

28 April 2021

Dear Panel Member,

You are kindly requested to attend the **Independent Advisory Planning Assessment Panel Meeting** of Wingecarribee Shire Council to be held in **Council Chambers, Civic Centre, Elizabeth Street, Moss Vale** on **Wednesday 5 May 2021** commencing at **3.30pm**.

Yours faithfully

Les McMahon
Acting General Manager

Business

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Our Mission, Our Vision, Our Values

OUR MISSION

To create and nurture a vibrant and diverse community growing and working in harmony with our urban, agricultural and natural environments

OUR VISION

Leadership: *'An innovative and effective organisation with strong leadership'*

People: *'A vibrant and diverse community living harmoniously, supported by innovative services and effective communication with Council'*

Places: *'Places that are safe, maintained, accessible, sympathetic to the built and natural environment, that supports the needs of the community'*

Environment: *'A community that values and protects the natural environment enhancing its health and diversity'*

Economy: *'A strong local economy that encourages and provides employment, business opportunities and tourism'*

OUR VALUES

Integrity, trust and respect

Responsibility and accountability

Communication and teamwork

Service quality

Council Chambers

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The meeting must not be recorded by others.

Please ensure that all electronic devices including mobile phones are switched to silent.

The Council Chamber has 24 Hour Video Surveillance.

ACKNOWLEDGEMENT OF COUNTRY

“Wingecarribee Shire Council acknowledge the Gundungurra and Tharawal people as the traditional custodians of this land we now call the Wingecarribee Shire. I pay my respect to Elders both past, present and emerging. I would also like to extend that respect to all Aboriginal and Torres Strait Islanders present here today.”

APOLOGIES

Nil at time of print.

DECLARATIONS OF INTEREST

101/3, 101/3.1

The provisions of Chapter 14 of the *Local Government Act 1993* regulate the way in which Panel Members and nominated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest and the reasons for declaring such interest must be disclosed as soon as practicable after the start of the meeting.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussions or voting on that matter and further require that the member vacate the Meeting.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

5 DEVELOPMENT APPLICATIONS

5.1 Development Application 21/0208 - 14 Louisa Street Mittagong Proposed Demolition of an Existing Dwelling and Erection of a Boarding House.

Reference:	21/0208
Report Author:	Development Assessment Planner
Authoriser:	Manager Development Assessment
Applicant:	George Azzi
Owner:	Nimish Patel
Link to Community Strategic Plan:	Conserve the key natural resources of the Shire and minimise the impact from development

PURPOSE

The purpose of this report is to consider Development Application 21/0208 which seeks approval for the demolition of existing dwelling and erection of Boarding House containing nine (9) individual one (1) bedroom units, five (5) off-street car parking spaces, one motor bike space and 4 bicycle racks with a detached store room at Lot 1 DP 1251538, 14 Louisa Street Mittagong.

Consultants	N P (Aust) Project G Azzi - GHA Engineering Pty Ltd Jim Allman – Allman Johnston Architects (Statement of Heritage Impact)
Notification Period	26 August 2020 to 30 September 2020
Number of Submissions	13
Zoning	R2 – Low Density Residential
Political Donations	None Identified
Reason for Referral to Panel	Requested by full Council for determination

RECOMMENDATION

THAT Development Application DA 21/0208 – Demolition of existing dwelling and erection of Boarding House containing nine (9) individual one (1) bedroom units, five (5) off-street car parking spaces, one motor bike space and 4 bicycle racks with a detached store room at Lot 1 DP 1251538, 14 Louisa Street Mittagong, be **APPROVED** subject to conditions as described in Draft Conditions of Consent (Attachment 1) to the report.

REPORT

Subject Site and Locality

The site is legally described as Lot 1 DP 1251538, 14 Louisa Street Mittagong. The land is located on the corner of Louisa Street and Leopold Lane Mittagong. The site is approximately 350m north of the intersection of Old Hume Highway and Louisa Street.



Figure 1: Site Plan (courtesy Nearthmaps).

Proposed Development

The proposed development is for a 9-room boarding house. Each boarding house room will be self-contained with a combined bedroom and living area, a small kitchenette off the living area and a small bathroom. Two (2) of the units are designed to be fully accessible.

There will be a community living area and an external open space that will provide some common outdoor recreation area for the occupants. The proposed boarding house has direct access to the community outdoor open space.

The development will have five (5) off street car parking spaces. Three (3) car spaces will be accessed from a new driveway onto Louisa Street with one (1) space being accessible. Two (2) car spaces will be accessed off Leopold Lane. A motor bike space will be provided along with a bicycle rack for four (4) bicycles. (**Architectural Plans - Attachment 2**).

Statement of Heritage Impact.

A statement of Heritage Impact has been provided for the proposed development as the site is within the heritage conservation area and provides the following consideration:

- *The main objective for new development within a heritage context is to ensure compatibility of the proposal within the heritage setting.*
- *This proposal is for the demolition of a residential building which has negligible heritage significance, nor does it provide a positive contribution to the streetscape. Whilst it is a typical, simple residential style of its era, this is not adequate argument to support its retention or listing as an item of significance. Its removal and replacement by a similarly scaled and detailed residential building ensures that the new development does not negatively impact on the heritage significance of the conservation area nor the residential streetscape.*
- *The main criteria for heritage listing of the precinct is the historical residential context and streetscape rather than individual examples of heritage items. Louisa Street has a combination of heritage styles from the early 20th century to post-World War II and the modern era which followed. Other than the neighbouring building at number 16 Louisa Street, there are no other surrounding properties which are individually listed heritage items. The house at 16 Louisa Street is an unusual and unique example of its kind in this part of the streetscape. As noted above, the nearest other listed residential property to the proposed development site lies 250m to the south-west.*
- *Historical development along Louisa Street shows the spread of residential development from the town centre with more modern on the periphery. The development site lies close to the edge of the conservation area beyond which, mainly contemporary examples of residential styles exist. Although a listed heritage item exists on the northern boundary of the development site, this is a rare outlier with no other listed items in the vicinity of the site. Louisa Street has a range of historic residential styles and most of the adjacent sites have been upgraded, modified or been totally replaced over the intervening years. The development site is in this regard typical of development which has occurred along Louisa Street over the past 50 years.*
- *Critically, the new development recognises the importance of the streetscape and maintains an appropriate scale, front boundary setback and simple architectural detailing whilst presenting a small scale front façade to the street frontage which matches the historic development of the site.*
- *The proposed development does not diminish the existing heritage setting nor does it negatively impact on the historic site context or adjacent listed heritage item.*
- *The proposed development maintains a residential use of the land with adequate boundary setbacks and landscaping.*

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- *The proposed finishes (exterior cladding and selected colours) are considered to be compatible with the existing heritage and appropriate to the landscape, echoing the approach taken by adjacent past residential development.*

Summary and Conclusion

- *The development of the site for this proposal is considered to be compatible with the existing development and streetscape.*
- *The residential development proposed echoes the existing development along Louisa Street which has evolved over time by replacement of older simpler residential with more modern, better appointed examples. Allowing this modest and reasonably scaled residential development will maintain the low density and low scale residential character of the street.*
- *The architectural scale and mass and overall detailing is considered to be appropriate to the heritage setting and colours and finishes are compatible with the existing streetscape.*
- *The appearance of the development on the Louisa Street frontage matches the existing development of a single residence. The Street front facades match the scale of an individual cottage which also assists in interpreting the development within its residential heritage precinct.*
- *There are no adverse impacts upon the heritage precinct, its historical setting and use, or the curtilage of adjacent residential properties.*
- *The proposed development is considered sympathetic in architectural form and scale.*
- *Councils support and approval of the proposal on Heritage Impact grounds is recommended*

Council's assessment of the Heritage Impact Statement is supportive and Council's Heritage Advisor is supportive of the proposed development.

STATUTORY PROVISIONS

State Environmental Planning Policies State Environmental Planning Policy No 55 – Remediation of Land

Clause 7 of SEPP 55 requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land, and to be satisfied that the land is suitable for the proposed use. After undertaking a desktop search using Council's Property and Rating database, Council is satisfied that the land is not a site of possible contamination and therefore no further assessment is required.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

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The development is located on land to which SEPP (Sydney Drinking Water Catchment) 2011 applies and is a Module 1 development. The application is a Module 1 under Table A1 of the NorBE Assessment Guidelines, so concurrence is delegated to Council. However, Water NSW has provided advice that the application does not meet CI 10 of the SEPP (Sydney Drinking Catchment) 2011. However, if a rainwater tank was added (with reuse – external and internal) and the car parking area drained to grassed area or a small raingarden (filter area 1m² Filter area0.4) then the development would meet CI 10. This has been conditioned. **(Condition 9)**

State Environmental Planning Policy (Affordable rental Housing) 2009

The proposed development seeks to utilize the provisions of the *State Environmental Planning Policy (Affordable Rental Housing) 2009*. This State policy provides specific planning controls for the development of boarding houses. The State Policy prevails in the case of any inconsistency between it and the local planning control.

An assessment of the proposed development against the relevant State policy provisions is set out below:

Division 3 – Boarding Houses

Clause 26 describes the land to which Division 3 applies. It confirms that the SEPP applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones:

- (b) R2 Low density Residential.

The site is within a R2 Low density Zone and therefore Division 3 of the SEPP applies.

Clause 27 excludes some land within the R2 Low Density zones unless that land is within prescribed distances of accessible areas. Because the site is land within the R2 Low Density Residential Zone, this particular Clause is relevant.

Clause 27(3) states that despite subclause (1), this Division does not apply to development on land within R2 Low Density Residential zone within a land use zone that is equivalent to that zone that is not in the Sydney region, unless all or part of the development is within 400metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed use or within a land use zone that is equivalent to any of these zones.

This clause confirms that for the provisions of the SEPP to apply to boarding houses, the development site must be in close proximity to land within a business zone. The nearest business zone is on the corner of Old Hume Highway and Regent Street a walking distance of approximately 377 metres which satisfies the SEPP. There is also a bus stop in close proximity in Louisa Street.

Clause 28 confirms that development can be carried out with consent.

Clause 29 sets out a number of standards that if satisfied, cannot be used as a reason to refuse a Development Application for a boarding house.

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- (1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than—
 - (a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or
 - (b) if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land, or
 - (c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus—
 - (i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or
 - (ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.
- (2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds—
 - (a) **building height**

if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,
 - (b) **landscaped area**

if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,
 - (c) **solar access**

where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,
 - (d) **private open space**

if at least the following private open space areas are provided (other than the front setback area)—
 - (i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,
 - (ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a

minimum dimension of 2.5 metres is provided adjacent to that accommodation,

(e) **parking**

if—

- (i) in the case of development carried out by or on behalf of a social housing provider in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and
- (ii) in the case of development carried out by or on behalf of a social housing provider not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and
- (ia) in the case of development not carried out by or on behalf of a social housing provider—at least 0.5 parking spaces are provided for each boarding room, and
- (iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,

(f) **accommodation size**

if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least—

- (i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or
 - (ii) 16 square metres in any other case.
- (3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.
- (4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).
- (5) In this clause—

social housing provider does not include a registered community housing provider unless the registered community housing provider is a registered entity within the meaning of the *Australian Charities and Not-for-profits Commission Act 2012* of the Commonwealth.

Local Environmental Plans

Wingecarribee Local Environmental Plan 2010

The relevant provisions of the LEP are discussed as follows:

Clause 2.3 Zone objectives and land use table.

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The site is zoned R2 – Low Density Residential under the *Wingecarribee Local Environmental Plan 2010* and in this zone Boarding Houses are permissible with development consent. The objectives of the R2 Low Density Residential zone are as follows:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The site is located within the Mittagong Conservation area.

The proposed development is consistent with the objectives of the zone and will provide additional low-cost rental accommodation within the Shire.

The proposed development seeks to utilise the provisions of the *State Environmental Planning Policy (Affordable rental Housing) 2009*. This State policy provides specific planning controls for the development of boarding houses. Boarding houses are also a permissible use under the provisions of the *Wingecarribee Local Environmental Plan 2010* in the R2 Low Density Residential zones that applies to the site.

Development Control Plans

Mittagong Township Development Control Plan

The proposed development generally complies with the numerical standards under the Mittagong Township Development Control Plan.

Section 4.15 Evaluation

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

As discussed earlier, provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with respect to the LEP's relevant provisions.

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

Not applicable.

(iii) any development control plan, and

As discussed earlier, provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with respect to the relevant provisions of Council's applicable Mittagong Town Plan Development Control Plan.

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(iia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*

Not applicable.

(iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*

Not applicable.

(v) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*

Not applicable.

(b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

Context and setting

In terms of scale, nature and likely intensity of use, the dominant component of the land is for residential purposes and whilst the number of people will intensify, it is only a marginal increase. The development is not considered contrary to the R2 Low Density Residential objectives specified by the LEP:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Protection of social and economic impacts in the locality

There have been a number of conditions of consent recommended for the protection of the nearby residents and to ensure the proper management of the premises being:

1. The boarding house shall be limited to a maximum of one (1) person per room. Maximum occupancy of 9.

Reason: *To control the intensity of the development.*

2. The manager/managing agent shall ensure that a notice is placed near the entrance to the property in a visible position to the public advising of their name and contact number.

Reason: *To ensure proper management of the premises.*

3. **Guest Safety and Security Information**

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Each room shall be supplied with an information folder containing the manager/managing agent details and contact number, emergency contact numbers for essential services such as fire, police and utilities such as gas, electricity, plumbing and installation of perimeter lighting.

Reason: *To ensure safety and amenity for occupants.*

4. Accommodation Register and Boarder Identification.

- i. All guests will be registered in an electronic register. This system provides details of the lodger, proposed length of stay and room rate and payment details;
- ii. The manager/managing agent requires photo ID (e.g, typically either passport or driver's licence). Where the person is an Australian Citizen and does not hold a driver's licence then alternative ID which may not hold a photo can be accepted;
- iii. All residents in the boarding house are to sign a lease or licence agreeing to comply with the House Rules, with the length of the lease to be determined by the management on the explicit understanding that accommodation is not to be provided on a temporary basis to persons on recreational pursuits. The length of lease or licencing agreement shall be no less than a term of 3 months; and
- iv. All such records made shall be submitted to Wingecarribee Shire Council on an annual basis.

Reason: *To ensure that proper records are kept.*

5. The communal living area shall be made available for all residents at all reasonable hours and in accordance with the approved "Plan of Management" and the applicant shall ensure that basic facilities in good working order are provided, including but not limited to:

- Comfortable seating;
- Personal hygiene (hand sanitiser);
- A television set; and
- Any doors to any common areas shall be clear glazed.

Reason: *To protect the amenity of boarding house residents.*

6. The boarding house and immediate surrounds shall be kept in a tidy and sanitary condition at all times.

Reason: *To maintain the amenity of the area.*

7. A copy of the house rules shall be placed in prominent locations on the site, including in all communal areas, behind doors in bedrooms, and upon the rear façade of the dwelling, in order to familiarise residents of the boarding house with acceptable activities

Reason: *To ensure that residents of the boarding house are familiar with the local house rules.*

8. The applicant shall supply a single bed for each single occupancy room (including base, a mattress with a minimum dimension of 800mm X 1900mm and a mattress protector)

Reason: *To ensure suitable amenity for occupants.*

9. In addition to the above, the applicant shall ensure that each room is provided with the following basic facilities:

- Wardrobe for clothes storage including drawers and hanging racks;
- A suitable refrigerator;
- An oven and stove top
- A microwave oven;
- Dishwashing facilities;
- Personal hygiene (soap, paper towels and the like);
- Food storage space;
- A bench top for food preparation;
- Mirror;
- At least one double power point;
- Table and chair;
- A night light or other approved illumination device for each bed;
- Coffee and tea making facilities;
- Waste container;
- An approved latching device on the door;
- Curtains or blinds for privacy. The curtains or blinds are to be a consistent type and colour so that the building retains a well maintained appearance from the street;
- Each room shall have access to WiFi and each resident is to be provided with the password;

All room furnishings shall be detailed in the “Plan of Management”.

Reason: *To ensure suitable amenity for occupants.*

10. **Process for Community Consultation and dealing with noise complaints from residents.**

The manager/managing agent will be available during business hours 9am to 6pm Monday to Sunday, to deal with any complaints as to the operation and management of the premises. There will be a register of all complaints. The register will contain:

- Complaint – date and time;

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- Name of person/Police/Council making the complaint;
- Contact details;
- Nature of the complaint;
- Action taken (by whom and when); and
- Outcome and/or further action.

All complaints shall be dealt with by the Manager/Managing Agent within 24 hours of notification.

The complaints register is to be made available to Council or Police upon request.

Reason: *To maintain the amenity of the area.*

(c) *the suitability of the site for the development,*
The land's attributes are considered conducive to the proposed development, provided recommended conditions of consent (if granted) are adhered to. The land is not subject to any known natural hazards such as flooding, bush fire, subsidence, slip, mass movement or the like.

(d) *any submissions made in accordance with this Act or the regulations,*
Refer to the Consultation section of this report.

(e) *the public interest.*

On balance, the development is not considered contrary to any known federal, state or local government interests, nor any wider community interests.

CONSULTATION

Pre-lodgement Meeting

The development was not discussed at any formal pre-lodgement meeting with Council officers.

External Referrals

Referrals	Advice/Response/Conditions
Water NSW	The application is a Module 1 under Table A1 of the NorBE Assessment Guidelines, so concurrence is delegated to Council. However, Water NSW has provided advice that the application does not meet Cl 10 of the SEPP (Sydney Drinking Catchment) 2011. However, if a rainwater tank was added (with reuse – external and internal) and the car parking area drained to grassed area or a small raingarden (filter area 1m ² Filter area0.4) then the development would meet Cl 10. This has been conditioned. (Condition 9)

Internal Referrals

Referrals	Advice/Response/Conditions
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Referrals	Advice/Response/Conditions
Accredited Certifiers	No objection to proposed development subject to conditions
Development Engineer	No objections to the proposed development subject to conditions.
Heritage Advisor	The heritage advisor provided suggestions for improvement to the proposed new building. These suggestions were provided to the applicant who addressed these concerns and provided amended plans.
Environmental Health Officer	No objection to proposed development.

Neighbour Notification (or Advertising)/Public Participation

The development application was Neighbour Notified for a period of 14 days between 26 August 2020 and 30 September 2020 and Council received 13 submissions in respect of the application.

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A breakdown of the submissions is detailed below:

Submission	Comment
Nine rooms are excessive	Nine rooms is not considered to be excessive and is in conformity with the requirements of the "SEPP"
Affordable housing is more than covered in area.	The number of boarding houses within an area is not a head of consideration for assessment of a development application.
5 new car parks would increase traffic.	The provision of 5 car parking spaces is in conformity with the "SEPP".
Unsafe for people walking for their constitution and to school.	The construction of a new dwelling does not create an unsafe situation for people walking on the footpaths in the area.
Residents are entitled to a peaceful existence.	The provision of a new boarding house should not impact on the amenity of the area.
This is a heritage area a boarding house should not be allowed.	The "SEPP" permits with consent boarding houses to be constructed in heritage conservation areas.
Wood framed windows on Louisa Street will not make it fit the heritage area.	The proposed new dwelling has been designed to blend into a heritage context.
The existing house should not be knocked down for units.	The current dwelling on the site is not considered to have heritage significance.
Increase population and density	The proposed boarding house will have a minimal impact on the increase of population and in theory 9 persons could reside in the existing dwelling.
Negative impact on local wildlife	The site is in not in bushland area and the proposal would have no impact on local wildlife.
Make emergency evacuation more difficult.	The site is accessible and the proposal would have no impact on emergency evacuation.
This is a commercial use in a residential area	The use of the site as a boarding house is a permitted use under Land Use Table of <i>Wingecarribbee Local Environmental Plan 2010</i>
Could be used for low socio	The development consent is for the use as a boarding

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Submission	Comment
aged care, refuge for battered wives. Motel for cheap rent	house.
Potential social problems	The proposed boarding house should not cause social problems.
Protection of heritage area to prevent becoming a ghetto or slum	The proposed boarding house will provide a variety of housing choice in Mittagong.
A precedent for future development	Boarding houses are a permitted use in the R2 low density residential zone.
Residents are anxious, stressed and worried the application is threatening our village atmosphere.	The proposed boarding house provides a different level of low-cost housing for the area.
We will need to install 24 hour monitored security systems in our properties if this application should be approved.	The proposed development does not increase the security risk for the area.
Boarding House saturation status for this residential block is already achieved.	Boarding houses are a permitted use in the R2 low density residential zone.
Notification list is to minimal.	The application was notified in accordance with Council's adopted Community Participation Plan.
There are no footpaths for safe transit on council verges.	The area is serviced by grass footpaths that are level and navigable.
The land is not within 400m walking distance of a B2 Zone	The proposed site is a distance of 377m from the nearest B2 zone on the corner of the Old Hume Highway and Regent Street Mittagong
The development does not comply with setback requirements.	The proposed development is in accordance with the "SEPP" in regard to boundary setbacks.
The proposal erodes Amenity, heritage and safety	The proposed development will have minimal impacts on amenity, heritage and safety.

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Submission	Comment
Roof pitches should be no less than 27° in a heritage conservation area.	The proposed building will have a 25° pitch which is acceptable.
Parking – It is unreasonable to expect residents not to own cars.	Off-street car parking has been provided in accordance with the Affordable Rental Housing “SEPP: requirements.
Driveways are unsafe.	The proposed driveways are located safe distances from the corner of Louisa Street and Leopold Lane in accordance with Council’s standards.
The site is not an accessible location.	Under the provisions of the Affordable Rental Housing “SEPP: the site is not required to be accessible.
The number of boarding rooms existing and proposed in the small heritage conservation area will change the character, increase traffic and increase noise.	The proposed development is designed in accordance with the provisions of the Affordable Rental Housing “SEPP:.
This development is more than 800m from the railway and the bus timetable does not comply.	The “SEPP: does not require the proposed development to be within 800m of a railway station outside of Sydney.
5 bins is inadequate for this development	5 waste bins should be sufficient for the proposed development.
There is no mention of a management plan.	A condition has been recommended on the consent for the submission and approval of a Management Plan to Council prior to the issue of an Occupation Certificate.
This is an overdevelopment	The proposed development complies with the numerical standards under the Affordable Rental Housing “SEPP”.
Object on safety, health and noise	The proposed development should not have an impact on safety, health and noise.
Boarding House not in keeping with the character of the neighbourhood.	The proposed new dwelling has been designed to blend into a heritage context.

**AGENDA FOR THE INDEPENDENT ADVISORY PLANNING
ASSESSMENT PANEL MEETING**

Wednesday 05 May 2021

DEVELOPMENT APPLICATIONS



Submission	Comment
Increased traffic	The proposed development will have a minimal impact on an increase in traffic. The increase in traffic would not be over and above what is expected in a residential area.
Health and wellbeing of elderly residents	The proposed development will not impact on the health and wellbeing of elderly residents.
Increase in traffic and noise leads to residents staying in their properties.	The proposed development will have a minimal impact on traffic and noise.
Not sufficient attention has been paid to development in a heritage conservation area.	The proposed new dwelling has been designed to blend into a heritage context.
There is no justification in the heritage report that the existing dwelling has no heritage significance	The style and design of the existing dwelling has no heritage significance. See comments from Heritage advisor.
A boarding house development is not consistent with the heritage values of the precinct.	A boarding house is permissible in a heritage conservation area.
The property is immediately adjacent to a heritage listed property.	The proposed development is not expected to impact on the adjoining heritage item.
Introduction of new driveways and loss of on-street parking.	On-street parking in the vicinity of the development is not in high demand. The driveway access is not over and above what can be expected in a residential area.
Potential residents will have no sense of responsibility to adjoining neighbours.	This is not a consideration under S4.15.
Unclear whether there are 8 or 9 rooms.	The proposed development is for 9 boarding rooms.

SUSTAINABILITY ASSESSMENT

- ***Environment***

Potential environmental impacts have been assessed as part of this report.

- ***Social***

If all conditions of the consent are adhered to it will address potential social issues that may arise from the development.

- ***Broader Economic Implications***

There are no broader economic implications in relation to this report.

- ***Culture***

There are no cultural issues in relation to this report.

- ***Governance***

The development application has been considered in accordance with the *Wingecarribee Local Environmental Plan 2010*, section 4.15 of the *Environmental Planning and Assessment Act 1979* and any other matters relevant to the development.

COUNCIL BUDGET IMPLICATIONS

The financial implications of Independent Advisory Assessment Panels decision in this matter are directly related to the legal implications. The possibilities are detailed as follows:

- Should the applicant choose to appeal a refusal, or pursue a deemed refusal, by Panel through the Land and Environment Court and lose, the question of cost with regard to Council's legal representation would be determined by the extent of the reasons for refusal;
- Should the applicant choose to appeal a refusal, or pursue a deemed refusal, by Panel through the Land and Environment Court and win, the question of cost would be dependent upon the extent of the reasons for refusal;
- Should any person choose to take out Class 4 proceedings against Council to the Land and Environment Court and lose, the question of cost with regard to Council's legal representation would be calculated at the appropriate time;
- Should any person choose to take out Class 4 proceedings against Council to the Land and Environment Court and win, the question of cost would still be calculated at the appropriate time;
- Should the applicant make no appeal, or proceedings not be taken out by another party, to the Land and Environment Court regardless of the determination, the application would result in no further financial implication to Council.

**AGENDA FOR THE INDEPENDENT ADVISORY PLANNING
ASSESSMENT PANEL MEETING**

Wednesday 05 May 2021

DEVELOPMENT APPLICATIONS



RELATED COUNCIL POLICY

An assessment of the proposal has been made against the *Wingecarribee Local Environmental Plan 2010*, State Environmental Planning Policy (Affordable Rental Housing) 2009 and the Mittagong Township Development Control Plan.

CONCLUSION

All relevant matters have been addressed. It is considered this report adequately considers the merits of the development in terms of legislative compliance and its potential impact on the locality. The development application has been assessed in accordance with the matters for consideration under section 4.15 of the *Environmental Planning & Assessment Act 1979*, and all relevant environmental planning instruments and Council policies.

Issues raised in submissions have been examined, considered and commented upon.

On balance, it is recommended the application be determined by way of **Approval**, subject to the conditions nominated in **Attachment 1**.

ATTACHMENTS

1. DA21/0208 - Draft Conditions of Consent
2. DA21/0208 - Site Plan
3. DA21/0208 - Architectural Plans

5.1 Development Application 21/0208 - 14 Louisa Street Mittagong Proposed
demolition of an existing dwelling and erection of a boarding house.
ATTACHMENT 1 DA21/0208 - Draft Conditions of Consent



05 May 2021



GEORGE AZZI
589 B Merrylands Road
Greystanes NSW 2145

Civic Centre, 68 Elizabeth St,
Moss Vale NSW 2577
PO Box 141, Moss Vale
02 4868 0888
mail@wsc.nsw.gov.au
ABN 49 546 344 354

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION
Pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979

APPLICATION NO: 21/0208
APPLICANT: GEORGE AZZI
OWNER: N PATEL & D PATEL
PROPERTY DESCRIPTION: Lot 1 DP 1251538
PROPERTY ADDRESS: 14 LOUISA STREET MITTAGONG NSW 2575
PROPOSED DEVELOPMENT: Demolition of existing dwelling and erection of Boarding House containing nine (9) individual one bedroom units, five (5) off-street car parking spaces and a detached store room.
DETERMINATION: Approval subject to conditions
CONSENT TO OPERATE FROM: 05 May 2021
CONSENT TO LAPSE ON: 05 May 2026

Rights of Appeal

Pursuant to Section 8.7 of the *Environmental Planning and Assessment Act 1979*, an applicant for development consent who is dissatisfied with the determination of the application by Council authority may appeal to the Court against the determination. Pursuant to Section 8.10, an appeal may be made only within 12 months after the date the decision appealed against is notified.

Review of Determination

You have the right to request a review of determination under section 8.2 of the *Environmental Planning and Assessment Act 1979*, subject to the provisions of Division 8.2 Reviews.

Ross Jauncey
Development Assessment Planner

05 May 2021
Date of Determination

Working with you

WSC.NSW.GOV.AU

WINGECARRIBEE - A COAL MINING FREE SHIRE



21/0208, Lot 1 DP 1251538

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 Demolition of existing dwelling and erection of Boarding House containing nine (9) individual one bedroom units, five (5) off-street car parking spaces and a detached store room.

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
Site Plan	Project No: 20211454-C Dwg No: 1/7	GHA Engineering	June 2012
Site Plan/Floor Plan	Project No: 20211454-C Dwg No: 2/7	GHA Engineering	June 2012
Floor Plan	Project No: 20211454-C Dwg No: 3/7	GHA Engineering	June 2012
Elevations	Project No: 20211454-C Dwg No: 4/7	GHA Engineering	June 2012
Elevations	Project No: 20211454-C Dwg No: 5/7	GHA Engineering	June 2012
Section A-A, Window Schedule	Project No: 20211454-C Dwg No: 6/7	GHA Engineering	June 2012
Storage Plans & Elevations	Project No: 20211454-C Dwg No: 7/7	GHA Engineering	June 2012
Statement of Environmental Effects	Not Referenced	N P (Aust) Pty Ltd	Not Dated
Statement of Heritage Impact	Job No: 20-1100	Allman Johnston Architects	04 December 2020
Basix Certificate	1120845S		04 August 2020
Schedule of Finishes	Not Referenced	GHA Engineering	Not Dated

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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 Certifier (PC) 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.*

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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. Asbestos Removal - Demolition of Buildings

Advice: *These conditions of development consent are to be applied to work that may involve asbestos, in particular demolition and renovation or recladding or brick veneering works of buildings erected prior to 1987. Evidence acceptable to Council may be required to establish the construction date of a building or part of a building:*

- a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - The demolition of structures.

Note: *Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.*

- b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site five (5) working days prior to demolition. Such notification shall state the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site. Demolition must not commence prior to the date stated in the notification.
- c) Five (5) working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Wingecarribee Shire Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must not commence prior to the commencement date nominated in the written notice.
- d) On the first day of demolition, work is not to commence until the Principal Certifier (PC) has inspected the site. Should the building to be demolished be deemed likely to contain asbestos, approval to commence demolition will not be granted until the PCA is satisfied that all measures are in place so as to comply with WorkCover's document 'Your Guide to Working with Asbestos'.
- e) On demolition sites where buildings to be demolished are likely to contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.
- f) Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".
- g) Demolition is to be completed within five (5) days of commencement at which time the applicant shall notify the Principal Certifier (PC).

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- h) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 6.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- i) Protective fencing is to be installed to prevent public access to the site.
- j) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a facility licensed by the NSW Environmental Protection Authority (EPA) to accept such waste provided to Council.

Note: *The person responsible for disposing of the above asbestos waste is to telephone the EPA on 131 555 or Council's Customer Service Department on (02) 4868 0888 to determine the location of a waste facility licensed to receive asbestos. Within 14 days of the completion of demolition works, the applicant must lodge with Council, all original weighbridge receipts issued by the receiving licensed waste facility as evidence of proper disposal.*

- k) After completion, the applicant shall notify the Principal Certifier (PC) within seven (7) days to assess the site and ensure compliance with Australian Standard AS2601 2001 - The Demolition of Structures.
- l) Within 14 days of completion of demolition, the applicant shall submit to Council:
 - (i) an asbestos clearance certificate prepared by a WorkCover licensed asbestos assessor; and
 - (ii) a signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.

Reason: *To ensure that asbestos is disposed of to a licensed waste facility and is removed in accordance with safe work practices.*

**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 a Principal Certifier (PC) 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 Principal Certifier (PC) 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.

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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 Certifier (PC), 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.*

9. Amendments to Approved Plans

The applicant shall make the following amendments to the approved plans prior to the issue of a Construction Certificate

- (a) A rainwater tank with a minimum capacity of 4,000 litres is to be provided with re-use – external and internal)
- (b) The car parking area/s are to be drained to the grassed area or a small raingarden (filter area 1m², filter area 0.4).

Note: This involves a change to the Development Application plans as submitted to and approved by Council.

Any changes in this regard shall be reflected as amended plans to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate for the proposed development.

Reason: *To confirm and clarify the terms of Council's approval.*

10. Appointment of Principal Certifier (PC)

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) a Principal Certifier (PC); and
- (b) the person having the benefit of the development consent has:
 - (i) appointed a Principal Certifier (PC) for the building work, and
 - (ii) notified the Principal Certifier (PC) that the person will carry out the building work as an owner-builder, if that is the case, and
- (b1) the Principal Certifier (PC) 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

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- (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 Certifier (PC) 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.*

11. 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.*

12. Heritage - Submission of Researched Social History of the Property.

Prior to the commencement of demolition, a social history of the property shall be submitted to Council. The researched social history of the property shall include stories of the families who established the house and lived on the property etc. The photographic survey shall be prepared in accordance with the guidelines "Archival Recording of Heritage Items Using film or Digital Capture" published by the NSW Heritage Office. Three copies of the photographic Survey shall be submitted in an unbound report format. Each copy should contain:

- A very brief report or introduction which explains the purposes of the report and gives a brief description of the subject, as well as details of the sequence in which images were taken. The report may also address the limitations of the photographic record and may make recommendations for future work;
- measured plans of the building at 1: 100 scale;
- a site plan of the building at min 1: 200 scale;
- plans of the building marked up to indicate where the photographs were taken and the direction of the photograph;
- the report should include all technical details including camera and lenses, image file size and format, technical metadata associated with the images, and colour information;
- Catalogue sheets, photographic plan, supplementary maps;
- Three sets of colour thumbnail image sheets (e.g. A4 page with six images by six images) showing images and reference numbers.
- The thumbnail sheets should be processed with archivally stable inks on

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archivally acceptable photographic paper and cross referenced to catalogue sheets;

- One full set of 10.5x14.8cm (A6) colour prints OR, if a large project, a representative set of selected images processed with archivally stable inks on archivally acceptable photographic paper.
- A CD or DVD containing electronic image files saved as RAW files with associated metadata, and cross referenced to catalogue sheets.

The report should be presented on archival quality paper in a suitable archival binder and slipcase, and all storage of individual components must be in archival quality packaging suitable for long term storage.

Reason: *Heritage Record.*

13. 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 services.
- Carry out sewer services
- Carry out Stormwater services

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

14. Section 138 Roads Act 1993 Approval

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 Maritime Services for engineering design plans, Traffic Control Plans and approvals under Section 138 of the Roads Act 1993.*

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Reason: *Statutory requirement.*

15. 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 7.11 Developer Contributions Plans are applicable to the development:

- Roads & Traffic Management Facilities
- Resource Recovery Centre 2009
- Central Library Facility
- Section 7.11 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 251 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 7.11". 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.*

16. 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

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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

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
Charges Valid to 30 April 2021	\$39,473.48	\$38,268.13	\$0

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/Subdivision/Occupation}** Certificate:-

Water \$255.00 + Sewer \$255.00- + Stormwater \$0 = \$510.00

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

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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 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.*

17. Construction Management Plan

To undertake development works including demolition, earthworks and construction a Construction Management Plan (CMP) is required to be submitted and approved by Council prior to issue of the Construction Certificate. The CMP shall indicate measures to be implemented to protect the environment as well as public health, safety and convenience. The CMP 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;

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- 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 (TCP)

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

18. 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.*

19. Redundant Vehicular Crossings and Ancillary Works

Where new pavement, repair or reinstatement of footpath or other ancillary works such as kerb and gutter and storm water pit construction is proposed, the Applicant shall submit to Council application under Section 138 of the *Roads Act 1993* (available from Council's Customer Services Centre) and pay the appropriate fees & charges prior to the issue of a Construction Certificate.

