PA0001 #Approved Plans & Support Doc(DIEP Mandatory Cond)

1. Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise:

Architectural Drawings (Project No.888623078) by V N Draft.COM

Drawing/Plan No.	Issue	Plan Title	Dated
05	2	Site Plan	11.01.2022
09	2	Proposed Ground Floor Plan	11.01.2022
10	2	Front & Rear Elevation Plan a& Finishing Schedule	11.01.2022
11	1	Side Elevation Plan	11.01.2022
12	2	Section Plan	11.01.2022
13	2	Fence Plan	11.01.2022

Civil Drawings/Stormwater by Allied Consultants

Drawing/Plan No.	Issue	Plan Title	Dated
48N0RF-H-1	B	Stormwater Drainage & Sediment Control Plan	18.01.2022
48N0RF-H-2	B	Stormwater Details	18.01.2022

Landscape Drawings by Greenland Design Landscape Architects

Drawing/Plan No.	Issue	Plan Title	Dated
2514.GD.01	A	Landscape Plan	24.01.2022
2514.GD.02	A	Landscape Details & Specification	24.01.2022

Specialist Reports

Document	Ref No.	Issue	Prepared By	Dated
Statement of Environmental Effects	-	-	Just Property & Planning	January 2022
Waste Management Plan	-	-	Just Property & Planning	17.01.2022
BASIX Certificate No. A445678	-	-	J & C Kim/L trading as Just Property & Planning	12.01.2022
Statement of Heritage Impact	PM-20071A	-	Perumal, Murphy & Alessi Heritage Consultants	April 2022
Arboricultural Impact Assessment & Tree Management Plan	2	-	Horticultural Management Services	11.01.2022

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of consent, the condition prevails.

Note: An inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development

PA0003 Construction Certificate

2. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is mandatory to obtain a Construction Certificate. Plans, specifications and relevant documentation accompanying the Construction Certificate must include any requirements imposed by conditions of this Development Consent.

Reason: To ensure compliance with legislative requirements.

PA0004 No encroachment on Council and/or Adjoining proper

3. The development must be constructed within the confines of the property boundary. No portion of the proposed structure, including footings/slabs, gates and doors during opening and closing operations must encroach upon Council's footpath area or the boundaries of the adjacent properties.

Reason: To ensure no injury is caused to persons and the building is erected in accordance with the approval granted within the boundaries of the site.

PA0011 #Demolition of Buildings

4. Approval is granted for the '**demolition of existing carport and detached structures from the rear of the site**' currently on the property, subject to compliance with the following: -

- (a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures.

Note: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

- (b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.
- (c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to City of Parramatta for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
- (d) On the first day of demolition, work is not to commence until City of Parramatta has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos", and demolition works must at all times comply with its requirements.
- (e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.
- (f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under "Prior to Works Commencing" in this Consent.
- (g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- (h) Prior to the commencement of any demolition works, and where the site ceases to be occupied during works, the property owner must notify Council to discontinue the domestic waste service and to collect any garbage and recycling bins from any dwelling/ building that is to be demolished. Waste service charges will continue to be charged where this is not done. Construction and/ or demolition workers are not permitted to use Council's domestic waste service for the disposal of any waste.

- (i) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".
- (j) Demolition is to be completed within 5 days of commencement.
- (k) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- (l) 1.8m high Protective fencing is to be installed to prevent public access to the site.
- (m) A pedestrian and Traffic Management Plan must be submitted to the satisfaction of Council prior to commencement of demolition and/or excavation. It must include details of the:
 - (i) Proposed ingress and egress of vehicles to and from the construction site;
 - (ii) Proposed protection of pedestrians adjacent to the site;
 - (iii) Proposed pedestrian management whilst vehicles are entering and leaving the site.
- (n) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the NSW Environment Protection Authority (EPA).
- (o) Before demolition works begin, adequate toilet facilities are to be provided.
- (p) After completion, the applicant must notify City of Parramatta within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.
- (q) Within 14 days of completion of demolition, the applicant must submit to Council:
 - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
 - (ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.
 - (iii) Payment of fees in accordance with Council's current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

Reason: To protect the amenity of the area.

PA0013 #LSL Payment Const> \$25,000 (DIEP Mandatory Cond)

5. Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy of either *0.35% of the value of building and construction work where the cost of building is \$25,000 or more (inclusive of GST)* or as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the certifier.

Note: The Long Service Levy is to be paid directly to the **Long Service Corporation** at www.longservice.nsw.gov.au. For more information, please contact the Levy support team on 13 14 41.

Reason: To ensure that the long service levy is paid.

PANSC Non-standard - General Matters

6. No approval is granted for construction of any structure or dwelling on the rear subdivided lot other than those required to facilitate the subdivision.

Reason: To confirm the details of the approved application.

