

DA NO: DA-2023/271
ADDRESS: 27 LAMETTE STREET, CHATSWOOD NSW 2067.
PROPOSAL: ALTERATIONS AND ADDITIONS TO REAR OF EXISTING DWELLING, NEW PATIO, CARPORT, GARAGE AND WORKSHOP AND ASSOCIATED WORKS.
RECOMMENDATION: APPROVAL
ATTACHMENTS:
1. SITE DESCRIPTION AND AERIAL PHOTO
2. DEVELOPMENT CONTROLS, STATISTICS, DEVELOPER CONTRIBUTION & REFERRALS
3. SUBMISSIONS TABLE
4. SECTION 4.15 (79C) ASSESSMENT
5. SCHEDULE OF CONDITIONS
6. NOTIFICATION MAP
RESPONSIBLE OFFICER: CAITLIN MCNALLY - TEAM LEADER
AUTHOR: SAUMYA SHAH - DEVELOPMENT ASSESSMENT OFFICER
REPORT DATE: 27 SEPTEMBER 2024
MEETING DATE FOR PUBLIC MEETING: 15 OCTOBER 2024

1. PURPOSE OF REPORT

The purpose of this report is to seek determination by Willoughby Local Planning Panel (WLPP) of Development Application DA-2023/271 for alterations and additions to rear of existing dwelling, new patio, carport, garage and workshop and associated works at 27 Lamette Street, Chatswood.

The application is required to be referred to the WLPP for determination because there are more than 10 submissions recorded on this application.

2. OFFICER'S RECOMMENDATION

THAT the Willoughby Local Planning Panel:

2.1 Approve Development Application DA-2023/271 for alterations and additions to rear of existing dwelling, new patio, carport, garage and workshop and associated works at 27 Lamette Street, Chatswood NSW 2067, subject to conditions contained in Attachment 5, for the following reasons:

2.1.1 The proposed development is compliant with *WLEP* controls and meets the objectives and performance criteria of the *WDCP* controls.

2.1.2 The proposed development does not deliver any detrimental impacts to the neighbouring properties.

2.1.3 Impacts on surrounding development will be minimal and it will maintain the objectives of R2 zone as well as the characteristics of North Chatswood Heritage Conservation area.

3. BACKGROUND

Development history of the subject site is as following:

- **DA-1993/87** - Boundary adjustment between properties 27 & 29 Lamette Street
- **DA-1999/339** - Alts & adds to existing dwelling & new carport
- **DA-2000/658** - S96: Amend condition no.4 of consent 1999/0339.
- **DA-2023/271** - Alterations and additions to rear of existing dwelling, new patio, carport, garage and workshop and associated works. (Subject application)

The site is located on the Eastern side of Lamette Street, at the intersection of Lamette Street and Royal Street. It is occupied by a single storey, brick clad dwelling with pitched roof.

Development in the surrounding locality comprises of similar scale detached dwellings.

The site falls from front to the rear for about 3.2m (Front RL is 74.45 and Rear RL is 71.24). The subject site is orientated generally on a North/South axis. A description of the site and surrounding area, including an aerial photograph is contained in **Attachment 1**.

4. DISCUSSION

The subject modification application seeks to modify the original development consent as follows:

- Partial demolition and reconfiguration of an existing house
- Addition at the rear part including new kitchen, pantry area, living area with patio and new laundry room
- New carport towards the front northwest corner of the dwelling
- New garage/workshop towards the rear northeast corner of the dwelling
- New painted timber paling fence towards the northern boundary (1.2m height towards the Lamette Street and 1.8m at the rear part of the subject site)
- New 1.2m high glass pool fence with the gate
- Removal of 6 trees and associated landscape works

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

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

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

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

<https://eplanning.willoughby.nsw.gov.au/Pages/XC.Track/SearchApplication.aspx?id=533365>

5. CONCLUSION

The Development Application DA-2023/271 has been assessed in accordance with Section 4.15 (79C) of the *Environmental Planning and Assessment Act 1979*, *WLEP 2012*, *WDCP*, and other relevant codes and policies. It is considered that the proposal is acceptable in the particular location, subject to the consent conditions included in Attachment 7.

ATTACHMENT 1: SITE DESCRIPTION AND AERIAL PHOTO

The subject site is identified as Lot 64 in DP 13016 and is known as 27 Lamette Street, Chatswood. The site is an irregular shaped allotment and is located on the eastern side of Lamette Street to the north of its intersection with Royal Street. The site has an area of approximately 784m² with a frontage width of 13.4m and a maximum depth of approximately 44.54m.

The property is located within the Northern Chatswood Heritage Conservation Area however it is not heritage listed and is not considered to have any heritage significance which would be unreasonably impacted upon by the subject application. The area surrounding the subject site comprises of a variety of housing styles and sizes erected on allotments which are typically of a similar size and shape to the subject allotment.



Figure 1: Aerial View of the Subject Site



Figure 2: Streetscape view of the subject site

ATTACHMENT 2: CONTROLS & DEVELOPMENT STATISTICS AND REFERRALS

<i>Willoughby Local Environmental Plan 2012 Zoning:</i>	R2 - Low Density Residential
Existing Use Rights	No
Additional Permitted Use	No
Conservation area	Yes - North Chatswood Heritage Conservation Area
Aboriginal Heritage	No
Heritage Item	No
Vicinity of Heritage Item	No
Natural Heritage Register	No
Bushfire Prone Area	No
Foreshore Protection Area	No
Flood related planning control	No
Adjacent to classified road	No
Road/lane widening	No
BASIX SEPP	Yes
Infrastructure SEPP - Rail	No
Infrastructure SEPP – Road	No
Coastal Management SEPP	No
Acid Sulphate Soil Category	5
Development near Lane Cove Tunnel	No
Contaminated Land	No
Adjacent / above Metro	No
Other relevant SEPPS	N/A
Other relevant REPS	<i>Sydney Regional Environmental Plan (Sydney Regional Harbour catchment)</i>
Relevant policies and resolutions	<i>WDCP</i>

Development Statistics (R2 & E4 – Dwelling House and/or ancillary development)						
Site Area (m²)		784 m ²				
<u>WLEP 2012</u>						
Clause	Control	Existing	Proposed by applicant	Calc. by Council	Standard	Numerical Compliance
Cl.4.3	Height (m)	-	7.3 m	7.3 m	8m (HCA)	Yes
Cl.4.4 & Cl. 4.4A	GFA (m²)	-	170.5 m ²	186.5 m ²	313 m ²	Yes
	FSR	-	0.217:1	0.237:1	0.4:1(HCA)	
<u>WDCP</u>						
Control	Existing	Proposed by applicant	Calc. by Council	Standard	Numerical Compliance	

Parking	-	2	Proposal provides a new single carport ahead of the predominant front building line of the subject dwelling. Proposal will provide 2 covered car spaces to the subject site.	2	No (Please see the discussion below for the proposed carport)
Water management (%)	-	10kl	10kl	>55% 10,000L tank	Yes (subject to conditions)
Tree preservation	-	Total number of trees to be impacted – 3. The proposed development is considered to meet with the objectives of this section of the plan.		Trees exceeding 4m, trunk girth 0.6m or crown exceeding 3 m subject to preservation controls	Yes (Conditioned to replace 9 trees on subject site)
Fencing	-	1.8	1.8	Max. height 1.8 with 1m setback	Yes
Control	Existing	Proposed by applicant	Calc. by Council	Standard	Numerical Compliance
Colours	N/A	The proposed development is considered to meet with the objectives of this section of the plan.		Sensitive to surroundings	Yes
Two storey wall length	-	The proposed development is considered to meet with the objectives of this section of the plan.		6m max without articulation	Yes
Front Setback (m) (Western Boundary)	-	7.5	7.5	4.5 m	Yes
Side Setback (m) (Southern boundary)	-	1.52	1.52	1.4 m	Yes
Side Setback (m) (Northern Boundary)	-	0.7	0.7	((Building height-4.5)/4 +0.9)	No (Acceptable on merit. Please see the discussion below)
Rear Setback (m) (Eastern Boundary)	-	6	6	8 m	No (Acceptable on merit. Please see the discussion below)
Soft Landscaped Area (m²)	-	347	339.9	43% (336.6 m ²)	Yes

Land-scaping within front setback area (%)	-	102	90	50% where < 18m frontage – 60.8 m ²	Yes
Private open space (>400m²)	-	246	246	24m ²	Yes
Private Recreation Facilities	-	1.2m high glass fencing around the pool area	1.2m high glass fencing around the pool area	Pools not to exceed 1.5m high setback min 1 m from boundary. Tennis courts min setback 2m from boundary	Yes
Privacy	-	The proposed window W13 facing the southern boundary is causing privacy impact to no.25 Lamette Street.		Need for privacy protection	Yes (Conditioned that proposed window W13 is required to provide frosted glass/translucent glass treatment to a minimum height of 1.6m from F.F.L. to mitigate the privacy impact from the neighbouring property)
Solar access	-	The proposed development is considered to meet with the objectives of this section of the plan.		3 hours between 9am to 3pm on 22 June to private open space and living areas	Yes
Front fence	-	No change has been proposed.		Max. 1.2m high	N/A
Setback (m)	-	The proposed development is considered to meet with the objectives of this section of the plan.		Consistent with patterns of individual streetscape.	Yes
Height (m)	-	7.3	7.3	8m (HCA)	Yes
Ridge height (m)	-	5.1	5.1	6-6.5m from floor level	Yes
Eave height (m)	-	3.6	3.6	3.6m from floor level	Yes
Roof pitch (degrees)	-	32	32	25-35 degree	Yes

Car Parking

The intent for this section generally is to ensure the sitting of buildings, which must retain the scale, form, massing and detailing of the original buildings and the typical scale, rhythm and character of individual streetscapes.

