

ITEM NO: 17

SUBJECT: DEVELOPMENT APPLICATION NO. X594/2007 FOR A DWELLING ON LOT 13 DP 1008539, NO. 69 SINCLAIR CRESCENT, WENTWORTH FALLS.

FILE NO: X07/0594

Recommendation:

That Development Application No. X594/2007 for a dwelling on Lot 13 DP 1008539, No. 69 Sinclair Crescent, Wentworth Falls be determined pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to conditions shown in Attachment 1 to this Report.

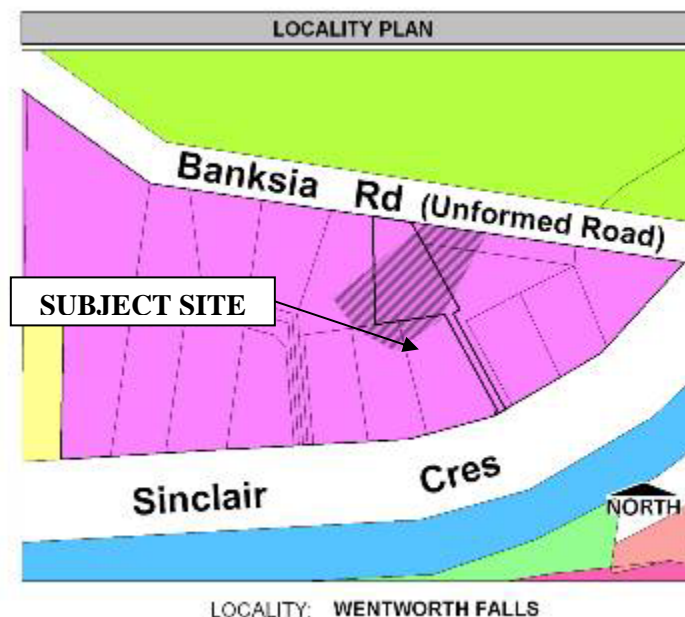
Report by Group Manager, Environmental and Customer Services:

- Reason for report**
- 1 The application relies on a State Environmental Planning Policy (SEPP) 1 application to vary development standards in respect of site coverage by more than 20%.
 - 2 Council at its Meeting on 30 October resolved that the application be deferred pending a site visit by Councillors. The application is referred back to Council for determination following the site inspection.

Applicant/Owner Mr D R Fern and Mr J R Ballard

Application lodged 19 June 2007

Property address Lot 13 DP 1008539, No. 69 Sinclair Crescent, Wentworth Falls



Background

The Council, at its Meeting on 30 October 2007 considered a Report on Development Application No. X594/2007 for a proposed dwelling at No. 69 Sinclair Crescent Wentworth Falls.

The Report recommended that the development be approved subject to appropriate conditions.

Council at the Meeting resolved:

“That Development Application No. X594/2007 for a dwelling on Lot 13 DP 1008539, No. 69 Sinclair Crescent, Wentworth Falls be deferred pending a site inspection by Councillors.”

(Min No. 306, 30/10/2007)

A copy of the full Report to the Council Meeting of 30 October 2007 is provided as an Enclosure to this Report.

An on-site inspection attended by the number of Councillors and senior staff was held on 6 November 2007. The report is referred back to the Council for determination in accordance with the above resolution.

Discussion

As discussed in the Report considered by Council at its Meeting on 30 November 2007, the subject allotment is part of a subdivision approved in 1996. The presence of the Protected Area- Environmental Constraint Area on a number of lots, including on a substantial proportion of the subject property, was assessed at that time. Advice received from Council's then Environmental Services section during the assessment process at that time advised:

“It is agreed that the ECA (Environmental Constraint Area), as mapped in LEP 1991, can not be supported in terms of Schedule 3 plant communities. The ECA consists of regenerating native plants and a range of weeds following total clearing some decades ago, but is definitely dominated by Leptospermum polygalifolium (Yellow Tea Tree) which is not listed in Schedule 3. However, the ECA does have some value as a buffer against stormwater and weed invasion of land further down slope.”

The assemblage of plant species that comprise the various sensitive vegetation units in Schedule 3 of LEP 1991 were significantly expanded with the gazettal of Amendment 31 to the LEP on 15 December 2006 and now includes Leptospermum polygalifolium. However, the site has essentially been cleared of shrubs with a few scattered trees and grasses remaining.