7. PCA to ensure the title for Lot 2 must be burdened by a Section 88B Instrument benefitting Lot 1 requiring construction of an On Site Detention System (OSD) as indicated in the architectural drawings.

Reason: To confirm the details of the approved application.

8. PCA shall ensure the dismantled heritage materials are handled with care and protected from all weather damage. The dwelling house shall be accordingly reconstructed to preserve its heritage significance.

Reason: For heritage conservation.

9. PCA shall ensure the remaining landscape to the front of the dwelling house on Lot 1 is protected during development works and reinstated as indicated in the approved landscape plans at the completion of the approved works.

Reason: For heritage conservation.

PA0014 #Payment of Security deposits(DIEP Mandatory Cond)

10. Before the commencement of any works on the site or the issue of a construction certificate, the applicant must make all of the following payments to Council and provide written evidence of these payments to the certifier:

Bond Type	Amount
Nature Strip and Roadway: <i>Applies to all developments with a cost greater than 25K and swimming pools regardless of cost (fee is per street frontage). See current Schedule of Fees and Charges.</i>	\$2,575.00
Street Trees: <i>Two (2) trees at \$2,185.00 per street tree in current financial year.</i>	\$ 4,370.00

The payments will be used for the cost of:

- making good any damage caused to any council property (including street trees) as a consequence of carrying out the works to which the consent relates,
- completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and
- any inspection carried out by Council in connection with the completion of public work or the making good any damage to council property.

Note: The inspection fee includes Council's fees and charges and includes the Public Road and Footpath Infrastructure Inspection Fee (under the

Roads Act 1993). The amount payable must be in accordance with council's fees and charges at the payment date.

Reason: To ensure any damage to public infrastructure is rectified and public works can be completed.

Note: The bond may be paid, by EFTPOS, bank cheque, or be an unconditional bank guarantee.

Should a bank guarantee be lodged it must:

- (a) Have no expiry date;
- (b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent **DA/65/2022**;
- (c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

A dilapidation report is required to be prepared and submitted electronically to the City of Parramatta Council (council@cityofparramatta.nsw.gov.au) prior to any work or demolition commencing and with the payment of the bond/s.

The dilapidation report is required to document/record any existing damage to kerbs, footpaths, roads, nature strips, street trees and furniture within street frontage/s bounding the site up to and including the centre of the road.

Reason: To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner so as not to cause any disruption or possible accidents to the public.

LA0001 #Tree Retention

11. Trees to be retained are:

Tree No.	Name	Common Name	Location	Tree Protection Zone (m)
1	<i>Callistemon viminalis</i>	Weeping Bottlebrush	Street verge	5.4
2	<i>Callistemon viminalis</i>	Weeping Bottlebrush	Street verge	7.2
12	<i>Elaeocarpus reticulatus</i>	Blueberry Ash	Rear yard	4.8
13	<i>Eucalyptus racemosa</i>	Narrow Leaf Scribbly Gum	Rear yard	4.1

Other vegetation on the site is subject to the Council controls for Heritage Conservation areas.

Reason: To protect significant trees which contribute to the landscape character of the area.

EPA0058 General requirements for liquid and solid waste

12. Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 and in accordance with NSW Environment Protection Authority (EPA) Waste Classification Guidelines.

Reason: To prevent pollution of the environment.

EPA0062 Soil and Water Management – Stockpiles

13. Stockpiles of topsoil, sand, aggregate, soil or other material are not to be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

Reason: To ensure that building materials are not washed into stormwater drains.

ECA0006 Require to notify about new contamination evidence

14. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the principal certifying authority immediately.

Reason: To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health.

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

(Note: Some conditions contained in other sections of this consent (including prior to occupation/use commencing) may need to be considered when preparing detailed drawings/specifications for the Construction Certificate.)

PBNSC Non-standard - Prior to the issue of a CC

15. PCA shall ensure the following works are satisfactorily complete prior to issue of the Construction Certificate:

- An archival photographic record shall be prepared of the house and details particularly the chimneys and front verandah,
- A pest investigation report shall be prepared for damages to the dwelling house, and
- Additional architectural plans shall be prepared for final details of chimneys and timber veranda reconstruction for submission to DTSU Heritage Advisor.

Reason: For heritage conservation.

PB0030 Infrastructure & Restoration Adm. fee for all DAs

16. An Infrastructure and Restoration Administration Fee must be paid to Council prior to the issue of a Construction Certificate.

The fee will be in accordance with Councils adopted 'Fees and Charges' at the time of payment.

- Note:** Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.
- Reason:** To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

LB0006 #Statement on specific tree protection

17. A Methodology Statement, prepared by a suitably qualified consulting arborist (Australian Qualification Framework Level 5), must accompany the application for a Construction Certificate. This statement is to identify the measures to be implemented for protection of trees numbered 1 and 2 during construction and the expected future health of the trees. The statement is to be structured so that each of the following stages of construction are individually addressed and supervised by the project arborist:
- (a) Tree Protection Measures inclusive of canopy, trunk and tree root protection in accordance with AS 4970-2009 - Protection of Trees on Development Sites
- Reason:** To ensure adequate protection of existing trees.