All disused or redundant vehicle crossings and laybacks shall be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council and the footpath area is to be restored to the satisfaction of Council's Development Engineer, prior to the issue of the Interim Occupation Certificate.

Reason: *Public infrastructure maintenance.*

20. Accessible Car Parking Spaces

One (1) of the car parking spaces provided as part of the total requirement shall be reserved for disabled persons.

These spaces shall be constructed and identified in accordance with Volume 1 of the National Construction Code (NCC) and AS/NZS 2890.6 - Parking Facilities; Off-street parking for people with disabilities.

Details to demonstrate compliance shall be submitted to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

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

21. Off Street Parking Provision - General

Five (5) off-street car parking 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.



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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.*

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

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.
- (h) Sediment control devices shall be installed prior to any site works being carried out and prior to construction work commencing and remain in position until the disturbed soils are turfed, 70% vegetated or otherwise stabilised.

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

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

24. 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 the Principal Certifier (PC):

- (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 Certifier (PC) (either Wingecarribee Council or another Principal Certifier).
- (c) Details of the Principal Contractor or Owner Builder:
 - Name
 - Builders Licence Number or Owner Builder Permit Number
 - Principal Contractor Company Name
 - Principal Contractor ABN
 - Address of Principal Contractor or Owner Builder
 - Email Address
- (d) Copy of the HBCF Insurance Certificate (if residential building works exceed \$20,000) or Owner Builder Permit.
- (e) Details demonstrating compliance with development consent conditions relevant prior to commencement of the development been satisfied.

Reason: *Statutory requirement.*

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

25. 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.*

26. 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.

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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.*

27. Inspection of Demolition Works

Council will require the following inspections of the site with the owner and demolition contractor present:

- (a) Prior to demolition works commencing (fencing must be erected and approved Waste Management Plan to be on site).
- (b) At the completion of demolition works (documents relating to disposal of hazardous waste are to be provided on site).

A minimum of twenty four (24) hours notice is required to be given to Council prior to these inspections.

Reason: *To ensure compliance with the consent.*

28. 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

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- (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.*

29. 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

30. 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.*

31. Demolition Requirements

The **dwelling** shall be demolished in accordance with the requirements of AS2601-2001 "The Demolition of Structures".

Amongst others, precautions to be taken shall include compliance with the requirements of the SafeWork NSW and Council's Water and Sewer Asset Protection, including:-

- (a) Protection of site workers and the general public.
- (b) Erection of hoardings where appropriate.
- (c) Asbestos removal handling and disposal where applicable by licensed contractors.
- (d) Ensuring only licensed demolition contractors are used as required pursuant to Occupational Health and Safety Legislation.
- (e) Appropriate precautions are taken in regard to lead based paints.
- (f) Water and Sewer Asset Protection

All water and sewer assets on the site or on adjacent road reserve or lands that may be affected by the demolition works are to be clearly identified on site and protected from damage. Those water and sewer protection measures are to be shown on the site plan and are to be approved by Council's Water and Sewer Planning and Development Engineer before any demolition works can commence.

- (g) Sewer Assets Temporary Disconnection or Closure

The site sanitary drainage is to be temporarily disconnected or closed off by a suitably qualified Plumber from any of Council's sewer sidelines, sewer junctions and or boundary traps that are to be retained and reused to prevent ingress contaminants into Council's sewer

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mains. This work shall be sited and approved by Council's Water and Sewer Development Engineer before demolition works can commence.

(h) Removal of Redundant Council Sewer Assets and Water Services

The site sanitary drainage is to be temporarily disconnected or closed off by a suitably qualified Plumber from any of Council's sewer sidelines, sewer junctions and or boundary traps that are to be disconnected by Council to prevent ingress of contaminants into Council's sewer mains. This work shall be sited and approved by Council's Water and Sewer Development Engineer before demolition works can commence.

Make application and pay fees for the removal of redundant sewer assets and or water services. These fees shall be paid before any demolition works can commence.

Redundant water meter shall not be removed to allow for final readings and removal by Council staff.

(i) Temporary Use of Council Sewer Junctions and Water Services

During demolition or building works Council may permit temporary use of sewer junctions and water services. Details of the proposed use shall be shown on the site plan and are to be approved by the Water and Sewer Planning and Development Engineer before any demolition works can commence.

Water services that are to be temporarily retained shall not have the water meter disconnected or removed. An approved backflow prevention device shall be installed. Details shall be shown on the site plan and are to be approved by the Water and Sewer Planning and Development Engineer before any demolition works can commence.

The disposal of refuse is to occur at an approved location. Council will require documentary proof of destination for hazardous materials such as asbestos and contaminated soils and may request evidence on disposal of other demolition materials - refer approved Waste Management Plan.

Reason: *To comply with statutory requirements.*

32. Hot Water Installations

All new hot water installations shall deliver hot water at the outlet of all sanitary fixtures used primarily for personal hygiene purposes, at a temperature not exceeding:

- (a) 43.5°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- (b) 50°C in all other classes or buildings.
- (c) Where hot water is being delivered to an outlet of a sanitary fixture, used primarily for personal hygiene purposes on commercial premises or by the public, at a temperature exceeding 50°C, such fixture must have a sign, using symbol and red writing on a white background in appropriate languages, displayed adjacent to the sanitary fixture which states, "Warning - this fixture may deliver hot water which will scald".

Reason: *To comply with statutory requirements.*

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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

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. Construction Management Plan

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

36. 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.*

37. 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.



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

38. 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.*

39. 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

40. 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 Certifier (PC) 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*

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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.*

41. Management Plan

A suitable Management Plan for the boarding house shall be prepared and submitted to Council for approval prior to the issue of an Occupation Certificate.

Reason: *To ensure the residents are informed of the requirements of the boarding house.*

42. 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.*

43. 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.*

44. Building Finishes

- (i) Provide a rigorous hedge (*Photinia robusta* or the like) planted at 1.5m centres in a 1m wide strip along the whole lot perimeter to provide adequate landscape buffering to adjoining land in the conservation area.
- (ii) Driveway and parking area/s paving to be black asphalt to provide a recessive finish.
- (iii) Roof and roof drainage to be galvanized finish in following profiles:
 - ❖ Roofing – corrugated,
 - ❖ Gutter – quad or half round,
 - ❖ Downpipes – round,
 - ❖ Fascia covers – galvanized (NOT COLOURBOND)
 - ❖ Ridges and barge rolls – roll-capped,

Reason: *To maintain streetscape in the Conservation Area.*



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45. 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.

46. 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.

47. Final Fire Safety Certificate

A final fire safety certificate pursuant to clause 172 of the *Environmental Planning & Assessment Regulations 2000* shall be submitted, to the principal certifying authority upon completion of the specified work in the Schedule of Fire Safety Measures. As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:

- (a) must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Fire Commissioner; and
- (b) must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

Reason: To ensure the safety of the building.

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.

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

49. Australia Post Guidelines

Mail deliveries shall to be in accordance with Australia Post Guidelines, as set out in the Australia Post publication "General Post Guide - September 2007". A copy of this Guide can be obtained from Australia Post's web page at www.auspost.com.au. A copy of the brochure may be obtained from Australia Post. In general, a clearly marked mailbox (or group of mailboxes) shall be provided within 500mm of the footpath alignment.

Reason: *To ensure compliance with mail delivery regulations.*

50. Amenity

The approved use on the site shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood by reason of noise, smoke, smell, vibration, gases, vapours, dust, particulate matter or other impurities from the premises.

Reason: *To ensure that the amenity of neighbouring properties is not compromised.*

51. Lighting

All external lighting shall:

- (a) Comply with AS 4282-1997 Control of the obtrusive effects of outdoor lighting, and
- (b) Be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.

Reason: *To ensure that the amenity of neighbouring properties is not compromised.*

52. Noise Control Legislation

The Applicant shall comply with relevant noise control provisions contained within the *Protection of the Environment Operations Act 1997* and Noise Control Regulations and Policies to ensure local amenity is not adversely affected by noise impacts associated with the development.

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

53. Protection of social and economic impacts in the Locality

- (i) The boarding house shall be limited to a maximum of one (1) person per room. Maximum occupancy of 9.

Reason: *To control the intensity of the development.*

- (ii) The manager/Managing Agent shall ensure that a notice is placed near the entrance to the property in a visible position to the public advising of his name and contact number.

Reason: *To ensure proper management of the premises.*



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(iii) **Guest Safety and Security Information**

Each room shall be supplied with an information folder containing the Manager/Managing Agent details and contact number, emergency contact numbers for essential services such as fire, police and utilities such as gas, electricity, plumbing and installation of perimeter lighting.

Reason: *To ensure safety and amenity for occupants.*

(iv) **Accommodation Register and Boarder Identification.**

- i. All guests will be registered in an electronic register. This system provides details of the lodger, proposed length of stay and room rate and payment details;
- ii. The Manager/Managing Agent requires photo ID (e.g, typically either passport or driver's licence). Where the person is an Australian Citizen and does not hold a driver's licence then alternative ID which may not hold a photo can be accepted;
- iii. All residents in the boarding house are to sign a lease or licence agreeing to comply with the House Rules, with the length of the lease to be determined by the management on the explicit understanding that accommodation is not to be provided on a temporary basis to persons on recreational pursuits. The length of lease or licencing agreement shall be no less than a term of 3 months; and
- iv. All such records made shall be submitted to Wingecarribee Shire Council on an annual basis.

Reason: *To ensure that proper records are kept.*

(v) The communal living area shall be made available for all residents at all reasonable hours and in accordance with the approved "Plan of Management" and the applicant shall ensure that basic facilities in good working order are provided, including but not limited to:

- Comfortable seating;
- Personal hygiene (hand sanitiser);
- A television set; and
- Any doors to any common areas shall be clear glazed.

Reason: *To protect the amenity of boarding house residents.*

(vi) The boarding house and immediate surrounds shall be kept in a tidy and sanitary condition at all times.

Reason: *To maintain the amenity of the area.*

(vii) A copy of the house rules shall be placed in prominent locations on the site, including in all communal areas, behind doors in bedrooms, and upon the rear façade of the dwelling, in order to familiarise residents of the boarding house with acceptable activities.

Reason: *To ensure that residents of the boarding house are familiar with the local house rules.*

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- (viii) The applicant shall supply a single bed for each single occupancy room (including base, a mattress with a minimum dimension of 800mm X 1900mm and a mattress protector).

Reason: To ensure suitable amenity for occupants.

- (ix) In addition to the above, the applicant shall ensure that each room is provided with the following basic facilities:

- Wardrobe for clothes storage including drawers and hanging racks;
 - A suitable refrigerator;
 - A washing machine and dryer
 - An oven and stove top
 - A microwave oven;
 - Dishwashing facilities;
 - Personal hygiene (soap, paper towels and the like);
 - Food storage space;
 - A bench top for food preparation;
 - Mirror;
 - At least one double power point;
 - Table and chair;
 - A night light or other approved illumination device for each bed;
 - Coffee and tea making facilities;
 - Waste container;
 - An approved latching device on the door;
 - Curtains or blinds for privacy. The curtains or blinds are to be a consistent type and colour so that the building retains a well-maintained appearance from the street;
 - Each room shall have access to WiFi and each resident is to be provided with the password;
- All room furnishings shall be detailed in the "Plan of Management".

Reason: To ensure suitable amenity for occupants.

- (x) **Process for Community Consultation and dealing with noise complaints from residents.**

The Manager/Managing Agent will be available during business hours 9am to 6pm Monday to Friday and weekends, to deal with any complaints as to the operation and management of the premises. There will be a register of all complaints. The register will contain:

- Complaint – date and time;
- Name of person/Police/Council making the complaint;
- Contact details;
- Nature of the complaint;
- Action taken (by whom and when); and
- Outcome and/or further action.

All complaints shall be dealt with by the Manager/Managing Agent within 24 hours of notification.

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The complaints register is to be made available to Council or Police upon request.

Reason: *To maintain the amenity of the area.*

54. 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 if no such 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.

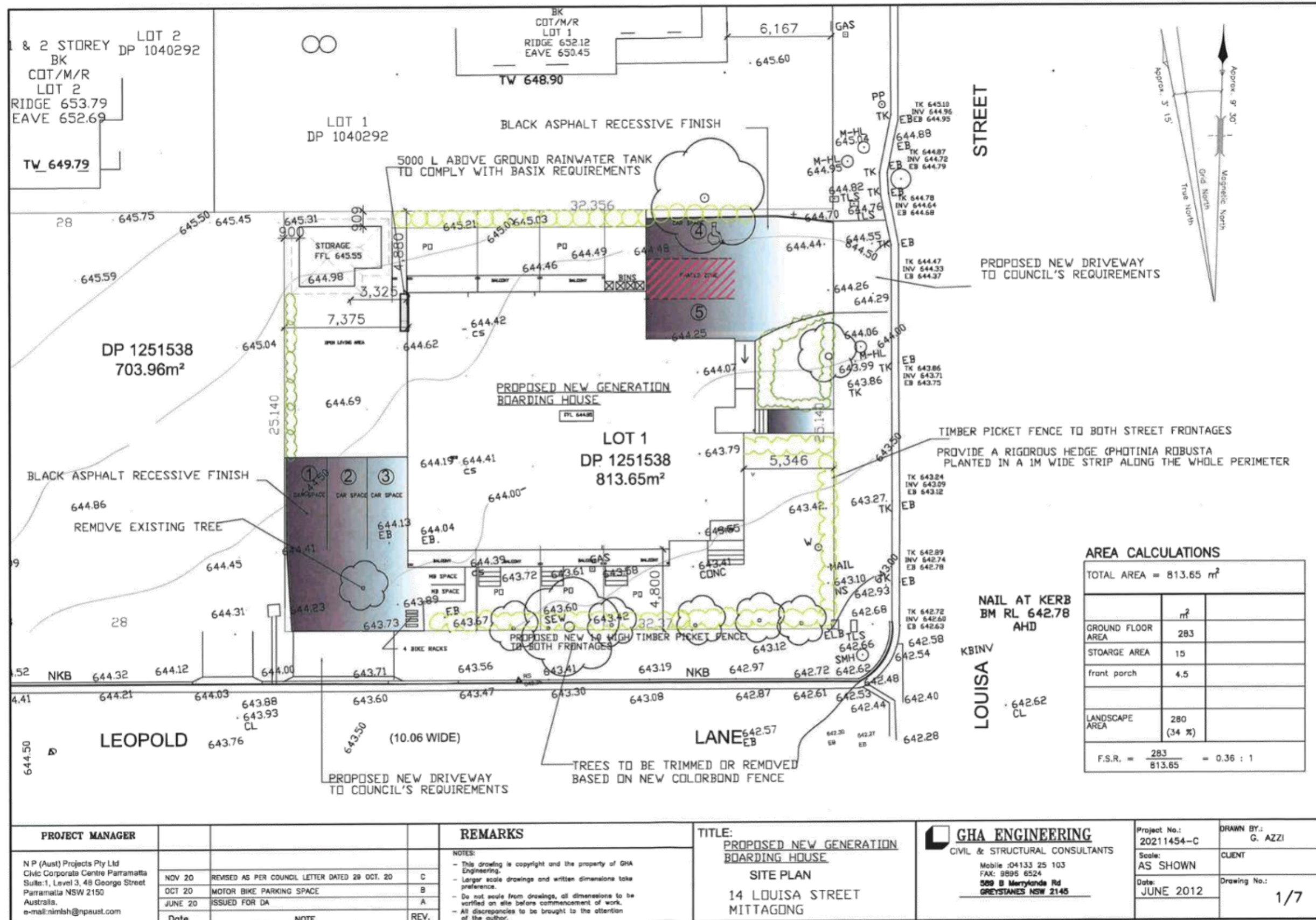
Reason: *To ensure compliance with fire safety requirements.*

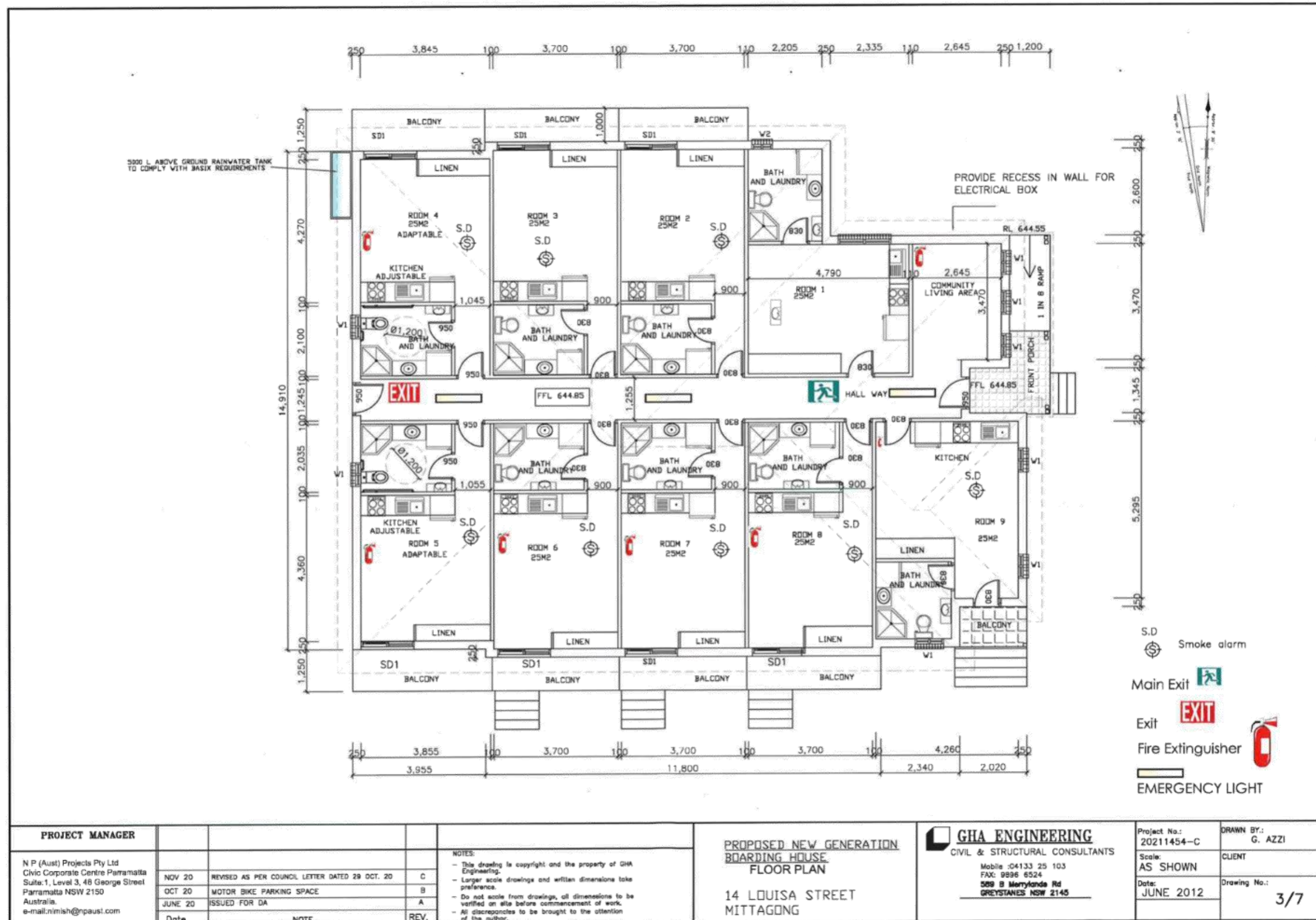
END OF CONDITIONS

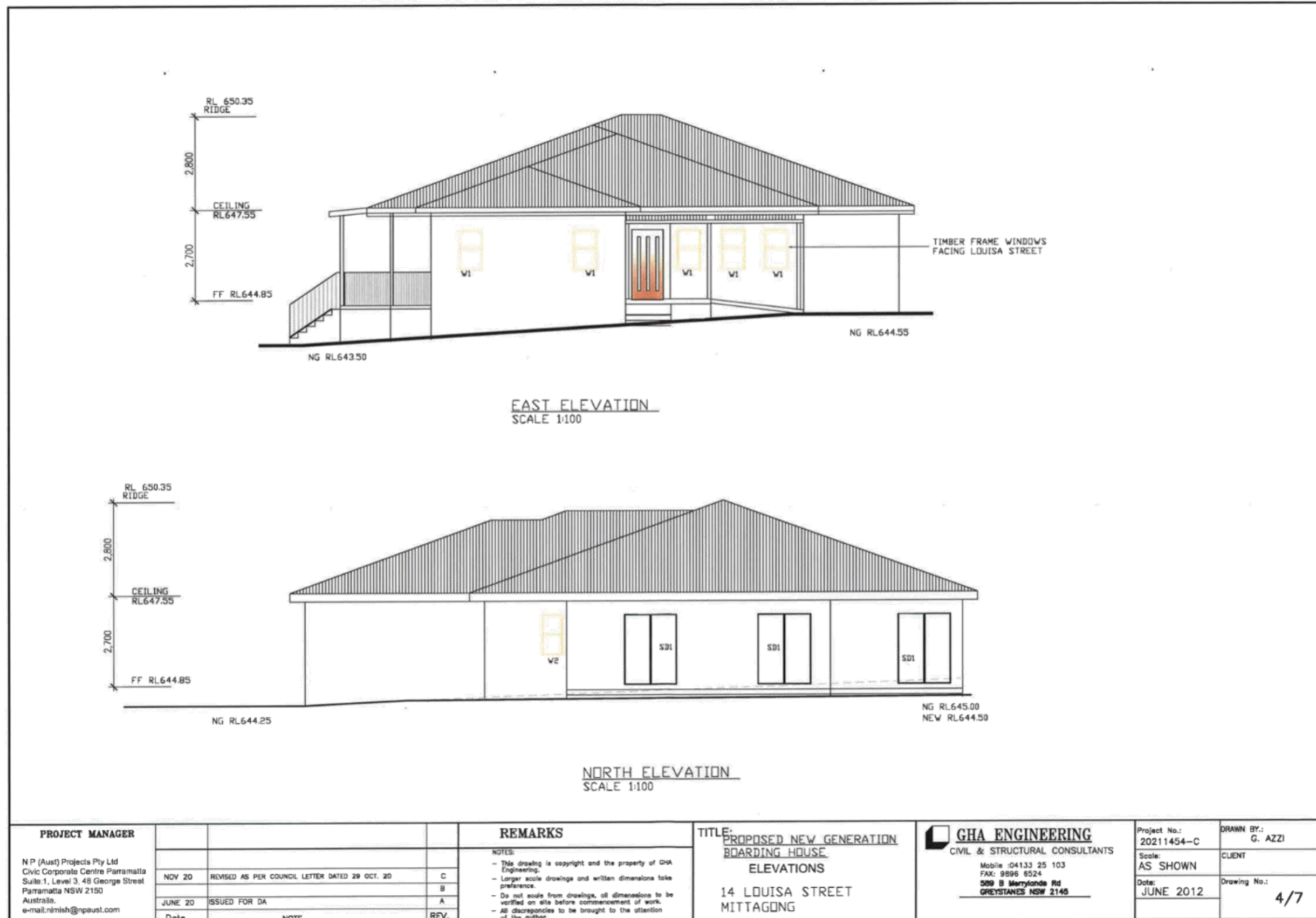
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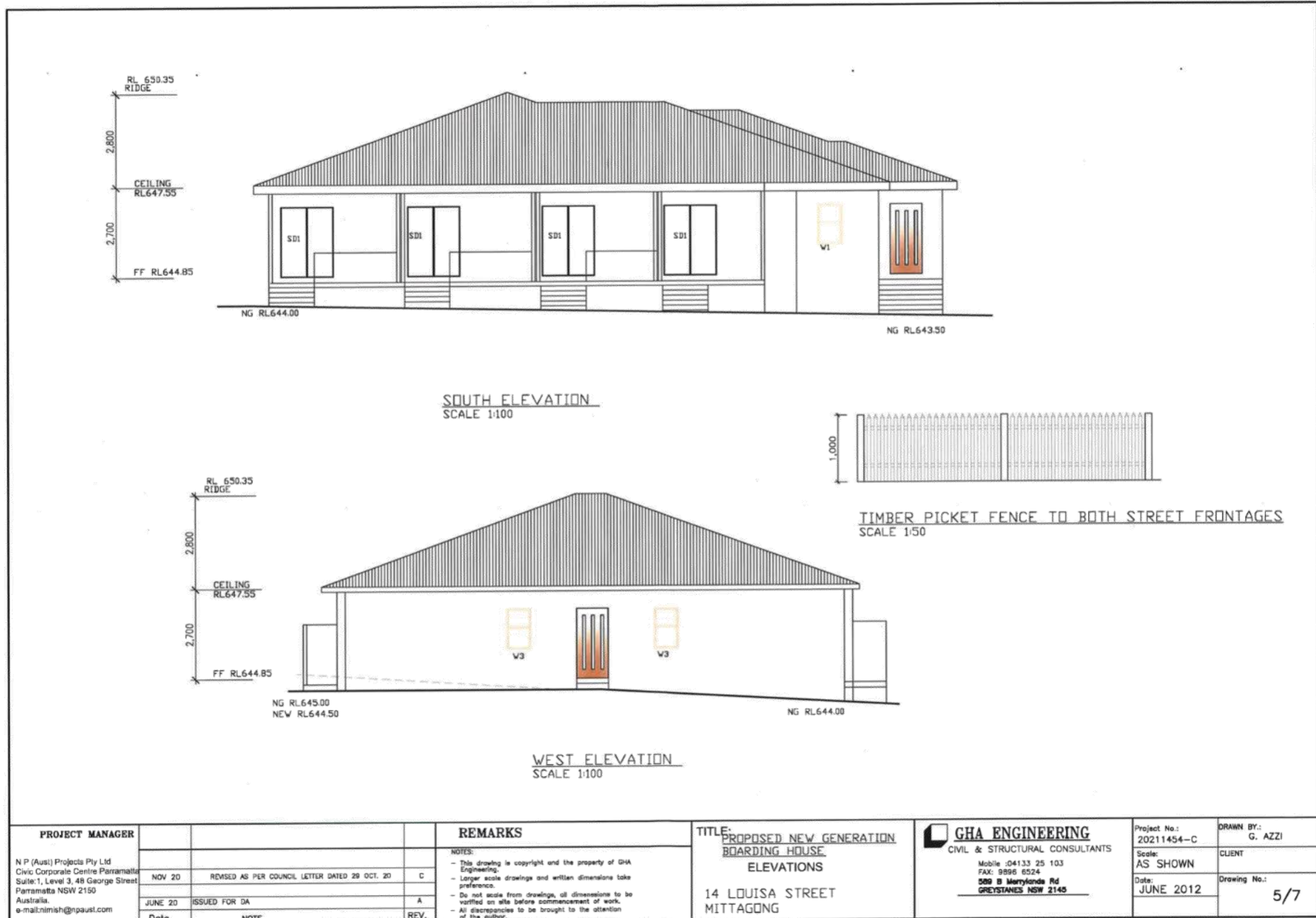


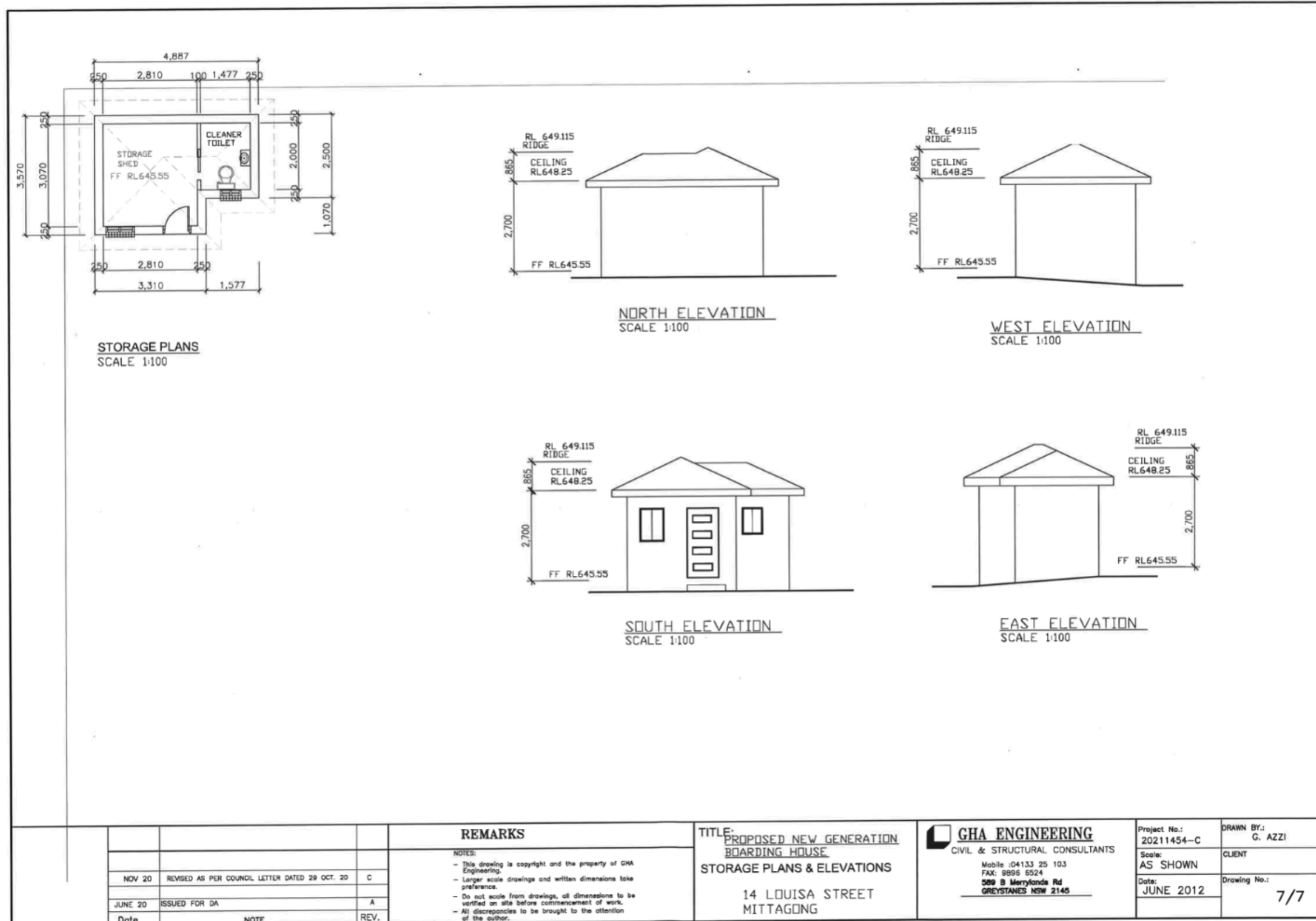
Site Plan (Courtesy Nearmap)











5.2 Development Application 21/0781 - Proposed Dual Occupancy (Detached) and Subdivision - 37 Sir James Fairfax Circuit Bowral.

Reference:	21/0781
Report Author:	Development Assessment Planner
Authoriser:	Manager Development Assessment
Applicant:	New Tradition Design
Owner:	Jacquelyn Collins
Link to Community Strategic Plan:	Conserve the key natural resources of the Shire and minimise the impact from development

PURPOSE

The purpose of this report is to consider Development Application 21/0781 which seeks development consent for the erection of a dual occupancy (detached) and subdivision to create two lots and recommends APPROVAL subject to the conditions specified in (Attachment 1).

Consultants	Scott Lee – Lee Environmental Planning
Notification Period	18 November 2020 to 09 December 2020
Number of Properties Notified	17.
Number of Submissions	6 submissions objecting to the proposal (2 separate submissions received from the Estate of the Late J O Fairfax)
Zoning	R2 Low Density Residential
Site Area	Lot 232: 1020m ² Proposed Lot 1: 522m ² Proposed Lot 2: 500m ²
Political Donations	None identified
Reason for Referral to Panel	Resolved by Council to be determined by full Council

RECOMMENDATION

THAT Development Application DA21/0781 for erection of buildings and carrying out of works for the purpose of a Dual Occupancy (Detached) and subdivision of land at Lot 232 DP 1239600, No 37 Sir James Fairfax Circuit, Bowral be APPROVED subject to conditions as described in Attachment 1 to the report.

REPORT

Subject Site and Locality

Figures 1 and 2 illustrate the land's location and general layout (see also **Attachments 2 & 3**). It is a vacant 1020m² low density residential corner lot on the northern side of Sir James Fairfax Circuit and the eastern side of Warwick Close in Bowral, around 2.5km east of the town centre. The land is accessible from Sir James Fairfax Circuit and Warwick Close.

The site is slightly elevated above road level but overall is relatively flat, with a minimal cross fall from the high point in the north east corner to the low point at the south western corner.



Figure 1: Locality Map



Figure 2: Aerial image (Courtesy Nearmap)

Proposed Development

Development Application 21/0781 seeks consent for the erection of buildings and carrying out of works for the purpose of a dual occupancy (detached) development, and subsequent subdivision of land to create two (2) lots at 37 Sir James Fairfax Circuit Bowral

Proposed Lot 1 and Dwelling 1:

Site area of approximately 522 square metres being a corner lot with frontages to both Sir James Fairfax Circuit and Warwick Close Bowral. This lot will accommodate a single storey dwelling accommodating three bedrooms, two bathrooms, laundry, combined kitchen, dining and living area, has a double garage accessed from Sir James Fairfax Circuit Bowral. The total floor area of the dwelling is 241 square metres inclusive of the attached double garage. There is a north facing alfresco area directly off the living and dining area that provides private recreation and entertaining space.

Proposed Lot 2 and Dwelling 2:

Site area of 500 square metres, with frontage to Warwick Close Bowral. This lot will accommodate a single storey dwelling that will provide three bedrooms, two bathrooms, laundry, combined kitchen, dining and living area, has a double garage accessed from Warwick Close Bowral. The total floor area of the dwelling is 243 square metres inclusive of the attached double garage area. There is a north facing alfresco area directly off the living and dining area that provides private recreation and entertaining space.

