

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 August 2017

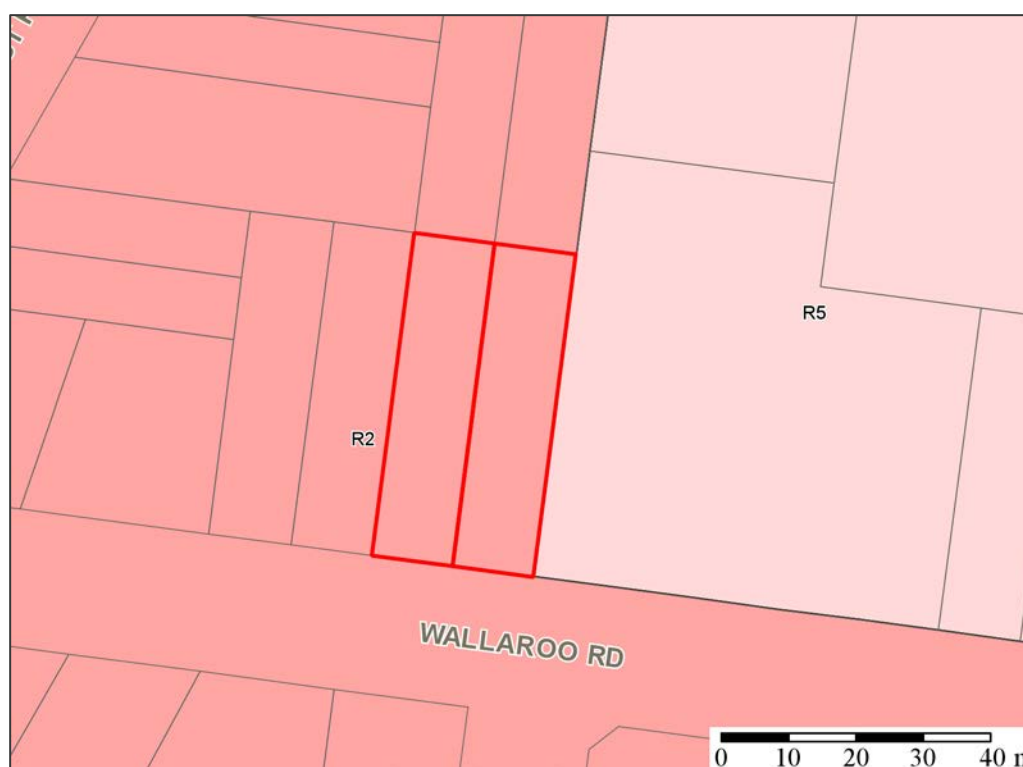
**PE1 – Development Application No. 010.2016.00000323.001 Two (2) lot subdivision at 26 Wallaroo Road, Buxton**

**PLANNING AND ECONOMY**

**PE1**      **Development Application No. 010.2016.00000323.001 Two (2) lot subdivision at 26 Wallaroo Road, Buxton**

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010.2016.00000323.001



**Figure 1 Location and Current Zoning**

LOCATION MAP ↑ N

**DEVELOPMENT INFORMATION**

<b>Development Application No:</b>	010. 2016.00000323.001
<b>Property Details:</b>	26 Wallaroo Road Buxton
<b>Applicant:</b>	Mrs M A Reeves
<b>Owner:</b>	Mrs M A Reeves
<b>Proposal Details:</b>	Two Lot Subdivision
<b>Zone:</b>	R2 Low Density Residential

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**EXECUTIVE SUMMARY**

- This report seeks a resolution of Council regarding a proposal to reconfigure two lots to overcome an existing dwelling straddling the lot boundaries.
- The development proposes a variation to the minimum lot size specified under clause 4.1 of Wollondilly LEP 2011. Variations to development standards are permitted under clause 4.6 of WLEP 2011 subject to concurrence from NSW Department of Planning and Environment (DoPE).
- Council may assume concurrence in these circumstances however the DoPE has issued a requirement that variations greater than 10% are to be determined at a full Council meeting.
- One submission was received during the notification period.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirement extends to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended that consent be granted subject to conditions.