To minimise the impact of stormwater disposal, a Section 88B Restriction as to User requiring that roof water disposal systems for dwellings erected on each property be of a professional design incorporating either rainwater tanks or on-site detention/absorption systems, was imposed as a condition of the subdivision consent.

In regard to the subject development presently before Council, it has been recommended that the submission of a detailed design for the stormwater disposal system, prepared by a suitably qualified person, be imposed as a condition of the consent.

Conclusion

This Report needs to be considered in conjunction with the previous Report forming Item 10 for the Council Meeting of 30 October 2007. The development application before Council seeks consent to erect a single storey dwelling on the subject property. Having regard to the content of the previous Report to Council on the matter, it is recommended that the application be approved subject to the conditions at Attachment 1 to this Report.

Attachments (1)

Enclosure: Report to Council Meeting 30/10/07

Attachment 1—Conditions of development consent

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| Confirmation of relevant plans | 1. | To confirm and clarify the terms of consent, the development shall be carried out in accordance with the plans prepared by Beechwood Homes numbered 27045, dated 22/6/07 and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent. |
| Period of development consent | 2. | Physical commencement of construction is required within a two year period from the date of this consent. Should this not occur, the development consent will lapse. |
| Landscaping and Vegetation Management | 3. | A Landscape and Vegetation Management Plan, prepared by a suitably qualified person, shall be submitted to the Principal Certifying Authority prior to the commencement of site works. The Plan shall: <ul style="list-style-type: none"> a) Include the retention and regeneration of a 20 metre buffer of the northern side of the property; b) Utilise plantings from local indigenous species representative of the buffer system to the Blue Mountains Swamps community located to the north of the property; and c) Have due regard to and be consistent with the area being managed as a bushfire inner protection zone. |
| BASIX | 4. | Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.
In this condition: <ul style="list-style-type: none"> a. relevant BASIX Certificate means: <ul style="list-style-type: none"> (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or (ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction Certificate, the replacement |

BASIX Certificate; and

- b. BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000.

Survey plan

- 5. A survey report by a registered land surveyor is required to ensure that the proposed development is located on the correct allotment and at the approved distances from the boundary. This is to be verified on completion of footings.

The survey report is to be provided to the Principal Certifying Authority prior to works proceeding past floor level.

Building Code of Australia

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

Site management

- 7. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:

- a. Site and building works (including the delivery of materials to and from the property) shall be carried out Monday to Friday between 7am-6pm and on Saturdays between 8am-3pm. Alteration to these hours may be possible for safety reasons but only on the approval of Council.

- b. Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.

- c. Building operations such as brickcutting, washing tools, concreting and bricklaying shall be undertaken on the building block. The pollutants from these building operations shall be contained on site.

- d. Builders waste must not be burnt or buried on site. All waste must be contained and removed to a Waste Disposal Depot.

Erosion and sediment controls

- 8. To preserve the unique environment of the Blue Mountains and to contain soil and sediment on the property, controls in accordance with Council's *Better Living* Development Control Plan are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:

- a. The installation of a sediment fence with returned ends across the low side of the site so that all

water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.

- b. To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres.

Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.

Workers amenities

- 9. Before work starts, toilet facilities must be provided for construction personnel on the site on the basis of 1 toilet for every 20 workers. Amenities are to be installed and operated in an environmentally responsible and sanitary manner. Toilets cannot remain on site for any longer than 12 months, without the further approval of Council.

Plans on site

- 10 A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.

Stormwater drainage

- 11 To control rainwater runoff, roof water shall be disposed of via rainwater tanks to an on-site absorption system in accordance with the Restriction on the Use of Land imposed on the title of the land under Section 88B of the Conveyancing Act. In this regard, details prepared by a suitable qualified person are to be submitted to Council for approval prior to the commencement of works.

The stormwater disposal system shall incorporate rainwater tank(s) providing both a static bushfire supply and for re-use on site in accordance with BASIX commitments with the overflow being directed to an on-site absorption system.

It is recommended that the drainage system be installed at the same time as the footings/slab. It must, however, be operational as soon as the roof is clad.

Stormwater Runoff

- 12 To ensure that any overland flow of stormwater or surcharge from the drainage easement is diverted clear of the dwelling:
 - a) The finished floor level of the garage and dwelling is to be a minimum of RL 9.6 (ie,

120mm above the natural ground level at the south east corner of the garage): and

- b) Any extension to the existing driveway shall be graded to maintain the existing overland flow path which is within the existing drainage easement.

