



## **ATTACHMENTS TO REPORTS –**

### **ORDINARY COUNCIL MEETING**

Wednesday 25 September 2019

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**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 18/0576 - General Industry (Masonry Manufacturing), Lot 1 DP785111 and Lot 1 DP414246, 416 Berrima Road, Moss Vale and 524 Berrima Road, Berrima |    |
|      | <b>ATTACHMENT 2</b> 18/0576 Locality Map.....   | 4  |
|      | <b>ATTACHMENT 3</b> 18/0576 Aerial Image.....   | 5  |
|      | <b>ATTACHMENT 4</b> 18/0576 Development the Subject of Development Consent 11/0142.....   | 6  |
|      | <b>ATTACHMENT 5</b> 18/0576 New Berrima Shale Quarry Project Approval 08_0212 Layout.....   | 7  |
|      | <b>ATTACHMENT 6</b> 18-0576 Proposed Development Drawings.....  | 8  |
|      | <b>ATTACHMENT 7</b> 18/0576 Proposed Development Site in Relation to Mapped Flood Planning Area.....  | 10 |
|      | <b>ATTACHMENT 8</b> 18/0576 Extract from Noise Impact Assessment Report - Map of Potential Affected Noise Receivers.....                            | 11 |
| 12.1 | Development Application 20/0043 - The Use of Self Contained Seniors Housing Dwelling as an Exhibition Home as Approved in Stage 1 of DA 17/1822     |    |
|      | <b>ATTACHMENT 1</b> Attachment 1 Draft Conditions 20.0043 .....   | 13 |
|      | <b>ATTACHMENT 2</b> Site Location 20.0043 .....   | 31 |
|      | <b>ATTACHMENT 3</b> Master Plan 20.0043.....  | 32 |
|      | <b>ATTACHMENT 4</b> Site Plan 20.0043 .....   | 33 |
|      | <b>ATTACHMENT 5</b> Elevation Plans 20.0043 .....   | 34 |
|      | <b>ATTACHMENT 6</b> Entrance Signage 20.0043 .....  | 36 |

## ATTACHMENTS TO REPORT

### Item 9.1

**DA 18/0576 - General Industry (Masonry Manufacturing), Lot 1 DP785111 and Lot 1 DP414246, 416 Berrima Road, Moss Vale and 524 Berrima Road, Berrima**