The breaches to the control requirements for this section of the Code have been assessed with regards to the new ground floor addition at front and on merit are considered to comply with the objective provisions in the following ways:

- The subject site is uneven in shape and located on the cul-de-sac of the Lamette Street
- The proposed new carport is 1m forward of the predominant front building line of the subject dwelling; however, it maintains the predominant front building line of the northern side dwellings on the Lamette Street.
- Amended set of plans indicate the roof design of the proposed carport to be hipped at the front to reduce the mass and bulk impact from the streetscape and also to maintain the characteristics of the dwelling in a heritage conservation area
- Amended set of plans also indicate the removal of the solar panels from the roof of the proposed carport to reduce the mass and bulk impact to the streetscape and to the neighbouring property
- The scale of the work proposed with this application is acceptable on merit as more than 50% of the proposed carport will be behind the predominant front building line of the subject dwelling and it is unlikely to cause an adverse impact on surrounding residential amenity.

Side Setbacks

The intent for this section generally is to ensure the siting of buildings, which must provide adequate separation for the amenity of residents, adjoining properties and from the street including adequate space for landscaping, sunlight, and views. It is also to ensure that there is not bulk and scale impact from the streetscape perspective.

The breaches to the control requirements for this section of the Code have been assessed with regards to the new ground floor addition at front and on merit are considered to comply with the objective provisions in the following ways:

- The proposed new carport provides 0.7m of side setback from the northern boundary, which is noncompliant to *WDCP* controls. However, the carport will be a semi-open structure which will not deliver unreasonable impact to the neighbouring property. The proposed addition provides 1.5m to of minimum side setback from the southern boundary, which is compliant to *WDCP* controls.
- The proposed design of the carport structure will maintain the heritage characteristics of the surrounding development.
- The scale of the work proposed with this application is unlikely to cause an adverse impact on surrounding residential amenity nor set an undesirable precedent.

Rear Setbacks

The intent for this section generally is to ensure the siting of buildings which must provide adequate separation for the amenity of residents, adjoining properties and from the street including adequate space for landscaping, sunlight, and views. It is also to ensure that there is not bulk and scale impact from the streetscape perspective.

The breaches to the control requirements for this section of the Code have been assessed with regards to the new ground floor addition at front and on merit are considered to comply with the objective provisions in the following ways:

- The non-compliance is caused by the existing garage workshop at the rear of the site which provides 6m of the rear setback from the eastern boundary.
- The proposed addition provides 10m of the rear setbacks which is compliant to *WDCP* controls.
- The scale of the work proposed with this application is unlikely to cause an adverse impact on surrounding residential amenity nor set an undesirable precedent.

An extract of the submitted plans shows these modifications.