**REPORT**

**1.1 DESCRIPTION OF SITE AND SURROUNDING AREA**

The development proposal relates to 26 Wallaroo Road Buxton, Lot 32 Sec 6 DP 2444 (594.4sqm) and Lot 33 Sec 6 DP 2444 (595sqm). The lots are rectangular in shape and located on the northern side of Wallaroo Road and about 80m east of the intersection with East Parade. The subject site provides a combined area of 1189.4sqm in area with a combined frontage of 24.4m to Wallaroo Road.

The subject site is currently occupied by a single storey brick and tile dwelling that straddles both lots. The current boundary dissects the dwellings centrally and in a north south direction. Aerial photos show a carport adjacent to the existing dwelling which has recently been removed,

The site is relatively level. There is currently no kerb and gutter along the northern edge of Wallaroo Rd and consequentially across the frontage of the site. A kerb inlet stormwater pit is located directly across from the property along the southern edge of Wallaroo Road which is fully constructed. A culvert is located to the east of the site on the northern side of Wallaroo Road. Two existing gravel entry points are provided on the site.

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There is a mix of typical residential scale vegetation on the site with one large tree located in the north east corner of the property.

Surrounding land uses comprise low density residential development. Detached single storey brick and tile dwellings are the predominate housing form in the vicinity.

**1.2 DESCRIPTION OF DEVELOPMENT**

The proposal seeks to reconfigure two lots to create a battle-axe allotment and a square shaped allotment fronting Wallaroo Road to wholly accommodate the existing dwelling which currently straddles the boundary.

The existing lots are as follows:  
Existing Lot 32 – 594.4sqm, and  
Existing Lot 33 – 595sqm.

The proposed subdivision is as follows:  
Proposed Lot 1 - 574sqm, and  
Proposed Lot 2 – 468sqm (615sqm including the battle-axe handle).

**CONSULTATION**

The application was notified in accordance with Council’s notification requirements from 19 July to 3 August 2016.

One submission was received but this was not an objection to the proposal.

**1.3 SECTION 79C ASSESSMENT**

**1.3.1 PROVISIONS OF RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS**

**State Environmental Planning Policy No. 55 – Remediation of Land**

Question	YES	NO
1. Is the proposal for residential subdivision or a listed purpose (the list provided in Table 1 of the contaminated land assessment guidelines)?	X Proceed to Question 3	Proceed to Question 2
2. Does the proposal result in a change of use (that is the establishment of a new use)?	Proceed to Question 3	Assessment under SEPP 55 and DCP not required.
3. Does the application propose a new: <ul style="list-style-type: none"> <li>▪ Child care facility</li> <li>▪ Educational use</li> <li>▪ Recreational use</li> </ul>	Proceed to Question 5	X Proceed to Question 4

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Question	YES		NO	
<ul style="list-style-type: none"> <li>▪ Health care use</li> <li>▪ Place of public worship</li> <li>▪ Residential use in a commercial or industrial zone</li> </ul>				
4. Review the property file and conduct a site inspection of the site and surrounding lands. Is there any evidence that the land has been used for a listed purpose?		Proceed to Question 5	X	Proposal satisfactory under SEPP 55 and DCP.
5. Is the proposed land use likely to have any exposure path to contaminants that might be present in soil or groundwater?		Request contaminated site assessment	X	Proposal satisfactory under SEPP 55 and DCP.

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Comments: There are no issues identified in relation to contamination. There is a pile of builder’s rubble (bricks, grass and dirt) on the site, however this can be conditioned to be removed and in accordance with a waste management plan prior to the release of the subdivision certificate. Given the previous and current use of the site, no further consideration under SEPP 55 is necessary.

**Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River**

Relevant Provisions	Comment
3. Aims of the Plan	The proposal generally complies with the aims of the Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River
6. Planning Policies and Recommended Strategies	
(1) Total catchment management	The total catchment management will not be affected by this proposal.
(2) Environmentally sensitive areas	The proposal will not affect any environmentally sensitive areas.
(3) Water quality	The water quality will not be altered by the proposal.
(4) Water quantity	All water shall be managed on site and connected to Council’s stormwater system.
(5) Cultural heritage	Not applicable
(6) Flora and fauna	No flora and fauna will be affected by the proposal.
(7) Riverine scenic quality	Not applicable
(8) Agriculture/aquaculture and fishing	Not applicable
(9) Rural residential	The proposal is for residential

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Relevant Provisions	Comment
development	development.
(10) Urban development	Not applicable
(11) Recreation and tourism	Not applicable
(12) Metropolitan strategy	Not applicable
11. Development controls	
(7) Filling	No cut and fill is proposed.

**State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

The original application included retaining the carport with a non-complying setback. The carport location has been amended and now complies with the exempt development code. The demolition of the carport can be undertaken as exempt development.

**Wollondilly Local Environmental Plan, 2011**

The development is consistent with the aims of the plan.

Characterisation: Subdivision  
Zone of land: R2 Low Density Residential  
Permissibility: Permissible with development consent, refer to table below.  
Zone objectives:

Objective	Comment
R2	
<ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a low density residential environment.</li> </ul>	The proposal provides for the housing of a low density scale that can meet the needs of the community through the provision of additional housing and housing choice. This is consistent with the surrounding area.
<ul style="list-style-type: none"> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> </ul>	The proposal is for residential development which is the primary use of the zone.

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LEP Clauses:

Clause	Comment
<b>Part 2 Permitted or prohibited development</b>	
2.6 Subdivision—requires consent	This application seeks consent for subdivision.
<b>Part 4 Principal development standards</b>	
4.1 Minimum subdivision lot size	<p>The minimum lot size for the site is 700sqm. The proposed lots are:                      Lot 1 - 574sqm                      Lot 2 – 468sqm (615sqm including battle-axe handle)</p> <p>The proposal is for undersized lots that do not meet the minimum however the proposal is not creating any additional lots and they are currently undersized.</p> <p>Refer to Clause 4.6.</p>
4.6 Exceptions to development standards	<p>The applicant has requested a Clause 4.6 Variation to the minimum lot size provision of 700sqm. Each lot proposed is undersized. The existing lots prior to the subdivision are also undersized.</p> <p>The applicant has submitted a written request that seeks to justify the contravention of the development standard, and is considered to demonstrate that compliance is unreasonable in the circumstances, and that there are sufficient grounds to justify contravening the development standard.</p> <p>It is considered that the proposed development will be in the public interest, because it is consistent with the objectives of the development standard and the objectives for development within the zone.</p>

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Clause	Comment
	In accordance with the NSW Department of Planning: Planning Circular PS 08-003, issued on 9 May 2008, Council may assume the concurrence of the Secretary under clause 4.6(4) of WLEP 2011. However, in accordance with Planning Circular PS 08-014 issued 14 November 2008, variations greater than 10% are to be determined by Council.
<b>Part 7 Additional local provisions</b>	
7.1 Essential services	There is reticulated sewer and water and the provision of electricity to the site.
7.4 Flood planning	The site is not subject to flooding.

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**1.3.2 PROVISIONS OF RELEVANT DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS**

There are no draft Environmental Planning instruments relevant to the development.

**1.3.3 PROVISIONS OF RELEVANT DEVELOPMENT CONTROL PLANS**

<b>Wollondilly DCP 2016</b>	
<b>DCP Volume</b>	<b>Relevance</b>
Volume 1 – General	X
Volume 3 – Subdivision of Land	X

**Volume 1 – General**

<b>Volume 1 – General</b>	
<b>Relevant Provisions</b>	<b>Comment</b>
<b>Part 1 - Preliminary</b>	
<b>1.2 Objectives of the Plan</b>	<b>Noted</b>
<b>Part 2 - General considerations for all development</b>	
<b>2.1 Objectives</b>	
1	To ensure that developments are undertaken with due regard to human safety.
2	To ensure that developments do not unreasonably impact on their surrounds.
3	To ensure that developments achieve a satisfactory level of social equity.
Consistent.	