#### **Attachment 2**

18/0576 Locality Map

#### **Attachment 3**

18/0576 Aerial Image

#### **Attachment 4**

18/0576 Development the Subject of Development Consent 11/0142

#### **Attachment 5**

18/0576 New Berrima Shale Quarry Project Approval 08\_0212 Layout

#### **Attachment 6**

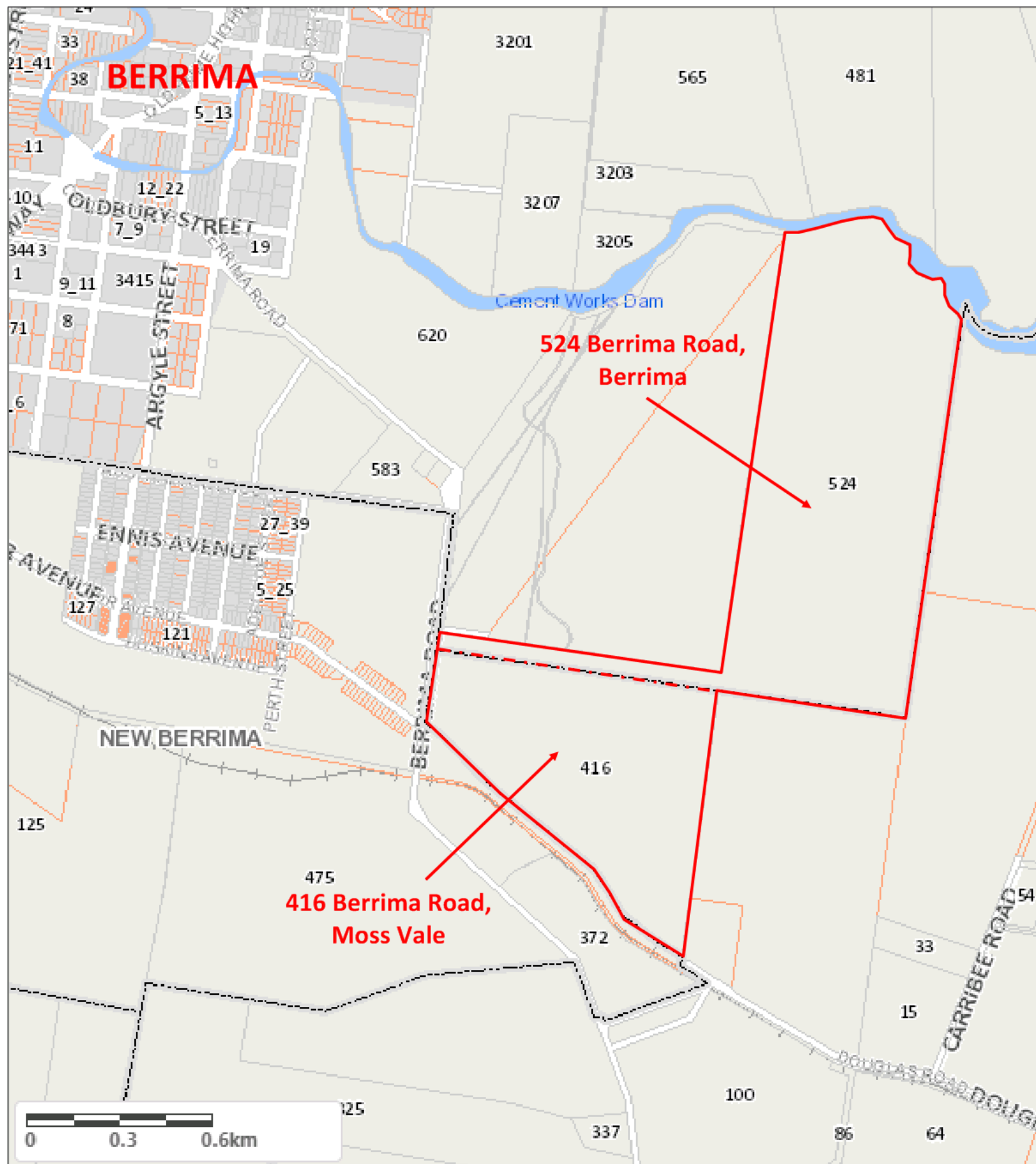
18-0576 Proposed Development Drawings

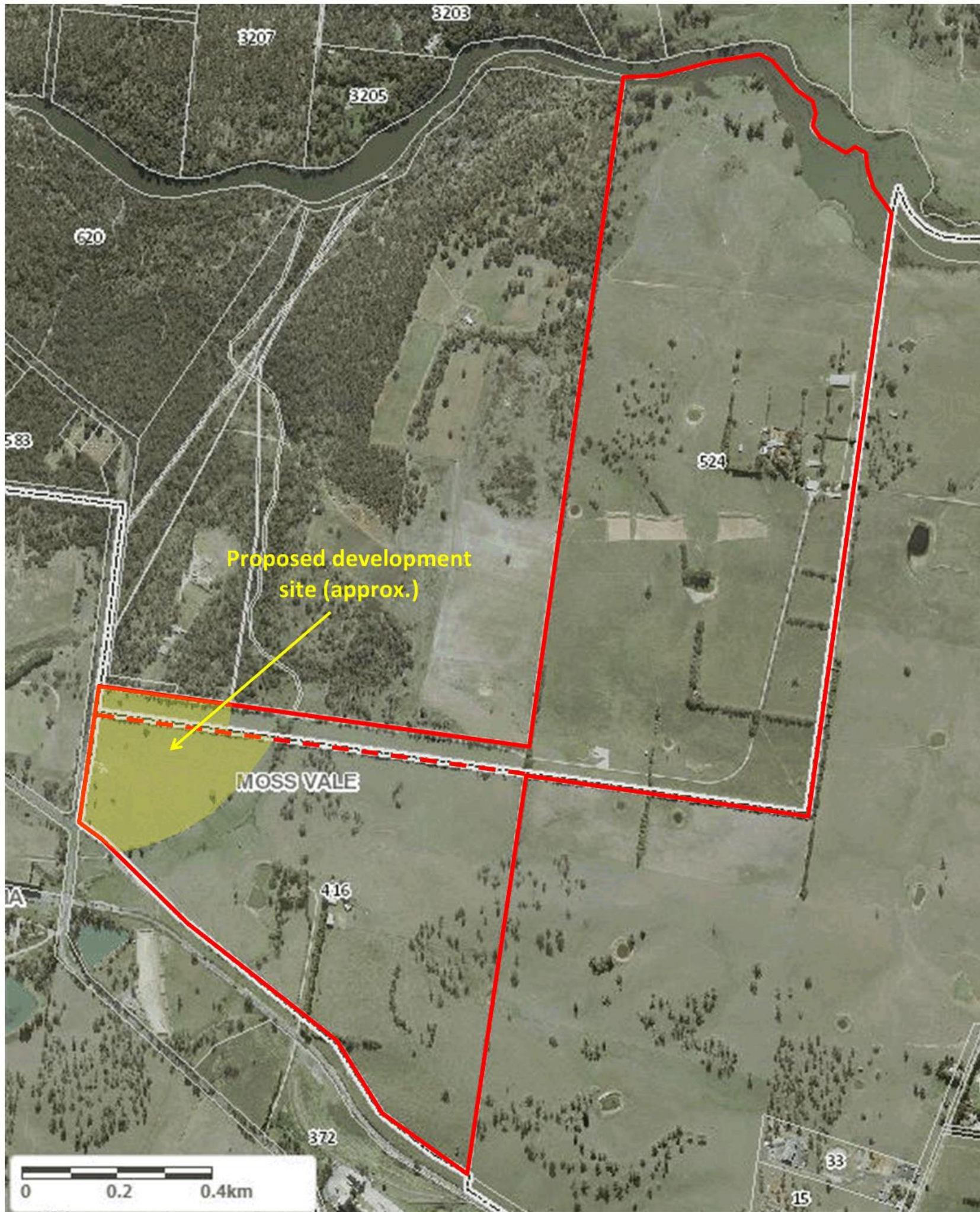
#### **Attachment 7**

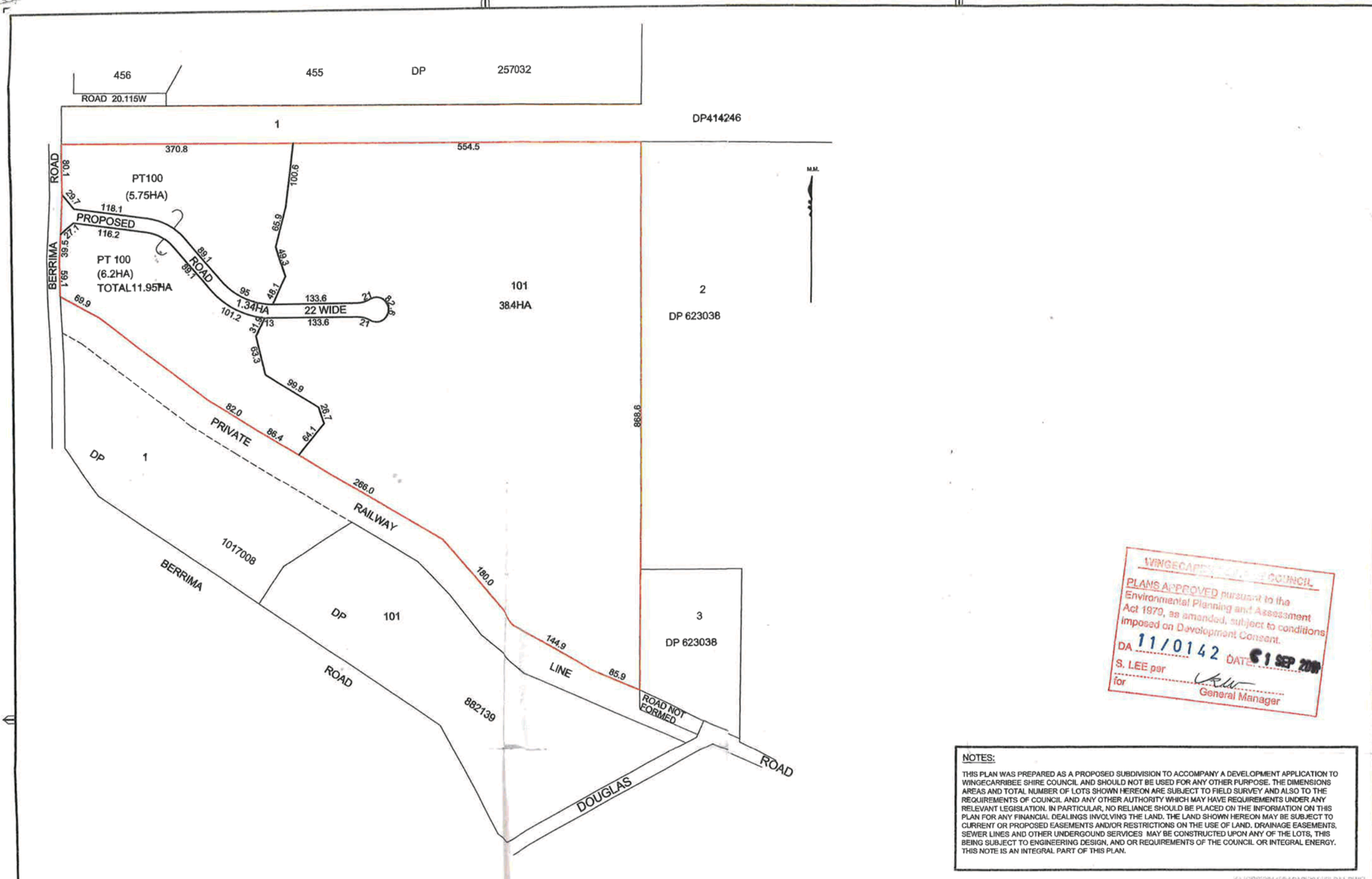
18/0576 Proposed Development Site in Relation to Mapped Flood Planning Area

#### **Attachment 8**

18/0576 Extract from Noise Impact Assessment Report - Map of Potential Affected Noise Receivers