DB0001 Stormwater Disposal

18. All roof water and surface water is to be connected to an operable drainage system. Details are to be shown on the plans and documentation accompanying the application for a Construction Certificate.
- Reason:** To ensure satisfactory stormwater disposal.

DB0002 Retaining walls

19. If no retaining walls are marked on the approved plans no approval is granted as part of this approval for the construction of any retaining wall that is greater than 600mm in height or within 900mm of any property boundary.

The provision of retaining walls along common boundary lines shall not impact on neighbouring properties. If impact upon neighbouring properties (including fences) is anticipated, then written approval from the affected neighbour shall be obtained and submitted to the certifying authority prior commencement of the works.

Structural details, certified by a practicing structural engineer, shall accompany the application for a Construction Certificate for assessment and approval by the certifying authority.

Reason: To minimise impact on adjoining properties.

DB0003 Sydney Water Quick check

20. A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval receipt from Sydney Water Tap in™ must be submitted to the Principal Certifying Authority upon request prior to works commencing.

Please refer to the website <http://www.sydneywater.com.au/tapin/index.htm>, Sydney Water Tap in™, or telephone 13 20 92.

Reason: To ensure the requirements of Sydney Water have been complied with.

DB0004 Dial Before you Dig Service

21. Prior to any excavation on or near the subject site the person/s having benefit of this consent are required to contact the NSW Dial Before You Dig Service (NDBYD) on 1100 to receive written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having the benefit of this consent are required to forward the written confirmation from NDBYD to their Principal Certifying Authority (PCA) prior to any excavation occurring.

Reason: To ensure Council's assets are not damaged.

DB0012 #On Site Detention

22. Full engineering construction details of the stormwater system, including OSD structures, pipe networks and calculations as per following points, shall be submitted for the approval of the PCA prior to release of the Subdivision Works Certificate for any work on the site. The following information shall be prepared:

- (a) The stormwater drainage detail design shall be prepared by a Registered Stormwater Design Engineer and shall be generally in accordance with the following Stormwater Plans approved by this consent and with Council's Stormwater Disposal Policy, Council's Design and Development Guidelines, Hornsby Shire Council's Development Design Specification 0074 – Stormwater Drainage, the relevant Australian Standards and the National Construction Code.
- (b) Stormwater Drainage Plan, Drawing Nos. 48NORF-H-1 and 48NORF-HYD-2, Revision B, dated 18 January 2022, prepared by Allied Consultants.
- (c) Adequate grate(s) to be provided so the OSD tank storage area can be inspected from outside for silt and debris, and to ensure adequate cross ventilation within the tank.
- (d) Certificate from registered structural engineer certifying the structural adequacy of the OSD tank structure.
- (e) The swale within Lot 1 shall be designed with a consistent surface fall to OSD tank 1. An additional pit shall be provided at the end of the swale to capture all surface flow within the swale and direct the flow into the OSD tank.

- (f) Measures shall be provided to separate and direct surface flows from each lot to the respective OSD tank.
- (g) The driveway levels of the shared accessway shall be designed to provide consistent fall to the OSD tanks.
- (h) The driveway within the shared accessway shall be provided with a one way cross fall and kerb along the southern edge to direct surface flows from Lot 2 to OSD tank 2.
- (i) The outlet pipes of OSD tanks 1 and 2 shall be consolidated to a pit located within the south western corner of the site and utilise a single RHS pipe to connect to the kerb and gutter in Norfolk Road. Sufficient clearance shall be achieved to the existing power pole in accordance with the utility provider's requirements.

Reason: To minimise the quantity of storm water run-off from the site, surcharge from the existing drainage system and to manage downstream flooding.

DB0016 Construction of a concrete vehicular access way

- 23. Construction of a concrete vehicle access-way, for the full length of the proposed battle axe handle/right of carriageway, to be in accordance with Parramatta City Council's Standard Plan number DS44.

Details must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

A Vehicle Crossing application must be submitted to Council together with the appropriate fee as outlined in Council's adopted Fees and Charges prior to any work commencing.

Reason: To provide appropriate access.

DB0017 Construction of a standard vehicular crossing

- 24. A standard vehicular crossing shall be constructed in accordance with Council's Standard Drawing numbers DS8 and DS10. Details must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

A Vehicle Crossing application must be submitted to Council together with the appropriate fee as outlined in Council's adopted Fees and Charges prior to any work commencing.

Reason: To ensure appropriate vehicular access is provided.