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<b>Volume 1 – General</b>		
	<b>Relevant Provisions</b>	<b>Comment</b>
<b>2.2 Controls</b>		
1	The consent authority shall consider the following safety and human health risks in assessing a development application under this volume:	
a)	Road and traffic hazards;	No road or traffic hazards have been identified in relation to the proposal. The proposal maintains the existing access points to Wallaroo Road which are currently unformed and gravel. This will require formalisation. Conditions will apply.
b)	Bushfire threat;	The property is not bushfire prone land.
c)	Flood risk;	There is no flood risk to the property.
d)	Noise, vibration, pollution, odour, radiation or waste from surrounding land uses;	No issues have been identified from surrounding land uses.
e)	Exposure to electricity transmission systems;	The proposal is not located near any telecommunications infrastructure.
<b>Part 4 – Community Engagement</b>		
	The purpose of this part is to ensure that members of the public potentially affected by a proposed development have input into the assessment process before a final decision is made on a development application. It outlines Council’s notification and advertising procedure for development applications.	The proposal was notified and one submission was received but was not an objection to the proposal, it was more of an enquiry about arriving at the outcome.

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<b>Volume 3 – Subdivision of Land</b>		
	<b>Relevant Provisions</b>	<b>Comment</b>
<b>Part 2 – General Requirements for all Development</b>		
<b>2.1 Traffic and Transport</b>		
<b>Controls</b>		
2.	All access handles must comply with the following minimum widths: (refer to the DCP for further details)	The access handle is 5m in width and only services proposed lot 2. The proposal also indicates a 3m wide concrete driveway.
5.	Road infrastructure enhancement shall be provided to existing roads in accordance with the following table unless the improvements are already present: (see DCP for further details)	Condition will apply..
6.	All intersections and new vehicular access points to public and/or private roads must have the relevant safe intersection sight distance for the relevant speed environment.	The proposal is acceptable.
<b>2.2 Wastewater</b>		
<b>Controls</b>		
1.	All lots created must have access to one or more of the following:	Complies
a)	A reticulated sewage scheme operated by the relevant statutory sewage authority; or	
<b>2.3 Stormwater</b>		
<b>Controls</b>		
1.	Development involving the subdivision of land must demonstrate that stormwater management arrangements will allow for drainage to be directed to either a natural water body or a constructed stormwater management system without causing significant environmental harm or risks to human health and safety.	Existing stormwater drainage will be maintained for the existing dwelling and further details with the construction of the driveway for proposed lot 2.

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<b>2.4 Lot Size and Shape</b>		
<b>Controls</b>		
2.	Lots in residential zones shall have the following minimum dimensions: (See the DCP for further details)	The proposed lot widths for both lots exceed the minimum of 13m. The proposed lot depth of Lot 1 is 29.6m which complies. The proposed lot depth for proposed lot 2 is 24.38m assuming the frontage of this lot is towards the access handle. The applicant has provided a plan demonstrating that a compliant house can be accommodated on the site.

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**1.3.4 DRAFT AND/OR PLANNING AGREEMENTS ENTERED OR OFFERED**

None

**1.4 IMPACT OF THE DEVELOPMENT**

<b>Head of Consideration</b>	<b>Comment</b>
Natural Environment	The natural environment is not identified as being impacted with this proposal.
Built Environment	The built environment will not be compromised as a result of the proposal as it is compatible with the surrounding area and of a low residential scale.
Social Impacts	The proposal provides additional residential accommodation in the area and that enables a lifestyle choice.
Economic Impacts	No economic impacts are anticipated for the proposal.

**1.5 SUITABILITY OF THE SITE**

The proposed lot arrangement will provide better dimensioned lots to accommodate the dwelling and to rectify the dwelling straddling the boundary. The site is considered suitable for the proposal.