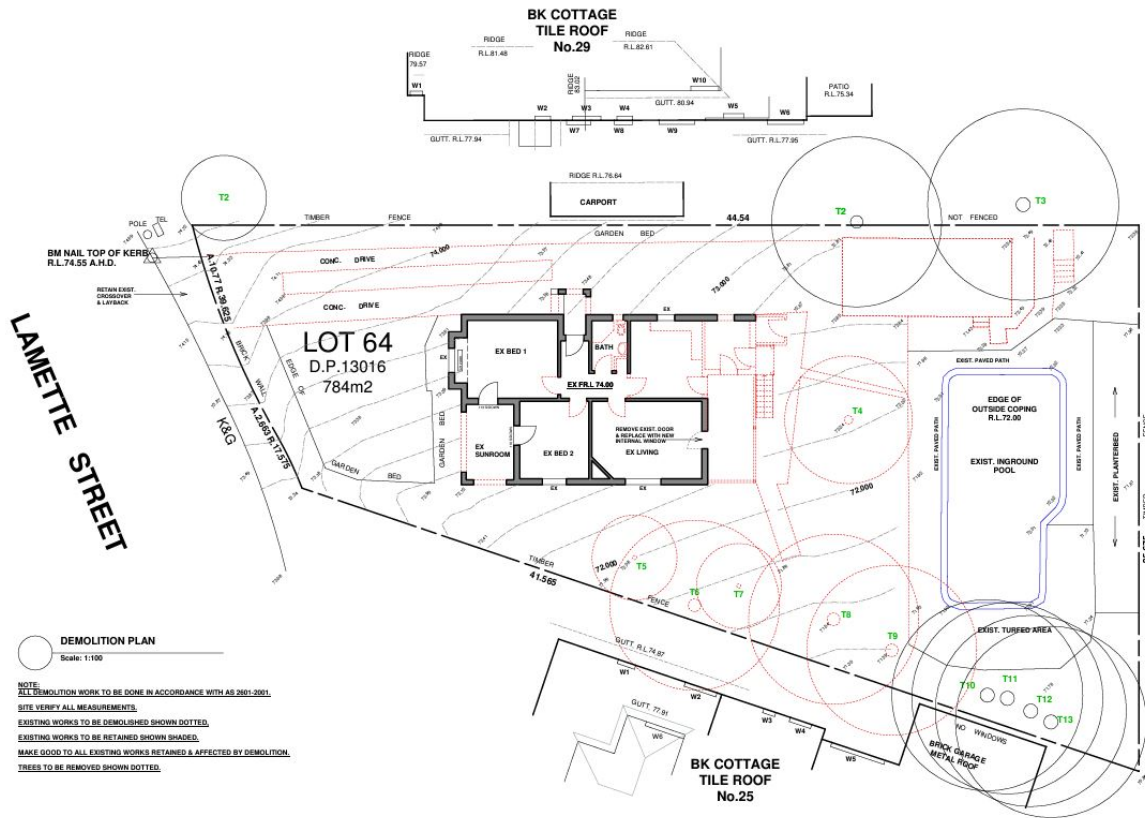


Figure 3: Demolition plan

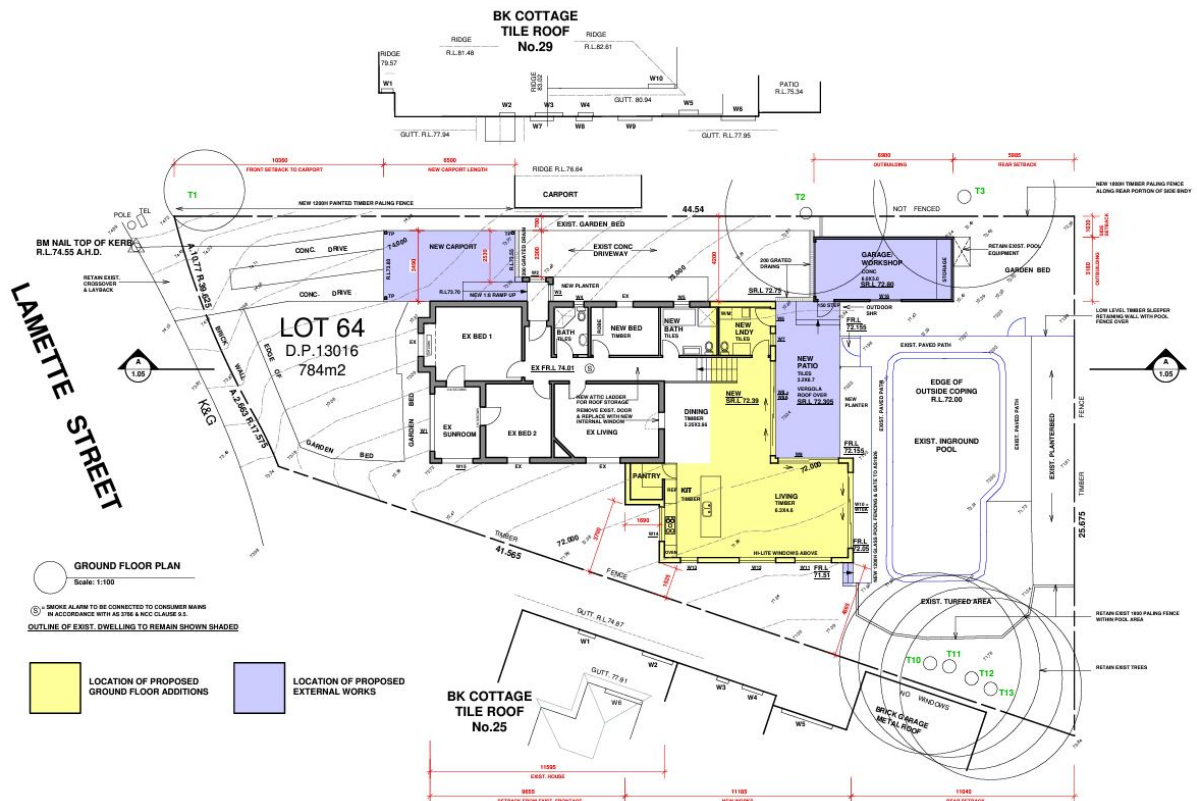


Figure 4: Ground Floor Plan

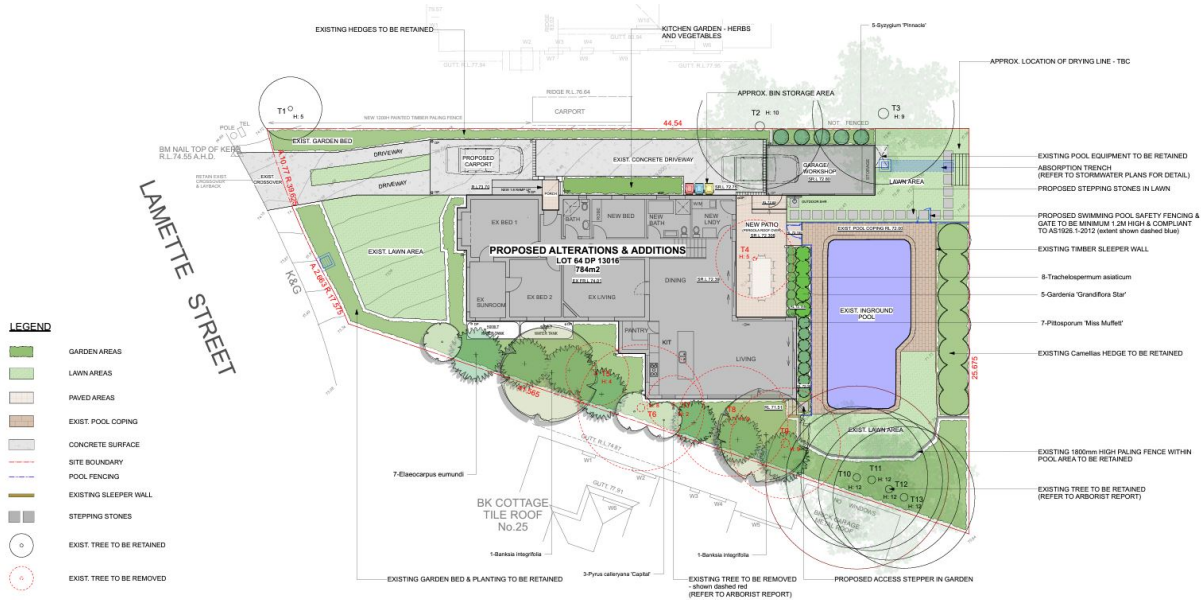


Figure 5: Landscape Plan

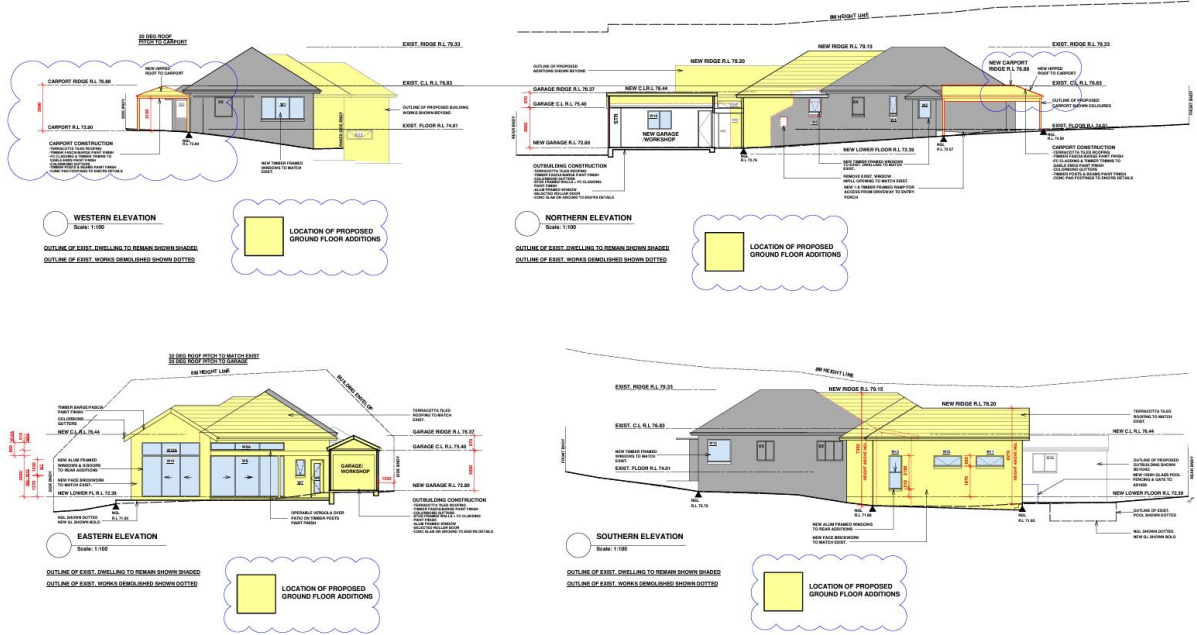


Figure 6: Elevations

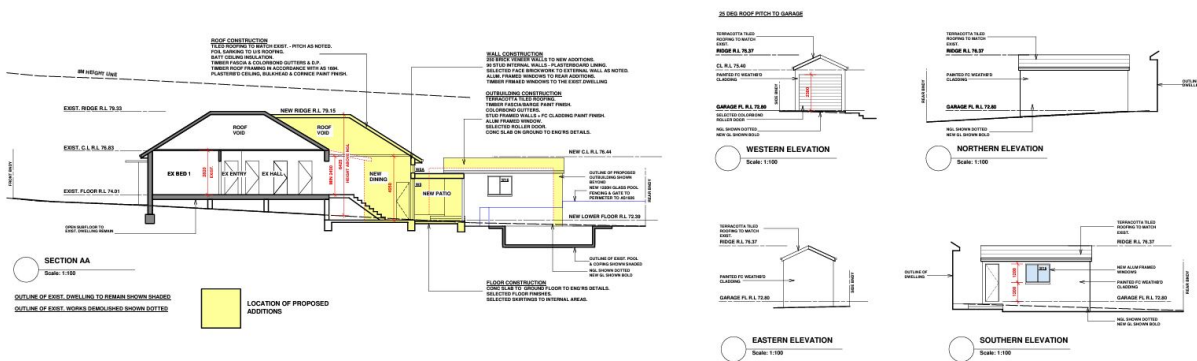


Figure 7: Section AA and Elevation of a garage workshop

Developer's Contribution Plans:

7.12 Section:	Yes
a. Applicable rate (%):	1%
b. The cost of development (Part A CI 25J) (\$)	\$583,000
c. Date of accepted cost of development:	03/10/2023
d. The total contribution payable (\$)	\$5830

