ATTACHMENTS TO REPORTS –
Item -

ORDINARY COUNCIL MEETING

Wednesday 11 September 2019

COPIES CIRCULATED SEPARATELY HEREWITH

Distribution:

Mayor T D Gair
Clr G J Andrews
Clr K J Halstead
Clr G McLaughlin
Clr G Markwart
Clr P W Nelson
Clr I M Scandrett
Clr G M Turland
Clr L A C Whipper
General Manager
Deputy General Manager Corporate, Strategy and Development Services
Deputy General Manager Operations, Finance and Risk
Group Manager Corporate and Community
Group Manager Planning, Development and Regulatory Services
Chief Financial Officer
Chief Information Officer
Administration Officer (for Archives)

Attachments to Reports

Item

9.1 DA 19/0974 - Multi Dwelling Housing - 9 Dwellings, Lot 10 DP 38607 and Lot 53 DP 1120498, 51-53 Kirkham Street Moss Vale

ATTACHMENT 1 Reasons for Refusal 4
ATTACHMENT 2 Location Plan 19.0974 5
ATTACHMENT 3 Zoning 19.0974....6
ATTACHMENT 4 Architectural Plans 19.0974 7
ATTACHMENT 5 Landscape Plan 19.0974 10

9.2 DA19/1571, 12 Solomon Street, Renwick - Two-Storey Detached Dual Occupancy

ATTACHMENT 1 19 1571 Reasons for Refusal....12
ATTACHMENT 2 Site Plan 15
ATTACHMENT 3 Elevations 16
ATTACHMENT 4 Conditions of Consent....17

12.3 Development Application 19/1229 - Residential Flat Building containing 10 Units - 1 Kangaloon Road, Bowral

ATTACHMENT 1 Draft Conditions 32
ATTACHMENT 2 Site Location....61
ATTACHMENT 3 Zoning 62
ATTACHMENT 4 Site Plan 63
ATTACHMENT 5 Elevations 64
ATTACHMENT 6 Midwinter Overshadowing....67
ATTACHMENT 7 Proposed Landscaping 71

12.4 Development Application 17/0816.10 - s.4.55 Modification to Approved Vehicle Repair Station - 80 Station Street and 13 Walker Street, Bowral

ATTACHMENT 1 Draft Reasons for Refusal....73
ATTACHMENT 2 Site Location.1 17.0816 74
ATTACHMENT 3 Zoning 75

ATTACHMENTS TO REPORT

Item 9.1

DA 19/0974 - Multi Dwelling Housing - 9 Dwellings, Lot 10 DP 38607 and Lot 53 DP 1120498, 51-53 Kirkham Street Moss Vale

Attachment 1

Reasons for Refusal

Attachment 2

Location Plan 19.0974

Attachment 3

Zoning 19.0974

Attachment 4

Architectural Plans 19.0974

Attachment 5

Landscape Plan 19.0974

ATTACHMENT 1 TO DA 19/0974 - Multi Dwelling Housing - 9 Dwellings, Lot 10 DP 38607 and Lot 53 DP 1120498, 51-53 Kirkham Street Moss Vale

REASONS FOR REFUSAL

---

1. The proposed development is providing a total landscaped area of 43%, therefore contrary to Section 3.11.1 of Moss Vale Development Control Plan.

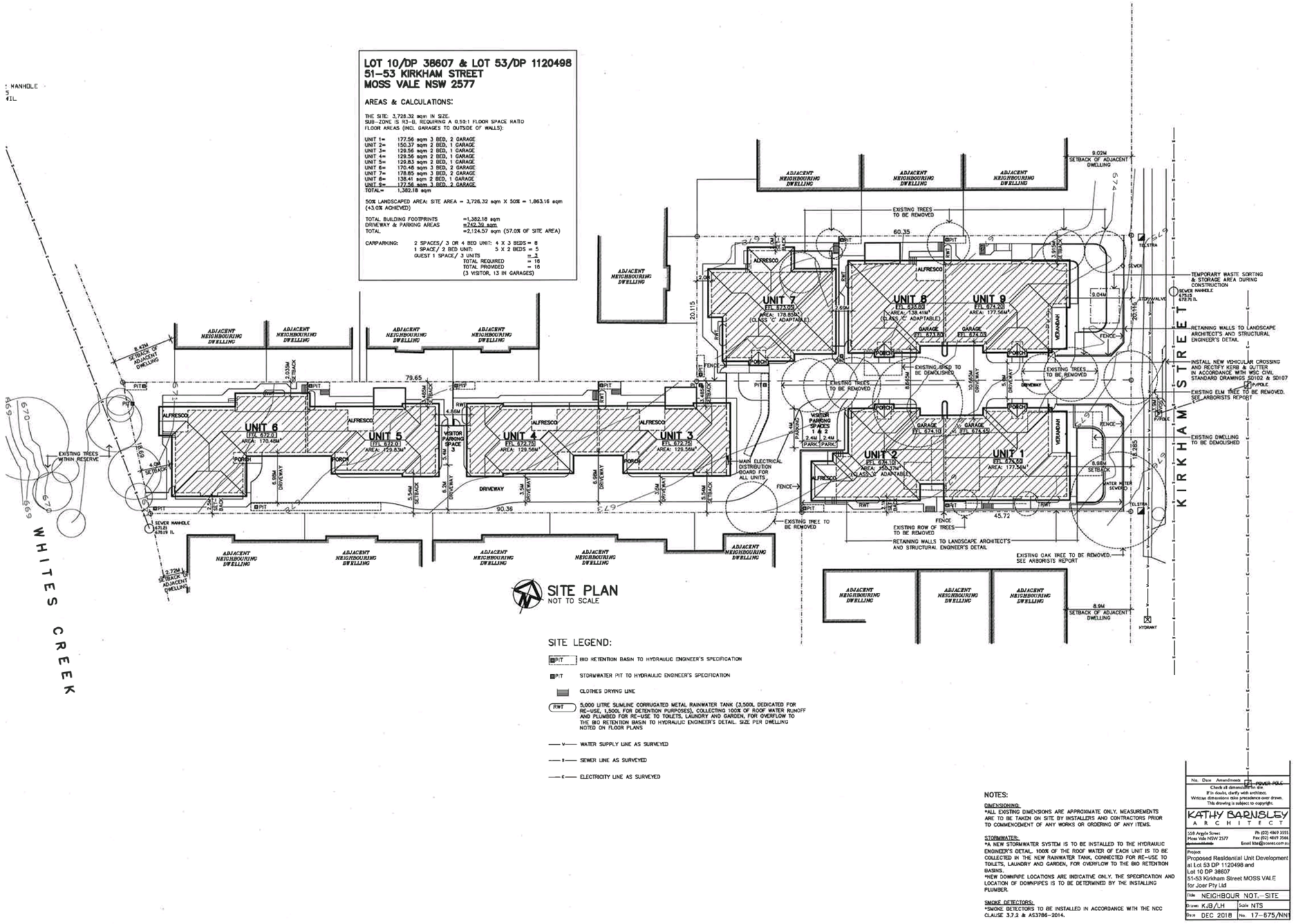
   (Section 4.15 (1) (a) (b) (c) (d) (c) of the Environmental Planning & Assessment Act 1979).

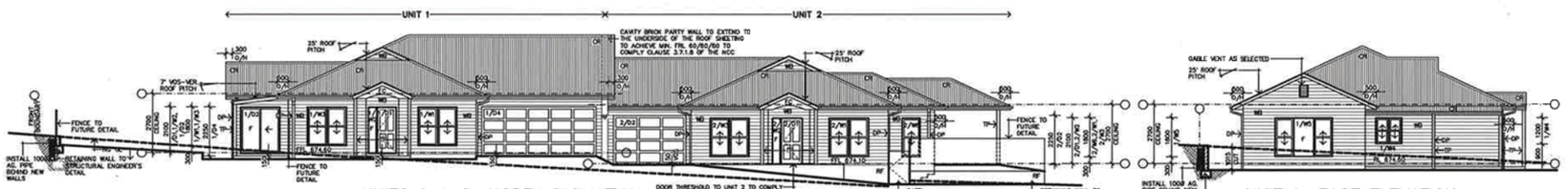
2. The reduction of the landscaped area of the site by 7% (260.84m^2) has an impact on the amenity of the future residents of the development.

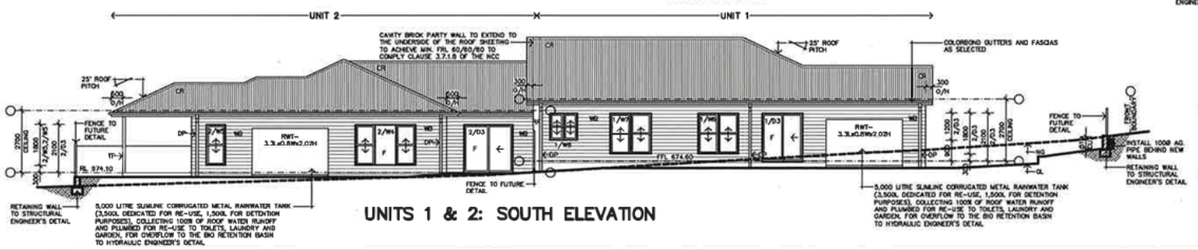
   (Section 4.15 (1) (a) (b) (c) (d) (c) of the Environmental Planning & Assessment Act 1979).

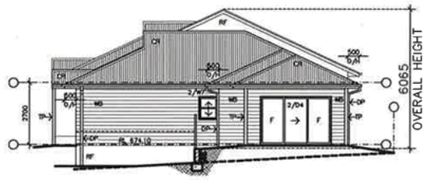
KIRKHAM STREET
MACK STREET
ROY BAKER WALKWAY
ARTHUR STREET
CHAPMAN STREET

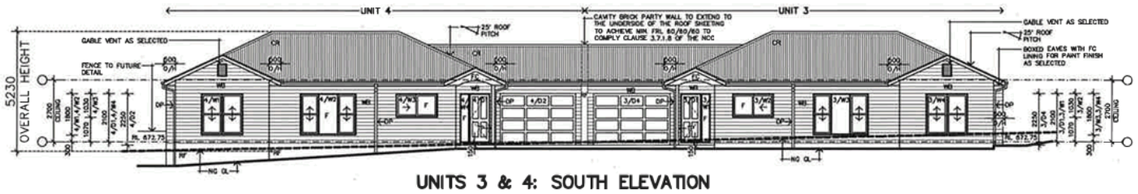
CHAPMAN STREET
ARTHUR STREET
MACK STREET
KIRKHAM STREET
ROY BAKER WALKWAY
R2
RE1
R3

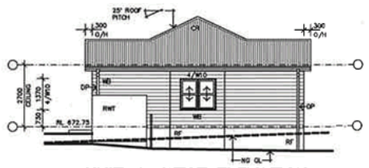

LOT 10/DP 38607 & LOT 53/DP 1120498
51–53 KIRKHAM STREET
MOSS VALE NSW 2577
AREAS & CALCULATIONS:
THE SITE: 3,726.32 sqm IN SIZE.
SUB–ZONE IS R3–B, REQUIRING A 0.50:1 FLOOR SPACE RATIO
FLOOR AREAS (INCL GARAGES TO OUTSIDE OF WALLS):
UNIT 1= 177.56 sqm 3 BED, 2 GARAGE
UNIT 2= 150.37 sqm 2 BED, 1 GARAGE
UNIT 3= 129.56 sqm 2 BED, 1 GARAGE
UNIT 4= 129.56 sqm 2 BED, 1 GARAGE
UNIT 5= 129.83 sqm 2 BED, 1 GARAGE
UNIT 6= 170.48 sqm 3 BED, 2 GARAGE
UNIT 7= 178.85 sqm 3 BED, 2 GARAGE
UNIT 8= 138.41 sqm 2 BED, 1 GARAGE
UNIT 9= 177.56 sqm 3 BED, 2 GARAGE
TOTAL= 1,382.18 sqm
50% LANDSCAPED AREA: SITE AREA = 3,726.32 sqm X 50% = 1,863.16 sqm
(43.0% ACHIEVED)
TOTAL BUILDING FOOTPRINTS =1,382.18 sqm
DRIVEWAY & PARKING AREAS =742.39 sqm
TOTAL =2,124.57 sqm (57.0% OF SITE AREA)
CARPARKING: 2 SPACES/ 3 OR 4 BED UNIT: 4 X 3 BEDS = 8
1 SPACE/ 2 BED UNIT: 5 X 2 BEDS = 5
GUEST 1 SPACE/ 3 UNITS = 3
TOTAL REQUIRED = 16
TOTAL PROVIDED = 16
(3 VISITOR, 13 IN GARAGES)
WHITES CREEK
KIRKHAM STREET
UNIT 1
UNIT 2
UNIT 3
UNIT 4
UNIT 5
UNIT 6
UNIT 7
UNIT 8
UNIT 9
ADJACENT NEIGHBOURING DWELLING
EXISTING TREES TO BE REMOVED
EXISTING TREES WITHIN RESERVE
EXISTING DWELLING TO BE DEMOLISHED
EXISTING ELM TREE TO BE REMOVED. SEE ARBORISTS REPORT
EXISTING OAK TREE TO BE REMOVED. SEE ARBORISTS REPORT
EXISTING TREE TO BE REMOVED
EXISTING ROW OF TREES TO BE REMOVED
RETAINING WALLS TO LANDSCAPE ARCHITECT'S AND STRUCTURAL ENGINEER'S DETAIL
TEMPORARY WASTE SORTING & STORAGE AREA DURING CONSTRUCTION
INSTALL NEW VEHICULAR CROSSING AND RECTIFY KERB & GUTTER IN ACCORDANCE WITH WSC CIVIL STANDARD DRAWINGS SD102 & SD107
MAIN ELECTRICAL DISTRIBUTION BOARD FOR ALL UNITS
SETBACK OF ADJACENT DWELLING
SITE PLAN
NOT TO SCALE
SITE LEGEND:
PIT BIO RETENTION BASIN TO HYDRAULIC ENGINEER'S SPECIFICATION
PIT STORMWATER PIT TO HYDRAULIC ENGINEER'S SPECIFICATION
CLOTHES DRYING LINE
RWT 5,000 LITRE SLIMLINE CORRUGATED METAL RAINWATER TANK (3,500L DEDICATED FOR RE–USE, 1,500L FOR DETENTION PURPOSES), COLLECTING 100% OF ROOF WATER RUNOFF AND PLUMBED FOR RE–USE TO TOILETS, LAUNDRY AND GARDEN. FOR OVERFLOW TO THE BIO RETENTION BASIN TO HYDRAULIC ENGINEER'S DETAIL. SIZE PER DWELLING NOTED ON FLOOR PLANS
WATER SUPPLY LINE AS SURVEYED
SEWER LINE AS SURVEYED
ELECTRICITY LINE AS SURVEYED
NOTES:
DIMENSIONING:
*ALL EXISTING DIMENSIONS ARE APPROXIMATE ONLY. MEASUREMENTS ARE TO BE TAKEN ON SITE BY INSTALLERS AND CONTRACTORS PRIOR TO COMMENCEMENT OF ANY WORKS OR ORDERING OF ANY ITEMS.
STORMWATER:
*A NEW STORMWATER SYSTEM IS TO BE INSTALLED TO THE HYDRAULIC ENGINEER'S DETAIL. 100% OF THE ROOF WATER OF EACH UNIT IS TO BE COLLECTED IN THE NEW RAINWATER TANK, CONNECTED FOR RE–USE TO TOILETS, LAUNDRY AND GARDEN, FOR OVERFLOW TO THE BIO RETENTION BASINS.
*NEW DOWNPIPE LOCATIONS ARE INDICATIVE ONLY. THE SPECIFICATION AND LOCATION OF DOWNPIPES IS TO BE DETERMINED BY THE INSTALLING PLUMBER.
SMOKE DETECTORS:
*SMOKE DETECTORS TO BE INSTALLED IN ACCORDANCE WITH THE NCC CLAUSE 3.7.2 & AS3786–2014.
KATHY BARNSLEY
ARCHITECT
Proposed Residential Unit Development
at Lot 53 DP 1120498 and
Lot 10 DP 38607
51-53 Kirkham Street MOSS VALE
for Joer Pty Ltd
NEIGHBOUR NOT.–SITE
DEC 2018
17–675/NN1

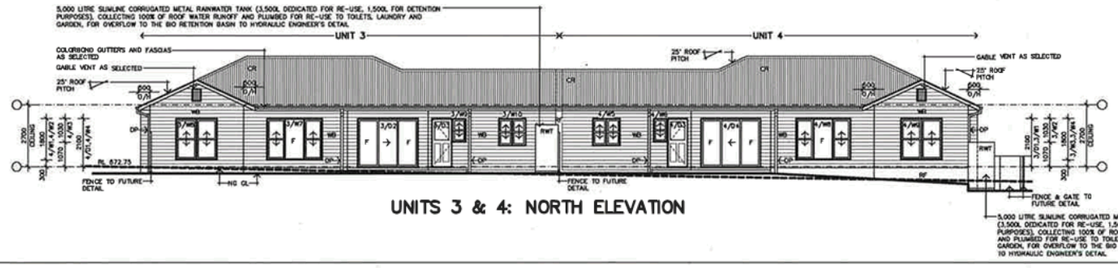


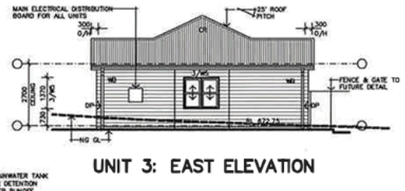


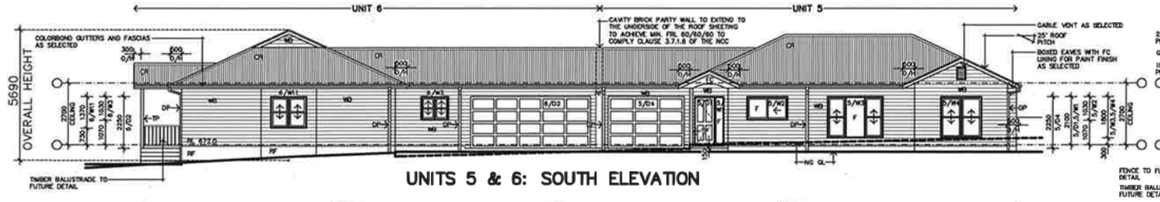


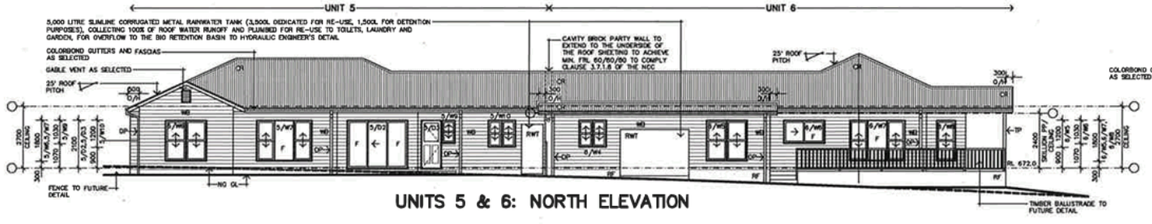


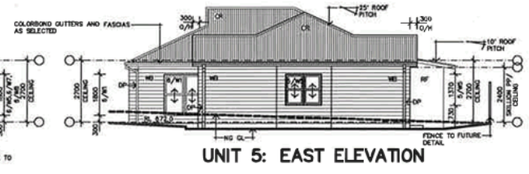












No.	Date	Amendments

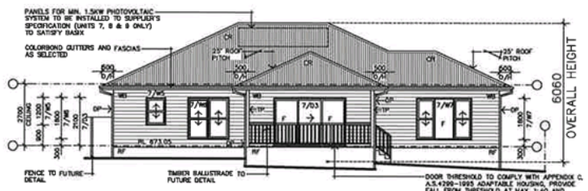
Check all dimensions on site
If in doubt, clarify with architect.
Written dimensions take precedence over drawn.
This drawing is subject to copyright.

