



general
purpose
committee

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section

environment

GENERAL PURPOSE COMMITTEE - ENVIRONMENT

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ITEM: 68 **Demolition of Existing Structures, Construction of 6 (Six) Townhouses and Strata Subdivision, Lot 2 DP 564874, 40A Bosworth Street, Richmond**

FILE NUMBER: DA0575/03/EVD/ENI30LAX.V11

Applicant: Averal Pty Ltd
Applicants Rep: Mr Bob Tchadovitch/Mr Orhan Kaba
Owner: Mr P and Mrs L Tchadovitch
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
 Draft Hawkesbury Local Environmental Plan 1989 -
 Amendment No 130
 Sydney Regional Environmental Plan No. 20 (No. 2 - 1997)
Area: 1995sqm (1680sqm ex access handle)
Zone: Residential 2(a)
Advertising: 24 June - 8 July 2003
Date Received: 23 May 2003

Key Issues: Draft Amendment No 130

Action: Approval subject to conditions.

REPORT:

Introduction

Council has received an application seeking consent for the demolition of an existing dwelling and associated ancillary structures, the construction of 6 (six) townhouses and the strata subdivision of 40A Bosworth Street, Richmond.

This matter is being reported to Council due to the effect of Draft Hawkesbury Local Environmental Plan 1989 - Amendment 130. The report will detail the proposal, the current statutory situation and provide an assessment of the application in accordance with Section 79C (1) of the Environmental Planning and Assessment Act 1979.

The Proposal

The development involves the demolition of an existing single storey brick with tile roof duplex and associated outbuildings, the erection of 6 (six) townhouses and the strata subdivision of the resultant development.

The townhouses have a floor area of between 140 - 155sqm (one hundred and forty to one hundred and fifty five square metres), contain 3 (three) bedrooms and are to be constructed of rendered and painted external brick walls and corrugated sheet metal roofing.

The development is to be accessed via a central driveway along the existing battle axe handle between No.s 40 and 42 Bosworth Street. 2 (two) covered car parking spaces per townhouse have been provided in addition to 2 (two) visitor spaces.

The strata subdivision consists of 6 (six) lots varying from approximately 170sqm (one hundred and seventy) to 230sqm (two hundred and thirty) with the balance of the site being common property.

Description of the Site

The property is located on the eastern side of Bosworth Street, Richmond, approximately 100 (one hundred) metres south of the intersection of Bosworth Street and March Street. The property has an area of 1995sqm consisting of a 48 metre long access handle and a large rectangular area measuring approximately 49.5 metre long by 34 metre wide. The site is relatively flat and slopes slightly to the north and north-east.

The property is located above the 1 in 100 (one in one hundred) year flood event level and is within an insignificant bushfire risk area. Bosworth Street is defined as a main road.

Surrounding development primarily consists of single and 2 (two) storey dwellings, dual occupancies, villas and townhouses. Heritage listed buildings are located to the east, north and west. The closest being a single storey dwelling immediately to the west at 42 Bosworth Street.

Statutory Situation

Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

The subject land is zoned Residential 2(a). The proposed development is defined as demolition, residential flat building class B, and subdivision. These landuses are permissible with consent in the Residential 2(a) zone.

Clause 9A of HLEP 1989 provides the objectives of the Residential 2(a) zone which are:

1. *To provide for housing and associated facilities in locations of high amenity and accessibility*
2. *To enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale and character; and.*
3. *To ensure that development does not create unreasonable demands, in the present or future, for the provision or extension of public amenities or services.*

Other relevant clauses of HLEP 1989 are Clause 10 Subdivision - General Provisions, Clause 12 Residential subdivision - general provisions, Clause 16 Erection of residential flat buildings Class B and C, Clause 18 Provision of water, sewerage etc services, Clause 21 Danger of bushfire, Clause 22 Development fronting a main or arterial road, Clause 28 Development in the vicinity of heritage items, and Clause 37 Land affected by aircraft noise.

Draft HLEP 1989 - Amendment No. 130

This draft plan is presently on exhibition and is therefore a matter for statutory consideration under section 79C of the Act.

The General Purpose Committee of Council resolved on 26 August 2003 that:-

"That exhibition of the Draft Amendment 130 be a factor for determination in considering of applications for medium density housing."

The subject site is within the proposed Housing zone and therefore the proposed development would be prohibited by Amendment No. 130.

The application was received on 23 May 2003 i.e. prior to the exhibition of the draft plan.