Referrals

Building services	N/A
Engineering	<p>The above application has been investigated with respect to aspects relevant to development engineering. The submitted stormwater plans are considered unsatisfactory. As the proposed stormwater management system does not comply with Part I of the Council's <i>DCP</i>. Since this application has been with Council for some time, Council's Development Engineer Team Leader has no objections to condition the outstanding stormwater issues which must be addressed prior to lodgement of the CC.</p> <p>With regard to vehicular access and parking arrangement, the existing vehicular crossing is considered in serviceable condition. Therefore, Council's Engineers have no objections for the existing crossing to be retained as part of this application.</p>
Environmental Health	N/A
Waste	N/A
Heritage	<p>Heritage Officer's comments:</p> <p>The following assessment has been provided by Council's Heritage Officer:</p> <ol style="list-style-type: none"> 1. The proposal would result in a reduction to the contribution that the site makes to the North Chatswood Heritage Conservation Area. 2. The Heritage Impact Statement does not provide a sufficient level of detail and it appears that the author has not had access to the site. No photographs of the site, building, or streetscape are provided, it is therefore not possible to meaningfully assess the degree of heritage impact likely to result from the proposed works. 3. The submitted drawings do not provide an adequate level of detail including of retained elements such as the southern chimney. 4. The proposed carport forward of the building line is not supported as it is beyond the reasonable allowance for onsite car parking which is already adequately provided for at the rear. The proposed carport will unnecessarily harm the character and significance of the heritage streetscape of Lamette Street. Carports are only considered in the North Chatswood Heritage Conservation Area - if proposed

	<p>forward of the building line - if no alternative exists.</p> <p>Development Assessment Officer's Response:</p> <ol style="list-style-type: none"> 1. The works will preserve key heritage elements of the house, ensuring it remains consistent with the area's character. The changes are sympathetic to the streetscape and enhance the property's usability without detracting from its heritage significance. To better align with the Conservation Area, the proposed carport design has been amended to provide a hipped roof at the front to reduce the mass and bulk impact from the streetscape. The hipped roof design allows the carport to maintain the character and style of the existing dwelling. While there may be a slight reduction in the site's contribution to the North Chatswood Heritage Conservation Area, the overall impact is minor and does not significantly affect the area's heritage character. 2. Although the Heritage Impact Statement lacks some details and site photographs, the proposed works and submitted documentation aligns with heritage conservation principles. Based on the information provided, the proposed development is acceptable on merit based on the provided information. 3. Detailed conditions of consent will be included which require the retention of the chimney, as well as the main front portion of the dwelling, as shown in grey on the plans. 4. While carports forward of the building line are not typically supported in Heritage Conservation Areas, instances can occur when they are supported due to site constraints. The proposed location provides a practical solution. The amended carport design also contributes in minimising visual impact when viewed from the streetscape. The proposed carport setback maintains the predominant building line of the northern side properties of the Lamette Street. In addition, more than 50% of the proposed carport structure is behind the predominant front building line of the subject dwelling. Taking the location and constraints of the subject site into account, this position of carport is acceptable.
<p>Landscape</p>	<p>Compulsory Details Required for Tree Removal response to Planning Portal: Number of trees to be impacted – 3 Approximate area of canopy to be removed (square metres) – 130 Number of replacement trees (if required) – 9</p> <p>The additional information submitted has been reviewed, including the Landscape Plans dated 18/3/2024 prepared by Contour Landscape Architect and Stormwater Management plans dated 14/3/2024 prepared by Cane Consulting. Also reviewed was the Arboricultural Impact Assessment and Tree Management Plan (AIA) dated 19/4/2024 prepared by Horticultural Management Services.</p>

	<p>The plans and AIA indicate a total of six (6) trees for removal. Trees 7, 8 & 9 are exempt species and can be removed without consent.</p> <p>Trees 4, 5 & 6 are exotic species all with a low retention value and should not be considered a constraint to the development. There are no objections the removal of these subject to replacement at 3:1 as per <i>Willoughby DCP</i> Part G. A minimum of nine (9) trees shall be required for replacement.</p> <p>Trees 1, 2 & 3 are located on the neighbouring site and are to be retained. There will be no impact to tree 1.</p> <p>The works to the garage and stormwater services are located within the tree protection zone (TPZ) of trees 2 & 3. The garage is located in the same position as the existing garage, so not expected to impact on the trees.</p> <p>The absorption trench is located within the TPZ of tree 3. To minimise impacts to the tree the absorption trench is to be located at least 4m from the trunk of tree 3 and a Project Arborist to supervise works. A condition has been added.</p> <p>Trees 10 – 13 located within the site are outside the area of proposed area of work. There should be no impact to these trees.</p> <p>The plans show the rainwater tanks are located aligned to the front building, which will be visible from the street.</p> <p><i>WDCP</i> Part I - Stormwater Management; 2.5 Controls for rainwater reuse tanks c. Rainwater tanks must be positioned or screened so as not to be visible from the street frontage.</p> <p>The rainwater tanks are to be setback at least 1m from the front of the building and to be screened with planting. A condition has been added.</p> <p>There are no objections with regard to landscape issues subject to the conditions.</p>
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ATTACHMENT 3: SUBMISSIONS TABLE

Council was in receipt of 17 individual submissions.

Property	Issues raised	Response
25 Lamette Street (02/03/2024)	<p>A concern regarding maintaining the character of the heritage conservation area.</p> <p>The southern part of the proposed development is too close to the northern wall of 25 Lamette Street. A concern regarding the process of removing the rock formation and a request has been made to cut the rock and ripped out using circular saw instead of smashing. A concern regarding the potential impact to the northern wall of 25 Lamette Street during the excavation process.</p> <p>Proposed documentation is insufficient to provide the details of visibility from the public footpath, especially the extension on southern side of the subject site. The owners of subject site did not communicate before finalising the drawings for council.</p> <p>Considerable water run-off from the Sydney Water Canal and from higher properties is causing water runoff impact to neighbouring properties like 23 and 25 Lamette Street as well as Helena's 400 Penshurst Street.</p>	<p>The proposed development is a modest ground floor extension which does not propose inappropriate outcome from a heritage perspective. The proposed application has been assessed by Council's Heritage Officer and relevant conditions have been imposed.</p> <p>The proposed alterations and additions provides a side setback from 1.5m to 4.5m from the southern boundary which is compliant with the <i>WDCP</i> controls. Relevant conditions in relation to rock hammering/sawing to ensure safety of the neighbouring properties have been imposed.</p> <p>The proposed architectural plans are sufficient and provide adequate information for an appropriate planning assessment. The proposed development is compliant with the side setback controls of the <i>WDCP</i>.</p> <p>The proposed development is not related to this objection. However, the proposed application has been assessed by council's engineers and relevant conditions have been imposed. Additionally, a request has been put internally to the relevant department to resolve this issue for neighbouring properties.</p>
25 Lamette Street (27/11/2023)	<p>A concern regarding foreseeable damage to the neighbouring property if a heavy machine is used to excavate rock near the northern wall of 25 Lamette Street.</p> <p>The new development will be 4.4m</p>	<p>The proposed development is compliant with the side setback controls of the <i>WDCP</i>. Relevant conditions in relation to rock hammering/sawing to ensure safety of the neighbouring properties have been imposed.</p> <p>The proposed extension provides</p>

Property	Issues raised	Response
	<p>close to the wall of 25 Lamette Street and it will deliver a detrimental impact on the neighbouring property.</p> <p>DA-1999/0339, condition 48 has been consistently imposed on 2 earlier DA's concerning reasonable protection, therefore a suggestion has been made that the suitable council officer should liaise with the applicant's engineer to determine the safest way for excavation and construction.</p>	<p>side setback from 1.5m to 4.5m from southern boundary which is compliant with <i>WDCP</i> controls.</p> <p>Relevant conditions in relation to rock hammering/sawing to ensure safety of the neighbouring properties have been imposed.</p>
<p>25 Lamette Street (24/10/2023)</p>	<p>Objector referred to condition 48 of DA-1999/0339 and requested to put the same for this development to prevent damage to neighbouring properties.</p> <p>Objector suggested method of excavation as using circular saw with the rock formation and raised concern regarding their house and wall being very near to the subject site and potential work of proposed development. Council's engineer suggested 10m distance for vibration safety in the past, therefore objection is made to move the proposed development by 10m from the northern wall of the neighbouring property.</p> <p>Due to proposed development, a concern is also raised for the damage to existing water pipes under the fence and with the possibility of a drainage issue in future, a request has been made to condition appropriately.</p> <p>A request to provide a prior notice before demolition or disposal of asbestos.</p> <p>A concern has been raised regarding the privacy issue as the landscape of no.27 is higher than no.25 and proposed southern wall will be too close to the neighbouring dwelling (no.25). A</p>	<p>Relevant conditions in relation to rock hammering/sawing to ensure safety of the neighbouring properties have been imposed.</p> <p>The proposed development is compliant with the side setback controls of the <i>WDCP</i>. Relevant conditions in relation to safety and potential damage to neighbouring properties have been imposed.</p> <p>Assessment officer of this application and Council's engineers have assessed this application and relevant conditions in relation to rock hammering/sawing to ensure safety of the neighbouring properties have been imposed.</p> <p>Relevant conditions in relation to asbestos removal and safety to neighbouring properties have been imposed.</p> <p>Proposed window W13 has been conditioned to provide frosted glass/translucent glass treatment to a minimum height of 1.6m from F.F.L. to mitigate the privacy impact from the neighbouring property</p>