**1.6 SUBMISSIONS**

The application was advertised from 19 July to 3 August 2016 in accordance with Council's adopted notification requirements. One (1) submission was received, but this did not object to the development.

**1.7 THE PUBLIC INTEREST**

It is considered that the proposed detached subdivision would not have any detrimental impact on the public interest.

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**FINANCIAL IMPLICATIONS**

There are no significant financial implications to this development.

**ATTACHMENTS IN A SEPARATE BOOKLET**

1. Existing and proposed Lot layout.

**RECOMMENDATION**

That Development Application 010.2016.00000323.001 for a two (2) lot subdivision at 26 Wallaroo Road, Buxton be approved subject to the following conditions:

**1. COMPLIANCE**

**These conditions are imposed to ensure that the development is carried out in accordance with the conditions of consent and the approved plans to Council's satisfaction.**

- (1) Development Consent is granted for a Two Lot Subdivision at Lot: 33 Sec: 6 DP: 2444, Lot: 32 Sec: 6 DP: 2444, 26 Wallaroo Road BUXTON.
- (2) Development shall take place in accordance with the amended plans Ref: 15138PS, prepared by JMD Development Consultants, dated 24-11-2016 and submitted in respect of Development Application No. **010.2016.00000323.001**, except where varied by the following conditions:
- (3) Unless permitted by another condition of this consent, there shall be no tree clearing unless the vegetation is:
  - (a) Within the footprint of an approved building, access driveway or other structure; or
  - (b) Within three (3) metres of the footprint of an approved building; or
  - (c) Preventing the achievement of the minimum asset protection zone requirements under the relevant planning for bushfire protection guidelines.

In this condition **Tree Clearing** has meaning as described in Clause 5.9(3) of Wollondilly Local Environmental Plan 2011.

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- (4) Where any work associated with this consent has the potential to disturb neighbours through the generation of noise, dust, odour, vibration or through deliveries to the site the person with control over the works shall advise the occupants of all adjoining and potentially affected properties of the timing and duration of such works. The land owner has the ultimate responsibility for ensuring that anybody undertaking works under this development consent on their behalf is aware of this requirement and completes the task required by this condition.

**2. CONSTRUCTION GENERAL**

**These conditions have been imposed to ensure that all construction work is undertaken to an approved standard and related approvals.**

- (1) Construction shall not commence on the site, including the placement of temporary buildings, site sheds, earthworks, site excavation, filling or other site preparation works (with the exception of site survey work), prior to the issue of a Construction Certificate by Council or a nominated Accredited Certifier.
- (2) All construction and building work shall be restricted to between 7:00am and 6:00pm Mondays to Fridays (inclusive), 8.00am and 1.00pm Saturdays and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.
- (3) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. These facilities are to be provided prior to the commencement of any works and:
- (a) Must be a standard flushing toilet; and
  - (b) Must be connected:
    - (i) to a public sewer, or
    - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

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In this condition:

**Accredited sewage management facility** means a sewage management facility to which Division 4 of Part 2 of the *Local Government (General) Regulation 2005* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

**Approved by the Council** means the subject of an approval in force under Division 4 of Part 2 of the *Local Government (General) Regulation 2005*.

**Sewage Management Facility** has the same meaning as it has in the *Local Government (General) Regulation 2005*.

- (4) All works are to designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Speciation.

An appropriate fence preventing public access to the site shall be erected for the duration of construction works.

- (5) Dust shall be controlled so that it will not leave the construction site.
- (6) Any damage to the Council footway, road or other land shall be restored in accordance with Council's specifications prior to the issue of any Subdivision Certificate for the development.

### **3. ENGINEERING & CONSTRUCTION SPECIFICATIONS**

**These conditions have been imposed to ensure that developments within the Shire are of a standard which is both safe and acceptable to Council and members of the public.**

- (1) All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specifications.
- (2) Plans for the access handle, footpath crossings and associated stormwater drainage shall be submitted to Council with a S138 Consent certificate application. Plan checking and Inspection fees will be advised for payment prior to issue of the approved plan and S138 Consent Certificate. All levels are to be reduced to Australian Height Datum. Road design parameters shall comply with the requirements of Council's Design Specifications Policy.