The objectives of the proposed Housing zone are:

- (a) *to provide for low density housing and associated facilities in locations of high amenity and accessibility;*
- (b) *to protect the character of traditional residential development and streetscapes;*
- (c) *to ensure that new development retains and enhances the existing character;*
- (d) *to ensure that development is sympathetic to the natural amenity and ecological processes of the area;*
- (e) *to enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale and character;*
- (f) *to control subdivision so that the provision for water supply and sewerage disposal on each resultant lot is satisfactory to the Council;*
- (g) *to ensure that development does not create unreasonable demands, in the present or in the future, for provision or extension of public amenities or services.*

Sydney Regional Environmental Plan No. 20 (No.2 -1997)

The subject site falls within the Middle Nepean Hawkesbury River Catchment area defined by SREP No. 20 (No. 2 - 1997).

The aim of SREP NO. 20 is to protect the environment of the Hawkesbury - Nepean River system by ensuring that the impacts of future landuses are considered in a regional context. It contains general and specific matters for considerations, specific planning policies, recommended strategies and development controls which are to be considered in the assessment of a development application.

The proposal is consistent with the aims of the plan as well as the general and specific planning policies, recommended strategies and development controls.

State Environmental Planning Policy No. 1 (SEPP No.1)

The applicant has submitted an objection made under SEPP No. 1 to the minimum lot size provisions of Clause 12(1)(a) of HLEP 1989.

Clause 12(1)(a) requires that lots have a minimum area of 450sqm (four hundred and fifty). The proposed strata subdivision provides for lots less than 450sqm (four hundred and fifty).

In summary the applicant argues that the development standard is unreasonable and unnecessary because:

Strict compliance would be contrary to the Council's residential housing strategy and contrary to the land use tables which identify the form of housing as permissible.

Whilst the lot sizes appear small, they are realistically relevant to the buildings and are not contrived to better achieve technical or numerical compliance.

The strata subdivision proposed is in fact compatible in land area and dimensions with that of existing surrounding medium density developments.

The strata subdivision proposed in land area and dimensions is consistent with the existing and desired future character of the area.

The strata subdivision proposed in land area and dimensions for all the allotments to be created are considered appropriate with the proposed and established built form.

The amenity of the occupants of the units would not be prejudiced by way of the land area and dimensions of the allotments that will be created.

Hawkesbury Development Control Plan

Relevant chapters of the Hawkesbury DCP include General Information, Notification, Landscaping, Soil Erosion and Sedimentation Control, Energy Efficiency, Car Parking and Access, and Residential Development.

General Information and Notification Chapter

The applicant has provided sufficient information for Council to assess the application. The application was publicly exhibited for the period 24 June to 8 July 2003. No submissions were received.

Landscaping Chapter and Soil Erosion and Sedimentation Control Chapter

It is considered that the landscaping plan and the soil erosion and sedimentation control plan demonstrate satisfactory compliance with the provisions of these chapters.

Energy Efficiency Chapter

The applicant has submitted a NatHERS assessment and Energy Performance Statement demonstrating satisfactory compliance with Sections 6.3 and 6.6. Taking into consideration the exemptions available in Section 6.7 is it considered that the orientation of the proposed buildings and shadow diagrams submitted with the application demonstrate adequate compliance with the solar access provisions of Section 6.4. The landscaping plan demonstrates satisfactory compliance with Section 6.5.

Car Parking Chapter

All resident and visitor vehicles accessing the site can enter and exit the site in a forward direction without causing significant interference with vehicular and pedestrian movement on Bosworth Street.

Section 2.5.1 requires 2 (two) covered parking spaces per dwelling and 2 (two) visitor parking spaces for the proposed development. These spaces have been provided.

Section 2.6 requires that driveways be located at least 1 (one) metre from adjoining property boundaries. A small portion of the proposed driveway at the front and rear of the access handle and approximately half way along the access handle is within 1 (one) metre of the boundary. This encroachment is due to the narrow width of the handle and the requirements of Council for the provision of a 6 (six) metre wide driveway at the front of the site as well as passing and turning areas within the site. Neighbouring land either side of these encroachments is used for driveways or side and rear yards. In the circumstances of the case it is considered that these minor encroachments are acceptable.

It is therefore, considered that the proposed car parking arrangements achieve satisfactory compliance with the aims, objectives, access considerations and acceptable design solutions of this chapter.