Property	Issues raised	Response
	<p>request has been made to relocate the southern wall by several meters and use a privacy screen/translucent glass on any windows facing northern elevation of no.25.</p> <p>The overshadowing issue with the current DA will be more pertinent due to the dramatic growth of 6 Conifer trees. Also proposed southern wall of no.27 will cause overshadowing to neighbouring property.</p> <p>A suggestion has been made to stabilise the roots of existing trees during excavation process.</p>	<p>(no.25). Other windows proposed on the southern elevation are highlight windows and acceptable on merit. The proposed development is compliant with the side setback controls of the <i>WDCP</i>.</p> <p>The proposed development does not deliver any unreasonable overshadowing impact to the neighbouring properties. The proposed development will allow at least 3 hours of sunlight to the neighbouring property throughout the day.</p> <p>Council's Landscape Officer and Engineers have assessed the application and relevant conditions have been imposed in relation to root protection and potential damage to the neighbouring properties.</p>
<p>25 Lamette Street (26/10/2023)</p>	<p>Proposed development is too prominent looking from the higher public footpath outside 25 Lamette Street. It will also deliver mass and bulk impact to 25 Lamette street due to the southern side extension of the subject site.</p> <p>Proposed mass and bulk will be visible from public domain and such visibility is inappropriate in the Chatswood North Heritage Conservation Area, therefore a suggestion to redesign the southern wall further away from 25 Lamette street.</p>	<p>The proposed alterations and additions are a single storey development with adequate side setbacks from the neighbouring site boundaries. The proposed development will not deliver a detrimental impact when viewed from the public domain in terms of mass and bulk.</p> <p>From a planning and heritage point of view, the proposed development is acceptable on merit.</p>
<p>25 Lamette Street (13/11/2023)</p>	<p>The objector agreed with the submission (above mentioned) made by the owner of 25 Lamette Street. Major concern has been raised in regards to the streetscape, wide width of the proposed development being too visible from the public domain (footpath), and providing 1.5m from the boundary fence between no.25 and subject site. The proposed addition will be 90 degree extension jutting from</p>	<p>The proposed alterations and additions as a single storey development with the side setbacks varying from 1.5m to 4.5m from the southern boundary which is compliant to <i>WDCP</i> controls. The proposed addition is articulated and it is not aligned to the site boundary, therefore it will not deliver a detrimental impact in terms of mass and bulk when viewed from the public domain or neighbouring</p>
<p>25 Lamette Street (13/11/2023)</p>		
<p>25 Lamette Street (13/11/2023)</p>		
<p>28 Lamette Street (13/11/2023)</p>		
<p>28 Lamette Street (13/11/2023)</p>		
<p>28 Lamette Street (13/11/2023)</p>		

Property	Issues raised	Response
22 Lamette Street (13/11/2023)	the rear of the existing dwelling which will provide detrimental impact on neighbouring properties as well as the streetscape and it will be in disharmony to Chatswood North Heritage Conservation Area.	properties. The proposed development has been assessed by Councils Heritage Officer and is acceptable on merit as per the requirement of heritage conservation area subject to conditions.
31 Lamette Street (13/11/2023)		
31 Lamette Street (13/11/2023)		
23 Lamette Street (13/11/2023)		
45 Loyal Street Cahtswood (13/11/2023)		
45 Loyal Street Cahtswood (13/11/2023)		
31 Lamette Street (7/11/2023)	The proposed development will be too close to 25 Lamette Street and it will be visible from public road carriageway and the public footpath. A suggestion to redesign the proposed development further towards northern rear yard to make it more modest in size.	The proposed alterations and additions are a single storey development with the side setbacks varying from 1.5m to 4.5m from southern boundary which is compliant to <i>WDPC</i> controls. The proposed addition is articulated and it is not aligned to the site boundary, therefore it will not deliver a detrimental impact in terms of mass and bulk when viewed from the public domain or neighbouring properties.

ATTACHMENT 4: SECTION 4.15 (79C) ASSESSMENT

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

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

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

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> State Environmental Planning Policies (SEPP) 	✓
	<ul style="list-style-type: none"> Regional Environmental Plans (REP) 	✓
	<ul style="list-style-type: none"> Local Environmental Plans (LEP) 	✓
	Comment: The proposal does not contravene any relevant matters for consideration under the provisions of any SEPPs, REPs or development standards under WLEP 2012.	
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> Draft State Environmental Planning Policies (SEPP) 	✓
	<ul style="list-style-type: none"> Draft Regional Environmental Plans (REP) 	✓
	<ul style="list-style-type: none"> Draft Local Environmental Plans (LEP) 	✓
	Comment: There are no draft SEPPs that apply to the subject land. The LEP and DCP have been considered.	
(a)(iii)	Any development control plans	
	<ul style="list-style-type: none"> Development control plans (DCPs) 	✓
	Comment: See assessment section	
(a)(iv)	Any matters prescribed by the regulations	
	<ul style="list-style-type: none"> Clause 92 EP&A Regulation-Demolition 	N/A
	<ul style="list-style-type: none"> Clause 93 EP&A Regulation-Fire Safety Considerations 	N/A
	<ul style="list-style-type: none"> Clause 94 EP&A Regulation-Fire Upgrade of Existing Buildings 	N/A
	Comment: There are no prescribed matters that affect the application.	
(b)	The likely impacts of the development	
	<ul style="list-style-type: none"> Context & setting 	✓
	<ul style="list-style-type: none"> Access, transport & traffic, parking 	✓
	<ul style="list-style-type: none"> Servicing, loading/unloading 	✓
	<ul style="list-style-type: none"> Public domain 	✓
	<ul style="list-style-type: none"> Utilities 	✓
	<ul style="list-style-type: none"> Heritage 	✓
	<ul style="list-style-type: none"> Privacy 	✓
	<ul style="list-style-type: none"> Views 	✓
	<ul style="list-style-type: none"> Solar Access 	✓
	<ul style="list-style-type: none"> Water and draining 	✓
	<ul style="list-style-type: none"> Soils 	✓
	<ul style="list-style-type: none"> Air & microclimate 	✓
	<ul style="list-style-type: none"> Flora & fauna 	✓
	<ul style="list-style-type: none"> Waste 	✓
	<ul style="list-style-type: none"> Energy 	✓
	<ul style="list-style-type: none"> Noise & vibration 	✓
	<ul style="list-style-type: none"> Natural hazards: Overland flowpath 	✓
	<ul style="list-style-type: none"> Safety, security crime prevention 	✓
	<ul style="list-style-type: none"> Social impact in the locality 	✓

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

	<ul style="list-style-type: none"> Economic impact in the locality 	✓
	<ul style="list-style-type: none"> Site design and internal design 	✓
	<ul style="list-style-type: none"> Construction 	✓
	<ul style="list-style-type: none"> Cumulative impacts 	✓
	Comment: The proposal will not result in any significant adverse impacts on adjoining or nearby properties.	
(c)	The suitability of the site for the development	
	<ul style="list-style-type: none"> Does the proposal fit in the locality? 	✓
	<ul style="list-style-type: none"> Are the site attributes conducive to this development? 	✓
	Comment: The proposal does not adversely alter the character of the locality or impact on the streetscape or heritage values of the North Chatswood Heritage Conservation Area.	
(d)	Any submissions made in accordance with this Act or the regulations	
	<ul style="list-style-type: none"> Public submissions 	✓
	<ul style="list-style-type: none"> Submissions from public authorities 	N/A
	Comment: No referrals were required to public authorities and 17 submissions were received.	
(e)	The public interest	
	<ul style="list-style-type: none"> Federal, State and Local Government interests and Community interests 	✓
	Comment: The proposal will not compromise the character of the locality and therefore approval of the application is in the public interest.	