DB0021 Impact on Existing Utility Installations

25. Where work is likely to disturb or impact upon utility installations, (e.g. power pole, telecommunications infrastructure etc.) written confirmation from the affected utility provider that they raise no objections to the proposed works must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure no unauthorised work to public utility installations and to minimise costs to Council.

DB0022 Support for Council Rds, footpath, drainage reserv.

26. Council property adjoining the construction site must be fully supported at all times during all demolition, excavation and construction works. Details of any required shoring, propping and anchoring devices adjoining Council property, are to be prepared by a qualified structural or geotechnical engineer. These details must accompany an application for a Construction Certificate and be to the satisfaction of the Principal Certifying Authority (PCA). A copy of these details must be forwarded to Council prior to any work being commenced.

Backfilling of excavations adjoining Council property or any void remaining at the completion of the construction between the building and Council property must be fully compacted prior to the completion of works.

Reason: To protect Council's infrastructure.

EWB0002 Management of Construction and/or Demolition Waste

27. Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to reuse or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. Receipts of all waste/recycling tipping must be retained and produced in a legible form to any authorised officer of the Council who asks to see them.

Reason: To provide for the appropriate collection/ recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

PC0010 Compliance with Home Building Act (If Applicable)

28. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

Reason: Prescribed condition EP&A Regulation, clause 98(1)(b).

PC0001 #Appointment of PCA

29. Prior to commencement of work, the person having the benefit of the Development Consent and Construction Certificate approval must:

- (a) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment (irrespective of whether Council or an accredited private certifier) within 7 days; and
- (b) Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.

The Principal Certifying Authority must determine and advise the person having the benefit of the Construction Certificate when inspections, certification and compliance certificates are required.

Reason: To comply with legislative requirements.

PC0002 Enclosure of the site

- 30. The site must be enclosed by a 1.8m high security fence erected wholly within the confines of the site to prevent unauthorised access. The fence must be installed to the satisfaction of the Principal Certifying Authority prior to the commencement of any work on site.

Reason: To ensure public safety.

PC0003 Site Sign

- 31. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 detailing:
 - (a) Unauthorised entry of the work site is prohibited;
 - (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
 - (c) The name, address and telephone number of the Principal Certifying Authority;
 - (d) The development consent approved construction hours;
 - (e) The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.
 - (f) This condition does not apply where works are being carried out inside an existing building.

Reason: Statutory requirement.

BC0001 Toilet facilities on site

- 32. Prior to work commencing, adequate toilet facilities are to be provided on the work site.

Reason: To ensure adequate toilet facilities are provided.

PC0005 Public liability insurance

- 33. Public risk insurance in the amount of not less than \$20 million or such other amount as Council may require by notice) must be obtained and furnished to Council before any works authorised by this consent are conducted:
 - (a) Above;
 - (b) Below; or
 - (c) On

Any public land owned or controlled by Council. The public risk insurance must be maintained for the period during which these works are being undertaken.

The public risk insurance must be satisfactory to Council and list Council as an insured and/or interested party.

A copy of the insurance policy obtained must be forwarded to Council before any of the works commence.

Note: Applications for hoarding permits, vehicular crossing etc. will require evidence of insurance upon lodgement of the application.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works authorised by this consent conducted above, below or on any public land owned or controlled by Council.

LC0002 #Tree protection as per arborist report

34. The trees identified for protection within the consent shall be protected prior to and during the demolition/construction process in accordance with the Arboricultural Impact Assessment and Tree Protection Plan prepared by Horticultural Management Services dated 11 January 2022 and the conditions of consent.

Reason: To ensure the protection of the tree(s) to be retained on the site.

LC0007 Tree Protection During Construction

35. Tree protection measures are to be installed and maintained, under the supervision of an Australian Qualification Framework (AQF) Level 5 Arborist in accordance with AS4970 - Protection of Trees on Development Sites.

Reason: To ensure trees are protected during construction.

DC0002 Road Opening Permits - DA's involving drainage wrk

36. The applicant must apply for a road-opening permit where a new pipeline is proposed to be constructed within or across Council owned land. Additional road opening permits and fees may be necessary where connections to public utilities are required (e.g. telephone, electricity, sewer, water or gas).

In addition, no drainage work can be carried out within the Council owned land without this permit being issued. A copy is required to be kept on site.

Reason: To protect Council's assets throughout the development process.

DC0006 Erosion and Sediment Control measures

37. Erosion and sediment control measures are to be installed in accordance with the publication 'Urban Stormwater: Soils and Construction "The Blue Book" 2004 (4th edition) prior to the commencement of any demolition, excavation or construction works upon the site. These measures are to be maintained throughout the entire works.

Reason: To ensure soil and water management controls are in place before site works commence.

DC0007 Site Maintenance

38. Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site must be maintained in a safe and tidy manner. In this regard the following must be undertaken:

- (a) all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
- (b) all site boundaries are to be secured and maintained to prevent unauthorised access to the site;
- (c) all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis;
- (d) the site is to be maintained clear of weeds; and
- (e) all grassed areas are to be mowed on a monthly basis.

