

# AGENDA

of the  
**Local Planning Panel**  
held in  
**Council Chambers,**  
**Wingecarribee Shire Council Civic Centre,**  
**68 Elizabeth Street, Moss Vale**  
on

**Wednesday 27 September 2023**

The meeting will commence at **2:00 pm**

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WEDNESDAY 27 SEPTEMBER 2023**

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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

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**The Council Chamber has 24 Hour Video Surveillance.**

## **1 OPENING OF THE MEETING**

The Chairperson opened the meeting and welcomed members of the public and the press.

## **2 ACKNOWLEDGEMENT OF COUNTRY**

The Chairperson acknowledged 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.”

## **3 APOLOGIES**

Nil at time of print.

## **4 DECLARATIONS OF INTEREST**

The provisions of Chapter 14 of the Local Government Act 1993 regulate the way in which 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 PLANNING PROPOSALS**

No Planning Proposals listed for this meeting

## **6 DEVELOPMENT APPLICATIONS**

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### **6.1 DA23/0555 - 2 Lot Subdivision, 10 Old Hume Hwy, Berrima**

**Report Author:** Ali Zeineddine - Consultant Planner

**Authoriser:** Adan Davis, Director Communities and Place

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#### **PURPOSE**

The purpose of this report is to consider Development Application 23/0555 for the Panel's consideration and recommends determination by **APPROVAL** of consent for the reasons specified in **Attachment 1**.

<b>Consultants</b>	LEP Consultant – Scott Lee
<b>Notification Period</b>	5/12/2022 – 19/12/2022
<b>Number of Submissions</b>	One submission received
<b>Zoning</b>	Lot 1 in an RU4 zone is less than the minimum 10 Hectare requirement and Lot 2 in an R2 zone is less than the minimum 2,000m <sup>2</sup> requirement. The application seeks to utilise the exceptions to minimum subdivision lot sizes for certain split zones under Clause 4.2C of the LEP as discussed in this Report.
<b>Political Donations</b>	Nil
<b>Reason for Referral to Panel</b>	<ul style="list-style-type: none"><li>• Determined DA21/1483 – refused by the WLPP on 7/07/2021 (please refer to the WLPP agenda &amp; minutes dated 7 July 2021 on Council's website)</li><li>• Determined DA22/0172 – refused by the WLPP on 1/06/2022 (refer to the WLPP agenda &amp; minutes dated 1 June 2022 on Council's website)</li></ul>

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#### **OFFICER'S RECOMMENDATION**

**THAT the Local Planning Panel determines development application 23/0555 – 2 Lot Subdivision at Stringybark 10 Old Hume Highway, Berrima by APPROVAL of consent for the reasons specified in Attachment 1 to the Council Officer's report.**

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#### **EXECUTIVE SUMMARY**

##### **1. Executive summary**

The proposed subdivision of land into two (2) lots is recommended for approval. The site has a split zoning of RU4 Primary Production Small Lots and part R2 Low Density Residential zone. Following consideration of further information on a concept building plan, Council's Heritage Advisor raises no objection to the proposal and the other internal referrals and raise no

objections subject to recommended conditions. The NSW RFS have issued their GTAs and conditions (incorporated in the draft conditions of consent). The assessment finds the proposal is worthy of approval as it satisfies the provisions of relevant matters for consideration, in particular the WLEP 2010 in terms of objectives for the zones (RU4 Primary Production Small Lots and part R2 Low Density Residential zone) and notwithstanding the non-compliant lot size, it satisfies section 4.2C of the WLEP 2010 for minimum subdivision lots sizes for certain split zones and is consistent with the relevant provisions in the applicable DCPs.

One submission was received following notification of the DA, but the issues raised in this submission do not warrant refusal of the proposal given the assessment outlined in this report, in respect to s.4.15 - Evaluation of the *Environmental Planning & Assessment Act 1979*.

## **2. Site Description and Locality.**

The subject land contains an existing dwelling and some small outbuildings in the north-west corner of the lot but otherwise is vacant of buildings. The site is irregular in shape with a total site area of approximately 9.4 hectares. The site is situated at the northern edge of the Berrima village. It has frontages to both the Old Hume Highway to the east and to Wilkinson Street to the west.

### Topography

The subject land is relatively undulating with a central ridge and slope from the centre of the site to the north and centre to the south.

### Watercourses

There is a watercourse traversing the north-western corner of the subject land. The Natural Resources Sensitivity maps indicate that there may be a water course in the north-western corner of Proposed Lot 1, the larger lot to retain the RU4 zoning. It is noted that the subdivision does not require or propose any physical works on proposed Lot 1.

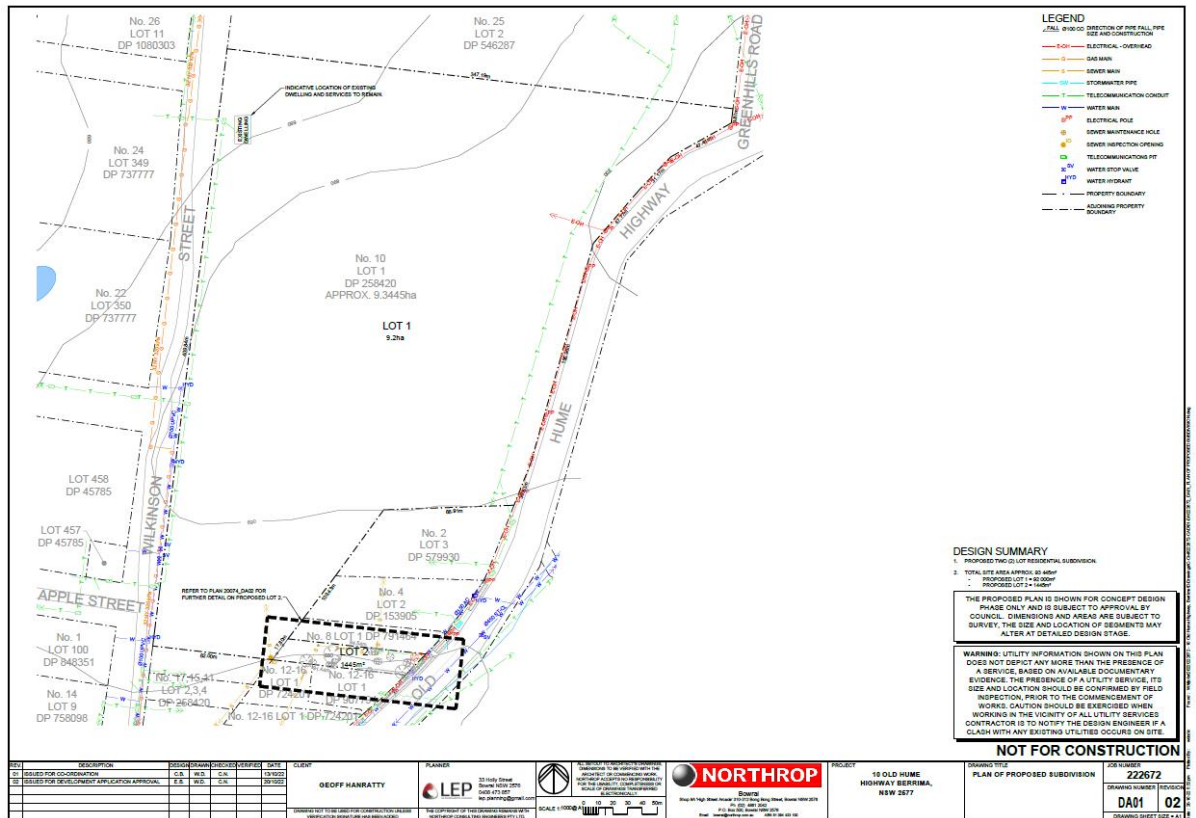
### Vegetation

Much of the site contains remnant native vegetation, although there are cleared areas, including the small portion of the site that sits between existing dwelling houses fronting the Old Hume Highway.

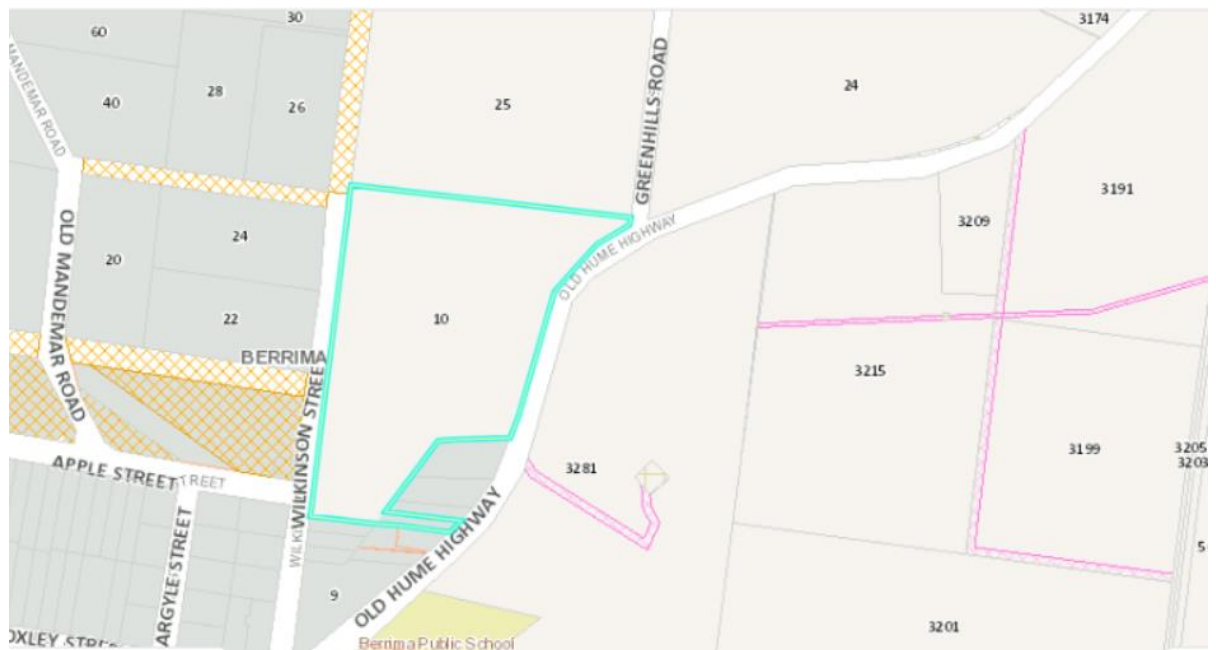
The site contains areas of native vegetation with some limited cleared areas of open grazing land. These areas are contained within that part of the site that is zoned RU4 Primary Production Small Lots. No specific ecological assessment report is required. The development does not trigger the need to assess the potential impact of vegetation removal nor require the consideration of any biodiversity offsetting given that the subdivision is limited to the southern end of the site that is zoned R2 Low Density Residential.

The development application seeks consent for the subdivision of the subject land into two Torrens Title lots. Lot 1 is proposed to contain all the part of the site zoned RU4 Primary Production with a lot size of 9.2ha whilst Lot 2 is proposed to contain all the part of the site zoned R2 Low Density Residential with a lot size of 1,445m<sup>2</sup> as shown on the proposed subdivision plan reproduced below:

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**Figure: Proposed Plan of Subdivision**



**Figure 1: Locality Map**



### **3. Background**

It is noted that within the last two years two previous development applications (DAs) for two lot subdivision of the existing lot (same as this current application) have been determined by the WLPP by way of refusal as follows:

#### Determined DA21/1483 – refused by the WLPP on 7/07/2021

- Whilst the proposed subdivision is permitted under the split zoning concession in clause 4.2C of Wingecarribee LEP 2010 (the LEP) notwithstanding that proposed lot 2 is 1,445 square metres rather than the minimum lot size of 2,000 square metres, the Panel must be satisfied with the creation of lot 2 as a lot suitable for erection of a new dwelling house (with associated carparking) having regard to the sensitivity of the site located in the heritage conservation area and in between 2 listed heritage items.
- The site is identified in Part A section 9 of the Berrima Village Development Control Plan (the DCP) “Development within a heritage context” as having the potential for residential development at the rear facing Wilkinson Street rather than at the Old Hume Highway frontage and this is not addressed in the report.
- The panel is not satisfied that the proposed subdivision, and in particular the creation of lot 2 as a lot for erection of a dwelling house should be approved having regard to the following:
- The objectives in clause 5.10 (1)(a) and (b) of the LEP.
- The lack of a heritage management document as referred to in clause 5.10 (5)(b) and (c) of the LEP.
- The potential adverse impact on the heritage significance of the heritage conservation area and adjacent heritage items (cl 5.10(4) of the LEP).
- The Panel is of the view that a combined subdivision/dwelling house development application including a dwelling house and associated garaging on lot 2 designed in accordance with the design principles and guidelines contained in the Berrima Village DCP (in particular section Part A, section 9 “Development Within a Heritage Context”) should be lodged to ensure that the impacts of any such dwelling house and associated garaging are able to be appropriately assessed in the context of the heritage controls in the LEP and DCP prior to the site being approved for subdivision.
- Any such application should be accompanied by a landscape plan and heritage impact document and provide adequate justification for a dwelling house to be erected on the site notwithstanding the DCP provision referred to in paragraph 2 above.

#### Determined DA22/0172 – refused by the WLPP on 1/06/2022.

- The site is identified in Part A section 9 of the Berrima Village Development Control Plan (DCP) ‘Development within a heritage context’ with the potential for residential development to have access from Wilkinson Street rather than at the Old Hume Highway frontage. This preferred planning outcome has not been pursued.
- The development fails to satisfy the objectives of clause 5.10 (1)(a) and (b) of the WLEP 2010 and will have potential adverse impact on the heritage significance of the conservation area and adjacent heritage items (Cl5.10 (4) of the LEP).
- The proposed development fails to satisfy the design principles and guidelines contained in the Berrima Village DCP contained in Part A, section 9 (Development within a Heritage Context).
- The proposal fails to satisfy clause 7.10 of the WLEP 2010 in that it has not been confirmed that the necessary public utility infrastructure is available to service the proposed lot.
- Appropriate considerations of the constraints of the site relating to existing vegetation, vehicle access and sewer infrastructure capacity upon the potential development of the site has not been made. This would be assisted with the provision of concept drawings to demonstrate that any proposed building envelope can provide a suitable dwelling.