Residential Development Chapter

Relevant rules of this Chapter are as follows:

Element	Rules	Provides	Complies
Height	New buildings are to be constructed within the <u>Building Height Plane</u> for the relevant residential use. The <u>Building Height Plane</u> is to be adjusted for sloping sites to follow the natural ground level.	Height All dwellings are located within the building height plane.	Yes
Setbacks	For internal lots the general setback from the rear boundary of the property in front is to be 6 metres	Setback provided is 6 - 6.4m	Yes

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Landscaped Areas	All forms of residential development are to contain pervious soft <u>landscaped areas</u> to a total of 30% of the total site area. This may be calculated by adding together soft <u>landscaped areas</u> of private and <u>common open space</u>. Development proposals, where required, are to indicate the proportion of the total site area that is: - total "soft" <u>landscaped area</u>; - total ground level <u>private open space</u>; and - total common open space.	<u>Site size</u> = 1995sqm however excluding access handle site area is 1680sqm. <u>Required soft pervious landscape area</u> = 599sqm. (30%) (Based on site area of 1995sqm) <u>Provided pervious landscaped area</u> = Approx 650sqm. (33%)	Yes
Private Open Space	Single dwelling houses and multi unit housing are to provide at least one area of <u>private open space</u> for each dwelling. The total of <u>private open space</u> at ground level must be a minimum of 20% of the site area, regardless of permeability of the surface. This space must: be capable of containing a rectangle 5 metres x 6 metres that has a slope less than 1:10;	One private open space area has been provided for each dwelling <u>Required total private open space area</u> = 336sqm (20%) (Based on site area of 1680m2) <u>Provided total private open space area</u> = approx 466sqm(28%) 5m x 6m rectangle achieved within private open space areas	Yes Yes Yes

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	- not be comprised of any area with a dimension less than 4 metres; and - be exclusive of clothes drying areas, driveways, car parking and other utility areas.	Calculated private open space area has a minimum dimension of equal to or greater than 4m Calculated private open space area is exclusive of driveways, clothes drying, car parking and utility areas.	Yes Yes
Common Use Open Space	or developments proposals that contain five or more dwellings common use open space is required. Concession may be given where it is demonstrated that sufficient useable private open for each dwelling has been provided.	No designated common use open space with recreational facilities have been provided. However, approx 28% of the site has been devoted to private open space and 33% to soft landscaping.	Yes - common use open space considered unnecessary
Access and Parking	Driveways next to any side or rear boundary must have a landscape strip of at least 1 metre to separate them.	See discussion above	No, however minor variation considered acceptable

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	Shared driveways, access lanes and car parks must be setback a minimum of 1.5 metres from windows to main habitable rooms of dwellings. This standard does not apply if the floor level of the dwelling is at least 1 metre above the driveway	Visitor car space No. 2 is within 1.5m of Unit 1 Lounge and family room window, and share driveway required for garbage truck reserving area is within 1.5m of Unit 4 Lounge window.	No, however minor variation considered acceptable given infrequency of use of these areas and availability of other habitable areas within these Units
	All driveways must have a minimum width of 3 metres and must be sealed to prevent surface erosion.	The driveway has a minimum width of 3.5m and is to be sealed	Yes
	For development that contains more than 2 units driveways are to have a minimum driveway width of 6m from the layback/kerb line to 6m inside the property.	First 6m of driveway is at least 6m wide	Yes
	Garages and carports must not visually dominate the street facade, should occupy less than 50% of the building facade and must be compatible with the building design.	Garages will not be readily seen from street frontage, occupy less than 50% of the street façade, and are integrated into the building design	Yes

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	Uncovered car parking spaces and turning areas can be located within the front setback to the required building line provided that this area is dominated by landscaping and/or addresses established streetscape patterns.	Two uncovered visitor parking spaces are within the setback to the rear of 40 Bosworth Street. This space is adequately screened by landscaping and separated from 40 Bosworth Street by a 1800mm high fence.	Yes
	Where parking spaces are located at 90° to the driveway alignment the minimum driveway width adjacent to the space is to be 6.7m, increased as necessary to allow adequate manoeuvring on site.	Minimum 6.7m has been provided and manoeuvring areas are adequate.	Yes
	On site manoeuvring areas shall be provided to allow entry and exit to the site in a forward direction.	Vehicles can enter and exit the site in a forward direction.	Yes
	On site manoeuvring areas shall be provided to allow entry and exit to and from all car spaces including garage, carports, uncovered spaces and visitor spaces by a single turning movement.	This can be achieved.	Yes
	Where more than 3 units are served by an access or the access is greater than 30m long, a turning area shall be provided at or near the end of the access.	A passing bay has been provided midway along the access handle and a turning area has been provided within the vicinity of Units 3 and 4.	Yes

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	On site manoeuvring shall be based on the Ausroads Standard 5.0m design vehicle. Templates for this standard are provided in the appendices. When using the templates a minimum of 150mm shall be provided between any fixed object and the extremities of the swept paths. All on site car spaces shall comply with the minimum dimensions set out in Part C Chapter 2 (Car Parking and Access). Where a space adjoins a wall, fence or other fixed structures, the width shall be increased as follows to allow adequate door opening: • On one side only to 3.2m. • On both sides to 3.8m.	On-site manoeuvring is satisfactory. Minimum dimensions of 5.5m long by 6.4m wide per double have been provided.	Yes Yes
Visual Amenity	Where there is potential for loss of privacy the proposal should incorporate some of the techniques illustrated in the DCP. Where there is no alternative to a window, it should be screened.	Adequate privacy maintained within the site and external to the site by way of location of landscaping, and placement and orientation of the buildings and first floor windows Due to above, screening of windows is not considered necessary.	Yes Yes
Acoustic Privacy	Acoustic privacy is to be considered at the design stage.	Adequate acoustic privacy between dwellings and external to the site has been achieved	Yes