WINGECARRIBEE SHIRE COUNCIL  
 PLANS APPROVED pursuant to the Environmental Planning and Assessment Act 1979, as amended, subject to conditions imposed on Development Consent.  
 DA 11/0142 DATE 1 SEP 2019  
 S. LEE per [Signature] for General Manager

**NOTES:**  
 THIS PLAN WAS PREPARED AS A PROPOSED SUBDIVISION TO ACCOMPANY A DEVELOPMENT APPLICATION TO WINGECARRIBEE SHIRE COUNCIL AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE. THE DIMENSIONS AREAS AND TOTAL NUMBER OF LOTS SHOWN HEREON ARE SUBJECT TO FIELD SURVEY AND ALSO TO THE REQUIREMENTS OF COUNCIL AND ANY OTHER AUTHORITY WHICH MAY HAVE REQUIREMENTS UNDER ANY RELEVANT LEGISLATION. IN PARTICULAR, NO RELIANCE SHOULD BE PLACED ON THE INFORMATION ON THIS PLAN FOR ANY FINANCIAL DEALINGS INVOLVING THE LAND. THE LAND SHOWN HEREON MAY BE SUBJECT TO CURRENT OR PROPOSED EASEMENTS AND/OR RESTRICTIONS ON THE USE OF LAND, DRAINAGE EASEMENTS, SEWER LINES AND OTHER UNDERGROUND SERVICES MAY BE CONSTRUCTED UPON ANY OF THE LOTS, THIS BEING SUBJECT TO ENGINEERING DESIGN, AND OR REQUIREMENTS OF THE COUNCIL OR INTEGRAL ENERGY. THIS NOTE IS AN INTEGRAL PART OF THIS PLAN.

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| ISSUE | AMENDMENT     | DRAWN | DATE     |
|-------|---------------|-------|----------|
| A     | INITIAL ISSUE | RA    | 21/12/10 |
|       |               |       |          |
|       |               |       |          |
|       |               |       |          |

LandTeam Australia Pty Ltd  
 ABN 35 506283 512  
**Bowral Office**  
 357 Bong Bong Street,  
 BOWRAL NSW 2576  
 p: 4861-2467  
 f: 4861-4975  
 e: bowral@landteam.com.au  
 www.landteam.com.au



**A2 SHEET**

**P.J.RAMSAY & M.S.SIDDLE**

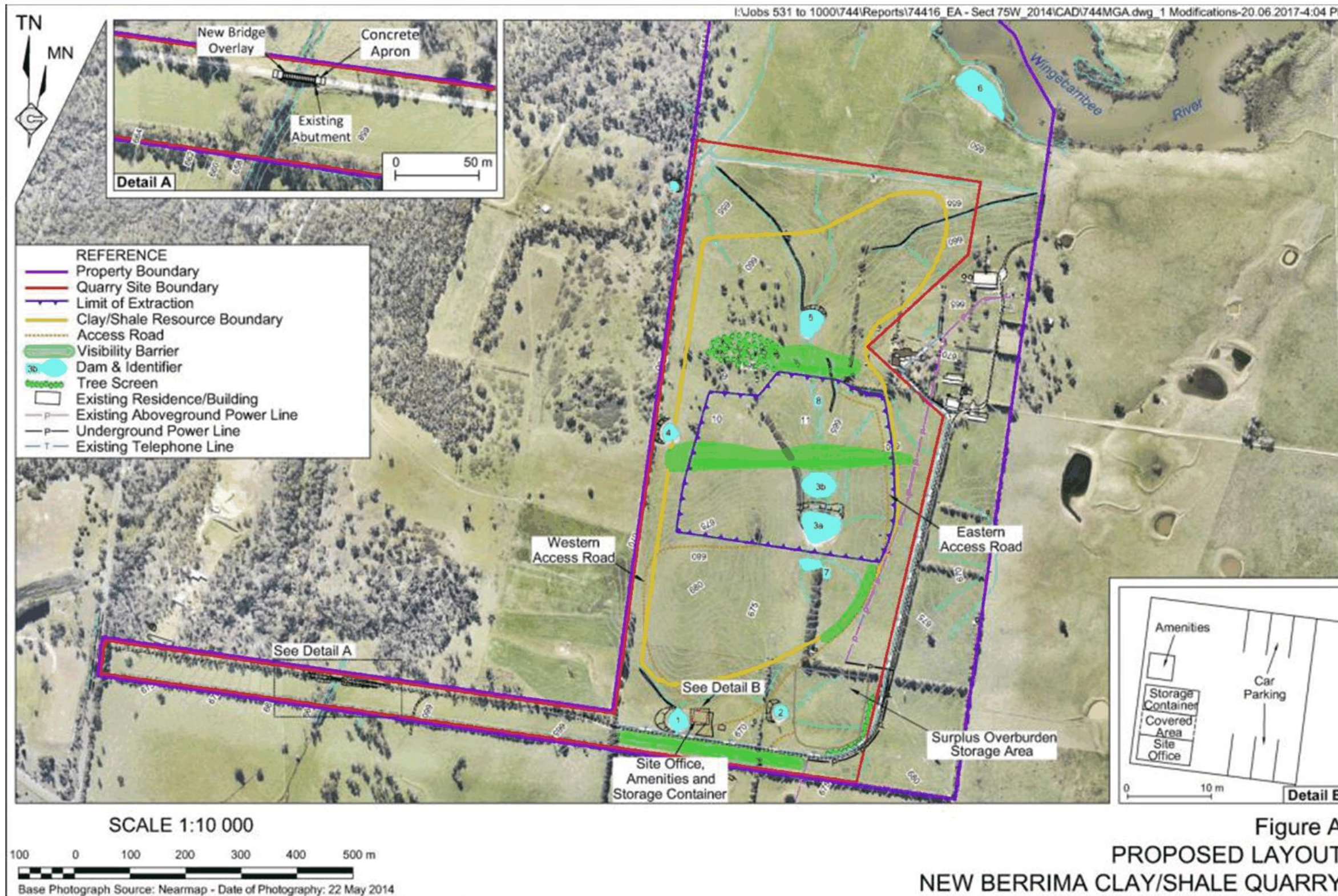
PLAN OF SUBDIVISION  
 OF LOT 1 DP 785111, BERRIMA ROAD BERRIMA  
 WINGECARRIBEE SHIRE COUNCIL