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**4. Notification**

The owners of adjoining and likely affected neighbouring properties were notified of the proposed development in accordance the Notification of Development Proposals Policy – 14 November 2018. The notification period was from 05/12/2022 to 19/12/2022. The following total submissions were received as a result of the notification process:

Issue	Comment
<p><b>Heritage</b></p> <p>The Berrima Residents Association (BRA): “objects to this application on the same grounds BRA submitted for the previous applications” for subdivision of land – 2 lots; and</p> <p>“We fully support the reasons for refusal as set to in the Council’s letter to the applicant on 2 June 2022.”</p>	<p>Although the site is in a highly sensitive location from a heritage perspective, it is considered that any future dwelling on lot 2 would be mostly obscured when viewed from the public domain (when viewed from north and south on the Old Hume Highway) given the position of existing adjoining dwellings/buildings, and the proposed building footprint for Lot 2.</p> <p>Furthermore, any future residential development on proposed Lot 2 would need to be designed in accordance with the controls in the Berrima Village DCP, which are very strict to ensure a high design quality for new development in the village.</p>

**5. Relevant Environmental Planning Instruments**

*State Environmental Planning Policy (Biodiversity and Conservation) 2021*

Chapter 6 – Sydney Drinking Water Catchment

The proposed development is not expected to have any adverse effect on water quality. A concept drainage plan has been submitted as part of the DA which has been assessed by the Council’s Development Engineer and relevant conditions of consent have been recommended should the application be determined by way of approval.

An assessment against the previous the previous DA-21/1483 found that the proposed development would have a neutral or beneficial effect on water quality and this proposed subdivision of land will also have a neutral or beneficial effect on water quality, and is therefore satisfactory in respect to Part 6.5 of the SEPP.

*State Environmental Planning Policy (Resilience and Hazards) 2021*

Chapter 4

Chapter 4 of SEPP Resilience and Hazards 2021 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.

A review of the property file, council records and a site inspection has raised no concerns in terms of onsite contamination as the site has historically been used for residential land uses.

*State Environmental Planning Policy (Transport and Infrastructure) 2021*

Subdivision 2 – development in or adjacent to road corridors and road reservations

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Relevant Provisions	Comment
<b>2.118 Development with frontage to classified road</b>	
<p><i>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</i></p> <p><i>(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</i></p>	<p>The subject site has a frontage to Old Hume Highway, Berrima which is not identified as a Classified Road in the <i>Schedule of Classified Roads and Unclassified Regional Roads publication (April 2017)</i>. This was confirmed in the previous DA on the land which was referred to Transport for NSW who advised:</p> <p><i>We have rejected this referral as this is not integrated development under the Roads Act, 1993. It would only be integrated development under S138 where TfNSW is the road authority, e.g. the Hume Motorway. In this instance Council is the road authority for Old Hume Highway, so this referral is a matter for Council.</i></p>
<p><i>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</i></p> <p><i>(i) the design of the vehicular access to the land, or</i></p> <p><i>(ii) the emission of smoke or dust from the development, or</i></p> <p><i>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</i></p>	
<p><i>(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</i></p>	

**5.1 Wingecarribee Local Environmental plan 2010 (WLEP)**

The land is in Zone R2 Low Density Residential and RU4 – Primary Production Small Lots. The Land Use Table at the end of Part 2 of the LEP specifies developments (including subdivision of land to create lots) for the purpose of *dwelling houses* is permitted with consent in Zone R2.

The proposal is consistent with the specific objectives of the zone in that the proposed activity increase the available land stock within the subdivision.

The following development standards in the WLEP 2010 apply to the proposal:

Clause	Control	Assessment	Compliance
2.3	<i>Zone Objectives and land use table</i>	<p>The site is zoned part RU4 Primary Production Small Lots and part R2 Low Density Residential zone, and the proposed development is permissible with development consent pursuant to Clause 2.6.</p> <p>The proposal is consistent with the aims and objectives of the zone, which will be demonstrated and discussed throughout this report.</p>	Yes

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<b>Clause</b>	<b>Control</b>	<b>Assessment</b>	<b>Compliance</b>
<b>2.6</b>	<i>Subdivision – consent requirements</i>	This DA lodgement satisfies the requirements of clause 2.6.	Yes
<b>4.1</b>	<b>Minimum subdivision lot size</b>		
	10 Hectares for part of the site zoned RU4	Lot 1 - RU4 - 9.2ha Refer to Clause 4.2C below.	No
	2000 square metres for the part of site zoned R2	Lot 2 - R2 - 1,445m <sup>2</sup> Refer to Clause 4.2C below.	No
<b>4.1AA</b>	<i>Minimum subdivision lot size for community title schemes</i>	Not applicable.	N/A
<b>4.1A</b>	<i>Minimum subdivision lot size for strata plan schemes in certain rural and residential zones</i>	Not applicable.	N/A
<b>4.2</b>	<i>Rural subdivision</i>	Not applicable, the land is not proposed to be subdivided for the purpose of primary production.	N/A
<b>4.2B</b>	<i>Boundary changes between lots in certain rural, residential and environmental protection zones</i>	Not applicable.	N/A
<b>4.2C</b>	<p><i>Exceptions to minimum subdivision lots sizes for certain split zones.</i></p> <p><i>(1) The objectives of this clause are as follows—</i></p> <p><i>(a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,</i></p> <p><i>(b) to ensure that the subdivision occurs in a manner that promotes suitable land uses and development.</i></p> <p><i>(2) This clause applies to each lot (an <b>original lot</b>) that contains land in more than one zone.</i></p> <p><i>(3) Despite clause 4.1, development consent must not be granted to subdivide an original lot to create other lots (<b>resulting lots</b>) unless—</i></p> <p><i>(a) one of the resulting lots will contain—</i></p> <p><i>(i) land in Zone RU4 Primary Production Small Lots, in Zone E4 Environmental Living or in a residential zone that has an area that is not less than the minimum size</i></p>	<p>The proposed development fully complies with clause 4.2C(5)(a) in that each of the proposed lots to be created from the subdivision will each contain land in only one zone.</p> <p>The original lot (i.e. the whole of the subject site) has two separate zones under LEP. The proposed subdivision seeks to create allotments which align with the LEP zone boundaries.</p> <p>The lots to be created from the subdivision will each contain land in only one zone. That is, Lot 1 will be wholly within the RU4 zone and Lot 2 will be wholly within the R2 zone.</p> <p>The subdivision can therefore be considered, even though the lot sizes do not comply with the minimum lot sizes prescribed in Clause 4.1 above.</p>	Yes

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Clause	Control	Assessment	Compliance
	<p>shown on the <a href="#">Lot Size Map</a> in relation to that land, and</p> <p>(ii) all of the land in all other zones that was in the original lot; and</p> <p>(b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the <a href="#">Lot Size Map</a> in relation to that land.</p> <p>(4) For the purposes of calculating an area of land under subclause (3), the area of any access handle used for the purpose of providing vehicular access from the lot to a road is not to be included.</p> <p><b>(5) Despite subclause (3), development consent may be granted to subdivide an original lot if—</b></p> <p><b>(a) the lots to be created from the subdivision will each contain land in only one zone, or</b></p> <p><b>(b) the lots to be created from the subdivision will each contain land in more than one zone and any land in Zone RU4 Primary Production Small Lots, in Zone E4 Environmental Living or in a residential zone will have an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.</b></p> <p>(6) A lot created under subclause (5)(b) must not be further subdivided under this clause.</p>	<p>Clause 4.2C sets aside the minimum lot sizes prescribed in clause 4.1 for original lots which have more than one zone.</p> <p>The proposed subdivision satisfies objective (a) of clause 4.2C, as the proposal provides for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1.</p> <p>The proposed subdivision satisfies objective (b) in that Council is able to determine that the subdivision will promote a suitable land use and development on proposed Lot 2 as a concept proposal for a future dwelling house has been submitted which demonstrates that the site would be suitable to support development post-subdivision.</p>	
4.2D	Exceptions to minimum subdivision lot sizes for certain rural subdivisions	Not applicable.	N/A
4.6	Exemptions to Development Standards	<p>No exceptions to development standards are sought.</p> <p>Whilst the DA proposes lot sizes below the minimum lot size for subdivision prescribed in Clause 4.1 of the LEP, Clause 4.2C allows the smaller lot sizes "Despite clause 4.1" and is in itself a Clause that provides for 'Exceptions to minimum</p>	N/A

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Clause	Control	Assessment	Compliance
		<p><i>subdivision lots sizes for certain split zones</i>’. Therefore, compliance with Clause 4.2C sets aside Clause 4.1 and a non-compliance with lot sizes under Clause 4.1 is not a variation to a development standard if the proposal complies with Clause 4.2C. As detailed above, the proposed development fully complies with the matters in Clause 4.2C and is therefore acceptable.</p>	
<p><b>5.10</b></p>	<p><i>Heritage Conservation</i></p> <p><i>(1) Objectives The objectives of this clause are as follows—</i></p> <p><i>(a) to conserve the environmental heritage of Wingecarribee,</i></p> <p><i>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</i></p> <p><i>(c) to conserve archaeological sites,</i></p> <p><i>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</i></p>	<p>The subject site is not listed within Schedule 5 of WLEP2010 as an item of local heritage significance however is within the area identified as the Berrima Conservation Area and also adjoins a number of Schedule 5 listed properties. In particular, item 1134 Harpers Cottage adjoins the site at 6 Old Hume Highway to the east, item 1208 Woodely Cottage (also known as Telegraph Cottage) adjoins the site to the south and item 1177 Glebe Cottage is situated opposite the site to the east.</p> <p>The Heritage Impact Statement submitted with the DA provides an assessment of the proposal and indicates the proposal is acceptable on heritage grounds as the smaller allotment is consistent with the size of several nearby allotments including 4 and 6 Old Hume Highway dating from c.1927) and 11, 15 and 17 Wilkinson Street which are also 3 smaller allotments to the west.</p> <p>The creation of the smaller allotment is supported as it has been sufficiently demonstrated that the construction of a house on the allotment would not adversely affect the character of the conservation area, the setting of the heritage items in the vicinity, and views to and from the adjoining Harpers Mansion. Council’s Heritage Advisor has</p>	<p>Yes</p>

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Clause	Control	Assessment	Compliance
		raised no objection to the proposed development.	
7.7	<i>Subdivision applications for Exeter Quarry</i>	Not applicable.	N/A
7.8	<i>Subdivision land adjoin Vine Lodge Exeter</i>	Not applicable.	N/A
7.9	<i>Flood planning</i>	Not applicable.	N/A
7.10	<i>Public Utility infrastructure</i>	Provided all recommended consent conditions are complied with, the proposed development will have access to water supply, electricity supply and sewerage infrastructure.	Yes

Section 4.15(1)(a)(ii) – Provisions of any Draft Environmental Planning Instruments (EPIs)

No Draft Environmental Planning Instruments applicable.

Section 4.15(1)(a)(iii) – Provisions of any Development Control Plans (DCPs)

There are two Development Control Plans (DCPs) which apply to the subject site:

1. Rural Living DCP applies to land zoned RU4 – Primary Production Small Lots, i.e. proposed Lot 1); and
2. Berrima Village DCP applies to the portion of the site zoned R2 Low Density Residential (i.e. proposed Lot 2).

**6. Development Control Plans and Policies**

**6.1 Berrima Village Development Control Plan (DCP)**

The objectives provide the framework for assessment under each requirement and outline key outcomes that a development is expected to achieve. The controls contain both numerical standards and qualitative provisions. Any proposed variations from the controls may be considered only where the applicant successfully demonstrates that an alternative solution could result in a more desirable planning and urban design outcome.

A small portion of the site (in particular Proposed Lot 2) is subject to the Berrima Village DCP. Most of the controls in this DCP apply to new residential or business zoned buildings with limited controls applicable to subdivisions. An assessment of the proposal in terms of the applicable provisions of this DCP is undertaken in the following table:

Section	Control	Assessment	Compliance
<b>Part A – All Land</b>			
<b>Section 3</b>	<b><i>Biodiversity</i></b>	The subject site is not identified as regional wildlife habitat corridor on the Natural Resources Sensitivity Maps, (or	Yes

Section	Control	Assessment	Compliance
		<p>natural waterbodies and riparian land).</p> <p>The proposed subdivision will have minimal impact in terms of existing vegetation as 1 tree is proposed to be removed to facilitate a new driveway for proposed Lot 2. The tree is non-native and considered to satisfy the objectives in this Section of the DCP.</p> <p>The controls in this Section will be more applicable to future new residential development on proposed Lot 2 post-subdivision.</p>	
<b>Section 4</b>	<b>Water Management</b>	<p>There is a watercourse traversing the north-western corner of the subject land. The Natural Resources Sensitivity maps indicate that there may be a water course in the north-western corner of Proposed Lot 1, the larger lot to retain the RU4 zoning. It is noted that the subdivision does not require or propose any physical works on proposed Lot 1.</p> <p>Proposed Lot 2 is not identified on the Natural Resources Sensitivity Maps as a regional wildlife habitat corridor, or natural waterbodies and riparian land.</p> <p>Council’s Development Engineers have provided conditions of consent relating to stormwater design.</p> <p>Generally, the proposed subdivision satisfies the</p>	Yes



<b>Section</b>	<b>Control</b>	<b>Assessment</b>	<b>Compliance</b>
		<p>objectives and controls in this Section of the DCP.</p> <p>The controls in this Section will be more applicable to future new residential development on proposed Lot 2 post-subdivision.</p>	
<b>Section 5</b>	<b><i>Flood Liable Land</i></b>	The subject site is not identified as flood prone land.	N/A
<b>Section 6</b>	<b><i>Bushfire Hazard</i></b>	<p>Councils mapping identifies the subject land as Bushfire Prone Land - Vegetation Buffer.</p> <p>A Bushfire Assessment Report has been submitted with this DA, complying with Planning for Bushfire Protection. General Terms of Approval have been granted by the NSW RFS.</p>	Yes
<b>Section 7</b>	<b><i>Vegetation Management &amp; Landscaping</i></b>	The proposed subdivision will have minimal impact in terms of existing vegetation as 1 tree is proposed to be removed to facilitate a new driveway for proposed Lot 2. The tree is non-native and considered to satisfy the objectives in this Section of the DCP.	Yes
<b>Section 8 A8.1.1 Existing Subdivision Pattern</b>	<p><b><i>Subdivision, Demolition, Siting and Design</i></b></p> <p><i>The Village of Berrima is laid out as a Georgian village based on a grid pattern of streets with a central focal and open marketplace of mixed commercial and residential character. Allotments are regular and rectangular in shape leading out into the surrounding rural area.</i></p> <p><i>The minimum lot size for R2 Low Density residential land in Berrima is 2,000m<sup>2</sup> although there is a small</i></p>	<p>Lot 2 in an R2 zone is less than the minimum 2,000m<sup>2</sup> requirement. The application seeks to utilise the exceptions to minimum subdivision lot sizes for certain split zones under Clause 4.2C of the LEP as discussed earlier in this Report.</p> <p>The proposal generally respects the existing subdivision pattern and will create a lot that is consistent with the existing established pattern of subdivision for R2 zoned</p>	Yes (complies with WLEP 2010 clause 4.2C(5)(a))