ATTACHMENT 5: SCHEDULE OF CONDITIONS

SCHEDULE

CONDITIONS OF CONSENT:

1. Approved Plan/Details

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

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Architectural Plans	DA0.01, DA1.01, DA1.02, DA1.04, DA1.05	A	27/06/2023	Building design & Technology Pty. Ltd.
	DA1.03	B	18/03/2024	
Landscape Plan	C1	C	18/03/2024	Contour Landscape Architecture

the application form and any other supporting documentation submitted as part of the application, except for:

- (a) any modifications which are “Exempt Development” as defined under S.4.1(1) of the *Environmental Planning and Assessment Act 1979*;
- (b) otherwise provided by the conditions of this consent.
(Reason: Information and ensure compliance)

2. Compliance with National Construction Code

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

3. Construction Information Sign

A clearly visible all weather sign is required to be erected in a prominent position on the site detailing:

- (a) that unauthorised entry to the work site is prohibited;
- (b) the excavator’s and / or the demolisher’s and / or the builder’s name;
- (c) contact phone number / after hours emergency number;
- (d) licence number;
- (e) approved hours of site work; and
- (f) name, address and contact phone number of the Certifier (if other than Council)

ANY SUCH SIGN IS TO BE REMOVED WHEN THE WORK HAS BEEN COMPLETED.

Council may allow exceptions where normal use of the building/s concerned will continue with ongoing occupation, or the works approved are contained wholly within the building.

(Reason: Ensure compliance)

4. Construction Certificate

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

Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 9777 1000.

(Reason: Ensure compliance and statutory requirement)

5. Notify Council of Intention to Commence Works

In accordance with the provisions of Section 6.6 of the *Environmental Planning and Assessment Act 1979* the person having the benefit of the development consent shall appoint a Certifier and give at least 2 days' notice to Council, in writing, of the person's intention to commence the erection of the building.

(Reason: Information and ensure compliance)

6. Occupation Certificate

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

(Reason: Safety)

**DEMOLITION AND BUILDING WORK
BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

Condition

7. Submit the Following Information to Willoughby City Council

Prior to the lodgement of an application for a construction certificate, the applicant shall submit plans and specifications satisfying the following requirements to Willoughby City Council for approval. Documentation confirming approval by Willoughby City Council shall then be submitted to the Certifier for the application of a construction certificate.

- (1) The proposed garage must have minimum dimensions of 3m x 5.4m, clear of any obstructions, to comply with AS2890.1. This required dimensions and the design envelope around parked vehicle as per Figure 5.2 of AS2890.1 are to be clearly depicted on the architectural plans.
- (2) Detailed stormwater management plans prepared by a suitably qualified and experienced civil engineer showing the installation of a **10m³** rainwater re-use system in accordance with Part I of Council's *DCP* and Technical Standard No. 1. The following details must be included in the stormwater plans:
 - a) For the proposed 10m³ rainwater tank, runoff from all roof areas must be collected and directed to the tank for indoor reuse such as toilet flushing, laundry device and garden irrigation etc.
 - b) The overflow pipe from the rainwater tank must discharge to the boundary junction pit by gravity. If a charged system is proposed, the applicant must

demonstrate that a minimum operating head of 1.5m is provided between the rainwater tank's inlet pipe and the eave gutter. The invert level of the rainwater tank overflow's pipe must also be set at least 1.5m above the finished level of the boundary junction pit. Alternatively, HGL analysis using Drains must be carried out demonstrating compliance with this requirement,

- c) The stormwater outlet pipe across the nature strip must be drained by gravity. As such, invert level for the kerb discharge must be clearly depicted on the drawings,
- d) The proposed absorption system must be located at least 5m and 3m from the downstream boundary and footing of any structures to comply with Part I of the Council's *DCP*,
- e) The proposed cleanout pit must have minimum dimensions of 900mm x 900mm and be located at a minimum distance of 5m from any property boundary,
- f) The following details for the required 10m³ rainwater reuse tank shall also be included into the revised stormwater management plans:
 - i. Detailed elevation showing:
 - (Height and length and width), type, model and material of the required 10m³ rainwater tank(s).
 - all downpipes (size and invert levels)
 - level of all roof gutter (in particular the level of the lower roof)
 - internal details (eg float valve, air gap, etc)
 - overflow drainage details
 - Invert levels of both inlet and overflow pipes
 - ii. Details and specifications to include:
 - pump size and specification
 - proprietary first flush device (location and type). An acceptable type of first-flush device would be a "ball-float system" or any other similar proprietary in-line first-flush system
 - effective storage capacity
 - proposed usage

(Reason: Ensure compliance)

8. Amendments

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

- (a) Proposed window W13 is required to provide frosted glass/translucent glass treatment to a minimum height of 1.6m from F.F.L. to mitigate the privacy impact from the neighbouring property.

Plans detailing these amendments are required to be shown on the Construction Certificate plans.

(Reason: Ensure compliance)

9. S7.12 Contribution

Prior to the issue of the Construction Certificate, a monetary contribution is to be paid in accordance with section 7.12 of *Environmental Planning and Assessment Act, 1979* in the amount of \$5830 for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

This contribution is based on 1% of the Estimated Development Cost, being \$583,000 at 03/10/2023 and the adopted *Willoughby Local Infrastructure Contributions Plan*.

Indexation

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

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

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

Where:

$\$C_o$ = the original development contribution determined by the Council based on a percentage of the Estimated Development Cost, set out in the Contributions Plan

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

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

Please note that the dollar value stated applies to a payment made within the current calendar month. Any payment made in following months would have the relevant indexation (CPI Index) applied in the first instance to determine the actual amount due in the current month.

Deferred payments of contributions will not be accepted.

Prior to payment Council can provide the value of the indexed levy. Copies of the *Willoughby Local Infrastructure Contributions Plan* are available for inspection online at www.willoughby.nsw.gov.au

When you are ready to pay, please contact Council's Customer Service Centre on 9777 1000 to organise your payment.
(Reason: Statutory requirement)

10. BASIX

Where required, the BASIX certificate shall be updated to reflect any changes resulting from this consent. The updated BASIX certificate shall be submitted with the construction certificate application.
(Reason: Environmental Sustainability)

11. Sydney Water 'Tap In'

Prior to the issue of the Construction Certificate, the approved plans must be submitted online to "Sydney Water Tap In" to determine whether the development will

affect Sydney Water's sewer and water mains and to see if further requirements need to be met.

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

(Reason: Ensure compliance)

12. External Finishes – Heritage Character

All external building material shall be in colours and textures, which are compatible with the heritage character of the locality. In this regard the Schedule of Colours and Finishes submitted with the application satisfies this requirement, and is to be provided to the Registered Certifier.

(Reason: Visual amenity)

13. Heritage – New Windows and Doors

The new windows and doors in the front and side elevations shall be constructed in timber joinery. Details are to be shown on the Construction Certificate plans prior to the issue of the Construction Certificate.

(Reason: Heritage conservation)

14. Chimney to be Retained

The existing chimney is to be retained. The retention of the chimney and its supporting fireplace is to be clearly indicated on the Construction Certificate plans and details provided to the Registered Certifier.

(Reason: Heritage Conservation)

15. Retention of the existing dwelling

Prior to the issue of a Construction Certificate, Council must be satisfied that all parts of the existing dwelling proposed for retention are clearly and adequately depicted on the plans. The Applicant is to submit amended plans to Council that clearly identify the areas of the existing dwelling to be retained, including but not limited to the existing chimney and any areas highlighted in grey on the approved plans. These updated plans must be submitted to Willoughby Council for review and approval prior to the release of the Construction Certificate.

(Reason: Compliance)

16. Damage Deposit

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$6,500.00** (GST Exempt) to Council against possible damage to Council's assets and any infrastructure within the road reserve/footway during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of **\$260.00** (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

Total Payable = \$6,500.00 + \$260.00 = \$6,760.00

(Reason: Protection of public asset)

17. Stormwater Conveyed to Street Drainage

Stormwater runoff from the site shall be collected and conveyed to the street drainage system in accordance with Council's specifications. Any new drainage pipe connections to street kerb shall be made using a 125mm wide x 75mm high x 4mm thick hot dip galvanised Rectangular Hollow Section (RHS) with a grated drainage pit of minimum 450mm x 450mm provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system. All drainage works shall comply with the requirements described in Part I of Council's *DCP*, Technical Standards and AS 3500.3. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site shall be shown on the Construction Certificate plans.