KATHY BARNSLEY
ARCHITECT

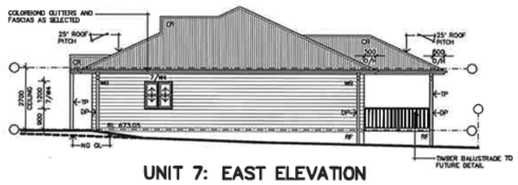
168 Argyle Street, Moss Vale NSW 2577
Ph (02) 4869 1555
Fax (02) 4869 7546
Email kba@acme.com.au

Project
Proposed Residential Unit Development
at Lot 53 DP 1120498 and
Lot 10 DP 38607
51-53 Kirkham Street MOSS VALE
for Joer Pty Ltd

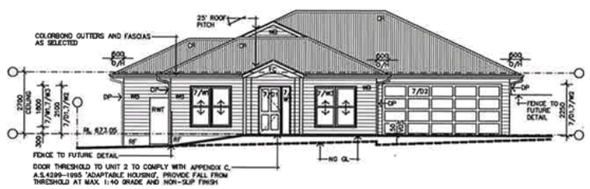
Title NEIGHBOUR NOT.–U1 TO U6
Drawn KJB/LH
Scale NTS
Date DEC 2018
No. 17–675/NN2



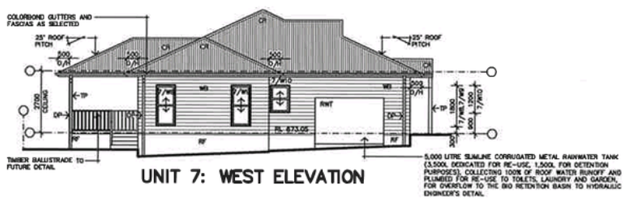
UNIT 7: NORTH ELEVATION



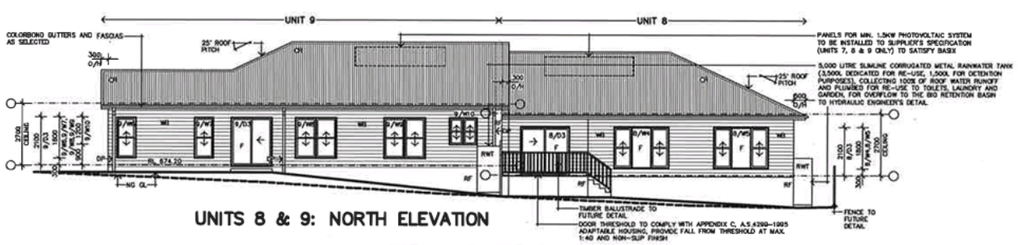
UNIT 7: EAST ELEVATION



UNIT 7: SOUTH ELEVATION

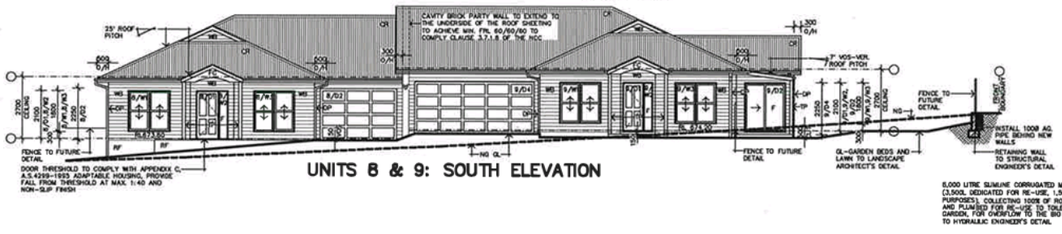


UNIT 7: WEST ELEVATION

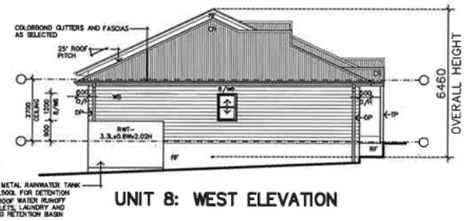


UNITS 8 & 9: NORTH ELEVATION

UNIT 9: EAST ELEVATION



UNITS 8 & 9: SOUTH ELEVATION



UNIT 8: WEST ELEVATION

No.	Date	Amendments

Check all dimensions on site.
If in doubt, clarify with architect.
Written dimensions take precedence over drawn.
This drawing is subject to copyright.

KATHY BARNSLEY
ARCHITECT

358 Argyle Street
Moss Vale NSW 2577
(press vs A1 size)
Ph (02) 4869 3551
Fax (02) 4869 3566
Email kba@acenet.com.au

Project
Proposed Residential Unit Development
at Lot 53 DP 1120498 and
Lot 10 DP 38607
51-53 Kirkham Street MOSS VALE
for Joar Pty Ltd

Title NEIGHBOUR NOT.–U7 TO U9

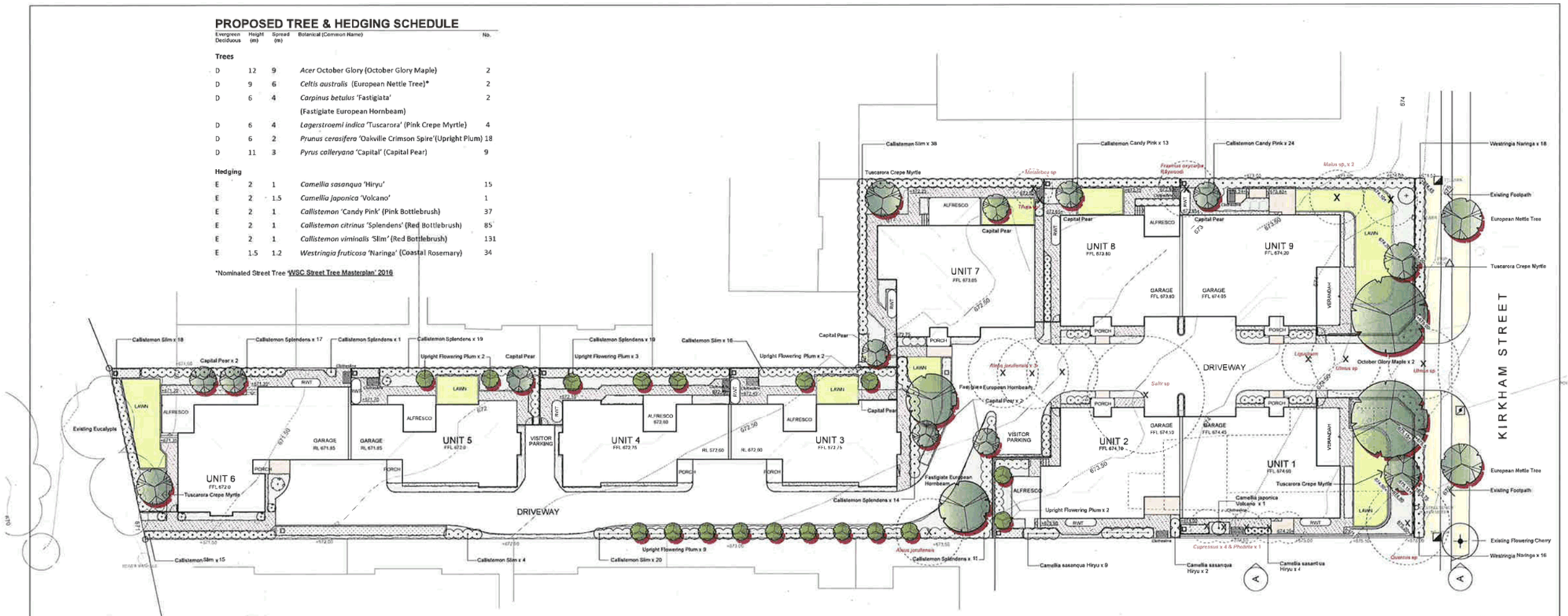
Drawn KJB/LH | Scale NTS

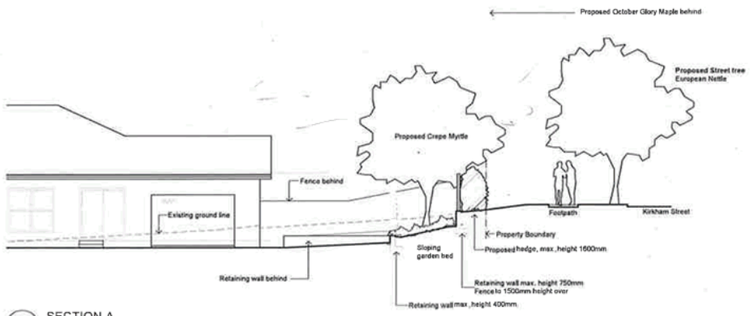
Date DEC 2018 | No. 17-675/NN3

PROPOSED TREE & HEDGING SCHEDULE

Evergreen Deciduous	Height (m)	Spread (m)	Botanical (Common Name)	No.
Trees				
D	12	9	*Acer* October Glory (October Glory Maple)	2
D	9	6	*Celtis australis* (European Nettle Tree)*	2
D	6	4	*Carpinus betulus* 'Fastigiata' (Fastigiate European Hornbeam)	2
D	6	4	*Lagerstroemi indica* 'Tuscarora' (Pink Crepe Myrtle)	4
D	6	2	*Prunus cerasifera* 'Oakville Crimson Spire'(Upright Plum)	18
D	11	3	*Pyrus calleryana* 'Capital' (Capital Pear)	9
Hedging				
E	2	1	*Camellia sasanqua* 'Hiryu'	15
E	2	1.5	*Camellia japonica* 'Volcano'	1
E	2	1	*Callistemon* 'Candy Pink' (Pink Bottlebrush)	37
E	2	1	*Callistemon citrinus* 'Splendens' (Red Bottlebrush)	85
E	2	1	*Callistemon viminalis* 'Slim' (Red Bottlebrush)	131
E	1.5	1.2	*Westringia fruticosa* 'Naringa' (Coastal Rosemary)	34

*Nominated Street Tree *WSC Street Tree Masterplan' 2016*





1 SECTION A
Scale. 1.100

LEGEND

- EXISTING CONTOUR / SPOT LEVEL
- PROPOSED SPOT LEVEL
- EXISTING TREE TO BE RETAINED
- DEMOLITION / EXISTING TREE TO BE REMOVED
- PROPOSED DECIDUOUS TREES Refer Tree & Hedging Schedule
- PROPOSED EVERGREEN HEDGE Refer Tree & Hedging Schedule
- RETAINING WALL Maximum height 0.8m. Structural details and drainage behind to Engineer's specification.
- FENCE Height varies, 1500 - 1800mm
- GARDEN BED Featuring shrubs, herbaceous perennials, native grasses and groundcovers
- LAWN Brick mowing edge between lawn and garden beds
- GRAVEL PAVING
- RAIN GARDEN - refer Stormwater Management Plan
- RAIN WATER TANK - refer Stormwater Management Plan

Westringia 'Naringa' (Coastal Rosemary) hedging to front boundary

Callistemon (Bottlebrush) hedging to side and rear boundaries

0 1 2 3 4 5M

CATHERINE LEWIS LANDSCAPE ARCHITECT

drawing: LANDSCAPE PLAN

scale: Plan View 1:200 @ A1 — Date: 18/12/18

drawn: CML — checked:

project: Proposed Residential Unit Development at Lot 53 DP 1120498 and Lot 10 DP 38607, 51-53 Kirkham Street MOSS VALE

client: Joez Pty Ltd

dwg no. 01

status DA

ATTACHMENTS TO REPORT

Item 9.2

DA19/1571, 12 Solomon Street, Renwick - Two-Storey Detached Dual Occupancy

Attachment 1

19 1571 Reasons for Refusal

Attachment 2

Site Plan

Attachment 3

Elevations

Attachment 4

Conditions of Consent

SCHEDULE 1 REASONS FOR REFUSAL

1. Having regard to section 4.15 (1) (a) (i) of the Environmental Planning and Assessment Act 1979 and clause 2.3 (2) of Wingecarribee Local Environmental Plan 2010, the development is considered contrary to the objective of Zone R2 Low Density Residential:

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

   [Section 4.15 (1) (a) (i) of the Environmental Planning and Assessment Act 1979]

2. Having regard to section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979, Council considers the development contrary to the residential amenity objective specified at section A2.2.4 (b) of the Mittagong Town Plan Development Control Plan:

   (b) Encourage new residential development that is sympathetic to existing or desired future streetscapes and neighbourhood character.

   [Section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979]

3. Having regard to section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979, Council considers the development unsatisfactory with respect to the low density housing objectives specified at section C2.2 (a), (b) and (g) of the Mittagong Town Plan Development Control Plan:

   (a) Maintain and improve the amenity and character of residential areas in (locality).

   (b) Ensure that development is of a type, scale, height, bulk and character compatible with existing streetscape characteristics.

   (g) Ensure that adequate on-site car parking is provided for residents and visitors.

   [Section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979]

4. Having regard to section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979, the development's design ignores the mass design guidelines (a) specified at section C16.5.2 of the Mittagong Town Plan Development Control Plan, specifically regarding the Renwick Precinct:

   (a) Single storey dwelling forms are encouraged.

   Consequently, Council considers the development contrary to the building height and mass objectives (a), (b) and (c) specified at section C16.5.2 of the DCP:

   (a) Maintain a low scale domestic residential character in areas of predominantly detached dwellings.

   (b) Minimise overshadowing of neighbouring properties by new development.

   (c) Minimise disruption of view and loss of privacy to existing and future development.

   [Section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979]

5. Having regard to section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979, Council considers that the development contrary to the Private Open Space objectives specified at section C16.5.2 (a), and (c) of the Mittagong Town Plan Development Control Plan:

Private Open Space

(a) Provide all new dwellings with sufficient usable open space.

(c) Ease of movement between living areas of dwellings and private open space.

Consequently, Council considers the development contrary to the Private Open Space controls (a) specified at section C16.5.2 of the DCP:

(a) Primary Private Open Space should be located to have a northerly aspect having a minimum width of 3 metres.

[Section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979]

6. Having regard to section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979, Council considers that the development contrary to the Street Address & Public Facade specified at section C16.5.2 (a), (c) and (d) of the Mittagong Town Plan Development Control Plan:

(a) Dwellings and living areas are to be orientated to address and overlook the street.

(c) Dwellings on corner lots are to address both street frontages

(d) Dwellings at key vistas (eg. end of intersection) are to be treated with additional landscaping.

[Section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979]

7. Having regard to section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979, Council considers that the development contrary to the Access, Parking, Garages & Driveways controls specified at section C16.5.2 (c) of the Mittagong Town Plan Development Control Plan:

(c) Vehicle crossings are not to exceed 3m wide in streets or 4.8m wide in lanes.

[Section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979]

8. Having regard to section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979, the development is contrary to the aspect of Private Open Space control (unit 1) and 4.5m minimum front setback control (unit 2) specified by section C16.5.5 of the Mittagong Town Plan Development Control Plan.

[Section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979]

9. Having regard to section 4.15 (1) (b) of the Environmental Planning and Assessment Act 1979, Council considers the development likely to have significant negative impacts with respect to:

(a) The character and amenity of the locality and the streetscape

(b) The scale and density of development in the locality

(c) Private Open Space

(d) Vehicle Parking – located on the driveway

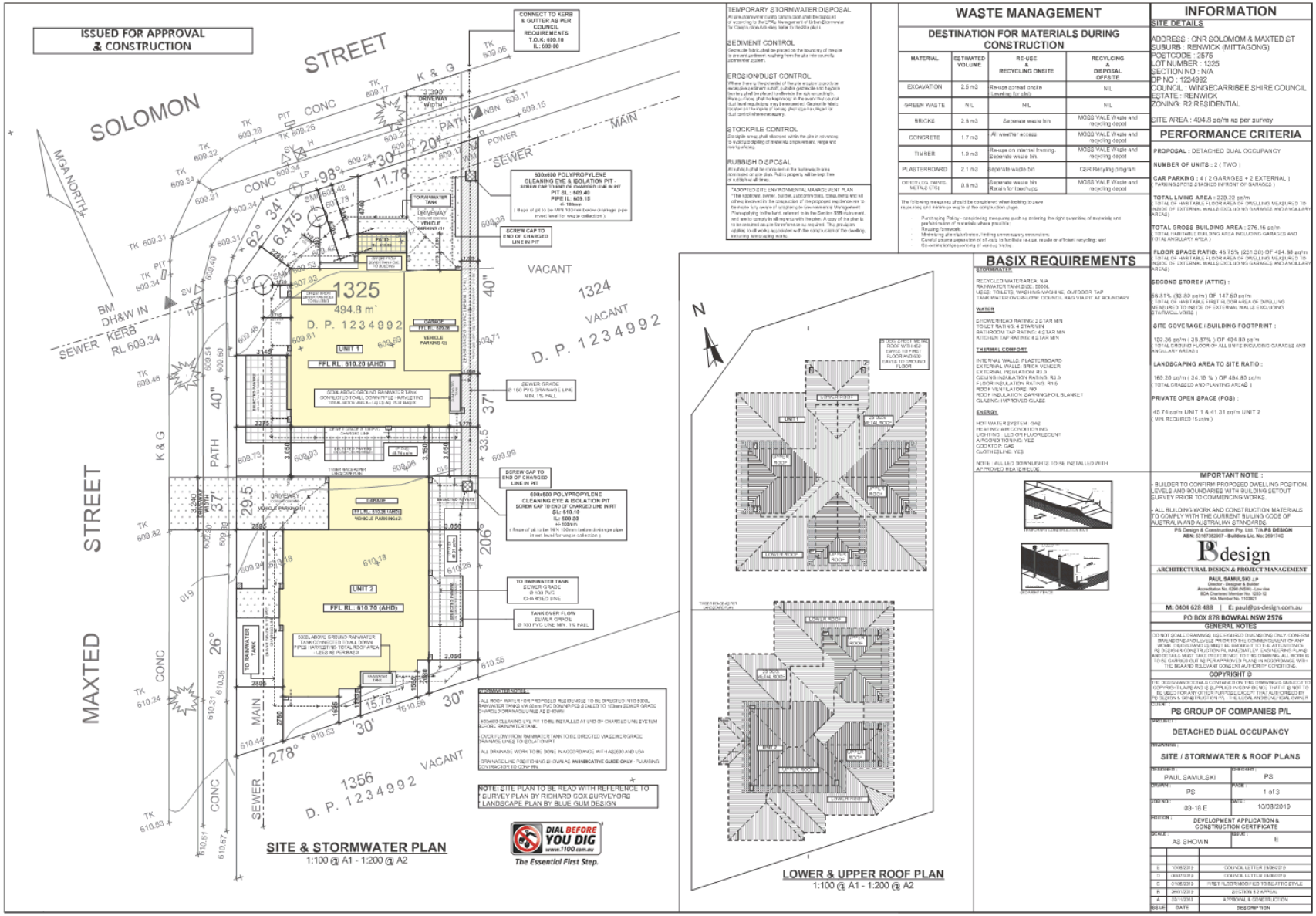
[Section 4.15 (1) (b) of the Environmental Planning and Assessment Act 1979]

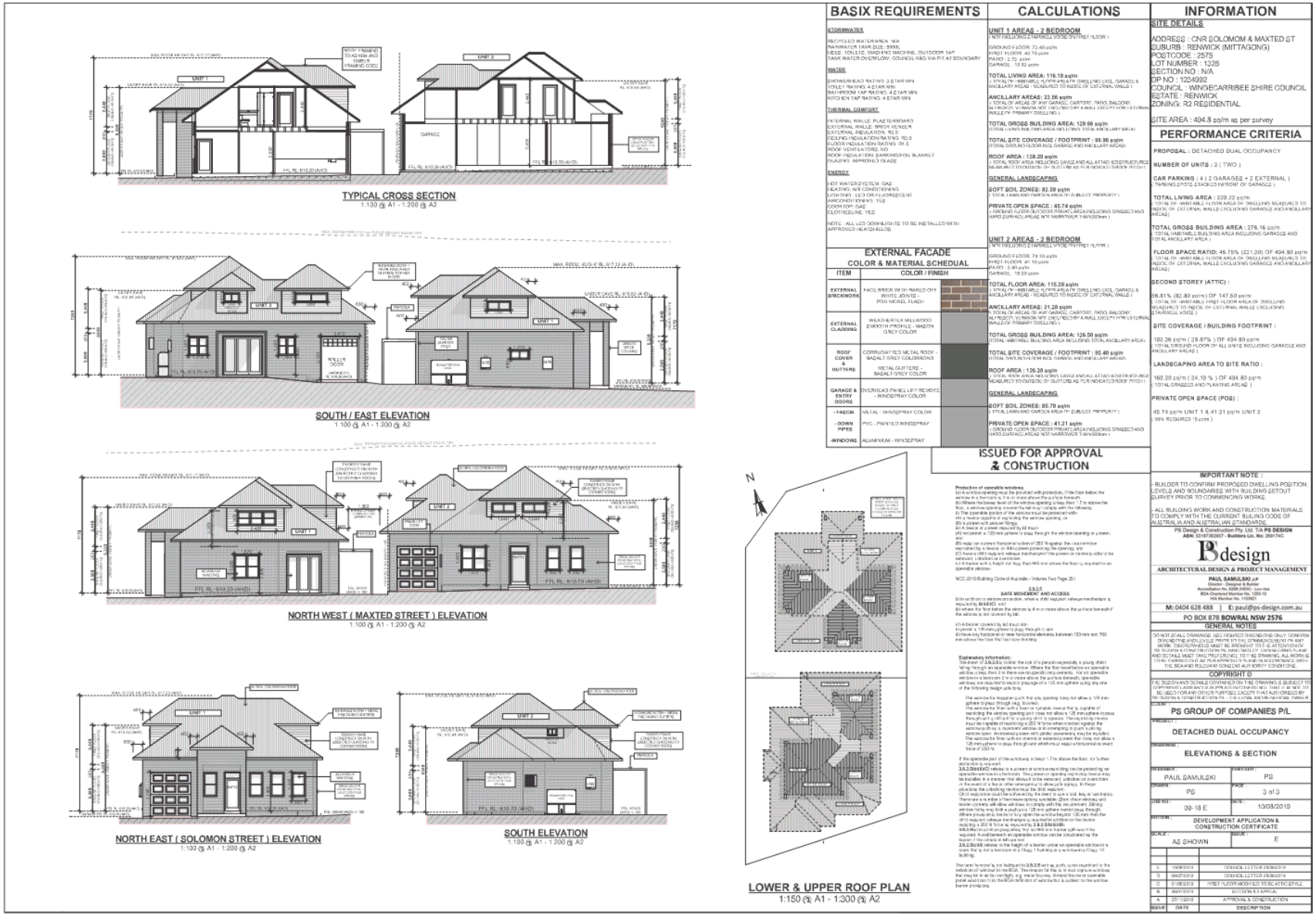
10. Having regard to section 4.15 (1) (c) of the Environmental Planning and Assessment Act 1979, Council considers the development incompatible with the desired character and amenity of the locality, therefore Council considers the land unsuitable for the development.