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	<i>pocket of R2 zoned land already subdivided and developed on Mortimer and Lennox Roads (east of Oxley Street) which has a 700m<sup>2</sup> minimum lot size.</i>	lots fronting Old Hume Highway. As discussed earlier in this report, the proposal involves subdivision in accordance with the two land use zones affecting the subject property.	
<b>A8.1.2 Minimum Lot Sizes</b>	<i>Applicants are directed to the minimum lot size maps under WLEP 2010 which indicate the subdivision potential for any lot. Where proposed subdivision would create an allotment below the minimum lot size, certain provisions of WLEP 2010 apply and applicants are advised to consult with Council to determine the extent to which any variation of the minimum lot size may be permissible.</i>	Lot 2 is in an R2 zone and is less than the minimum 2,000m <sup>2</sup> requirement. The application seeks to utilise the exceptions to minimum subdivision lot sizes for certain split zones under Clause 4.2C of the LEP as discussed earlier in this Report.  The subdivision is satisfactory.	Yes
<b>A8.1.3 Building Envelopes</b>	<i>When designing allotments, building envelopes (in the form of restrictions to the title of the allotments – i.e. Section 88(b) restrictions) may need to be considered.</i>	A concept site and floor plan for a dwelling house was submitted with the DA showing a maximum area for the site of a new house, the location of the driveway and garage. The plans also show maximum wall plate and roof heights on elevations.  The plans enable an assessment of impacts on views, and to some extent, the streetscape.	Yes
<b>A8.1.4 Noxious and Environmental Weeds</b>	<i>As a part of the assessment of any subdivision application, an inspection of the subject land will be undertaken by Council's Weeds Officer.</i>	There are no known noxious weeds on the subject land.	N/A
<b>A8.1.5 Landscape Embellishment</b>	<i>A condition of Council's subdivision approval will be that landscape embellishment of allotments and public roads shall occur, thereby enhancing native vegetation in the locality.</i>	This is an isolated subdivision, creating one new lot adjoining an existing pattern of subdivision.  There is no existing theme of street tree planting in	Yes

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		this location, therefore new street tree planting or landscaping is not considered necessary in this instance.	
<b>A8.1.6 Street Trees</b>	<i>Standard street tree planting and street lighting is required in order to provide consistency between subdivision developments, providing a unified theme for the village.</i>	As above, new street tree planting or landscaping is not considered necessary in this instance.	Yes
<b>A7.1.6 Lighting</b>	<i>Standard street lighting is required in order to provide consistency between subdivision developments, providing a unified theme for the village.</i>	No new streets or roads are proposed as a result of the proposed subdivision.	N/A
<b>A7.2 Demolition</b>	<i>(a) No demolition may occur on property which is an Item of Heritage, or is located within a Heritage Conservation Area, without the consent of Council. (b) An application for such demolition shall be accompanied by a Landscape Plan.</i>	No demolition proposed.	N/A
<b>A7.3 Site Analysis</b>	<i>This section of the DCP contains various requirement for a Site Analysis to be provided with Das.</i>	A satisfactory site analysis has been provided.	Yes
<b>A7.4 Cut and Fill</b>	<i>a) Where the cut and fill objectives cannot be met, the development must be stepped in order to accommodate the contours of the site. b) Any cut and fill required shall comply with the maximum controls set out in Clause 7.3 (Earthworks) of Wingecarribee Local Environmental Plan 2010.</i>	No cut/fill proposed as part of the subdivision.  The controls in this Section will be more applicable to future new residential development on proposed Lot 2 post-subdivision.	N/A
<b>A8.5 Shipping Containers</b>	<i>Prohibits shipping containers unless approval has been granted by Council for conversion as a residential building.</i>	No shipping container proposed.	N/A

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<b>Section</b>	<b>Control</b>	<b>Assessment</b>	<b>Compliance</b>
<p><b>A9 Development in a Heritage Context</b></p> <p><b>A9.6 Subdivision Pattern and Landuse</b></p>	<p><i>This section of the DCP provides an extensive background to the heritage significance of Berrima and an extensive range of controls for new development in a heritage context.</i></p> <p><i>The most pertinent controls in this Section are in A9.6 – Subdivision Pattern and Land Use.</i></p>	<p>Provided all recommended conditions of consent are complied with, the proposed subdivision development is considered to satisfy the objectives and controls in this Section of the DCP.</p> <p>As stated previously, this subdivision generally maintains the existing subdivision pattern by creating one new allotment in an existing subdivision pattern.</p> <p>The controls in this Section will be more applicable to future new residential development on proposed Lot 2 post-subdivision.</p>	Yes
<p><b>Section 13 Heritage Precincts</b></p> <p><b>A13.7 Harpers Mansion Precinct (No 6)</b></p>	<p><i>This Section of the DCP provides precinct controls for the 10 precincts which make up the Berrima village.</i></p> <p><i>The subject site is located in Precinct 6 – Harpers Mansion Precinct. The objectives of this Precinct are all new buildings in the eastern part of the precinct must be in sympathy with Harper’s Mansion; and that dwellings in the western part of the precinct shall have regard to the heritage character of Berrima.</i></p>	<p>Provided all recommended conditions of consent are complied with, the proposed subdivision development is considered to satisfy the objectives in this Section of the DCP.</p> <p>The controls in this Section will be more applicable to future new residential development on proposed Lot 2 post-subdivision.</p>	Yes
<p><b>Part C Residential Zoned Land</b></p>	<p><i>This section of the DCP contains extensive controls for new residential development in Berrima, including:</i></p> <ul style="list-style-type: none"> <li>• <i>Low Density Housing</i></li> <li>• <i>Universal Design for Adaptable Housing</i></li> <li>• <i>Other forms of residential development</i></li> <li>• <i>Ancillary development</i></li> <li>• <i>Home Business and home industry</i></li> </ul>	<p>Provided all recommended conditions of consent are complied with, the proposed subdivision development is generally considered to satisfy the objectives and controls in this Section of the DCP – noting that many of the controls are not applicable to the proposed subdivision and will only be applicable for particular development types.</p>	Yes

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Section	Control	Assessment	Compliance
	<ul style="list-style-type: none"> <li>• <i>Bed and Breakfast establishments</i></li> <li>• <i>Seniors Housing</i></li> <li>• <i>Exhibition homes and villages</i></li> <li>• <i>Educational establishments</i></li> <li>• <i>Places of public worship</i></li> <li>• <i>Child Care Centres.</i></li> </ul>	The controls in this Section will be more applicable to future new residential development on proposed Lot 2 post-subdivision.	

The relevant provisions of the Berrima Village Plan DCP are addressed in Appendix 2.

**7. Environmental Assessment**

The site has been inspected 30 December 2022 and the application has been assessed having regard to Section 4.15 of the *Environmental Planning and Assessment Act, 1979*, as amended – refer to the table below.

Section 4.15 Matters for Consideration	Comments
Section 4.15(1)(a)(i) – Provisions of any environmental planning instrument	Satisfactory. See discussion on “Environmental Planning Instruments” in this report.
Section 4.15(1)(a)(ii) – Provisions of any proposed planning instrument	No Draft Environmental Planning Instruments applicable.
Section 4.15(1)(a)(iii) – Provisions of any development control plan	Satisfactory. See discussion on “Development Control Plans” in this report.
Section 4.15(1)(a)(iiia) – Provisions of any planning agreement	No Voluntary Planning Agreement applicable.
Section 4.15(1)(a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Reg)	The Application has been made in accordance with the relevant matters prescribed by the Regulations.
Section 4.15(1)(b) – the likely impacts of the development, including environmental impacts on the natural and built environments and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environments are addressed under the DCP section in this report and are satisfactory.</p> <p>The proposed <i>subdivision</i> is considered to be appropriate with regard to the context and setting of the subject site and wider locality.</p> <p>Pursuant to the <i>Wingecarribee Local Environmental Plan (LEP) 2010</i>, the subject site and adjoining allotments are zoned RU4 Primary Production Small Lots or R2 Low Density Residential and the proposed subdivision is permissible with consent in the zone.</p>

Section 4.15 Matters for Consideration	Comments
	The development is not anticipated to have any significant adverse impacts on the subject site and natural environment.
Section 4.15(1)(c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15(1)(d) – any submissions made in accordance with the EP&A Act 1979 or EP&A Reg 2021	See discussion on “Public Notification” in this report.
Section 4.15(1)(e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## 8. Conclusion

That the Development Application made under Section 4.12 of the *Environmental Planning & Assessment Act 1979* for DA23/0555 proposing two (2) lot Subdivision of the existing allotment, Lot 1 DP 258420 - at 10 Old Hume Highway Berrima NSW 2577 be APPROVED for the following reasons:

- The proposal is consistent with the relevant objectives contained within the Wingecarribee Local Environmental Plan 2010 and the relevant requirements of the Rural livings and Berrima Village Development Control Plan.
- The proposal is consistent with the specific objectives of the R2 Low Density Residential zone in that the proposed activity will provide for the housing needs of the community within a low density residential environment and will enable other land uses that provide facilities or services to meet the day to day needs of residents.

Following assessment of the application it is considered that all relevant matters have been addressed, and/or conditions imposed to ensure that any potential impacts are negated. It is considered that this report adequately addresses the impacts of the development in terms of health, suitability of the site, services and utilities, traffic, and the many other areas identified above.

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, and is considered to comply with all relevant items. It is therefore recommended that DA 23/0555 for subdivision of the land into 2 Torrens title lots at Lot 1 DP 258420 - Stringybark 10 Old Hume Highway Berrima NSW 2577 be approved, subject to appropriate standard conditions and those otherwise identified in the assessment.

**Appendix 1: Referrals.**

This application has been referred to the following internal teams and external agencies who commented as follows:

Referral	Comment
<p><b>Heritage Advisor</b></p>	<p>The application was referred to Council's Heritage Advisor who raised concerns with the proposal (as lodged). The following comments were provided:</p> <p><i>"The proposed new allotment is located within the Berrima Conservation Area and within the immediate vicinity of a number of heritage items.</i></p> <p><i>The purpose of the proposal is to create a small allotment (less than the minimum size required by the DCP) in order to build a house. In the Heritage Impact Statement submitted it is argued that a smaller allotment is acceptable as it is consistent with the size of several nearby allotments (4 and 8 Old Hume Highway dating from c.1927). There are also 3 smaller allotments in Wilkinson Street (nos.11, 15 and 17 Wilkinson Street).</i></p> <p><i>The creation of a small allotment cannot be supported unless the applicant can demonstrate that the construction of a house on the allotment would not adversely affect the character of the conservation area, the setting of the heritage items in the vicinity – including Harpers mansion, and views to and from Harpers Mansion. This consideration cannot be restricted to the subdivision only, as the purpose of the subdivision is so a house can be built.</i></p> <p><i>One of the reasons for the large minimum lot sizes is to retain a large proportion of garden in relation to building. It is noted that the houses on the nearby small allotments are also relatively small. The applicant must provide a drawing showing a maximum area for the site of a new house, and the location of the driveway and garage. Maximum wall plate and roof heights must also be nominated. This will enable an assessment of impacts on views, and to some extent, the streetscape."</i></p> <p>The above concerns were raised with the applicant and amended concept building plans were submitted for the application which were referred to Council's Heritage Advisor for further comment.</p> <p>Upon assessment of the amended concept building plans, Council's Heritage Advisor has raised no objection to the proposed development.</p>
<p><b>Development Engineer</b></p>	<p>No objections subject to recommended conditions – included in the draft NoD.</p>
<p><b>NSW RFS</b></p>	<p>RFS issued General Terms of Approval and provided conditions for consent – included in the draft NoD.</p>



**Appendix 2: Rural living DCP.**

The Rural Living DCP provisions are structured into two components: objectives and controls. The objectives provide the framework for assessment under each requirement and outline key outcomes that a development is expected to achieve. The controls contain both numerical standards and qualitative provisions. Any proposed variations from the controls may be considered only where the applicant successfully demonstrates that an alternative solution could result in a more desirable planning and urban design outcome.

The relevant provisions of the Rural Living DCP are addressed below:

Most of the site (in particular proposed Lot 1) is subject to the Rural Living DCP. An assessment of the proposal in terms of the applicable provisions of this DCP is undertaken in the following table:

<b>Section</b>	<b>Control</b>	<b>Assessment</b>	<b>Compliance</b>
<b>A3.6 Subdivision of Land</b>	<i>Applicants are directed to the minimum lot size maps under WLEP 2010 which indicate the subdivision potential for any lot. Where proposed subdivision would create an allotment below the minimum lot size, certain provisions of WLEP 2010 apply and applicants are advised to consult with Council to determine the extent to which any variation of the minimum lot size may be permissible. Where subdivision is proposed a merits approach shall be taken in terms of assessing existing patterns of development and issues such as effluent disposal, access, drainage etc.</i>	Lot 1 in an RU4 zone is less than the minimum 10 Hectare requirement and Lot 2 in an R2 zone is less than the minimum 2,000m <sup>2</sup> requirement. The application seeks to utilise the exceptions to minimum subdivision lot sizes for certain split zones under Clause 4.2C of the LEP as discussed earlier in this Report.	Yes (complies with WLEP 2010 clause 4.2C(5)(a))
<b>A3.7 Cut and Fill</b>	<i>a) Where the cut and fill objectives cannot be met, the development must be stepped in order to accommodate the contours of the site.  b) Any cut and fill required shall comply with the maximum controls set out in Clause 7.3 (Earthworks) of Wingecarribee Local Environmental Plan 2010.</i>	Not applicable.	Yes
<b>A4.4 Weed Management</b>	<i>(a) Where a plant that has been declared a noxious weed for the Shire under the Noxious Weeds Act 1993, is identified on land that is subject of an application</i>	Not applicable	N/A



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	<p><i>for consent, Council may decline to grant consent to such development unless it is satisfied that adequate provision has been made for the immediate treatment and ongoing management of the noxious weed in accordance with a weed management plan, which includes measures considered satisfactory by the Council to control the weeds within the boundaries of that site. (b) Where spraying is used, spraying should be in accordance with the all best management guidelines for the safe use of chemicals.</i></p>		
<p><b>A4.6 Earth Works</b></p>	<p><i>(a) The origin and composition of any fill brought into the rural areas must be documented. (b) No contaminated fill, including any building waste fill of unknown origin, must be brought into the Rural Areas. (c) No fill containing materials that may cause harm to a site or persons using a site may be brought into the rural areas. (d) Any excavation works must take into consideration the following: (i) possible wildlife habitat, (ii) The need and purpose of the excavation (iii) The scenic impact (both on and off site) (iv) Erosion mitigation measures</i></p>	<p>No earthworks proposed</p>	<p>Yes</p>
<p><b>A4.7 Protection of Trees, Bushland and Vegetation during Construction and Development</b></p>	<p><i>(a) All works and services associated with construction of rural development (development location, stock piles, rubbish, site sheds services access and egress of all vehicles etc) must be sited to ensure they will have no negative impact on trees, vegetation and bush land that is to be retained on site. This will require these to be located clear of any Tree Protection Zones.</i></p> <p><i>(b) Best practice methodologies must be employed to maintain</i></p>	<p>Not applicable.</p>	<p>N/A</p>