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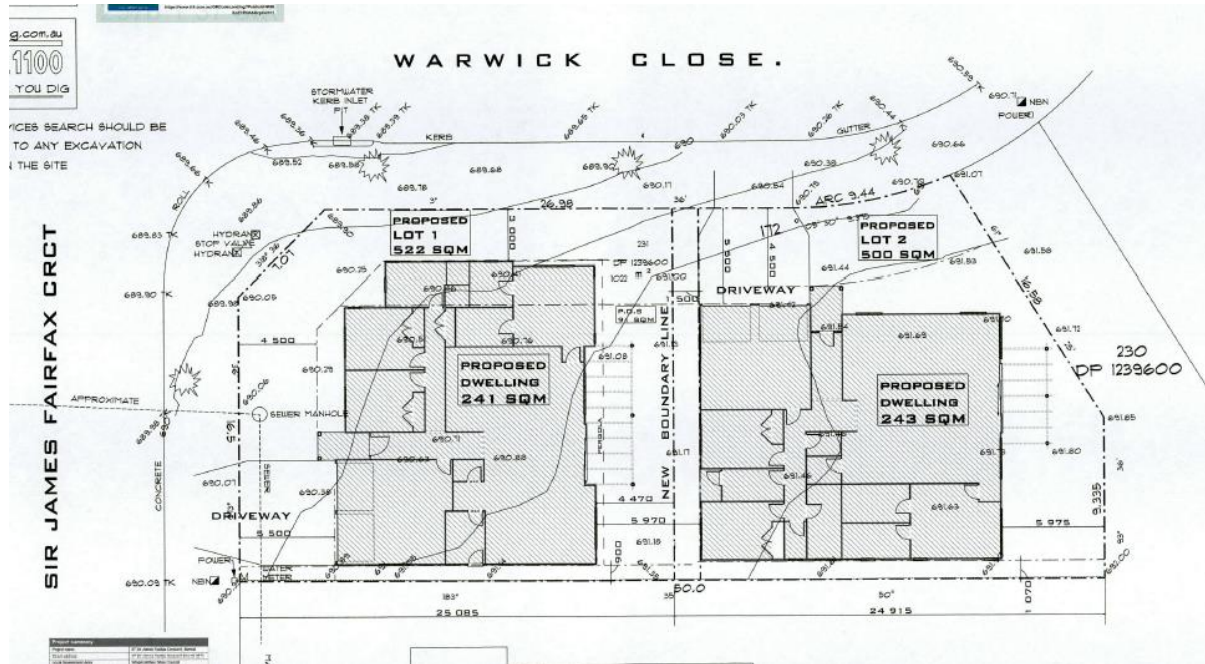


Figure 3: Proposed dwelling layout.

Elevations and site plan of the proposal can be found at **Attachment 4**

STATUTORY PROVISIONS

State Environmental Planning Policies

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The catchment SEPP aims:

- (a) to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal.
- (b) to provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have a neutral or beneficial effect on water quality.
- (c) to support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.

The development is a Module 1 under the NorBE Guidelines, therefore Council has assumed concurrence to consider water quality. In accordance with clause 10 of the Catchment SEPP, the NorBE Tool has been used to determine that the carrying out of the proposed development would have a neutral or beneficial effect on water quality.

State Environmental Planning policy No 55 – Remediation of Land

SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing risk of harm to human health or any other aspect of the environment. The land is not considered likely to be contaminated, nor to require remediation to be made suitable for the proposed development.



Local Environmental Plans

Wingecarribee Local Environmental Plan 2010

The relevant provisions of the LEP are discussed as follows.

Clause 1.2—Aims of Plan

The proposed development is considered satisfactory with respect to the particular aims specified by clause 1.2 (2).

Clause 1.4—Definitions

The proposed development comprises erection of buildings and carrying out of works for the purpose of a *dual occupancy (detached)* development, and subsequent subdivision of land and carrying out of works to create two lots.

Clause 2.3—Zone objectives and Land Use Table

The land is in Zone R2 Low Density Residential. The Land Use Table at the end of Part 2 of the LEP specifies developments for the purposes of *dual occupancies (detached)* are permitted with consent.

Clause 2.6—Subdivision—consent requirements

Clause 2.6 (1) effectively specifies the land may be subdivided only with development consent.

Clause 4.1—Minimum subdivision lot size

Where applicable, clause 4.1 specifies minimum permissible sizes of lots to be created by subdivision of land. However, the applicability of clause 7.2, discussed below, renders clause 4.1 not applicable to the proposed development.

Clause 7.2—Requirements for subdividing dual occupancies in Zones R2 and B1

Clause 7.2 (2) (a) and (b) specifies that despite any other LEP provision (including clause 4.1), consent may be granted for subdivision of a lawfully erected dual occupancy in Zone R2 if the development:

- (a) is on a corner allotment of not less than 1,000m², and
- (b) has access to a reticulated town water supply and sewerage system.

The application proposes initial erection of a dual occupancy. The land is a 1020m² corner lot in Zone R2, and has access to Council's reticulated water supply and sewerage services. Clause 7.2 therefore facilitates the granting of consent for the proposed development.

Recommended consent **condition 58** specifies no subdivision certificate shall be granted for the proposed development's subdivision component unless a final occupation certificate has been granted for both dwellings in its dual occupancy component.

Clause 7.3—Earthworks

Recommended consent **condition 32** specifies Council's consent does not permit any earthworks other than indicated by the consent drawings or specified by an environmental planning instrument as not requiring prior consent.

Clause 7.10—Public utility infrastructure

The proposed development will have access to water supply, electricity supply and sewerage infrastructure.

Development Control Plans

Bowral Town Plan Development Control Plan

The applicable sections of the Bowral DCP are addressed below:

Part A—Provisions applicable to all land

Section 2—General objectives

Section A2.2—Objectives of this Plan

Section A2.2.4—Residential amenity

The proposed development is considered satisfactory with respect to the residential amenity objectives specified by section A2.2.4 (a)-(e):

- (a) Conserve the unique characteristics of existing residential areas of the Bowral township.*
- (b) Encourage new residential development that is sympathetic to existing or desired future streetscapes and neighbourhood character.*
- (c) Ensure that residential development includes sustainable principles such as energy and water efficiency, using sustainable building products where ever possible.*
- (d) Contribute to the enhancement of the urban amenity*
- (e) Ensure that there is no light spill from any new development which would adversely impact on surrounding residents, including diminishment of the night sky experience.*

Section A2.2.5—Residential diversity

The proposed development is considered satisfactory with respect to the residential diversity objectives specified by section A2.2.5 (a) and (b):

- (a) Promote a mix of housing types to increase residential choice within the town, particularly around bus and rail connections.*
- (b) Encourage appropriate site amalgamation and redevelopment to provide a range of residential opportunities throughout the town.*

Section A2.2.6—Visual amenity

The proposed development is considered satisfactory with respect to the visual amenity objectives specified by section A2.2.6 (a)-(c):

- (a) Demonstrate an appreciation of the existing streetscape.*
- (b) Enhance the character of individual streets within the town through appropriate built form design.*
- (c) Provide areas of private open space which can make a positive contribution to the overall visual amenity of the locality.*

Section A2.2.8—Environmental sustainability

The proposed development is considered satisfactory with respect to the environmental sustainability objectives specified by section A2.2.8 (a)-(f):



- (a) *protect vegetation, threatened species, ecological communities, hydrological aspects, watercourses, significant natural features, and any other aspect of environmental quality.*
- (b) *no net loss of riparian condition, remnant vegetation, biodiversity values, wetland values, wildlife habitat or water quality.*
- (c) *Encourage on-site tree plantings which enhance the environment and provide additional wildlife habitat and connectivity of habitat*
- (d) *Maintain and enhance existing public open space areas*
- (e) *Practical incorporation of the principles of ecologically sustainable development into the development*
- (f) *Ensure that buildings are 'energy smart' and meet all BASIX requirements.*

Section 6—Vegetation management and landscaping

Section A6.2—Private landscaped open space

Section A6.2.1—Objectives

The proposed development is considered satisfactory with respect to the private landscaped open space objectives specified by section A6.2.1 (a)-(f):

- (a) *Provides a pleasant, vegetated environment for users of the site (workers or residents).*
- (b) *Contributes to the urban streetscape.*
- (c) *Provides a visual buffer between development and the surrounding neighbourhood.*
- (d) *Contributes to existing tree canopies and wildlife habitats.*
- (e) *Provides adequate ground cover to prevent erosion and assist storm water infiltration.*
- (f) *Contributes where possible to the enhancement of key vegetation and topographical features.*

Section A6.3—Controls

The proposed development is considered satisfactory with respect to the vegetation management and landscaping controls specified by section A6.3.

Section 7—Subdivision, demolition, siting and design

Section A7.1—Subdivision of land

Section A7.1.1—Minimum lot sizes

As discussed earlier, clause 7.2 of the LEP facilitates the granting of consent for the proposed development's subdivision component, despite the minimum lot size requirement otherwise applicable to the land under LEP clause 4.1. The proposed development is therefore considered satisfactory with respect to section A7.1.1 of the DCP.

Section 8—Safer by design

Section A8.3—Crime prevention through environmental design

The proposed development is considered satisfactory with respect to the provisions of sections 8.3.1, 8.3.2, 8.3.3 and 8.3.4, respectively regarding:

- Space and activity management
- Territorial reinforcement
- Surveillance
- Access control.

Section A8.4—Specific design requirements

The proposed development is considered satisfactory with respect to the safer by design requirements specified by section A8.4.

Section 9—Construction standards and procedures

Part C—Provisions applicable to residential-zoned land

Section 1—Introduction

Section C1.2—Objectives

The proposed development is considered satisfactory with respect to the objectives of Part C, specified by section C1.2 (a)-(d):

- (a) *Conservation of the unique characteristics of the residential areas of Bowral, particularly in the case of the identified Conservation Areas,*
- (b) *New residential development which is sympathetic with existing streetscapes and neighbourhood character,*
- (c) *New residential development that is energy efficient, provides good amenity, and is safe and attractive.*
- (d) *Residential development which meets the needs of a range of community and demographic types, including smaller households, older people, people with a disability or people requiring group accommodation.*

Section C1.5—Height of buildings

Section C1.5 notes that residential building heights are generally as follows, measured from natural ground level to roofline:

- (a) For one-storey development, 6.0m
- (b) For two-storey development, 9.0m
- (c) For three-storey development, 12.0m.

Section C1.6—Building materials

Section C1.6.1—Objectives

The proposed development is considered satisfactory with respect to the building materials objectives specified by section C1.6.1:



- *Ensure that durability, detailing and appearance are all considered when selecting building materials to ensure a high quality appearance over time*
- *Encourage the use of materials in the construction of new dwellings that are compatible with adjoining dwelling houses and the streetscape in terms of type, colour and form*
- *Encourage the adoption of an exterior colour scheme which complements the existing streetscape.*

Section C1.6.2—Specific controls

Drawings accompanying the application indicate external finishes being face brick with cladding painted in Linseed colour, and colorbond Windspray metal roof.

The proposed development is considered satisfactory with respect to the building materials controls specified by section C1.6.2 (a) and (b):

- (a) *The use of zincalume is not permitted and galvanised steel may only be used with specific Council consent*
- (b) *A detailed exterior colour scheme must be presented to allow Council to assess the proposed colours against the existing streetscape.*

Section 2—Low density housing

Section C2.2—Objectives of low density housing

The proposed development is considered satisfactory with respect to the low density housing objectives specified by section C2.2 (a)-(j):

- (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.*
- (c) *Ensure that the heritage value of any property which is, or is within the vicinity of, an Item, or Draft Item of Heritage, or is within a Heritage, or Draft Heritage Conservation Area, is not compromised.*
- (d) *Promote ecologically sustainable development by requiring the construction of energy smart dwellings.*
- (e) *Maximise solar access to the proposed development.*
- (f) *Maximise privacy between existing development and proposed development.*
- (g) *Ensure that adequate on-site car parking is provided for residents and visitors.*
- (h) *Preserve existing mature vegetation and encourage the planting of native vegetation suitable for the area.*



- (i) *Ensure that adequate provision is made for high landscaped open space which complements the overall development and which assists in maintaining existing streetscape quality.*
- (j) *Where located near to road or rail corridors, provide an acceptable acoustic environment for residents through appropriate design, layout and construction measures.*

Section C2.3—Dual occupancy and secondary dwellings

Section C2.3.3—Controls in the R2 low density residential zone

Section C2.3.3 (b) effectively specifies that whilst no maximum floor area applies to the proposed development's dual occupancy component, its floor space ratio (FSR) must not exceed 0.5:1. Clause 4.5 (2) of the LEP defines FSR as the ratio of the gross floor area (GFA) of all buildings within the site to the site area.

The proposed development's total GFA is 484m² and the land's site area is 1020m². The proposed FSR is therefore 0.40:1.

Section C2.3.5—Subdivision of dual occupancy and secondary dwellings

As discussed earlier, clause 7.2 of the LEP facilitates the granting of consent for the proposed development's subdivision component.

Section C2.4—Development density and scale

Section C2.4.2—Objectives

The proposed development is considered satisfactory with respect to the density and scale objectives specified by section C2.4.2 (a)-(i):

The height, scale and style of development shall:

- (a) *Be compatible with the scale, appearance and character of any existing buildings on the site.*
- (b) *Retain important natural features of the site, including any significant existing trees.*
- (c) *Ensure that dwellings address the street in an appropriate way.*
- (d) *Be compatible with the scale of development of the established built environment and streetscape.*
- (e) *Ensure that the sides and rear of dwellings, which are generally viewed by neighbours, make a positive contribution to residential amenity,*
- (f) *Provide sufficient vehicle access and parking in accordance with standards contained within this Plan.*
- (g) *Ensure that the visual and acoustic privacy of adjoining dwellings are protected.*
- (h) *Ensure adjoining living areas are located to minimise overshadowing and overlooking.*
- (i) *Ensure windows in living areas are located to minimise and overlooking both within the site and between sites.*

Section C2.4.3—Controls

Section C2.4.3 effectively specifies the proposed development's footprint, which excludes open space areas such as verandahs, balconies and the like, must not exceed 65% of the land's area. The land's area is 1020m² and the proposed development's footprint area, including driveways and the like, is approximately 484m², or 47% of the land's area.

The proposed development is considered satisfactory with respect to the controls specified by section C2.4.3.

Section C2.5—Dwelling orientation

Section C2.5.1—Objectives

The proposed development is considered satisfactory with respect to the dwelling orientation objectives specified by section C2.5.1:

- (a) *Ensure that all dwellings are orientated to optimise solar access to the main living areas of each.*
- (b) *Position the dwellings on the site to ensure that those open spaces most used by residents receive maximum access to sunlight.*
- (c) *Maximise opportunities for passive heating and cooling of dwellings to reduce reliance on artificial methods.*
- (d) *Ensure that no dwelling will adversely impact on the solar access of existing neighbouring dwellings.*

Section C2.5.2—Specific controls

The proposed development is considered satisfactory with respect to the dwelling orientation controls specified by section C2.5.2.

Section C2.6—Front setbacks

Section C2.6.1—Objectives

The proposed development is considered satisfactory with respect to the front setbacks objectives specified by section C2.6.1:

- (a) *Ensure the front setback of new infill development is consistent with the existing streetscape.*
- (b) *Provide areas for trees and vegetation to enhance the streetscape and provide privacy.*
- (c) *Preserve existing vegetation connections.*

Section C2.6.2—Specific controls

The proposed development would ultimately create two lots smaller than 900m², one being a corner lot and each being occupied by a dwelling. Noting this, section C2.6.2 (c) (iii) effectively specifies minimum 4.5m front setbacks from Sir James Fairfax Circuit to the southernmost proposed dwelling and from Warwick Close to the northernmost proposed dwelling. The proposed development substantially complies; there is a minor encroachment by the southernmost proposed dwelling's porch, which the DCP recognises as part of the development's open space area.

Section C2.7—Side setbacks



Section C2.7.1—Objectives

The proposed development is considered satisfactory with respect to the side setbacks objectives specified by section C2.7.1:

- (a) *Provide adequate building separation between new and existing development for the purposes of privacy, ventilation, fire safety and solar access.*
- (b) *Provide space between dwellings to maintain the detached housing character and for individual identity and visual interest.*
- (c) *Ensure consistent patterns of built and unbuilt spaces within the streetscape.*
- (d) *Offer opportunities for deep soil areas and landscaping.*

Section C2.7.2—Specific controls

Each of the proposed dwellings complies with the minimum 1.5m side setback effectively specified by section C2.7.2 (c).

Section C2.8—Rear setbacks

Section C2.8.1—Objectives

The proposed development is considered satisfactory with respect to the rear setbacks objectives specified by section C2.8.1:

- (a) *Provide private open space for both active and passive recreation which has good solar access.*
- (b) *Ensure sufficient area on the site for mature trees and vegetation.*
- (c) *Ensure mid-block tree canopy can be established or conserved.*

Section C2.8.2—Specific controls

The proposed development would produce two lots smaller than 900m², each being occupied by a dwelling. Section C2.8.2 (c) specifies a minimum rear setback of 3.0m to each dwelling. Proposed Lot 2, which is orientated to Warwick Close, has a rear boundary setback to its eastern boundary of 900mm which is a departure from the prescriptive control. This setback is due to the dwelling being designed to ensure north facing private open space with a greater than required setback to its northern boundary. A suitable relationship with the adjoining dwelling to the east is maintained and no adverse residential amenity impacts will arise.

Section C2.9—Building height

Section C2.9.1—Objectives

The proposed development is considered satisfactory with respect to the building height objectives specified by section C2.9.1:

- (a) *Retention of a low scale domestic residential character (or appropriate alternative depending on locality),*
- (b) *Minimal loss of privacy for existing development*

(c) *Minimal overshadowing of neighbouring properties by new development*

(d) *Minimal disruption to the views of existing development.*

Section C2.9.2—Specific controls

Section C2.9.2 (a) specifies the maximum height of a dwelling house shall not exceed two storeys. The proposed development complies, as both dwellings are single storey.

Section C2.10—Roof forms

The proposed development's roof forms are considered satisfactory with respect to section C2.10.

Section C2.11—Dwellings on corner allotments

As mentioned earlier, the proposed development would ultimately create two lots, one being a corner lot. The southernmost proposed dwelling, on the proposed corner lot, is therefore subject to the provisions of section C2.11.

Section C2.11.1—Objectives

The proposed development is considered satisfactory with respect to the objectives specified by section C2.11.1 regarding dwellings on corner allotments:

- (a) *Such development enhances the streetscape of both the streets involved.*
- (b) *The design of both dwellings is suited to a corner allotment in that it presents an attractive façade to both streets.*
- (c) *The design of both dwellings reflects the scale and density of surrounding development.*

Section C2.11.2—Specific controls

The proposed development is considered satisfactory with respect to the specific controls specified by section C2.11.2.

Section C2.12—Garaging and driveways

Section C2.12.1—Objectives

The proposed development is considered satisfactory with respect to the objectives specified by section C2.12.1 regarding garaging and driveways.

Section C2.12.2—Specific controls

The proposed development is considered satisfactory with respect to the specific controls specified by section C2.12.2.

Section C2.13—Landscaped open space

Section 2.13.1—Objectives

The proposed development is considered satisfactory with respect to the landscaped open space objectives specified by section C2.13.1:

- (a) *Meets the minimum on-site Open Space standards applicable to low density residential development.*



- (b) *Retains and protects both individual trees and/or identified Threatened Ecological Communities scattered throughout the locality.*
- (c) *Retains existing natural features on the site that contribute to the character of the site and/or the local area.*
- (d) *Seeks to create, maintain or enhance existing corridors of mature landscaping throughout the length of the residential block in order to contribute to existing tree canopies and wildlife habitats.*
- (e) *Protects the plantings on any site which is, or is in the vicinity of, an Item (or Draft Item) of Heritage or is within a Heritage Conservation Area or Draft Area.*
- (f) *Provides several generously designed outdoor spaces, rather than allowing such spaces to be simply 'left over' spaces after the siting of buildings.*
- (g) *Provides both passive and active recreation in private open space areas by providing a combination of hard surface, landscaping and deep soil areas.*
- (h) *Provides sufficient site area to support mature trees and vegetation and allow for water infiltration.*
- (i) *Creates attractive, landscaped front gardens that include a number of small trees and shrubs.*
- (j) *Encourages the use of the front garden and front of dwelling spaces such as verandas and porches, for both active and passive recreation.*
- (j) *Ensures that the dimensions of verandas and porches are sufficient to make a legitimate contribution to private open space.*
- (k) *Provides useable open space, located to maximise solar access.*
- (l) *Ensures ease of movement between living areas of dwellings and private open space.*

Section C2.13.2—Specific controls

The proposed development is considered satisfactory with respect to the specific controls specified by section C2.13.2 regarding landscaped open space.

Section C2.14—Fencing, gates and letterboxes

Section C2.14.1—Specific controls

Documents accompanying the application do not indicate any fencing proposed forward of the development's building line. Recommended **consent condition 3** specifies Council's consent does not permit erection of any fencing other than indicated on the consent drawings or specified by an environmental planning instrument as not requiring development consent.

Provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with respect to the specific controls specified by section C2.14.1 regarding fencing, gates and letterboxes.

Section 22—Retford Park Precinct

Section C22.2—Development concepts

Section C22.2.1—Preferred development outcomes

The proposed development is considered satisfactory with respect to the objectives specified by section C22.2.1:

- (a) *To ensure the scale and character of development is respectful of the low density residential character of the East Bowral area and heritage significance of the adjoining Retford Park (Schedule 5 WLEP 2010).*
- (b) *To ensure the subdivision occurs as agreed in the Retford Park Planning Agreement in respect of:*
 - (i) *Staging*
 - (ii) *Infrastructure*
 - (iii) *Land dedications*
 - (iv) *Landscaping and Park Embellishments*
 - (v) *Provision of drainage management lands.*

Section C22.2.2—Character of the future development

The proposed development is considered satisfactory with respect to the controls specified by section C22.2.2.

Section 4.15 Evaluation

(1) *Matters for consideration—general*

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) *the provisions of:*

- (i) *any environmental planning instrument, and*

As discussed earlier, provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with respect to the LEP's relevant provisions.

- (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

Not applicable.

- (iii) *any development control plan, and*

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As discussed earlier, provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with respect to the relevant provisions

(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

Not applicable.

- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*

Not applicable.

- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*

Not applicable.

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

Provided all recommended consent conditions are complied with, the likely impacts of the proposed development are considered acceptable.

- (c) the suitability of the site for the development,*

The proposed development is considered generally compatible with the intended character and amenity of the locality, and no site attributes are considered to render the land unsuitable for it.

- (d) any submissions made in accordance with this Act or the regulations,*

Refer to the Consultation section of this report.

- (e) the public interest.*

There is not considered to be any overriding public interest against granting consent for the proposed development.

CONSULTATION

Pre-lodgement Meeting

The applicant did not seek formal pre-lodgment meeting before making the application.

External Referrals

Referrals	Advice/Response/Conditions
NSW Rural Fire Service (integrated development)	The RFS has issued General terms of Approval, under Division 4.8 of the <i>Environmental Planning and Assessment Act 1979</i> , and a Bush Fire Safety Authority, under Section 100B of the <i>Rural Fires Act 1997</i> without any specific conditions.

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Internal Referrals

Referrals	Advice/Response/Conditions
Development Engineer	No objection, subject to various recommended consent conditions.
Coordinator Strategic Land Use Planning	Developer contributions payable, as specified by recommended consent <u>conditions 13 and 14.</u>

Neighbour Notification (or Advertising)/Public Participation

The development application was Neighbour Notified from 18 November 2020 to 09 December 2020 and Council received 6 submissions (2 separate submissions from The Estate of the Late J O Fairfax), objecting to the proposed development. The issues raised in the submissions have been summarised and are considered below:

Issues	Response
Proposed development does not comply with relevant provisions of the LEP and Council's applicable Bowral Town Plan Development Control Plan (the DCP), including insufficient landscaped area, insufficient setbacks, and excessive floor area.	Provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with respect to the relevant provisions of the LEP and DCP. Further the assessment included in this report confirms the development meets the LEP and DCP provisions apart from a minor departure to the eastern boundary setback of proposed Lot 2.
<p>The proposed development is not in keeping with the emerging or intended character of the locality and the wider Retford Park Estate, and not in the public interest.</p> <p>The proposed development does not constitute "low density" development as provided for by the land's R2 Low Density Residential zoning.</p> <p>The bulk, scale and character of the proposed development is contrary to character of the Retford Park Estate, and not in the public interest. The proposed subdivision of the land to create lots of 522m² and 500m² contradicts an intention that the locality be characterised by single dwelling houses on lots of at least 1000m².</p> <p>The proposed development is an overdevelopment of the land, the proposed development will prompt unwanted higher density residential development in the locality.</p>	<p>The land is in Zone R2, within which development for the purpose of dual occupancies is permitted with consent.</p> <p>Furthermore, clause 7.2 of the LEP facilitates consent being granted for the proposed development's subdivision component, despite any other LEP provision.</p> <p>The proposed development is also considered satisfactory with respect to the floor space ratio, site coverage and setbacks provisions specified by the DCP.</p> <p>The LEP and DCP facilitate development of lots exceeding 1000m² for the purpose of dual occupancy, and subdivision of R2 zoned corner lots of at least 1000m² strictly in circumstances specified by clause 7.2 of the LEP. The proposed development is not expected to necessarily prompt excessive development of land in the locality for dual occupancy purposes, and it is noted that of the 157 residential lots in Retford Park Estate, 19 lots, including the subject land, are corner lots that might conceivably be developed and subdivided pursuant to clause 7.2 of the LEP.</p>

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Issues	Response
	<p>On balance, whilst the proposed development may not be entirely consistent with submitters' expectations for development in the locality, it is considered satisfactory with respect to the locality's character and amenity having regard to the relevant provisions of Council's LEP and DCP.</p>
<p>Proposal does not meet design guidelines specifically applicable to Retford Park Estate, and is contrary to the aims and objectives of the design review panel. Developers are bypassing the Design Review Panel.</p> <p>Contrary to the vision which J.O Fairfax had for this. The applicant has failed to comply with the contract written upon purchase of the land.</p> <p>The proposed side boundary setbacks do not comply with the estate's design guideline requirement of 2 metres.</p>	<p>It is understood that the purchase of residential lots in Retford Park Estate is subject to a contractual agreement that development will take place in accordance with design standards that are administered and enforced by a design panel under a S88B Instrument.</p> <p>These standards are not specifically conveyed by any environmental planning instrument or development control plan, and therefore these restrictions are a private matter</p>
<p>The proposal is not in the public interest. Should the subdivision on 37 Sir James Fairfax Cct go ahead, the residents face a number of imminent challenges in the wider Retford Park estate, including precedent will be created for all future corner blocks to be subdivided - there are 14 yet to be developed corner lots; key streets in the estate - Ayrshire, Sir James Fairfax, Betty Close, Caroline & Ginahgulla were never planned or intended to accommodate increased vehicular traffic density due to double the number of residents, reduced street parking especially on street junctions due to increase in number of residents, their respective guests and their vehicles, increased noise levels because of the proximity of living areas from neighbours, due to significantly reduced setbacks required to accommodate the subdivisions, intrusion of privacy from neighbours will become huge issue for both the existing and new home owners due to these reduced setbacks and proximity of additional buildings, and significant blow to the Heritage style, look and feel of the estate because of</p>	<p>Wingecarribee Local Environmental Plan 2010 enables dual occupancy development and subsequent subdivision on corner lots exceeding 1000 square metres within the R2 Low Density Residential zone.</p> <p>This provision does increase development opportunity, and does increase traffic and noise, but not beyond that which is reasonably expected within an urban residential area.</p>

**AGENDA FOR THE INDEPENDENT ADVISORY PLANNING
ASSESSMENT PANEL MEETING**

Wednesday 05 May 2021

DEVELOPMENT APPLICATIONS



Issues	Response
inconsistent design and scale, which will have an immeasurable negative impact on the value of our asset.	
Proposed development will devalue surrounding properties.	The increase or decrease in value of properties is not a matter for consideration in the assessment of a development application under s.4.15 of the <i>Environmental Planning and Assessment Act 1979</i> .



Photo 1: Shows development site at 37 Sir James Fairfax Circuit Bowral

**AGENDA FOR THE INDEPENDENT ADVISORY PLANNING
ASSESSMENT PANEL MEETING**

Wednesday 05 May 2021

DEVELOPMENT APPLICATIONS



Photo 2: Shows development site at 37 Sir James Fairfax Circuit Bowral. Photo from Warwick Close.



Photo 3: Shows existing dwelling at 6 Warwick Close Bowral. (adjacent to development site)

**AGENDA FOR THE INDEPENDENT ADVISORY PLANNING
ASSESSMENT PANEL MEETING**

Wednesday 05 May 2021

DEVELOPMENT APPLICATIONS



Photo 4: Shows existing dwelling at 36 Sir James Fairfax Circuit (opposite proposed development site)



Photo 6: Shows existing dwelling at 39 Sir James Fairfax Circuit (adjacent to proposed development)

**AGENDA FOR THE INDEPENDENT ADVISORY PLANNING
ASSESSMENT PANEL MEETING**

Wednesday 05 May 2021

DEVELOPMENT APPLICATIONS



Photo 5: Shows existing dwelling at 38 Sir James Fairfax Circuit Bowral. (opposite development site).



Photo 7: Shows elevation from Ginahgulla Drive of development under application 20/0720 for dual occupancy at 40 Sir James Fairfax Circuit Bowral

**AGENDA FOR THE INDEPENDENT ADVISORY PLANNING
ASSESSMENT PANEL MEETING**

Wednesday 05 May 2021

DEVELOPMENT APPLICATIONS



Photo 8: Shows elevation from Ginahgulla Drive of development under application 20/0720 for dual occupancy at 40 Sir James Fairfax Circuit Bowral



Photo 9: Shows elevation from Sir James Fairfax Circuit of development under application 20/0720 for dual occupancy at 40 Sir James Fairfax Circuit Bowral

SUSTAINABILITY ASSESSMENT

- **Environment**

Provided all recommended consent conditions are complied with, the proposed development is not expected to have any significant negative environmental impact.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

There are no broader economic implications in relation to this report.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The development application has been considered in accordance with the *Wingecarribee Local Environmental Plan 2010*, section 4.15 of the *Environmental Planning and Assessment Act 1979* and any other matters relevant to the development.

RELATIONSHIP TO CORPORATE PLANS

Operational Plan 2020/21: OP181 Assess and certify applications related to development.

COUNCIL BUDGET IMPLICATIONS

The financial implications of Independent Advisory Assessment Panel decision in this matter are directly related to the legal implications. The possibilities are detailed as follows:

- Should the applicant choose to appeal a refusal, or pursue a deemed refusal, by Panel through the Land and Environment Court and lose, the question of cost with regard to Council's legal representation would be determined by the extent of the reasons for refusal;
- Should the applicant choose to appeal a refusal, or pursue a deemed refusal, by Panel through the Land and Environment Court and win, the question of cost would be dependent upon the extent of the reasons for refusal;
- Should any person choose to take out Class 4 proceedings against Council to the Land and Environment Court and lose, the question of cost with regard to Council's legal representation would be calculated at the appropriate time;
- Should any person choose to take out Class 4 proceedings against Council to the Land and Environment Court and win, the question of cost would still be calculated at the appropriate time;
- Should the applicant make no appeal, or proceedings not be taken out by another party, to the Land and Environment Court regardless of the determination, the application would result in no further financial implication to Council.

**AGENDA FOR THE INDEPENDENT ADVISORY PLANNING
ASSESSMENT PANEL MEETING**

Wednesday 05 May 2021

DEVELOPMENT APPLICATIONS



RELATED COUNCIL POLICY

An assessment of the proposal has been made against the *Wingecarribee Local Environmental Plan 2010* and the Bowral Town Plan Development Control Plan. No other Council policies apply to the subject development.

CONCLUSION

It is recommended Development Application 21/0781 which seeks approval for the erection of buildings and carrying out of works for the purpose of dual occupancy (detached), and subsequent subdivision of land to create two lots at Lot 231 DP 1239600, No 37 Sir James Fairfax Circuit, Bowral be supported subject to conditions.

The proposal is considered satisfactory in terms of S4.15 of the *Environmental Planning and Assessment Act 1979*, therefore it is recommended that the development application be approved, subject to the attached draft conditions of consent nominated in **Attachment 1**.

ATTACHMENTS

1. DA21/0781 Locality Map
2. DA21/0781 Aerial Image
3. DA21/0781 Architectural Plans
4. DA21/0781 Draft Conditions of Consent



Attachment 2.



Locality Map.

Attachment 3.



Aerial Image (Courtesy Nearmap)



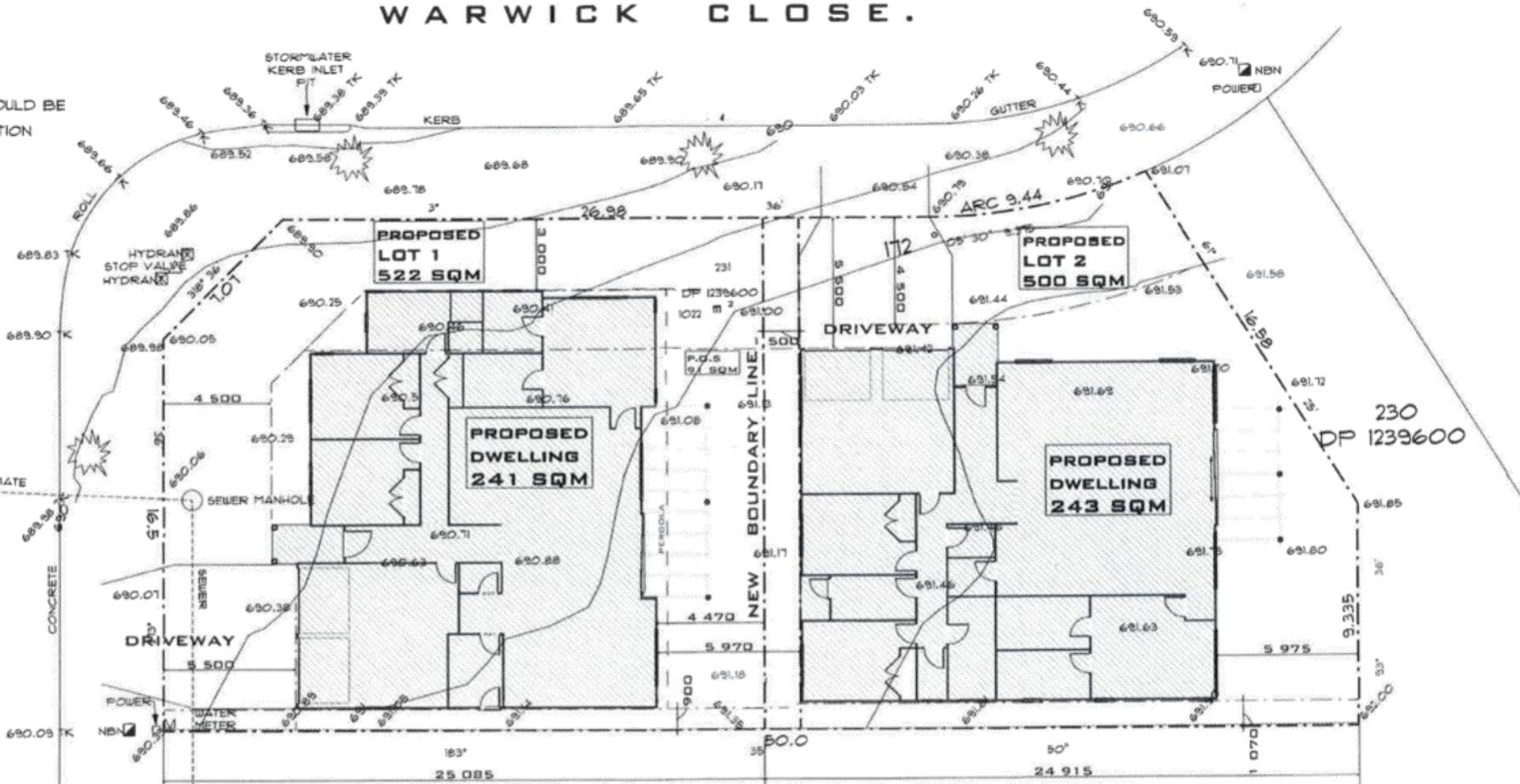
CHECK BASIX & NATHERS CERTIFICATED FOR COMPLIANCE BEFORE ORDERING :
 -INSULATION
 -WINDOWS
 -RAINWATER TANKS
 -HOT WATER SYSTEM
 -P.V. CELLS
 -PLUMBING FIXTURES



UNDERGROUND SERVICES SEARCH SHOULD BE UNDERTAKEN PRIOR TO ANY EXCAVATION TAKING PLACE UPON THE SITE

SIR JAMES FAIRFAX CRT

WARWICK CLOSE.