[Section 4.15 (1) (c) of the Environmental Planning and Assessment Act 1979]

11. Having regard to section 4.15 (1) (e) of the Environmental Planning and Assessment Act 1979, Council considers it not to be in the public interest to grant consent for the development.

[Section 4.15 (1) (e) of the Environmental Planning and Assessment Act 1979]


ISSUED FOR APPROVAL & CONSTRUCTION
SITE & STORMWATER PLAN
1:100 @ A1 - 1:200 @ A2
LOWER & UPPER ROOF PLAN
1:100 @ A1 - 1:200 @ A2
WASTE MANAGEMENT
DESTINATION FOR MATERIALS DURING CONSTRUCTION
INFORMATION
PERFORMANCE CRITERIA
BASIX REQUIREMENTS
PS GROUP OF DUAL OCCUPANCY
DETACHED DUAL OCCUPANCY
SITE / STORMWATER & ROOF PLANS


TYPICAL CROSS SECTION
1:100 @ A1 - 1:200 @ A2
SOUTH / EAST ELEVATION
1:100 @ A1 - 1:200 @ A2
NORTH WEST (MAXTED STREET) ELEVATION
1:100 @ A1 - 1:200 @ A2
NORTH EAST (SOLOMON STREET) ELEVATION
1:100 @ A1 - 1:200 @ A2
SOUTH ELEVATION
1:100 @ A1 - 1:200 @ A2
LOWER & UPPER ROOF PLAN
1:150 @ A1 - 1:300 @ A2
BASIX REQUIREMENTS
CALCULATIONS
INFORMATION
SITE DETAILS
ADDRESS : CNR SOLOMOM & MAXTED ST
SUBURB : RENWICK (MITTAGONG)
POSTCODE : 2575
LOT NUMBER : 1225
SECTION NO : N/A
DP NO : 1234992
COUNCIL : WINGECARRIBEE SHIRE COUNCIL
ESTATE : RENWICK
ZONING: R2 RESIDENTIAL
SITE AREA : 494.8 sq/m as per survey
PERFORMANCE CRITERIA
EXTERNAL FACADE
COLOR & MATERIAL SCHEDUAL
ITEM
COLOR / FINISH
ISSUED FOR APPROVAL
& CONSTRUCTION
IMPORTANT NOTE :
GENERAL NOTES
COPYRIGHT ©
PS GROUP OF COMPANIES P/L
DETACHED DUAL OCCUPANCY
ELEVATIONS & SECTION
PAUL SAMULSKI
PS
3 of 3
09-18 E
10/08/2019
DEVELOPMENT APPLICATION & CONSTRUCTION CERTIFICATE
AS SHOWN
E
ISSUE
DATE
DESCRIPTION

Lot 1325 DP 1234992

SCHEDULE 1 CONDITIONS OF DEVELOPMENT CONSENT

ADMINISTRATION CONDITIONS

1. Development Description

Development consent has been granted in accordance with this notice of determination for the purposes of Dual Occupancy (Detached). No approval granted for any kind of subdivision as part of this development consent.

***Reason**: To confirm the use of the approved development.*

2. Development in Accordance with Plans and Documents

The development shall be implemented in accordance with the approved plans and supporting documents set out in the following table except where modified by any conditions of development consent.

Plan Title / Supporting Document	Reference / Version	Prepared By	Dated
Basix Requirements (2)	977941S_02 and 977952S_02	P S Design	02/05/2019
Site Plan, Roof Plan and Stormwater Plan	Job No. 09-18 E, Page 1 of 3, Issue E	P S Design	10/08/2019
Landscape Plan	Dwg. L/01	Bluegum Design	12/11/18
Floor Plans, Elevations and sections	Job No. 09-18 E, Page 2-3 of 3, Issue E	P S Design	10/08/2019
Statement of Environmental Effects	12 Solomon Street, Renwick, Issue C	Paul Samulski	01/05/2019

***Reason**: To ensure the development is carried out in accordance with the approved plans and documentation.*

3. Inconsistency between documents

In the event of any inconsistency between the conditions of this consent and the drawings/documents referred to above, the conditions of this consent shall prevail to the extent of the inconsistency.

***Reason**: To ensure that the development is undertaken in accordance with the submitted plans and documents (as amended).*

4. Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

(a) That the work must be carried out in accordance with the requirements of the National Construction Code.

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

***Reason**:* *The condition is prescribed under clause 98 of the Environmental Planning and Assessment Regulation 2000.*

5. Erection of Signs

A sign must be erected in a prominent position on any site on which building work, is being carried out:

(a) Showing the name, address and telephone number of the principal certifying authority for the work, and

(b) 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

(c) Stating that unauthorised entry to the work site is prohibited.

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.

***Reason**:* *The condition is prescribed under clause 98A of the Environmental Planning and Assessment Regulation 2000.*

6. Notification of Home Building Act 1989 Requirements

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

(a) In the case of work for which a principal contractor is required to be appointed:

(i) the name and licence number of the principal contractor, and
(ii) the name of the insurer by which the work is insured under Part 6 of that Act,

(b) In the case of work to be done by an owner-builder:

(i) the name of the owner-builder, and
(ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority (PCA) for the development to which the work relates (not being the council) has given the council written notice of the updated information.

***Reason**:* *The condition is prescribed under clause 98B of the Environmental Planning and Assessment Regulation 2000.*

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

7. Construction Certificate

No work shall commence until a:

(a) Construction Certificate is obtained from either the Wingecarribee Shire Council or an Accredited Certifier; and

(b) Construction Certificate lodged with Council obtained from an Accredited Certifier (together with associated plans and documents) - a fee applies for this service.

Reason *Statutory requirement.*

8. Appointment of Principal Certifying Authority

No work shall commence in connection with this Development Consent until:

(a) A Construction certificate for the building work has been issued by:

(i) the consent authority; or

(ii) an accredited certifier; and

(b) the person having the benefit of the development consent has:

(i) appointed a principal certifying authority for the building work, and

(ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and

(b1) the principal certifying authority has, no later than 2 days before the building work commences:

(i) notified the Council of his or her appointment, and

(ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

(b2) the person having the benefit of the development consent, if not carrying out the work as an owner builder, has:

(i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and

(ii) notified the principal certifying authority of such appointment, and

(iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

(c) the person having the person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

Reason: *To ensure that there is certainty as to the consent applying to the land.*

9. Section 68 Local Government Act 1993 Approvals

Prior to the issue of a Construction Certificate, an application under section 68 of the *Local Government Act 1993* shall be made to, and issued by, Wingecarribee Shire Council, for the following approvals:

- Carry out sewerage works
- Carry out water supply
- Carry out stormwater drainage works.

Reason: *A requirement under the provisions of the Local Government Act 1993.*

10. Approval Required for Work within Road Reserve - Section 138 Roads Act 1993

Where works are proposed within the road reserve, the Developer must obtain approval from Council (as the Roads Authority and / or as required under Section 138 of the *Roads Act 1993*) prior to the issue of the Construction Certificate. Works within the road reserve may include activities such as erect a structure, dig up or disturb the surface of a public road, remove or interfere with a structure, or any other activities as defined within the *Roads Act 1993*.

The following details must be submitted to Council in order to obtain the Section 138 approval:

- A copy of approved design plans related to the development and proposed works to be undertaken.
- Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the Roads and Traffic Authority's manual '"Traffic Control at Work Sites". Warning and protective devices shall comply with the provisions of AS1742.3 - 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate Roads and Traffic Authority accreditation, a copy of which is to be submitted with the plan.
- Insurance details - Public Liability Insurance to an amount of $20 million, to be held by applicant / contractor undertaking the works.

Advice: *Where works are required within a Classified Road, the Developer must obtain the concurrence and / or the approval of the Roads and Traffic Authority for engineering design plans, Traffic Control Plans and approvals under Section 138 of the Roads Act 1993.*

Reason: *Statutory requirement.*

11. Developer to provide photos of damage to Council property

The developer must provide Council and the PCA with photos of any damage of Council property adjoining the development prior to the issue of the Construction Certificate.

Photos should include any damage to footpaths, road furniture, landscaping/trees, drainage, water, sewer, kerb and gutter and road pavement and the like.

Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the developer/owners/proponents expense.

The construction supervisor is responsible to ensure that all contractors, sub-contractors, and delivery trucks use a designated access point to prevent damage to Council's property. Repairs to damaged Council property are to be carried out by the contractor/builder to

Council's specification and supervision prior to issue of any Occupation Certificate or Subdivision Certificate (as applicable).

Reason: *To ensure that Councils assets are protected.*

12. Section 7.11 Contributions (formerly Section 94)

Under Section 7.11 of the *Environmental Planning and Assessment Act 1979* (as amended), Council has satisfactorily determined that Development Contributions are applicable to this development consent, as the development is likely to require the provision of, or increase the demand for, public amenities and public services within the Wingecarribee Local Government Area.

The following Wingecarribee Shire Council Section 94 Developer Contributions Plans are applicable to the development:

- Roads & Traffic Management Facilities
- Resource Recovery Centre 2009
- Central Library Facility
- Section 94 Administration 2011 to 2031
- Open Space & Recreation Facilities

A "Developer Charges - Notice of Payment" is attached to the back of this consent, and outlines monetary contributions and unit rates applicable at the time of issue of this consent. The contributions listed in the Notice of Payment must be paid prior to the issue of the Construction Certificate.

All contributions are indexed quarterly in accordance with upward movements in the Consumer Price Index (All Groups, Sydney) as published by the Australian Bureau of Statistics (www.abs.gov.au <http://www.abs.gov.au>); Section 25I of the *Environmental Planning and Assessment Regulation 2000*; and Council's Developer Contributions Plans.

Note: *Copies of the Contributions Plans are available at Wingecarribee Shire Council's Administration building Moss Vale or are available for download from Council's website www.wsc.nsw.gov.au <http://www.wsc.nsw.gov.au>.*

Note: *Payment of the attached contributions is to be by BANK CHEQUE OR CASH and is to be accompanied by the attached sheet entitled "Notice of Payment - Developer Charges & Section 94". Should the Applicant pay by personal or company cheque the plans subject to this approval will not be available for collection until such time as the cheque has been honoured (i.e. a minimum of 10 days).*

Reason: *To retain a level of service for the existing population and to provide the same level of service to the population resulting from new developments.*

13. Water Management Act - Certificate of Compliance

A Certificate of Compliance under Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000* shall be obtained **prior to the issue of Construction Certificate.**

Note: *Section 64 of the Local Government Act 1993 authorises Council to issue Certificates of Compliance under Section 306 of the Water Management Act 2000. Section 64 of the Local Government Act 1993 also authorises Council to impose pre-conditions to the issuing of Certificates of Compliance.*

As a precondition to the issuing of a Certificate of Compliance Council requires the payment of Developer Charges **prior to the issue of Construction Certificate** as prescribed by Wingecarribee Shire Council's Development Servicing Plans:

- Water Supply Development Servicing Plan;
- Sewerage Development Servicing Plan; and
- Stormwater Development Servicing Plan.

A developer Charges - Notice of Payment is attached to the back of this consent and outlines monetary contributions and unit rates applicable at the time of issue of this consent.

The water, sewer and stormwater headworks levies are indexed quarterly in accordance with upward movements in the Consumer Price Index (All Groups, Sydney) as published by the Australian Bureau of Statistics (www.abs.gov.au <http://www.abs.gov.au>); and Council's Development Servicing Plans.

Copies of Development Servicing Plans are available at Wingecarribee Shire Council's Administration building Moss Vale or are available for download from Council's website www.wsc.nsw.gov.au <http://www.wsc.nsw.gov.au>.

The Water and Sewerage Development Servicing Plans (DSP's) were adopted by Council and came into effect on 15 September 2017. The Stormwater DSP was adopted on 9 November 2010 and came into effect on 8 December 2010. The current charges under these Plans are listed as follows:

CPI Period	Water DSP	Sewer DSP	Stormwater DSP
Valid up to 14th September 2019	**$11,077.43**	**$10,739.17**	**$261.16**
Note: The charges shown above are amounts applicable during the stated time period. These amounts will be subject to adjustment quarterly in accordance with upward movements in the Consumer Price Index (CPI) once they become operational. The CPI is published quarterly by the Australian Bureau of Statistics, www.abs.gov.au <http://www.abs.gov.au>.			

Should new DSP's be prepared, it is possible that the charges may increase significantly. Draft DSP's must be advertised by Council for a period of 30 days prior to adoption.

Note: *Payment of the above charges is to be by BANK CHEQUE OR CASH and is to be accompanied by the attached sheet entitled "Notice of Payment - Developer Charges & Section 94". Should the Applicant pay by personal or company cheque the plans subject to this approval will not be available for collection until such time as the cheque has been honoured (i.e., a minimum of 10 days).*

Compliance Certificate

Compliance Certificate fees, in accordance with Council's Revenue Policy are as follows and shall be paid prior to the issue of the Construction Certificate:-

Water $ 250 + Sewer $ 250 + Stormwater $ 250 = $750

Prior to final release, you will need to contact Council's Infrastructure Services Division for an inspection to ensure that Council will accept the infrastructure constructed. In response the

Manager of Water and Sewer will specify requirements which will have to be met.

In the case of subdivision, the title plan of subdivision will not be certified and released by Council until the *Water Management Act 2000* charges have been paid and/or secured and the approval of Council has been obtained for all works related to this infrastructure.

In the case of other forms of development, the Construction Certificate will not be issued until the Water Management Act 2000 charges have been paid and/or secured and the approval

Reason: *To retain a level of service for the existing population and to provide the same level of service to the population resulting from new developments.*

14. Building Materials & Colour Scheme

The use of Zincalume, galvanised iron, stainless steel, unetched zinc or copper is not permitted.

Reason: *To ensure that the new building is visually compatible with the existing environment.*

15. Stormwater - Control of Peak Discharge

Prior to the issue of the Construction Certificate, adequate and suitable infrastructure shall be provided to ensure the peak discharge from the site is no greater than the pre-developed peak discharge. This infrastructure shall be designed in accordance with Council's Engineering Policies. Calculations to demonstrate that the post-development peak discharge will not exceed the pre-development peak discharge shall be provided with the application for a Construction Certificate.

Any stormwater temporarily stored onsite shall be done in a manner that does not jeopardise public safety. In this regard the development shall provide a risk assessment with the Construction Certificate documentation.

Reason: *To ensure the peak discharge from the site is no greater than the pre-developed peak discharge.*

16. Detailed Stormwater Drainage System Design

Prior to the issue of the Construction Certificate, a detailed storm water hydraulic drainage plan for the disposal of storm water from the site, prepared in accordance with Council's Design Standards shall be submitted to Council and approved by Council's Development Engineer.

Should any changes be required to the approved storm water drainage plan, the amended design shall achieve equivalent performance standards in accordance with Design Specifications.

Note: *Construction Certificate Approval does not include approval for works external to the property or civil works.*

Where the proposed design extends beyond the property boundary, separate approval under Section 138 of the *Roads Act 1993*, must be obtained from Council prior to the commencement of works.

The applicant is advised to contact Council for clarification of proposed works for which

approval under Section 138 of the *Roads Act 1993* applies.

***Reason**:* *To ensure adequate storm water management.*

17. Stormwater - Construction

The applicant shall provide adequate storm water drainage infrastructure (pits/pipes/open channels/detention storage) for the conveyance of storm water passing through the site from upstream, and sourced from the development to a discharge outlet to be approved by Council. The point of discharge shall be clearly depicted and the legal right to discharge at that point to be justified. Status of the point of discharge is to be made clear (i.e. provision of drainage easements).

***Reason**:* *To assist in the prevention of erosion of the site from storm water.*of Council has been obtained.

18. Waste Management Plan

A Waste Management Plan shall be completed and submitted to Council for approval, prior to the issue of the Construction Certificate for the development.

Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout demolition and construction. Waste management and its storage must not pose a threat to public health or the environment.

***Reason**:* *To minimise the amount of waste going to landfill.*

19. Erosion and Sediment Control Plan

To minimise soil erosion and sediment movement during construction, the following measures shall be implemented:-

(a) Erosion and sediment controls are to be in place before the disturbance of any soils on the site, and are to be maintained during the works and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside the worksite boundaries.

(b) Topsoil stripped from the construction site shall be stockpiled and protected from erosion until re-use during landscaping. Soil is to be retained within the property.

(c) Stockpiles of construction and landscaping materials, and of site debris shall be located clear of drainage lines and in such a position that they are protected from erosion and do not encroach upon any footpath, nature strip or roadway.

(d) Final site spoil shall be disposed of to conform to the specifications and standards quoted and to any conditions of approval of those measures and must comply with any relevant NSW Department of Planning and Environment requirements.

(e) Trenches shall be backfilled, capped with topsoil and compacted to a level at least 75mm above adjoining ground level.

(f) Vehicular access shall be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where sediment is deposited on adjoining roadways the same shall be removed by means other than washing. All material is to be removed as soon as possible and the

collected material is to be disposed of in a manner which will prevent its mobilisation.

(g) All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for more than 14 days or such other period as may be approved after earthworks cease. All driveways and parking areas shall be stabilised with compacted sub-grade as soon as possible after their formation.

***Reason**:* *To minimise soil erosion and sediment movement during construction.*

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

20. Notice of Commencement

No work shall commence until a notice of commencement form has been submitted (form will be attached with issue of a Construction Certificate or Subdivision Works Certificate or available from Council's website), giving Council:

(a) Not less than two (2) days' notice of the date on which it is proposed to commence work associated with this Development Consent;

(b) Details of the appointment of a Principal Certifying Authority (either Wingecarribee Council or another Accredited Certifier)

(c) Details of the name, address and licence details of the Principal Contractor.

Reason: *Statutory requirement.*
Advice: *Attached Notice of Commencement form to be completed.*

CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

21. Approved Plans to be available on site

Endorsed Council approved plans, specifications, documentation and the consent shall be made available on site at all times during construction.

***Reason**:* *To ensure compliance with approved plans.*

22. Imported 'Waste-derived' Fill Material

The only waste derived fill material that may be received at the development site is:

- Virgin excavated natural material (VENM) within the meaning of the *Protection of the Environment Operations Act 1997* (POEO); or
- Any other waste-derived material the subject of a resource recovery exemption under clauses 91 & 92 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material

***Note**:* *Any waste-derived fill material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority.*

The application of waste-derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997*. However, a licence is not required if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a resource recovery exemption under clauses 91 & 92 of the *Protection of the Environment Operations (Waste) Regulation 2014*.

Resource recovery exemptions are available on the NSW EPA website at http://www.epa.nsw.gov.au/waste/.

Reason: *To ensure that imported fill is of an acceptable standard for environmental protection purposes.*

23. Ground Levels

Natural ground levels shall not be altered or adjusted other than shown on the approved plans or where varied by the conditions of consent without the prior consent of Council.