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Section	Control	Assessment	Compliance
	<p><i>Tree Protection Zones. This will include the size of the zone, appropriate fencing/buffering etc</i></p> <p><i>(c) Best practice methodologies must be employed in the design and installation of any services to the site to ensure the long term viability of trees, vegetation and bush land. This needs to include no interruption to flow paths of surface water. (d) Siltation control fences and measures must be provided to protected vegetation trees, bush land and riparian zones. (e) No clearing of vegetation on land with slopes of 18 degrees or greater.</i></p> <p><i>(f) An Arborist or qualified horticultural may be required to supervise works on site to ensure the retention of nominated trees, vegetation or bush land.</i></p> <p><i>(g) No removal of trees or other vegetation from an Item of Heritage or from a property within a Landscape or Heritage Conservation Area shall occur without the consent of Council under the provisions of Section A4.11 below</i></p>		
<p><b>A7 Development Near Rail Corridors &amp; Busy Roads</b></p>	<p><i>Council shall not grant consent to the carrying out of development on any land to which this Clause applies unless it is satisfied that adequate provision has been made to ensure that such development:</i></p> <p><i>(a) avoids any new direct vehicular access to any relevant road and removes any existing access where alternative rear lane or other access is achievable.</i></p> <p><i>(b) provides that any essential access to any relevant road be</i></p>	<p>The site has a frontage to Old Hume Highway. The proposed subdivision for Lot 1 does not include any new vehicular access or new buildings and it is noted that an existing dwelling and driveway access are available in the north-western corner of the site, from Wilkinson Street which is the furthest distance from the busy road.</p>	<p>Yes</p>

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	<p><i>designed so that all vehicles enter and leave the site in a forward direction.</i></p> <p><i>(c) restricts vehicular access, car parking and loading/unloading facilities to an alternative access, such as a rear lane, where such access is available.</i></p> <p><i>(d) makes an appropriate Section 94 developer contribution towards the provision of public car parking where only a single frontage to a relevant road is available.</i></p>		
<p><b>A8.3 Alterations to and Restoration of Heritage Items and Draft Heritage Items</b></p>	<p><i>(a) Development applications on properties containing listed heritage items or draft heritage items shall be referred to the Council Heritage Adviser for comment prior to lodgement of the development application. (b) Development applications on a property on the NSW State Heritage Register or National Heritage Register items shall be referred to the NSW Heritage Council for comment prior to lodgement of the development application. The NSW Heritage Council is the approval authority for such applications. Details of any comments provided shall be included in the statement of environmental effects submitted with the development application to Council.</i></p> <p><i>(c) Development applications on properties containing listed heritage items or draft heritage items shall contain a Heritage Impact Statement (or Heritage Conservation Strategy or Heritage Conservation Plan as requested by Council).</i></p> <p><i>(d) All development applications containing listed heritage items or draft heritage items should be notified by Council to Council's</i></p>	<p>The application does not propose any alterations to or restoration of Heritage Items.</p>	<p>N/A</p>

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Section	Control	Assessment	Compliance
	<p><i>Heritage Advisory Working Group and the Berrima Residents Association for comment.</i></p> <p><i>(e) In considering whether to grant consent to a development proposal on properties containing listed heritage items or draft heritage items, Council must be satisfied that the proposal:</i></p> <p><i>(i) Is sympathetic to the retained elements of the Heritage Item and its setting in terms of setback, scale, building design and form, materials, proportion and spacing of openings, to achieve a subtle contrast between old elements and new.</i></p> <p><i>(ii) Retains as much of the existing building fabric as is possible, particularly those elements which contribute towards the building's visual/heritage significance.</i></p> <p><i>(iii) Minimises the modification to original door or window openings, spacings and proportions.</i></p> <p><i>(iv) Removes any unsympathetic building elements, additions or accretions.</i></p> <p><i>(v) Reinstates the original façades and architectural elements. (The original existence of such elements must be demonstrated by empirical research which shall be included as part of the development application.)</i></p> <p><i>(vi) Retains natural surface finishes or applies colour schemes for external painting which reflect the relevant period. Cladding with modern finishes is not permitted.</i></p> <p><i>(vii) Ensures building additions are sympathetic to the item and</i></p>		

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	<p><i>its setting in terms of setback; scale; building design and form; materials; proportion and spacing of openings and achieve a subtle contrast between old and new.</i></p> <p><i>(viii) Ensures important elements of garden and landscape are identified and protected.</i></p> <p><i>(f) Where subdivision is proposed, ensure that an appropriate curtilage area is identified and retained.</i></p>		
<p><b>A8.4 Development in the vicinity of Heritage Items</b></p>	<p><i>(a) Development applications on properties containing or adjoining locally listed items or draft heritage items shall be referred to the Council Heritage Adviser for comment prior to lodgement of the development application.</i></p> <p><i>(b) Development applications adjoining or in the vicinity of a property on the NSW State Heritage Register or National Heritage Register shall be referred to the NSW Heritage Council for comment prior to lodgement of the development application. Details of any comments provided shall be included in the statement of environmental effects submitted with the development application to Council.</i></p> <p><i>(c) Development applications on properties adjoining listed heritage items or draft heritage items shall contain a Heritage Impact Statement (or Heritage Conservation Strategy or Heritage Conservation Plan as requested by Council).</i></p> <p><i>(d) Development applications on properties in the vicinity of any heritage listed item or draft heritage item, including within sight of and adjacent to any</i></p>	<p>The subject site is not listed within Schedule 5 of WLEP2010 as an item of local heritage significance however is within the area identified as the Berrima Conservation Area and also adjoins a number of Schedule 5 listed properties. In particular, item I134 Harpers Cottage adjoins the site at 6 Old Hume Highway to the east, item I208 Woodely Cottage (also known as Telegraph Cottage) adjoins the site to the south and item I177 Glebe Cottage is situated opposite the site to the east.</p> <p>The Heritage Impact Statement submitted with the DA provides an assessment of the proposal and indicates the proposal is acceptable on heritage grounds as the smaller allotment is consistent with the size of several nearby allotments including 4 and 6 Old Hume Highway dating from c.1927) and 11, 15 and 17 Wilkinson Street which are also 3 smaller allotments to the west.</p>	<p>Yes</p>

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	<p><i>heritage item or draft heritage item, should be referred to Council's Heritage Adviser for comment.</i></p>	<p>The creation of the smaller allotment is supported as it has been sufficiently demonstrated that the construction of a house on the allotment would not adversely affect the character of the conservation area, the setting of the heritage items in the vicinity, and views to and from the adjoining Harpers Mansion. Council's Heritage Advisor has raised no objection to the proposed development.</p>	
<p><b>A8.5 Alterations and New Development in Heritage Conservation Areas</b></p>	<p><i>(a) Enhance landscaping with a thematic use of plant species and styles (i.e., identify common local plant varieties, use of hedges etc.).</i></p> <p><i>(b) Avoid large scale monolithic buildings and achieve small scale and discreet built forms.</i></p> <p><i>(c) No fencing is to be erected that would, in the opinion of Council, have a detrimental impact on the rural bushland setting of the conservation area or of any listed heritage item. All fences require Council consent, except for traditional rural fences of wire or wire mesh or of timber post and rail design to a maximum height of 1400mm and in a natural timber or dark colour.</i></p> <p><i>(d) A landscape plan is required for all plantings that are expected to reach a mature height of greater than 1000mm.</i></p> <p><i>(e) In addition to the above controls, any specific development controls for the heritage conservation area shall apply.</i></p>	<p>The proposed subdivision for Lot 1 does not include any new buildings or alterations and additions to existing buildings.</p> <p>Proposed Lot 1 is located within the Berrima Conservation Area and within the immediate vicinity of a number of heritage items. Council's Heritage Advisor has raised no objection to the proposed subdivision for Lot 1.</p>	<p>Yes</p>
<p><b>A8.6 Berrima Landscape Conservation Area</b></p>	<p><i>The specific controls for the Berrima Landscape Conservation Area are:</i></p>	<p>The subject site is not listed within Schedule 5 of WLEP2010 as an item of local heritage</p>	<p>Yes</p>

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Section	Control	Assessment	Compliance
	<p><i>(a) No building is to be erected that, in the opinion of Council, will be visually prominent when viewed from the village of Berrima, its approaches or any listed heritage item.</i></p> <p><i>(b) No development is to take place on the ridgelines that, in the opinion of Council, will be visually prominent when viewed from the Berrima Conservation Area, its approaches or any listed heritage item.</i></p> <p><i>(c) No development is to take place on the ridgelines that will, in the opinion of Council, have a detrimental impact on the rural bushland setting of Berrima or of any listed heritage item.</i></p> <p><i>(d) All new buildings and alterations to existing buildings shall be in the Georgian architectural style.</i></p>	<p>significance however is within the area identified as the Berrima Conservation Area and also adjoins a number of Schedule 5 listed properties. In particular, item I134 Harpers Cottage adjoins the site at 6 Old Hume Highway to the east, item I208 Woodely Cottage (also known as Telegraph Cottage) adjoins the site to the south and item I177 Glebe Cottage is situated opposite the site to the east.</p> <p>The Heritage Impact Statement submitted with the DA provides an assessment of the proposal and indicates the proposal is acceptable on heritage grounds as the smaller allotment is consistent with the size of several nearby allotments including 4 and 6 Old Hume Highway dating from c.1927) and 11, 15 and 17 Wilkinson Street which are also 3 smaller allotments to the west.</p> <p>The creation of the smaller allotment is supported as it has been sufficiently demonstrated that the construction of a house on the allotment would not adversely affect the character of the conservation area, the setting of the heritage items in the vicinity, and views to and from the adjoining Harpers Mansion. Council's Heritage Advisor has raised no objection to the proposed development.</p>	

**ATTACHMENTS**

1. Attachment 1 - Draft Notice of Determination [**6.1.1** - 20 pages]
2. Attachment 2 - 23 0555 Subdivision plan [**6.1.2** - 1 page]



Date

Scott Lee  
33 Holly Street  
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 DEVELOPMENT APPLICATION**  
Pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979

<b>APPLICATION NO:</b>	23/0555
<b>APPLICANT:</b>	SCOTT LEE
<b>OWNER:</b>	ME HANRATTY
<b>PROPERTY DESCRIPTION:</b>	LOT 1 DP 258420
<b>PROPERTY ADDRESS:</b>	STRINGYBARK 10 OLD HUME HIGHWAY BERRIMA NSW 2577
<b>PROPOSED DEVELOPMENT:</b>	Subdivision - 2 Lots
<b>DETERMINATION:</b>	Approval subject to conditions
<b>CONSENT TO OPERATE FROM:</b>	Date
<b>CONSENT TO LAPSE ON:</b>	Date

**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.

Name  
Position

Date  
Date of Determination

*Working with you*

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WINGECARRIBEE - A COAL MINING FREE SHIRE



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WEDNESDAY 27 SEPTEMBER 2023**

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**SCHEDULE 1 CONDITIONS OF DEVELOPMENT CONSENT**

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**ADMINISTRATION CONDITIONS**

**1. Development Description**

Development consent has been granted in accordance with this notice of determination for the purposes of Subdivision.

**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.

<b>Plan Title / Supporting Document</b>	<b>Reference / Version</b>	<b>Prepared By</b>	<b>Dated</b>
Plan of Proposed Subdivision	222672-DA01	Northrop	20/10/2022
Concept Water and Sewer Services and General Arrangement Plan	222672-DA02	Northrop	20/10/2022

**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.*

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### 5. Erection of Signs

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

- (a) Showing the name, address and telephone number of the Principal 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.*

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

#### 6. 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 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.*

#### 7. Appointment of Principal Certifier

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) an accredited certifier; and
- (b) the person having the benefit of the development consent has:
  - (i) appointed a principal certifier authority for the subdivision work, and
  - (ii) notified the principal certifier that the person will carry out the subdivision work as an owner-builder, if that is the case, and
- (b1) the principal certifier 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 subdivision work who must be the holder of a contractor licence if any residential building work is involved, and
  - (ii) notified the principal certifier 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 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.*

### 8. 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 Subdivision Works 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 the Subdivision Certificate.

**Reason:** *To ensure that Council's assets are protected.*

### 9. Section 68 Local Government Act 1993 Approvals

Prior to the issue of a Subdivision Works 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:

- (a) Stormwater Drainage Works
- (b) Water Construction Works

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

### 10. 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:

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- (a) A copy of approved design plans related to the development and proposed works to be undertaken, include the location of the proposed crossovers for each lot and any associated tree removal works.
- (b) 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.
- (c) 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.*

### 11. Section 7.11 Contributions (formerly Section 94)

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

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

- (a) Roads & Traffic Management Facilities
- (b) Resource Recovery Centre 2009
- (c) Central Library Facility
- (d) Section 94 Administration 2011 to 2031
- (e) 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 Subdivision Works 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) <<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*

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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) <<http://www.wsc.nsw.gov.au>>.

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

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

### 12. 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 Subdivision Works 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 (TMP)

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

### 13. Detailed Stormwater Drainage System Design

Prior to the issue of the Subdivision Works 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:** *Subdivision Works 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*

### 14. Vehicular Crossings

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

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

### 15. Waste Management Plan

A Waste Management Plan shall be completed and submitted to Council for approval, prior to the issue of the Subdivision Works 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.*

### 16. Erosion and Sediment Control Plan

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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 Subdivision Works 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) Location of all soil and material stockpiles.
- (g) Location of site access, proposed roads and other impervious areas.
- (h) Existing and proposed drainage patterns.
- (i) Location and type of proposed erosion and sediment control measures.
- (j) Time of placement of sediment controls.
- (k) Maintenance schedule.

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

### 17. Electricity Connection

Provision shall be made for connection to future underground distributions mains to the development. This shall be achieved by installing:

- (a) An underground service line to a suitable existing street pole; or
- (b) Sheathed underground consumers mains to a customer pole erected near the front property boundary (within 1 metre)

**Note:** *A limit of one (1) pole per site will apply.*

Details shall be submitted with the application for a Subdivision Works Certificate.

**Reason:** *To ensure adequate electricity service is provided to the development.*

### 18. Protection of Existing Trees and Native Vegetation

Prior to the issue of any Subdivision Works Certificate, trees and native vegetation proposed for retention and those approved for removal must be clearly identified on all the final

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engineering and landscaping plans. All fenced tree protection areas must be clearly marked as "No Go Area" on all plans. The location of any threatened species, endangered populations or ecological communities must also be marked on all plans.