Reason: To ensure public safety and maintenance of the amenity of the surrounding environment.

DC0008 Shoring and adequacy of adjoining property

39. If development involves excavation that extends below the level of the base, of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the persons own expense:

- (a) Protect and support the adjoining premises from possible damage from the excavation
- (b) Where necessary, underpin the adjoining premises to prevent any such damage.

Note: If the person with the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.

Reason: As prescribed under the Environmental Planning and Assessment Regulation 2000.

DC0009 Special Permits

40. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely within the property boundaries. The applicant, owner or builder must apply for specific permits if the following activities are required seeking approval pursuant to Section 138 of the Roads Act 1993:

- (a) On-street mobile plant:
E.g. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation and the area where the operation will occur, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure the use of any equipment does not violate adjoining property owner's rights.
- (b) Storage of building materials and building waste containers (skips) on Council's property.
- (c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location they are to be stored. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded. Storage of building materials and waste containers within Council's open space areas, reserves and parks is prohibited.
- (d) Kerbside restrictions - construction zones:

The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a work zones, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs..

The application is to be lodged with Council's Customer Service Centre.

Reason: Proper management of public land.

DC0010 Driveway Crossing Application

41. All works associated with the construction and/or extension of a driveway crossover/layback within Council owned land requires an application to be lodged and approved by Council.

All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

The application for a driveway crossing requires the completion of the relevant application form and accompanied by plans, grades/levels and specifications. A fee in accordance with Councils adopted 'Fees and Charges' will need to be paid at the time of lodgement.

Note 1: This development consent is for works wholly within the property. Development consent does not imply approval of the footpath or driveway levels, materials or location within the road reserve, regardless of whether the information is shown on the development application plans.

Note 2: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524

Reason: To provide suitable vehicular access without disruption to pedestrian and vehicular traffic.

DCNSC Non-standard - Prior to Work Commencing

42. Prior to commencement of works, a subdivision works certificate issued by Council or an Accredited Certifier must first be obtained and include construction details of all earthworks, retaining walls, the driveway and turning bay within the proposed right of carriageway and all drainage works (including inter-allotment drainage and OSD works).

Reason: To comply with the requirements of the Environmental Planning & Assessment Act.

EWC0002 Asbestos – signage

43. On demolition sites where buildings are known to contain friable or non-friable asbestos material, standard warning signs containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm are to be erected in a prominent position on site visible from the street

kerb. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site. Advice on the availability of these signs can be obtained by contacting the Safework NSW hotline or their website www.safework.nsw.gov.au.

Reason: To comply with the requirements of Safework NSW.

EWC0003 Waste management plan – demolition

44. An updated Waste Management Plan is to be submitted immediately after the letting of all contracts detailing the:

- (a) expected volumes and types of waste to be generated during the demolition and construction stages of the development;
- (b) destination of each type of waste, including the name, address and contact number for each receiving facility.

The Waste Management Plan is to be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of any works on site.

Reason: To ensure waste is managed and disposed of properly.

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

PD0020 Building Work Compliance BCA (DIEP Mandatory Cond)

45. All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code).

Reason: To comply with the Environmental Planning & Assessment Act 1979, as amended and the Environmental Planning & Assessment Regulation 2000.

PD0001 Copy of development consent

46. A copy of this development consent together with the stamped plans, referenced documents and associated specifications is to be held on-site during the course of any works to be referred to by all contractors to ensure compliance with the approval and the associated conditions of consent.

Reason: To ensure compliance with this consent.

PD0003 Dust Control

47. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction to minimise the dust nuisance on surrounding properties. In this regard, dust minimisation practices must be carried out in accordance with Section 126 of the Protection of the Environment Operations Act 1997.

Reason: To protect the amenity of the area.

PD0004 Materials on footpath

48. No building materials skip bins, concrete pumps, cranes, machinery, temporary traffic control, signs or vehicles associated with the construction, excavation or demolition shall be stored or placed on/in Council's footpath, nature strip, roadway, park or reserve without the prior approval being issued by Council under section 138 of the Roads Act 1993.

Reason: To ensure pedestrian access.

PD0006 Hours of work and noise (DPIE Mandatory Condition)

49. The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

- **7am to 5pm on Monday to Friday**
- **8am to 5pm on Saturday**

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

Council may permit an extension to the approved hours of work in extenuating or unforeseen circumstances subject to an application and approval by City of Parramatta Council (CoPC) in accordance with the 'After Hours Works for Approved Development Applications Policy' (Policy).

A copy of this Policy and associated application form is available on the CoPC website. A fee will apply to any application made in accordance with this Policy.