Finished ground levels shall be graded away from the buildings and adjoining properties must achieve natural drainage. The concentrated flows are to be dispersed down slope or collected and discharged to an approved storm water drainage system.

Reason: *To ensure that natural drainage of the property and adjoining properties is not affected.*

24. Retaining Walls and Drainage

If the soil conditions require it:

(a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided, and

(b) adequate provision shall be made for drainage.

(c) any retaining walls which do not comply with the exempt development standards outlined in the *State Environmental Planning Policy (Exempt and Complying Codes) 2008*, are subject to a separate approval prior to the construction of the retaining wall.

Reason: *To ensure that soil is appropriate retained.*

25. Vehicular Access Point - Construction and Delivery Vehicles

A suitable entry point shall be nominated on site and utilised by construction and delivery vehicles. This entry point is to be located so that the possibility of damage to Council's property is minimised during construction. The access point shall be surfaced with all-weather materials of a minimum of 40mm in size. Ballast or crushed gravel (minimum of 40mm rock) for the full width of the kerb from the edge of the road to the property boundary.

Reason: *To reduce the possibility of damage to public property.*

26. Damage to Adjoining Properties

All precautions shall be taken to prevent any damage likely to be sustained to adjoining properties. Where damage occurs to adjoining property all necessary repair or suitable agreement for necessary repairs shall be undertaken by the applicant in consultation with,

and with the consent of, the affected property owner.

***Reason**:* *Structural safety.*

27. Prevention of Nuisance

All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from windblown dust, debris and noise during the demolition, excavation and building works.

***Reason**:* *Health and amenity.*

28. Approved hours of Construction/Demolition

Construction/demolition activities shall be limited to the following hours:

DAY	HOURS
Monday to Saturday	7:00am to 5:00pm
Sunday	Nil
Public Holidays	Nil

***Reason**:* *To ensure that the amenity of the surrounding area is not compromised as a result of the construction of the proposal.*

Note: *Any variation to these hours shall require Council consent via the lodgment of an application under section 4.55 of the Environmental Planning and Assessment Act 1979.*

29. Building Operations

Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations which could lead to the discharge of materials into the storm water drainage system.

Reason: *To ensure that building materials are not washed into storm water drains.*

30. Maintenance of the site

All materials and equipment shall be stored wholly within the work site.

Waste materials (including excavation, demolition and construction waste materials) shall be managed on the site and then disposed of at a waste management facility.

Any run-off and erosion control measures required shall be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

During construction:

(a) all vehicles entering or leaving the site shall have their loads covered, and

(b) all vehicles, before leaving the site, shall be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site shall be left clear of waste and debris.

***Reason**:* *Environmental amenity.*

31. Storage of Building Materials, Plant and Equipment

All building materials, plant and equipment are to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and also so that the road reserve is not damaged.

No storage, or placing of any building materials to occur on adjacent public roads or footpath areas in association with the construction, maintenance or use of the development or site.

Reason: *To ensure that pedestrian and vehicular access in public places is not restricted and also so that the road reserve is not damaged.*

32. Temporary Onsite Toilet

Toilet facilities shall be available or provided at the work site prior to the commencement of works and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet shall:

(a) be a standard flushing toilet connected to a public sewer, or

(b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or

(c) be a temporary chemical closet approved under the *Local Government Act 1993*.

Reason: *To ensure that there are appropriate facilities on-site for construction workers.*

33. Waste Management

The provision of a metal waste skip with self-closing lid or secure covering on-site for the duration of the construction to ensure that all wastes are contained on the site. The receptacle shall be emptied periodically to reduce the potential for rubbish to leave the site.

Sorting of waste materials shall occur on site in accordance with the approved Waste Management Plan.

Reason: *To ensure that all wastes generated from the construction of the development are contained on the site.*

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN INTERIM OR FINAL OCCUPATION CERTIFICATE

34. Occupation Certificate

In accordance with Section 6.9 of the *Environmental Planning and Assessment Act 1979,* an application for an Occupation Certificate, shall be made on completion of the works and the relevant application fee paid. All works specified in the development consent and approved Construction Certificate plans shall be completed and all development consent conditions

complied with prior to the issue of the Occupation Certificate.

The Principal Certifying Authority (PCA) is required to be satisfied, amongst other things, that:

- All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- Any preconditions to the issue of the certificate required by a development consent have been met.

Reason: *To comply with the provisions of the Environmental Planning and Assessment Act 1979*

Note: *A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of Section 6.10 of the Environmental Planning and Assessment Act 1979 unless an Occupation Certificate has been issued in relation to the building or part.*

35. Section 138 Roads Act Final

The applicant is to ensure that the works associated with the Section 138 approval for this development be completed and inspected by Council prior to the issuing of any Occupation Certificate.

Reason: *To ensure that the development is completed as per this consent and the approved plans.*

36. Section 68 Local Government Act Final

The applicant is to ensure that the works associated with the Section 68 approval for this development be completed and inspected by Council prior to the issuing of any Occupation Certificate.

Reason: *To ensure that the development is completed as per this consent and the approved plans.*

37. Council Property

The applicant shall rectify any damage to Council property (including footpaths, road furniture, landscaping/trees, drainage, water, sewer, kerb and gutter, road pavement and the like) as a result of the development, prior to the issue of any Occupation Certificate at no cost to Council.

Reason: *To ensure that Councils assets are protected.*

38. BASIX Commitments

Pursuant to Clause 97A of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled prior to the issue of an Occupation Certificate.

In this condition:

(a) Relevant BASIX Certificate means:

(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 4.55 of the *Environmental Planning and Assessment Act 1979*, 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 & Assessment Regulation 2000*.

Reason: *To ensure that all of the commitments of BASIX Certificate have been met.*

39. House Numbering

A street house number being 75mm on house and no less than 42mm on mailbox or rural address number (allocated by Council), shall be prominently displayed so that it is visible from the street/road prior to issue of the Occupation Certificate.

Reason: *To ensure that the property is easily identifiable.*

40. Street Trees

Prior to the issue of the Interim or Final Occupation Certificate, a street tree selected in accordance with Council's Urban Street Tree Masterplan shall be planted within the adjoining footpath / roadside verge to the satisfaction of Council.

Reason: *To ensure that the landscaping is completed prior to occupation.*

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE OF THE DEVELOPMENT

41. Fencing Materials

Fencing to the side and rear boundaries shall be a maximum of 1800mm in height, of rural nature which includes post and rail fence, a post and wire fence or a basalt dry stone wall; and be located behind the front setback of the dwelling.

Reason: *To ensure that boundary treatments enhance the landscape character of the streetscape.*

END OF CONDITIONS

ATTACHMENTS TO REPORT

Item 12.3

Development Application 19/1229 - Residential Flat Building containing 10 Units - 1 Kangaloon Road, Bowral

Attachment 1

Draft Conditions

Attachment 2

Site Location

Attachment 3

Zoning

Attachment 4

Site Plan

Attachment 5

Elevations

Attachment 6

Midwinter Overshadowing

Attachment 7

Proposed Landscaping

ATTACHMENT 1 – DRAFT CONDITIONS OF CONSENT

ADMINISTRATION CONDITIONS

1. **Development Description**

Development consent has been granted in accordance with this notice of determination for the purposes of a Residential Flat Building containing 10 units (Five 3 bedroom units, two 2 bedroom units, and three 1 bedroom units).

***Reason**: To confirm the use of the approved development.*

2. **Development in Accordance with Plans and Documents**

The development shall be implemented in accordance with the approved plans and supporting documents set out in the following table except where modified by any conditions of development consent.

Plan Title / Supporting Document	Reference / Version	Prepared By	Dated
Plan	DA -1001 Rev D	Uri T Design	28/5/19
Plan	DA -1002 Rev D	Uri T Design	9/5/19
Plan	DA -1003 Rev D	Uri T Design	17/5/19
Plan	DA -1004 Rev D	Uri T Design	8/2/19
Plan	DA -1005 Rev D	Uri T Design	17/5/19
Plan	DA -1006 Rev D	Uri T Design	8/2/19
Plan	DA -1007 Rev D	Uri T Design	17/5/19
Plan	DA -1008 Rev D	Uri T Design	8/2/19
Plan	DA -1009 Rev A	Uri T Design	9/5/19
Plan	DA -1010 Rev A	Uri T Design	9/5/19
Plan	DA -1011 Rev D	Uri T Design	9/5/19
Plan	DA -2001 Rev D	Uri T Design	8/2/19
Plan	DA -2002 Rev D	Uri T Design	8/2/19
Plan	DA -3001 Rev D	Uri T Design	8/2/19
Stormwater Drawing	D00 Rev C	Australian Consulting Engineers	16/5/19
Stormwater Drawing	D01 Rev C	Australian Consulting Engineers	10/7/19
Stormwater Drawing	D02 Rev F	Australian Consulting Engineers	10/7/19
Stormwater Drawing	D03 Rev B	Australian Consulting Engineers	16/5/19
Stormwater Drawing	D04 Rev E	Australian Consulting Engineers	29/5/19
Stormwater Drawing	D05 Rev E	Australian Consulting Engineers	29/5/19
Stormwater Drawing	D06 Rev D	Australian Consulting Engineers	29/5/19
Stormwater Drawing	D10 Rev C	Australian Consulting Engineers	16/5/19
Statement of		HDC Planning	18 February

Environmental Effects			2019
Arboricultural Impact Assessment Report		Horticultural Management Services	3 June 2016
Traffic Impact Statement		Apex Engineers	September 2016
SEPP 65 – Design Quality of Residential Apartment Development		Uri T Design	
Landscape Plans Dwg 1/1 Rev A Dwg 2/2 Rev A dated 7/7/16 prepared by Landscapes By Jo, as amended by Plan DA -1009 Rev A prepared by Uri T Design dated 9/5/19 and Plan DA -1010 Rev A prepared Uri T Design dated 9/5/19			

***Reason**:* *To ensure the development is carried out in accordance with the approved plans and documentation.*

3. **Inconsistency between documents**

In the event of any inconsistency between the conditions of this consent and the drawings/documents referred to above, the conditions of this consent shall prevail to the extent of the inconsistency.

***Reason**:* *To ensure that the development is undertaken in accordance with the submitted plans and documents (as amended).*

4. **Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989**

(a) That the work must be carried out in accordance with the requirements of the National Construction Code.

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

***Reason**:* *The condition is prescribed under clause 98 of the Environmental Planning and Assessment Regulation 2000.*

5. **Erection of Signs**

A sign must be erected in a prominent position on any site on which building work, is being carried out:

(a) Showing the name, address and telephone number of the principal certifying authority for the work, and

(b) 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

(c) Stating that unauthorised entry to the work site is prohibited.

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.

***Reason**:* *The condition is prescribed under clause 98A of the Environmental Planning*

and Assessment Regulation 2000.

6. **Compliance with Disability Discrimination Act 1992**

This approval does not protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the *Disability Discrimination Act 1992*, and the applicant/owner is therefore advised to investigate their liability under this Act.

***Reason**: To inform of relevant access requirements for persons with a disability.*

***Note**: Disability (Access to Premises - Buildings) Standards 2010 -As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.*

7. **Shoring and Adequacy of Adjoining Property**

If any excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining allotment of land, the applicant must, at the person's own expense, comply with the requirements of clause 98E of the *Environmental Planning and Assessment Regulation 2000*, including:

(a) Protect and support the adjoining premises from possible damage from the excavation, and

(b) Where necessary, underpin the adjoining premises to prevent any such damage.

The condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Details shall be submitted to the Accredited Certifier prior to the issue of a Construction Certificate.

***Reason**: To ensure the structural integrity of the building is not compromised.*

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

8. **Application for a Construction Certificate (Building Works)**

The applicant shall apply to Council or an Accredited Certifier for a Construction Certificate to carry out the relevant building works in accordance with this consent. The details to be included in the application for a Construction Certificate are:

(a) Architectural plans and building specifications complying with the National Construction Code (NCC) relevant Australian Standards, and the development consent and conditions.

(b) If Council or a private accredited certifier issues the Construction Certificate, engineering details must be submitted for approval for all structural elements, including but not limited to, piers, footings, reinforced concrete slab, first floor joist layout, roof trusses, steel beams and the like. The details must be prepared by a qualified chartered professional practicing consulting structural engineer. Also a certificate from the engineer must be included certifying that the design fully complies with appropriate SAA Codes and Standards and the Building Code of Australia requirements.

(c) Geotechnical report for the site, prepared by a qualified geotechnical engineer detailing the foundation conditions of the site and solutions for consideration by a structural Engineer.

(d) NCC Compliance Report prepared by and A1 Accredited Certifier demonstrating compliance with the relevant provisions of the BCA and associated standards.

(d) Essential services plan outlining the existing and proposed fire safety measures prepared by a competent fire safety practitioner.

(f) If an alternative solution to the "deemed to satisfy" provisions of National Construction Code is proposed, the following details must be lodged:

- Performance requirements that the alternative solution intends to meet.
- Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the BCA; and
- A statement about the person who prepared the alternate solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body

Reason: *A requirement under the provisions of the Environmental Planning and Assessment Act 1979.*

9. **Appointment of Principal Certifying Authority**

No work shall commence in connection with this Development Consent until:

(a) A Construction certificate for the building work has been issued by:

(i) the consent authority; or
(ii) an accredited certifier; and

(b) the person having the benefit of the development consent has:

(i) appointed a principal certifying authority for the building work, and
(ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and

(b1) the principal certifying authority has, no later than 2 days before the building work commences:

(i) notified the Council of his or her appointment, and
(ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

(b2) the person having the benefit of the development consent, if not carrying out the work as an owner builder, has:

(i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
(ii) notified the principal certifying authority of such appointment, and
(iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried

out in respect of the building work, and

(c) the person having the person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

***Reason**: To ensure that there is certainty as to the consent applying to the land.*

10. **Access for People with Disabilities**

Access for people with disabilities shall be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the *Disability Discrimination Act 1992*.

Prior to the issue of a Construction Certificate, the plans shall demonstrate compliance.

***Note**:* *Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.*

***Reason**:* *To inform of relevant access requirements for persons with a disability.*

11. **Section 68 *Local Government Act 1993* Approvals**

Prior to the issue of a Construction Certificate, an application under section 68 of the *Local Government Act 1993* shall be made to, and issued by, Wingecarribee Shire Council, for the following approvals:

- water supply, stormwater and sanitary drainage

Reason: *A requirement under the provisions of the Local Government Act 1993.*

12. **Section 7.11 Contributions (formerly Section 94)**

Under Section 7.11 of the *Environmental Planning and Assessment Act 1979* (as amended), Council has satisfactorily determined that Development Contributions are applicable to this development consent, as the development is likely to require the provision of, or increase the demand for, public amenities and public services within the Wingecarribee Local Government Area.

The following Wingecarribee Shire Council Section 94 Developer Contributions Plans are applicable to the development:

- Roads & Traffic Management Facilities
- Resource Recovery Centre 2009
- Central Library Facility
- Section 94 Administration 2011 to 2031
- Open Space & Recreation Facilities

A "Developer Charges - Notice of Payment" is attached to the back of this consent, and outlines monetary contributions and unit rates applicable at the time of issue of this consent. The contributions listed in the Notice of Payment must be paid prior to the issue of the Construction Certificate.

All contributions are indexed quarterly in accordance with upward movements in the Consumer Price Index (All Groups, Sydney) as published by the Australian Bureau of Statistics (www.abs.gov.au <http://www.abs.gov.au>); Section 25I of the *Environmental Planning and Assessment Regulation 2000*; and Council's Developer Contributions Plans.

***Note**:* *Copies of the Contributions Plans are available at Wingecarribee Shire Council's Administration building Moss Vale or are available for download from Council's website www.wsc.nsw.gov.au <http://www.wsc.nsw.gov.au>.*

Note: *Payment of the attached contributions is to be by BANK CHEQUE OR CASH and is to be accompanied by the attached sheet entitled "Notice of Payment - Developer Charges & Section 94". Should the Applicant pay by personal or company cheque the plans subject to this approval will not be available for collection until such time as the cheque has been honoured (i.e. a minimum of 10 days).*

Reason: *To retain a level of service for the existing population and to provide the same level of service to the population resulting from new developments.*

13. **Water Management Act - Certificate of Compliance**

A Certificate of Compliance under Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000* shall be obtained **prior to the issue of Construction Certificate.**

Note: *Section 64 of the Local Government Act 1993 authorises Council to issue Certificates of Compliance under Section 306 of the Water Management Act 2000. Section 64 of the Local Government Act 1993 also authorises Council to impose pre-conditions to the issuing of Certificates of Compliance.*

As a precondition to the issuing of a Certificate of Compliance Council requires the payment of Developer Charges **prior to the issue of Construction Certificate** as prescribed by Wingecarribee Shire Council's Development Servicing Plans:

- Water Supply Development Servicing Plan;
- Sewerage Development Servicing Plan; and
- Stormwater Development Servicing Plan.

A developer Charges - Notice of Payment is attached to the back of this consent and outlines monetary contributions and unit rates applicable at the time of issue of this consent.

The water, sewer and stormwater headworks levies are indexed quarterly in accordance with upward movements in the Consumer Price Index (All Groups, Sydney) as published by the Australian Bureau of Statistics (www.abs.gov.au <http://www.abs.gov.au>); and Council's Development Servicing Plans.

Copies of Development Servicing Plans are available at Wingecarribee Shire Council's Administration building Moss Vale or are available for download from Council's website www.wsc.nsw.gov.au <http://www.wsc.nsw.gov.au>.

The Water and Sewerage Development Servicing Plans (DSP's) were adopted by Council and came into effect on 15 September 2017. The Stormwater DSP was adopted on 9 November 2010 and came into effect on 8 December 2010. The current charges under these Plans are listed as follows:

CPI Period	Water DSP	Sewer DSP	Stormwater DSP
1 August 2019 – 30 October 2019	$11,077.43	$10,739.17	$3,626.22
Note: The charges shown above are amounts applicable during the stated time period. These amounts will be subject to adjustment quarterly in accordance with upward movements in the Consumer Price Index (CPI) once they become operational. The CPI is published quarterly by the Australian Bureau of Statistics, www.abs.gov.au <http://www.abs.gov.au>.			

Should new DSP's be prepared, it is possible that the charges may increase significantly. Draft DSP's must be advertised by Council for a period of 30 days prior to adoption.

Note: *Payment of the above charges is to be by BANK CHEQUE OR CASH and is to be accompanied by the attached sheet entitled "Notice of Payment - Developer Charges & Section 94". Should the Applicant pay by personal or company cheque the plans subject to this approval will not be available for collection until such time as the cheque has been honoured (i.e., a minimum of 10 days).*

Compliance Certificate

Compliance Certificate fees, in accordance with Council's Revenue Policy are as follows and shall be paid prior to the issue of **Construction** Certificate:-

Water $250+ Sewer $250 + Stormwater $250 = $750

Prior to final release, you will need to contact Council's Infrastructure Services Division for an inspection to ensure that Council will accept the infrastructure constructed. In response the Manager of Water and Sewer will specify requirements which will have to be met.

The Construction Certificate will not be issued until the *Water Management Act 2000* charges have been paid and/or secured and the approval of Council has been obtained.

Reason: *To retain a level of service for the existing population and to provide the same level of service to the population resulting from new developments.*

14. **Building Materials & Colour Scheme**

Details of proposed external materials shall be submitted to the satisfaction of Council prior to issue of Construction Certificate.

New external building materials and colours shall be recessive in the surrounding landscape as required by Council's Development Control Plan.

Reason: *To ensure that the new building is visually compatible with the existing environment.*

15. **Dilapidation Report**

A Dilapidation Report shall be undertaken on all properties, which in the opinion of a suitably experienced professional and chartered qualified engineer, could be potentially affected by the construction of the project. The Dilapidation Report shall be carried out taking into account civil infrastructure and submitted to Council prior to the issue of the Construction Certificate.

The Report shall cover structural and geotechnical factors likely to arise from the development.

The person having the benefit of the development consent shall, at their own cost, rectify any damage caused to other properties during the construction of the project to the satisfaction of Council.