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

### CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

#### 19. 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 Accredited 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.*

#### 20. Subdivision Works Certificate & Appointment of Principal Certifier

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

- (a) A Subdivision Works Certificate has been issued.
- (b) The person having the benefit of the development consent has appointed the Principal Certifier (PC).
- (c) The 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 PC's 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.



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**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.*

### 21. Developers Representative during Construction of Works

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

(a) Details to be submitted include:-

- Name of Representative:
- Company:
- Position:
- Contact phone:
- Contact fax:
- After Hours Contact:
- Signature of Representative:
- Signature & Acceptance of representative by the Developer:
- 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.

(b) Prior to commencing any works on site the representative shall:

- Inform Council in writing of their intention 7 days before entering the site.
- 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*

### 22. 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.

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

### 23. Tree Retention (Marking)

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

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

### 24. 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

### 25. 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.*

### 26. Engineering Inspections by Council

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

- (a) Works in relation to road reserves, footpath, kerb and gutter, road shoulder and drainage within public lands or road reserves.
- (b) Final inspection of footpath, driveway, stormwater and utility construction works within the road reserve.

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

**Note:** *An accredited certifier may not be substituted for Council in respect of these inspections, as Council remains the sole responsible authority for these matters.*

**Reason:** *Statutory requirement.*

### 27. 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

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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*

**28. 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.*

**29. 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.*

**30. 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.*

**31. Prevention of Nuisance**

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

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

**32. 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*

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*Assessment Act 1979.*

**33. 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.*

**34. 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.*

**35. Storage of Building Materials, Plant and Equipment**

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

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

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

**36. 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*

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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.*

### 37. 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.*

### 38. 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.*

### 39. 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 PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

### 40. 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.

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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.*

### 41. 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 the Subdivision Certificate.

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

### 42. 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.*

### 43. Section 88B Instrument - Various

The original plans of subdivision shall be accompanied by a Section 88B Instrument under the Conveyancing Act 1919, which requires:

- (a) Future dwellings shall have appropriate detention facilities.

Full details, including draft Section 88B Instrument, shall be submitted for the approval of Council with the application for a Subdivision Certificate.

**Reason:** *To ensure compliance with Council policy positions.*

### 44. Access by Right of Carriageway

The applicant shall submit to Council for approval the draft Section 88B Instrument under the Conveyancing Act 1919 for the approved subdivision prior to issue of the Subdivision Certificate.

The Instrument shall include:

- (a) Provision for on-going management/maintenance of the carriageway including clear details of obligations/responsibilities of the affected parties.
- (b) Effective (legal) provision for access by all emergency and other essential service organisations over the private carriageway.

**Reason:** *To comply with Councils engineering requirements.*

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### 45. 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 in the form of a Notification of Arrangement (NOA). 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.*

### 46. Civil Engineering works and services

All approved civil engineering works and services as per the approved engineering plans, including construction works within the road reserve, are to be constructed prior to the issue of the Subdivision Certificate.

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

### 47. 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 Councils Engineering 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.*

### 48. Certification of Internal Civil Works

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

**Reason:** *To comply with Councils requirements.*

### 49. Stormwater Facilities Alterations

A "Restriction as to User" shall be included on the plan of subdivision and title of the proposed development to prevent any change in shape or alteration in structure of the proposed storm water facilities after the final approval of the structure has been given by Council. Details shall be provided for the approval of Council prior to the issue of the Subdivision Certificate.

**Reason:** *To provide appropriate storm water management.*

### 50. Storm water Facilities Maintenance

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A "Positive Covenant" shall be included on the plan of subdivision and title of the proposed development and requiring that the proposed storm water facilities be maintained in a safe and functional manner. In addition, the Section 88B Instrument (*Conveyancing Act 1919*) shall make provision for Council to conduct maintenance on the subject storm water facilities at the owner's expense if the storm water facilities are not maintained to the agreed standard. Details shall be provided for the approval of Council prior to issue of the Subdivision Certificate.

**Reason:** *To provide appropriate storm water management.*

### 51. Vehicle Access (Rural)

Access to the site shall be provided by means of a vehicle crossing as per Standard Drawing No SD110 and approved by the Development Engineer prior to the issue of the Subdivision Certificate.

**Reason:** *To comply with Council's Engineering Standards.*

### 52. 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 Subdivision Certificate.

Sewerage mains shall be constructed to serve the development.

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

### 53. Construction of Water Service

A water service shall be installed to each lot in the subdivision prior to the issue of the Subdivision Certificate.

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

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

### 54. 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 the Subdivision Certificate at no cost to Council.

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

## INTEGRATED DEVELOPMENT CONDITIONS

### 55. 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. The conditions provided by the NSW Rural Fire Service are provided below and form part of this Notice of Determination.

#### General Conditions



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55.1. The General Terms of Approval are based on the documents/plans supplied via Councils referral to the NSW RFS.

- (a) The plan titled Plan of Proposed Subdivision dated 20/10/22 Job No. 222672 Dwg No. DA01 Rev 02
- (b) The bush fire assessment prepared by Australian Bushfire Solutions dated 21 March 2021

### **Asset Protection Zones**

*The intent of measure is to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.*

55.2. At the issue of a subdivision certificate, and in perpetuity, the site around the existing building on lot 1 must be maintained as an inner protection area for a distance of 24 metres or to the boundary where closer. The land must be managed in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*.

When establishing and maintaining an inner protection area, the following requirements apply:

- (a) tree canopy cover should be less than 15% at maturity;
- (b) trees at maturity should not touch or overhang the building;
- (c) lower limbs should be removed up to a height of 2 m above the ground;
- (d) tree canopies should be separated by 2 to 5 m;
- (e) preference should be given to smooth-barked and evergreen trees;
- (f) large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
- (g) shrubs should not be located under trees;
- (h) shrubs should not form more than 10% ground cover;
- (i) clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- (j) grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
- (k) leaves and vegetation debris should be removed regularly.

55.3. For proposed lot 2, an APZ should be established from the commencement of building works and maintained for perpetuity for the entire lot.

### **Construction Standards**

*The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.*

55.4. The existing dwelling must be upgraded to improve ember protection by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal

screen mesh with a maximum aperture of 2mm. Where applicable, this includes any subfloor areas, openable windows, vents, weep holes and eaves. External doors are to be fitted with draft excluders.

**Water and Utility Services**

*The intent of measure 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.*

- 55.5. The provision of water, electricity and gas must comply with the following in accordance with Table 5.3c of *Planning for Bush Fire Protection 2019*:
- (a) reticulated water is to be provided to the development where available;
  - (b) fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005;
  - (c) hydrants are not located within any road carriageway;
  - (d) reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
  - (e) fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005;
  - (f) all above-ground water service pipes are metal, including and up to any taps;
  - (g) where practicable, electrical transmission lines are underground;
  - (h) where overhead, electrical transmission lines are proposed as follows:
    - (i) lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
    - (ii) no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
  - (i) reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
  - (j) reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
  - (k) all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
  - (l) connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
  - (m) above-ground gas service pipes are metal, including and up to any outlets.

**Landscaping Assessment**

*The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.*

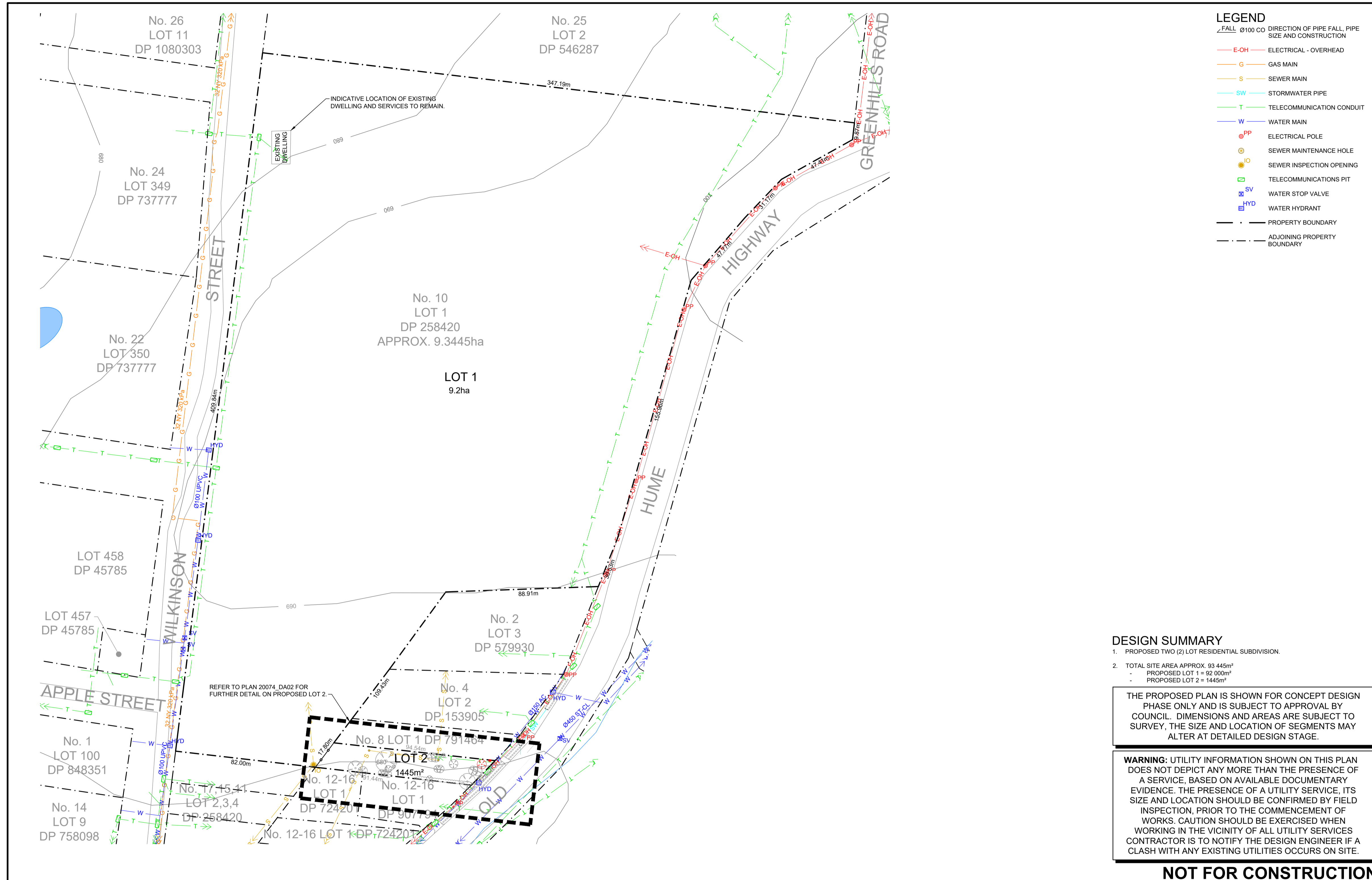
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- 55.6. Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:
- (a) Planting does not provide a continuous canopy future dwellings (i.e. trees or shrubs are isolated or located in small clusters);
  - (b) Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA),
  - (c) Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
  - (d) Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
  - (e) Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
  - (f) Avoid climbing species to walls and pergolas;
  - (g) Low flammability vegetation species are used.

**END OF CONDITIONS**



**LEGEND**

	0100 CO	DIRECTION OF PIPE FALL, PIPE SIZE AND CONSTRUCTION
	E-OH	ELECTRICAL - OVERHEAD
	G	GAS MAIN
	S	SEWER MAIN
	SW	STORMWATER PIPE
	T	TELECOMMUNICATION CONDUIT
	W	WATER MAIN
	PP	ELECTRICAL POLE
	SMH	SEWER MAINTENANCE HOLE
	SO	SEWER INSPECTION OPENING
	TP	TELECOMMUNICATIONS PIT
	SV	WATER STOP VALVE
	HYD	WATER HYDRANT
	- - -	PROPERTY BOUNDARY
	- . - . -	ADJOINING PROPERTY BOUNDARY

**DESIGN SUMMARY**

- PROPOSED TWO (2) LOT RESIDENTIAL SUBDIVISION.
- TOTAL SITE AREA APPROX. 93 445m<sup>2</sup>
  - PROPOSED LOT 1 = 92 000m<sup>2</sup>
  - PROPOSED LOT 2 = 1445m<sup>2</sup>

THE PROPOSED PLAN IS SHOWN FOR CONCEPT DESIGN PHASE ONLY AND IS SUBJECT TO APPROVAL BY COUNCIL. DIMENSIONS AND AREAS ARE SUBJECT TO SURVEY. THE SIZE AND LOCATION OF SEGMENTS MAY ALTER AT DETAILED DESIGN STAGE.

**WARNING:** UTILITY INFORMATION SHOWN ON THIS PLAN DOES NOT DEPICT ANY MORE THAN THE PRESENCE OF A SERVICE, BASED ON AVAILABLE DOCUMENTARY EVIDENCE. THE PRESENCE OF A UTILITY SERVICE, ITS SIZE AND LOCATION SHOULD BE CONFIRMED BY FIELD INSPECTION, PRIOR TO THE COMMENCEMENT OF WORKS. CAUTION SHOULD BE EXERCISED WHEN WORKING IN THE VICINITY OF ALL UTILITY SERVICES CONTRACTOR IS TO NOTIFY THE DESIGN ENGINEER IF A CLASH WITH ANY EXISTING UTILITIES OCCURS ON SITE.

**NOT FOR CONSTRUCTION**

REV.	DESCRIPTION	DESIGN	DRAWN	CHECKED	VERIFIED	DATE	CLIENT	PLANNER	PROJECT	DRAWING TITLE	JOB NUMBER
01	ISSUED FOR CO-ORDINATION	C.B.	W.D.	C.N.		13/10/22	GEOFF HANRATTY	33 Holly Street Bowral NSW 2576 0408 473 857 lep.planning@gmail.com	Bowral Shop 9A 'High Street Arcade' 310-312 Bong Bong Street, Bowral NSW 2576 Ph (02) 4861 2042 P.O. Box 950, Bowral NSW 2576 Email bowral@northrop.com.au AEM 81 094 433 100	10 OLD HUME HIGHWAY BERRIMA, NSW 2577	222672
02	ISSUED FOR DEVELOPMENT APPLICATION APPROVAL	E.B.	W.D.	C.N.	20/10/22	DA01					02
DRAWING SHEET SIZE = A1											

Found: W:\pda\2022\22672 - 10 Old Hume Highway, Berrima\Drawings\C\422872\CAD\10 Old Hume Highway\PLAN OF PROPOSED SUBDIVISION.dwg  
 Plotted By: wdsdc  
 Date: 20/10/22 5:02pm

## **6.2 DA23/0072 - Industrial Building and Chemical Storage Facility at 41-43 Pikkat Drive, Braemar**

**Report Author:** Assessment Planner (Consultant)

**Authoriser:** Adan Davis, Director Communities and Place

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### **PURPOSE**

The purpose of this report is to consider Development Application 23/0072 for the Panel's consideration and recommends determination by **APPROVAL** of consent for the reasons specified in **Attachment 1**.