BASIX Certificate
 Building Sustainability Index (BSI) - 6.3

Multi Dwelling

Project Number: 21/0781

This certificate confirms that the proposed development will meet the BASIX requirements for sustainability, as a result of measures to be undertaken by the developer. It is valid for the period of 12 months from the date of issue. For the meaning of the terms used in this certificate, please refer to the BASIX Act 2007 and the BASIX Regulation 2007.

Basix is a program of the NSW Government.



Project Summary	
Project Name	37 Sir James Fairfax Circuit Bowral
Local Government Area	Wingecarribee Shire Council
Project Number	21/0781
Site Area (m ²)	251
Lot Area (m ²)	1022
No. of Dwellings	2
No. of Units	2
No. of Single Dwelling Units	2

Certificate Prepared by:
 Name: [Redacted]
 Title: [Redacted]

OVERALL SITE/ SUBDIVISION PLAN

PROPOSED DUAL OCCUPANCY

AT LOT 231 SIR JAMES FAIRFAX CRT RETFORD PARK BOWRAL
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BRICK & RENDERED COTTAGE No. 39

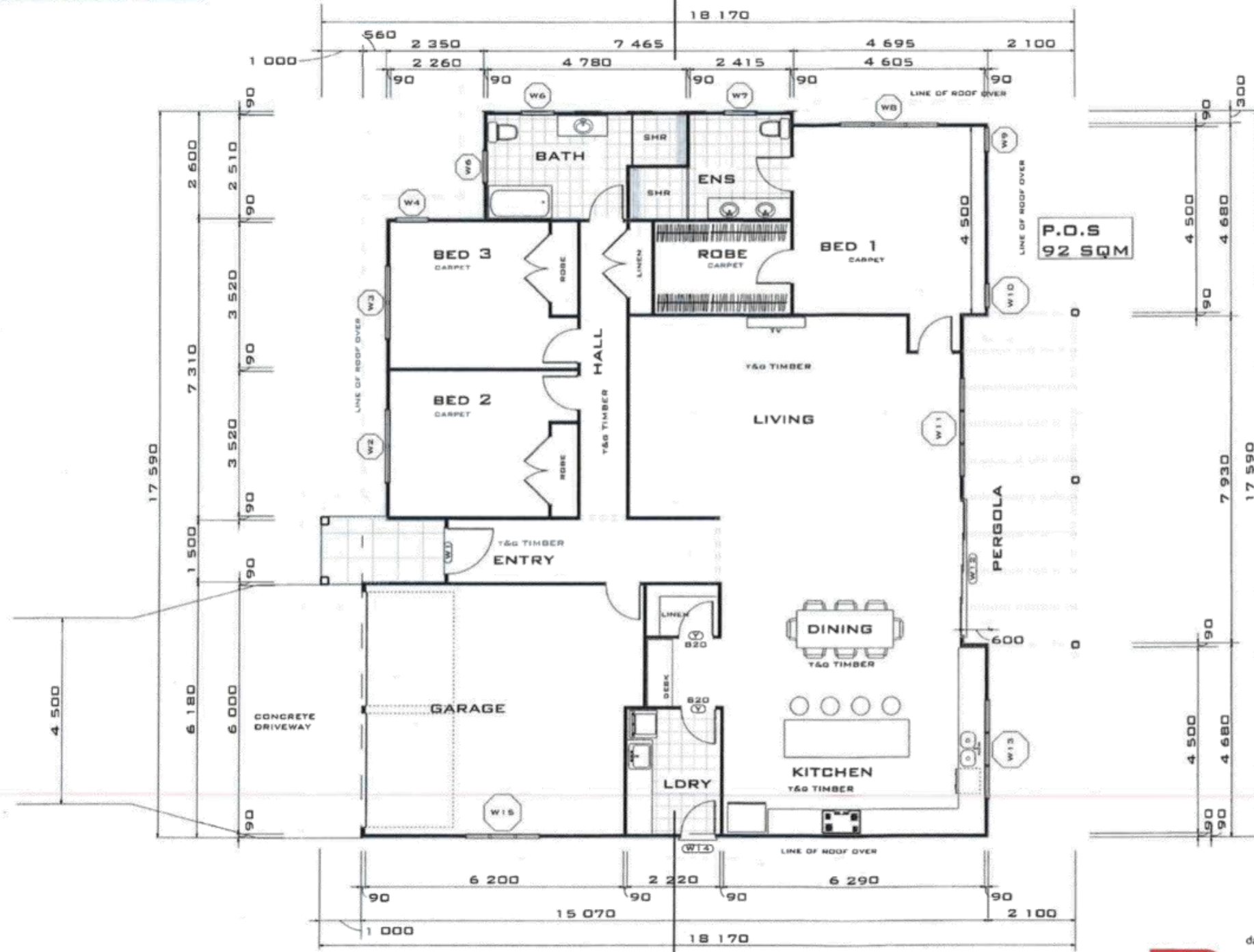
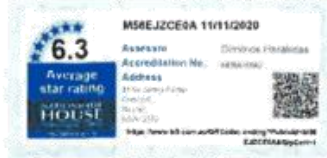
232 DP 1239600



date 11 November 2020
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 PROJECT # 2069
 DWG 01
 ISSUE DA



FOR J. COLLINS
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OPENING SCHEDULE		
OPENING ID	SIZE	TYPE
W1	2 040 x 1 100	DOOR
W2	1 350 x 1 800	WINDOW
W3	1 350 x 1 800	WINDOW
W4	1 800 x 800	WINDOW
W5	1 000 x 800	WINDOW
W6	1 800 x 800	WINDOW
W7	1 800 x 800	WINDOW
W8	1 300 x 2 400	WINDOW
W9	1 800 x 600	WINDOW
W10	1 800 x 600	WINDOW
W11	1 800 x 2 400	WINDOW
W12	2 100 x 3 300	SLIDING DOOR
W13	1 000 x 2 400	WINDOW
W14	2 000 x 800	COMBINED UNIT
W15	900 x 1 800	WINDOW

NOTE.
 ALL DOOR SIZES REFER TO GOOD LEAF SIZE NOT OPENING WIDTH.
 DO NOT SCALE OFF DRAWINGS READ ALL DIMENSIONS & CHECK VERIFICATION
 IF ANY DISCREPANCIES ARE APPARENT.
 ALL LEVEL AND PLAN DIMENSIONS TO BE VERIFIED BY BUILDER
 ON SITE BEFORE FABRICATING ANYTHING.
 ALL SERVICE LOCATIONS TO BE VERIFIED BY BUILDER ON SITE
 BEFORE WORK COMMENCES. ANY APPARENT DISCREPANCIES TO BE
 REMEDIED BY THE BUILDER WITH THE APPROVAL OF THE DESIGNER.
 ALL FRAME TIMBER TO CONFORM TO AS 1884 AND THE THREE
 FINISH MARKS.
 STRUCTURAL STEEL AND CONCRETE TO STRUCTURAL ENGINEER DETAIL.
 ALL GLAZING TO COMPLY WITH AS 1288 - 1994 & BASIX CERTIFICATE.
 WET AREAS TO BE IMPERVIOUS TO WATER AS PER AS 3740 - 1994.
 ALL EXTERNAL RISERS TO HAVE A MAX. 100MM AND MIN 115MM RISER
 AND MAX 335MM AND MIN 240MM TREAD.
 ROOF/WALK AND FLOOR TO BE INSULATED IN ACCORDANCE WITH THE BCA
 & RELEVANT BASIX CERTIFICATE.
 SMOKE DETECTORS TO BE IN ACCORDANCE WITH AS 3786 - 1993.
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 UNREPORTED DISCREPANCIES.

**CHECK BASIX & NATHERS CERTIFICATES
 FOR COMPLIANCE BEFORE ORDERING:**
 -INSULATION
 -WINDOWS
 -RAINWATER TANKS
 -HOT WATER SYSTEM
 -P.V. CELLS
 -PLUMBING FIXTURES

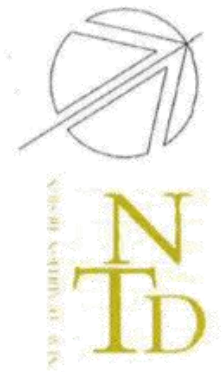
**FLOOR PLAN
 DWELLING 1 LOT 1
 FLOOR AREA 241 SQM
 PROPOSED DUAL OCCUPANCY**

AT LOT 231 SIR JAMES FAIRFAX CRT RETFORD PARK BOWRAL.
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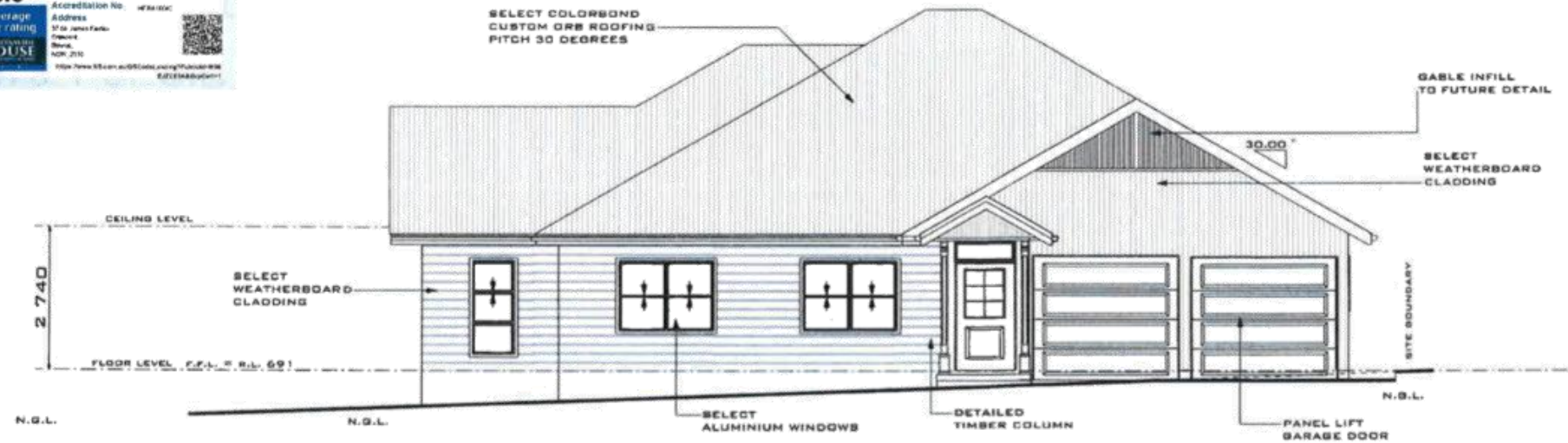


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 DWG 03
 ISSUE DA

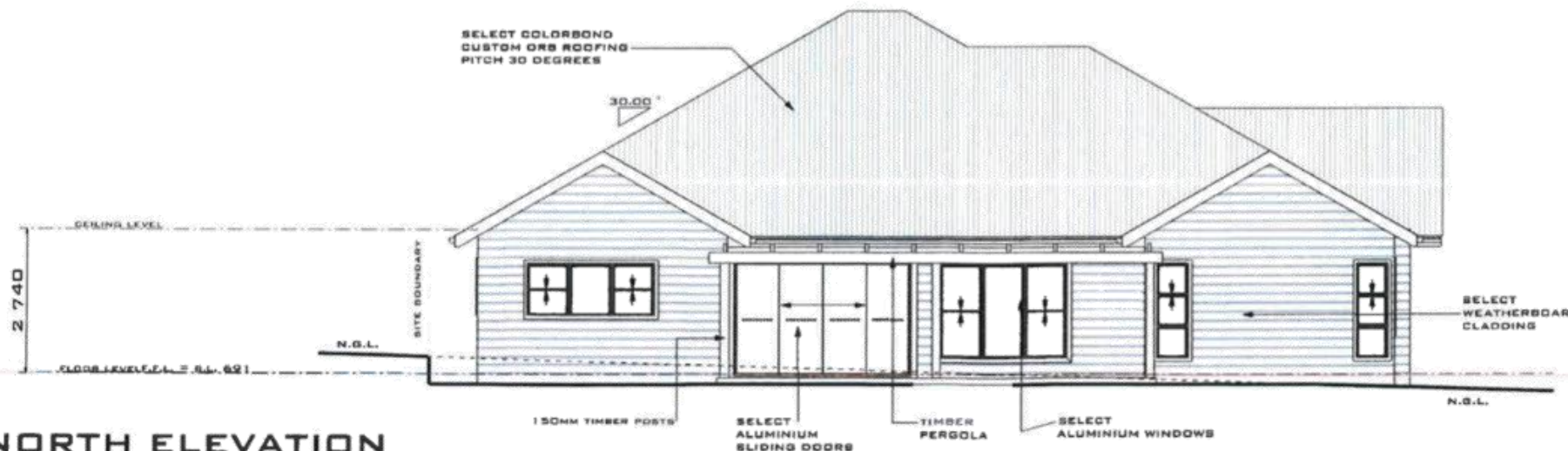




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 -WINDOWS
 -RAINWATER TANKS
 -HOT WATER SYSTEM
 -P.V. CELLS
 -PLUMBING FIXTURES



SOUTH ELEVATION



**NORTH ELEVATION
 DWELLING 1 LOT 1**

PROPOSED DUAL OCCUPANCY
 AT LOT 231 SIR JAMES FAIRFAX CRT RETFORD PARK BOWRAL
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 -RAINWATER TANKS
 -HOT WATER SYSTEM
 -P.V. CELLS
 -PLUMBING FIXTURES



EXTERIOR FINISHES

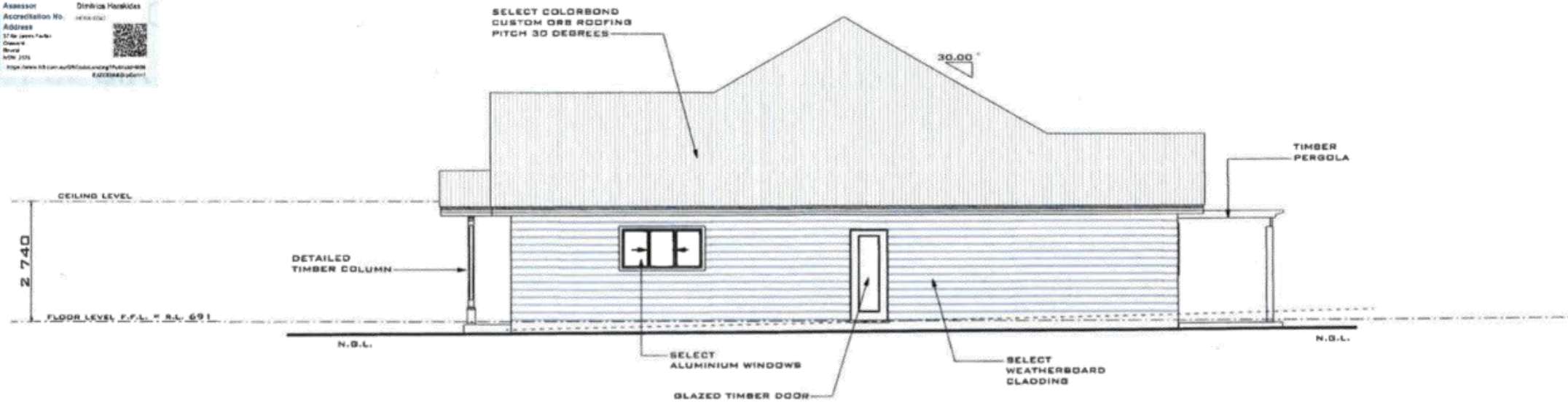
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 OUTLETS
 DOWNPIPES
 WINDOWS
 ARCHITRAVES
 SCOTS
 TRIM
 VERANDAH FLOORING
 DRIVEWAY
 FENCING

WEATHERBOARD
 COLORBOND CUSTOM ORB
 COLORBOND STEEL
 TIMBER
 COLORBOND STEEL
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 TIMBER
 150MM TIMBER
 TIMBER
 SELECT TILE
 CONCRETE BRICK BORDER
 HARDWOOD POST & RAIL

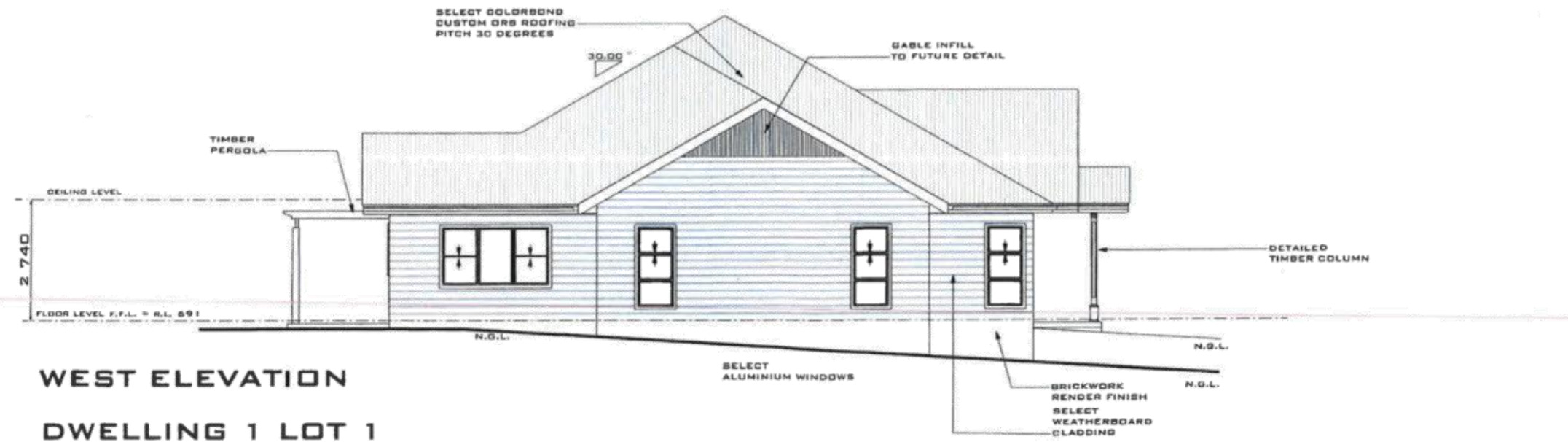
EXTERIOR COLOURS

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 GARGES
 OUTLETS
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 WINDOWS
 ARCHITRAVES
 POSTS
 TRIM
 VERANDAH FLOORING
 DRIVEWAY
 FENCING

DULUX LIMBEC
 COLORBOND WINDSPRAY
 COLORBOND WINDSPRAY
 DULUX WHITE SWAN
 COLORBOND WINDSPRAY
 DULUX WHITE SWAN
 POWDEROAT OFF WHITE
 DULUX WHITE SWAN
 DULUX WHITE SWAN
 GREY TRAVERTINE
 OFF WHITE CONCRETE WITH BRICK BORDER
 CABOTS RANCH HOUSE STAIN - GREY



EAST ELEVATION



WEST ELEVATION

DWELLING 1 LOT 1

PROPOSED DUAL OCCUPANCY
 AT LOT 231 SIR JAMES FAIRFAX CRT RETFORD PARK BOWRAL
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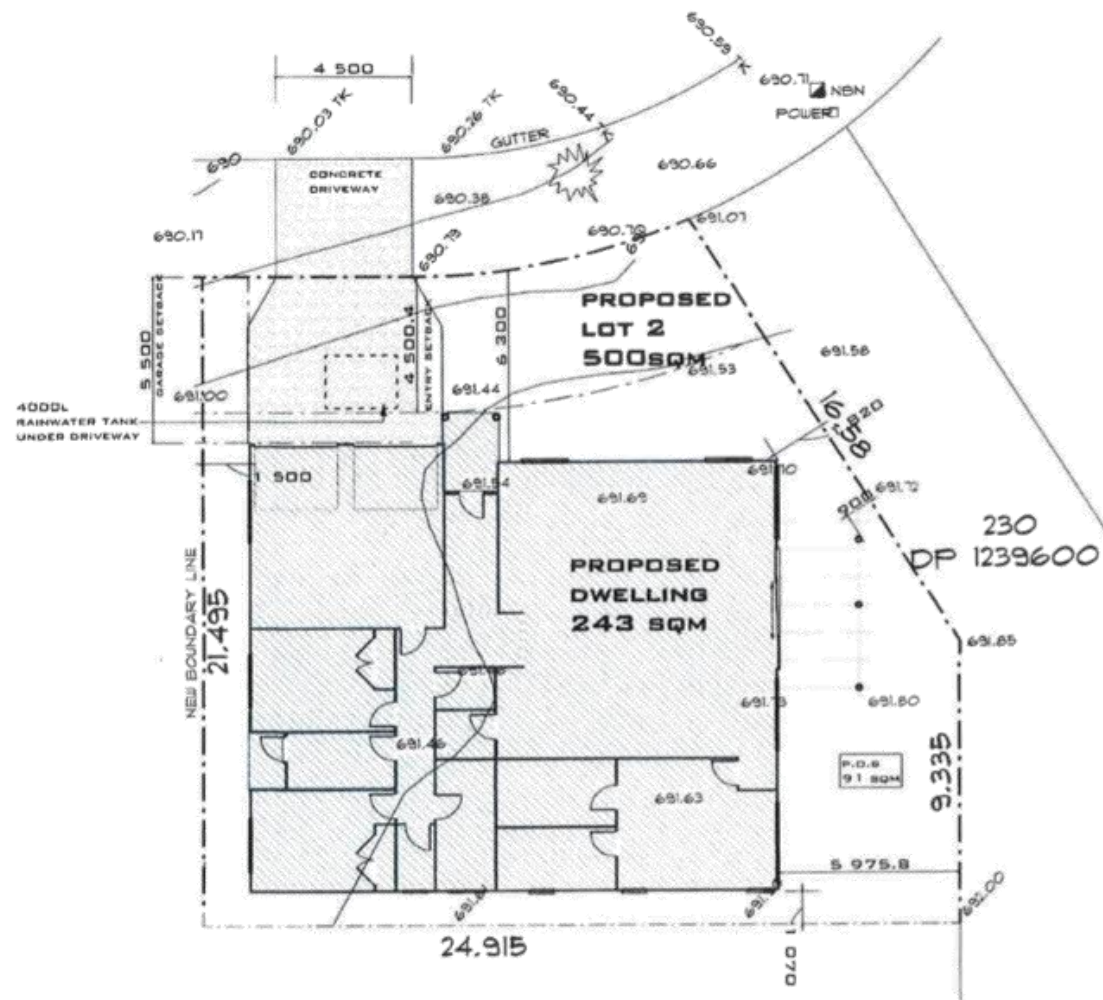


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 DWG 05
 ISSUE DA

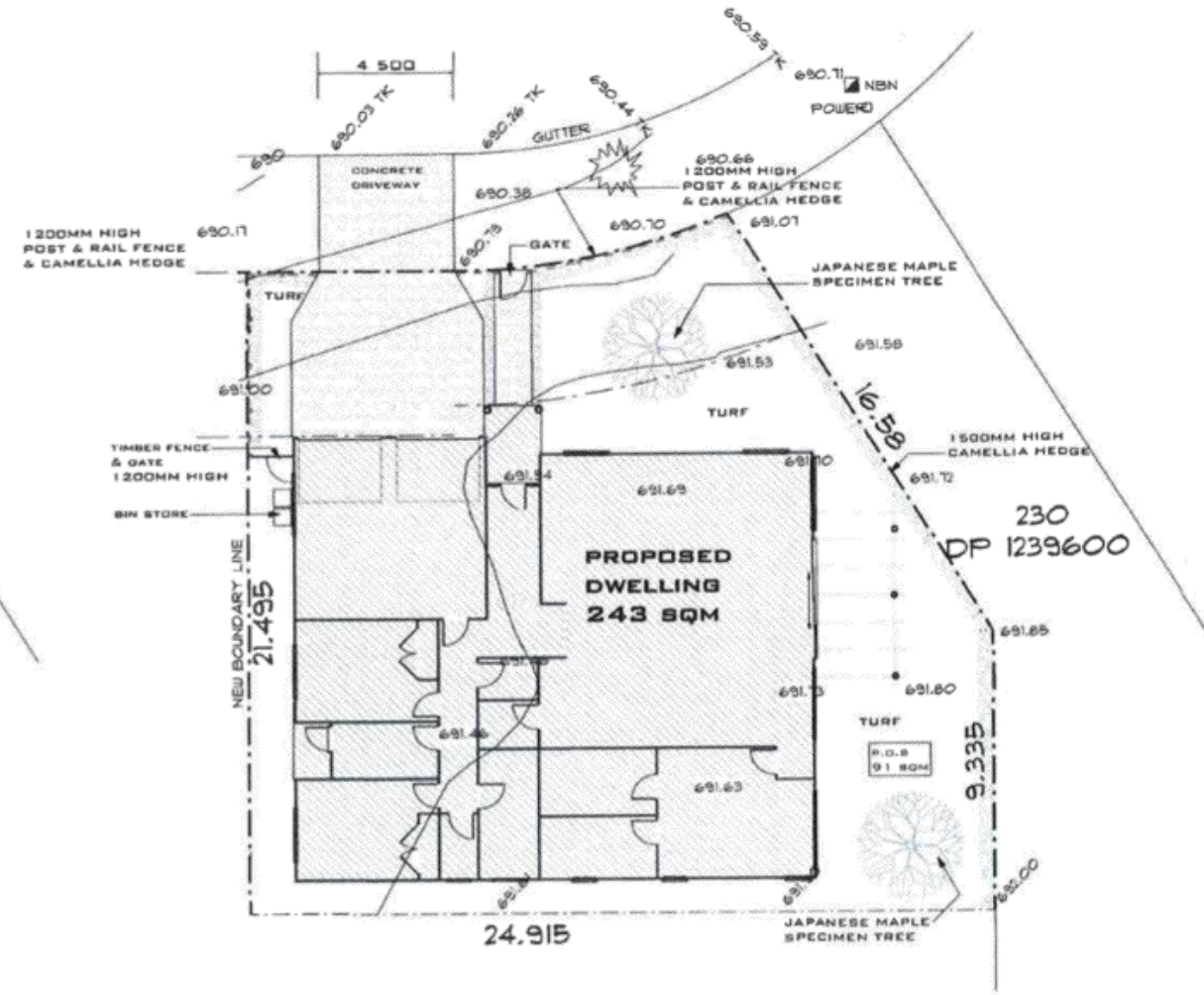




WARWICK CLOSE



WARWICK CLOSE



SITE PLAN
LOT 2

CHECK BASIX & NATHERS CERTIFICATES FOR COMPLIANCE BEFORE ORDERING !
 - INSULATION
 - WINDOWS
 - RAINWATER TANKS
 - HOT WATER SYSTEM
 - P.V. CELLS
 - PLUMBING FIXTURES



SITE AREA 500 SQM
 LANDSCAPED AREA 217 SQM = 43.5%

LANDSCAPE PLAN
LOT 2



UNDERGROUND SERVICES SEARCH SHOULD BE UNDERTAKEN PRIOR TO ANY EXCAVATION TAKING PLACE UPON THE SITE

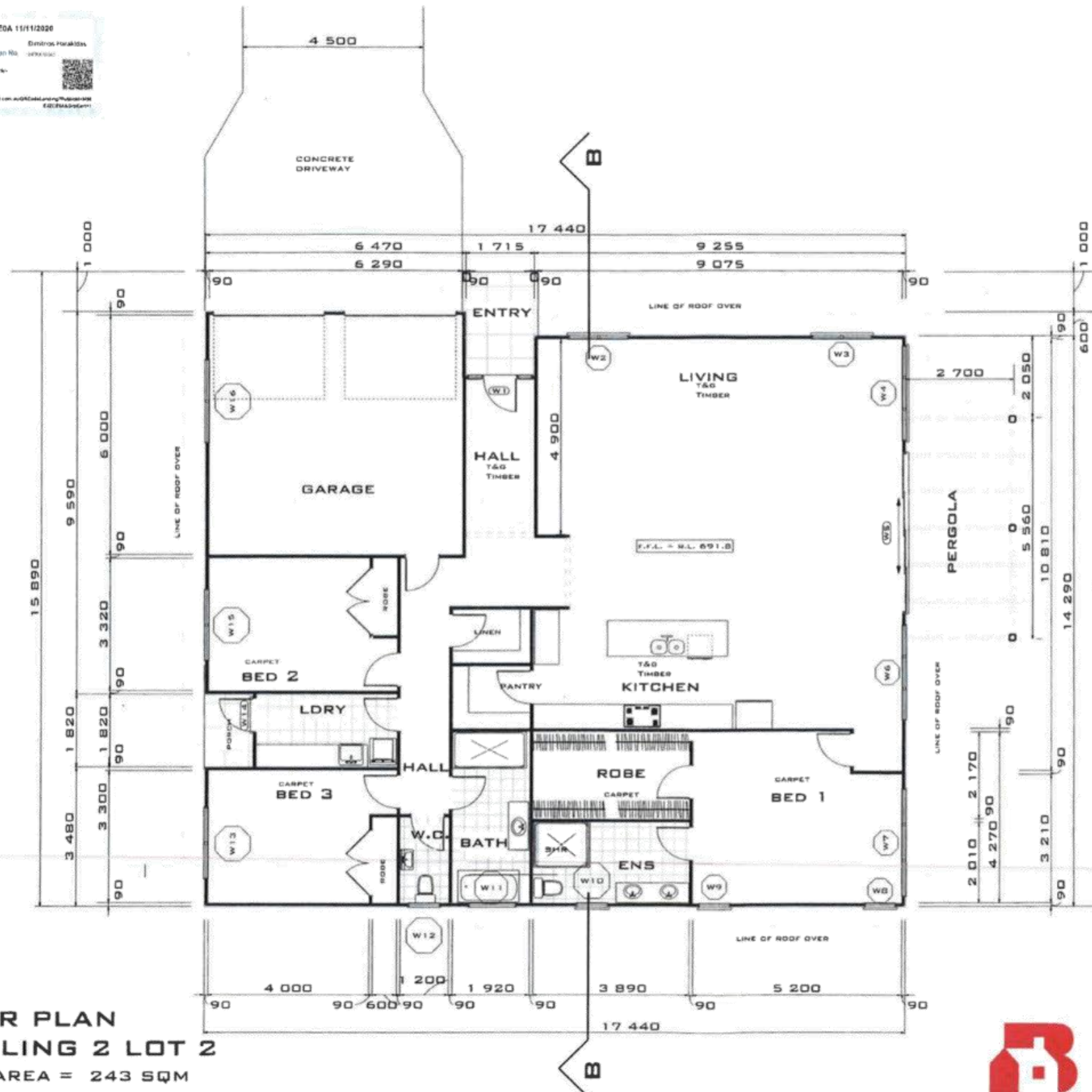


date 11 November 2020
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 DWG 07
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PROPOSED DUAL OCCUPANCY
 AT LOT 231 SIR JAMES FAIRFAX CRT RETFORD PARK BOWRAL
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OPENING SCHEDULE		
OPENING ID	SIZE	TYPE
W1	2 040 x 1 620	COMBINED UNIT
W2	1 800 x 1 500	WINDOW
W3	1 800 x 1 500	WINDOW
W4	1 800 x 2 400	WINDOW
W5	2 040 x 4 000	SLIDING DOOR
W6	1 800 x 2 400	WINDOW
W7	1 800 x 2 700	WINDOW
W8	1 800 x 800	WINDOW
W9	1 800 x 800	WINDOW
W10	1 800 x 800	WINDOW
W11	1 000 x 1 200	WINDOW
W12	1 000 x 800	WINDOW
W13	1 200 x 1 800	WINDOW
W14	2 040 x 800	COMBINED UNIT
W15	1 200 x 1 800	WINDOW
W16	600 x 2 100	WINDOW

NOTE.

ALL DIMENSIONS REFER TO FINISH LEAF SIZE NOT OPENING WIDTH. DO NOT SCALE OFF DIMENSIONS FROM ALL DIMENSIONS & BEEN VERIFICATION IF ANY DISCREPANCIES ARE APPARENT.

ALL LEVEL AND PLAN DIMENSIONS TO BE VERIFIED BY BUILDER ON SITE BEFORE FABRICATING ANYTHING.

ALL SERVICE LOCATIONS TO BE VERIFIED BY BUILDER ON SITE BEFORE WORK COMMENCES. ANY APPARENT DISCREPANCY TO BE REMEDIATED BY THE BUILDER WITH THE APPROVAL OF THE DESIGNER.

ALL FRAME TIMBER TO CONFORM TO AS 1684 AND THE TIMBER FRAMING MANUAL.

STRUCTURAL STEEL AND CONCRETE TO STRUCTURAL ENGINEERS DETAIL.

ALL GLAZING TO COMPLY WITH AS 1288:1994 & BASIX CERTIFICATE.

WET AREAS TO BE SUPERIOR TO WATER AS PER AS 3740:1994.

ALL EXTERNAL STEPS TO HAVE A MAX. 180MM AND MIN 115MM RISE AND MAX 335MM AND MIN 240MM TREAD.

ROOF WALKWAY AND FLOORS TO BE INSULATED IN ACCORDANCE WITH THE BASIX & RELEVANT BASIX CERTIFICATE.

SMOKE DETECTORS TO BE IN ACCORDANCE WITH AS 3785:1995.