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	Site layouts should ensure parking areas, streets and shared driveways have a line of sight separation of at least 3 metres from bedroom windows A distance of at least 3 metres should separate openings of adjacent dwellings.	Bedrooms are to be located on the first floor and are separated by more than 3m from parking areas streets and shared driveways. 3m separation achieved except for laundry window and door and first floor ensuite window for Units 1 & 2 and 5 & 6.	Yes No, minor variation considered acceptable given use of rooms and objective of rule to protect bedrooms
External Noise and Vibration	External Noise and Vibration Proposals must comply with the current Environment Protection Authority criteria and the current relevant Australian Standards for noise and vibration and quality assurance and incorporate appropriate mitigation measures.	Applicant has submitted a Noise Assessment demonstrating compliance with AS2107 -2000 relative to internal sound levels and reverberation within proximity to main roads	Yes
Safety and Security	Each dwelling is to be provided with direct and convenient pedestrian access to a private or public road. Barriers to prevent movement between internal roof spaces of adjoining dwellings are required. Elements to be incorporated in site and building design and include:	Suitable access has been provided Barriers are to be provided in accordance with the provisions of the BCA	Yes Yes

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	• doorway/entry safety and surveillance to and from the footpath • illumination of public spaces including all pedestrian paths, shared areas, parking areas and building entries to the relevant Australian Standard • visibility to the street from the front of the development • restricted access to the rear of the site.	Adequate surveillance of Bosworth Street and within the site is achieved Proposal does not require additional illumination See above comments Access to rear of individual lots is appropriately restricted by way of fencing of private open space areas	Yes Yes Yes Yes
Cables	The design, location and construction of utility services must satisfactorily meet the requirements of both the relevant servicing authority and Council.	This can be achieved	Yes
Recycling, garbage and mail	Collection areas must be integrated into the overall site and building design, such as the example shown.	Recycling, garbage and mail area can be readily integrated into the proposed development. Garbage and recycling collection discussed in greater detail later.	Yes

Development Control Plan - Contaminated Land Policy and SEPP No. 55

The property appears to have been used for typical domestic activities for many years including a large domestic fruit and vegetable garden in the rear yard. The location of the garden will be substantially covered by either concrete slabs for the proposed units or the driveway and the soil structure of the garden appears to be a sandy loam with good drainage. Given these factors it is considered that the potential for site contamination is very low and that the land in its present state is suitable for the proposed development.

Community Consultation

The application was publicly exhibited from 24 June - 8 July 2003. No submissions were received.

Planning AssessmentImpact on the Environment*Context and Setting*

Surrounding development primarily consists of single and 2 (two) storey dwellings, dual occupancies, villas and townhouses. Of particular note is that immediately to the east is a large townhouse development, and within the close proximity properties to the north have been developed with villas and dual occupancy, across the road to the west is a two storey motel development.

It is considered that the architectural merit, bulk, scale, mass and density of the proposed development is consistent with expectations for residential development within the City and is compatible with the surrounding built form. It is also considered that the proposed development will not adversely impact upon the visual character of the area and the proposed buildings have been sited and designed so as to minimise disturbance of the landscape and not intrude into the skyline.

The shadow diagrams submitted with the application demonstrate that the extent and duration of the additional overshadowing of properties to the east, south and west will not be significant or unreasonable.

Rooms which have the potential to impact upon the privacy of neighbours are confined to first floor bedrooms which are typically occupied during night-time hours with curtains/blinds obscuring views or infrequently occupied during daylight hours.

In summary, it is considered that the proposed development is consistent and compatible with the surrounding development pattern and that surrounding properties will not be significantly or unreasonably impacted upon in terms of sunlight access, overshadowing, loss of visual and acoustic privacy, loss of views and vistas.

Access, Transport and Traffic

Resident and visitor off-street parking has been provided in compliance with Hawkesbury's Development Control Plan and vehicles can readily enter and exit the site in a forward direction. Access to the site is considered satisfactory in relation to minimising interference with pedestrian or vehicular movements on Bosworth Street and minimising queuing. It is noted that turning right from the site may be difficult at peak times, however, by turning left alternative paths of travel are readily available for the desired destination.

It is considered that the traffic generated by the proposal will not significantly increase traffic volumes in Bosworth Street or on the surrounding road networks.