<b>Consultants:</b>	Lep.planning@gmail.com
<b>Applicant:</b>	Mr Scott Lee
<b>Land owner:</b>	Willow Properties Pty Ltd
<b>Land zoning:</b>	E4 General Industrial
<b>Applicant's estimated cost of proposed development:</b>	\$462,000.00
<b>Lodgement date:</b>	26 July 2022
<b>Notification period:</b>	24 October 2022 to 23 November 2022
<b>Political donations:</b>	None declared
<b>Number of submissions:</b>	No Submissions
<b>Reason for referral to Panel:</b>	Designated Development – Chemical Storage Facility

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### **RECOMMENDATION**

**THAT** the Local planning Panel determines development application 23/0072 for the construction of an industrial building and a chemical storage facility development at 41-43 Pikkat Drive, Braemar by **APPROVAL**, subject to the conditions specified in Attachment 1 to the Officer's report.

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### **REPORT**

#### **1. EXECUTIVE SUMMARY**

Development application 23/0072 relates to the construction of an industrial building and a chemical storage facility development as illustrated in Figure 3. The subject site is 41-43 Pikkat Drive, Braemar and is owned by Willow Properties Pty Ltd. The site is currently a vacant lot that was subdivided under DA20/0094 for industrial development. The proposed warehouse building will comprise of a foyer with amenities and lunchroom on the ground floor and associated office space and amenities on the first floor.

The WLPP is to determine development applications for the development of a kind specified in the corresponding Schedule in the Direction. Item 4(a) in Schedule 1 of the Direction states *Sensitive development; designated development is to be determined by the WLPP.*

The proposal is identified as designated development in accordance with Schedule 3, section 13(1)(b)(i) and (2)(d) of the Environmental Planning and Assessment Regulation 2021 as the storage capacity of the proposed chemical storage facility exceeds 20 tonnes of pressurised gas and is located within 40m of a natural water body and in within a drinking water catchment. The subject site is located within the Warragamba catchment which forms part of Sydney's water supply.

The proposed development is also categorised as integrated development as it required a licence to be issued under the under sections 43(b) and 48 of the Protection of the Environment Operations Act 1997 (POEO Act) for Chemical Storage clause 9 of Schedule 1

An Environmental Impact Statement prepared by Rein, Warry & Co was submitted in support of the proposal and referred to the NSW Environmental Protection Authority who reviewed the proposal and has determined they are able to issue a licence for the proposal and provided General Terms of Approval (GTA's) that form as conditions of consent.

The proposed development is also categorised as integrated development as the proposal is located within 40m of a watercourse. The application was referred to WaterNSW who advised *the proposal can achieve a neutral or beneficial effect (NorBE) on water quality provided appropriate conditions are included on any consent and subsequently implemented.*

The Australian Rail Track Corporation (ARTC) was consulted by the applicant as part of the Environmental Impact Statement and the proposed development is not considered to exceed 2 metres of excavation within 25m of the track or involve the use of cranes within that air space. A condition is to be imposed on consent to address the ARTC concerns raised.

The proposal complies with the relevant provisions of the Wingecarribee Local Environmental Plan 2010 and the controls of Wingecarribee Development Control Plan; Industrial Lands (Land zoned IN1 General Industrial, IN2 Light Industrial or IN3 Heavy Industrial), except for the landscaping provisions for the side setback where a minimum side setback of 1 metre is required with an additional 1 square metre for every 2 car parking spaces.

The proposal provides landscaping along the southeastern boundary incorporating the rainwater garden, however no landscaping is provided along the north eastern boundary. Given the nature of the use the inclusion of the rainwater garden of the proposal the landscaping is considered suitable for the proposed use of the site.

The application was notified to nearby and adjoining properties between 24 October 2022 to 23 November 2022. No submissions were received in response.

Overall, the proposed development is considered satisfactory with respect to the relevant matters for consideration specified by section 4.15 (1) of the *Environmental Planning and Assessment Act 1979.*

## **2. SITE DESCRIPTION AND LOCALITY**

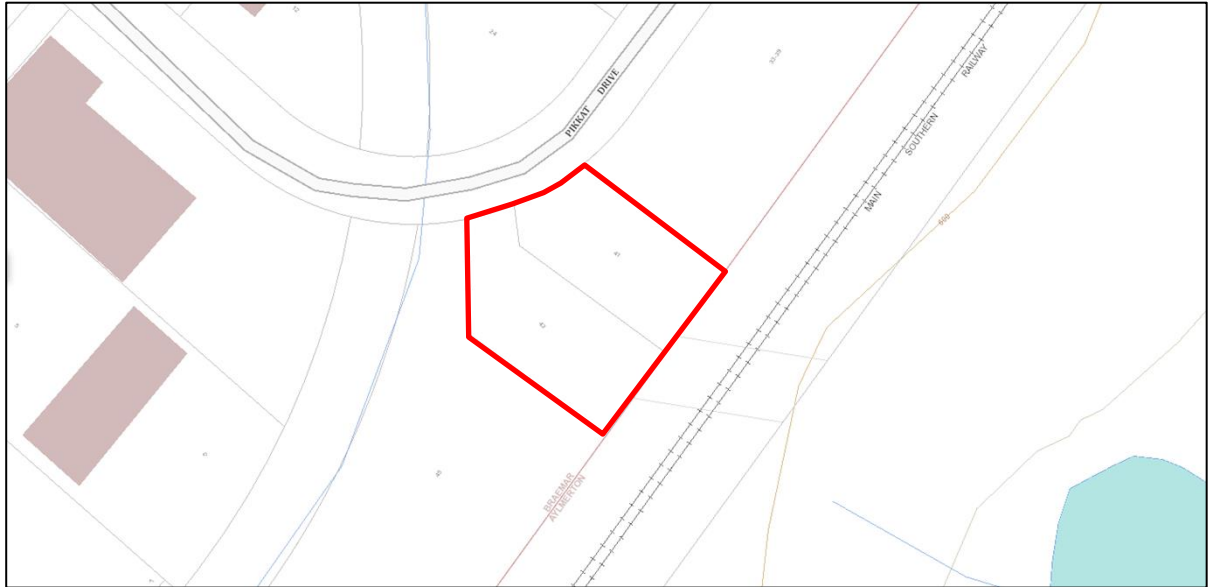
Figures 1 and 2 illustrate the site's location and layout. The site comprises two lots being Lot 13 DP 1281907 and Lot 14 DP 1281907, both of which are known as 41-43 Pikkat Drive, Braemar. The combined area of the two lots results in a total site area of 36232<sup>m</sup><sup>2</sup> and comprises a range of structures.

The site is currently a vacant lot that was subdivided under DA20/0094 for industrial development. The proposed warehouse building will comprise of a foyer with amenities and lunchroom on the ground floor and associated office space and amenities on the first floor.

The site is surrounded by other vacant industrial lots that was part of the previous subdivision. The land is generally flat and does not contain any watercourses. The site is not identified as being flood prone or bushfire prone land.



Vegetation on the land mainly comprises cleared areas containing grassland and scattered mature native trees. The wider locality land uses include industrial development to the north, east, south and west, with the railway station located directly behind the subject site.



**Figure 1: Locality Map**



**Figure 1: Aerial Image**

**3. DA HISTORY**

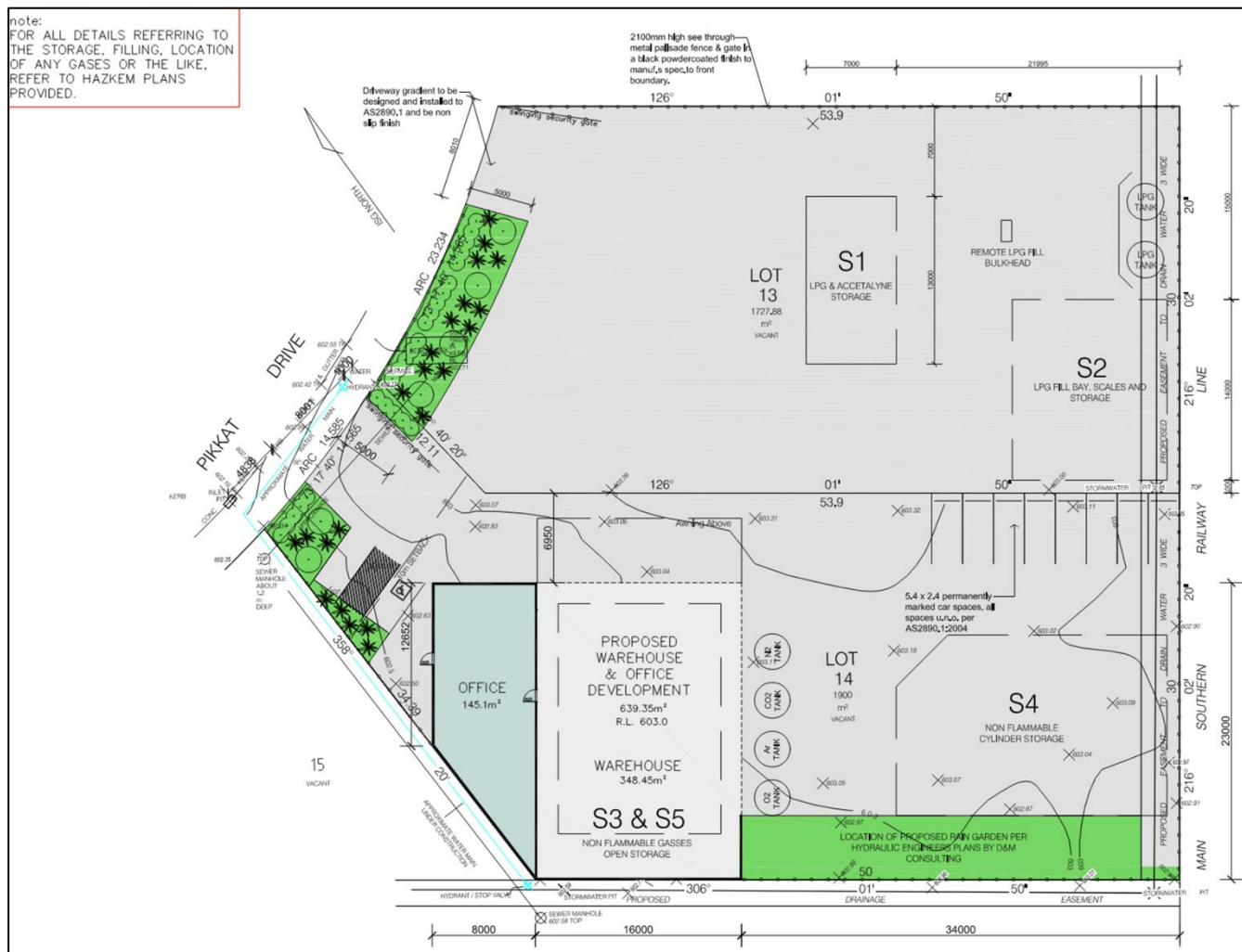
DA-20/0094 – A subdivision of 13 lots was approved by Council on 20 December 2019.

**4. PROPOSED DEVELOPMENT**

The proposed development consists of the construction of an industrial building and a chemical storage facility at 41-43 Pikkat Drive, Braemar. The proposal comprises of the following:

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- Construction of an industrial warehouse with a floor area of 365.32m<sup>2</sup> consisting of office space with a floor area of 141.73m<sup>2</sup>.
- Construction of two (2) additional chemical storage facilities.
- Construction of a ten (10) car parking spaces
- Associated landscaping and rainwater garden
- Directional signage and Business identification sign
- Storage of - Liquefied Gas: 91 tonnes stored on-site and Pressurised Gas: 25-28 tonnes stored on-site (majority will be inert gases)
- Storage of storage of approximately 1200-1500 metal gas cylinders on-site. This will comprise an approximate total of 400-600 empty cylinders, and 900-1100 filled cylinders at any one time. Gas cylinders stored on-site will range in size from 9L to 50L volume capacity
- Maximum of 10 staff proposed
- Hours of Operation:  
Monday to Friday: 6:00am to 6:00pm  
Saturday: 6:00 to 12:00pm



**Figure 1: Site Plan**



**5. PLANNING ASSESSMENT**

The application has been considered with regard to the matters for consideration specified by section 4.15 (1) of the *Environmental Planning and Assessment Act 1979*, as detailed below.