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 - HOT WATER SYSTEM
 - P.V. CELLS
 - PLUMBING FIXTURES

**FLOOR PLAN
 DWELLING 2 LOT 2
 FLOOR AREA = 243 SQM**

PROPOSED DUAL OCCUPANCY
 AT LOT 231 SIR JAMES FAIRFAX CRT RETFORD PARK BOWRAL
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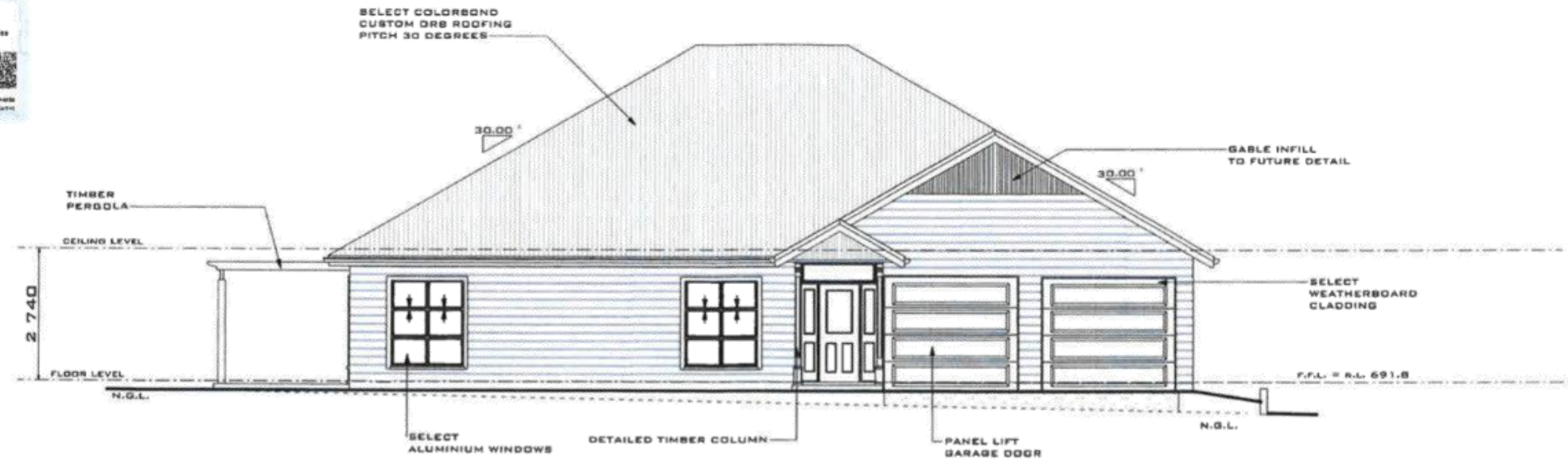
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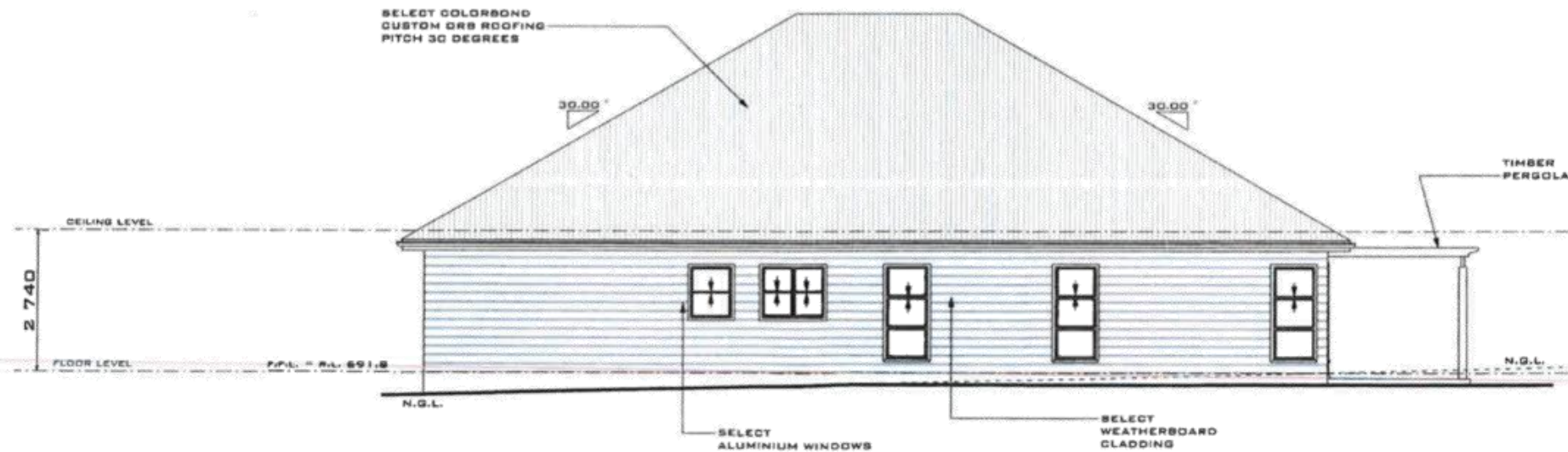




CHECK BASIX & NATHERS CERTIFICATES FOR COMPLIANCE BEFORE ORDERING !
 -INSULATION
 -WINDOWS
 -RAINWATER TANKS
 -HOT WATER SYSTEM
 -P.V. CELLS
 -PLUMBING FIXTURES



WEST ELEVATION



EAST ELEVATION

DWELLING 2 LOT 2

PROPOSED DUAL OCCUPANCY
 AT LOT 231 SIR JAMES FAIRFAX CRT RETFORD PARK BOWRAL
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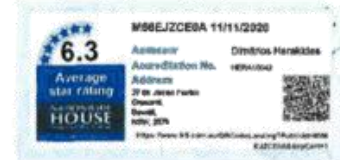


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 PROJECT # 2069
 DWG 09
 ISSUE DA





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 -WINDOWS
 -RAINWATER TANKS
 -HOT WATER SYSTEM
 -P.V. CELLS
 -PLUMBING FIXTURES



EXTERIOR FINISHES

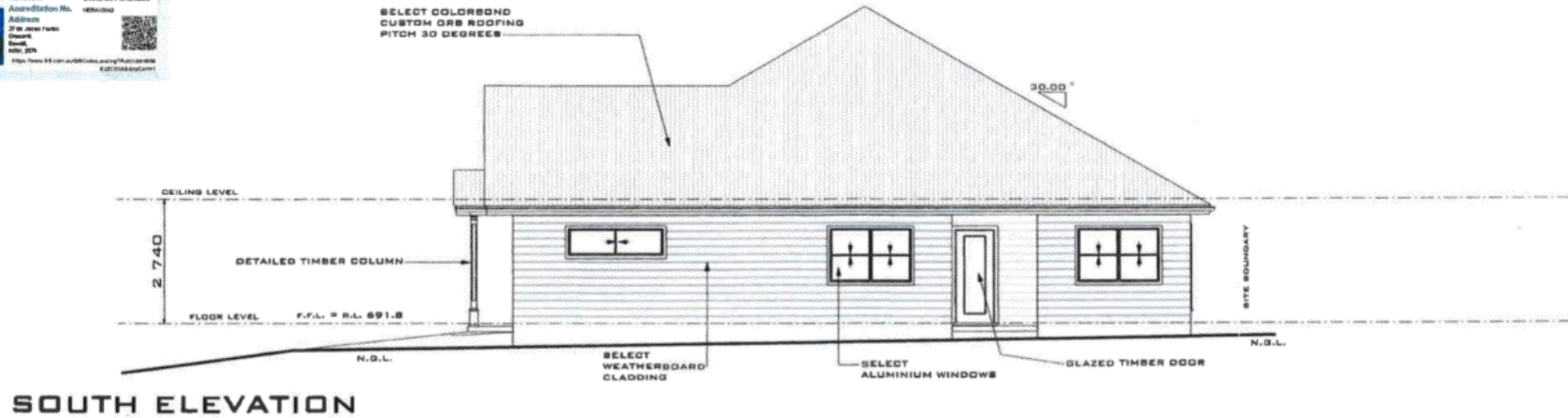
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 WINDOWS
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 POSTS
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 VERANDAH FLOORING
 DRIVEWAY
 FENCING

WEATHERBOARD
 COLORBOND CUSTOM ORB
 COLORBOND STEEL
 TIMBER
 COLORBOND STEEL
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 TIMBER
 150MM TIMBER
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 SELECT TILE
 CONCRETE BRICK BORDER
 HARDWOOD POST & RAIL

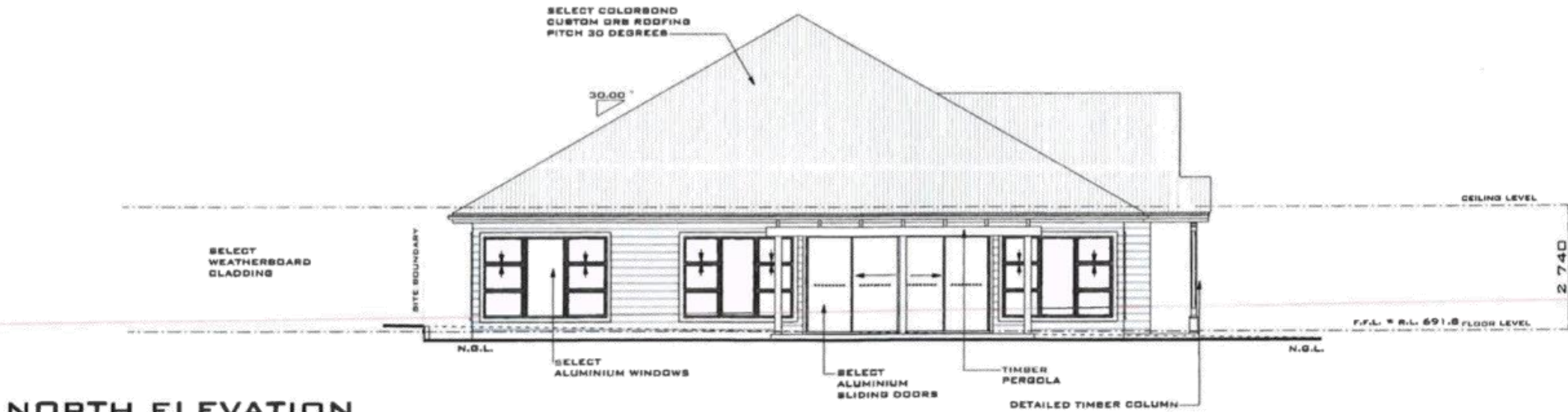
EXTERIOR COLOURS

WALLS
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 VERANDAH FLOORING
 DRIVEWAY
 FENCING

DULUX LIMBEEK
 COLORBOND WINDSPRAY
 COLORBOND WINDSPRAY
 DULUX WHITE SWAN
 COLORBOND WINDSPRAY
 DULUX WHITE SWAN
 POWDERCAT OFF WHITE
 DULUX WHITE SWAN
 DULUX WHITE SWAN
 DULUX WHITE SWAN
 GREY TRAVERTINE
 OFF WHITE CONCRETE WITH BRICK BORDER
 CABOTS RANCH HOUSE STAIN - GREY



SOUTH ELEVATION



**NORTH ELEVATION
 DWELLING 2 LOT 2**

PROPOSED DUAL OCCUPANCY
 AT LOT 231 SIR JAMES FAIRFAX CRT RETFORD PARK BOWRAL
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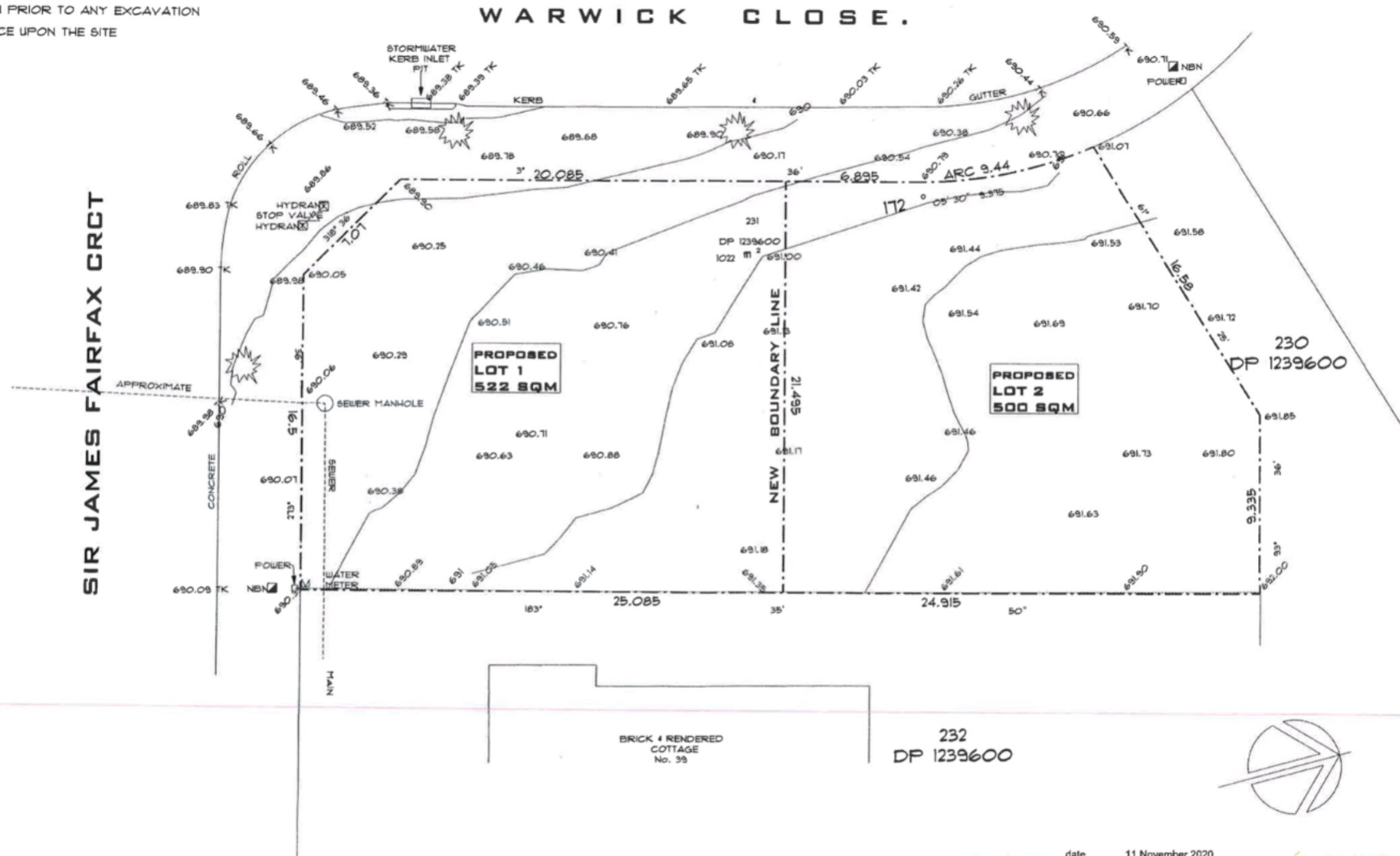


date 11 November 2020
 SCALE: 1:100
 PROJECT # 2069
 DWG 10
 ISSUE DA





UNDERGROUND SERVICES SEARCH SHOULD BE UNDERTAKEN PRIOR TO ANY EXCAVATION TAKING PLACE UPON THE SITE



PROPOSED SUBDIVISION PLAN

PROPOSED DUAL OCCUPANCY
 AT LOT 231 SIR JAMES FAIRFAX CRT RETFORD PARK BOWRAL
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date 11 November 2020
 SCALE: 1:1200
 PROJECT # 2069
 DWG 15
 ISSUE DA





05 May 2021

NEW TRADITION DESIGN
PO BOX 294
MILTON NSW 2538

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979

APPLICATION NO:	21/0781
APPLICANT:	NEW TRADITION DESIGN
OWNER:	J COLLINS
PROPERTY DESCRIPTION:	Lot 231 DP 1239600
PROPERTY ADDRESS:	37 SIR JAMES FAIRFAX CIRCUIT BOWRAL NSW 2576
PROPOSED DEVELOPMENT:	Dual Occupancy (Detached), Subdivision- 2 lots
DETERMINATION:	Approval subject to conditions
CONSENT TO OPERATE FROM:	05 May 2021
CONSENT TO LAPSE ON:	05 May 2026

Rights of Appeal

Pursuant to Section 8.7 of the *Environmental Planning and Assessment Act 1979*, an applicant for development consent who is dissatisfied with the determination of the application by Council authority may appeal to the Court against the determination. Pursuant to Section 8.10, an appeal may be made only within 12 months after the date the decision appealed against is notified.

Review of Determination

You have the right to request a review of determination under section 8.2 of the *Environmental Planning and Assessment Act 1979*, subject to the provisions of Division 8.2 Reviews.

Ross Jauncey
Development Assessment Planner

05 May 2021
Date of Determination

**5.2 Development Application 21/0781 - Proposed Dual Occupancy
(Detached) and Subdivision - 37 Sir James Fairfax Circuit
Bowral.**



ATTACHMENT 4 DA21/0781 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 Dual Occupancy (Detached), Subdivision – 2 Lots.

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
Site /Subdivision Plan	Project #2069, Dwg 01 Issue DA	New Tradition Designs	11 November 2020
Site Plan – Lot 1	Project #2069, Dwg 02 Issue DA	New Tradition Designs	11 November 2020
Floor Plan – Dwelling 1 Lot1	Project #2069, Dwg 03 Issue DA	New Tradition Designs	11 November 2020
North Elevation - Dwelling 1 Lot 1	Project #2069, Dwg 04 Issue DA	New Tradition Designs	11 November 2020
West Elevation – Dwelling 1 Lot1	Project #2069, Dwg 05 Issue DA	New Tradition Designs	11 November 2020
Section A-A – Dwelling 1 Lot 1	Project #2069, Dwg 06 Issue DA	New Tradition Designs	11 November 2020
Site Plan 0 Lot 2	Project #2069, Dwg 07 Issue DA	New Tradition Designs	11 November 2020
Floor Plan - Dwelling 2 Lot 2	Project #2069, Dwg 08 Issue DA	New Tradition Designs	11 November 2020
East Elevation - Dwelling 2 Lot 2	Project #2069, Dwg 09 Issue DA	New Tradition Designs	11 November 2020
North Elevation – Dwelling 2 Lot 2	Project #2069, Dwg 10 Issue DA	New Tradition Designs	11 November 2020
Section B-B – Dwelling 2 Lot 2	Project #2069, Dwg 11 Issue DA	New Tradition Designs	11 November 2020
Statement of Environmental Effects	Not Referenced	Lee Environmental Planning	November 2020
Sedimentation & Erosion Control Plan	Project #2069, Dwg 14 Issue DA	New Tradition Designs	11 November 2020

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Proposed Subdivision Plan	Project #2069, Dwg 15 Issue DA	New Tradition Designs	11 November 2020
NatHERS Certificate	Q14EPRHGU3	AENEC	11 November 2020
Basix Certificate	1151544M		11 November 2020
Waste Management Plan	Not Referenced	New Tradition Design	Not Dated
Bush Fire Assessment Report	Not Referenced	Milton Drafting & Design	Not Dated

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

3. Fencing

Council's does not permit erection of any fencing other than indicated on the stamped consent drawings or specified by an environmental planning instrument as not requiring development consent.

Reason: *To prevent unauthorised erection of fencing.*

4. 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).*

5. 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.*

6. 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 Certifier (PC) for the work, and

(b) Showing the name of the principal contractor (if any) for any building work and a telephone

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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.*

**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 a Principal Certifier (PC) 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 Principal Certifier (PC) 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.

, 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 Certifier (PC), 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 Certifier (PC)

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) a Principal Certifier (PC); and
- (b) the person having the benefit of the development consent has:
 - (i) appointed a Principal Certifier (PC) for the building work, and
 - (ii) notified the Principal Certifier (PC) that the person will carry out the building work as an

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owner-builder, if that is the case, and

- (b1) the Principal Certifier (PC) 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 Certifier (PC) 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 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.*

10. Developer to provide photos of damage to Council property

The developer must provide Council and the Principal Certifier (PC) 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.

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

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11. Section 138 Roads Act 1993 Approval

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 Maritime Services for engineering design plans, Traffic Control Plans and approvals under Section 138 of the Roads Act 1993.*

Reason: *Statutory requirement.*

12. 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 Stormwater Drainage Work
- Carry out Sewer Construction Work

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

13. 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 7.11 Developer Contributions Plans are applicable to the development:

- Roads & Traffic Management Facilities

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- Resource Recovery Centre 2009
- Central Library Facility
- Section 7.11 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 7.11". 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.

14. 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.

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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
Charges valid to 30 April 2021	\$11,278.14	\$10,933.75	\$3,691.92
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/Subdivision/Occupation}** Certificate:-

Water \$255.00 + Sewer \$255.00 + Stormwater \$255.00 = \$785.00

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 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.*

15. Construction Management Plan

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To undertake development works including demolition, earthworks and construction a Construction Management Plan (CMP) is required to be submitted and approved by Council prior to issue of the Construction Certificate. The CMP shall indicate measures to be implemented to protect the environment as well as public health, safety and convenience. The CMP 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 (TCP)

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

16. Stormwater - Control of Peak Discharge

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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.*

17. 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.*

18. 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.*

19. Waste Management Plan - Construction Waste

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.*

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20. 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.*

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE SUBDIVISION WORKS
CERTIFICATE**

21. Application for a Subdivision Works Certificate

Subdivision work in accordance with the consent shall not be commenced until a Subdivision Works Certificate has been applied for and issued by Council, pursuant to Section 6.13 of the *Environmental Planning and Assessment Act 1979*. The application for a Subdivision Works Certificate needs to be

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accompanied by detailed engineering plans and specifications and completed design checklists found in Council's Engineering Policies.

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

22. Appointment of Principal Certifier (PC)

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

- (a) A Subdivision Works Certificate for the subdivision work has been issued by:
 - (i) the consent authority; or
 - (ii) a Principal Certifier (PC); and
- (b) the person having the benefit of the development consent has:
 - (i) appointed a Principal Certifier (PC) for the subdivision work, and
 - (ii) notified the Principal Certifier (PC) that the person will carry out the subdivision 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 subdivision work who must be the holder of a contractor licence if any residential building work is involved, and
 - (ii) notified the Principal Certifier (PC) 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 subdivision 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 subdivision work.

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

23. 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 Subdivision Certificate.

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

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CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

24. 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 the Principal Certifier (PC):

- (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 Certifier (PC) (either Wingecarribee Council or another Principal Certifier).
- (c) Details of the Principal Contractor or Owner Builder:
 - Name
 - Builders Licence Number or Owner Builder Permit Number
 - Principal Contractor Company Name
 - Principal Contractor ABN
 - Address of Principal Contractor or Owner Builder
 - Email Address
- (d) Copy of the HBCF Insurance Certificate (if residential building works exceed \$20,000) or Owner Builder Permit.
- (e) Details demonstrating compliance with development consent conditions relevant prior to commencement of the development been satisfied.

Reason: *Statutory requirement.*

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

25. 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.*

26. Subdivision Works Certificate & Appointment of Principal Certifier (PC)

Subdivision work in accordance with a consent must not commence until:

- (a) A Subdivision Works Certificate has been issued.

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(b) The person having the benefit of the development consent has appointed the Principal Certifier (PC).

(c) The Principal Certifier (PC) (if not Council) has, no later than two (2) days before the subdivision work commences, notified the Council (or other consent authority where applicable) of the Principal Certifier's (PC) appointment.

(d) The person having the benefit of the consent has given at least two (2) days' notice to the Council of the person's intention to commence the subdivision work.

Advice: Crown work certified in accordance with Part 6 of the Environmental Planning and Assessment Act 1979 is exempted from the above requirements.

Reason: Statutory requirement.

27. 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.

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

Prior to any works being undertaken within the road reserve, the Developer must obtain approval

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from Council (as the Roads Authority and / or as required under Section 138 of the *Roads Act 1993*). 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 the approved development plans and proposed works to be undertaken.
- Plans and adequate documentation which validate that the required works are in accordance with Councils Engineering Plans and Specifications and relevant standards.
- 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.*

29. 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.*

30. 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.*

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ATTACHMENT 4 DA21/0781 Draft Conditions of Consent

CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

31. 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.*

32. 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 form 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.*

33. 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.*

34. 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

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separate approval prior to the construction of the retaining wall.

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

35. 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) Sewer / water main extensions/augmentations.
- (b) Works in relation to road reserves, footpath, kerb and gutter, road shoulder and drainage within public lands or road reserves.
- (c) 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.*

36. 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.*

37. 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.*

38. 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.*

39. 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

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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.*

40. 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 carrying out of works in the development.

Reason: *Health and amenity.*

41. Dust Control

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*

42. 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.*

43. Construction Management Plan

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

44. Building Operations

Building operations such as brick cutting, washing tools or brushes and mixing mortar are not

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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.*

45. 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.*

46. 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.*

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

47. 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.

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The Principal Certifier (PC) 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.*

48. 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.*

49. 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.*

50. 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

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(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.*

51. 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.*

52. Civil Engineering works and services

All civil engineering works and services are to be constructed in accordance with the Wingecarribee Shire Council Engineering Plans and Specifications, relevant Standards and approved engineering plans prior to the issue of the Occupation Certificate.

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

53. Residential Driveway

A standard concrete vehicular gutter layback and concrete footpath crossing (how many) metres wide at the property boundary and across the road reserve, shall be constructed at the driveway entrance in accordance with Council's Plan Nos SD107 and SD123 prior to issue of the Occupation Certificate.

Reason: *To ensure that the driveway is constructed to Council's standard specification.*

54. Vehicle Access (Urban)

Access to the site shall be provided by means of a vehicle crossing per lot as per Standard Drawing **SD107 or SD123** 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 Council's standard specification.*

55. Engineering Details in DXF Format

The Developer shall provide a copy of the Work As Executed information on disk in DXF format prior to the issue of the Occupation Certificate. The developer may contact Council's GIS Officer for further details and technical specifications.

Reason *To ensure appropriate records are held and asset management.*

Note: *The successful handover of constructed assets to Council resulting from new developments must be accompanied by the work as executed (WAE) documents specified on the Council Website: <http://www.wsc.nsw.gov.au/engineering-standards>.*

Failure to provide completed documents in this format will result in a delay in the issue of the Occupation Certificate and retention of bonds held until such time as Council have deemed the WAE information to be complete in the required format. The standards are updated as required; please

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ensure you are using the correct version. Please note the work as executed information requirements include providing surveyed levels for all underground assets. WAE Information submitted must be checked and signed off by a Registered Surveyor or suitably qualified Engineer.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

56. Subdivision Certificate

An application for a Subdivision Certificate shall be lodged with Council or an Accredited Certifier (in accordance with Section 6.15 of the *Environmental Planning and Assessment Act 1979*) for approval to enable the subdivision plans to be submitted to and registered with NSW Land Registry Services. Should the Subdivision Certificate application be lodged with Council, a final plan of subdivision and 3 copies shall be included with the application.

All works specified in Council's development consent and approved Subdivision Works Certificate plans shall be completed and all development consent conditions complied with prior to issue of the Subdivision Certificate.

The application for a Subdivision Certificate is to be accompanied by supporting documentation outlining how each condition of consent has been complied with.

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

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.*

57. Section 138 Roads Act Final

The applicant is to ensure that works associated with any Section 138 approval for the development are completed and inspected by Council prior to the issue of the Subdivision Certificate.

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

58. 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 the Subdivision Certificate.

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

59. Occupation Certificate

No subdivision Certificate shall be granted for the development unless an occupation certificate has been granted for both dual occupancy dwellings in the development.

Reason: *To ensure the development's dual; occupancy (detached) component is satisfactorily completed prior to any subdivision of the land.*

60. Asset Management

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The developer shall provide a detailed summary of the Assets that will be handed to Council at the end of the maintenance period prior to the issue of the Subdivision Certificate. The details shall be provided in a tabular form so as to allow Council to update its Assets register.

The assets to be identified include:

- Roadways length and width and type of surface
- Drainage systems length and size of pipes, number of pits, total area (m²)
- Sewer
- Water
- Open Space and total area being dedicated (m²)

Reason: *To ensure appropriate asset management.*

61. Defects and Liability Bond for Public Assets - Civil Works

Prior to the issue of any Subdivision Certificate the developer shall lodge a cash bond to cover the defects liability period of 24 months for any public infrastructure constructed by them which will be handed over to council. The liability period will commence from the date of issue of the Subdivision-Certificate.

The security bond will be in an amount equal to 10% of the value of the total civil works with a minimum value of \$10,000 based on the civil costs supported by written evidence in accordance with Council's Bond Policy. The bond shall be assessed by Council for release after the 24 month period on formal request from the developer.

Reason: *To ensure appropriate warranty periods apply for defect liability.*

62. Provision of Services

A separate access, sewer connection, storm water drainage connection, water service and electricity supply shall be provided to each allotment within the subdivision at the applicants expense prior to the issue of the Subdivision Certificate.

All property services shall be located within the lots that they serve in accordance with Wingecarribee Shire Council Engineering Design and Construction Specifications, Drawings and relevant Standards. The applicant shall provide to Council written confirmation of compliance.

Reason: *To ensure that all available services are provided to each lot within the subdivision.*

63. Provision of Reticulated Sewer to Each Lot

Reticulated sewer service shall be constructed to each allotment in accordance with the approved civil engineering plans prior to the issue of the Occupation Certificate.

Sewerage mains shall be constructed to serve the development.

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

64. Construction of Sewer Sidelines

Sidelines and junctions shall be installed for sewer connections to the development by Council at the

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Developer's cost prior to the issue of the Occupation Certificate.

Council's application form shall be completed by the applicant and the appropriate fee paid.

If the sideline is to be extended from a sewer main in adjoining property, written permission of the affected landowner allowing work to be undertaken, shall be submitted with the application form.

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

65. Construction of Water Service

A 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.*

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

66. Landscaping Plan

Landscaping as per the approved Landscaping Plan shall be established prior to the issue of the Subdivision Certificate.

Reason: *To ensure that the landscaping is completed prior to completion of the subdivision.*

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

67. Use not to Commence

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

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

68. Erosion Control on Completed Developments

Adequate erosion and sediment control measures shall be maintained in place where necessary until site stabilisation and revegetation is finalised.

Reason: *To protect the environment.*

INTEGRATED DEVELOPMENT CONDITIONS

69. General Terms of Approval - NSW Rural Fire Service

General Terms of Approval have been granted by the NSW Rural Fire Service for the development pursuant to section 100B of the *Rural Fires Act 1997* dated 10 March 2021 without any specific conditions.



BUSH FIRE SAFETY AUTHORITY

Subdivision – Torrens Title Subdivision
37 Sir James Fairfax Circuit Bowral NSW 2576, 231//DP1239600, 231//DP1239600
RFS Reference: DA20201125004414-Original-1
Your Reference: 21/0781 (CNR-15030)

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

Kalpana Varghese
Team Leader, Dev. Assessment & Planning
Planning and Environment Services

Wednesday 10 March 2021



ADVISORY MATTERS

Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's mobile network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Commonwealth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

END OF CONDITIONS

5.3 Development Application 21/1138 -Proposed Dwelling House at 41 Hoddle Street, Robertson.

Reference: DA21/1138
Report Author: Accredited Certifier Fire Safety and Pools
Authoriser: Manager of Certification and Compliance

PURPOSE

The purpose of this report is to consider Development Application 21/1138, which seeks consent for a new dwelling house and detached garage at 41 Hoddle Street, Robertson. The subject application is referred to the Independent Advisory Planning Panel for determination, consequently this report is prepared and recommends **APPROVAL**, subject to attached conditions of consent (Attachment 2).

Consultants	PRD Architects Green Earth Tree Consultancy Thermal Comfort solutions Architecture + Planning
Notification Period	20 January 2021 to 10 February 2021
Number of Submissions	1
Zoning	B2- Local Centre
Political Donations	None Identified
Reason for Referral to Panel	Resolved by Council to be determined by full Council

RECOMMENDATION

THAT Development Application 21/1138 for the proposed dwelling house and detached garage at Lot 1 DP 121172 No 41 Hoddle Street, Robertson be **APPROVED** subject to draft conditions as described in Attachment 2 to the report.

REPORT

Subject Site and Locality

The subject site is identified as Lot 1 DP 121172, 41 Hoddle Street, Robertson (Figures 1 & 2). The site is zoned B2 – Local Centre under Wingecarribee Local Environment Plan 2010 with a land area of 860 sqm. The site is not listed as containing an item of heritage or is located within a Heritage Conservation Area.

The site is generally located between the Caalong and Wallagunda Street intersections, with the surrounding land uses comprising of a mixture of both residential and commercial uses.

The site is currently vacant and does not contain any significant vegetation and is entirely grassed with some shrubs adjacent the western boundary. The entire site is generally level with minimal fall towards the northern end of the site being Hoddle Street, Robertson

The site is fully serviced by Council's reticulated sewer and water services.

**AGENDA FOR THE INDEPENDENT ADVISORY PLANNING
ASSESSMENT PANEL MEETING**

Wednesday 05 May 2021

DEVELOPMENT APPLICATIONS



Figure 1 - Site Location



Figure 2 - Aerial Image

BACKGROUND

The application was called up to full Council by resolution and accordingly has been referred to the Independent Advisory Planning Assessment Panel Meeting for determination.

Due to the proposed development containing a number of departures to the controls of the Robertson Village Development Control Plan the application was neighbour notified in accordance with Council's adopted Community Participation Plan (CPP). The number and nature of the submissions will be discussed under the heading Public Participation within this report.

PROPOSED DEVELOPMENT

The proposed development is for a two storey 21.6 sqm one-bedroom dwelling with an upstairs loft and storage room within the roof space. An 8.1 sqm timber deck off the living area / northern elevation and an ancillary detached double garage are also proposed.

The site will be landscaped as per the planting schedule comprising of boundary screen planting and hedges along with timber pergola and paved areas.

(Refer to Attachment 1 – Plans)

(Refer to Attachment 2- Condition 32- Landscaping)

STATUTORY PROVISIONS

State Environmental Planning Policies

State Environmental Planning Policy No 55 – Remediation of Land

Clause 7 of SEPP 55 requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land, and to be satisfied that the land is suitable for the proposed use. After undertaking a desktop search using Council's Property and Rating database, Council is satisfied the land is not a site of possible contamination and therefore no further assessment is required.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The site is located within the Wingecarribee River Sub-catchment. Compliance with the provisions of the SEPP and associated guidelines is therefore required to consider water quality. The development is a Module 1 under the NorBE Guidelines and therefore Council has assumed concurrence to consider water quality. The NorBE Tool was used to determine that the development can achieve a neutral or beneficial effect on water quality.

SEPP – BASIX

The proposed development is defined as BASIX affected development. The applicant has submitted a current BASIX certificate (1165731S) including a summary of all BASIX commitments being indicated on the plans submitted with the application.

Local Environmental Plans

Wingecarribee Local Environmental Plan 2010

The relevant provisions of the LEP are discussed as follows:

Clause 2.3 Zone objectives and land use table

The site is zoned B2 – Local Centre and in this zone a dwelling house is not listed in item 2 as being permitted without consent nor item 4 as being prohibited. Therefore as specified in item 3 a dwelling house being any other development not specified in item 2 or 4 is permissible with consent.

The objectives of the B2 zone are:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To generally conserve and enhance the unique sense of place of business centre precincts by ensuring that new development integrates with the distinct urban scale, character, cultural heritage and landscape setting of those places.*
- *To provide opportunities for a compatible mix of residential living above retail, commercial, recreational, cultural and community activities at street level.*
- *To ensure that adequate provision is made for infrastructure that supports the viability of business centre precincts, including public car parking, traffic management facilities, public transport facilities, cyclist facilities, pedestrian access paths, amenities, facilities for older people and people with disabilities and general public conveniences.*

AGENDA FOR THE INDEPENDENT ADVISORY PLANNING ASSESSMENT PANEL MEETING

Wednesday 05 May 2021

DEVELOPMENT APPLICATIONS



- *To maximise the efficient use of land in business centre precincts to promote more compact and accessible places.*
- *To ensure that new development has regard to the character and amenity of adjacent and nearby residential areas.*

The proposal is largely consistent with the aims and objectives of the zone, which will be demonstrated and discussed throughout this report.

Development Control Plans

Robertson Village Development Control Plan

The applicable sections of the Robertson Village DCP are addressed below:

Part B – Business Zoned Land

B2.2 Hoddle Street Character Statement

The Hoddle Street precinct is the commercial and community focus of activity within the village, the applicant has provided a character statement reflecting the form, materials and low scale of contributory buildings in the streetscape.

B2.3 Height of Buildings

The proposed two storey dwelling has a proposed height of 4.6m from the existing ground level to the ridge line which is compliant with the 5 metre height control that is applicable to the business zoned areas of the Robertson Village.

B2.4 Building Design

It is required that all new development along Hoddle Street fronts the main street. The applicant has provided a character statement proposing that the development serves to maintain the visual curtilage of the adjacent former church at 37 Hoddle street and maintains the spacious character of the setting formerly part of the grounds to the church. The proposed development also maintains building forms, roof pitches and articulation of contributory building in the streetscape.

Given the proposed residential development is located at the rear of the allotment adjacent Alcorn Lane it is considered that this provides future opportunity for development adjacent the Hoddle Street frontage.