Public Domain

Section 94 contributions will be imposed on the development to ensure that adequate provision can be made for the provision of open space, recreational facilities and community facilities likely to be used by the future residents.

Utilities

Water, sewerage, electricity and telephone services can be provided by relevant authorities/carriers.

A Council domestic garbage and recycling collection service cannot be provided to the site because there is no area available at the front of the site for a safe and convenient kerb side collection point, Council's collection vehicles do not enter private land for collection due to possible damage caused to the driveway pavement and subsequent claims against Council, and notwithstanding this the site is too small for Council trucks to turn around within the site so as to exit in a forward direction.

A "No Standing" area is immediately to the north and south of the site thus prohibiting drivers from leaving their vehicles parked on the road for the collection of bins within the site.

The applicant has advised that the development is to be serviced by a licensed private contractor with a small rigid truck which is able to collect the bins from within the site and enter and exit the site in a forward direction.

The concept stormwater design requires easements from downstream landowners. The applicant has provided documentary evidence of agreements with the affected landowners for such easement.

Heritage

The applicant has provided a Statement of Heritage Impact in support of the proposed development. The Statement examined the likely impacts of the development on surrounding heritage items, in particular Mortimer's Cottage at 42 Bosworth Street. The Statement concludes that the impacts of the development on the setting and significance of Mortimer's Cottage will be "slight and virtually non-existent in the general course of viewing".

Council's Heritage Advisor has examined the application and concurs with the findings of the Statement of Heritage Impact.

Soils and Air and Microclimate

The soil characteristics and qualities of the site are suitable for the proposed development and the existing and likely future air quality and microclimate conditions of the locality are suitable for the proposed development.

Energy, Noise and Vibration, Construction and Waste

The design of the development achieves satisfactory performance in terms of energy efficiency and the development will not create offensive noise pollution or vibration. Construction is not expected to unreasonably impact upon surrounding neighbours and waste management during the

construction phase of the development can be controlled by conditions of consent.

The site is located within the 20-25 ANEF contour as advised to Council by the RAAF. It is recommended that as a condition of consent the applicant provide a report from an acoustical consultant demonstrating that the development will comply with AS2021 -1994 Acoustics - Aircraft noise intrusion - Building siting and construction.

Natural and Technological Hazards

The property is above the 1:100 (one in one hundred) year flood event level for the area and is not subject to subsidence or slip. As the property is within an insignificant bush fire risk area and not within a bushfire prone area. It is considered that the risk and hazard of bush fire does not make the property unsuitable for the proposed development.

Safety, Security and Crime prevention

The development provides appropriate opportunity for natural surveillance of Bosworth Street, the access handle and within the site.

Social and Economic Impact in the Locality

No significant adverse social impact is expected by the development in terms of the overall social cohesion or sense of community in the Richmond area. It is considered the construction of the proposed townhouses will create additional employment opportunities and the future residents of the townhouses will buy local goods and use local services thus providing a positive economic impact.

Site Design and Internal Design

The proposed design and location of the development demonstrate satisfactory compliance with the objectives of the zone and other relevant provisions of HLEP 1989, as well as the aims, objectives and the design solutions of the Hawkesbury DCP.

Cumulative Impacts

It is considered that the proposed development is compatible with the surrounding landuses and no significant negative cumulative impact is foreseen.

Suitability of the Site for the Development

The constraints of surrounding landuses do not make this development prohibitive. The proposed development will not lead to unmanageable transport demands and access to the site is satisfactory for the intended use. Adequate recreational opportunities, public spaces, services and utilities are available to the site or are to be provided on site.

There are no known hazardous landuses/activities nearby and ambient noise levels are suitable for the development. The site is not critical to the water cycle of the catchment and development will

not impact upon critical habitats and threatened species, populations, ecological communities and habitats.

It is, therefore, concluded that the site is suitable for the proposed development.

Public Submissions and Public Interest

It is considered that the proposed development is not antipathetic to the general public interest of providing well designed, suitably located, and affordable housing.

Conclusion

The proposed development is consistent with the requirements of Hawkesbury Local Environmental Plan 1989 and Hawkesbury Development Control Plan.

It is a matter for Council to decide what weight to place on the effect of draft Amendment No. 130.

RECOMMENDATION:

That:

1. Council support the applicant SEPP No. 1 objection to the minimum lot provisions of Clause 12 of Hawkesbury Local Environmental Plan 1989
2. The application be approved subject to the following conditions:

General

1. To confirm and clarify the terms of this approval, the development shall be carried out in accordance with the approved stamped plans submitted with Development Application No.DA0575/03and any supportive documentation, except as otherwise provided by the conditions of this consent or as amended in red.

Note: Modifications to the approved plans will require the lodgement and consideration by this organisation of a separate application pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979.