**Section 4.15 (1) (a) (i) — The provisions of any environmental planning instrument that apply to the land**

<b>State Environmental Planning Policy (Biodiversity and Conservation) 2021</b>			
<b>Provision</b>	<b>Control</b>	<b>Discussion</b>	<b>Compliance</b>
<b>Chapter 6 part 6.2- DIV 4 clause 6.6 6.17</b>			
<b>6.6 Water quality and quantity</b>	(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—		
	(a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,	The development will have a neutral and beneficial effect on the quality of the water that enters the waterway as per the Water NSW referral response.	Complies
	(b) whether the development will have an adverse impact on water flow in a natural waterbody,	As per the Water NSW referral response, the development will not have an adverse impact on the water flow in a natural waterbody.	Complies
	(c) whether the development will increase the amount of stormwater run-off from a site,	As per the Water NSW referral response, the development will not have an adverse impact on the expected run off on for the subject site.	Complies
	(d) whether the development will incorporate on-site stormwater retention, infiltration or reuse,	The stormwater will be directed to the raingarden via installed on-site drainage pits and piping, and will pass through a gross pollutant trap prior to being distributed into the rainwater garden,	Complies
	(e) the impact of the development on the level and quality of the water table,	As per the Water NSW referral response, the development will not have an adverse impact on the	Complies
	(f) the cumulative environmental impact of the development on the regulated catchment,	The proposed development is not considered to have a cumulative environmental impact of on the surrounding catchments.	Complies

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	(g) whether the development makes adequate provision to protect the quality and quantity of ground water.	The development makes adequate provisions to protect the quality and quantity of ground water.	Complies
	(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures— (a) the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and (b) the impact on water flow in a natural waterbody will be minimised.	As per the Water NSW referral response, the development will not have an adverse impact on the natural waterbody near the subject site.	Complies
	(3) Subsections (1)(a) and (2)(a) do not apply to development on land in the Sydney Drinking Water Catchment. Note— Part 6.5 contains provisions requiring development in the Sydney Drinking Water Catchment to have a neutral or beneficial effect on water quality.	N/A	
<b>6.17 Heavy and hazardous industries</b>	(1) This section applies to—  (a) development for the purposes of potentially hazardous industry or potentially offensive industry, and (b) development for the purposes of heavy industrial storage establishments or heavy industries.	An Environmental Impact Statement prepared by Rein, Warry & Co was submitted in support of the proposal and referred to the NSW Environmental Protection Authority who reviewed the proposal and has determined they are able to issue a licence for the proposal and provided General Terms of Approval (GTA's) that form as conditions of consent.	Complies
	(2) In deciding whether to grant development consent to development to which this section applies, the consent authority must	N/A the subject site is not considered as bushfire hazardous.	Complies

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	consider the need for bush fire hazard reduction work on the site.		
	(3) Development consent must not be granted to development to which this section applies unless the consent authority is satisfied— (a) the development includes adequate measures to contain water that is at risk of contamination as a result of the development, and (b) approvals have been obtained, or are obtainable, to undertake bush fire hazard reduction work required on the site.	Site is not considered as bushfire prone.	N/A
	(4) Development for the purposes of heavy industrial storage establishments or heavy industries is prohibited on land in a regulated catchment if the development is carried out— (a) on flood liable land, or (b) within 40m of a natural waterbody or watercourse, or (c) on a floodway.	The subject site is not considered heavy industrial and therefore this clause does not apply. .	N/A
	(5) In this section— floodway means an area of a floodplain where a significant discharge of water occurs during floods, which, even if partially blocked, would cause a significant redistribution of flood flow or a significant increase in flood levels.	Site is not flood prone.	Complies
	potentially hazardous industry has the same meaning as in State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 3.	The subject site has been assessed against the Resilience and Hazards SEPP. (See below)	Complies
	potentially offensive	The subject site has been assessed	Complies,

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	industry has the same meaning as in State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 3.	against the Resilience and Hazards SEPP. (See below)	subject to conditions of consent
<b>State Environmental Planning Policy (Resilience and Hazards) 2021</b>			
<b>Provision</b>	<b>Control</b>	<b>Discussion</b>	<b>Compliance</b>
<b>Chapter 3- Hazardous and offensive Development</b>		Chapter 3 of SEPP Resilience and Hazards 2021 requires the consent authority to consider the requirements relating to hazardous and offensive development. This chapter aims to control development relating to hazardous and offensive development. The proposed development is considered hazardous in nature. A Risk Screening Documentation and Preliminary Hazard Analysis prepared by Hazkem was submitted in support of the application. The Environment Protection Authority (EPA) has reviewed the information provided and has determined they are able to issue a licence for the proposal subject to conditions of consent.	Complies
<b>Chapter 4- Remediation of Land</b>			
<b>Clause 4.1- Object of this Chapter</b>	The Chapter aims to promote remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.	Chapter 4 of SEPP Resilience and Hazards 2021 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. Stage 1 & 2 Contamination reports prepared by Getex Pty Limited were submitted in support of the application. The Phase 2 Site Contamination Assessment concludes the site is suitable for the proposed construction of an inert gas refilling site for oxygen, argon, carbon dioxide and nitrogen from liquid tanks to cylinders and consent to carry out the development can be granted. Therefore, Council is satisfied that the land is suitable for the proposed use.	Complies.
<b>Clause 4.6- Contamination and remediation to be considered in determining development applications</b>	Council must not grant consent to the proposed development unless it has considered whether the land is contaminated. If the land is contaminated, Council must be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out. If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, Council must be satisfied that the land will be		

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	remediated before the land is used for that purpose.		
<b>Wingecarribee Local Environmental Plan 2010</b>			
<b>Provision</b>	<b>Control</b>	<b>Discussion</b>	<b>Compliance</b>
<b>Clause 1.2— Aims of Plan</b>	Subclause (aa)-(p) specifies the Plan's specific aims.	Provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with respect to the particular aims specified by clause 1.2 (2).	Complies.
<b>Clause 1.4— Definitions</b>	The Dictionary at the end of the Plan defines words and expressions for the purposes of the Plan.	The proposed development comprises an industrial building and a chemical storage facility development. It is defined as General Industrial usage.	Complies.
<b>Clause 2.3— Zone objectives and Land Use Table</b>	The Land Use Table at the end of Part 2 specifies purposes for which development is permitted without consent, permitted with consent, or prohibited in land Use Zones specified by the Plan. Council must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.	The land is in Zone E4 General Industrial. The development is defined as: <i>General industry</i> . General industry is permitted with consent in Zone E4. The proposal is for the construction of an industrial building and a chemical storage facility development.  The proposed development is considered satisfactory with respect to the E4 zone objectives.	Complies
<b>Clause 4.1— Minimum subdivision lot size</b>	The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.	No subdivision is proposed.	N/A
<b>Clause 4.3 – Height of buildings</b>	The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.	The height of the proposed extension is 11.34 metres. There is no mapped building height for the subject site, however the proposed warehouse is consistent with the existing locality and nearby buildings.	N/A
<b>Clause 4.4 – Floor space ratio</b>	The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	There is no floor space identified on the Floor Space Ratio Map for the site.	N/A

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**Section 4.15 (1) (a) (ii) — The provisions of any proposed instrument that apply to the land**

No proposed instrument is specifically applicable to the land.

**Section 4.15 (1) (a) (iii) — The provisions of any development control plan that apply to the land.**

The application has been considered with regard to the relevant provisions of the Industrial Land Development Control Plan, as tabulated below.

<b>Part A — Provisions applicable to all land</b>			
<b>Section 2 — General objectives</b>			
<b>Provision</b>	<b>Control</b>	<b>Discussion</b>	<b>Compliance</b>
<b>A2.3 Economic Function</b>	Industrial localities play an important role as an employment generator and service provider for both residents and visitors to the Southern Highlands. Council recognises that the design and function of industrial areas are major influences on the efficiency of these centres.  The Economic Function objectives of this Plan are intended to allow for the efficient and effective development of industrial areas.	The proposed development will enhance the role of industrial areas as an important employment generator and as an important service centre to markets outside of the Wingecarribee LGA.	Complies.
<b>A2.5 Water Sensitive Design</b>	The proposed development has placed appropriate controls to meeting all objectives. Refer to the EIS by Rein Warry & Co.	The proposed development has placed appropriate controls to meeting all objectives. Refer to the EIS by Rein Warry & Co. The EIS and the SEARs was assessed by the EPA and general terms of approval (GTAs) were provided.	Complies
<b>A2.6 Visual Amenity</b>	Every new structure generates an impact on the visual amenity of the immediate environment which, in turn, affects the environment of the surrounding area. Visual impacts result from the overall appearance of the development and its relationship to the existing built form. Inappropriate design can generate significant adverse impacts and Council is only interested in developments which make a positive visual contribution.	The proposed development is not considered to adversely impact the visual amenity of the surrounding area. The proposed building is not of an excessive height or bulk and scale, and landscaping is provided along the street frontage that assists in softening the hard stand areas. The site is screened by other industrial developments from the Hume Highway and the railway line to the rear of the site.	Complies
<b>A2.7 Vehicular and Pedestrian Function</b>	New development impacts on the functionality of a locality. Traffic, parking, pedestrian access and streetscape all contribute to business and visitor function and safety. When visitors and regulars are moving around industrial areas, clear	The proposed development has clearly defined entrances and exists.  The site will not be a	Complies, subject to a condition being imposed.

	property (numbers, names and symbols) and pathway (roads and footpaths) identification are important.	significant generator of pedestrian movement, two car parking spaces are provided within the front setback for visitors that is unlikely to have any impact on pedestrian access. In order to minimise any pedestrian conflict with the rear car parking area a condition is to be imposed on consent for a line marked pedestrian crossing to the required access points of the building to minimise any potential conflict between vehicles and pedestrians.	
<b>A2.8 Minimising Land Use Conflict - The Residential Interference</b>	It is recognised above that Industrial localities serve an important function. However, to reduce the incidence of land use conflict between land uses, particularly residential, consideration must be given for applications that will have a direct interface with adjacent (opposite) and adjoining land uses. The use of physical separation or barriers, buffer distances (including roads) or structures, alone may not be sufficient to minimise land use conflict from incompatible land uses.	The proposed development is not adjacent to any residential site.  No adverse impacts arising from traffic, noise, lighting, odour and dust are likely to arise or impact any residential area as the proposal is within an industrial precinct.	Complies
<b>Section 3 — Construction Standards and Procedures</b>			
<b>Provision</b>	<b>Control</b>	<b>Discussion</b>	<b>Compliance</b>
<b>A3.7 Stormwater Disposal</b>	Final means of disposal of stormwater to Council's stormwater system must be approved by Council.	Stormwater management and water cycle management and modelling was provided to Water NSW and Councils internal engineer to assess and considers the proposed development can achieve a neutral or beneficial effect (NorBE) on water quality. It was concluded by both Water NSW and Councils internal engineer that the proposed development can effectively and efficiently dispose stormwater to Councils stormwater waterways. Conditions of consent was provided by WaterNSW and Council in relation to all	Complies.

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		Stormwater management matters.	
<b>Section 4 – Signage and Outdoor Advertising</b>			
<b>Provision</b>	<b>Control</b>	<b>Discussion</b>	<b>Compliance</b>
<b>A4 Signage</b>	The provisions of this chapter apply to all Signage and associated advertising within Wingecarribee Shire.	The signage proposed as part of this application is directional signage and business identification signage which is considered as exempt as per SEPP Exempt and Complying Development Codes 2008.	N/A
<b>Section 5 — Outdoor Lighting</b>			
<b>Provision</b>	<b>Control</b>	<b>Discussion</b>	<b>Compliance</b>
<b>A5 Outdoor Lighting</b>	Council is concerned that poorly designed and improperly located external lighting can create significant light and glare pollution with adverse impacts on both the population and the environment.	The development proposes external security lighting at the entrance of the site from Pikkatt Drive including external movement sensors. Condition number 53 is to be imposed to comply with the relevant standards.	Complies
<b>Part B Industrial Development Controls</b>			
<b>Provision</b>	<b>Control</b>	<b>Discussion</b>	<b>Compliance</b>
<b>B.2 Building Site Coverage</b>	<p>Maximum Building Footprint</p> <p>(i) The maximum building footprint shall not be greater than 65% of the site area. (Building footprint means that part of a site occupied by a building)</p> <p>(ii) Buildings in the IN3 Heavy Industrial zone with an area greater than 25% dedicated to office or showroom purposes will need to substantiate, by evidence to the contrary, that the location is necessary because either no suitable business zoned land is available, or that the use is of a type that location in a business zone is not desirable.</p>	<p>The maximum building footprint is well below the 65% requirement as most of the site is open storage bays for gas cylinders, parking and driveway areas.</p> <p><u>Floor Space Ratio</u></p> <p>Required (max): 1:1 Proposed: 0.18:1.</p>	Complies
<b>B.3 Building Setbacks</b>	a. Front Building Setback The following formula shall be applied to each change in building height. Variation to the building setback may be considered for parapet walls. Justification for the variation must be submitted with the Development Application. Each proposal for variation will be determined on its merits. The minimum setback shall be 5.0 metres.	<p><u>Front Setback</u></p> <p>Required (min): 10 Metres Proposed: 12 Metres</p>	Complies



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	(i) Local Roads: The minimum Front Building Setback is to be 10 metres		
	<p>b. Side Setback (i) Large Buildings The minimum Side Boundary setback is to be 6 metres. Section C2.3 of the BCA requires large buildings (&gt;18,000m<sup>2</sup>) to provide at least a 6 metre access around the building for emergency vehicles.</p> <p>(ii) Small Buildings The minimum Side Boundary setback may be 0 metres Section C2.3 of the BCA permits buildings (&lt; 18,000m<sup>2</sup>) to have a zero lot-line to properties adjoining industrially zoned (IN1, IN2, or IN3) land where compliance with the fire safety provisions can be demonstrated. A zero side setback is not permitted to properties adjoining residential land.</p>	<p><u>Side Setback</u> Required(min): 0 metres Proposed: 0 metres</p>	Complies
	<p>c. Rear Setback</p> <p>(i) Immediately adjoining Residential and Non-Industrial Zoned land a. 10 Metres</p> <p>(ii) Adjoining Industrial Zoned land a. 0 metres subject to compliance with the Building Code of Australia Fire Rating requirements.</p> <p>(iii) Immediately adjoining riparian and protected areas a. 10 metres or in accordance with Sydney Catchment Authority (SCA) or Hawkesbury Nepean Catchment Management Authority (HN CMA) requirements.</p>	<p><u>Rear Setback</u> Required (min): 10 metres Proposed: 34 metres</p>	Complies
<b>B.4 Building Design</b>	<p>a. Height The Height of any industrial building, measured as a vertical distance from any point on the roof of the building to the ground level immediately below that point, shall not be greater than (i) 15 metres.</p> <p>Any building proposed in excess of this limit will be required to show good cause for the departure from this control.</p>	<p>Height Required (max): 15 Metres Proposed: 11.25 Metres</p>	Complies
	<p>b. Visual Amenity, Materials, Colours and Finishes</p> <p>External facades (including roofs) shall use material, colours and finishes that will not be reflective or cause the sun to reflect off surfaces onto other properties. For example glare can travel great distances where lighter colours and smooth surfaces reflect the sun during the day (due also to the angle of the</p>	<p>The proposed schedule of finishes are considered acceptable and is consistent with this control. No reflective finishes or materials are proposed.</p>	Complies

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	<p>surface). Darker colours also blend in with surrounding vegetation more easily than lighter colours. These elements must be considered when designing the premises and any ancillary structures. Articulation should be used where facades (longer than 10 metres) will dominate the property frontages.</p>		
	<p>c. Design and Appearance</p> <p>Passive solar energy and ventilation is to be incorporated into the design of buildings to minimise reliance on non-renewable energy use. New development must consider building design and operation measures that reduce energy consumption relative to conventional buildings. These measures could include;</p> <ul style="list-style-type: none"> <li>• Free-spinning ventilation ducts.</li> <li>• Using hand operated louvres or (roof mounted) wind turbines.</li> <li>• Effective use of vertical and horizontal cross-flow ventilation.</li> <li>• Use of renewable energy sources such as solar heat pump water systems.</li> <li>• Use of renewable or recycled building materials</li> <li>• Insulation of roof and walls to Australian Standards</li> <li>• Use of sustainable energy technologies such as photo-voltaic cells and co-generation. Water conservation principles are to be incorporated into the design of new buildings to minimise reliance on reticulated water. (See Section A 2.4)</li> </ul> <p>Devices used in the functioning of the building, such as mechanical ventilation and air conditioning plant, ventilation ducts, hoppers, waste storage containers and the like are to be located towards the rear of the property or suitably screened so they can not be seen from a public place. Any external lighting for a building (including security lighting) must be directed towards the site from the property boundaries. Any lighting fixed to buildings must contain 'Light Spill' to within the property boundaries by the use of barndoors (shutters). It is recommended that night-time security lighting be operated by motion sensors set to extinguish lighting within a reasonable timeframe.</p>	<p>The current design and appearance of the proposed development is considered as acceptable.</p> <p>The warehouse building component used for storage will be open on its north-eastern and south-eastern elevations for the purposes of increased ventilation.</p> <p>The proposal achieves a neutral or beneficial effect (NorBE) on water quality.</p> <p>Waste Management Plan submitted in support of the proposal proposes to maximise the reuse and recycling of construction material and minimise the volume of material going to landfill.</p> <p>The design of the proposed warehouse and storage facility is considered to be in accordance with Australian standards.</p>	Complies
B.5 Access and Parking	<p>a. Access requirements</p> <p>(i) Access to any proposed industrial development is to be via a non-residential street, unless the proposed development:</p>	<p>Access to the subject site is via an Pikkat Drive within an industrial area.</p>	Complies