B11.3 Residential Development in Business Areas – Controls

The proposed development has been assessed against the relevant design controls of Part C (see below). The proposed building complies with the height controls of B2.3 as identified above. The neighbouring properties to the east and west both have residential components of their current uses and it is considered that the proposal is therefore consistent with the surrounding land uses. The generous setback to the Hoddle Street frontage is considered to alleviate any potential noise issues associated with existing commercial activity in the area.

Considerable landscaping to the North of the dwelling is considered to provide private open space for the occupants. Vehicular access to the site is provided from Alcorn Lane which is consistent with adjoining premises.

B11.4 Dual Occupancy & Secondary Dwellings

It is noted that the proposed site plan refers to a proposed future dual occupancy towards the front of the allotment facing Hoddle Street. Given the controls of B11.4 identify that an allotment of 1000 sqm is required for any Dual Occupancy or Secondary Dwelling within the B2 Zone it is recommended that should consent be granted a condition be imposed that any future Dual Occupancy is not approved by this consent and is subject to a future

development application. **Refer to Attachment 2 – Condition 6 - No Approval for Dual Occupancy.**

Part C – Residential Zoned Land

C1.5 Building Materials

A combination of timber wall cladding (spotted gum) with a pre-coloured custom orb roofing (Woodland Grey) is proposed for the development which is suitable and in keeping with other developments in the vicinity.

C1.8 Temporary Development

The applicant proposes temporary accommodation of a Caravan on site for 12 months during construction of the proposed dwelling. The amended site plan indicates the caravan will be sited at the southern end of the site adjacent the proposed dwelling. It is considered that the temporary caravan will not affect the visual amenity of the area and should consent be granted a condition is recommended limiting the occupation of the caravan for a period of twelve months or for the duration of the construction period whichever is shorter.

C2.4 Development Density and Scale

The maximum permissible area of development footprint is 65% of the site area on lots less than 2000 sqm Therefore the proposed development footprint of 8% meets this control.

C2.5 Dwelling Orientation

The proposed dwelling is sited in a Northerly direction and is considered to achieve a minimum of three hours direct sunlight to key living spaces on June 21st.

C2.6 Front Setbacks

The proposed front setback from the Hoddle Street frontage to the proposed dwelling is 39.2m which exceeds the minimum numerical setback control of 4.5m for lot sizes less than 900 sqm.

The existing building line relating to the subject section of Hoddle Street is inconsistent and includes a range of setbacks from zero frontage to approximately 10m. Whilst the proposal is not located within this setback range it is located at the rear of the lot adjacent Alcorn Lane which is considered to be an acceptable development outcome given the scale of the proposal is in keeping with surrounding outbuildings that face the laneway and allows provision for future permissible development towards the front of the site.

C2.7 Side Setbacks

The proposed development proposes side setbacks of 1.5m which exceeds the minimum required setback of 0.9m required on lot sizes less than 900 sqm.

C2.8 Rear Setbacks

The proposed development has a rear setback to Alcorn Lane of 6m which exceeds the minimum required rear setback control of 3.0m-8.0m on lots sizes less than 900 sqm.

C2.9 Building Height

The proposed two storey dwelling meets the 5m height control of Part B.

C2.10 Roof Forms

The dwelling has a pitch of 45 degrees to the main portion of the roof and 10 degrees for the verandah. The detached garage has a pitch of 25 degrees. This is considered to be sympathetic and consistent with other roofs in the area.

C2.12 Garaging and Driveways

Given the depth of the garage (6.16m) in relation to that of the dwelling (4.8m) the garage extends 2.8m closer to the Hoddle Street frontage than the dwelling and therefore does not strictly conform to the requirements of Part C2.12(f) of the DCP as it is forward of the front building alignment.

It is considered that as the garage is located at a significant setback to Hoddle Street and given the vehicle access opening presents to Alcorn Lane it does not pose a dominating presence to the main frontage. Adjoining properties and those in the immediate surrounds have established parking in similar locations to that proposed and therefore the proposal is considered to be consistent with the controls to respect the current street pattern contained within Part C2.12.2(a). Given the generous front setback, it is not anticipated that negative streetscape implications will result from the proposed garage location and given it is consistent with the established pattern of development in the immediate surrounds the proposed garage location is supported in this instance.

C2.13 Landscaped Open Space

A detailed landscaped plan has been submitted with the application. The lot will have a landscaped open space of approximately 90% of the site area which exceeds the minimum control of 35% of lots less than 2000 sqm.

Section 4.15 Evaluation

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

It has been demonstrated the DA complies with the *Wingecarribee Local Environmental Plan 2010*.

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

Not applicable in this instance (no relevant draft plans).

(iii) any development control plan, and

It has been demonstrated the development satisfactorily complies with the relevant controls or the Robertson DCP.

(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

Not applicable.

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

Not applicable.

**AGENDA FOR THE INDEPENDENT ADVISORY PLANNING
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Wednesday 05 May 2021

DEVELOPMENT APPLICATIONS



- (v) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*

Not applicable.

- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

Impacts of the Development

[s4.15(1)(b)]

<i>Context & Setting</i>	<ul style="list-style-type: none"> - The likely impacts of the development on the context and setting are considered reasonable. - The proposed development will not adversely impact on the streetscape or amenity of adjoining lots, by means of scale, bulk or height. - Neither views, privacy or solar access will be significantly reduced. - The development is not visually intrusive. External materials and finishes have been considered and while a subjective judgment, these have been considered to be satisfactory.
<i>Access, Transport and Traffic</i>	<ul style="list-style-type: none"> - A Section 138 Roads Act approval is required for the construction of the driveway crossover. - The parking provisions have been considered and found to be satisfactory based on the AS and Council's parking controls
<i>Public Domain</i>	<ul style="list-style-type: none"> - The subject residential development will not have an adverse impact on the public domain.
<i>Utilities</i>	<ul style="list-style-type: none"> - Council reticulated water supply and reticulated sewer is available. - Electricity and communications are available to the subject site subject to provision by the relevant service provider.
<i>Heritage</i>	<ul style="list-style-type: none"> - The property is not listed as having heritage significance by Sch. 5 of the Wingecarribee LEP 2010. - The site is not known to be culturally significant or having indigenous heritage value.
<i>Air and Microclimate</i>	<ul style="list-style-type: none"> - The subject development will not give rise to any significant air pollution or other emission.
<i>Soils</i>	<ul style="list-style-type: none"> - The subject development will not have any significant soils impacts. - Excavation is proposed - solely for footing installation. - The site is not subject to any significant soils constraints, i.e. is not noted as acid sulphate, highly erodible, saline or of high productive value. The reactivity of the soil has been considered and the footing design is considered appropriate.
<i>Energy</i>	<ul style="list-style-type: none"> - The proposed development does not have a high energy requirement. - The proposed development is adequately served by the energy provision to the subject site. - BASIX energy conservation measures will apply to the subject development and will have beneficial impacts.
<i>Noise and Vibration</i>	<ul style="list-style-type: none"> - The proposed development will not give rise to any significant noise or vibration generation, beyond typical residential uses.

Impacts of the Development

[s4.15(1)(b)]

<i>Natural Hazards</i>	<ul style="list-style-type: none">- The adjoining developments are adequately separated to ensure minimal additional impacts.- No natural hazards are noted by Council's GIS mapping as affecting the site.- The subject site is not noted as flood or bushfire prone land by Council's mapping.
<i>Technological Hazards</i>	<ul style="list-style-type: none">- No technological/man-made hazards are noted as affecting the site or characteristic of the subject development.- Whilst primarily the subject of the Construction Certificate (CC) assessment process, the overall fire safety of the development has been considered and the subject development is not characterised by excessive fire risk.
<i>Social and Economic Impacts in the Locality</i>	<ul style="list-style-type: none">- The single-residential nature of the development will not give rise to any noted adverse social impacts.
<i>Site Design and Internal Design</i>	<ul style="list-style-type: none">- The design is not insensitive to site conditions, including constraints such as topography, vegetation, easements, etc.
<i>Cumulative Impacts</i>	<ul style="list-style-type: none">- The proposed development is not excessive when considered in a wider context and will not give rise to excessive cumulative impacts.

(c) the suitability of the site for the development,

The proposed development is considered suitable in the given locality. There are no constraints posed by adjacent developments that would prohibit this proposal. There are adequate utilities and services available to the proposed development where necessary. The air quality and microclimate are appropriate for the development, there are no hazardous land uses or activities nearby, and ambient noise levels are suitable for the development.

The site is not subject to natural hazards including flooding or bushfire prone land. The soil characteristics are appropriate for the development, and there are no critical habitats, or threatened species, populations, ecological communities or habitats on the site. The development will not prejudice future agricultural production and there are no known mineral or extractive resources on the site.

(d) any submissions made in accordance with this Act or the regulations,

Refer to the Consultation section of this report.

(e) the public interest.

The proposed development is consistent with the objectives of Wingecarribee Local Environmental Plan 2010, and is considered to be in the public interest.

AGENDA FOR THE INDEPENDENT ADVISORY PLANNING ASSESSMENT PANEL MEETING

Wednesday 05 May 2021

DEVELOPMENT APPLICATIONS

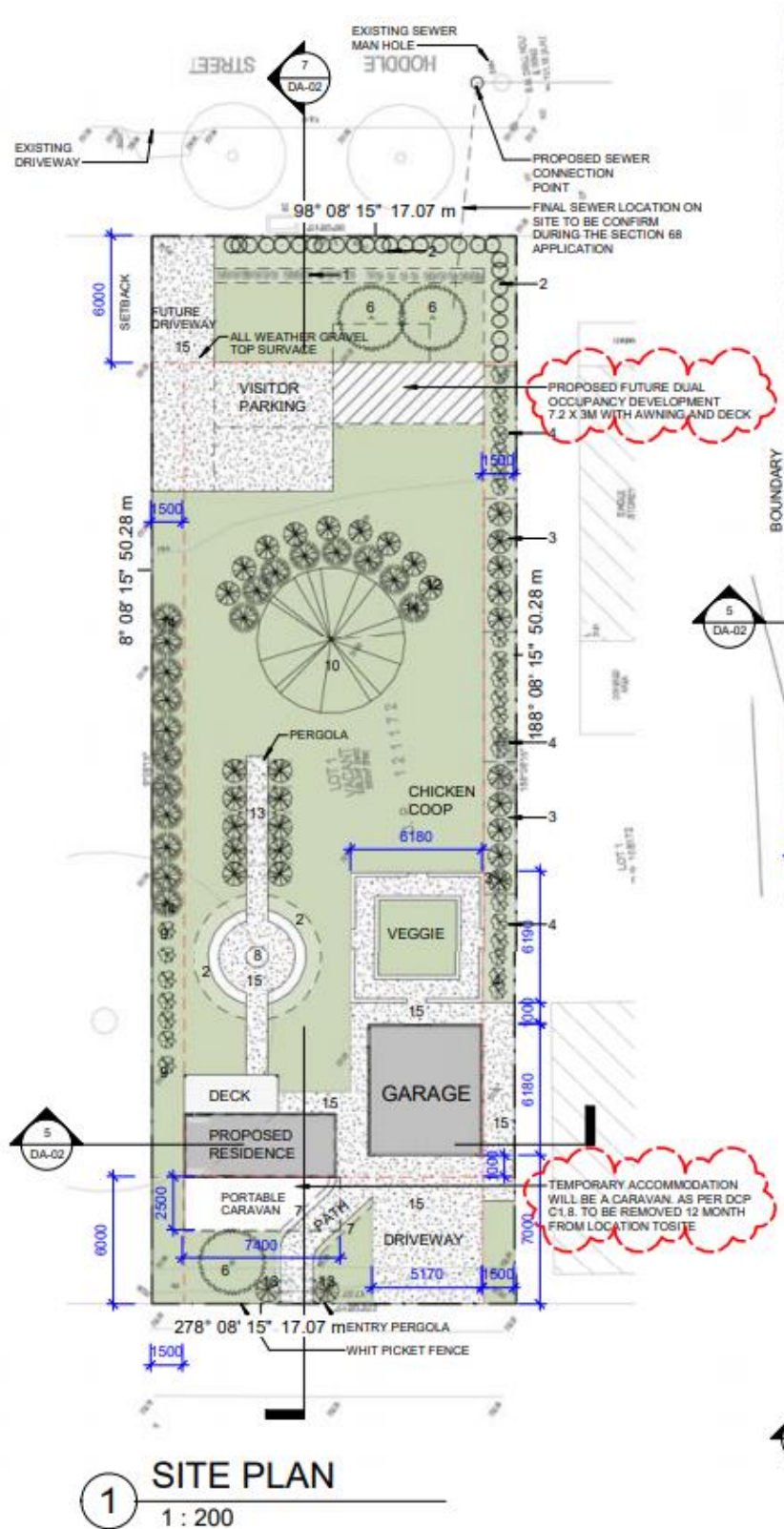


Figure 3 - Site Plan Extract

COMMUNICATION AND CONSULTATION

Internal Referrals

Referrals	Advice/Response/Conditions
Heritage Advisor	<p>Although the site is not listed as being located within a heritage conservation area nor listed as a heritage item Councils Heritage Advisor was referred the application for comment due to the proximity of other heritage items within Hoddle Street.</p> <p>The comments received indicate the proposed development does not negatively impact Hoddle Street and is therefore acceptable from a heritage perspective.</p>

Neighbour Notification (or Advertising)/Public Participation

The development application was Neighbour Notified/Advertised for a period of 21 days between 20 January 2021 and 10 February 2021 and during this time Council received one (1) submission. The issues raised in the submission has been summarised and are considered below:

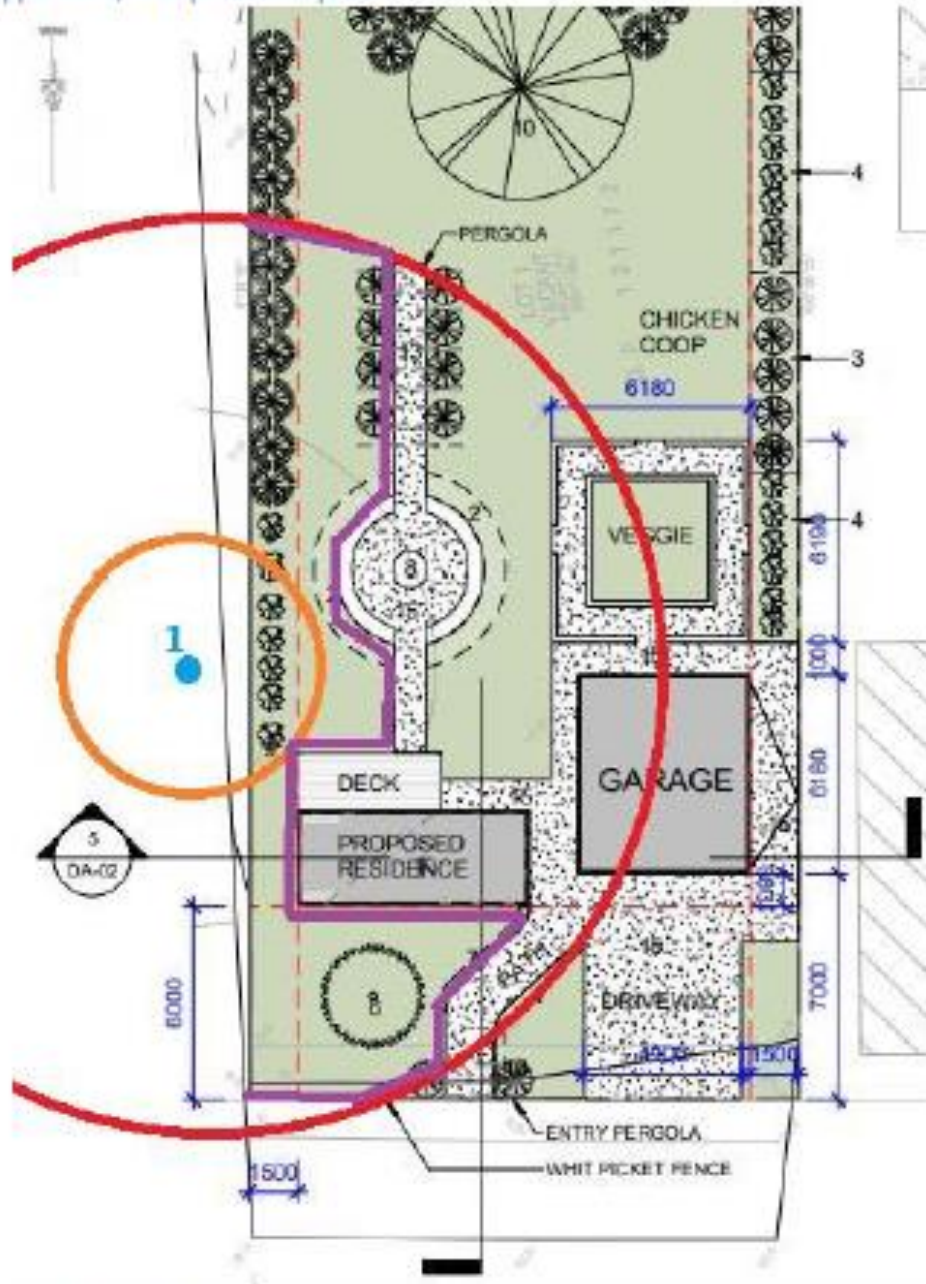
Issue 1:

- Disturbance to the Memorial Pine tree during construction on the adjoining property being 37 Hoddle Street.

Comment:

- An Arboricultural Impact Assessment Report was requested and has been submitted to Council, the report summaries that the tree is subject to a minor encroachment and given suitable protection measures can be retained relative to the proposed development.
- Should consent be granted the Tree Protection Plan and tree protection measures shall be conditioned in the consent. **Refer to Attachment 2- Condition 15 -Tree Protection Measures.**

Appendix 3; Tree protection plan



Plan 2; tree protection plan. Source: PRD Architects.

Not to scale. The location of tree No. 1 is an approximation (see section 3.8.2). The orange circle indicates the approximation of the SRZ. The red circle indicates the approximation of the TPZ. The purple lines indicate the required TPZ fencing.

Figure 4 -Tree Protection Plan

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DEVELOPMENT APPLICATIONS



Issue 2:

- The location of the temporary on-site caravan given the original plans show the location of the caravan at the Hoddle Street frontage end of the site.

Comment:

- Amended plans have been submitted relocating the caravan to the southern end of the site adjacent the dwelling and Alcorn Lane. The impacts of the amended site on the Hoddle Street frontage and the adjoining premises are considered to be minimal. **Refer to Attachment 2 - Condition 7 Temporary Caravan Accommodation.**

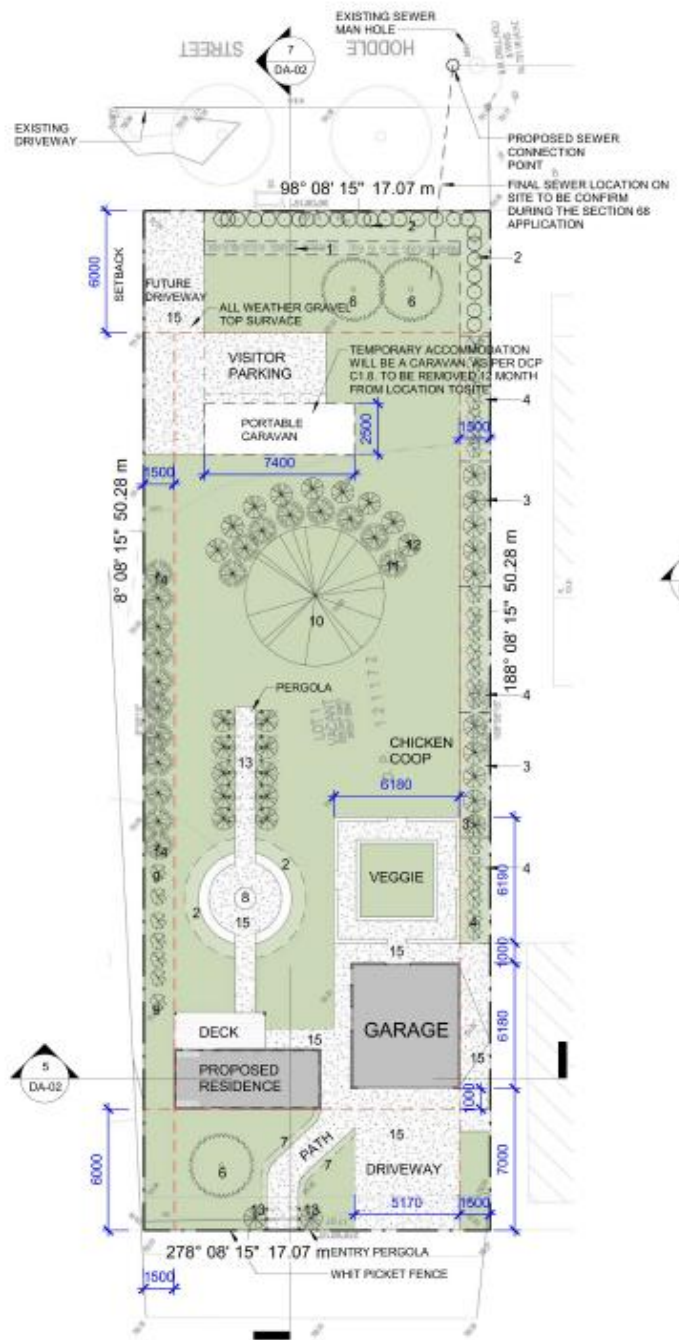


Figure 6 - Original Plan of Proposed Caravan Location

**AGENDA FOR THE INDEPENDENT ADVISORY PLANNING
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DEVELOPMENT APPLICATIONS

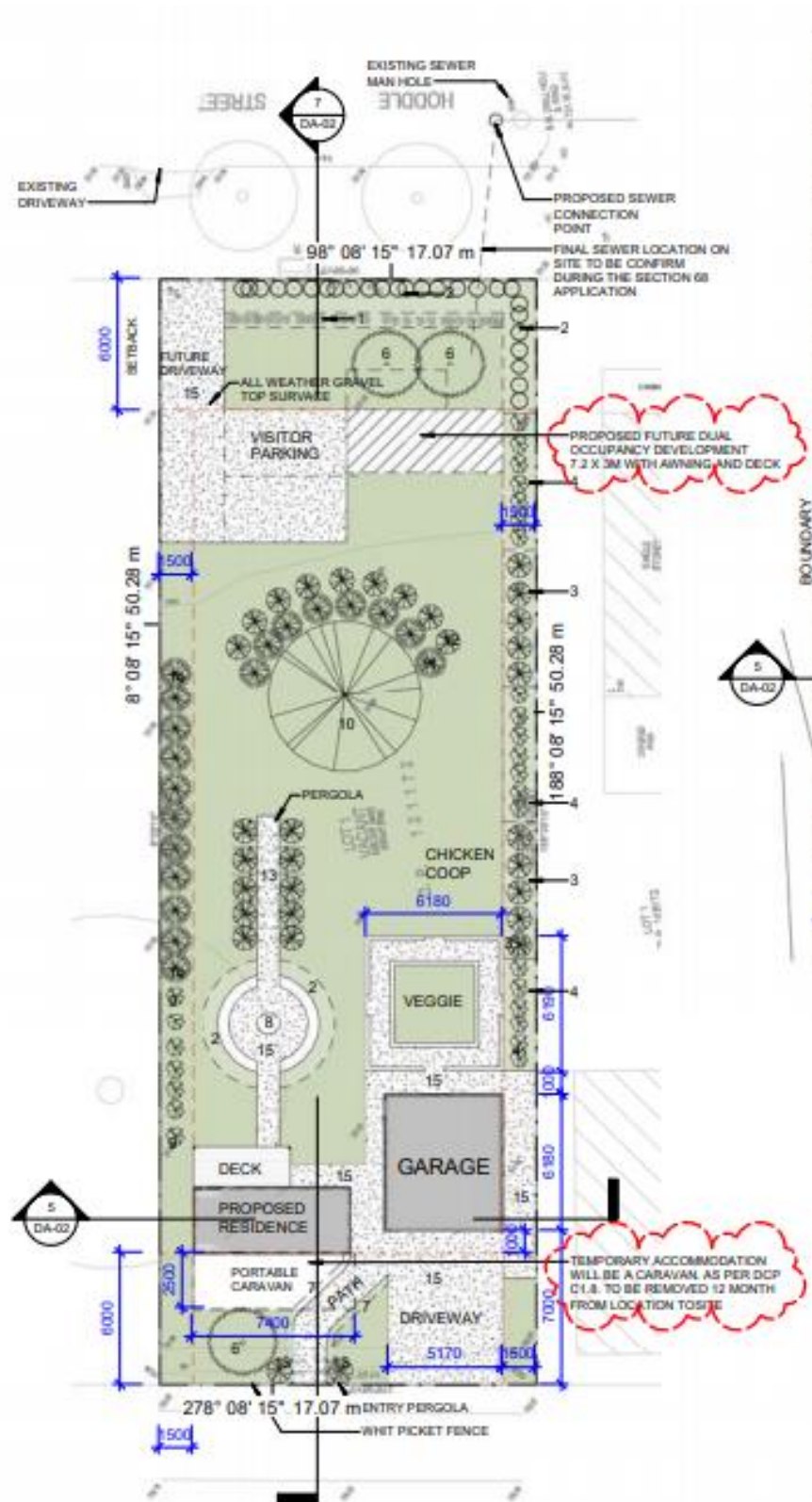


Figure 7 - Amended Plan of Proposed Caravan Location

**AGENDA FOR THE INDEPENDENT ADVISORY PLANNING
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Wednesday 05 May 2021

DEVELOPMENT APPLICATIONS



SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

There are no broader economic implications in relation to this report.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The development application has been considered in accordance with the *Wingecarribee Local Environmental Plan 2010*, section 4.15 of the *Environmental Planning and Assessment Act 1979* and any other matters relevant to the development

COUNCIL BUDGET IMPLICATIONS

The financial implications of Independent Advisory Assessment Panel decision in this matter are directly related to the legal implications. The possibilities are detailed as follows:

- Should the applicant choose to appeal a refusal, or pursue a deemed refusal, by Council through the Land and Environment Court and lose, the question of cost with regard to Council's legal representation would be determined by the extent of the reasons for refusal;
- Should the applicant choose to appeal a refusal, or pursue a deemed refusal, by Council through the Land and Environment Court and win, the question of cost would be dependent upon the extent of the reasons for refusal;
- Should any person choose to take out Class 4 proceedings against Council to the Land and Environment Court and lose, the question of cost with regard to Council's legal representation would be calculated at the appropriate time;
- Should any person choose to take out Class 4 proceedings against Council to the Land and Environment Court and win, the question of cost would still be calculated at the appropriate time;
- Should the applicant make no appeal, or proceedings not be taken out by another party, to the Land and Environment Court regardless of the determination, the application would result in no further financial implication to Council.

RELATED COUNCIL POLICY

An assessment of the proposal has been made against the *Wingecarribee Local Environmental Plan 2010*, *Community Participation Plan* and *Robertson Development Control Plan*.

**AGENDA FOR THE INDEPENDENT ADVISORY PLANNING
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DEVELOPMENT APPLICATIONS



CONCLUSION

It is recommended that Development Application 21/1138 which seeks approval for a dwelling house and detached garage at 41 Hoddle Street Robertson be supported subject to conditions.

The proposal is considered satisfactory in terms of section 4.15 of the EPA Act 1979; therefore it is recommended that the development application be approved, subject to the attached draft conditions of consent nominated in **Attachment 2**.

ATTACHMENTS

1. Plans
2. Conditions
3. Tree Protection Plan



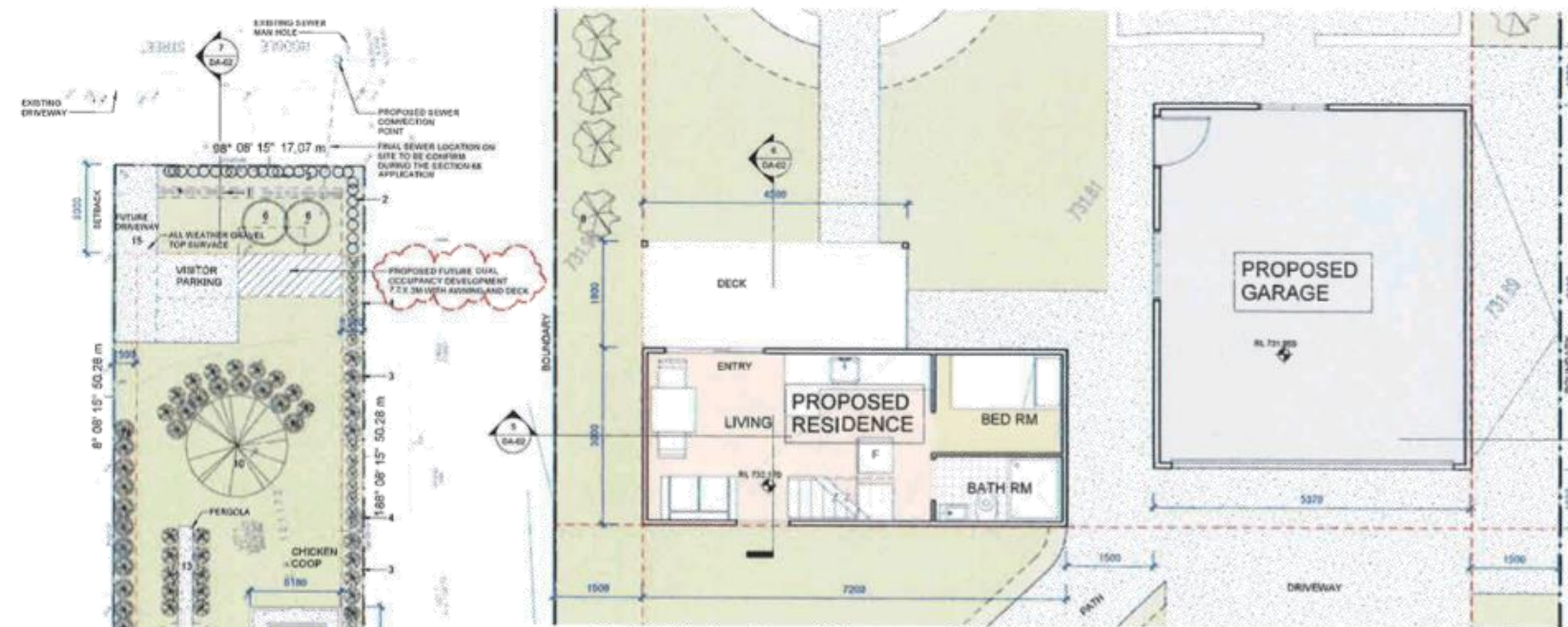
PROPOSED NEW RESIDENCE

41 HODDLE STREET, ROBERTSON
 LOT 41, D.P 121172

Do not scale drawings. Approximate dimensions only. Referenced dimensions to be confirmed on site. The location of any existing structures, trees and other site features should be confirmed on site. The location of any existing structures, trees and other site features should be confirmed on site.

NOT FOR CONSTRUCTION
 PRELIMINARY

REV	REVISION DESCRIPTION	DATE	BY
1	CLIENT REVIEW	18/02/21	HS
2	ISSUE FOR DA	17/03/21	HS
3	DA ISSUE	13/01/21	HS
4	RPI	14/01/21	HS
5	DA ISSUE	18/01/21	HS
6	DA RPI	15/03/21	OC



BASIX COMMITMENTS

- WINDOWS**
 Glazing Doors/Windows
 Group B – sliding doors/windows + fixed glazing + louvered windows
 U-value: 4.90 (equal to or lower than) SHGC: 0.33 (±10%)
 Given values are AFRC total window system values (glass and frame)
 Note: Opening percentages modelled as per BASIX Thermal Protocol – 4.14.2 and NatHERS Technical Note
 -8.5 regarding restricted opening safety requirements
- SKYLIGHT**
 None
- EXTERNAL SHADING**
 Covered Deck and awning for windows facing east and west
- FLOOR**
 Suspended timber floor
- Floor coverings**
 Vinyl planks
- WALL**
 External Wall
 Insulated wall panel 75mm (Bondor panel or similar)
 External Colour: Light
 Walls within dwellings
 Insulated wall panel 50mm (Bondor panel or similar)
- ROOF and Ceiling**
 Insulated roof panel 75mm (Bondor panel or similar) + 55mm anticon blanket or similar
 Colour
 Dark
- Ceiling Penetrations**
 Sealed LED downlights, 1 by 2.5m²
- VENTILATION**
 All external door has weather seals, all exhaust fans and chimneys have dampers, and downlights proposed
 will have capped fittings
- CEILING FAN**
 One ceiling fan (1200 mm diameter) to living area

1 SITE PLAN
 1: 200

- TREE LIST**
- 1 - MANDARIN
 - 2 - MURRAYA
 - 3 - VEITCHIIUM
 - 4 - VITINA
 - 5 - BUKUS JAPANICA
 - 6 - GOLDEN ROBINIA
 - 7 - JAPANESE BOX
 - 8 - PAVED FIRE PIT & STONE SEAT
 - 9 - BRADFORD PEAR
 - 10 - ENGLISH OAK
 - 11 - WHITE CHERRY BLOSSUM
 - 12 - PINK CHERRY BLOSSUM
 - 13 - WESTERIA COVERED PERGOLA
 - 14 - POPULAS
 - 15 - PATHWAY & DRIVEWAY, DECOMPRESSED GRANITE

2 FLOOR PLAN
 1: 50

3 LOFT
 1: 50

4 ROOF PLAN
 1: 100

TEMPERARY ACCOMMODATION
 THE TEMPORARY ACCOMMODATION IS TO BE A PORTABLE CARAVAN. THE CARAVAN IS TO COMPLY WITH THE WSC DCP CL 8.1 TIME FRAME AND SERVICES CONNECTION.
 CARAVAN OCCUPANCY ON SITE WHILST ERECTING A DWELLING PRIOR WRITTEN APPROVAL OF COUNCIL, REQUIRED, WITH THE FOLLOWING TO BE COMPLIED WITH:
 A) OCCUPATION OF CARAVAN PERMITTED ONLY ONCE THE APPROVED DWELLING HAS SUBSTANTIALLY COMMENCED CONSTRUCTION, I.E. FOOTINGS/SLAB INSPECTED AND POURED.
 B) OCCUPATION OF THE CARAVAN IS PERMITTED FOR A PERIOD OF TWELVE MONTHS OR FOR THE DURATION OF THE BUILDING CONSTRUCTION PERIOD (WHICHEVER IS THE SHORTER PERIOD)
 C) ADEQUATE ABLUTION FACILITIES AND EFFLUENT DISPOSAL SYSTEMS ARE PROVIDED TO COUNCIL'S SATISFACTION.

SEWER CONNECTION
 A SECTION 88 APPLICATION IS REQUIRED AND WILL BE COMPLETED FOR THE APPROVAL OF SEWER CONNECTION FOR THE SITE.