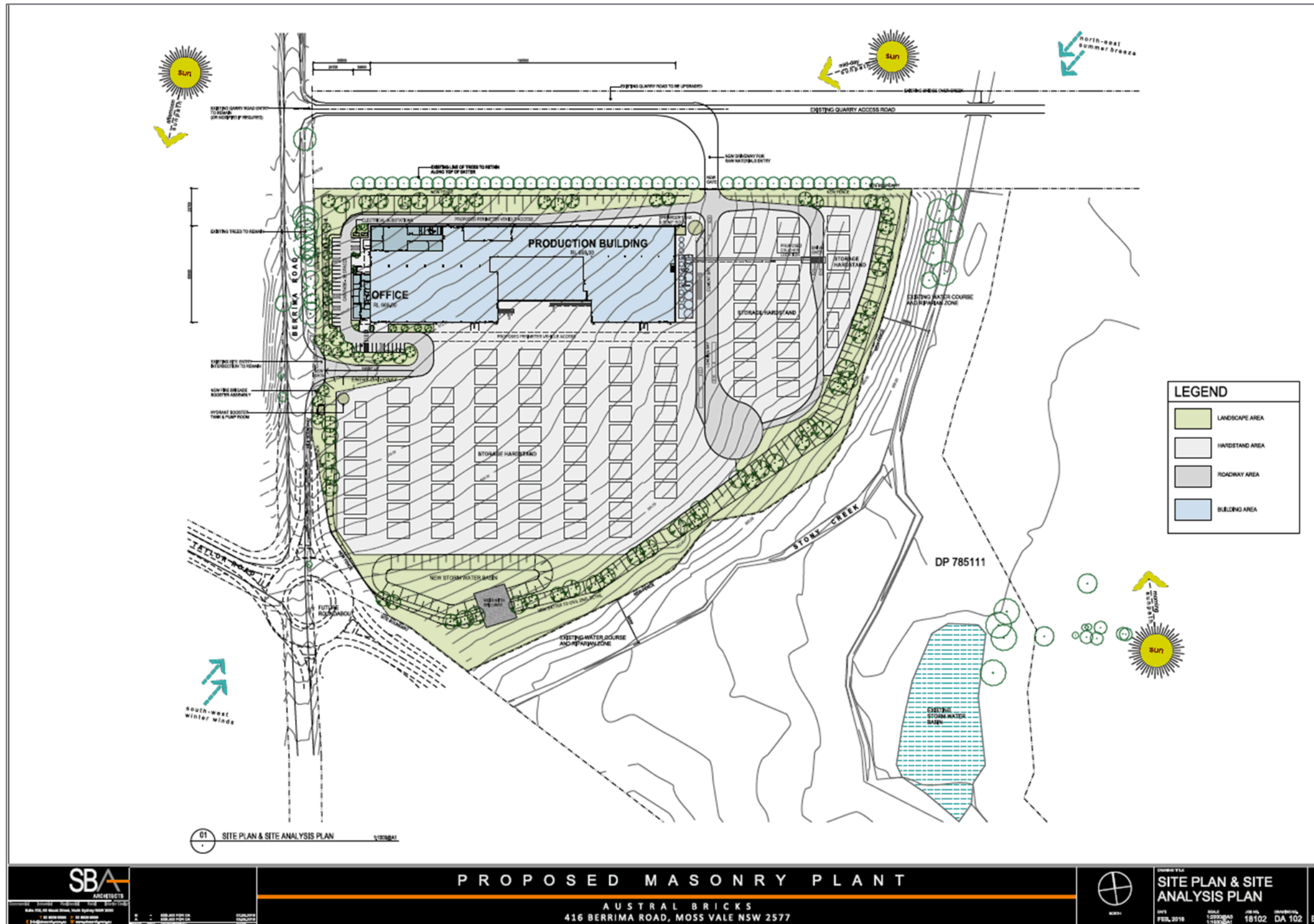
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201450-DA1