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- (3) The applicant shall undertake all reasonable efforts to protect the public road pavement from damage during the course of construction work. Restoration of any damaged road or footway shall be at the applicant's expense.
- (4) A "Soil and Water Management Plan" (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction shall be submitted to Council or a nominated Accredited Certifier. The measures shall be in accordance with Council's Construction Specification and the Department of Housing's "Blue Book". The plan is to be approved by Council or the Accredited Certifier with the Engineering Plans.

**4. DRAINAGE/STORMWATER**

**These conditions have been imposed to ensure drainage/stormwater is appropriately managed.**

- (1) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.
- (2) The applicant shall provide stormwater drainage within the access handle including a stub for the future roof water connection for lot 2, Details of this shall be shown on the plans for approval with S138 Consent Certificate application.

**5. ACCESS**

**These conditions have been imposed to:**

- (a) **Ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development.**
  - (b) **Ensure that adequate manoeuvring space is provided for parking areas, loading bays and entry facilities.**
- (1) Ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development.
  - (2) A coloured concrete access handle shall be provided for lot 2. The carriageway shall have a minimum concrete width of 3.0 metres. Details of access handle and associated stormwater drainage shall be shown on the plans for approval with S138 Consent Certificate application.

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**6. PUBLIC ROADS**

**These conditions have been imposed to ensure all public works required by the development are provided to an adequate standard.**

- (1) In accordance with Section 138 of the Roads Act a 138 Consent Certificate must be obtained from Council's Infrastructure Planning Section a minimum 7 days prior to commencement of work. A fee is payable for issue of this Consent Certificate.
- (2) Provision of Vehicular Access for lot 1 & 2 through the construction of concrete Dish crossings/footpath crossings (from the Dish crossing to the boundary) in accordance with Council's Design & Construction Specifications.

**Note: Any adjustment to services shall be at the expense of the applicant and is additional to the contributions required by Council. Prior to the construction of the crossing, approval shall be obtained from Infrastructure Planning Section with S138 Consent Certificate.**

**7. EROSION AND SEDIMENT CONTROL**

**These conditions have been imposed to minimise the impact of the development on the environment and on adjoining properties.**

- (1) Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (2) Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.
- (3) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping
- (4) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (5) Kikuyu will not be permitted to be used for turfing of any disturbed area.



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**8. INSPECTIONS**

**These conditions have been imposed to ensure that construction works are undertaken to an approved standard.**

- (1) The engineering works shall be inspected by the Principal Certifying Authority at the following stages of construction to ensure they comply with Council's Construction Specification and associated approvals:
- When drainage lines have been laid, jointed and bedded, prior to backfilling
  - Prior to pouring of the drainage pits, when the formwork and steel is in place
  - Prior to pouring of the road drainage culverts, when the formwork and steel is in place
  - At completion of the preparation of all concrete dish crossing subgrade
  - Prior to pouring vehicle crossing slabs, when formwork and steel is in place
  - At practical completion of works.

**Note:** It is the responsibility of the applicant or contractor to notify The Principal Certifying Authority when inspections are required. Failure to notify may lead to additional work being required prior to issue of inspection certificates. A minimum of 24 hours notice is required for inspections.

**9. SERVICES**

**These conditions have been imposed to ensure that an adequate level of services and infrastructure are provided for this development.**

- (1) Electricity supply is to be made available to all proposed lots in accordance with the requirements of Endeavour Energy. In this regard, written confirmation from Endeavour Energy that suitable arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.
- (2) Provision is to be made for the supply of telephone services to all proposed lots in accordance with the requirements of Telstra or NBN Co. In this regard, written confirmation from Telstra Australia or NBN Co. that arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.



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- (3) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to “Water Servicing Co-ordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of any Subdivision Certificate for the development.