PROPOSED NEW RESIDENCE
 41 HODDLE STREET, ROBERTSON, NSW 2577

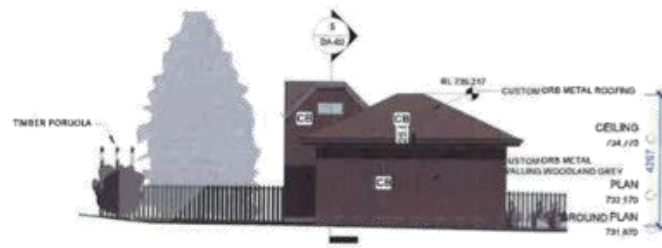
PLANS

RICK SMITH

20-53

DA-01 -6





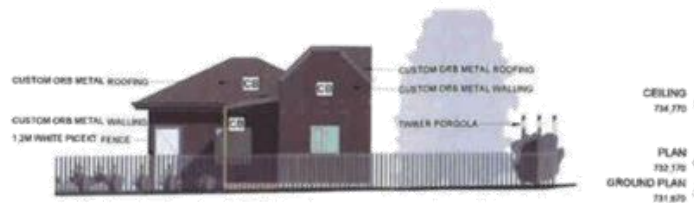
1 EAST ELEVATION
1:100



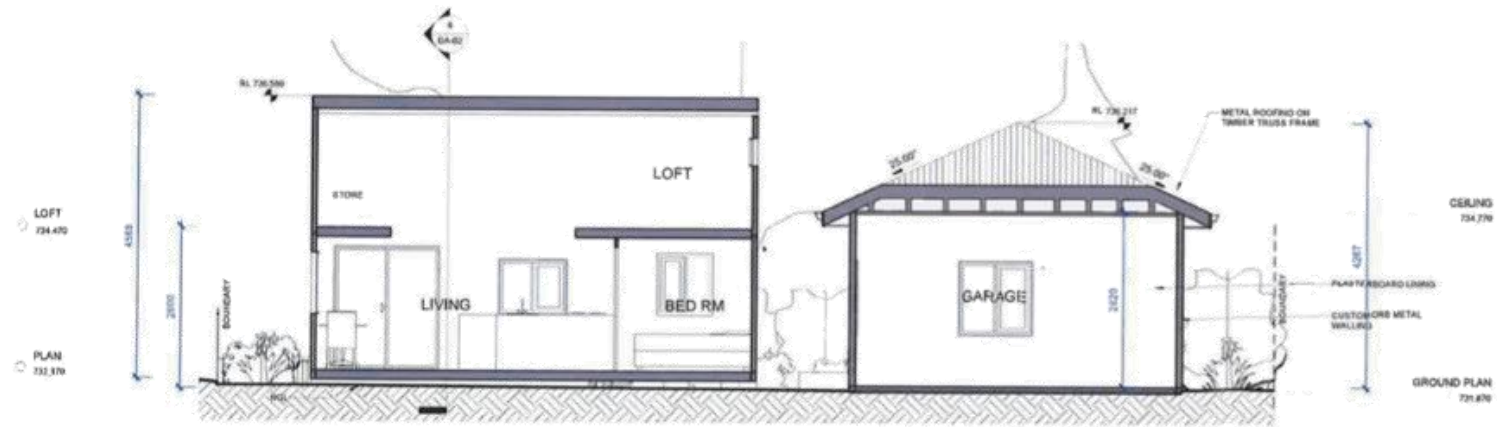
2 NORTH ELEVATION
1:100



3 SOUTH ELEVATION
1:100



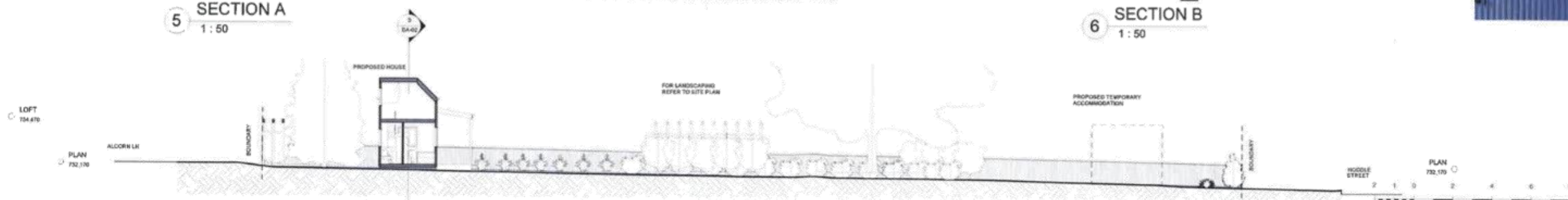
4 WEST ELEVATION
1:100



5 SECTION A
1:50



6 SECTION B
1:50



7 SITE SECTION
1:100

BASIX COMMITMENTS

WINDOWS
 Glazing Doors/Windows
 Group B – sliding doors/windows + fixed glazing + louvered windows
 U-value: 4.90 (equal to or lower than) SHGC: 0.33 (±10%)
 Given values are AFRC total window system values (glass and frame)
 Note: Opening percentages modelled as per BASIX Thermal Protocol – 4.14.2 and NatHERS Technical Note
 -8.9 regarding restricted opening safety requirements

SKYLIGHT
 None

EXTERNAL SHADING
 Covered Deck and awning for windows facing east and west

FLOOR
 Suspended timber floor

Floor coverings
 Vinyl plants

WALL
External Wall
 Insulated wall panel 75mm (Bondor panel or similar)
 External Colour: Light
Walls within dwellings
 Insulated wall panel 50mm (Bondor panel or similar)

ROOF and Ceiling
 Insulated roof panel 75mm (Bondor panel or similar) + 50mm anticon blanket or similar
 Colour
 Dark

Ceiling Penetrations
 Sealed LED downlights, 1 by 2.5m²

VENTILATION
 All external door has weather seals, all exhaust fans and chimneys have dampers, and downlights proposed will have capped fillings

CEILING FAN
 One ceiling fan (1200 mm diameter) to living area

FINISHES SCHEDULE

- TC** TIMBER CLADDING, SPOTTED GUM OR SIMILAR
- CB** METAL ROOF SHEETING & WALL CLADDING - COLORBOND CUSTOM ORB "WOODLAND GREY"
- AN** POWDERCOAT COLOUR - COLORBOND CUSTOM ORB, COLOUR TO MATCH WALL COLOUR

Do not take drawing beyond dimensions only to be used
 Dimensions to be worked on site before the fabrication of any building component.
 These drawings are preliminary and are subject to change without the written permission of
 PRD Architects Pty Ltd

**NOT FOR CONSTRUCTION
 PRELIMINARY**

No	Revision Description	Date	By
1	DATE ISSUE	03/01/21	HS
2	DATE ISSUE	18/04/21	HS

PROPOSED NEW RESIDENCE
 41 HODDLE STREET, ROBERTSON, NSW 2577

ELEVATIONS & SECTIONS

RICK SMITH

20-53

DA-02 -2





SCHEDULE 1 CONDITIONS OF DEVELOPMENT CONSENT

ADMINISTRATION CONDITIONS

1. 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
Plans	DA-01-6	PRD Architects	14/04/2021
Elevations & Sections	DA-02-2	PRD Architects	13/01/2021
BASIX Certificate	1165731S	Thermal Comfort Solutions	18/12/2020
Arboricultural Impact Assessment Report	41 Hoddle Street, Robertson V3	Green Earth Tree Consultancy	16/03/2021
Tree Protection Plan	41 Hoddle Street, Robertson V3- page 14	Green Earth Tree Consultancy	16/03/2021

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

2. 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).*

3. 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.*



4. 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.*

5. 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.*

6. Dual Occupancy

A future Dual Occupancy is not approved as part of this application and does not form part of this consent. Any future applications will be assessed on their individual merit in conjunction with the relevant development controls applicable at the time.

Reason: *To ensure this consent is limited to works where suitable detail has been provided.*

7. Temporary Caravan Accommodation

**5.3 Development Application 21/1138 -Proposed Dwelling House at 41
Hoddle Street, Robertson.
ATTACHMENT 2 Conditions**



- a) Occupation of caravan permitted only once the approved dwelling has substantially commenced construction, ie. footings/slab inspected and poured.
- b) Occupation of the caravan is permitted for a period of twelve months or for the duration of the building construction period (whichever is the shorter period)
- c) Adequate ablution facilities and effluent disposal systems are provided to Council's satisfaction.
- d) Caravan is to be sited in the location as per approved plan DA-01-6

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

8. 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 work
- Carry our sewerage work
- Carry out stormwater drainage work

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

9. Section 138 Roads Act 1993 Approval

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.*



10. 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/proponent'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 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.*

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

11. 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.*

12. Appointment of Principal Certifier (PC)

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) a Principal Certifier (PC); and
- (b) the person having the benefit of the development consent has:
 - (i) appointed a Principal Certifier (PC) for the building work, and
 - (ii) notified the Principal Certifier (PC) that the person will carry out the building work as an owner-builder, if that is the case, and
- (b1) the Principal Certifier (PC) 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

**5.3 Development Application 21/1138 -Proposed Dwelling House at 41
Hoddle Street, Robertson.
ATTACHMENT 2 Conditions**



- (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 Certifier (PC) 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.*

13. 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 the Principal Certifier (PC):

- (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 Certifier (PC) (either Wingecarribee Council or another Principal Certifier).
- (c) Details of the Principal Contractor or Owner Builder:
 - Name
 - Builders Licence Number or Owner Builder Permit Number
 - Principal Contractor Company Name
 - Principal Contractor ABN
 - Address of Principal Contractor or Owner Builder
 - Email Address
- (d) Copy of the HBCF Insurance Certificate (if residential building works exceed \$20,000) or Owner Builder Permit.
- (e) Details demonstrating compliance with development consent conditions relevant prior to commencement of the development been satisfied.

Reason: *Statutory requirement.*

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

14. 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

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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.*

15. Tree Protection Measures

Prior to any work commencing all tree protection measures must be installed and implemented in accordance with the approved Arboricultural Impact Assessment Report provided by Green Earth Tree Consultancy.

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

16. 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.*

CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

17. Building Materials & Colour Scheme

The use of Zinalume, Galvanised Iron, stainless steel, unetched zinc or copper is not permitted.

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

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

18. Approved hours of Construction

Construction 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.*

19. 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.*

20. 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.*

21. 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:

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- (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*

22. 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.*

23. 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.*

24. 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 (PCA).*

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

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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.*

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 40 mm 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. 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 method 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.*

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

27. 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 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*

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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.*

28. BASIX Commitments

Under 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 96 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 commitments of BASIX Certificate have been met.*

29. 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.*

30. Stormwater Drainage

Prior to the issue of the Occupation Certificate:

- (a) Existing and new drainage lines shall be located 600 mm clear of the building.
- (b) Any regraded areas shall be free draining, away from the dwelling, and shall not concentrate surface water onto adjoining properties.
- (c) Rainwater tank/s shall be sited and installed on site in accordance with the BASIX

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Certificate and plans submitted with the application. Overflow from the tanks and any additional stormwater drains shall be connected to Councils existing table water drain at the rear of the property.

Reason: *To comply with legislation.*

31. 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.*

32. Landscaping

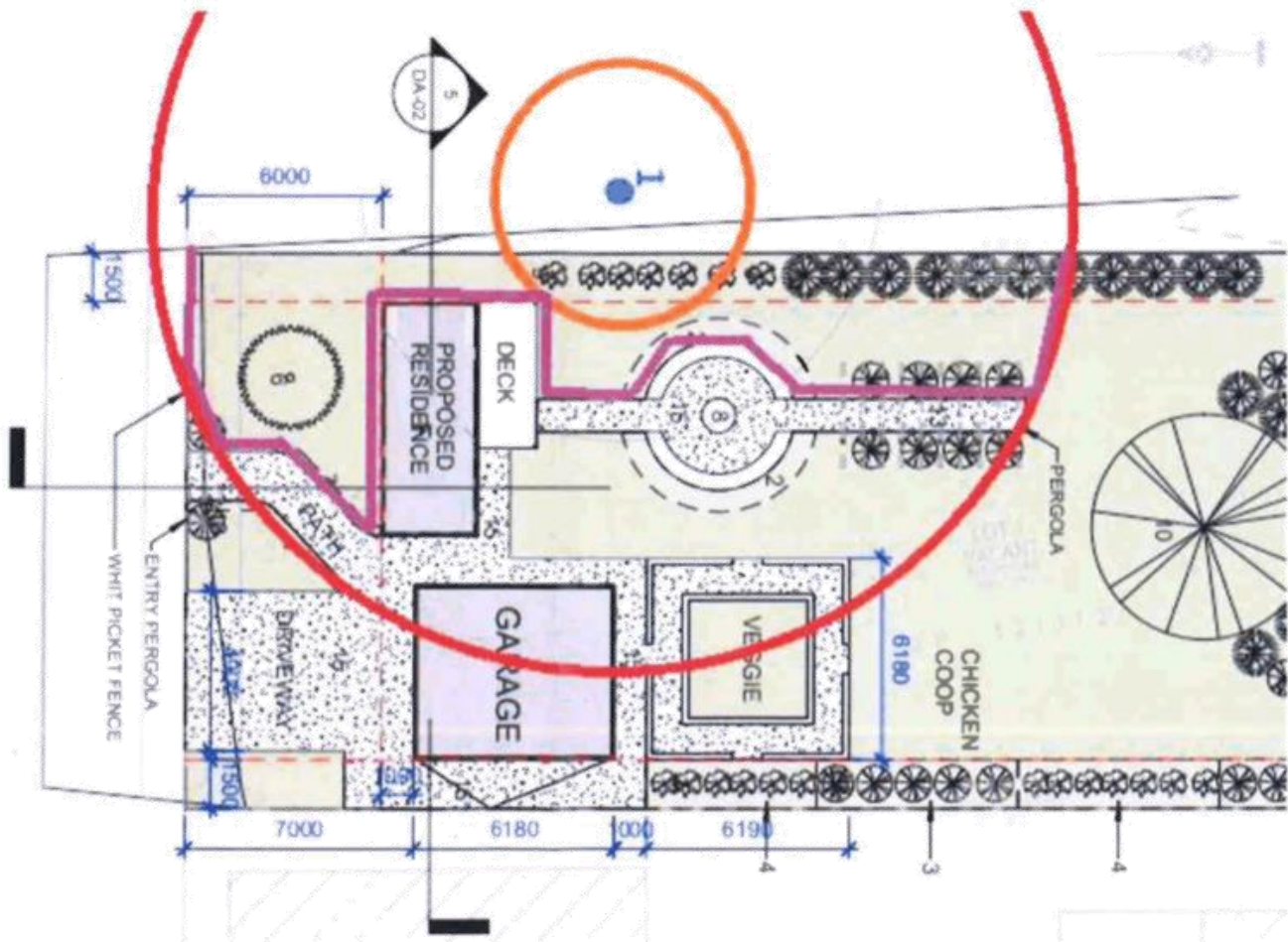
Landscaping as per approved Site Plan DA-01-6 shall be established prior the completion and occupation of the building.

Reason: *To ensure streetscape and local amenity*

END OF CONDITIONS

Green Earth Trees

Appendix 3; Tree protection plan



Plan 2; tree protection plan. Source: PRD Architects.

Not to scale. The location of tree No. 1 is an approximation (see section 3.8.2). The orange circle indicates the approximation of the SRZ. The red circle indicates the approximation of the TPZ. The purple lines indicate the required TPZ fencing.

5.4 Section 4.55 Modification Application 16/0491.02 - Centennial Vineyards - Modification to Attendance Numbers and Frequency of Events

Reference: 16/0491.02
Report Author: Development Assessment Planner
Authoriser: Manager Development Assessment

PURPOSE

This report details consideration of Modification Application 16/0491.02 under Section 4.55(2) of the *Environmental planning and Assessment Act 1979*.

Consultants	Scott Lee – Lee Environmental Planning Craig Eeles – All Area Traffic Services
Notification Period	25 March 2020 to 24 April 2020
Number of Properties Notified	140
Number of Submissions	6 submissions 4 Letters of Support
Zoning	E3 Environmental Management
Political Donations	None Identified
Reason for Referral to Panel	Requested by full Council for determination.

RECOMMENDATION

THAT Modification Application 16/0491.02 under Section 4.55 (2) of the *Environmental Planning and Assessment Act 1979* to:

1. Increase attendance from 10,000 to 14,000 persons;
at Lot 1 DP 435373 & lot 5A DP 16192 & Lot 1 DP 126196, Miranda Park, 254 Centennial Road Bowral be REFUSED for the reasons as detailed in the report.
2. The holding of concerts on consecutive weekends provided no more than two (2) concert events are held in any one (1) month period, except if necessary to cater for a washed out concert that was deferred and requires rescheduling at Lot 1 DP 435373 & lot 5A DP 16192 & Lot 1 DP 126196, Miranda Park, 254 Centennial Road Bowral be APPROVED as per draft conditions as described in attachment 1 to the report.

REPORT

BACKGROUND

Council issued development consent in 2008 (DA08/1186) for “A Day on the Green” outdoor concerts to be held 4 times per year over 5 years, with the applicant Roundhouse Entertainment, the promoter of the concerts. The 2008 consent has since lapsed.

On the 10 September 2015, DA15/0180 was approved by Council for the temporary use of the Centennial Vineyards site for outdoor concerts. The approval was appealed in the NSW Land & Environment Court by an adjoining property owner a third party appeal under Class 4. Part of the court proceedings involved discussions and negotiations between the applicant and respondents with the end result of the Court proceedings that the applicant agreed to surrender the consent.

On the 10 February 2017 DA16/0491 was approved by Council for the temporary Use of Land (Outdoor Concerts) subject to conditions.

The specific conditions related to the operation of the Concerts are:

1. Parameters of Consent

Approval under this consent is given for four (4) single day concerts per calendar year for a period of 5 years from the date of the first concert. No more than one (1) concert event is to be held in any four (4) week period. Council shall be provided with dates of upcoming concerts prior to tickets being sold or the event advertised.

Council shall review the Applicant’s adherence to the conditions within this Notice of Determination 12 months from the commencement of the first concert.

The plans approved with this consent are Plans No. 1 & 2 prepared by Centennial Vineyards, dated 11 November 2008.

NOTE: Approval under this consent is granted pursuant to clause 2.8 of the Wingecarribee Local Environment Plan 2010.

2. Hours of Event.

This consent relates to the operation of Outdoor Concert Events at Centennial Vineyards, from 2.00pm to 9.00pm with gates open from 12.00 midday and gates closed by 10.00pm.

18. Pick-up/drop-off Areas.

A dedicated pick-up and drop-off area shall be provided for buses to the satisfaction of the Group Manager Planning, Development and Regulatory Services (or their delegate) with details to be provided prior to the next event with the Traffic Management Plan (ie, a minimum of one (1) month before the event). The area shall have good access to Centennial Road and located to minimise conflicts with other traffic. Consideration needs to be given to pedestrian movements within the winery property and particularly within the car parks to minimise conflicts with vehicle movements.

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19. *A dedicated pick-up and drop-off area shall be provided for private vehicles and taxis, either on Centennial Road or close to Centennial Road to minimise conflicts and delays for vehicles dropping off and picking up passengers.*

20. Shuttle Bus.

A free shuttle bus is to be provided to and from the event from a designated point or points within Bowral (subject to consultation with NSW Police). This service is to be included in any advertising in order to discourage pedestrian access to the site.

On the 27 February 2019 Council approved Modification Application 16/0491.01 for the relocation of the stage, increase of numbers from 8,000 to 10,000 and change of hours of operation from 2.00pm to 10.30pm with gates open from 12.00 midday and gates closed by 11.30pm.

Council Officers assessed the application and made the following recommendation for approval:

THAT DA16/0491.01 to:

1. *Change the approved site layout;*
2. *Maintain attendance at 8,000 persons;*
3. *Change hours of operation from 2.00pm to 9.00pm with gates open from 12.00 midday and gates closed by 10.00pm TO Concerts to be held on a Saturday only from 2.00pm to 9.30pm with gates open from 12.00 midday and gates closed by 10.30pm;*
4. *Change Parameters of Consent from:*
 - (i) *four (4) single day concerts per calendar year for a period of 5 years from the date of the first concert. No more than one (1) concert event is to be held in any four (4) week period. It is requested that concerts be allowed to be held in consecutive weeks;*

to
 - (ii) *four (4) single day concerts per calendar year for a period of five (5) years from the date of the first concert. No more than two (2) concerts are permitted per month, and no two (2) concerts are permitted on consecutive weekends.*
5. *Change the proposed on-site parking of both buses and motor vehicles;*
6. *Change to dedicated pick-up and drop-off to provide a larger area to significantly improve the pick-up drop-off of patrons;*
7. *Provide a dedicated pick-up and drop-off area for private vehicles and taxis to minimise conflicts and delays.*

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at Lot 1 DP 435373 & lot 5A DP 16192 & Lot 1 DP 126196, Miranda Park, 254 Centennial Road Bowral be APPROVED subject to conditions as described in Attachment 1 to the report.

At the meeting of 27 February 2019 Council voted to approve the increase of attendance numbers from 8,000 to 10,000 patrons and to increase the hours from 2.00pm to 10.30pm with gates open from 12.00midday and gates closed by 11.30pm. The increase to 10,000 was based on viability of the concert.

REPORT

Subject Site and Locality.

The subject site is most commonly known as Centennial Winery and Vineyard. The entire site is made up of the following parcels of land, Lot 1 DP 435373 & lot 5A DP 16192 & Lot 1 DP 126196.

The site is on the western fringe of Bowral approximately 5km from the Bowral Railway Station. The site can be accessed via Bowral by travelling west along Centennial Road, or alternatively, it may be accessed from Mittagong by turning left off the Old Hume Highway into Centennial Road Bowral

The site is developed with the following improvements being the Centennial Vineyard Restaurant, cellar door, and car parking and some ancillary sheds and a dwelling to the west. The site consists of cleared grazing land, vineyard and remnant bushland around the dwelling and cellar door complex. The site is identified as containing remnant Southern Highlands Shale Woodland and is also identified as being bushfire prone land. The land undulates and has a natural amphitheatre located to the east of the vineyard building complex. Adjoining the property are both low density residential land and land zoned RU4 Primary Production Small Lots to the east and low density rural areas to the north, south and west.



Figure 1: Layout of Centennial Winery (Courtesy Nearmap)

Details of Proposed Modification.

The proposed modification seeks to:

1. Remove the current restriction on the scheduling of concerts; and
2. To increase from 10,000 to 14,000 the number of patrons permitted to attend the site for any one concert.

The scheduling restriction is referenced within Condition 1 – Parameters of Consent.

1. *Parameters of Consent*

Modified Application 16/0491.01 dated 27 February 2019

- *Change the approved site layout by:*
 - *Relocating the location of the performance stage and seating;*
 - *Changing the proposed on-site parking of both buses and motor vehicles;*
 - *Changing to dedicated pick-up and drop-off of patrons to provide a larger area to significantly improve the pick-up and drop-off of patrons (as per condition 18); and*
 - *Provide a dedicated pick-up and drop-off area for private vehicles and taxis to minimise conflicts and delays (as per Condition 19)*

Approval under this consent is given for four (4) single day concerts per calendar year for a period of 5 years from the date of the first concert. No more than two (2)

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concert events are to be held in any one (1) month period and no two (2) concerts are permitted on consecutive weekends (except for where a wash out deferred). Council shall be provided with the dates of upcoming concerts prior to the tickets being sold or the event advertised.

*Council shall review the Applicants adherence to the conditions within this Notice of Determination 12 months from the commencement of the first concert.
The plans approved with this consent are Plans prepared by Centennial Vineyards dated October 2018.*

NOTE: Approval under this consent is granted pursuant to clause 2.8 of the Wingecarribee Local Environment Plan 2010.

The modification requests that concerts be allowed to be held in consecutive weeks if that is what is dictated by the availability of artists. Currently the condition allows no more than 2 in any one month and not on consecutive weekends.

The applicant has suggested the following amendment to Condition 1 being:

“Approval under this consent is given for four (4) single day concerts per calendar year for a period of 5 years from the date of the first concert. Council shall be provided with the dates of upcoming concerts prior to tickets being sold or the event advertised.

In recognition of the need for flexibility in scheduling, concerts can be held on consecutive weekends provided no more than two (2) concert events are held in any one (1) month period, except if necessary to cater for washed out concert that was deferred and requires rescheduling”.

Assessment Comment:

The proposed amendment does not increase the number of concerts and proposes to allow further flexibility in holding concerts to cater for the availability of artists. The amendment will not have a great impact on the community.

The proposed amendment as suggested by the applicant and the modified condition is supported and recommended for approval and has been provided in the draft modified conditions of consent at **Attachment 1**.

The second proposed modification relates to an increase in the number of patrons permitted to attend any one concert and is catered for by Condition 5 that states:

5. *Ticket Sales*

Modified Application 16/0491.01 dated 27 February 2019

Ticket sales are to be limited to a maximum of 10,000 in accordance with the Traffic Management Plan prepared by Craig Eeles as submitted to Council on 1 May 2015.

The applicant argues that the number of patrons attending any one concert will vary because an outdoor venue is not limited by a set number of seats. However, there is a natural crowd limit imposed by the size of the venue itself. The optimum number is also informed by the applicants understanding of the site and the need to ensure a pleasant

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concert experience for patrons. It is also possible to limit the number of tickets that can be sold for any one concert.

The applicant has suggested the following amendment to Condition 5 being:

Ticket sales are to be limited to a maximum of 14,000 in accordance with the Traffic Management Plan prepared by Craig Eeles as submitted to Council on 1 May 2015 or such plan as subsequently endorsed by the Local Traffic Committee.

The applicant further supports his proposed modification with the following statements:

"This includes the improved bus drop-off/pick-up area which is sufficient to cater for up to 15-20 buses at any one time.

As acknowledged with the previous modification application 16/0491.01, a significant number of people will arrive by bus, either as part of larger organised tours/groups from other regions, or by utilising the shuttle bus service that will be available. By improving and expanding this service, which has proven to be popular when concerts have previously been held at Centennial, at least 50% of patrons can easily be accommodated by bus transport by approximately 100-120 bus movements".

Assessment Comment:

Council's Traffic and Transport Planning Engineer has raised concern surrounding the DA and the traffic and parking availability.

"This is discussed in 4.1 of the TMPv1.PDF which states:

- 4.1 *Event Parking*
refer to TCP 08 for a detailed internal parking plan.

Patrons will be encouraged to park off site in existing parking areas in Bowral, Mittagong and Moss Vale.

Parking areas for vehicles arriving at Centennial Winery will be provided within the winery grounds.

Access to all public parking areas at the winery will be via Gate C on Centennial Road. The primary exit for all public parking areas will be via Gate C on Centennial Road. The secondary exit for all public parking areas will be via Gate B on Centennial Road. The egress exit track to gate B will not be opened until all large buses have left the bus parking.

The applicant argues that the general car parks within Bowral CBD will have a capacity of 2,000 vehicles.

This appears to be the total supply in the Bowral CBD and even on Sundays these car parks have a high demand – the reliance of parking of 1500 cars (the applicant suggests accommodation for 500 vehicles on-site) is unacceptable.

It appears that if the applicant can only accommodate 500 cars on-site and are relying on the town centre car parks to accommodate additional vehicles it is unacceptable.

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There are a lot of assumptions regarding drop offs and buses but the applicant does state there will be a demand for 1900 car parks, 14 charter buses and 48 mini buses.

The parking implications are very significant and in the past, where there has been events, we have had significant rain and the parking issues were very problematic”.

The issue of parking has been discussed with the applicant and suggestions have been put to the applicant that they seek a further solution to the parking issues by seeking to establish a parking hub/s where the shuttle buses can pick-up/drop-off. It was suggested that the applicant look at Bong Bong Racecourse, Moss Vale Showground or other large open spaces that could accommodate the number of parking spaces required.

The current 3 town centres parking spaces are widely used by residents and visitors, particularly on weekends. With the approved gate openings for concerts being 12 midday, it would be expected that prospective patrons would be seeking to park vehicles in the Town Centres from around 11am and the car spaces would not be vacated to well after 11pm.

This loss of up to 1900 parking spaces in the town centres would have a detrimental impact on the local businesses and under the consent could occur up to 4 days in a calendar year.

The applicant advised Council that they were not prepared to seek a solution to Councils concerns on the issue of parking and requested Council to assess the application in its current form.

On this basis Council assessed the application as having a significant lack of parking provision for the proposed increased number of patrons and have recommended refusal of the proposed increase in numbers from 10,000 to 14,000.

STATUTORY PROVISIONS

Relevant Acts

NSW Rural Fires Act 1997

The original application was referred to the NSW Rural Fire Service (RFS). As this modification involves an increase in the number of patrons attending the concert/s the application was again referred to RFS for comment.

The NSW Rural Fire Service have provided their General Terms of Approval under Division 5 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under Section 100B of the *Rural Fires Act 1997* dated 27 March 2020.

State Environmental Planning Policies

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The development is located on land to which SEPP (Sydney Drinking Water Catchment) applies and is a Module 5 development. The application was referred to Water NSW for its concurrence. Water NSW has issued its concurrence by letter dated 20 April 2020. Water NSW advised that they do not object to the modification subject to attached conditions which replace their previous concurrence dated 14 December 2018. The conditions have been provided in the consent.

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State Environmental Planning Policy No 55 – Remediation of Land

Consideration was originally made in 2017 and no further consideration required.

State Environmental Planning Policy (Infrastructure) 2007.

The original application required referral to the former Roads & Maritime Services (RMS) under the provisions of the SEPP given the proposed traffic generation. RMS advised that it did not object to the proposal in principle and that arrangements for traffic and pedestrians in and around the classified road network should be considered by Council's traffic Committee. The current modification was not referred to Transport for NSW for comment.

Local Environmental Plans

Wingecarribee Local Environmental plan 2010

The assessment for compliance with the E3 Environmental Management Zone was assessed under the original application (DA16/0491) and the proposed modifications do not change the permissible use.

The land is zoned E3 Environmental Management and the use of the site for Temporary Use of Land (Outdoor Concerts) and is permissible with development consent.

Development Control Plans.

Rural Lands Development Control Plan

Consideration was originally made in 2017 under determination of DA16/0491.

Category of Modification

The proposed modification to the existing consent is considered to qualify for consideration under Section 4.55 of the *Environmental Planning and Assessment Act 1979 (the Act)*.

The modification application has been lodged pursuant to Section 4.55(2) of the Act, which states:

“A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent and*
- (c) it has notified the application in accordance with—*

**AGENDA FOR THE INDEPENDENT ADVISORY PLANNING
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Wednesday 05 May 2021

DEVELOPMENT APPLICATIONS



- (i) *The regulations, if the regulations so require, or*
- (ii) *A development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent,*
And
- (d) *it has considered any submissions made concerning the proposed modification within the period described by the regulations or provided by the development control plan, as the case may be.*

Subsections (1) and (1A) do not apply to such a modification.

The application is seeking to modify conditions of a consent DA16/0491.01 that was a modification of the original consent DA16/0491.

In accordance with Section 4.55(2), Council is satisfied that this modification, if approved, results in a development that will be substantially the same as the development as originally approved.

The increase in the maximum numbers of tickets that may be sold to any one concert from the originally approved 8,000 to 10,000 and now proposed to 14,000, does not change what the development is and is not considered to be a material change to the development itself. The test for whether or not a modified development is substantially the same as the original development involves far more than a simplistic numerical increase.

In relation to the scheduling of concerts, the proposed modification is aimed at providing the flexibility to respond positively to the schedules and availability of the artists. Section 4.55(2) is appropriate in this case in recognition of the fact that the proposed modification does not seek to change the original application in that it still remains as the operation of concerts on the green.

In accordance with the above, Council is satisfied that the development, as modified, is substantially the same development as originally approved, as required by Section 4.55(2)

COMMUNICATION AND CONSULTATION

Community Engagement

The S4.55(2) Application was Neighbour notified for the period from 25 March 2020 to 24 April 2020 and during this time Council received six (6) submissions.

The submissions of objection are summarised as follows:

Issues	Response
<i>We have just been through a destructive bushfire with residents “at the ready” to evacuate and Centennial wants to add 14,000 people in the summer time when the area is bush fire prone.</i>	If a concert is planned and there is a high risk of bush fire then the concert would be cancelled or postponed.
<i>This is a move to further invade the</i>	A consent has been granted for the operation

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Issues	Response
<i>sanctity of rate paying property owners by a commercial money greedy entity that seeks to expand, at the expense of a complete residential neighbourhood.</i>	of the concerts and this application is to increase the numbers from 10,000 to 14,000. As detailed in the report above it is recommended that the increase in numbers not be supported.
<i>Traffic volume – Council is considering an additional 2,000 cars driving past residents homes to get there and then driving back which means a total of 7,000 cars (late at night) is an unjust disruption for residents.</i>	A consent has been granted for the operation of the concerts and this application seeks to increase the numbers from 10,000 to 14,000. As detailed in the report above it is recommended that the increase in numbers not be supported.
<i>Centennial Road is in dire need of upgrading, especially at the lower end and at the top end. This road currently carries very heavy traffic.</i>	A consent has been granted for the operation of the concerts and this application is to increase the numbers from 10,000 to 14,000. As detailed in the report above it is recommended that the increase in numbers not be supported.
<i>The current allowed capacity of 10,000 guests disturbing a residential area is a disruption to our lives Council has forced upon us. Council is now telling us we are likely to have this figure upped by almost 50%. Come on fair go! crowds and loud music all for somebodies commercial gain in our residential street.</i>	A consent has been granted for the operation of the concerts and this application is to increase the numbers from 10,000 to 14,000. As detailed in the report above it is recommended that the increase in numbers not be supported

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Issues	Response
<p><i>Carbon Monoxide pollution down the valley – Diurnal Variation Katabatic Rate (opposite of Anabatic Rate). A katabatic wind is the technical term for a drainage wind, a wind that carries high-density air from a higher elevation down a slope under the force of gravity in the evening, as the earth’s surface cools. With 7,000 vehicles all starting up, including some higher exhaust coaches, at the same time to leave the venue, streaming their combined 7,000 doses of lethal carbon monoxide exhaust fumes directly onto the residents of this small valley.</i></p>	<p>A consent has been granted for the operation of the concerts and this application is to increase the numbers from 10,000 to 14,000. As detailed in the report above it is recommended that the increase in numbers not be supported.</p>
<p>Letters of Support</p>	
<p>Member for Goulburn <i>The devastating bushfires that have impacted the Southern Highlands have touched so many. As the region and community begins and continues along the recovery journey, we need to recognise and explore initiatives that will support individuals, businesses and the community as a whole.</i></p>	<p>The proposed increase in attendance numbers without the provision of adequate parking would have a huge detrimental affect on the CBD businesses.</p>
<p>Regional Development Australia Southern Highlands <i>We commend Centennial Vineyards in their efforts to encourage visitation back to the area, by organising concerts to generate desperately needed revenue. RDASI strongly support Centennial Vineyards request to extend their current event capacity to 14,000 in order to attract major internationally recognised artists.</i></p>	<p>The proposed increase in attendance numbers without the provision of adequate parking would have a huge detrimental affect on the CBD businesses.</p>

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DEVELOPMENT APPLICATIONS



Issues	Response
<p><i>Southern Highlands Food & Wine Association.</i> <i>An opportunity, or possibly multiple opportunities, for food and wine industries to be involved in such large scale, high profiled and profitable events featuring top tier artists would attract tourism opportunities around the time of events would significantly inject much needed business into our food and wine sectors.</i></p>	<p>The proposed increase in attendance numbers without the provision of adequate parking would have a huge detrimental effect on the CBD businesses.</p>
<p><i>Roundhouse - A Day on The Green</i> <i>The ideal capacity at Centennial Winer to host a day on the green concert would need to increase to 14,000 to ensure we can continue to attract the A grade global stars to perform there.</i></p>	<p>The proposed increase in attendance numbers without the provision of adequate parking would have a huge detrimental effect on the CBD businesses.</p>

Internal Communication and Consultation

As discussed above the application was referred to Councils transportation engineers who have raised concerns in regards to car parking provisions.