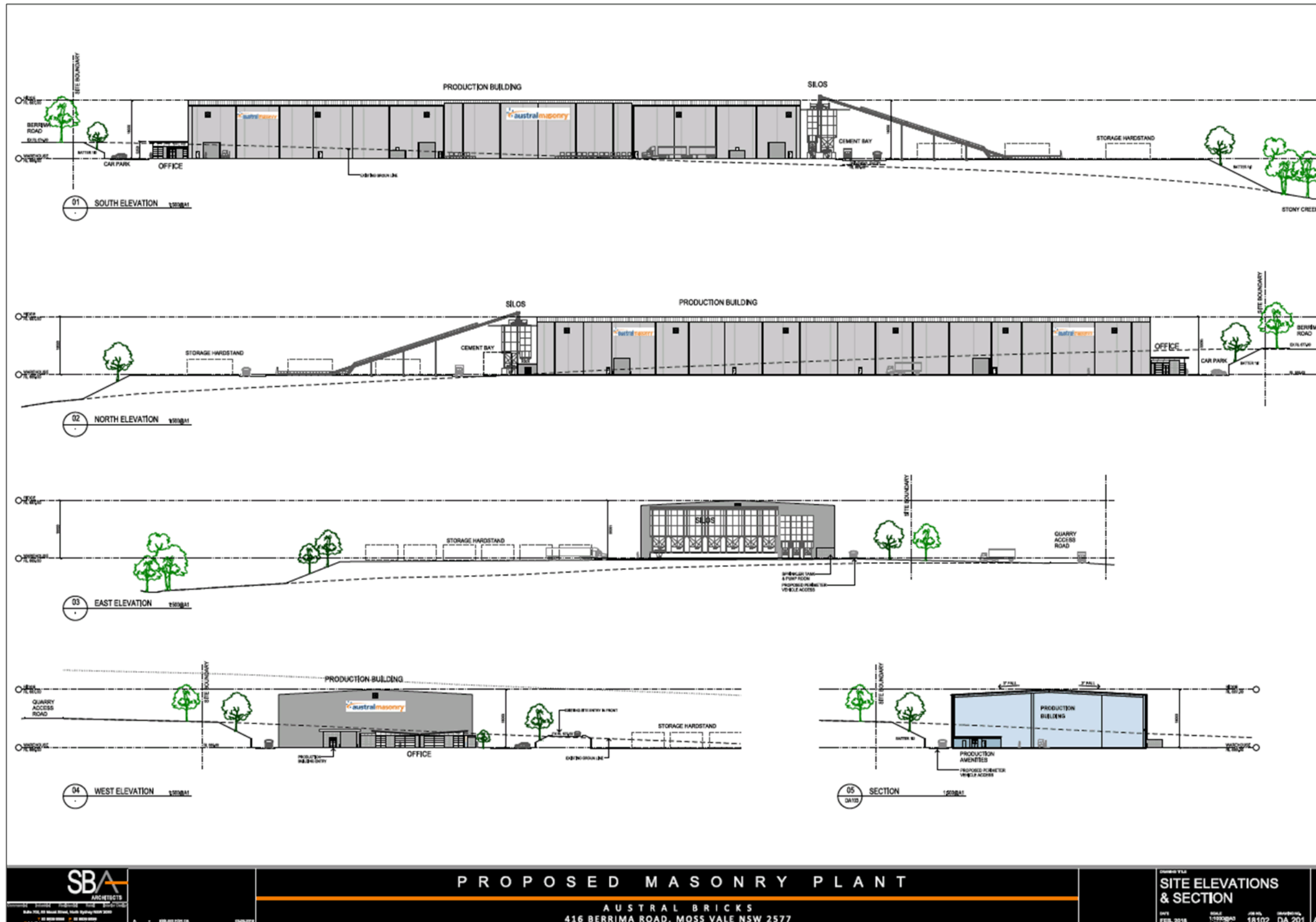
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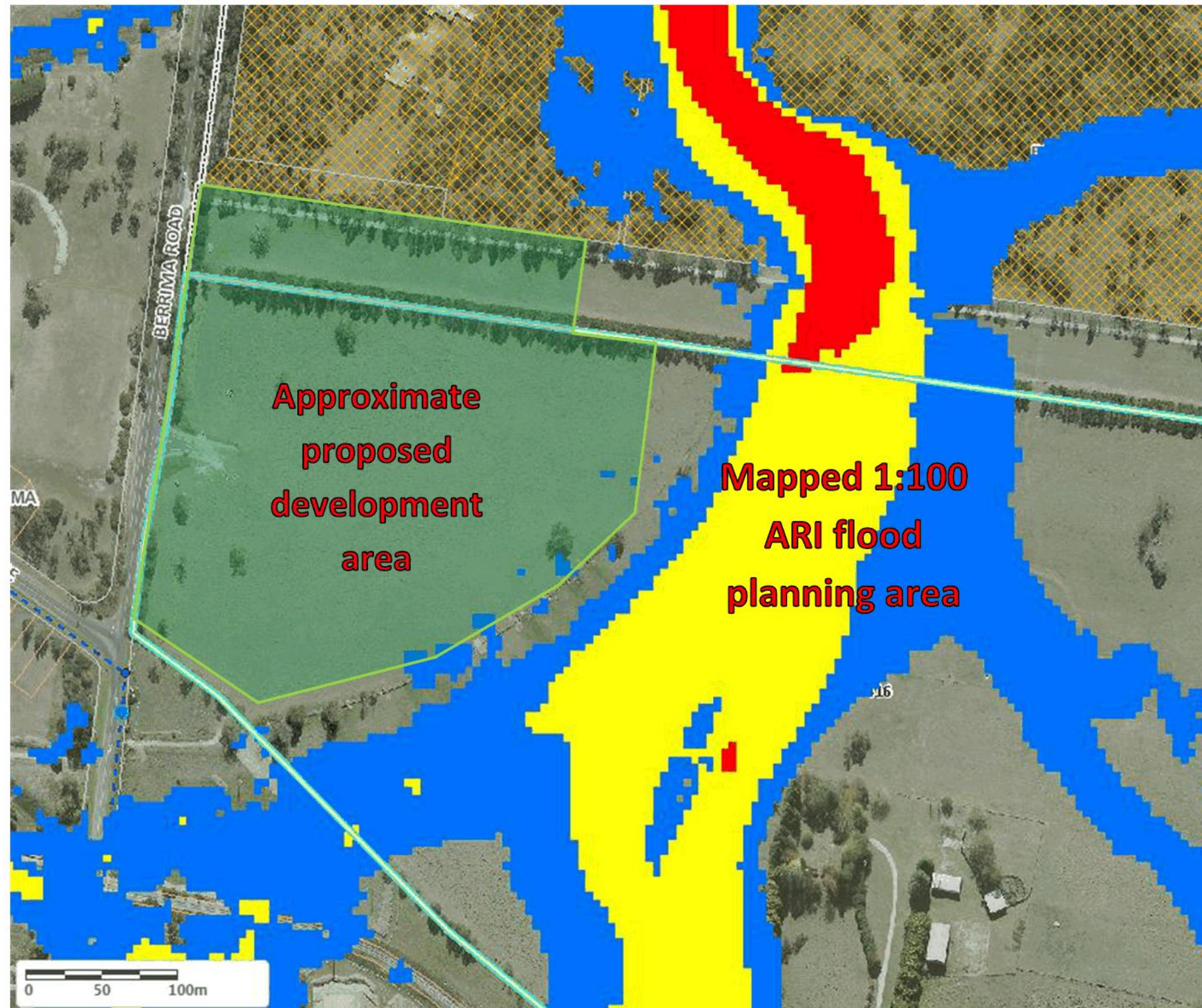
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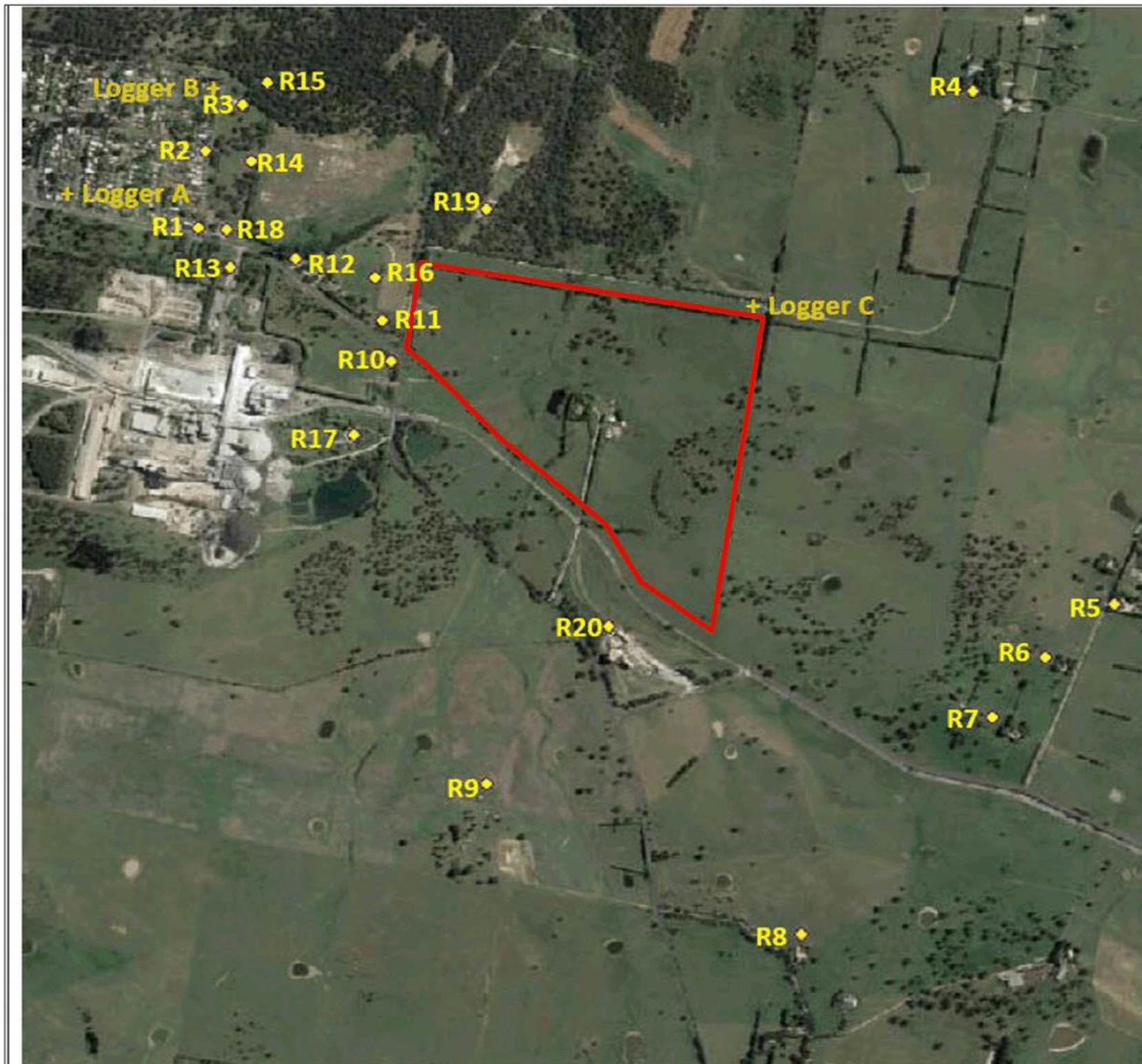