(Reason: Stormwater control)

18. Detailed Stormwater Management Plan Including Rainwater Tank (SWMP)

Prior to the issue of the Construction Certificate, submit for approval by the Certifier, detailed stormwater management plans for collection of stormwater drainage from the site and connection to the kerb and gutter. The plans shall include a rainwater re-use tank(s) system with a minimum storage volume of 10m³, in accordance with Sydney Water's requirements, Part I of the *Willoughby DCP* and Technical Standard No. 1. Runoff from all roof areas shall be directed to the tank(s). The rainwater reuse tank system shall be connected to supply non-potable use including flushing of toilets, laundry use, landscape irrigation and car washing. Overflow from the rainwater tank(s) shall be directed to the receiving stormwater system by gravity. Any above ground rainwater re-use tank shall be located behind the front alignment of the building to which the tank is connected.

The construction drawings and specifications shall be prepared by a qualified and experienced civil engineer shall be in accordance with Part I of the *Willoughby DCP*, Technical Standard 1, AS/NZS 3500.3 – *Plumbing and Drainage Code*, Sydney Water's requirements and the National Construction Code.

(Reason: Ensure compliance)

19. Splay Corner for Fence

In order to ensure adequate sight distances for pedestrians and traffic in the frontage road, the boundary fence shall be designed and constructed with a minimum clear splay of 1m x 1m on both sides of the driveway exit or the fence shall have a maximum height of 1.2m. Details demonstrating compliance are to be submitted with the construction certificate application.

(Reason: Pedestrian safety)

20. Amended Plans

Prior to the issue of a Construction Certificate, plans shall be submitted to and approved by the Certifying Authority showing:

- (a) The rainwater tanks setback at least 1m behind the front building line and is to be screened with suitable planting so as not to be visible from the street. Screen planting species shall be capable of mature height of at least 2.5m and have minimum container size of 200mm;
- (b) The Absorption Trench located at least 4 metres from the trunk of Tree 3.

(Reason: Landscape amenity)

BEFORE WORKS COMMENCE

Condition

21. Licensee Details

The name, address and contractor licence number of the licensee who has contracted to carry out the work or the name and permit number of the owner-builder who intends to carry out the work shall be furnished in writing to the Certifier prior to commencement of work. N.B. Should changes be made for the carrying out of the work the Certifier must be immediately informed.

(Reason: Information)

22. Dilapidation Report of Adjoining Properties

Prior to commencement of work, submit a photographic survey and report of the adjoining properties No. 29 Lamette Street, 25 Lamette Street, 404A Penshurst Street, 404 Penshurst Street and 400 Penshurst Street to the Certifier and all owners of these adjoining properties. Such photographic survey and report shall be prepared by a suitably qualified person, detailing the physical condition of these properties, both internal and external including items as walls, ceilings, roof, structural members and other items as necessary.

In the event of a property owner refusing to allow access to carry out the photographic survey, the proponent must demonstrate in writing to the Certifier, and provide a copy to Council, that the purpose of the survey was made clear to the property owner and that reasonable attempts to obtain access were made.

(Reason: Protection of adjoining owners)

23. Asbestos Sign to be Erected

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

(Reason: Public Health and safety/Ensure compliance)

24. Neighbour Notification of Asbestos Removal

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

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

(Reason: Public health)

25. Report Existing Damages on Council's Property

Prior to commencement of any works on site, submit to Council and the Principal Certifier a report with digital photographs of any existing damages to Council's assets fronting the property and the immediate adjoining properties. Failure to do so will

result in the applicant being liable for any construction related damages to these assets. In this respect, the damage deposit lodged by the applicant may be used by Council to repair such damages.

(Reasons: Protection of Council's Infrastructure)

26. Permits and Approvals Required

Application is to be made to Council's Infrastructure Services Division for the following approvals and permits as appropriate:

- (a) Permit to erect Builder's hoarding where buildings are to be erected or demolished within 3.50m of the street alignment. Applications are to include current fees and are to be received at least 21 days before commencement of the construction.
- (b) Permit to stand mobile cranes and/or other major plant on public roads. Applications are to include current fees and security deposits and are to be received at least seven days before the proposed use. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and TfNSW. A separate written application to work outside normal hours must be submitted for approval.

It should also be noted that, in some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.

- (c) Permit to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever. All applications are to include current fees. (Minimum one (1) weeks' notice required.)
- (d) Permit to place skip/waste bin on footpath and/or nature strip. (Maximum three (3) days).
- (e) Permit to work and/or place building materials on footpath and/or nature strip. (Maximum two (2) weeks).
- (f) Permit to establish Works Zone on Public Roads adjacent to the Development including use of footpath area. Applications must be received by Council at least twenty-one days prior to the zone being required. The application will then be referred to the Council's Local Traffic Committee for approval, which may include special conditions.
- (g) Permit to construct vehicular crossings over Council's footpath, road or nature strip.
- (h) Permit to install ground anchors beneath the road reserve.

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

(Reason: Legal requirements)

27. Underground Utility Services

Where excavation is proposed, locate and establish the size and levels of all utility services in the footpath and road reserve. Contact "Dial Before You Dig" Service" prior to commencement of any works.

All adjustments to public utilities' mains and services as a consequence of the development and associated construction works shall be at the full cost to the applicant.

(Reason: Protection of utilities)

28. Project Arborist

- (a) A Project Arborist is to be appointed prior to commencement of works on site;
- (b) The Project Arborist is to have a minimum qualification AQF Level 5;
- (c) The Project Arborist is to oversee and authorise all tree protection works detailed in the Arboricultural Impact Assessment and Tree Management Plan dated 19/4/2024 prepared by Horticultural management Services, and AS4970-2009 *Protection of trees on development sites* and relevant conditions of consent;
- (d) The Project Arborist is to certify that all tree protection measures have been installed prior to commencement of works.

(Reason: Safety, environmental protection, landscape amenity)

DURING DEMOLITION AND BUILDING WORK

Condition

29. Hours of Work

All construction/demolition work relating to this Development Consent within the City, unless varied by an Out of Hours Work Permit, must be carried out only between the hours of 7 am to 5 pm Mondays to Fridays and 7 am to 12 noon on Saturdays. No work is permitted on Sundays or Public Holidays.

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

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

(Reason: Ensure compliance and amenity)

30. Building Site Fencing

Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5m). Temporary fences are to have a minimum height of 1.8m and be constructed of cyclone wire or similar with fabric attached to the inside of the fence to provide dust control.

Fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible. All parts of the fence, including the fencing blocks shall be located wholly within the property boundaries.

The public safety provisions and temporary fences must be in place and be maintained throughout construction.

(Reason: Safety)

31. Provide Erosion and Sediment Control

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

(Reason: Environmental protection)

32. Suitable Screens

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

(Reason: Maintain amenity to adjoining properties)

33. Demolition Work AS 2601-2001

Any demolition must be carried out in accordance with AS 2601 – 2001, *The demolition of structures*.

(Reason: Safety)

34. Rock Hammering/Sawing

Having regard to the residential nature of surrounding area rock sawing is to be used in preference to rock hammering during the excavation/construction phase of the development.

Careful consideration must be given to the methods and practices used during excavation and construction. All work must be done in a way that prevents any damage to neighbouring properties, ensuring their safety and stability throughout the project.

(Reason: Amenity)

35. Asbestos Removal and Disposal

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

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

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

Upon completion of the asbestos removal and disposal the applicant must furnish the Certifier with a copy of all receipts issued by the waste disposal site as evidence of proper disposal.

(Reason: Environmental protection/Public health and safety)

36. Road and Footpath

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

(Reason: Maintain public safety)

37. No Storage or Parking on Footway/Nature Strip

Building materials, plant and equipment and builder's waste, are not to be placed or stored at any time on Council's footpath, nature strip or roadway adjacent to building sites unless prior written approval has been granted by Council.

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

(Reason: Safety)

38. Skips and Bins

Rubbish skips or bins are not to be placed on Council's footpath, nature strip or roadway unless prior written approval has been granted by Council.

(Reason: Safety)

39. Excavations and Backfilling

All excavations and backfilling associated with the erection or demolition of a building must be executed safely, and must be properly guarded and protected to prevent them from being dangerous to life or property.

(Reason: Safety)

40. Swimming Pool Safety During Construction

The swimming pool is to be made safe during the construction of the dwelling, by the erection of a temporary safety fence to the satisfaction of the registered certifier.

(Reason: Safety)

41. Swimming Pool Notice

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

- (a) Appropriate instructions of artificial resuscitation methods.

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

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

(Reason: Safety)

42. Erection Wholly within the Boundaries

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

(Reason: Ensure compliance)

43. Sweep & Clean Pavement

Sweep and clean pavement surface adjacent to the ingress and egress points of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council.