2. Compliance with the provisions of the Environmental Planning and Assessment (Amendment) Act 1979, and the Building Code of Australia.
3. No demolition, excavation, site works or construction shall be commenced prior to the issue of the construction certificate.
4. An occupation certificate is to be obtained on completion of all works. The occupation certificate will not be issued if any conditions of this consent are outstanding.

5. The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited;
- (b) Integral Energy;
- (c) Natural Gas Company; and
- (d) A local telecommunications carrier,

regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public road(s).

6. All design and construction works are to be carried out strictly in accordance with the requirements of Hawkesbury Development Control Plan - Appendix E.

7. To ensure the external appearance of the development is not intrusive or offensive, and does not degrade the visual quality of the surrounding area, the driveway is to be finished in dark earth tone colours.

8. The applicants shall make themselves aware of any use restriction relevant to this property and shall comply with the requirements of the Section 88b instrument relevant to this subdivision and property.

9. All part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 are to be submitted to Council within seven (7) days of the date of issue. The registration fee is \$16.00 per certificate.

10. In accordance with Section 146 of the Heritage Act 1977 the Heritage Council is to be notified of the discovery or location of any "relics". "Relics" are defined in Section 4 of the Heritage Act 1977.

Prior to Issue of Construction Certificate

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate. The Construction Certificate shall be obtained prior to the commencement of any earth works or building works.

11. Arrangements are to be made for the provision of common drainage and the disposal of drainage from the site. Where the disposal of drainage involves the provision of drains across land owned by others, drainage easements of adequate width shall be provided for which documentary evidence must be submitted.

12. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, towards the provision of the following public facilities in the locality:

- (a) Open Space and Recreation (\$7,110.00)

(b) Community Facilities (\$10,216.00)

The above contributions have been determined in accordance with Hawkesbury Section 94 Contribution Plan. A copy of the Contributions Plan may be inspected at Council's Offices, George Street, Windsor.

Contributions are to be paid prior to issue of the construction certificate.

The amount of contribution payable under this condition has been calculated on the basis of costs as at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics. In this respect the attached fee schedule is valid for 3 (three) months.

13. An amended landscaping plan providing for the amendments to the site plan is to be submitted to Council for approval.
14. The building design shall incorporate components that will provide aircraft noise mitigation in accordance with AS 2021. Details prepared by an accredited acoustical consultant submitted with the construction certificate.
15. Details demonstrating compliance with the Building Code of Australia (Housing Provisions) shall be provided to the Principle Certifying Authority for separate approval.
16. Detailed engineering plans and specifications relating to the work shall be submitted.
17. Separate details of the proposed roofwater and surface water drainage system shall be lodged in duplicate for approval.
18. Submission of proof of the payment of the Building Industry Long Service Levy where the value of civil works exceeds \$25,000.
19. Construction of civil works including road and access works are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director Asset Services and Recreation or an accredited certifier.
20. Payment of a design checking \$227.80 and inspection fee of \$355.80 when submitting Engineering plans for approval. This amount is valid until 30 June 2004. Fees required if an accredited certifier is used will be provided upon request.
21. The submission of a satisfactory Erosion and Sediment Control Plan (ESCP) prepared in accordance with the State Government guidelines titled "Managing Urban Stormwater: Soils and Construction (1988)".

Prior to Commencement of Works

22. Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be commenced unless the principal certifying authority for the

development to which the work relates:

- (a) in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number, and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or
- (b) in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of that Act and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this condition, sufficient evidence that the person has complied with the requirements of that Part.

- 23. Sanitary accommodation shall be provided for workmen throughout the course of the building operations in accordance with the Local Government Act 1993 and the Environment Planning and Assessment Act.
- 24. A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is being carried out:
 - (a) stating that unauthorised entry to the work site is prohibited; and
 - (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

This condition does not apply to:

- (a) building work carried out inside an existing building; or
 - (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
- 25. Erosion and sediment control devices are to be installed and maintained to ensure that there is no increase in downstream levels of litter, vegetation debris or other water borne pollutants in accordance with Council's Development Control Plan.

The enclosed warning sign shall be affixed to the sediment fence/erosion control device at all times.

26. The applicant or person having the benefit of this development consent must give at least two days notice prior to commencement of works to Council of the intention to commence works. This notice is to be given in accordance with form 7 of the Environmental Planning and Assessment Regulation 1998.
27. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1997.
28. The name and licence number of the licensed contractor/builder who has been contracted to do or intends to do the work must be submitted to Council in writing by the owner prior to the commencement of any work relevant to this approval.
29. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the principal certifying authority prior to commencement of works.
30. The approved plans must be submitted to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the approved plans will be appropriately stamped. Sydney Water has a number of business offices, including Blacktown, Katoomba, Parramatta and Penrith.
31. Separate application shall be made to Council's Asset Services & Recreation Department for the construction and location of the proposed crossover. (Refer to enclosed agreement form for driveways).
32. Written permission to discharge stormwater is to be obtained from downstream owners and submitted to Council.