Source: SIX Maps 2018

|   |   |  |
|---|---|--|
| <br>Not to scale | <b>Legend:</b><br>Site Boundaries  |  Benbow Environmental<br>13 Daking Street,<br>North Parramatta NSW 2151 |
|---|---|--|

## ATTACHMENTS TO REPORT

### Item 12.1

**Development Application 20/0043 - The Use of Self Contained Seniors Housing Dwelling as an Exhibition Home as Approved in Stage 1 of DA 17/1822**

#### **Attachment 1**

Attachment 1 Draft Conditions 20.0043

#### **Attachment 2**

Site Location 20.0043

#### **Attachment 3**

Master Plan 20.0043

#### **Attachment 4**

Site Plan 20.0043

#### **Attachment 5**

Elevation Plans 20.0043

#### **Attachment 6**

Entrance Signage 20.0043

12.1 Development Application 20/0043 - The Use of Self Contained Seniors  
Housing Dwelling as an Exhibition Home as Approved in Stage 1 of DA  
17/1822

## ATTACHMENT 1 Attachment 1 Draft Conditions 20.0043

**Attachment 1 – Draft Conditions of Consent****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 the use of a self-contained Seniors Housing Dwelling as an exhibition home (as approved in Stage 1 - 17/1822).

**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      |
|----------------------------------|---------------------|------------------|------------|
| Concept Master Plan              | DA1.03              | Marchesepartners | 02/07/2018 |
| Site Plan – level roof           | DA1.04              | Marchesepartners | 02/07/2018 |
| Site Plan – Level 00             | DA1.05              | Marchesepartners | 02/07/2018 |
| Exhibition Home Floor Plans      | DA2.01              | Marchesepartners | 02/07/2018 |
| Sales Suite Floor Plans          | DA2.02              | Marchesepartners | 02/07/2018 |
| Entrance Signage                 | DA3.01              | Marchesepartners | 02/07/2018 |

**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.*

**12.1 Development Application 20/0043 - The Use of Self Contained Seniors  
Housing Dwelling as an Exhibition Home as Approved in Stage 1 of DA  
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**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.*

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

**7. 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) Essential services plan outlining the existing and proposed fire safety measures.
- (d) Disabled access provisions to common and public areas in accordance with the requirements of the Building Code of Australia, relevant Australian Standards (*including AS1428.1 design for Access and Mobility and AS 4299 Adaptable housing*), the Bowral Development Control Plan and with regard to the *Disability Discrimination Act 1992*.
- (e) 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.

**12.1 Development Application 20/0043 - The Use of Self Contained Seniors  
Housing Dwelling as an Exhibition Home as Approved in Stage 1 of DA  
17/1822**

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- 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.*

**Note:** *Construction work may only commence upon the issue of a Construction Certificate, appointment of a Principal Certifying Authority (PCA), and lodgement of Notice of Commencement.*

**Note:** *Please note that if demolition works forms part of the extent of works approved in the same application, then demolition must not commence prior to the issue of a Construction Certificate.*

**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. 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 (*including AS1428.1 design for Access and Mobility and AS 4299 Adaptable housing*), the Bowral Development Control Plan and with regard to the *Disability Discrimination Act 1992*.

12.1 Development Application 20/0043 - The Use of Self Contained Seniors  
Housing Dwelling as an Exhibition Home as Approved in Stage 1 of DA  
17/1822

## ATTACHMENT 1 Attachment 1 Draft Conditions 20.0043



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.*

#### 10. 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 water supply, sewerage work and stormwater drainage works

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

#### 11. 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.*

#### 12. 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.*

#### 13. Carpark Design - Site Servicing

The car park shall be designed to accommodate the turning movements of the largest vehicle servicing the development. The car park design shall incorporate the following:

- (a) The site shall accommodate the turning movements of (how many) m service vehicle.
- (b) Service vehicles shall manoeuvre into and out of the site in a forward direction.
- (c) The front overhang, and swept path made by the service vehicle shall not obstruct car park traffic or encroach onto parking spaces.
- (d) The vehicle swept path shall be reflected on the engineering design plans.



**12.1 Development Application 20/0043 - The Use of Self Contained Seniors Housing Dwelling as an Exhibition Home as Approved in Stage 1 of DA 17/1822****ATTACHMENT 1 Attachment 1 Draft Conditions 20.0043**

- (e) Loading and unloading of service vehicles shall be undertaken onsite with no intrusion onto the road system.
- (f) The footpath crossing shall be splayed from the property boundary to the kerb line to accommodate the swept path made by the service vehicle.

**Reason:** *To ensure that the car parking area is constructed to Council requirements.*

**14. Vehicular Crossings**

Full-width, heavy-duty concrete vehicular crossing(s) shall be provided across the footway at the entrance(s) and/or exit(s) to the site, subject to approval by Council's Development Engineer. In this regard the Applicant shall obtain a copy of Council's Standard Drawing and lodge an application for vehicular crossing(s) (available from Council's Customer Services Centre or downloaded from Council's website), and pay the appropriate fees and charges prior to the lodgment of the Construction Certificate.

**Reason:** *To ensure appropriate access to the site can be achieved.*

**15. Water and Sewer Authority Conditions**

Prior to issue of a Construction Certificate, the developer shall obtain approval from Council (as the Water Supply Authority and/or as required under Section 68 of the *Local Government Act 1993*) for the works to be undertaken by submitting adequate documentation including plans, calculations and specifications which justify that the required works are in accordance with all Council's standards and all other relevant codes and guidelines.

**Reason:** *To ensure water and sewer reticulation are in accordance with Council's standards.*

**16. 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.*

**17. 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.

**12.1 Development Application 20/0043 - The Use of Self Contained Seniors  
Housing Dwelling as an Exhibition Home as Approved in Stage 1 of DA  
17/1822**

**ATTACHMENT 1 Attachment 1 Draft Conditions 20.0043**



- (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.*

**18. 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**

**19. Notice of Commencement**

**12.1 Development Application 20/0043 - The Use of Self Contained Seniors  
Housing Dwelling as an Exhibition Home as Approved in Stage 1 of DA  
17/1822**

**ATTACHMENT 1 Attachment 1 Draft Conditions 20.0043**



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.*

**20. 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.*

**21. 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.

**12.1 Development Application 20/0043 - The Use of Self Contained Seniors  
Housing Dwelling as an Exhibition Home as Approved in Stage 1 of DA  
17/1822**

**ATTACHMENT 1 Attachment 1 Draft Conditions 20.0043**



**Reason:** *Statutory requirement.*

**22. 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.*

**23. 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.*

**24. C015 Developer to advise of damage to Council property**

The developer must advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves and the like, prior to commencement of any work on the site (dilapidation report). Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the Developer's 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 grass verges, concrete footpath, kerb and gutter are to be carried out by the contractor/builder to Council's specification and supervision prior to occupation of the development.