Reason*: To ensure the structural stability of neighbouring buildings.*

16. **Construction Traffic Management Plan**

To undertake development works including demolition, earthworks and construction a Construction Traffic Management Plan (CTMP) is required to be submitted and approved by Council prior to issue of the Construction Certificate. The CTMP shall indicate measures to be

implemented to protect the environment as well as public health, safety and convenience. The CTMP must include the following:

a) Details of site security;

b) Off-street parking for employees, contractors and sub-contractors.

c) Site access for construction vehicles and equipment purposes.

d) Public safety in the use of roads and footpaths where development activities adjoin such facilities.

e) The storage and removal, on a regular frequency, of builder's rubble and waste by trade waste contractors.

f) Provision for loading and unloading materials;

g) Location of all building materials, structures, plant and equipment to be stored or placed within the construction site;

h) How materials are to be loaded/unloaded and potential impact on Council infrastructure (including but not limited to footpaths and street trees)

i) Public risk policies and management for all contractors' employees using or gaining access over public footpaths and roads.

j) External lighting and security alarms proposed for the construction site.

k) Firefighting measures to be available on site during development and construction.

l) Sanitary amenities proposed on site during development and construction.

m) Ensuring the safety of members of the public and Council staff who may have occasion to enter and be in attendance on the site;

n) Details of management of storm water run-off and the propose sediment and erosion control measures including the location of any rubble grids;

o) Details of any air and dust management;

p) Details of noise and vibration controls;

q) Anticipated staging and duration of works

r) Provision of Traffic Management Plan (TMP) and Traffic Control Plans (TMP)

Reason: *To ensure the safety, amenity and protection of public infrastructure and the environment.*

17. **Provision of Works and Services**

Prior to the issue of the Construction Certificate, the developer shall obtain approval for the works to be undertaken by submitting adequate documentation including plans, standard notes and completed design checklists, calculations and specifications, to Council which justify that the proposed works are in accordance with all Council's standards and all other relevant codes and guidelines.

Reason*: Statutory requirement.*

18. **Stormwater - Control of Peak Discharge**

Adequate and suitable infrastructure shall be provided to ensure the peak discharge from the site is no greater than the pre-developed peak discharge. This infrastructure shall be designed in accordance with Council's Engineering Policies. Calculations to demonstrate that the post-development peak discharge will not exceed the pre-development peak discharge shall be provided with the application for a Construction Certificate.

Any stormwater temporarily stored onsite shall be done in a manner that does not jeopardise public safety. In this regard the development shall provide a risk assessment with the Construction Certificate documentation.

***Reason**: To ensure the peak discharge from the site is no greater than the pre-developed peak discharge.*

19. **Detailed Stormwater Drainage System Design**

Prior to the issue of the Construction Certificate, a detailed storm water hydraulic drainage plan for the disposal of storm water from the site, prepared in accordance with Council's Design Standards shall be submitted to Council and approved by Council's Development Engineer.

Should any changes be required to the approved storm water drainage plan, the amended design shall achieve equivalent performance standards in accordance with Design Specifications.

***Note**: Construction Certificate Approval does not include approval for works external to the property or civil works.*

Where the proposed design extends beyond the property boundary, separate approval under Section 138 of the *Roads Act 1993*, must be obtained from Council prior to the commencement of works.

The applicant is advised to contact Council for clarification of proposed works for which approval under Section 138 of the *Roads Act 1993* applies.

***Reason**: To ensure adequate storm water management.*

20. **Off Street Parking Provision - General**

19 off-street car parking spaces, being one car space per 1 and 2 bedroom unit (5 car spaces), two car spaces per 3 bedroom unit (10 car spaces) and 4 visitor car spaces, suitably marked in accordance with the approved plans (unless elsewhere specified) shall be provided. Each space shall have minimum dimensions in accordance with Australian Standard AS2890.1 Off Street Car Parking.

Details shall be submitted to the Accredited Certifier prior to the issue of a Construction Certificate showing compliance with this condition.

***Reason:** To ensure adequate parking and access.*

21. **Energy Service Provider Requirements**

The provision of underground electricity to service the development in accordance with the requirements of the Energy Service Provider. The Developer shall submit to Council documentary evidence from the Energy Service Provider qualifying that the requirements of that provider have been obtained. The requirements of the supply authority will need to be

met prior to the issue of the Occupation Certificate.

***Reason**: To ensure appropriate infrastructure is provided to the development.*

22. **Waste Management Plan**

A Waste Management Plan shall be completed and submitted to Council for approval, prior to the issue of the Construction Certificate for the development.

Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout demolition and construction. Waste management and its storage must not pose a threat to public health or the environment.

***Reason**: To minimise the amount of waste going to landfill.*

23. **Erosion and Sediment Control Plan**

An Erosion and Sediment Control Plan shall be prepared in accordance with "Landcom's Blue Book" for sedimentation and erosion control plan by a suitably qualified person, and approved by Council prior to issue of the Construction Certificate.

The Erosion and Sediment Control Plan shall include scaled drawings and detailed specifications which can be referred to onsite by project management staff or project construction supervisor. Items to be shown on the Plan shall include:

(a) Locality of the site, a north point and scale.

(b) Existing contours of the site including catchment area boundaries and indications of direction of fall.

(c) Location of and basic description of existing vegetation.

(d) Diversion of uncontaminated up-slope run-off around the disturbed sites.

(e) Location of significant natural areas requiring special planning or management including waters, floodplains, seasonally wet areas, areas prone to ponding/water logging, unstable slopes etc.

(f) Nature and extent of earthworks, including cut and fill roadworks.

(g) Location of all soil and material stockpiles.

(h) Location of site access, proposed roads and other impervious areas.

(i) Existing and proposed drainage patterns.

(j) Location and type of proposed erosion and sediment control measures.

(k) Site rehabilitation proposals, including final contours.

(l) Time of placement of sediment controls.

(m) Staging of works and how the plan is to be implemented for each stage or activity on site.

(n) Maintenance schedule.

***Reason**: To minimise soil erosion and sediment movement during construction.*

24. **Landscape Plan**

A Landscape Plan prepared by a suitably qualified professional to a scale of 1:100 or 1:200, conforming to all relevant conditions of consent shall be submitted to Council for approval prior to the issue of the Construction Certificate.

The plan shall include the following information:

- Location of all existing and proposed landscape features including materials to be used;
- Delineate and identify all trees to be retained, removed or transplanted;
- Existing and proposed finished ground levels;
- Top and bottom wall levels for both existing and proposed retaining and free standing walls and
- Detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity.
- Pot size at planting out stage
- Soil treatment prior to planting out, fertilizing and water maintenance schedule.
- Street tree planting on Kangaloon Road and Moss Vale Road frontages in accordance with Council's Street Tree Masterplan
- Screen planting within upper level balcony planter boxes of Units 9 and 10 to assist in maintaining privacy of the adjoining southern property at 468 Moss Vale Road
- Plantings within recessed planter bay areas to Moss Vale Road and Kangaloon Road

Consideration within the design should be given to the scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area, potential views, solar access and privacy for neighbouring development.

Reason: *To ensure appropriate landscaping treatments are applied to facilitate amenity*.

25. **Additional Planter Bay area**

The 16.5 metre length of 1.8 metre high masonry courtyard wall of units 3 and 4 fronting Moss Vale Road shall be softened by the inclusion of a recessed central section of planter bay, a minimum of 5 metres length and minimum 0.5 metres width, so as to improve the appearance of the wall to Moss Vale Road. Details to be provided to the satisfaction of Council prior to issue of Construction Certificate.

Reason: *To ensure appropriate landscaping treatments are applied to facilitate amenity*.

26. **Tree Retention**

Construction shall ensure preservation of existing roadside vegetation. All trees proposed to be removed within the road reservation shall be clearly identified by survey and submitted to Council for approval prior to issue of Construction Certificate.

All trees shown on the development consent as being retained shall be appropriately marked and protected during construction works with fencing that shall be maintained throughout construction activities.

Reason: *To ensure retention and preservation of local vegetation.*

27. **Protection of Existing Trees and Native Vegetation**

Prior to the issue of any Construction Certificate, trees and native vegetation proposed for retention and those approved for removal must be clearly identified on all the final engineering and landscaping plans. All fenced tree protection areas must be clearly marked as "No Go Area" on all plans. The location of any threatened species, endangered populations or ecological communities must also be marked on all plans.

Reason: *To clearly articulate trees and vegetation to be removed and retained.*

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

28. **Notice of Commencement**

No work shall commence until a notice of commencement form has been submitted (form will be attached with issue of a Construction Certificate or Subdivision Works Certificate or available from Council's website), giving Council:

(a) Not less than two (2) days' notice of the date on which it is proposed to commence work associated with this Development Consent;

(b) Details of the appointment of a Principal Certifying Authority (either Wingecarribee Council or another Accredited Certifier)

(c) Details of the name, address and licence details of the Principal Contractor.

Reason: *Statutory requirement.*

Advice: *Attached Notice of Commencement form to be completed.*

29. **Construction Certificate**

No work shall commence until a:

(a) Construction Certificate is obtained from either the Wingecarribee Shire Council or an Accredited Certifier; and
(b) Construction Certificate lodged with Council obtained from an Accredited Certifier (together with associated plans and documents) - a fee applies for this service.

Reason *Statutory requirement.*

30. **Developers Representative during Construction of Works**

A minimum of 48 hours prior to commencement of any construction works on site the Developer shall nominate to Council in writing their representative (Construction Supervisor) who will be responsible for all aspects of construction and site control, including Traffic Control, Sediment and Erosion Control and liaison with Council Officers and all other Authorities.

Details to be submitted include:-

1 Name of Representative:
2 Company:
3 Position:
4 Contact phone:
5 Contact fax:
6 After Hours Contact:
7 Signature of Representative:
8 Signature & Acceptance of representative by the Developer:
9 Council requires that the nominated " Construction Supervisor" either hold qualifications acceptable for Corporate Membership of the Institute of Engineers, Australia, or be Approved by the Director and/or has proven experience and suitable relevant qualifications for the control, supervision and management of civil engineering works as required for carrying land development.

Prior to commencing any works on site the representative shall:

10 Inform Council in writing of their intention 7 days before entering the site.
11 Submit to Council a proposed Schedule of Works.

The Developer may be required to arrange for Council to peruse all other contract documentation prior to the contractor arriving on site to commence work (Schedule of Works, Specifications Bill of Quantity, traffic control plan and Soil and water management plan).

Failure to comply with the requirements as set out above will result in an immediate stop work order.

Reason: *Statutory requirement.*

31. **Approval Required for Work within Road Reserve - Section 138 Roads Act 1993**

Where works are proposed within the road reserve, the Developer must obtain approval from Council (as the Roads Authority and / or as required under Section 138 of the *Roads Act 1993*) before any works are undertaken. Works within the road reserve may include activities such as erect a structure, dig up or disturb the surface of a public road, remove or interfere with a structure, or any other activities as defined within the *Roads Act 1993*.

The following details must be submitted to Council in order to obtain the Section 138 approval:

- A copy of approved design plans related to the development and proposed works to be undertaken.
- Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the Roads and Traffic Authority's manual '"Traffic Control at Work Sites". Warning and protective devices shall comply with the provisions of AS1742.3 - 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate Roads and Traffic Authority accreditation, a copy of which is to be submitted with the plan.
- Insurance details - Public Liability Insurance to an amount of $20 million, to be held by applicant / contractor undertaking the works.

Advice: *Where works are required within a Classified Road, the Developer must obtain the concurrence and / or the approval of the Roads and Traffic Authority for engineering design plans, Traffic Control Plans and approvals under Section 138 of the Roads Act 1993.*

Reason: *Statutory requirement.*

32. **Relocation of Existing Services**

Where existing services including drainage, sewerage and water may be required to be relocated as a result of the development, a plumber's permit is required from Council prior to commencing work. Inspection of these works by Council as the Water Supply Authority is required.

Reason: *Statutory requirement.*

33. **Fencing of the Construction Site**

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the

completion of the works if the works:

(a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or

(b) could cause damage to adjoining lands by falling objects, or

(c) involve the enclosure of a public place or part of a public place.

***Reason**: To ensure that the safety of the public is not compromised.*

34. **Tree Retention (Marking)**

All trees shown on the development consent to be "retained" shall be appropriately marked and protected prior to the commencement of construction works.

***Reason:** To ensure that trees are retained without damage.*

35. **Erosion and Sediment Control**

Erosion and sediment control measures (as per the approved Erosion and Sediment Control Plan) shall be installed prior to the commencement of works.

***Reason**: To ensure that sediment does not leave the site as a result of the construction of the development.*

36. **Wheel Wash**

A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed in accordance with the approved Erosion and Sediment Control Plan prior to the commencement of any site works, to prevent mud and dirt leaving the site and being tracked.

***Reason:** To minimise soil being trucked off site.*

37. **Tree Protection Measures**

Protective fencing is to be installed around the tree to be retained in line with the dripline or Tree Protection Zone or per direction of the site arborist. This fencing is to be constructed of chain wire mesh 1.8m high, which is supported by steel stakes or piping and braced to resist impacts and as per the requirements detailed in AS4970-2009 "Protection of Trees on Development Sites", the installation of which is carried out under the supervision of the arborist.

***Note**: Removal of the protective fencing during construction work will affect bonds and may result in fines or legal proceedings being instigated by Council against the applicant and/or principal contractor.*

***Reason**: To ensure the identified tree/s to be retained as appropriately protected.*

38. **Protection of Trees**

Prior to any work commencing, certification of the installation and inspection of the required tree protection works is to be provided to Council and the Principal Certifying Authority by the arborist. A copy of the certificate is to be provided to Council within 7 days of the inspection and prior to any works commencing.

***Reason**: To ensure the identified tree/s to be retained as appropriately protected.*

CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

39. **Approved Plans to be available on site**

Endorsed Council approved plans, specifications, documentation and the consent shall be made available on site at all times during construction.

***Reason**: To ensure compliance with approved plans.*

40. **Imported 'Waste-derived' Fill Material**

The only waste derived fill material that may be received at the development site is:

- Virgin excavated natural material (VENM) within the meaning of the *Protection of the Environment Operations Act 1997* (POEO); or
- Any other waste-derived material the subject of a resource recovery exemption under clauses 91 & 92 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material

***Note**: Any waste-derived fill material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority.*

The application of waste-derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997*. However, a licence is not required if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a resource recovery exemption under clauses 91 & 92 of the *Protection of the Environment Operations (Waste) Regulation 2014*.

Resource recovery exemptions are available on the NSW EPA website at http://www.epa.nsw.gov.au/waste/.

***Reason**: To ensure that imported fill is of an acceptable standard for environmental protection purposes.*

41. **Survey Report - Minor Development**

In order to ensure compliance with approved plans, a Survey Certificate to Australian Height Datum shall be prepared by a Registered Surveyor as follows:

(a) At the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries.

(b) At the completed height of the building, prior to the placement of concrete inform work, or the laying of roofing materials.

(c) At completion, the relationship of the building and any penetrations thereto, to the boundaries.

Progress certificates in response to points (a) through to (c) shall be provided to the Council or the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveal discrepancies between the approved plans and the proposed works.

***Reason**: To ensure compliance with approved plans.*

42. **Excavations and Backfilling**

All excavations and backfilling associated with the erection or demolition of a building shall be executed safely and in accordance with appropriate professional standards properly guarded and protected to prevent them from being dangerous to life or property.

***Reason:** To ensure the safety of life and property.*

43. **Support for Neighbouring Buildings**

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

a) must preserve and protect the building from damage, and

b) if necessary, must underpin and support the building in an approved manner (under guidance / instruction of a structural engineer), and

c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work to be carried out for the purposes of this clause, whether carried out on the allotment of land.

In this case, allotment of land includes a public road and any other public place.

***Reason:** To preserve and protect neighbouring buildings.*

44. **Engineering Inspections by Council**

24 hours prior to the covering of the following works, Council shall be notified by the licensed builder, owner builder or licensed plumber/drainer that the following works are ready for inspection:

(a) Works in relation to road reserves, footpath, kerb and gutter, road shoulder and drainage within public lands or road reserves.

(b) Final inspection of footpath, driveway, stormwater and utility construction works within the road reserve.

***Note**: The subject building is not to be occupied until an Interim or Final Occupation Certificate is issued.*

***Note**: An accredited certifier may not be substituted for Council in respect of these*

inspections, as Council remains the sole responsible authority for these matters.

Reason: *Statutory requirement.*

45. **Stormwater - Construction**

The applicant shall provide adequate storm water drainage infrastructure (pits/pipes/open channels/detention storage) for the conveyance of storm water passing through the site from upstream, and sourced from the development to a discharge outlet to be approved by Council. The point of discharge shall be clearly depicted and the legal right to discharge at that point to be justified. Status of the point of discharge is to be made clear (i.e. provision of drainage easements).

Reason*:* *To assist in the prevention of erosion of the site from storm water.*

46. **Stormwater - Discharge**

All stormwater runoff from the development shall be collected within the property and discharged to an approved stormwater management system.

Reason: *To ensure that stormwater is appropriately disposed of.*

47. **Earthworks, retaining walls and structural support**

Any earthworks (including any structural support or other related structure for the purposes of the development):

(a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and

(b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and

(c) that is fill brought to the site-must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, and

(d) that is excavated soil to be removed from the site-must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.

Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442), published in October 2013 by Safe Work Australia.

Reason: *Structural safety.*

48. **Damage to Adjoining Properties**

All precautions shall be taken to prevent any damage likely to be sustained to adjoining properties. Where damage occurs to adjoining property all necessary repair or suitable agreement for necessary repairs shall be undertaken by the applicant in consultation with, and with the consent of, the affected property owner.

***Reason**: Structural safety.*

49. **Erosion and Sediment Control Plan Compliance**

All site works shall be carried out in accordance with the approved Erosion and Sediment Control Plan. Implementation of the Erosion and Sediment Control Plan shall be supervised by personnel with appropriate qualification and experience in erosion and sediment control.

***Note**: In the event of non-compliance with the approved plan, Council Officers have the ability to issue Penalty Notices, being an on the spot fine and/ or orders.*

***Reason:** To ensure that the environment is protected.*

50. **Prevention of Nuisance**

All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from windblown dust, debris and noise during the demolition, excavation and building works.

***Reason**: Health and amenity.*

51. **Dust Control**

Small Works

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation and building works. If necessary, water sprays shall be used on the site to reduce the emission of dust. Screening shall consist of minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like.

***Reason**: Environmental amenity*

52. **Tree Removal/Tree Preservation**

No trees shall be pruned, removed, damaged or destroyed without the prior written consent of Council. Failure to comply with this requirement will result in prosecution by Council in accordance with the provisions of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.

***Advice**: Tree removal should be carried out by a level 3 and above professional arborist to avoid any risk to life or damage to property. This person should have adequate public liability insurance cover.*

***Reason:** To comply with the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.*

53. **Supervising Arborist**

An arborist qualified to at least Australian Qualifications Framework (AQF) Certificate Level 4 shall be retained throughout all construction work to ensure to proper protection and

management of the trees required to be retained, including protection of the Golden Elm tree located on the southern boundary of the property, and that any necessary pruning/root pruning is carried out in accordance with the report titled "Arboricultural Impact Assessment and Tree Management Plan" prepared by Scott Freeman dated 12th July 2019, AS4973-1996 "Pruning of Amenity Trees" and AS4970-2009 "protection of Trees on Development Sites". This includes on site supervision of the erection of tree protection measures and, where approved, any works that are required within the Tree Protection Zone (TPZ) or Structural Root Zone (SRZ).

***Reason**:* *To ensure to proper protection and management of the trees required to be retained and that any necessary pruning/root pruning is carried out in accordance with the relevant Australian Standards.*

54. **Approved hours of Construction/Demolition**

Construction/demolition activities shall be limited to the following hours:

DAY	HOURS
Monday to Saturday	7:00am to 5:00pm
Sunday	Nil
Public Holidays	Nil

***Reason**:* *To ensure that the amenity of the surrounding area is not compromised as a result of the construction of the proposal.*

Note: *Any variation to these hours shall require Council consent via the lodgment of an application under section 4.55 of the Environmental Planning and Assessment Act 1979.*

55. **Construction Traffic Management Plan**

All development activities and traffic movements shall be carried out in accordance with the approved Construction Traffic Management Plan.

All controls in the Plan shall be maintained at all times. A copy of the Plan must be kept on site at all times and made available to the Accredited Certifier and Council on request.

***Reason**:* *Compliance with condition of consent.*

56. **Building Operations**

Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations which could lead to the discharge of materials into the storm water drainage system.

Reason: *To ensure that building materials are not washed into storm water drains.*

57. **Maintenance of the site**

All materials and equipment shall be stored wholly within the work site.

Waste materials (including excavation, demolition and construction waste materials) shall be managed on the site and then disposed of at a waste management facility.

Any run-off and erosion control measures required shall be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into

drainage systems, waterways, adjoining properties and roads.

During construction:

(a) all vehicles entering or leaving the site shall have their loads covered, and

(b) all vehicles, before leaving the site, shall be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site shall be left clear of waste and debris.