The matters of consideration of any extension sought would include, but not be limited to the following aspects and should be detailed in any application made:

- Nature of work to be conducted;
- Reason for after-hours completion;
- Residual effect of work (noise, traffic, parking);
- Demographic of area (residential, industrial);
- Compliance history of subject premises;
- Current hours of operation;
- Mitigating or extenuating circumstance; and
- Impact of works not being completed.

Reason: To protect the amenity of the surrounding area.

PD0007 Complaints register

50. The applicant must record details of all complaints received during the construction period in an up to date complaints register. The register must record, but not necessarily be limited to:

- (a) The date and time of the complaint;
- (b) The means by which the complaint was made;
- (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that effect;
- (d) Nature of the complaints;
- (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complaint; and

- (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

The complaints register must be made available to Council and/or the Principal Certifying Authority upon request.

Reason: To allow the Principal Certifying Authority/Council to respond to concerns raised by the public.

PD0008 Construction Noise (DPIE Mandatory Cond)

51. While building work is being carried out, and where a noise and vibration management plan is approved under this consent, the applicant must ensure that any noise generated from the site is controlled in accordance with the requirements of that plan.

OR

While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

Reason: To protect the amenity of the neighbourhood.

PD0010 Survey Report

52. While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the principal certifier: -

- (a) All footings/ foundations
- (b) At other stages of construction – any marks that are required by the principal certifier

Reason: To ensure buildings are sited and positioned in the approved location.

TD0001 Road Occupancy Permit

53. Occupation of any part of the footpath or road at or above (carrying out work, storage of building materials and the like) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction/restoration works.

Reason: To ensure proper management of Council assets.

TD0002 Oversize vehicles using local roads

54. Oversize vehicles using local roads require approval from the National Heavy Vehicle Regulator (NHVR). The applicant is required to submit an application for an Oversize Vehicle Access Permit through NHVR's portal (www.nhvr.gov.au/about-us/nhvr-portal) prior to driving through local roads within the City of Parramatta LGA.

Reason: To ensure maintenance of Council's assets.

LD0004 Material storage and trees

55. No materials (including waste and soil), equipment, structures or goods of any type are to be stored, kept or placed within 5m of the trunk of a tree or within the drip line of any tree.

Reason: To ensure the protection of the tree(s) to be retained on the site.

LD0008 No attachments to trees

56. No service, structure, conduit or the like is permitted to be fixed or attached to any tree.

Reason: To ensure the protection of the tree(s).

LD0011 Tree Removal

57. Trees to be removed are:

Tree No.	Species	Common Name	Location
6	<i>Lagerstroemia indica</i>	Crepe Myrtle	Front yard
7	<i>Magnolia soulangeana</i>	Saucer Magnolia	Front yard
8	<i>Magnolia soulangeana</i>	Saucer Magnolia	Front yard
10	<i>Elaeocarpus reticulatus</i>	Blueberry Ash	Rear yard
11	<i>Melaleuca linariifolia</i>	Snow in Summer	Rear yard

Reason: To facilitate development.

DD0002 #Stormwater must be connected to the kerb & gutter

58. Stormwater must be connected to the kerb and gutter within the property frontage of Norfolk Road, Epping.

Reason: To ensure satisfactory storm water disposal.

DD0004 #Driveway trench at boundary

59. A 200mm wide grated drain, incorporating a heavy duty removable galvanised grate is to be located within the site at the intersection of the driveway and Council's footway to collect all surface water flowing down the driveway. The drainage line from the grated drain shall be connected to the street system, either separately or via the main site outlet.

Reason: Stormwater control.

DD0005 Erosion & sediment control measures

60. Works are not to result in sedimentation and or run-off from the approved works onto the adjoining properties and or public lands. The person having the benefit of this consent must ensure sediment is not tracked out from the development site.

Reason: To ensure no adverse impacts on neighbouring properties.

DD0006 Damage to public infrastructure

61. Any damage to Council assets that impacts on public safety during construction is to be rectified immediately to the satisfaction of Council with all costs to be borne by the person having the benefit of the Development Consent.

Reason: To protect public safety.

EWD0001 Asbestos-records disposal& licensed waste facility

62. Where demolition of asbestos containing materials is undertaken, the contractor must submit to the Principal Certifying Authority, copies of all receipts issued by the EPA licensed waste facility for friable or non-friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.

Reason: To ensure appropriate disposal of asbestos materials.

EWD0002 Asbestos handled& disposed of by licensed facility

63. All friable and non-friable asbestos-containing waste material on-site shall be handled and disposed off-site at an EPA licensed waste facility by an EPA licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2014 and the Waste Classification Guidelines – Part 1 Classifying Waste (EPA 2014) and any other regulatory instrument as amended.

Reason: To ensure appropriate disposal of asbestos materials.

EWD0003 Waste data file maintained

64. A Waste Data file is to be maintained, recording building/demolition contractor's details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.