**Reason:** *Public safety.*

12.1 Development Application 20/0043 - The Use of Self Contained Seniors  
Housing Dwelling as an Exhibition Home as Approved in Stage 1 of DA  
17/1822

## ATTACHMENT 1 Attachment 1 Draft Conditions 20.0043



## 25. 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.*

### CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

## 26. 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.*

## 27. 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.*

## 28. 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.*

## 29. Stormwater - Connection to Kerb

All stormwater connections to the kerb shall be done using minimum 2mm thick galvanised steel section in accordance with Wingecarribee Shire Council's Standard Drawing No SD102.

**Reason:** *To comply with Council standards.*

12.1 Development Application 20/0043 - The Use of Self Contained Seniors Housing Dwelling as an Exhibition Home as Approved in Stage 1 of DA 17/1822



ATTACHMENT 1 Attachment 1 Draft Conditions 20.0043

**30. 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.*

**31. 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.*

**32. 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.*

**33. 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.*

**34. 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              |

12.1 Development Application 20/0043 - The Use of Self Contained Seniors  
Housing Dwelling as an Exhibition Home as Approved in Stage 1 of DA  
17/1822

## ATTACHMENT 1 Attachment 1 Draft Conditions 20.0043



**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.*

### 35. 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.*

### 36. 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.*

### 37. 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.*

### 38. 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.

12.1 Development Application 20/0043 - The Use of Self Contained Seniors  
Housing Dwelling as an Exhibition Home as Approved in Stage 1 of DA  
17/1822

ATTACHMENT 1 Attachment 1 Draft Conditions 20.0043



**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**

**39. 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.*

**40. 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 issue of any Occupation Certificate.

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

**41. 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 issue of any Occupation Certificate.

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

**42. 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



**12.1 Development Application 20/0043 - The Use of Self Contained Seniors  
Housing Dwelling as an Exhibition Home as Approved in Stage 1 of DA  
17/1822**

**ATTACHMENT 1 Attachment 1 Draft Conditions 20.0043**



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.*

**43. Works as Executed Plans - Building Works**

Prior to the issue of the Occupation Certificate, one full set of work-as-executed drawings shall be submitted to and retained by Council. Sufficient details including locations and levels of the below ground infrastructure are required in order to enable a complete check of the work as executed as compared to the original approved design. Any deviation from the approved engineering plans shall be shown on the work-as-executed drawings. Each sheet of the drawings shall carry the certification of the developers supervising engineer.

**Reason:** *To ensure that there is a record of final works carried out on the site.*

**44. Civil Engineering works and services**

All approved civil engineering works and services as per the approved engineering plans are to be constructed prior to the issue of the Occupation Certificate.

**Reason:** *To ensure that the works and services are constructed in accordance with the approved plan.*

**45. 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.*

**46. 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.*

**47. Annual Fire Safety Statement**

Each year, the owner of a building to which an essential fire safety measure is applicable shall cause the Council to be given an annual fire safety statement for the building. Such a fire safety statement:

- (a) shall deal with each essential fire safety measure in the building premises; and
- (b) shall be given within twelve months after the last such statement was given, or it no such

**12.1 Development Application 20/0043 - The Use of Self Contained Seniors Housing Dwelling as an Exhibition Home as Approved in Stage 1 of DA 17/1822**

**ATTACHMENT 1 Attachment 1 Draft Conditions 20.0043**



statement was given, within twelve months after a final fire safety certificate was first issued for the building.

As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:-

- (a) shall cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades; and
- (b) shall cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be permanently displayed in the building.

**Reason:** *To ensure compliance with fire safety requirements.*

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

**48. Use not to Commence**

The approved use shall not commence until the proposed development has been completed in accordance with this consent and issue of any other Council approvals which may be required.

**Reason:** *To ensure that the use of the site is lawful.*

**49. Time of operation**

The approved operation of the exhibition home:

Five (5) years from the issue of Occupation Certificate

The approved hours of operation are:

| DAY              | HOURS            |
|------------------|------------------|
| Monday to Friday | 9.00am to 5.00pm |
| Saturday         | 9.00am 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 operation of the development.*

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

**50. Waste Management Plan**

The approved Waste Management Plan shall be implemented during the ongoing operation of the development.

**Reason:** *To ensure that waste is managed in a sustainable manner.*

**51. Exhibition Home Use**

The exhibition home shall not be occupied for residential use until the conclusion of the consent period. At the conclusion of the consent period, the exhibition home must be inspected to ensure that vehicle and pedestrian access to a public road complies with Council's standards, that the building(s) comply with the Building Code of Australia, and that essential service infrastructure is in place.

**Reason:** *To ensure compliance with Council planning legislation.*

12.1 Development Application 20/0043 - The Use of Self Contained Seniors  
Housing Dwelling as an Exhibition Home as Approved in Stage 1 of DA  
17/1822

## ATTACHMENT 1 Attachment 1 Draft Conditions 20.0043

**52. Noise Control**

The use of the premises shall not give rise to the transmission of offensive noise to any place of different occupancy.

**Reason:** *To prevent loss of amenity to the area.*

**53. Vehicle Manoeuvring**

All vehicles shall enter and leave the site in a forward direction to ensure traffic / pedestrian safety. Internal driveways and parking shall be designed such that all vehicles are able to manoeuvre and leave the development driving forwards.

**Reason:** *Public safety.*

**54. Unobstructed driveways and parking areas**

All driveways and parking areas shall be unobstructed at all times.

Driveways and car spaces:

- (a) shall not be used for the manufacture, storage or display of goods, materials or any other equipment, and
- (b) shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

**Reason:** *To ensure that access is maintained.*

**55. Advertising Signs - Footpath**

No signs shall be displayed on the public footpath or any external pedestrian areas (without the prior approval of Council).

**Reason:** *To maintain the visual amenity of the locality and to ensure public safety is not compromised.*

**56. Advertising Signage - Operational**

The approved advertising signs shall meet the following operational requirements:

- Signs shall not have a flashing or intermittent type illumination.
- Signs shall not be illuminated between the hours of 10pm and 7am.
- Signs shall be finished with a non-reflective finish so as not to be obtrusive or cause a distraction to passing motorists.
- Signs shall be maintained at all times in a safe and attractive condition.
- Signs shall be located wholly within the boundaries of the subject land.
- Signs shall be prepared by an appropriately qualified person (namely a signwriter of the like).

**Reason:** *To ensure that the signage is of a high standard.*

**57. Advertising Signage - Temporary Sign**

The approved temporary sign shall be displayed for a maximum period of 5 years from the date of the Occupation Certificate.

**Reason:** *To comply with the provisions of the Wingecarribee Local Environmental Plan 2010.*

**12.1 Development Application 20/0043 - The Use of Self Contained Seniors Housing Dwelling as an Exhibition Home as Approved in Stage 1 of DA 17/1822**

**ATTACHMENT 1 Attachment 1 Draft Conditions 20.0043**



**CONCURRENCE CONDITIONS**

**58. 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 conditions provided by Water NSW are provided below and 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 Lee Environmental Planning (dated July 2019) and shown on the Site Plan (Job No. 16104; Dwg. No. DA 1.04; Rev D, dated 10.07.2019) prepared by Marchese Partners International Pty Ltd. No revised site layout, staging or external works that may 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 specified in the Concept Stormwater and Water Quality Management Report (dated 23 August 2019) and Stormwater Management Plan (Dwg. No. SK1, Rev. A, dated 16.08.2019) both prepared by Group Development Services Pty Ltd, shall be incorporated in the final stormwater drainage plan to be approved by Council. The Plan shall be implemented. The stormwater management measures shall include:
  - turf-lined berm, and
  - a rainwater tank.
3. The turf-lined berm shall be constructed with rock-armoured overflow/discharge point(s) to prevent erosion.
4. A rainwater collection and reuse system for the building roof shall be installed that incorporates:
  - rainwater tanks with a minimum total capacity of 5,000 litres
  - roofs and gutters designed to maximise the capture of rainwater in the tanks
  - the tanks plumbed to toilets, and other areas for non-potable use including landscape watering, and
  - all rainwater tank overflow directed to the turf-lined berm.
5. No variation to stormwater treatment or management that will impact on water quality shall be permitted without the agreement of Water NSW.