- Materials and colours** 13 To have regard of the amenity of the area, the materials and colours to be used are to be of muted bushland tones. Details of an alternate colour scheme is to be submitted to and approved by Council prior to construction commencing.

In this regard, the proposed colour of the bricks and metal roofing (Bricks-Austral Whitsunday, Roof-Colorbond Shale Grey) are not acceptable.

Any outbuildings or other ancillary structures, including fencing, are to be finished in colours and materials of muted bushland tones and low reflective quality to blend with the surroundings. Any variation to the above materials / colours will require the prior approval of Council.

- A Fire Risk Identification Guide (FRIDG) sticker** 14 A Fire Risk Identification Guide (FRIDG) sticker, as issued by the NSW Fire Brigade, is to be completed and affixed to the inside face of one side of the electricity meter box prior to issue of an Occupation Certificate. The sticker is to be completed using a black or other dark coloured, permanent marking pen, and identify the relevant design and construction features incorporated in the building. The sticker is to be clearly visible without obstruction when the box is opened.

Note Only: A sticker is enclosed for this purpose.

- Level of construction** 15 The building shall be of minimum Level 3 construction in accordance with AS3959-1999 'Construction of Buildings in Bushfire Prone Areas'.

- Roofing** 16 Roofing shall have leafless guttering and valleys are to be screened to prevent the build up of flammable material. Alternatively guttering shall be fitted with leaf guards having a flammability index of not greater than 5 when tested in accordance with AS1530.2.

- Roller doors** 17 Roller doors, tilt-a-doors and the like shall be sealed to prevent the entry of embers into the structure.

- Asset Protection Zone** 18 The entire property shall be managed as an ‘Inner Protection Area’ as outlined within Section 4.1.3 and Appendix 2 of Planning for Bushfire Protection 2006, as well as the RFS standards for Asset Protection Zones (available electronically at www.rfs.nsw.gov.au. Individual trees may be retained within the IPA. Trees within the IPA must not be continuous and must not overhang the buildings on site. There must be a minimum 2 metre separation between tree canopies. A maximum of 5 metres is required for separation of canopies.
NOTE: Total clearance of all vegetation is not acceptable.
This work is to be completed prior to the issue of an Occupation Certificate.
The Asset Protection Zone is to be maintained on a permanent basis.
- Static water supply** 19 In recognition of the potentially unreliable reticulated water supply in the locality a 10,000 litre dedicated water supply tank shall be provided. The tank shall be provided with a minimum 3kW (5hp) petrol or diesel powered pump and associated fittings including a 38mm storz fitting and ball or gate valve.
- Static Water Supply marker** 20 Obtain a Static Water Supply (SWS) marker from the Blue Mountains NSW Rural Fire Service as part of the District’s Static Water Supply Program once the dedicated tank water supply has been installed. The marker once issued is to be:
- fixed in a suitable location so as to be highly visible;
 - positioned adjacent to most appropriate access for the static water supply;
 - fixed facing the roadway on a gatepost, fence or dedicated post, at the right hand side of the entranceway to the Static Water Supply;
 - markers not to be fixed less than 600mm from the ground surface to the base of the sign and not higher than 1200mm from the ground surface to the base of the sign;
 - should be fixed with suitable screws or nails.
- Property access** 21 To provide safe access to and from the road for fire fighters providing property protection, the existing access arrangements shall be maintained..
- Water, gas and** 22 Water, gas and electricity supply as appropriate shall

- electricity** comply with Section 4.1.3 of Planning for Bushfire Protection 2006.
- Landscaping** 23 Landscaping shall comply with Appendix 5 of Planning for Bushfire Protection 2006.
- Trees** 24 To prevent the accumulation of leaf litter in roof gutters and valleys, no trees are to overhang or be located within 5 metres of the dwelling.
Where overhang occurs, pruning of overhanging branches, rather than complete tree removal, is the preferred option.
- Unrestricted access** 25 Unrestricted access shall be provided around the property for fire fighting personnel.
- Radiant heat shield** 26 Provide a 1.8 metres high non-combustible radiant heat fence for a total distance of 50 metres (being to the north of the battle-axe handle) directly adjoining the dwelling along the north east property boundary to the rear of the property and extending along the entire rear property boundary and incorporating a solid non combustible rear access gate for fire fighting personnel.