(Reason: Legal requirement)

44. Street Signs

The applicant is responsible for the protection of all regulatory / parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works are to be replaced at full cost to the applicant.

(Reason: Protection of public assets)

45. Maintenance of Nature Strip

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

(Reason: Public amenity and safety)

46. Tree Removal

Approval is given for the removal of the following trees as identified on the Landscape Plan Dwg. No. C1 rev. C dated 18/3/2024 Prepared by Contour Landscape Architecture:

Trees 4, 5, 6, 7, 8 & 9.

(Reason: Site development)

47. Tree Trunk, Branch and Root Protection

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

- (b) The above trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.
- (c) Tree protection measures must comply with in the Arboricultural Impact Assessment and Tree Management Plan dated 19/4/2024 prepared by Horticultural management Services, and AS 4970-2009 Protection of trees on development sites with particular reference to Section 4 Tree Protection Measures.
- (d) Tree protection measures in accordance with (c) above are to be certified by the Project Arborist prior to commencement of works.
- (e) Tree roots greater than 25mm diameter are not to be removed unless approved by The Project Arborist on site.
- (f) All structures are to bridge roots unless directed by The Project Arborist on site.

(Reason: Tree management)

48. Existing Landscaped Gardens

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

(Reason: Landscape protection)

49. Rainwater Tank Screening

As per *Willoughby DCP Part I Stormwater Management*, Rainwater tanks must be positioned or screened so as not to be visible from the street frontage.

The rainwater tanks shall be setback at least 1m behind the front building line and is to be screened with suitable planting so as not to be visible from the street. Screen planting species shall be capable of mature height of at least 2.5m and have minimum container size of 200mm.

(Reason: Landscape amenity)

50. Absorption Trench Offset from Tree

For protection of the root system of Tree 3 the stormwater Absorption Trench shall be located at least 4 metres from the trunk of the tree. The Project shall supervise all excavation for stormwater services within the tree protection zone (TPZ).

(Reason: Tree protection)

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition

51. Automatic Fire Detection

Prior to the issue of any relevant Occupation Certificate, an automatic fire detection and alarm system complying with Part H3D6 of the Housing Provisions or smoke alarms complying with AS 3786 connected to the mains electricity and having a stand by power supply shall be provided to the dwelling. Smoke alarms must be interconnected and installed in a Class 1 building on or near the ceiling in:

- (a) any storey containing bedrooms
 - (i) between each part of the dwelling containing bedrooms and the remainder of the dwelling;
 - (ii) where the bedrooms are served by a hallway, in the hallway.
 - (b) any other storey not containing bedrooms.
- (Reason: Safety)

52. Surface Water Runoff

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

(Reason: Health and amenity)

53. BASIX Certificate

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

(Reason: Environmental sustainability)

54. Rainwater Re-use – 10kL tank

Prior to the issue of any Occupation Certificate pertaining to any works other than internal renovations, and in perpetuity, the applicant shall supply and install rainwater re-use tanks with a minimum storage volume of 10m³ in accordance with the approved stormwater management plans, Sydney Water's requirements and Part I of Council's *DCP* and Technical Standards 1 and 2. The rainwater reuse system shall be connected to supply non-potable use including, but not limited to laundry use, toilet flushing, washing of vehicles and landscape irrigation. Any above ground rainwater tanks shall be located behind the front alignment of the building to which the tank is connected. Runoff from all roof areas shall drain to the rainwater tank(s).

(Reason: Ensure compliance and stormwater management)

55. Sign for Rainwater System

Prior to the issue of any Occupation Certificate pertaining to any works requiring a Rainwater Reuse system, an aluminium plaque measuring no less than 400mm x 200mm is to be permanently attached and displayed within the immediate vicinity of the rainwater tank/s.

The wording for the plaque shall state *"This is the rainwater retention and reuse system required by Willoughby City Council. It is an offence to alter any part of the system without written consent from Council. The registered proprietor shall keep the system in good working order by regular maintenance including removal of debris"*.

(Reason: Prevent unlawful alteration)

56. Certification of Rainwater Reuse System

Prior to the issue of any Occupation Certificate pertaining to any works requiring a Rainwater Reuse system and upon completion of the Rainwater Retention and Reuse System, a licensed plumber shall certify that the rainwater retention and reuse system has been constructed in accordance with the approved stormwater management plans and that the as-built system has been fitted with proprietary first flush device and connected to non-potable use including toilet flushing, laundry and

landscape irrigation. All plumbing/drainage works shall be carried out which comply with the current plumbing requirements of Sydney Water and the National Construction Code Volume 3.

(Reason: Record of works)

57. Works-As-Executed Plans – Rainwater Reuse

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

- (a) Work-as-executed plans based on the approved stormwater plans from a registered surveyor to verify that the volume of storage, invert levels of inlet, overflow pipes and discharge outlet are constructed in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved stormwater plans.
- (b) Plumber's certification that the Rainwater Reuse system has been fitted with proprietary first flush device and connected to non-potable use including toilet flushing, laundry and landscape irrigation. The Certificate shall detail the number and type of fixtures connected to the tank. All works completed shall comply with the current plumbing requirements of Sydney Water and the National Construction Code Volume 3.

(Reason: Record of works)

58. Splay Corner for Fence

Prior to the issue of any Occupation Certificate for any works / structures located forward of the building line including car spaces and in order to ensure adequate sight distances for pedestrians and traffic in the frontage road, the boundary fence shall be constructed with a minimum clear splay of 1m x 1m on both sides of the driveway exit or the fence shall have a maximum height of 1.2m above the adjacent ground level.

(Reason: Pedestrian safety)

59. Removal of Redundant Crossings

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

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

(Reason: Public amenity)

60. Turfing of Nature Strip

Prior to the issue of a Whole Occupation Certificate and in the event of damages to the grass verge during works, trim the strip of land between the property boundary and the road, spread topsoil on top of the trimmed surface and lay approved turfing on the prepared surfaces. The turf shall be protected from vehicular traffic and kept watered until established.

(Reason: Public amenity)

61. Vehicular Access and Garaging

Driveways and vehicular access ramps shall be designed to provide adequate ground clearance to the underside of B85 vehicles. In all respects, prior to the issue of any Occupation Certificate, the proposed vehicle access, including any parking spaces, shall be designed and constructed to comply with the minimum requirements of AS/NZS 2890.1 and Council's standard specification. Any columns, walls or fences shall be located in positions that comply with Figure 5.2 AS/NZS 2890.1.

(Reason: Vehicular access)

62. Public Infrastructure Restoration

Prior to the release of the Damage Deposit, any damaged public infrastructure caused as a result of the construction and development works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) must be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

(Reason: Protection of public assets)

63. Tree Planting

Prior to the issue of a Whole Occupation Certificate, trees are to be planted in accordance with the following table:

No. Required	Species	Location	Min Pot Size
All trees	As indicated on Landscape Plan Dwg No. C1 Rev. C dated 18/3/2024 prepared by Contour Landscape Architecture	As indicated on the Landscape Plan	As indicated on the Landscape Plan

(Reason: Landscape amenity)

64. Project Arborist Certification

Prior to the issue of any Occupation Certificate, the Project Arborist is to certify in writing that all tree protection measures and remediation works have been complied with as per conditions of consent.

(Reason: Protection of trees required to be retained)

65. Completion of Landscape Works

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

(Reason: Landscape amenity)

OCCUPATION AND ONGOING USE

Condition

66. Heritage – Maintain Portion of Existing Building and No Demolition of Extra Fabric

Alterations to, and demolition of, the existing building shall be limited to that documented on the approved plans (by way of notation) or conditioned in this consent.

No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown (coloured in grey) to be retained.

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

(Reason: Heritage conservation and Ensure compliance)

67. No Painting or Rendering of Masonry or Stone

No painting or rendering shall be permitted to masonry or stone surfaces which have not previously been painted or rendered.

(Reason: Heritage conservation)

68. Stormwater Kerb Outlet

New stormwater connection outlets at the street kerb shall be made using 125mm wide x 75mm high x 4mm thick hot dip galvanised Rectangular Hollow Section (RHS). Where there are multiple outlets required, a minimum distance of 100mm shall separate these outlets. A grated drainage pit (min. 450mm x 450mm) shall be provided within and adjacent to the property boundary prior to discharging to the Council's drainage system.

(Reason: Protection of public asset)

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

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

(Reason: Ensure compliance)

ATTACHMENT 6: NOTIFICATION MAP



Record of Neighbour Notifications sent relating to:

DA: 2023/271

At: 27 Lamette Street, CHATSWOOD NSW 2067.