*Reason for Conditions 2 to 5 – To ensure that the stormwater quality management measures and structures for the proposed subdivision have a sustainable neutral or beneficial impact on water quality over the longer term.*

**Construction Activities**

6. An Erosion and Sediment Control Plan shall be prepared 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 site or entering any stormwater drain or natural drainage system.
7. The Erosion and Sediment Control Plan shall be implemented and no works shall commence until effective erosion and sediment controls have been installed. The controls shall be regularly inspected, maintained and retained until works have been completed and ground surface stabilised or groundcover re-established.

12.1 Development Application 20/0043 - The Use of Self Contained Seniors  
Housing Dwelling as an Exhibition Home as Approved in Stage 1 of DA  
17/1822

ATTACHMENT 1 Attachment 1 Draft Conditions 20.0043



*Reason for Conditions 6 & 7 - 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**



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### ATTACHMENT 2 – SITE LOCATION



### ATTACHMENT 3 – MASTER PLAN





### ATTACHMENT 4 – SITE PLAN



ATTACHMENT 5 – ELEVATION PLANS



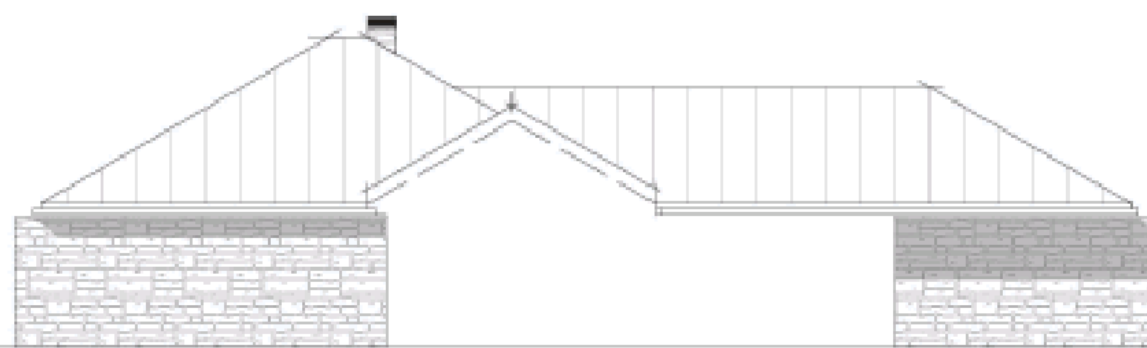
FRONT ELEVATION



RIGHT SIDE ELEVATION



REAR ELEVATION

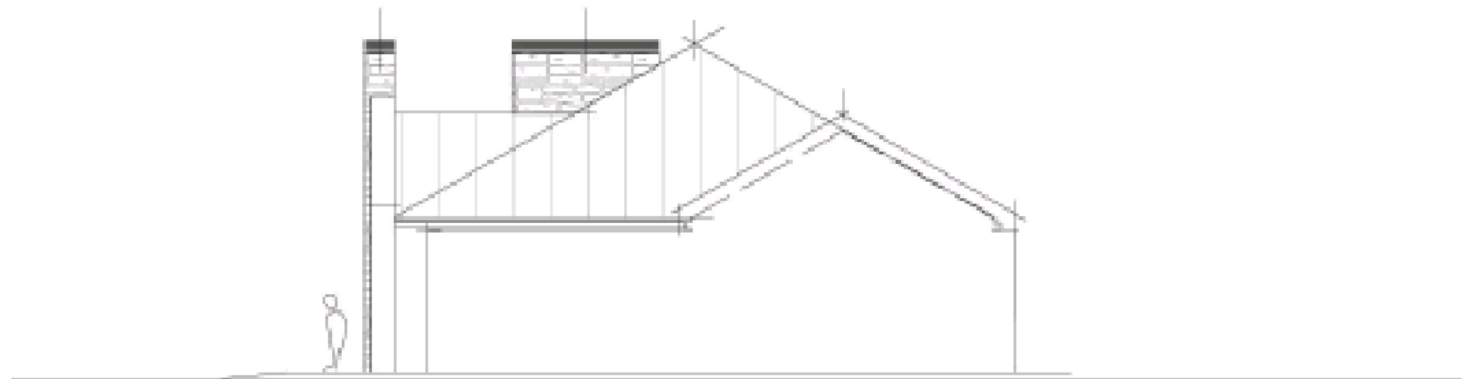


LEFT SIDE ELEVATION - PARTY WALL TO ADJOINING DWELLING

Figure 1: Exhibition Home Elevation



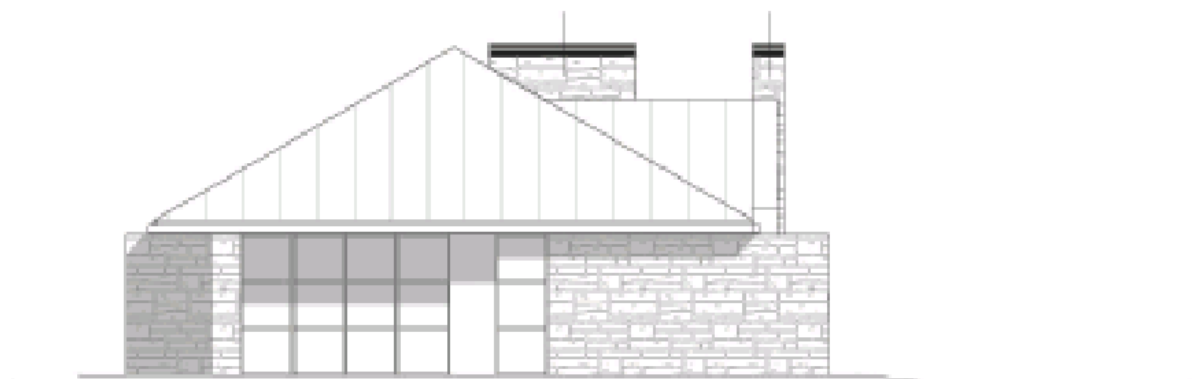
FRONT ELEVATION



RIGHT SIDE ELEVATION - PARTY WALL TO ADJOINING DWELLING



REAR ELEVATION



LEFT SIDE ELEVATION

Figure 2: Sales Suit Elevations

### ATTACHMENT 6 – Entrance Signage



Proposed signage  
2 Centennial Road, Bowral



Flag Pole height 6m  
Flag size 1.8x0.9m  
Sign on the fence size 2x1m