External Communication and Consultation

Water NSW and Rural Fire Service.

As noted in the report above the modification has been referred to Water NSW and RFS.

The RFS and Water NSW correspondence has been submitted as a part of this application and included as conditions of consent.

NSW Police Force.

The matter has been referred to NSW police and their response dated 21 July 2020, is as follows:

The NSW police Force do not oppose the development application. However, should Council see fit to give consent to the modification to the development consent, Police would submit that as a minimum measure, the following conditions be imposed to address the expected increase in patronage.

1. The Applicant shall submit a completed "Crowded Place Security Self-Assessment" and "Crowded Places Security Audit," as part of the Security Management Plan (available at <http://www.nationalsecurity.gov.au/CrowdedPlaces>) and submit to the NSW Police Force a minimum of 28 days prior to each event.

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2. That provisional approval of the modification be granted until such time the applicant has consulted with the NSW Police Force to address any public safety issues arising from the first scheduled concert, on a date to be advised to the NSW Police Force. Upon the resolution of any identified public safety issues, final approval can be given to the modification.

Transport for NSW

The matter has been referred to Transport for NSW who have advised that if Council was to approve the application for an increase in attendance numbers they would require as a condition of consent that the applicant would be required to apply for a Special Event Management Approval from Transport for NSW prior to the event. If the Independent Advisory Planning Panel were to approve the application a condition of consent would need to be provided in the consent to this effect.

SUSTAINABILITY ASSESSMENT

- Environment

The main environmental impacts associated with this proposal are noise and traffic. Noise is considered to be manageable via implementation of the numerous recommended conditions addressing those issues and concert frequency. The expected environmental impacts of the traffic have been discussed in the body of the report.

- Social

Social impacts have been discussed in the body of the report.

- Broader Economic Implications

The proposed development would provide significant increase in economic stimulus in the Local Government Area.

- Culture

The proposed application will provide cultural benefits to the Local Government Area.

- Governance

The development application has been considered in accordance with *Wingecarribee Local Environmental Plan 2010*, section S4.15 and S4.55 of the *Environmental Planning and Assessment Act 1979* and any other matters relevant to the development.

COUNCIL BUDGET IMPLICATIONS

The financial implications of Independent Advisory Assessment Panel's decision in this matter are directly related to the legal implications. The possibilities are detailed as follows:

- Should the applicant choose to appeal a refusal, or pursue a deemed refusal, by the panel through the Land and Environment Court and lose, the question of cost with regard to Council's legal representation would be determined by the extent of the reasons for refusal;
- Should the applicant choose to appeal a refusal, or pursue a deemed refusal, by the panel through the Land and Environment Court and win, the question of cost would be dependent upon the extent of the reasons for refusal;

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- Should any person choose to take out Class 4 proceedings against Council to the Land and Environment Court and lose, the question of cost with regard to Council's legal representation would be calculated at the appropriate time;
- Should any person choose to take out Class 4 proceedings against Council to the Land and Environment Court and win, the question of cost would still be calculated at the appropriate time;
- Should the applicant make no appeal, or proceedings not be taken out by another party, to the Land and Environment Court regardless of the determination, the application would result in no further financial implication to Council.

RELATED COUNCIL POLICY

An assessment of the proposal has been made against the *Wingecarribee Local Environmental Plan 2010* and the Rural Lands Development Control Plan.

CONCLUSION

All relevant matters have been addressed. It is considered this report adequately considers the merits of the development in terms of legislative compliance and its potential impact on the locality. The development application has been assessed in accordance with the matters for consideration under section 4.15 and 4.55 of the *Environmental Planning & Assessment Act 1979*, and all relevant environmental planning instruments and Council policies.

Issues raised in submissions have been examined, considered and commented upon. On balance, it is recommended the application be determined by way of approval for the amendments to Condition 1 – Parameters of Consent, subject to the conditions nominated in Attachment 1, and that amendments to Condition 5 be refused.

ATTACHMENTS

1. DA16/0491.02 - Draft Conditions of Consent
2. DA16/0491.02 - Approved Site Layout

5.4 Section 4.55 Modification Application 16/0491.02 - Centennial Vineyards -
Modification to Attendance Numbers and Frequency of Events
ATTACHMENT 1 DA16/0491.02 - Draft Conditions of Consent



Our Ref: 16/0491.02
Contact: Ross Jauncey



05 May 2021

WINDBELT PTY LTD
C/- 33 HOLLY ST
BOWRAL NSW 2576

Civic Centre, 68 Elizabeth St,
Moss Vale NSW 2577
PO Box 141, Moss Vale
02 4868 0888
mail@wsc.nsw.gov.au
ABN 49 546 344 354

NOTICE OF DETERMINATION OF A MODIFICATION APPLICATION
Pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*

DEVELOPMENT APPLICATION NO:	16/0491
APPLICATION NO:	16/0491.02
PROPOSED MODIFICATION:	Temporary use of Land (Outdoor Concerts)
APPLICANT:	WINDBELT PTY LTD
OWNER:	WINDBELT PTY LTD
PROPERTY DESCRIPTION:	Lot 1 DP 435373 Lot 5A DP 16192 Lot 1 DP 126196
PROPERTY ADDRESS:	MIRANDA PARK 254 CENTENNIAL ROAD BOWRAL NSW 2576
APPROVED DEVELOPMENT:	Temporary use of Land (Outdoor Concerts)
DA APPROVAL DATE:	10 February 2017
CONSENT TO OPERATE FROM:	10 February 2017
CONSENT TO LAPSE ON:	10 February 2024
DETERMINATION:	Approved subject to conditions attached in schedule 1 of this consent
DATE OF DETERMINATION:	05 May 2021

Inconsistencies

In the event of any inconsistency between the conditions of this modified consent and the plans / supporting documents referred to in this notice, the conditions of this development consent shall prevail.

Rights of Appeal

Working with you

WSC.NSW.GOV.AU

WINGECARRIBEE - A COAL MINING FREE SHIRE



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Pursuant to Section 8.9 of the *Environmental Planning and Assessment Act 1979*, an applicant for the modification of a development consent who is dissatisfied with the determination of the application by the consent authority may appeal to the Court against the determination. Pursuant to Section 8.10, an appeal may be made only within 6 months after the date the decision appealed against is notified.

Review of determination

You have the right to request a review of determination under section 8.2 of the *Environmental Planning and Assessment Act 1979*, subject to the provisions of Division 8.2 Reviews.

Ross Jauncey
Development Assessment Planner

05 May 2021
Date of Issue.

DRAFT



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Lot 1 DP 126196

SUMMARY SCHEDULE OF MODIFIED CONDITIONS

1. Parameters of Consent

**Modified Application 16/0491.01 dated 27 February 2019 to read:
Modified Application 16/0491.02 dated 05 May 2021 to read**

- Change the approved site layout by:
 - Relocating the location of the performance stage and seating;
 - Changing the proposed on-site parking of both buses and motor vehicles;
 - Changing to dedicated pick-up and drop-off locations to provide a larger area to significantly improve the pick-up, drop-off of patrons (as per Condition 18); and
 - Provide a dedicated pick-up and drop-off area for private vehicles and taxis to minimise conflicts and delays (as per Condition 19).

Approval under this consent is given for four (4) single day concerts per calendar year for a period of 5 years from the date of the first concert. Council shall be provided with the dates of upcoming concerts prior to tickets being sold or the event advertised.

In recognition of the need for flexibility in scheduling, concerts can be held on consecutive weekends provided no more than two (2) concert events are held in any one (1) month period, except if necessary to cater for washed out concert that was deferred and requires rescheduling.

Council shall review the Applicant's adherence to the conditions within this Notice of Determination 12 months from the commencement of the first concert.

The plans approved with this consent are Plans prepared by Centennial Vineyards, dated October 2018.

NOTE: Approval under this consent is granted pursuant to clause 2.8 of the *Wingecarribee Local Environmental Plan 2010*.

31. NSW Rural Fire Service

**Modified Application 16/0491.01 dated 27 February 2019 to read:
Modified Application 16/0491.02 dated 05 May 2021 to read**

5.4 Section 4.55 Modification Application 16/0491.02 - Centennial Vineyards -
Modification to Attendance Numbers and Frequency of Events
ATTACHMENT 1 DA16/0491.02 - Draft Conditions of Consent



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Lot 1 DP 126196

Integrated Development Application
s100B - SFPP - Other Tourist Accommodation
254 Centennial Road Bowral NSW 2576, 1//DP126196

I refer to your correspondence dated 19/03/2020 seeking general terms of approval for the above Integrated Development in accordance with s4.55 of the *Environmental Planning and Assessment Act 1979*.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the submitted amended information. General Terms of Approval are now re-issued, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions.

General Conditions

1. An enlarged site plan shall be prepared and provided to the local NSW Rural Fire Control Centre. The plan shall include the following:

- entry/exit points to the site
- proposed location of the event
- proposed car parking areas
- proposed bus and taxi drop off and pick up areas
- location of static water supply (SWS) and the provision of suitable access to the supply
- proposed emergency assembly area(s).

Asset Protection Zones

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

2. Slashing of grassed areas on site to a maximum 100 millimetre length shall be undertaken before the event and maintained in the duration of the event.
3. A 10 metre asset protection zone shall be maintained as an inner protection area, as outlined within section

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

5.4 Section 4.55 Modification Application 16/0491.02 - Centennial Vineyards -
Modification to Attendance Numbers and Frequency of Events
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4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*, along the northern and western lot boundaries (excluding the vineyard) for Lot 1 DP 126196.

Access - Internal Roads

The intent of measures is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

4. Access throughout the site, including to static water supplies, shall be made available for emergency vehicles at all times during the event.

Water and Utility Services

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

5. In recognition that the stage is greater than 70 metres from a reticulated water supply (hydrant), a minimum 20,000 Litre water supply for fire fighting purposes shall be provided on site during the event within 70 metres of the stage.

Emergency and Evacuation Planning Assessment

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

6. A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with *Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014*.

7. Any event to be held on a day of extreme or catastrophic fire danger shall be cancelled or postponed.

General Advice - Consent Authority to Note

This letter is in response to additional information submitted and supersedes our previous recommendations dated 16 January 2019 (NSW RFS Ref: D18/8420).

This letter is in response to an assessment of the application based on the submitted further information and supersedes our previous general terms of approval dated .



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Lot 1 DP 126196



BUSH FIRE SAFETY AUTHORITY

SFPP – Other Tourist Accommodation
254 Centennial Road Bowral NSW 2576, 1//DP126196
RFS Reference: DA-2015-00838-S4.55-1
Your Reference: 16/0491.02

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority supersedes the previous Bush Fire Safety Authority (none) issued on and confirms that, subject to the attached reissued General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under s100b of the Rural Fires Act 1997.

Nika Fomin

Manager Planning & Environment Services
Planning and Environment Services

Friday 27 March 2020

32. Water NSW
Modified Application 16/0491.01 dated 27 February 2019 to read:
Modified Application 16/0491.02 dated 05 May 2021 to read



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**Water NSW's Modified Concurrence Conditions
DA No 16/0491.02; Lot 1 DP 453373, Lot 5A DP 16192 and Lot 1 DP 126196; 254
Centennial Road, Bowral**

General

1. Site works, layout and operations of the events shall be implemented as specified in the Statement of Support for Section 4.55 modification application prepared by Lee Environmental Planning (dated February 2020) and shown on the Site Layout Plan for Proposed Outdoor Concerts (Author not specified and dated October 2018). No revisions to site layout or works that will have any 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.

Wastewater Management

2. Portable toilet amenities shall be provided for all concert events. The number and type shall be hired for the event in accordance with the supplier's recommendation and as specified in Safe and Healthy Mass Gatherings: Australian Disaster Resilience Handbook Manual 12, 1999.
3. No wastewater generated from the rinsing of crockery, cutlery and glassware shall be disposed of on open grassed areas.

Reason for Conditions 2 & 3 - To ensure that appropriate on-site wastewater management systems are designed, located and managed to have an overall and sustainable neutral or beneficial effect on water quality over the longer term.

Stormwater Management

4. Potential water quality impacts from toilets, food stalls, on-site parking and litter associated with the temporary use shall be managed in accordance with the recommendations in the Water Cycle Management Report (Ref. No. 1500115-L-01, dated 27 April 2015) prepared by Strategic Environmental & Engineering Consulting.
5. The temporary access driveway from Centennial Road to the temporary car park areas, shall be upgraded in accordance with Council's standards. The driveway shall have appropriate cross drainage and be surfaced with a durable gravel material.
6. The grassed swale adjacent to the proposed bus parking area shall be protected during the event with temporary fencing.

Reason for Conditions 4 to 6 - To ensure appropriate stormwater management measures area in place to ensure that a sustainable neutral or beneficial effect on water quality.

Other

7. In the event of significant wet weather and saturated ground conditions that adversely affect parking and high foot traffic areas, the event must be postponed or alternative suitable parking and transport to the site must be provided. Alternatively, effective erosion and sediment controls shall be installed immediately before or during the event around parking area(s), the entrance to the site and/or high foot traffic areas such as around toilet and shower facilities:

5.4 Section 4.55 Modification Application 16/0491.02 - Centennial Vineyards -
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- to prevent sediment or polluted water leaving the site or entering any natural drainage system or stormwater drain, and
 - to ensure controls are maintained and retained until the event has concluded and suitable groundcover re-established or the ground surface stabilised.
8. All patrons, stall holders, staff and contractors shall be advised of their responsibilities in relation to wastewater, solid waste and erosion and sediment control management.

Reason for Conditions 7 & 8 – To ensure that the holding of the event at the venue will not adversely affect water quality, so as to ensure a sustainable neutral or beneficial effect on water quality over the longer term.

33. NSW Police Force
Modified Application 16/0491.02 dated 05 May 2021 to read

1. The applicant shall submit a completed "Crowded Place Security Self-Assessment" and "Crowded Places Security Audit", as part of the Security Management Plan (available at <http://www.nationalsecurity.gov.au/CrowdedPlaces>) and submit to the NSW Police Force, a minimum of 28 days prior to each event.
2. Has consulted with the NSW Police Force to address any public safety issues arising from the first scheduled concert, on a date to be advised to the NSW Police Force. Upon resolution of any identified public safety issues, final approval can be given to the modification.



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SCHEDULE 1 CONDITIONS OF MODIFIED DEVELOPMENT CONSENT

GENERAL – DEVELOPMENT CONSENT CONDITIONS

General Development Consent Conditions

2. Parameters of Consent

**Modified Application 16/0491.01 dated 27 February 2019 to read:
Modified Application 16/0491.02 dated 05 May 2021 to read**

- Change the approved site layout by:
 - Relocating the location of the performance stage and seating;
 - Changing the proposed on-site parking of both buses and motor vehicles;
 - Changing to dedicated pick-up and drop-off locations to provide a larger area to significantly improve the pick-up, drop-off of patrons (as per Condition 18); and
 - Provide a dedicated pick-up and drop-off area for private vehicles and taxis to minimise conflicts and delays (as per Condition 19).

Approval under this consent is given for four (4) single day concerts per calendar year for a period of 5 years from the date of the first concert. Council shall be provided with the dates of upcoming concerts prior to tickets being sold or the event advertised.

In recognition of the need for flexibility in scheduling, concerts can be held on consecutive weekends provided no more than two (2) concert events are held in any one (1) month period, except if necessary to cater for washed out concert that was deferred and requires rescheduling.

Council shall review the Applicant's adherence to the conditions within this Notice of Determination 12 months from the commencement of the first concert.

The plans approved with this consent are Plans prepared by Centennial Vineyards, dated October 2018.

NOTE: Approval under this consent is granted pursuant to clause 2.8 of the *Wingecarribee Local Environmental Plan 2010*.

2. Hours of Event

Modified Application 16/0491.01 dated 27 February 2019 to read:

This consent relates to the operation of Outdoor Concert Events at Centennial Vineyards, from 2.00pm to 10.30pm with gates open from 12.00 midday and gates closed by 11.30pm.

3. Public Liability Insurance

A copy of the Public Liability Insurance (minimum of \$20 000 000) shall be submitted to Council prior to commencement of each event.

4. Building Code of Australia

The development shall comply with the provisions of the Building Code of Australia at all times, with respect to smoke and flame index of materials, emergency lighting, exit signs and fire-fighting facilities.

5.4 Section 4.55 Modification Application 16/0491.02 - Centennial Vineyards -
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5. Ticket Sales

Modified Application 16/0491.01 dated 27 February 2019 to read:

Ticket sales are to be limited to a maximum of 10,000 in accordance with the Traffic Management Plan prepared by Craig Eeles as submitted to Council on 1 May, 2015.

Traffic Management

6. NSW Roads and Maritime Services

RMS notes an event based Traffic Management Plan (TMP) has been prepared and that advanced warning signage has been proposed on Mittagong Road, which is a state classified road. Therefore, the developer shall apply for, and obtain a Road Occupancy Licence (ROL) from the RMS Traffic Operations Unit (TOU) prior to commencing those works. The ROL application would require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of speed limit, a Speed Zone Authorisation would also be required from the TOU. The developer shall submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon RMS receiving and accurate and compliant TMP.

7. Traffic Management Plan

Traffic shall be managed in accordance with the Traffic Management Plan and correspondence dated 16 June 2016 prepared by Craig Eeles as submitted to Council on 1 May, 2015. Prior to the commencement of each event, a Traffic Management Plan (including provision for bus parking and a contingency plan for wet weather) and approval from the Police Service in accordance with the Guide to Traffic and Transport Management for Special Events for a Class 2 Event shall be submitted to Council. The Traffic Management Plan shall be submitted to Council at least one month before the date of each concert including all relevant Roads and Traffic Authority approvals to the satisfaction of the Group Manager Planning, Development and Regulatory Services (or their delegate).

8. Traffic Committee

- (i) Centennial Vineyards shall be used for traffic and parking arrangements in association with the concerts, subject to the satisfactory completion of all requirements of the Guide to Traffic and Transport for Special Events for a Class 2 Event.
- (ii) The organiser shall liaise with Police at the Hume Local Area Command prior to the event to manage drop off locations in the Bowral CBD for bus patrons.
- (iii) A procedure shall be prepared for the cancellation of an event due to wet weather which includes the timing of on-site meetings and advice to patrons.

Traffic

9. Traffic Control

Traffic control at the gates on Centennial Road shall aim to minimise conflict with other traffic. Tickets shall be taken once vehicles have parked to avoid queuing and congestion at the gates.

5.4 Section 4.55 Modification Application 16/0491.02 - Centennial Vineyards -
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10. Attendees from the Sydney direction shall be directed via the Old Hume Highway and the western end of Centennial Road to use the western driveway and associated car parking areas. Attendees from the Sydney direction shall return the same way. The attendees using the eastern end of Centennial Road shall be directed to use the eastern driveway and associated car parking and return the same way.
11. The gravel driveway from the front gate to the first internal driveway (approximately 120 metres) shall be at least 7 metres wide to enable two lanes of traffic (including buses).
12. Pedestrians should be separated from vehicular traffic and encouraged to walk a safe distance away from the driveway.
13. "No Stopping" restrictions to be signposted on Centennial Road on the day of the event within 1.0km to the west of the Centennial Winery entrance and up to Merilbah Road to the east to prevent patrons from parking on Centennial Road.
14. Lighting Plan
A lighting plan shall be submitted to Council for approval prior to the event being held. The lighting plan shall make provision for pedestrians travelling between the venue and car park at night time, after the concert concludes at 9.00pm and provision for the traffic controllers and internal intersections.
15. Car Parking
Adequate provision shall be made for overnight parking. Consideration shall also be given to a road safety promotion involving Council's Road Safety Officer and availability of adequate bus transport.
16. An adequate Police and/or security presence shall be provided to the car park area to prevent unsafe behavior by motorists, particularly at the finish of the event.
17. Dedicated pedestrian areas shall be provided in the car park area and leading to the event to minimise conflicts with vehicular movements.
18. Pick-up/Drop-off Areas
A dedicated pick-up and drop-off area shall be provided for buses to the satisfaction of the Group Manager Planning, Development and Regulatory Services (or their delegate) with details to be provided prior to the next event with the Traffic Management Plan (ie, a minimum of one (1) month before the event). The area shall have good access to Centennial Road and located so as to minimize conflicts with other traffic. Consideration needs to be given to pedestrian movements within the winery property and particularly within the car parks to minimize conflicts with vehicle movements.
19. A dedicated pick-up and drop-off area shall be provided for private vehicles and taxis, either on Centennial Road or close to Centennial Road to minimise conflicts and delays for vehicles dropping off and picking up passengers.
20. Shuttle Bus
A free shuttle bus is to be provided to and from the event from a designated point or points within Bowral (subject to consultation with NSW Police). This service is to be included in any advertising in order to discourage pedestrian access to the site



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Food Requirements

21. Temporary/Mobile Food Premises Requirements

Modified Application 16/0491.01 dated 27 February 2019 to read:

- Temporary food premises must be set up and operated in accordance with the *Food Act, Food Regulation, Food Safety Standards* and NSW Food Authority's *Guidelines for Food Business at Temporary Events*.

In addition to the above mentioned requirements, food vending vehicles must also comply with the NSW Food Authority's *Guidelines for Mobile Food Vending Vehicles*.

- All temporary food stalls and mobile food vending vehicles shall be fitted with appropriate fire extinguishers and fire blankets.
- Provision of toilets and hand washing facilities for food handlers.

Toilets must be provided for the use by all food handlers and maintained in a hygienic condition. A hand washing facility must be provided immediately adjacent to the toilets. It is to have warm running water through a single outlet and be supplied with soap and paper towels.

22. Additional provision for waste receptacles and regular cleaning thereof shall be organised in conjunction with the proposal.

Responsible Service of Alcohol

23. In the interest of public safety, the organisers shall provide on-site breath testing facilities for patrons to test their blood/alcohol levels.
24. The licensee shall implement best practice strategies to minimise alcohol related harm, including drink driving crashes in the Wingecarribee Shire Council area. The licensee shall work with the Police Licensing Officer as well as the Wingecarribee Shire Council Road Safety Officer to ensure all bar staff are appropriately briefed.
25. Responsible Service of Alcohol Marshalls shall be provided as per the policy and standard approved by the NSW Office of Liquor Gaming and Racing.
26. Free drinking water shall be available at all times and its availability promoted.

Noise Control

27. Signage shall be erected on site advising attendees to not create excessive noise when leaving the venue, so as to respect the amenity of surrounding residences.
28. The Applicant shall minimise wherever possible any adverse noise impacts on the local amenity associated with the concert.
29. Operational Noise Levels
Modified Application 16/0491.01 dated 27 February 2019 to read:

Noise criteria for the concerts are to be a maximum of LA_{eq} at 55 dB(A), LA_{max} at 60 dB(A) and LC_{max} at 80 dB(C) when measured at the closest residential receiver location at 22 St Clair St,

5.4 Section 4.55 Modification Application 16/0491.02 - Centennial Vineyards -
Modification to Attendance Numbers and Frequency of Events
ATTACHMENT 1 DA16/0491.02 - Draft Conditions of Consent



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Bowral (or a closer dwelling should one be constructed after the issue of this consent).

Noise Control Measures

The person with the benefit of this development consent must take all practicable measures to minimise any adverse noise impact from concert events on the local amenity. This includes but is not limited to engaging a suitably qualified acoustic professional and ensuring that he/she:

- attends the whole duration of the outdoor concert event;
- oversees the full implementation of the noise management plan and noise mitigation measures listed on page 10 of the Noise Impact Assessment Report by Renzo Tonin & associates (Document reference: TK391-01F02 Centennial Vineyards Noise Impact Assessment (r3), dated 12 November 2018);
- continuously monitors compliance with the abovementioned noise criteria during the concert event and ensures that immediate and effective measures have been taken to rectify any exceedance of the abovementioned noise criteria; and
- prepares and submits the noise monitoring results to Councils within fourteen (14) days of the concert event.'

Noise Management Plan.

A suitably qualified acoustic professional is to be engaged to develop an event specific Noise Management Plan (NMP). The NMP is to be completed and provided to the Hume Police District Commander, and the Wingecarribee Shire Council, at least ninety (90) days prior to any event. The purpose of the NMP is to identify and implement strategies to minimize any noise impacts to the community. The NMP is to include, but not limited to:

- Details of sound system and orientation of stage;
- Description of the event;
- Community consultation undertaken;
- Noise Monitoring Program;
- Prediction of potential noise impacts;
- Noise complaint management policy;
- Set noise management levels at the front of house; and
- Investigate and implement additional strategies for minimizing noise complaints.

Bushfire

30. Bushfire Hazard

Concerts are to be cancelled on days of predicted fire danger ratings of extreme or catastrophic.

31. NSW Rural Fire Service

**Modified Application 16/0491.01 dated 27 February 2019 to read:
Modified Application 16/0491.02 dated 05 May 2021 to read**

5.4 Section 4.55 Modification Application 16/0491.02 - Centennial Vineyards -
Modification to Attendance Numbers and Frequency of Events
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Integrated Development Application
s100B - SFPP - Other Tourist Accommodation
254 Centennial Road Bowral NSW 2576, 1//DP126196

I refer to your correspondence dated 19/03/2020 seeking general terms of approval for the above Integrated Development in accordance with s4.55 of the *Environmental Planning and Assessment Act 1979*.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the submitted amended information. General Terms of Approval are now re-issued, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions.

General Conditions

1. An enlarged site plan shall be prepared and provided to the local NSW Rural Fire Control Centre. The plan shall include the following:

- entry/exit points to the site
- proposed location of the event
- proposed car parking areas
- proposed bus and taxi drop off and pick up areas
- location of static water supply (SWS) and the provision of suitable access to the supply
- proposed emergency assembly area(s).

Asset Protection Zones

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

2. Slashing of grassed areas on site to a maximum 100 millimetre length shall be undertaken before the event and maintained in the duration of the event.
3. A 10 metre asset protection zone shall be maintained as an inner protection area, as outlined within section

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

5.4 Section 4.55 Modification Application 16/0491.02 - Centennial Vineyards -
Modification to Attendance Numbers and Frequency of Events
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4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*, along the northern and western lot boundaries (excluding the vineyard) for Lot 1 DP 126196.

Access - Internal Roads

The intent of measures is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

4. Access throughout the site, including to static water supplies, shall be made available for emergency vehicles at all times during the event.

Water and Utility Services

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

5. In recognition that the stage is greater than 70 metres from a reticulated water supply (hydrant), a minimum 20,000 Litre water supply for fire fighting purposes shall be provided on site during the event within 70 metres of the stage.

Emergency and Evacuation Planning Assessment

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

6. A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with *Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014*.

7. Any event to be held on a day of extreme or catastrophic fire danger shall be cancelled or postponed.

General Advice - Consent Authority to Note

This letter is in response to additional information submitted and supersedes our previous recommendations dated 16 January 2019 (NSW RFS Ref: D18/8420).

This letter is in response to an assessment of the application based on the submitted further information and supersedes our previous general terms of approval dated .



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BUSH FIRE SAFETY AUTHORITY

SFPP - Other Tourist Accommodation
254 Centennial Road Bowral NSW 2576, 1//DP126196
RFS Reference: DA-2015-00838-S4.55-1
Your Reference: 16/0491.02

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority supersedes the previous Bush Fire Safety Authority (none) issued on and confirms that, subject to the attached reissued General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under s100b of the Rural Fires Act 1997.

Nika Fomin

Manager Planning & Environment Services
Planning and Environment Services

Friday 27 March 2020



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32. Water NSW
Modified Application 16/0491.01 dated 27 February 2019 to read:
Modified Application 16/0491.02 dated 05 May 2021 to read

Water NSW's Modified Concurrence Conditions
DA No 16/0491.02; Lot 1 DP 453373, Lot 5A DP 16192 and Lot 1 DP 126196; 254
Centennial Road, Bowral

General

1. Site works, layout and operations of the events shall be implemented as specified in the Statement of Support for Section 4.55 modification application prepared by Lee Environmental Planning (dated February 2020) and shown on the Site Layout Plan for Proposed Outdoor Concerts (Author not specified and dated October 2018). No revisions to site layout or works that will have any 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.

Wastewater Management

2. Portable toilet amenities shall be provided for all concert events. The number and type shall be hired for the event in accordance with the supplier's recommendation and as specified in Safe and Healthy Mass Gatherings: Australian Disaster Resilience Handbook Manual 12, 1999.
3. No wastewater generated from the rinsing of crockery, cutlery and glassware shall be disposed of on open grassed areas.

Reason for Conditions 2 & 3 - To ensure that appropriate on-site wastewater management systems are designed, located and managed to have an overall and sustainable neutral or beneficial effect on water quality over the longer term.



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Stormwater Management

4. Potential water quality impacts from toilets, food stalls, on-site parking and litter associated with the temporary use shall be managed in accordance with the recommendations in the Water Cycle Management Report (Ref. No. 1500115-L-01, dated 27 April 2015) prepared by Strategic Environmental & Engineering Consulting.
5. The temporary access driveway from Centennial Road to the temporary car park areas, shall be upgraded in accordance with Council's standards. The driveway shall have appropriate cross drainage and be surfaced with a durable gravel material.
6. The grassed swale adjacent to the proposed bus parking area shall be protected during the event with temporary fencing.

Reason for Conditions 4 to 6 – To ensure appropriate stormwater management measures area in place to ensure that a sustainable neutral or beneficial effect on water quality.

Other

7. In the event of significant wet weather and saturated ground conditions that adversely affect parking and high foot traffic areas, the event must be postponed or alternative suitable parking and transport to the site must be provided. Alternatively, effective erosion and sediment controls shall be installed immediately before or during the event around parking area(s), the entrance to the site and/or high foot traffic areas such as around toilet and shower facilities:

- to prevent sediment or polluted water leaving the site or entering any natural drainage system or stormwater drain, and
- to ensure controls are maintained and retained until the event has concluded and suitable groundcover re-established or the ground surface stabilised.

8. All patrons, stall holders, staff and contractors shall be advised of their responsibilities in relation to wastewater, solid waste and erosion and sediment control management.

Reason for Conditions 7 & 8 – To ensure that the holding of the event at the venue will not adversely affect water quality, so as to ensure a sustainable neutral or beneficial effect on water quality over the longer term.

33. NSW Police Force
Modified Application 16/0491.02 dated 05 May 2021 to read

3. The applicant shall submit a completed "Crowded Place Security Self-Assessment" and "Crowded Places Security Audit", as part of the Security Management Plan (available at <http://www.nationalsecurity.gov.au/CrowdedPlaces>) and submit to the NSW Police Force, a minimum of 28 days prior to each event.
4. Has consulted with the NSW Police Force to address any public safety issues arising from the first scheduled concert, on a date to be advised to the NSW Police Force. Upon resolution of any identified public safety issues, final approval can be given to the modification.



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34. NSW Ambulance

NSW Ambulance may be in attendance depending on the nature of the event. In an emergency, all requests for an ambulance will be made via 000.

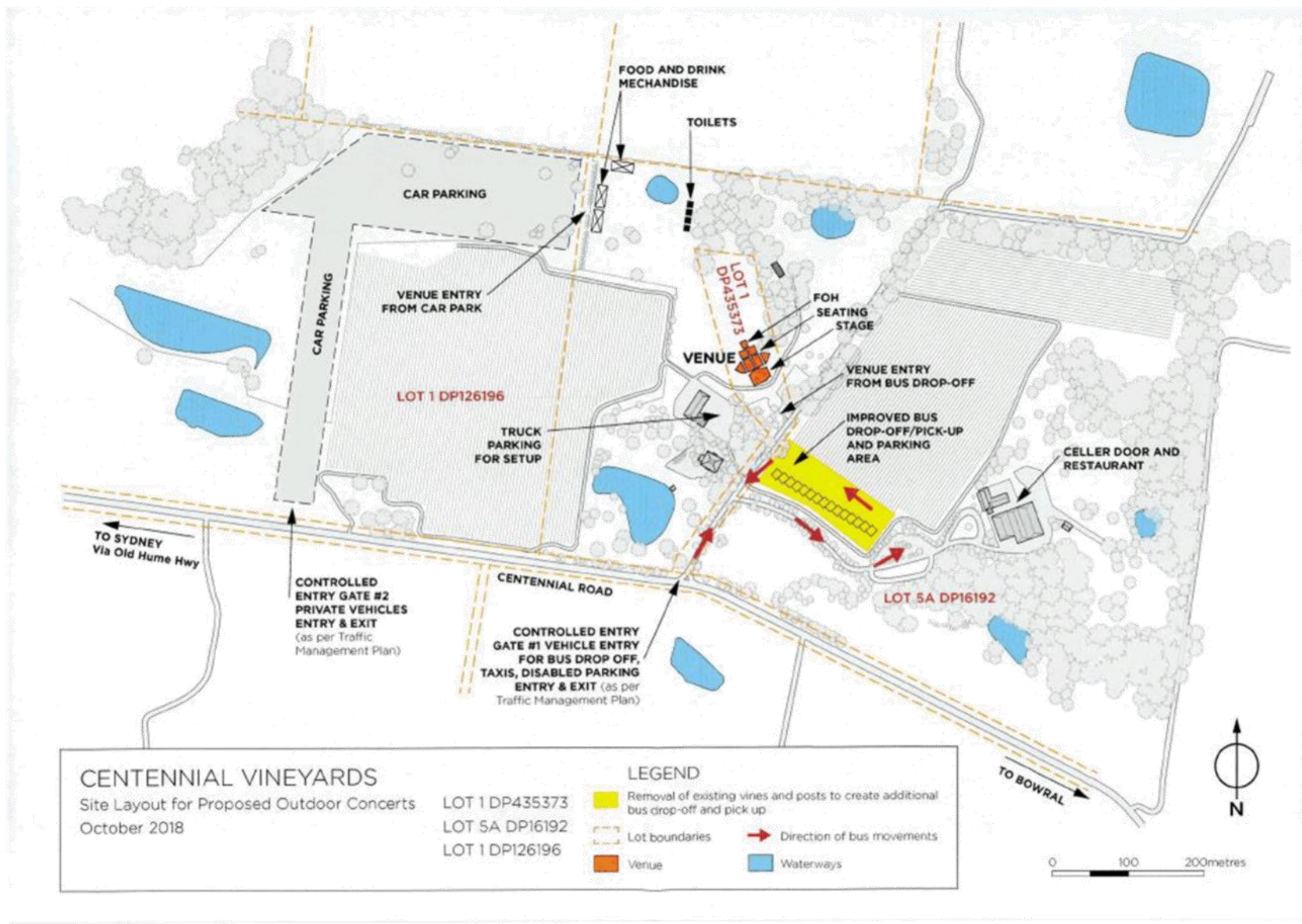
35. Dilapidation Report

A Dilapidation Report of Centennial Road (between Kirkham Road and Old Hume Highway) shall be undertaken prior to the commencement of each event and submitted to Council. The Dilapidation Report shall be carried out taking into account civil infrastructure and any structural and/or geotechnical factors likely to arise from the undertaking of each event.

The person having the benefit of the development consent shall, at their own cost, rectify any damage caused to the road (i.e. damaged grass verges, concrete footpath, kerb and gutter, bitumen damage) as a consequence of each event, to the satisfaction of Council.

END OF CONDITIONS

DRAFT





Les McMahon
Acting General Manager

Wednesday 28 April 2021