Reason: To confirm waste minimisation objectives under Parramatta Development Control Plan 2011 are met.

EWD0004 Hazardous/intractable waste disposed of in accor.

65. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of Safework NSW and the EPA, and with the provisions of:

- (a) Work Health and Safety Act 2011;
- (b) NSW Protection of the Environment Operations Act 1997 (NSW); and
- (c) NSW Department of Environment and Climate Change Environmental Guidelines; NSW EPA Waste Classification Guidelines.

Reason: To ensure that the land is suitable for the proposed development and any contaminating material required to be removed from the property is removed in accordance with the prescribed manner.

EWD0005 General requirements for liquid and solid waste

66. Liquid and solid wastes generated onsite shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 and in accordance with DECC the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999) and NSW EPA Waste Classification Guidelines.

Reason: To prevent pollution of the environment.

EWD0008 Contaminated waste to licensed EPA landfill

67. Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.

Reason: To comply with the statutory requirements of the Protection of the Environment Operations Act 1997.

EWD0014 De-watering of Excavated Sites

68. Any site excavation areas must be kept free of accumulated water at all times. Water that accumulates within an excavation must be removed and disposed of in a manner that does not result in: the pollution of waters, nuisance to neighbouring properties, or damage/potential damage to neighbouring land

and/or property. A de-watering plan is required to be included and submitted to Council for review prior to issue of a Construction Certificate.

Reason: To protect against subsidence, erosion and other nuisances.

PD0009 Cut and fill (if applicable)

69. While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- (a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification, and the volume of material removed must be reported to the principal certifier.
- (b) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA.

Reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants.

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

PE0001 Occupation Certificate

70. Occupation or use of the building or part is not permitted until an Occupation Certificate has been issued in accordance with Section 6.9 of the Environmental Planning and Assessment Act 1979.

Reason: To comply with legislative requirements of the Environmental Planning and Assessment Act 1979.

BE0001 Record of inspections carried out

71. In accordance with Clause 162B of the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority responsible for the critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. The record must include:

- (a) The development application and Construction Certificate number as registered;
- (b) The address of the property at which the inspection was carried out;
- (c) The type of inspection;
- (d) The date on which it was carried out;
- (e) The name and accreditation number of the certifying authority by whom the inspection was carried out; and
- (f) Whether or not the inspection was satisfactory in the opinion of the certifying authority who carried it out.

Reason: To comply with statutory requirements.

PE0006 Street Number when site readily visible location

72. A street number is to be placed on the site in a readily visible location from a public place prior to the issue of an Occupation Certificate. The numbers are to have a minimum height of 75mm.

Reason: To ensure a visible house number is provided.

PE0007 #BASIX Compliance

73. Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all design measures identified in the BASIX Certificate No. A445678, will be complied with prior to occupation

Reason: To comply with legislative requirements of Clause 97A of the Environmental Planning & Assessment Regulation 2000.

LE0004 #Replacement planting

74. The following species are to be planted within the site:

Qty.	Name	Common Name	Minimum Pot Size	Location Details
1	<i>Tristaniopsis laurina</i>	Water Gum	45L	Front yard

Reason: To ensure the restoration of the environmental amenity of the area.

LE0002 Cert.Auth.Arrange Qualified LandscapeArch.(multi)

75. A qualified Landscape Architect/Designer must certify that the completed works are in accordance with the approved landscape plan. All landscape works must be completed prior to the issue of an Occupation Certificate.

Reason: To ensure restoration of environmental amenity.

DE0003 Work-as-Executed Plan (DPIE Condition)

76. Works-As-Executed stormwater plans are to address the following:

- (a) A WAE survey shall be conducted and plans prepared showing the 'as built' of the complete on-site detention system including (but not limited to) discharge point into Council system, storage tank (including all critical elements), all pipes and pits connected to the OSD system, overland flow swale and surface levels that control surface flows to the OSD system and by design bypassing the OSD system.

The survey shall confirm a) that all retaining walls including foundations are wholly within the site boundary, b) that the swales have been constructed as per the approved plans, c) that the relevant boundary fences have been raised to allow overland flow (surface flows) to drain unobstructed though to the swale/flow path.

- (a) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink.
- (b) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.

- (c) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table
- (d) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- (e) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook). The certificate must only be provided after conducting a satisfactory final inspection. The final inspection shall include the application of all the ancillary components of the system including but not limited to: step-irons, orifice plate, trash screen with appropriate wall attachment, hinged lockable grates, confined space sign, functioning return lap valve and relief drains within DCP sump etc.
- (f) Certificate of Structural compliance of the OSD tank shall reference the structural elements including floor slab/foundations, walls and cover slab from a qualified structural engineer

The above is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate and a copy is to accompany the application for an Occupation Certificate when lodged with Council.