***Reason**: Environmental amenity.*

58. **Protection of Public Places**

The adjoining or adjacent public area shall not be obstructed by any materials, vehicles, refuse skips and the like, under any circumstances.

If the work involved in the demolition or construction of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the closure of a public place, a barrier, fence or hoarding shall be erected prior to the commencement of any work subject to approval of a Section 138 Roads Act 1993 approval (including submission of a Traffic Management Plan).

Where a hoarding is required, an application for hoarding shall also be submitted to and approved by Council prior to commencement of any work. Hoardings shall be erected to comply with the requirements of WorkCover, the Principal Certifying Authority and with relevant Australian Standards.

***Reason:** Public safety.*

59. **Temporary Onsite Toilet**

Toilet facilities shall be available or provided at the work site prior to the commencement of works and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet shall:

(a) be a standard flushing toilet connected to a public sewer, or

(b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or

(c) be a temporary chemical closet approved under the *Local Government Act 1993*.

***Reason:** To ensure that there are appropriate facilities on-site for construction workers.*

60. **Waste Management**

The provision of a metal waste skip with self-closing lid or secure covering on-site for the duration of the construction to ensure that all wastes are contained on the site. The receptacle shall be emptied periodically to reduce the potential for rubbish to leave the site.

Sorting of waste materials shall occur on site in accordance with the approved Waste Management Plan.

***Reason:** To ensure that all wastes generated from the construction of the development*

are contained on the site.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN INTERIM OR FINAL OCCUPATION CERTIFICATE

61. **Occupation Certificate**

In accordance with Section 6.9 of the *Environmental Planning and Assessment Act 1979,* an application for an Occupation Certificate, shall be made on completion of the works and the relevant application fee paid. All works specified in the development consent and approved Construction Certificate plans shall be completed and all development consent conditions complied with prior to the issue of the Occupation Certificate.

The Principal Certifying Authority (PCA) is required to be satisfied, amongst other things, that:

- All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- Any preconditions to the issue of the certificate required by a development consent have been met.

Reason: *To comply with the provisions of the Environmental Planning and Assessment Act 1979*

Note*:* *A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of Section 6.10 of the Environmental Planning and Assessment Act 1979 unless an Occupation Certificate has been issued in relation to the building or part.*

Note*:* *The applicant is to ensure that works associated with the Section 138 (Roads Act) approval and Section 68 (Local Government Act) approval are completed and inspected by Council.*

62. **Council Property**

The applicant shall rectify any damage to Council property (including footpaths, road furniture, landscaping/trees, drainage, water, sewer, kerb and gutter, road pavement and the like) as a result of the development, prior to the issue of any Occupation Certificate at no cost to Council.

Reason: *To ensure that Councils assets are protected.*

63. **BASIX Commitments**

Pursuant to Clause 97A of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled prior to the issue of an Occupation Certificate.

In this condition:

(a) Relevant BASIX Certificate means:

(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 4.55 of the *Environmental Planning and Assessment Act 1979*, 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 & Assessment Regulation 2000*.

Reason: *To ensure that all of the commitments of BASIX Certificate have been met.*

64. **Certification of Engineering Works**

Prior to issue of the Occupation Certificate, the following documents shall be submitted to the Principal Certifying Authority. These documents are:

a) A Certificate from a suitably Qualified Engineer, with Corporate Membership standing in the Institution of Engineers, Australia, and registered on the National Professional Engineers Register (NPER) under the appropriate professional category, and

Where Council is not the Principal Certifying Authority, two (2) copies of the above documents are to be provided to Council prior to the issue of any Occupation Certificate. These documents are to be retained on Council's Construction Certificate file.

Reason*:* *Asset management.*

65. **Certification of Internal Civil Works**

On completion of the works and prior to the issue of the Occupation Certificate, certification from a practicing appropriately qualified engineer, shall be submitted to Council detailing that all the internal civil works (i.e. internal driveways, paths and stormwater drainage system, including any onsite detention) are in accordance with the approved plans and specifications.

Reason*:* *Asset management.*

66. **Vehicle Access (Urban)**

Access to the site shall be provided by means of a vehicle crossing as per Standard Drawing **SD107** and approved by Council prior to the issue of the Occupation Certificate. A copy of the Standard Drawing can be obtained from Council's offices.

Reason: *To ensure that the driveway is constructed to Councils standard specification.*

67. **Final Arborist Report**

The arborist engaged to ensure the proper protection and management of the tree required to be retained is to provide a final report to Council prior to the issue an Occupation Certificate, concerning the health and condition of the tree and if necessary any remedial works required. Any remedial works required shall be carried out and completed prior to the issuing of the Occupation Certificate, and included in the final report. The report shall also provide documentary evidence in the form of site notes and photographs that the tree protection conditions were complied with throughout all construction phases and any approved pruning works, root pruning, and remedial works were carried out as per the report titled "Arboricultural Impact Assessment and Tree Management Plan" prepared by Scott Freeman dated 12th July 2019, AS4973 and AS4970. If Council **is not** the PCA, a copy of the certification is to be provided to Council with the lodgement of the Occupation Certificate.

Reason*:* *To ensure the proper protection and management of any trees required to be retained.*

68. **Landscape Certification**

Certification is to be provided to the Principal Certifying Authority (PCA) from the designer of the landscape plan that all tree planting/landscape works have been carried out in accordance with the Council endorsed landscape plan. If Council **is** the PCA, the certification is to be submitted to Council prior to or at the final landscape inspection. If Council **is not** the PCA, a copy of the certification is to be provided to Council with the lodgement of the Occupation Certificate.

Reason*:* *To ensure that the landscaping has been carried out in accordance with the Council endorsed landscape plan.*

69. **Irrigation**

Certification is to be provided to the Principal Certifying Authority from a suitably qualified and licensed contractor that the specified fully automatic commercial grade irrigation system has been designed and installed to all common planted areas in accordance with the requirements of the current relevant Australian Standards, any relevant water authority regulations and current best practices. If Council is **not** the PCA, a copy of the certification is to be provided to Council with the Occupation Certificate.

Reason*:* *To ensure that an appropriate irrigation system has been installed.*

70. **Fire Safety Certificate**

A final Fire Safety Certificate shall be obtained in accordance with Part 9, Division 4 of the *Environmental Planning and Assessment (Amendment) Regulation 2000*, prior to the issue of the Occupation Certificate for the building.

A copy of the Fire Safety Certificate and Fire Safety Schedule shall be:

- Forwarded to Wingecarribee Shire Council;
- Forwarded to the Fire Commissioner; and
- Prominently displayed in the building.

Reason: *To ensure the safety of the building.*

71. **National Plumbing and Drainage Code**

All plumbing and drainage shall comply with the requirements of Australian Standard AS3500 "National Plumbing and Drainage Code" and the relevant New South Wales Amendments.

Reason: *To comply with legislation.*

72. **Construction of Water Service**

An appropriately sized water service shall be installed to the development by Council at the applicant's cost prior to the issue of the Occupation Certificate. Council's application form shall be completed by the Developer and the appropriate fee paid.

Advice: *A water meter should be installed prior to construction commencing if one does not currently exist at the property.*

Reason: *To ensure that the development is serviced.*

73. Residential Flat Building

The following shall be completed prior to the issue of the Interim or Final Occupation Certificate:

<u>Letter Boxes and Street Numbers - Units</u>

Separate letter boxes and street numbers for each unit being provided adjacent to the street frontage, to meet the specification of Australia Post and Council.

<u>Television Aerials</u>

Only one common television aerial shall be installed, to minimise visual "clutter" and maintain the amenity of the locality.

Reason *To ensure compliance with Councils development controls.*

CONCURRENCE CONDITIONS

74. **Concurrence - Water NSW**

Concurrence has been granted by Water NSW for the development pursuant to *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*. The below conditions provided by Water NSW form part of this Notice of Determination.

General

1. The site layout and works shall be as specified in the Statement of Environmental Effects prepared by HDC Planning (dated 18 February 2019) and shown on the Site and Floor Plans (Job No. DA-K01, Dwg. Nos. DA-1002, DA-1003, and DA 1005, all Rev D, all dated 17/05/2019 and Dwg. No. DA-1004; Rev D, dated 16/12/2018) prepared by Uri T Design. No revised site layout, staging or external works that will impact on water quality, shall be permitted without the agreement of Water NSW.

Reason for Condition 1 - Water NSW has based its assessment under the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the development.

Stormwater Management

2. All stormwater management measures as shown on the Stormwater Drainage Plans (Job No. 160596, Dwg. No. D01 and D03 Rev. B, dated 16/05/2019 and D02 and D04 Rev. E, dated 29/05/2019) all prepared by Australian Consulting Engineers, shall be incorporated in the final stormwater drainage plan to be approved by Council and be implemented. The stormwater management measures as a minimum shall inclue:
   - pits, pipes and inlet filters
   - rainwater tanks with a minimum total capacity of 10,000 litres
   - cartridge filtration system, and
   - on-site detention.
3. The access driveway, driveways and car park areas shall be constructed such that stormwater runoff drains via stormwater pits fitted with filters (e.g. Enviropod or Water NSW endorsed equivalent) to the onsite detention basin located at the eastern boundary of the site.
4. The onsite detention basin shall be constructed such that stormwater is linked to a cartridge filtration system - 7 cartridge stormfilter ZPG or Water NSW endorsed equivalent and is then directed to Council's stormwater drainage system in Kangaloon Road.
5. No variation to stormwater treatment or management that will impact on water quality shall be permitted without the agreement of Water NSW.
6. A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and Council prior to issuance of an Occupation Certificate that all stormwater management structures have been installed as per these conditions of consent and are in a functional state.

Operational Environmental Management Plan

7. An Operational Environmental Management Plan (OEMP) shall be prepared in consultation with Water NSW by a person with knowledge and experience in the preparation of such plans prior to the issuance of an Occupation Certificate. The Plan can include management measures specified in Stormwater Drainage Details 2 Plan (Job No. 160596, Dwg. No. D04 Rev. E, dated 29/05/2019) prepared by Australian Consulting Engineers. The Plan shall:

- include the details about the location and nature of stormwater management structures such as pits, pipes, inlet filters, cartridge filtration system, and rainwater collection system
- outline the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, including the frequency of such activities
- identify the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and
- include checklists for recording inspections and maintenance activities.

8. All stormwater treatment devices shall be monitored, maintained and managed as per the Operational Environmental Management Plan.

Reason for Conditions 2 to 8 – To ensure appropriate stormwater treatment and quality control measures are designed, implemented and maintained so as to achieve a sustainable neutral or beneficial impact on water quality, particularly during wet weather, over the longer term.

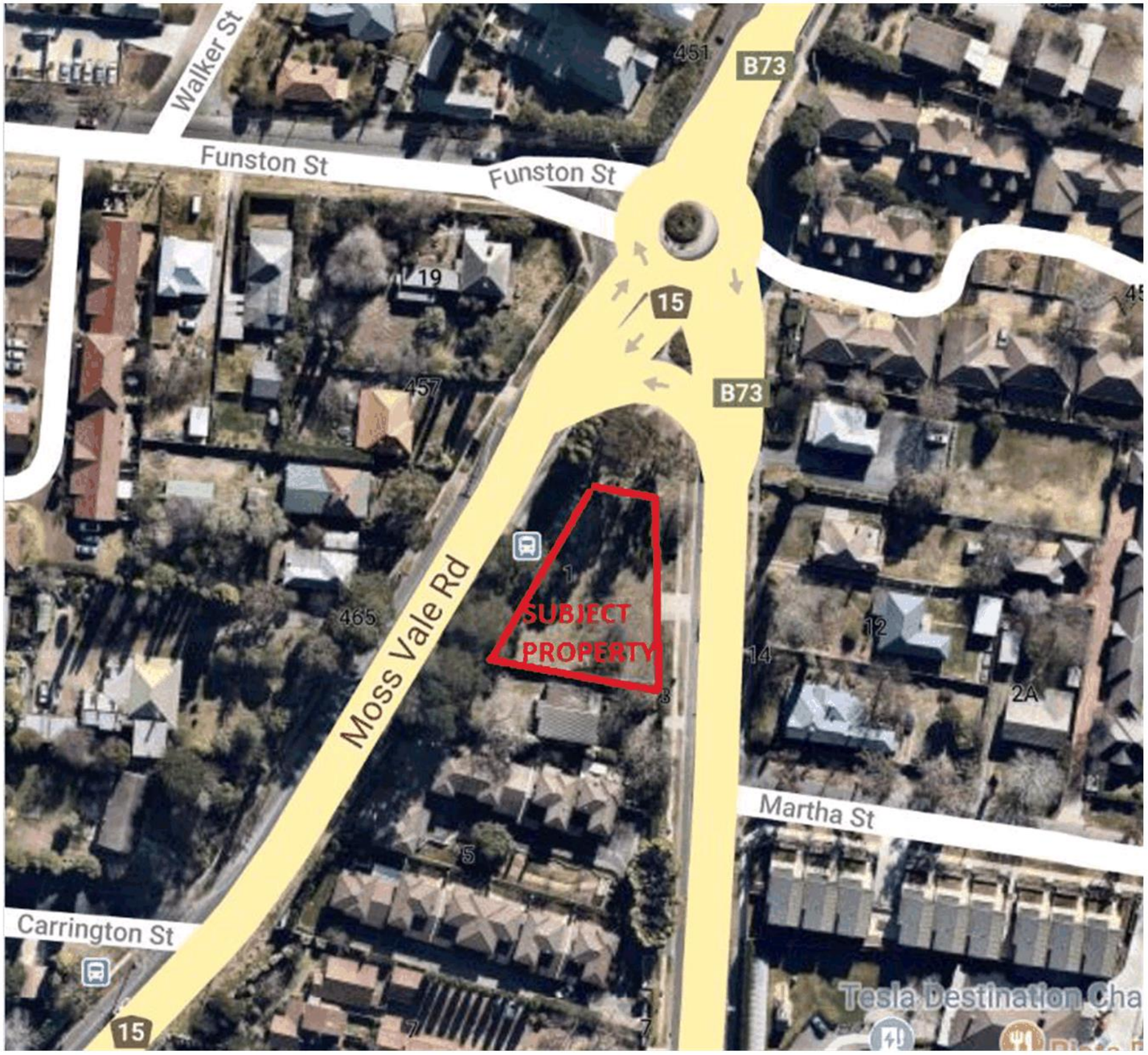
Construction Activities

9. The Erosion and Sediment Control Plan (Job No. 160596, Dwg. No. D10, Rev. C, dated 16/05/2019) preaped by Australian Consulting Engineers shall be updated by a person with knowledge and experience in the preparation of such plans for all works required as part of the development. The Plan shall:
   - meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004)
   - be prepared prior to Council issuance of a Construction Certificate and be to the satisfaction of Council, and
   - include controls to prevent sediment or polluted water leaving the construction site or entering any natural drainage lines or stormwater drain.
10. The Erosion and Sediment Control Plan shall be implemented and no works shall commence until effective erosion and sediment controls have been installed. The erosion and sediment controls shall be regularly inspected, maintained and retained until works have been completed and groundcover established.

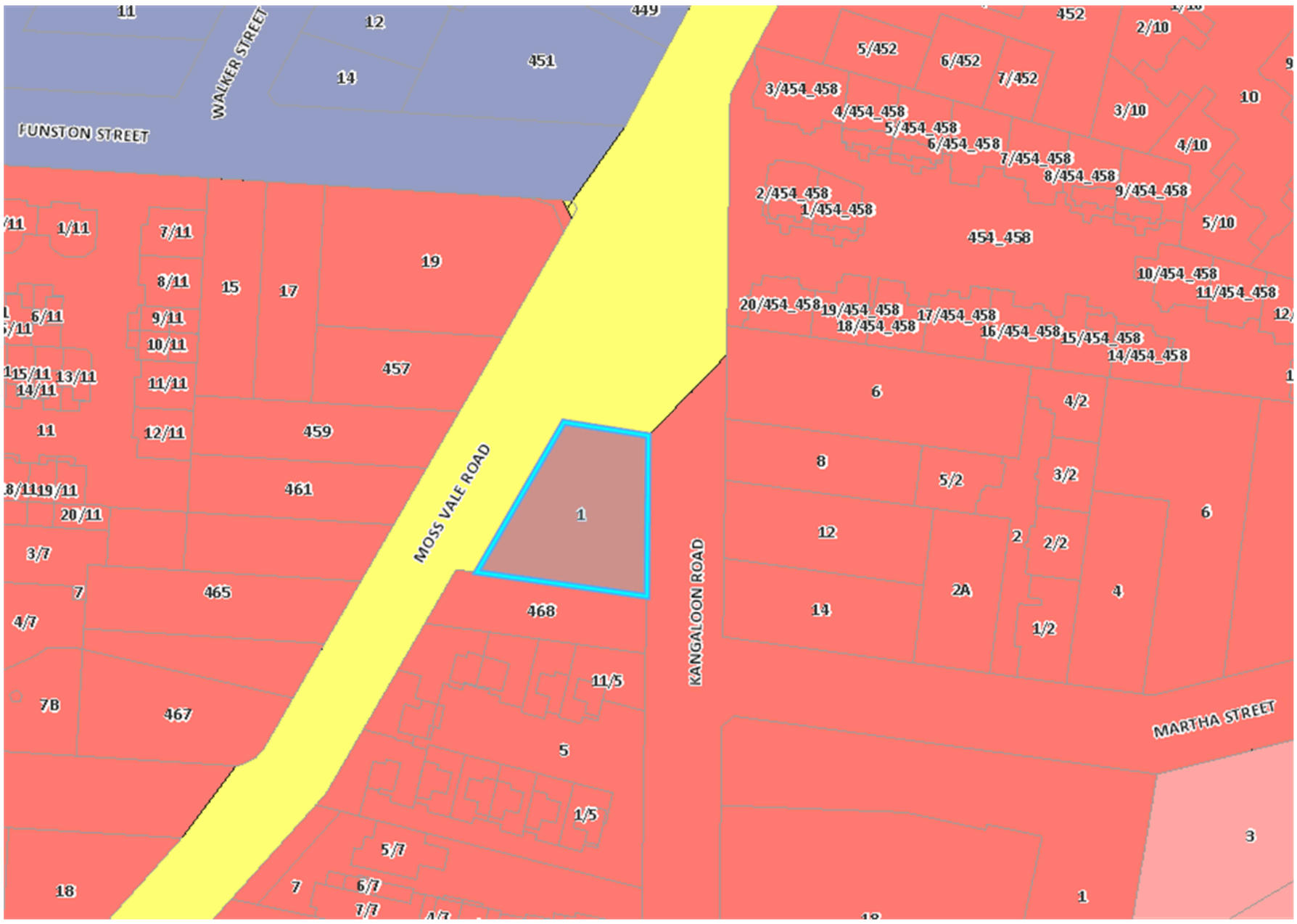
Reason for Conditions 9 & 10 - To manage adverse environmental and water quality impacts during the construction phase of the development and to minimise the risk of erosion, sedimentation and pollution within or from the site during this construction phase.