- (4) A letter box shall be provided to the existing dwelling to the satisfaction of Australia Post.
- (5) All power and services provided to the development within the site shall be underground.

#### **10. WASTE MANAGEMENT**

**These conditions have been imposed to enquire that wastes are correctly stored, disposed of and controlled at all times to prevent accidents and to maintain clean and tidy premises.**

- (1) A Waste Management Plan is to be submitted to the Council or a nominated Accredited Certifier for approval prior to the issue of any Construction Certificate. The Waste Management Plan is to be in accordance with the provisions of Council’s Waste Minimisation and Management Guidelines and is to include both the construction and post-construction phases of the development.
- (2) Disposal of construction and building waste material shall be undertaken in accordance with the Waste Management Plan approved by Council or a nominated Accredited Certifier in response to a condition of this consent.

#### **11. STREET ADDRESSING**

**These conditions are imposed in order to ensure the development complies with the requirements of the New South Wales Address Policy as published by the Geographical Names Board of New South Wales.**

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- (1) Prior to the issue of a Construction Certificate for the subdivision an application for street addresses for all lots within the subdivision shall be submitted to Council in accordance with Section 5.2 of the NSW Address Policy.

**12. FENCING**

**These conditions are imposed to ensure that any fencing has a minimal effect on the landscape/streetscape/environment of the locality.**

- (1) All fencing is to be installed in accordance with the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

**13. SUBDIVISION PLANS**

**These conditions have been imposed:**

- (a) **To ensure the submission of Subdivision Plans to the specifications of Land and Property Information for registration.**
- (b) **To submit the required documentation for the creation of property restrictions and easements as specified.**
- (1) A letter from a Registered Surveyor shall be submitted to Council certifying that no services of Public Utility or waste water disposal presently connected to existing buildings straddle proposed boundaries after subdivision.
- (2) Submission to Council of the Linen Plan of Subdivision together with nine (9) copies suitable for certification by the General Manager and lodgement at Land and Property Information. A fee for the release of the Subdivision Certificate applies.
- (3) The development shall be completed in accordance with the relevant plans and conditions of consent prior to the release of the Subdivision Certificate.

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**14. PRESCRIBED CONDITIONS UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979.**

**These conditions are imposed as they are mandatory under the Act.**

**(1) ERECTION OF SIGNS**

- (a) For the purposes of section 80A (11) of the Act, the requirements of subclauses (b) and (c) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.
- (c) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (e) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
- (f) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

**Note.** Principal Certifying Authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A of the *Environmental Planning and Assessment Regulation 2000* which currently imposes a maximum penalty of \$1,100).

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**15. ADVICES**

- (1) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc., which require alterations shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.
- (2) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
- (3) The following service providers should be contacted before commencement of construction to establish their requirements:
  - Dial before you dig (various services) 1100
  - Telstra (telephone) 1 800 810 443
  - Endeavour Energy (electricity) 131 081
  - AGL (gas) 131 245.
- (4) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
  - Motor Vehicle Insurance (comprehensive or property damage) for all self propelled plant, as well as valid registration or RMS permit (Including CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.
  - Workers Compensation Insurance.
  - Twenty Million Dollar Public Liability Insurance.
- (5) The land is subject to the provisions of Clause 5.9 of Wollondilly Local Environmental Plan, 2011 and Part 10 of Volume 1 of Wollondilly Development Control Plan 2016 with regard to the preservation of trees and vegetation. Under these plans consent may be required for tree clearing beyond the limits set by this consent. If you intend to remove any vegetation you should make yourself familiar with the provisions of both plans. The plans may be viewed on Council's website at [www.wollondilly.nsw.gov.au](http://www.wollondilly.nsw.gov.au) or at Council's offices at 62-64 Menangle St, Picton

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- (6) **This Consent does not permit the commencement of construction unless a Construction Certificate has been issued. For details about obtaining a Construction Certificate contact Council's Building Services Section for building works or Council's Infrastructure Planning Section for subdivision works.**