Reason: To ensure works comply with approved plans and conditions of consent.

DE0007 Street Numbering

77. An application for street numbering must be lodged with Council for approval, prior to the issue of an Occupation Certificate or Subdivision Certificate whichever occurs first.

Note: Notification of all relevant authorities of the approved street numbers must be carried out by Council.

Reason: To ensure all properties have clearly identified street numbering, particularly for safety and emergency situations.

DE0008 Compliance with Development Consent

78. Prior to the issue of the Subdivision Certificate, all subdivision works, including earthworks, retaining walls, the driveway and turning bay within the right of carriageway and all drainage works, are to be constructed in accordance with the Subdivision Works Certificate and a Compliance Certificate issued by Council or an Accredited Certifier shall be obtained for the constructed subdivision works. A copy of the Compliance Certificate shall be provided with the Subdivision Certificate application to Council.

Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979 and conditions of consent

DE0009 Request for a Subdivision Certificate

79. A separate application must be made for a Subdivision Certificate. The application is to be accompanied by a Compliance Certificate for all subdivision works issued by Council or an Accredited Certifier.

Reason: To comply with the requirements of the Environmental Planning and Assessment Act 1979 (as amended).

DE0012 # Interallotment DrainageEasement within dev. site

80. Plans submitted with the Subdivision Certificate must include the creation of appropriate easements for inter-allotment drainage, OSD tank encroachment, right of carriageway (including the turning bay within Lot 2) and any other easements deemed necessary.

Reason: To ensure an appropriate easement is in place.

DE0013 OSD Positive Covenant/Restriction

81. The plans prepared for the Subdivision Certificate shall include the creation of a Positive Covenant and Restriction on the Use of Land over proposed Lots 1 and 2 burdening the owner of the allotment with the requirement to maintain the on-site stormwater detention facilities.

The terms of the positive covenant and restriction are to be to Council's satisfaction and are to be generally in accordance with the terms contained with the UPRCT OSD Handbook.

Reason: To ensure appropriate documentation is in place.

DE0015 Driveway Crossover

82. Prior to the issue of any Occupation Certificate, an application is required to be obtained from Council for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment.

All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

The application for a driveway crossing requires the completion of the relevant application form and be accompanied by detailed plans showing, grades/levels and specifications that demonstrate compliance with Council's standards, without conflict with all internal finished surface levels. The detailed plan must be submitted to Council's Civil Assets Team for approval prior to commencement of the driveway crossing works. A fee in accordance with Councils adopted 'Fees and Charges' will need to be paid at the time of lodgement.

Note 1: This development consent is for works wholly within the property. Development consent does not imply approval of the footpath or driveway levels, materials or location within the road reserve, regardless of whether the information is shown on the development application plans.

Note 2: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

Reason: Pedestrian and Vehicle safety.

DE0017 Section 73 Certificate for land subdivisions only

83. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of an Subdivision Certificate. The application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.

Reason: To ensure the requirements of Sydney Water have been complied with.

DE0018 Reinstatement of laybacks etc

84. All redundant lay-backs and vehicular crossings must be reinstated to conventional kerb and gutter, foot-paving or grassed verge in accordance with Council’s Standard Plan No. DS1. The reinstatement must be completed prior to the issue of an Occupation Certificate. All costs must be borne by the applicant.

Reason: To provide satisfactory drainage.

DENSC Non-standard - Prior to issue of Occ/Sub Cert.

85. Prior to the issue of the Subdivision Certificate, all structures within proposed Lot 2 are to be demolished and removed off-site.

Reason: To ensure that the lot is not burdened with existing structures.

PART F – OCCUPATION AND ONGOING USE

PF0049 Graffiti Management

86. The owner/manager of the site/business is responsible for the removal of all graffiti from the building/structures/signage and/or fencing within 48 hours of its application.

Reason: To ensure the removal of graffiti.

PF0054 Release of Securities/Bonds (DIEP Mandatory Cond)

87. When Council receives an occupation certificate from the principal certifier, the applicant may lodge an application to release the securities held in accordance with *Council’s Schedule of Fees and Charges 2021-2022*.

Council may use part, or all of the securities held to complete the works to its satisfaction if the works do not meet Council’s requirements.

Note: A written application to Council’s Civil Assets Team is required for the release of a bond and must quote the following:

- (a) Council's Development Application number; and
- (b) Site address.

Note: Council's Civil Assets Team will take up to 21 days from receipt of the request to provide the written advice.

Reason: To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction.

PF0004 External Plant/Air-conditioning noise levels

88. Any external plant/air-conditioning system must not exceed a noise level of 5dBA above the background noise level when measured at the boundaries of the property.

Reason: To minimise noise impact of mechanical equipment.

EWF0003 Remove putrescible waste at sufficient frequency

89. All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.

Reason: To ensure provision of adequate waste disposal arrangements.