END OF CONDITIONS

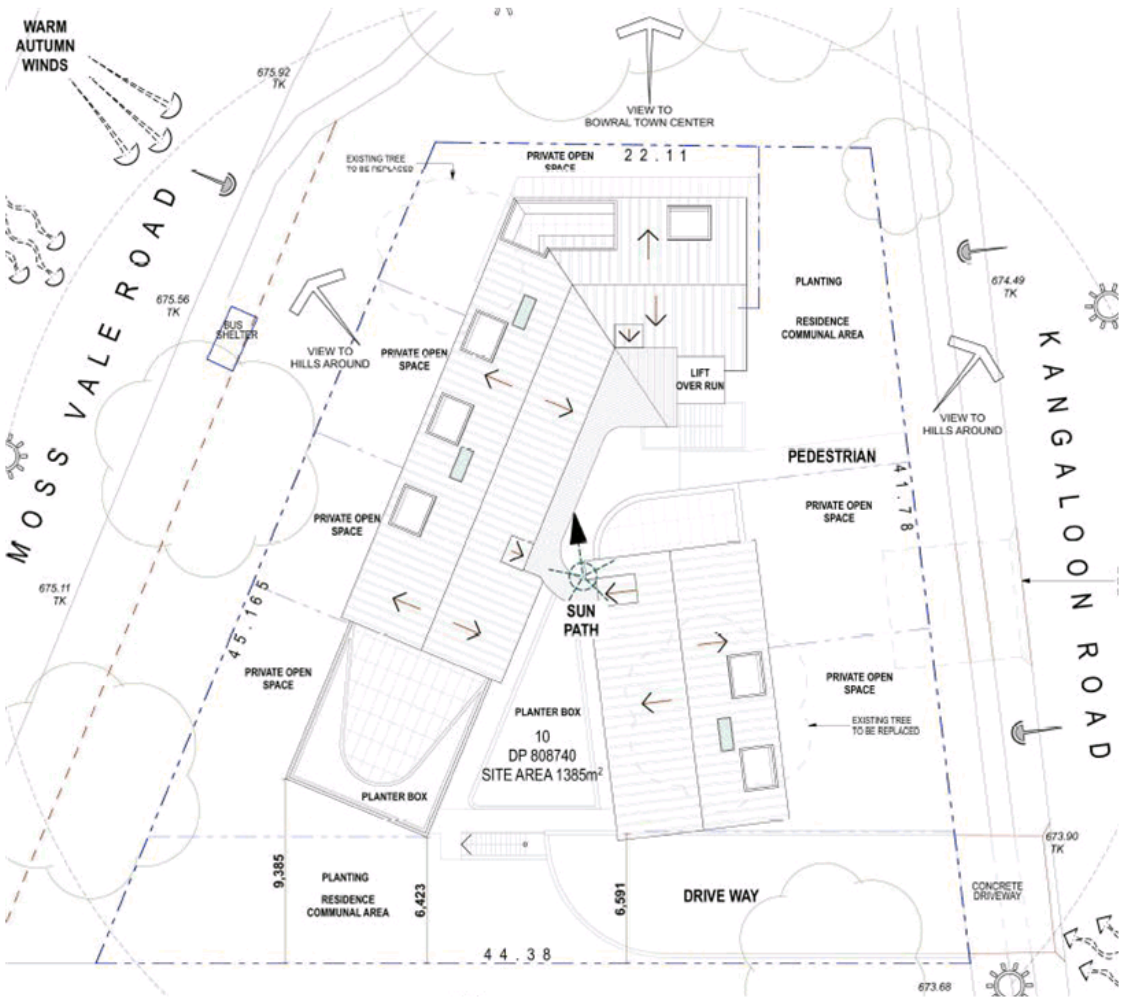
ATTACHMENT 2 – SITE LOCATION

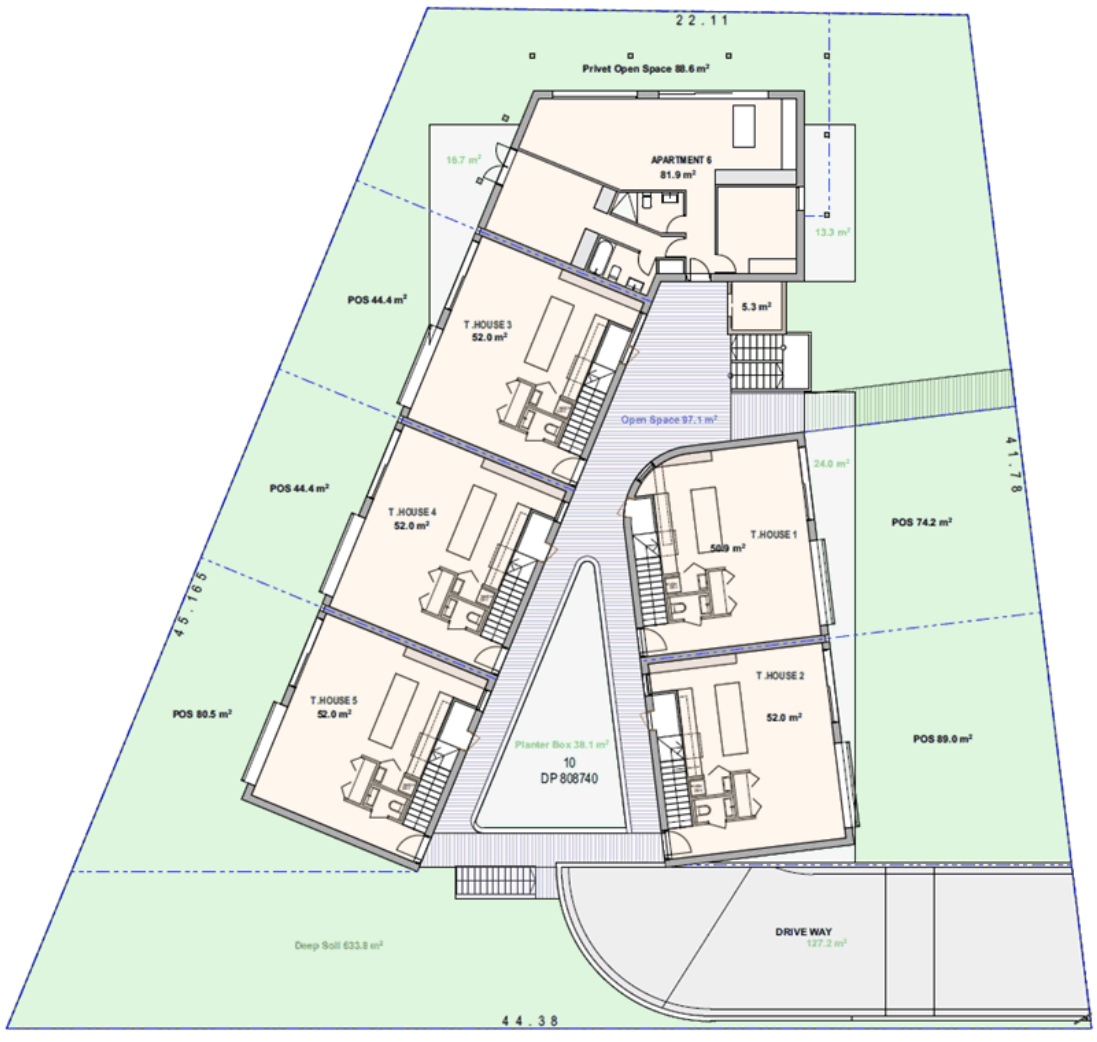


ATTACHMENT 3 – ZONING



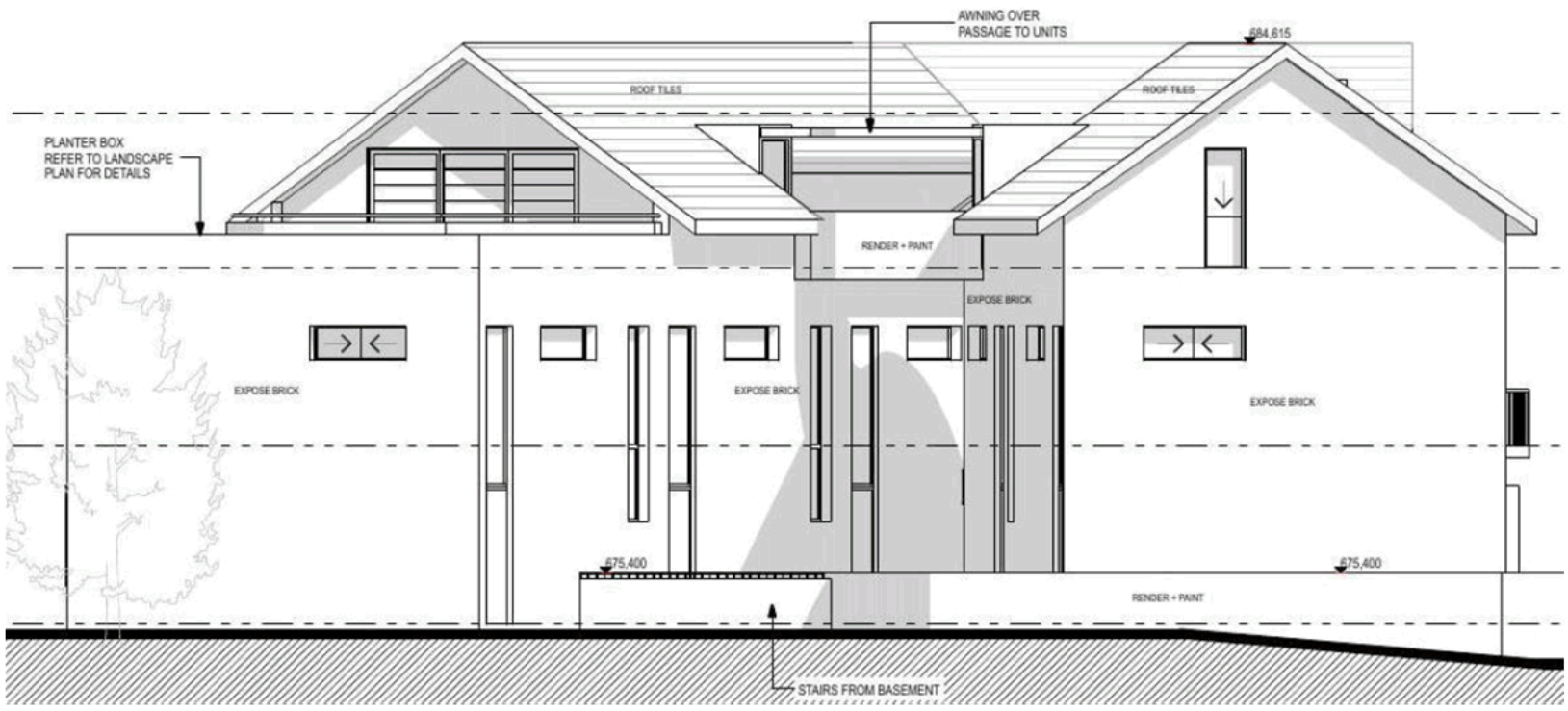
ATTACHMENT 4 – SITE PLAN





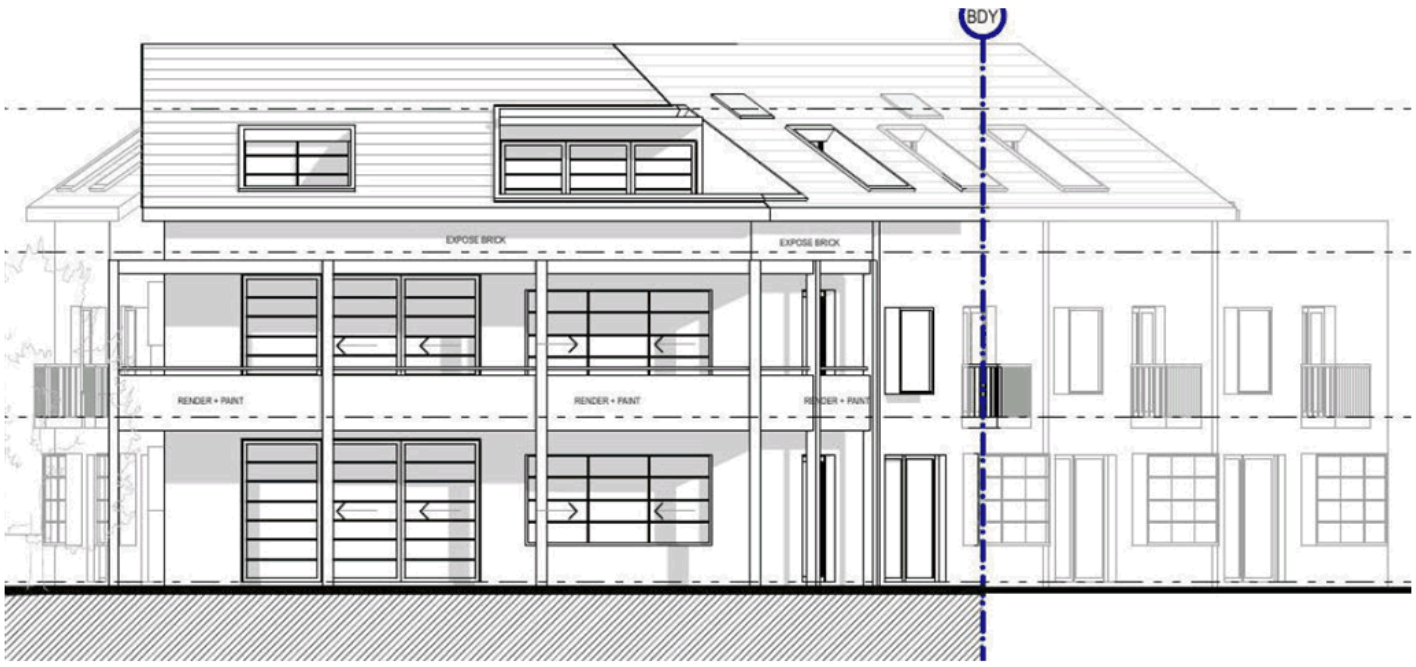
ATTACHMENT 5 – ELEVATIONS

West Elevation to Moss Vale Road



South Elevation

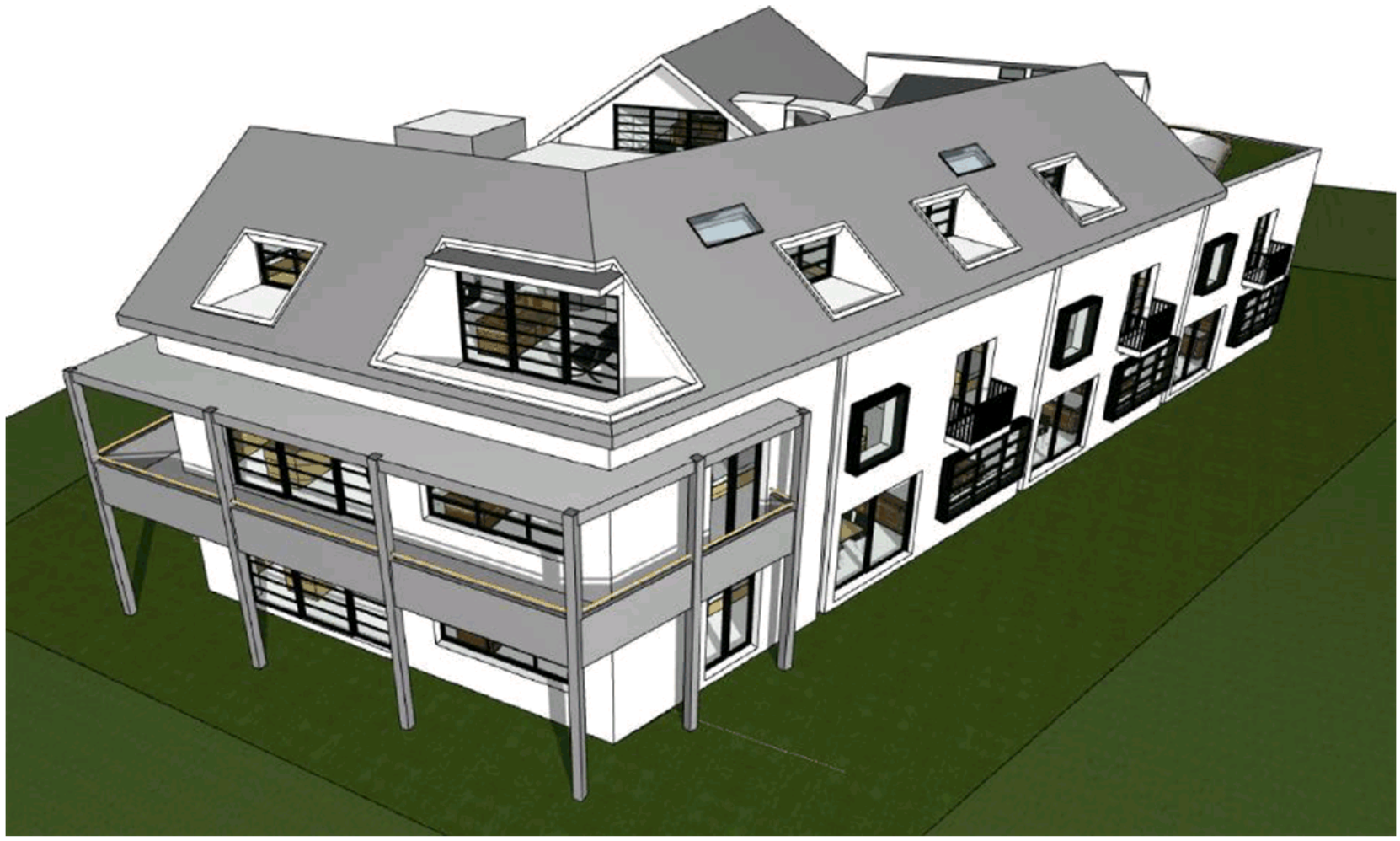
East Elevation to Kangaloon Road



North Elevation to Kangaloon Road / Moss Vale Road roundabout

Architectural Perspective Drawing – South Elevation

Architectural Perspective Drawing – East Elevation to Kangaloon Road



Architectural Perspective Drawing – North and West Elevations to roundabout and Moss Vale Road

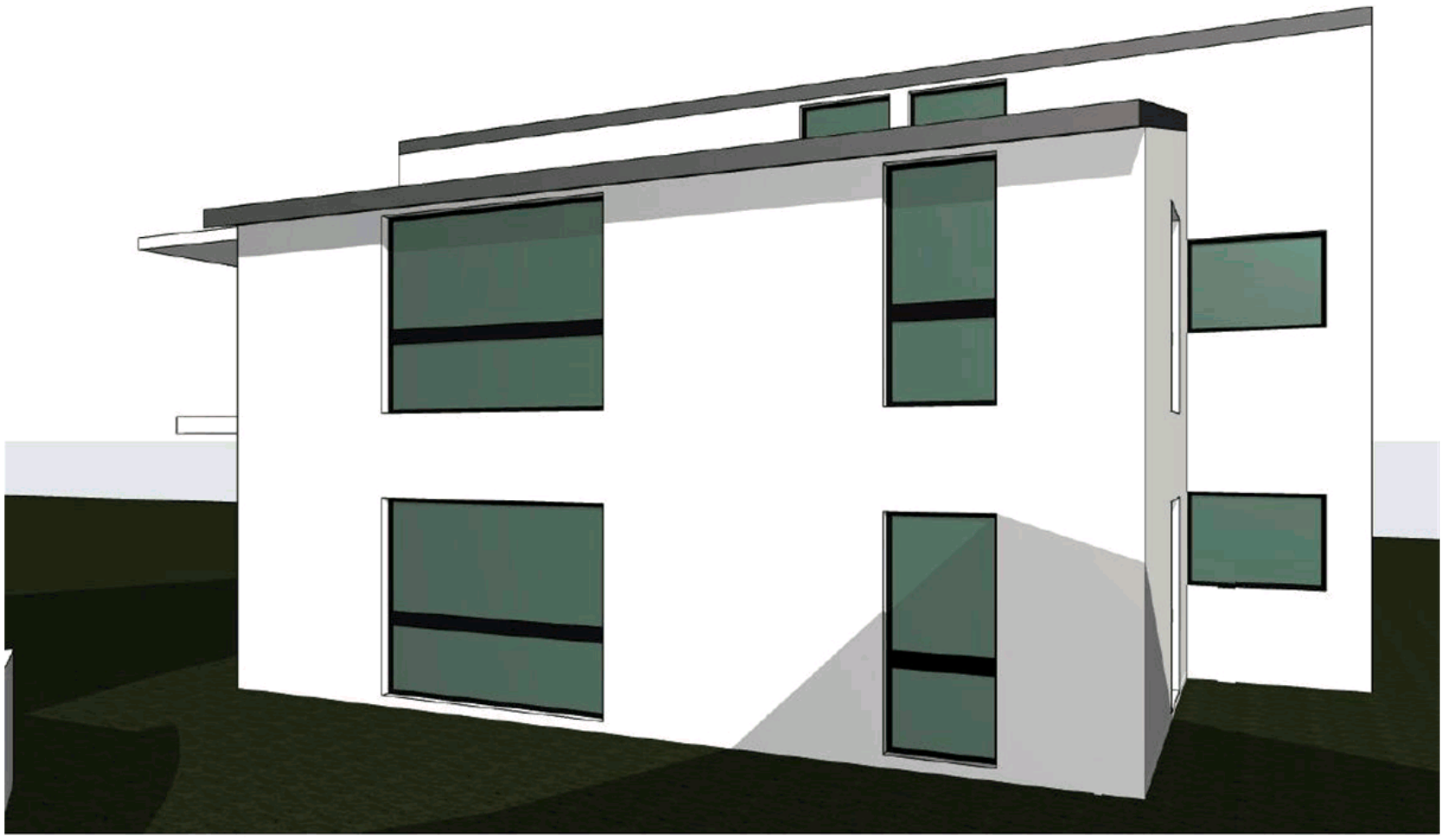
ATTACHMENT 6 – MIDWINTER OVERSHADOWING BETWEEN 11am – 2pm