Additional Conditions relating to Demolition Works

33. Prior to demolition of the residence current photographs of all elevation of the dwelling are to be submitted to Council.
34. All demolition works are to be undertaken in accordance with the requirements of the WorkCover Authority and AS2601
35. At all times during demolition a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
 1. The structure to be demolished and all its components shall be maintained in a stable and safe condition at all stages of the demolition work. Temporary bracing, buys, shoring or any combination of these, shall be added for stability where necessary.
 2. Precautions are taken to ensure that the stability of all parts of the structure and the safety of person on and outside the site are maintained, particularly in the event of sudden and severe weather changes. Severe weather changes refer primarily to the

localised high winds. In these circumstances loose debris can become airborne, particularly if it is in sheet form.

3. The site shall be secured at all times against the unauthorised entry of persons or vehicles.
4. Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed off before any stripping or demolition commences.
36. Before commencing work, any existing accumulations of dust are to be collected, placed in suitable containers and removed. Selection of appropriate collection techniques, such as vacuuming or hosing down, shall take account of the nature of the dust and the type of hazard it presents (e.g. explosive, respiratory etc.).
37. Dust generated during stripping or during the breaking down of the building fabric to removable sized pieces shall be kept damp until it is removed from the site or can be otherwise contained. The use of excess water for this purpose is to be avoided.
38. It should be borne in mind that in certain environments and under certain stimuli, deposits of combustible dust on beams, machinery and other surfaces may be subject to flash fires, and suspensions of combustible dusts in the air can cause them to explode violently (see NFPA Handbook).
39. All demolished material and excess spoil from the site shall be disposed of at a location and in a manner approved of by Council. No material is to be burnt on site.
40. Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).
41. Removal of asbestos or materials containing asbestos fibres, shall be in accordance with the NOHSC Code of Practice.
42. Precautions to be observed and procedures to be adopted during the removal of dangerous or hazardous materials other than asbestos, shall be in accordance with the relevant State regulations pertaining to those materials.
43. All demolition, vegetation and excavated material removed from the site is to be removed by a contractor licensed by the Environmental Protection Authority to deal with such wastes. These wastes are to be disposed of at a depot authorised to receive such wastes and copies of delivery dockets are to be submitted to Council upon completion of works.

During Construction

44. All building work must be carried out in accordance with provisions of the Building Code of Australia.

45. All part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 are to be submitted to Council within seven (7) days of the date of issue. The registration fee is \$16.00 per certificate.
46. All demolition, construction and associated work necessary for the carrying out of the development is restricted to between the hours of 7.00am and 6.00pm on Mondays to Fridays and between 8.00am and 4.00pm on Saturdays.
47. To reduce nuisance to the surrounding properties, all demolished material and excess spoil from the site shall be disposed of to a location and in a manner to the approval of this office (Note: no material shall be burnt or buried on the site).
48. The site shall be kept clean and tidy during the construction period and all rubbish shall be removed from the site upon completion of the project to the satisfaction of this office.
49. A sign is to be erected adjacent to the access point to the site for the duration of the site works stating the following:
 - (a) owner of site and address;
 - (b) person/company carrying out site works and phone number;
 - (c) consent number and date of approval; and
 - (d) approval duration of site works.
50. The buildings shall be set out by a Registered Surveyor and the Survey Certificate of the building shall be lodged with the principal certifying authority upon completion of the footings and prior to the external wall construction proceeding above floor level.
51. Construction of Council's standard heavy duty footway and layback vehicular crossing to suit the access to the site with a minimum width of 6m.
52. All work must be carried out in accordance with the provisions of Hawkesbury Development Control Plan, Appendix E Civil Works Specification Part 1 Design Specification and Part 2 Construction Specification"
53. The developer is responsible for full costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include, but are not limited to, water, sewerage, drainage, power, communication, footways, kerb and gutter.
54. The provision of conduit/ducts under new driveways to the requirements of Integral Energy, in accordance with Integral Energy drawing 049759H dated 14/7/1987. Conduit and ducting material is available from Integral Energy.