**Northern Elevation of adjoining southern dwelling at 468 Moss Vale Road –
Upper level windows of living area, lower level windows of garage and TV room.
3 hours solar access to living room windows**

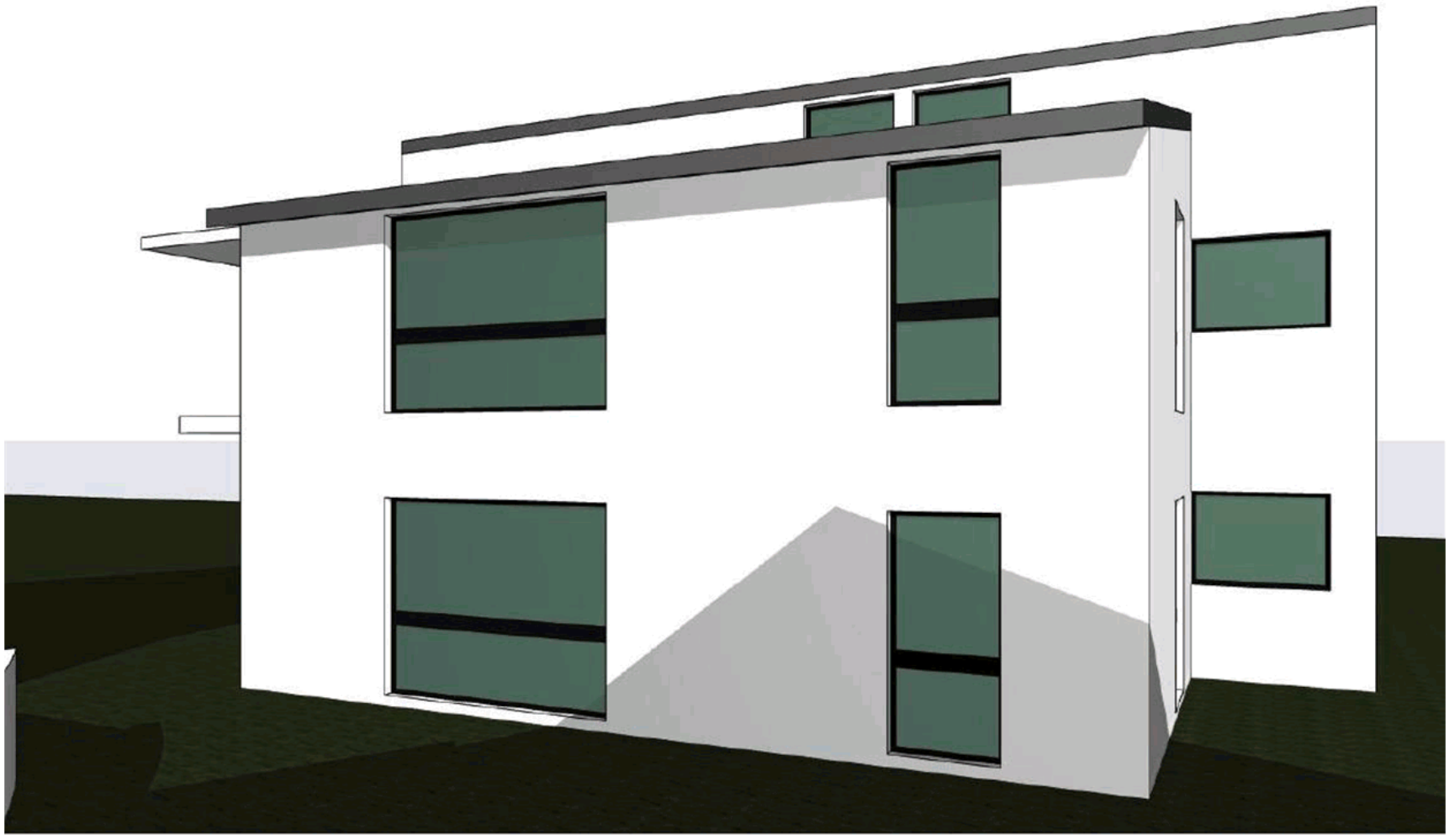
11:00

JUNE 21 11:30

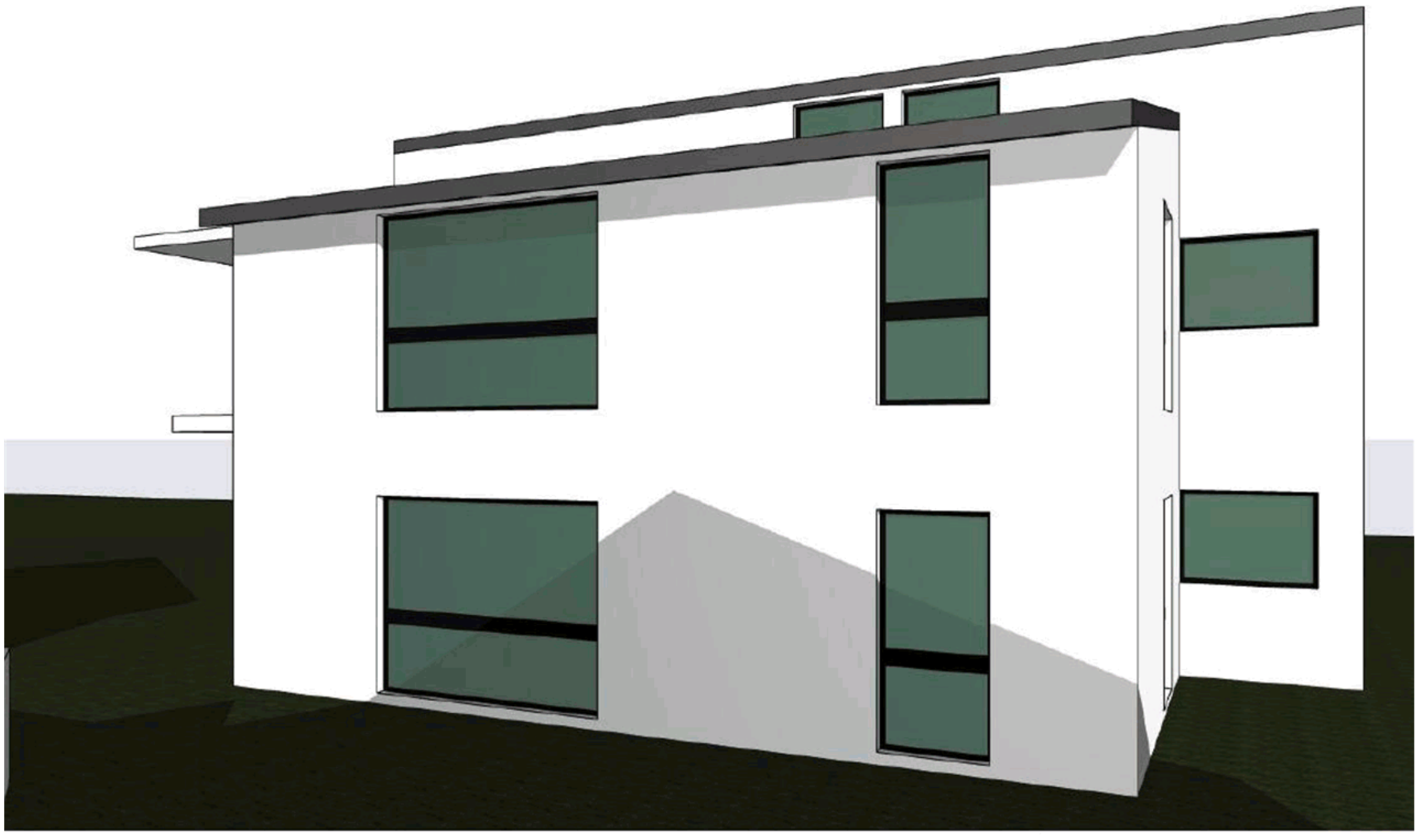
JUNE 21 12:00



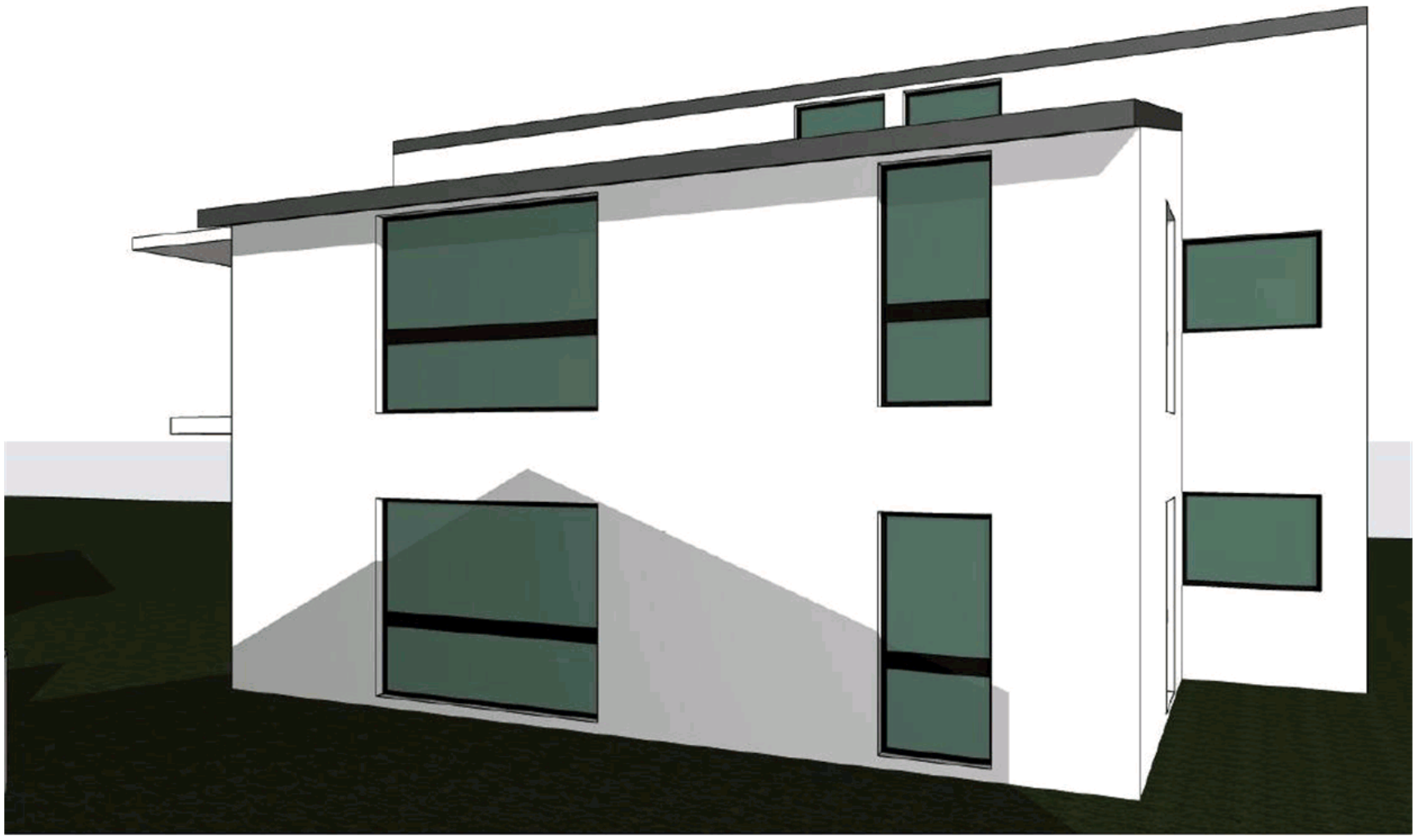
JUNE 21 12:30



JUNE 21 13:00

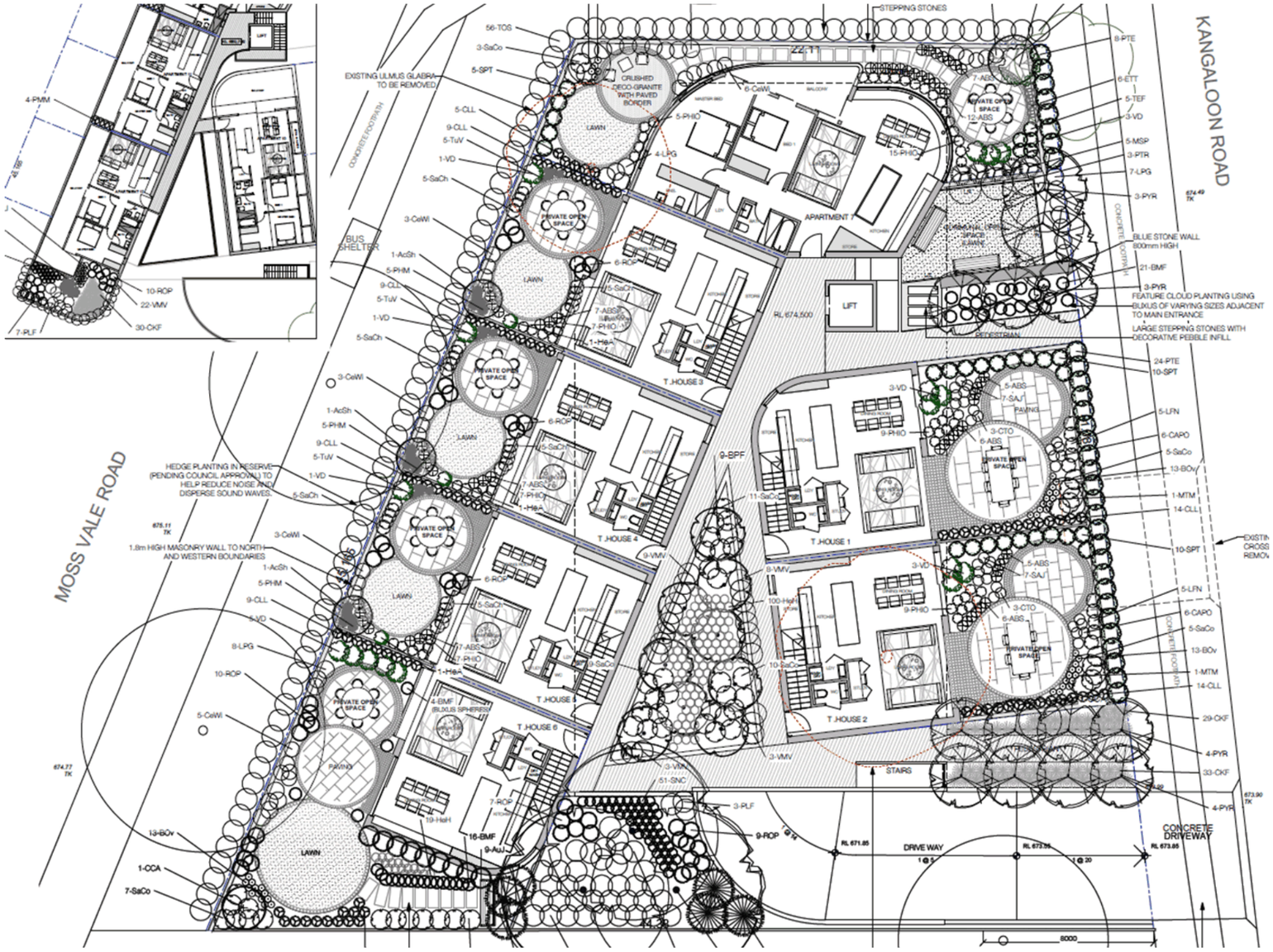


JUNE 21 13:30



JUNE 21 14:00

ATTACHMENT 7 – PROPOSED LANDSCAPING



ATTACHMENTS TO REPORT

Item 12.4

Development Application 17/0816.10 - s.4.55 Modification to Approved Vehicle Repair Station - 80 Station Street and 13 Walker Street, Bowral

Attachment 1

Draft Reasons for Refusal

Attachment 2

Site Location.1 17.0816

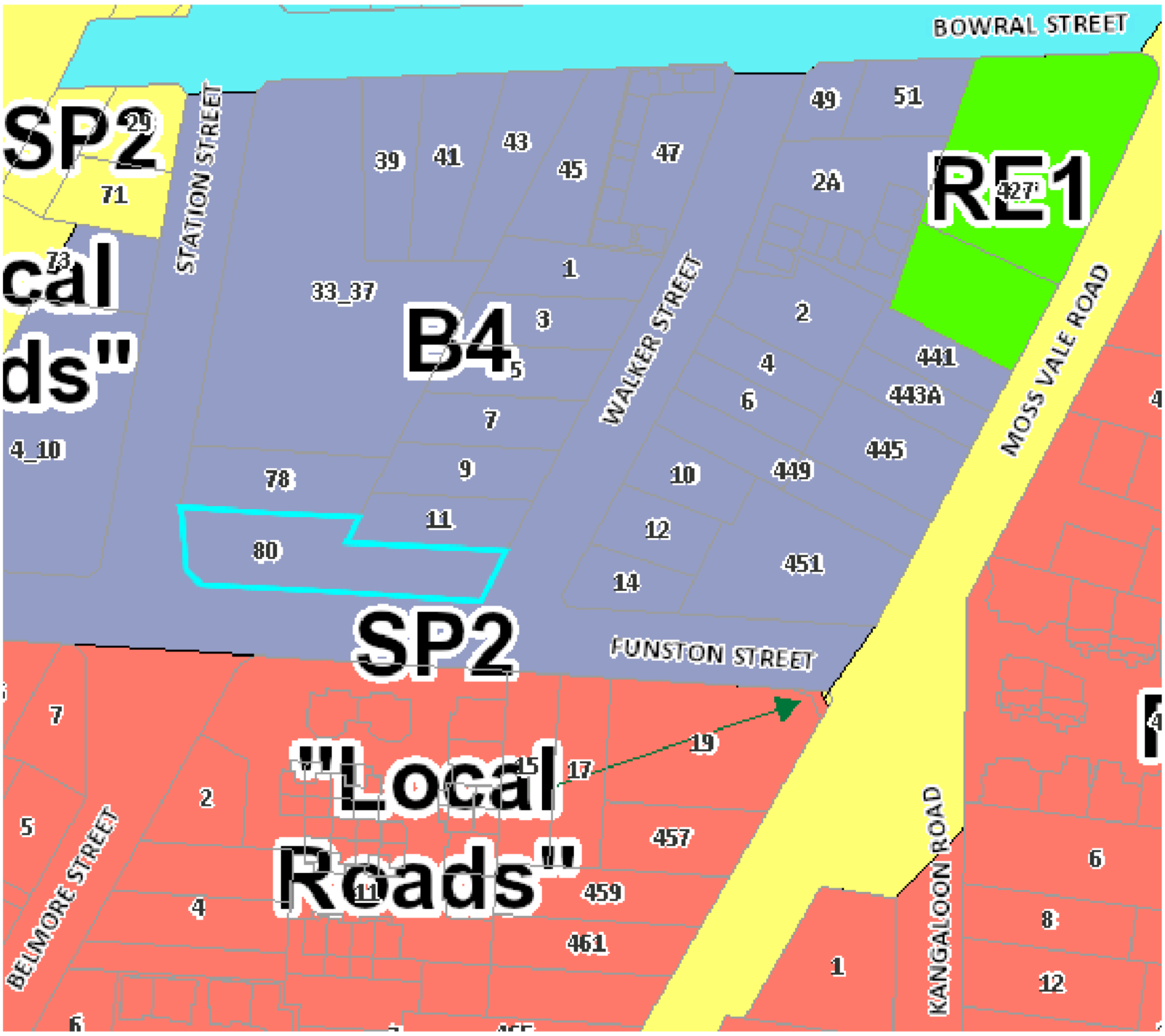
Attachment 3

Zoning

ATTACHMENT 1 – DRAFT REASONS FOR REFUSAL

1. The concrete path required by condition 70 of Development Consent 17/0816 will provide pedestrian connectivity in the southern portion of the B4 Mixed Use zone, and is in accordance with Section A2.2.2 of the Bowral Town Plan Development Control Plan requirement that development improves urban function throughout the town, including the provision of a safe and accessible network of pedestrian links throughout the town. (S.4.15(1)(a)(b)(c)(d)(e) of the Environmental Planning & Assessment Act 1979)

2. The proposed deletion of Condition 70 of Development Consent 17/0816 is not considered to be in the public interest. (S.4.15(1)(a)(b)(c)(d)(e) of the Environmental Planning & Assessment Act 1979)

72
74
4-10
Station St
Station St
Bowral Veterinary Hospital
Reekies Tyres & More
SUBJECT PROPERTY
Walker St
Walker St
Funston St
Funston St
Belmore St
Belmore St

ATTACHMENT 3 – ZONING