Prior to Issue of Occupation Certificate

55. Removal of the existing redundant layback crossing.

56. The submission of a Surveyor's Certificate stating that all buildings on the lots comply with the Building Code of Australia in relation to boundary setbacks.
57. The submission of a Surveyor's Certificate stating that all pipelines are contained within the proposed/existing easements.
58. Design and construction of site drainage shall be carried out in accordance with Council's Hawkesbury Development Control Plan Appendix E Civil Works Specification Part 1 Design Specification and Part 2 Construction Specification. Full details of works shall be submitted for approval with the building application. On-site detention shall be provided to maintain all stormwater discharges from the 1:1 year flood at pre-development levels.
59. All necessary works being carried out to ensure that flow from adjoining properties is not impeded.
60. In order to ensure that the development complies with this consent, the approved use shall not commence until all conditions of this Development Consent have been complied with.
61. Landscaping shall be completed in accordance with the approved landscaping plan and shall be maintained in perpetuity by the existing or future owners and occupiers of the property. In this respect a occupational certificate will not be granted on the application until the landscaping is complete.
62. The submission of a Certificate from Telstra Australia that satisfactory arrangements have been made for the provision of cables for telephones to the development.
63. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water web site www.sydneywater.com.au/customer/urban/index or telephone 13 20 92. Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the

Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the principal certifying authority prior to release of the occupation of development.

64. The following documentary evidence is to be obtained prior to the issue of any Construction Certificate, whether by Council or an accredited certifier:
 - (a) A written clearance from Integral Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

Separate documentary evidence from Integral Energy shall be provided stating that the

requirements of that Authority have been met with regard to the nearby high voltage transmission line.

65. Submission to Council of a report from the author(s) of the Noise Assessment submitted with the application and the report demonstrating compliance with AS2021 certifying that the required building construction techniques and materials have been installed.
66. A report by the Design Engineer and a works-as-executed (WAE) drawing by either a suitably qualified Engineer or Registered Surveyor of the stormwater detention basin(s) and stormwater drainage system are to be submitted to and approved by Council prior to the release of the Occupation Certificate. The report from the Design Engineer is to state the conformance or otherwise of the as constructed basins in relation to the approved design. The WAE drawings shall indicate the following as applicable:
- (b) invert levels of tanks, pits, pipes and orifice plates
 - (c) surface levels of pits and surrounding ground levels;
 - (d) levels of spillways and surrounding kerb;
 - (e) floor levels of buildings including garages;
 - (f) top of kerb levels at the front of the lot;
 - (g) dimensions of stormwater basins and extent of inundation;
 - (h) calculation of actual detention storm volume provided.

Use of the Site

67. All landscaping shall be permanently maintained in a good condition and in accordance with the intent of the landscaping plan. This includes landscaping of the private courtyard areas.
68. The visitor parking spaces are to be signposted and made freely available to visitors
69. An appropriately licensed private garbage and recycling collection service is to be provided to the development. All collection personnel are to collect bins from the within designated bin storage area as shown on the plans. All collection vehicles are to stand wholly within the site during collection and are to enter and exit the site in a forward direction.

Prior to Issue of Subdivision Certificate

70. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. 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.

Following application a 'Notice of Requirements' will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the plan of subdivision.

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71. Submission of a Certificate from Integral Energy that satisfactory arrangements have been made for the provision of electricity to each of the resultant lots of the subdivision.
72. Submission of a Certificate from an approved telecommunications provider that satisfactory arrangements have been made for the provision of cables for telephones through the subdivision.
73. The submission of the plan of subdivision, together with 4 (four) exact copies thereof, suitable for lodgement with the Registrar General.
74. Payment of a linen release fee of \$41.,20. This amount is valid until 30 June 2004.
75. The completion of the development including all civil works in accordance with Council approval covered by this consent.

ATTACHMENTS:

- AT-1** Locality Plan
- AT-2** Site Plan and Floor Plan
- AT-3** Elevations
- AT-4** Landscaping Plan.

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AT1 - Locality Plan

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AT2 - Page 1 of 2 - Site Plan and Floor Plan

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AT3 - Page 1 of 2 - Elevation Plan

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AT4 - Landscaping Plan

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GENERAL PURPOSE COMMITTEE - ORGANISATION & RESOURCES

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ITEM: 85 **Proposed Sub-Licence - Shop 5 Glossodia Shopping Centre**

FILE NUMBER: 79900, 38869/CSV/OGI30LBX.C14

REPORT:

At the Ordinary Meeting of 10 June 2003, Council resolved to consent to a sub-licence between Mr Andrew Ball (Tenant) and Global Network Services Pty Limited for the installation of an Automatic Teller Machine in the window of Shop 5 Glossodia Shopping Centre.

Advice has since been received that Global Network Services Pty Limited are now trading as Community ATM Pty Limited. Therefore, Council will now be required to enter into a Deed of Consent with Community ATM Pty Limited.

RECOMMENDATION:

That Council exercising its delegation as a Committee of the Whole:

1. Consent to the sub licence between Mr Andrew Ball and Community ATM Pty Limited for the installation of an Automatic Teller Machine in the window of Shop 5 Glossodia Shopping Centre.
2. Exercise all documents under the Common Seal of Council.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 85 Oooo