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	<ul style="list-style-type: none"> <li>• Has no other alternative access; and</li> <li>• Demonstrates that consideration has been given to the affect of traffic generated by the site; and</li> <li>• Identifies an appropriate traffic management scheme, which would mitigate potential impacts on residential areas.</li> </ul> <p>A statement addressing the above must be submitted with any application that requests access via a residential street.</p> <p>(iii) All vehicles must enter and exit the site in a forward direction</p> <p>(iii) Entrances and exits shall be clearly identified by signage. Landscaping or fence treatment or have a featured surface.</p> <p>(iv) Arterial or main roads; ingress and egress must be gained from a local road in cases where it can be provided. Further, RTA concurrence will be required for development on a main or arterial road. The RTA is unlikely to allow access to a classified road where access is available via a local road. This may necessitate the closure of existing access to the classified road. RTA concurrence under Section 138 of the Roads Act, 1993, is required for any works within a classified road reserve, including a driveway connection or upgrade' Where future development is likely to compromise the safety or efficiency of a junction or intersection, suitable planning mechanisms are to be established to obtain developer contributions towards resolution of the safety or efficiency impact.</p> <p>(v) Buildings should be designed and landscaped to reinforce entry points and exit points.</p> <p>(vi) Where possible, gates shall be of a "sliding" type in order to prevent problems relating to access to and within industrial developments and vehicle sight distance.</p> <p>(vii) Where "swinging" gates are being installed, gates shall open away from the street and in doing so shall not restrict access to any part of the development, including car parking spaces,</p>	<p>All vehicles servicing the site are capable of enter/exit in a forward direction.</p> <p>Directional signage proposed at entry/exit gates.</p> <p>N/A the site is serviced by two collector roads.</p> <p>Landscaping provided along the street frontage to reinforces entry/exit points.</p> <p>Two swinging security gates proposed that opens onto the subject site.</p> <p>Noted, considered acceptable</p>	<p>N/A</p>
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	<p>manoeuvring areas, general access to/from the property and sight distance.</p> <p>(viii) Where driveways are located on a main road, gates from front boundaries are to be indented to provide a holding area for vehicles when the gates are closed. The desirable minimum depth should cater for a six-metre vehicle. However, this length may need to be increased depending on the use of the building(s) and the type of vehicles using the site.</p> <p>(vi) Access points and connections to the Southern Railway Line must be designed and constructed to meet Australian Track Corporation and/or other relevant authority standards.</p>	<p>N/A</p> <p>N/A</p>	
	<p>b. Loading and Unloading facilities:</p> <p>(i) Development with a gross lease able floor area of:</p> <ul style="list-style-type: none"> <li>• less than 1,000 m<sup>2</sup> must be designed for the manoeuvring of a medium rigid vehicle as defined by AS 2890.2: 2004.</li> <li>• more than 1,000 m<sup>2</sup> must be designed for the manoeuvring of a large rigid vehicle as defined by AS 2890.2: 2004.</li> </ul> <p>(ii) In order to prevent or reduce vehicle turning movements on-site, loading and unloading areas must be located with easy access to entrances, exits and loading docks.</p> <p>(iii) Sufficient area shall be provided on-site for the queuing/parking of service vehicles.</p> <p>(iv) Vehicle loading and unloading facilities should be separated from passenger vehicle and pedestrian circulation paths and vehicle parking areas.</p> <p>(v) All service vehicles must be parked wholly within the site at all times.</p>	<p>It is considered to be designed for the manoeuvring of a medium rigid vehicle as defined by AS 2890.2: 2004</p> <p>Loading and unloading areas are located with easy access to entrances, exits and loading docks.</p> <p>Suitable areas provided.</p> <p>Noted, separate as identified on the plans.</p> <p>To be conditioned</p>	<p>Complies.</p>
	<p>c. Vehicle/Pedestrian circulation</p> <p>(i) Vehicle and pedestrian circulation paths must be separated to reduce safety risk. It is recommended that pedestrian paths be incorporated into landscaping and hard surfaced. Pedestrian pathways incorporated into landscaping can be included in landscape area calculations.</p> <p>(ii) Accesses should be incorporated into the front landscaping (as below) so building entrances can be easily recognised from the street. Easily recognised and clearly signposted</p>	<p>A condition is to be imposed on consent for a lined pedestrian pathway to be provided from the rear car parking area to the building entrance.</p> <p>Access points clearly defined and signposted.</p>	

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	<p>entrances to properties provide efficient vehicle movements and reduce traffic disruption.</p> <p>d. Manoeuvring area Manoeuvring areas must be within the property boundaries. These areas must not have any impact on landscape areas.</p> <p>Design criteria for vehicle turning areas are available from Council's Development Engineer's. N.B Council's reference document in the preparation of parking controls is Australian Standard 2890– Parking Facilities.</p> <p>It is noted that separate standards under the 2890 series exist for Off Street Carparking, Bicycle Parking and Parking for people with a disability Roads and Traffic Authority – Traffic and Transport Technical Directions and Manuals TDT 2001/06a – Autoturn Swept Path Computer Programme Roads and Traffic Authority – Guide for Traffic Generating Developments Investigation of Parking Rates in Wingecarribee Shire prepared by Chris Hallam dated August 2005 Austroads – Design Vehicles and Turning Templates Wingecarribee Technical Specifications for Engineering Standards.</p>	<p>Turning Path provided for a 19M LPG Tanker, to be conditioned to comply with the Australian Standards 2890– Parking Facilities.</p>	<p>Condition No:</p> <p>Recommended to achieve compliance</p>
<b>B.6 Open Areas and Landscaping</b>	<p>a. Minimum Landscape Area</p> <p>Intending applicants are urged to consider Sections A1.7, A2.4, A2.5 and A2.7 of this DCP when considering site layout and the contribution landscaping makes to the visual appearance and functioning of a site.</p>	<p>A landscape plans was submitted in support of the proposal that provides vegetation and landscaping.</p>	<p>Complies</p>
	<p>(i) A landscaped area, no less than 3 metres in depth, is to be provided measured from the front property boundary.</p>	<p>A 5m depth landscaping area provided at the front boundary.</p>	<p>Complies</p>
	<p>(ii) A one (1) metre wide landscape strip, suitably bordered shall also be provided along the side boundaries. Gaps in the side boundary landscaping are permissible where site development is to be in conjunction with the future or existing development of an adjoining site. Noting Section (vi) below, the remainder of the subject site may only be used for sealed car parking, driveways and manoeuvring areas.</p> <p>(iii) Additional landscaping on site is to be provided at a rate of 1 square metre for</p>	<p>Landscaping provided along the side boundaries were there is not impact on the operation of the proposed development. The inclusion of the rainwater garden along Lot 14 Is considered suitable for the proposal.</p>	<p>Complies</p>

	<p>every two car parking spaces required on site which can be provided in a single consolidated location on the site or integrated with the car parking area/s.</p> <p>Notwithstanding the above, the provision of landscaping within parking areas may be confined to a specific area warranting protection (for example a riparian area or Endangered Ecological Community) or distributed around hard stand areas to provide effective shading and a suitable amenity to the locality.</p> <p>A landscape plan prepared by a suitably qualified person is to be submitted with all industrial development applications addressing the provisions included in this section detailing the location of:</p> <ol style="list-style-type: none"> <li>1. Any existing vegetation to be retained relocated or removed</li> <li>2. Deep soil landscape and planter areas</li> <li>3. Parking and associated access driveways;</li> <li>4. Paved and grassed areas;</li> <li>5. Boundary fencing;</li> <li>6. Loading/unloading areas;</li> <li>7. Any external storage areas;</li> <li>8. Planting scheme including trees, shrubs, grasses and groundcovers using local provenance of evergreen species.</li> <li>9. Water &amp; maintenance schedules including drip irrigation and mulching details</li> </ol> <p>(iii) No excavation or structures shall be within the drip-line of mature trees.</p> <p>(iv) Trees may be removed with Council's consent where they are located within the footprint of a proposed structure and accompanied by an arborists report stating that they are dead, dying or dangerous. A sufficient number of existing trees of suitable species must be retained or relocated on-site and incorporated into landscaping to provide summer shade and winter sun and to screen any proposed structure from the street.</p> <p>(v) Barriers, such as logs, kerb and guttering or low fencing, must be provided around landscaping to prevent vehicles from damaging plantings.</p> <p>(vi) Council shall not consent to</p>	<p>A landscaping plan has been provided in relation to the proposed development. It is considered to be of suitable design. Further details relating to water and maintenance schedules are to be conditioned.</p> <p>No major excavation is proposed.</p> <p>No trees are located on the subject site.</p> <p>To be conditioned.</p>	<p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Condition No: Recommended to achieve compliance</p>
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	<p>development on Industrial Land unless:</p> <p>a. A landscaped area, no less than 3 metres in depth, is incorporated within the primary building setback.</p> <p>b. No work associated with the ongoing use of the site is to take place within the landscaped area;</p> <p>c. All work associated with the lawful development on the land that is to be carried out external to a building, shall be screened from view from roads and public places by a landscape or lattice screening barrier;</p> <p>d. Adequate provision has been made for the establishment and ongoing maintenance of all landscape areas; This will include suitable drought tolerant species.</p> <p>(vii) Council prefers the use of Australian native trees and shrubs in the landscaping of the estate, due to their compatibility with the natural habitat, their relatively fast growth and low maintenance (see Appendix 9).</p> <p>(viii) Consent will not be granted for landscape plans that contain aggressive colonising species and noxious weeds contained in Appendix 9.</p>	<p>Landscaping is provided within the primary building setback.</p> <p>To be conditioned.</p> <p>To be conditioned</p> <p>A condition relating to a maintenance schedule for the landscaping on the subject site has been set.</p> <p>To be conditioned.</p> <p>To be conditioned.</p>	<p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p>
<p><b>B.6 Open Areas and Landscaping</b></p>	<p>d. External Storage Areas</p> <p>(i) External storage areas shall not be located forward of the front building line and shall be screened from view from a public place. Where exceptional circumstances can be demonstrated, for example paving brick displays, vehicle and machinery display areas or where an existing building is constructed from side boundary to side boundary, goods should be positioned inwards towards the property and appropriate screen fencing materials used to the street frontage. Parking will still need to be provided in accordance with the requirements of this DCP.</p>	<p>No external storage areas are proposed within the front setback area.</p>	<p>Complies</p>

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<p><b>B.6 Open Areas and Landscaping</b></p>	<p>e. Chemical Storage Many industries use chemicals in their processes and these will, more than likely, have impacts on the natural environment when spillage occurs. For this reason controls need to be in place to protect the natural environment in the event of accidents and spillages. Applicants will therefore need to provide the following details:</p> <ul style="list-style-type: none"> <li>(i) A comprehensive list of the chemicals and quantities to be stored and used on the site*; and</li> <li>(ii) A register of all MSDS for chemicals;</li> <li>(iii) Bunded areas for the storage of chemicals constructed to a depth equivalent to 110% of the largest container or 25% of the maximum total storage capacity.</li> <li>(iv) Spilled wastes must be disposed of in accordance with manufacturers requirements</li> <li>(v) A locked storage area which is clearly posted (eg Chemical Store – Keep Out) in addition to a No Smoking Sign. Ideally this should be a separate, well – ventilated cupboard or building used only for this purpose. It needs to be located away from other buildings and drainage lines that drain to stormwater. * Materials Safety Data Sheets (<a href="http://www.msds.com">www.msds.com</a>) provide useful information regarding the potential impacts on health and the environment and how spills should be managed. Information is also provided regarding the most appropriate method of disposal of any waste or contaminated material.</li> </ul>	<p>The proposal is supported by and EIS that was referred to EPA for concurrence and conditions have been provided.</p>	<p>Complies</p>
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<b>B.7 Utilities</b>	<p>a. Supply; Water, Electricity, Telecommunications and Effluent Disposal</p> <p>(i) No external service or plumbing conduits, other than down pipes for roof water are to be visible from any public place.</p> <p>(ii) The use of renewable energy is encouraged and Council is willing to consider design concessions for the implementation of renewable energy input into the operations of industry.</p> <p>(iii) Water Sensitive Urban Design (WSUD) technologies shall be incorporated into the design of both the site and buildings.</p> <p>(iv) Devices for the capture, storage and treatment of water (such as tank and On-Site Detention ponds and basins) suitable for recycling and re-using water on-site (including landscaping) shall be included in any proposal.</p>	<p>Noted, to be conditioned</p> <p>No renewable energy is proposed</p> <p>Due to the nature of the use, there is very limited opportunity for reuse of collected stormwater on site however plans relating to WSUD have been reviewed by Councils internal Certifier and Engineer and conditions of consent has been provided.</p> <p>The stormwater will be directed to the raingarden via installed on-site drainage pits and piping, and will pass through a gross pollutant trap prior to being distributed into the rainwater garden.</p>	<p>Complies</p> <p>N/A</p> <p>Complies</p> <p>Complies</p>
	<p>b. Drainage, Stormwater and Wastewater Management Water conservation and Water Sensitive Urban Design principles must be incorporated into the design of buildings to minimise reliance on reticulated water. All Stormwater Management Plans and Waste Water Management Plans requested by Council or the Sydney Catchment Authority must meet or exceed the Neutral or Beneficial Effect (NorBE) test and the water quality objectives using current Recommended Practices (CPR) contained in the Drinking Water Catchment Regional Environmental Plan No1. Reference will also be required to the Landcom publication: Managing Urban Stormwater: Soils and Construction Vol 1, 4th Edition, Landcom, 2004 WSUD measures will include</p>	<p>The proposed development has been reviewed by councils internal engineering team and all drainage, stormwater and wastewater matters have been reviewed and conditions of consent have been provided.</p> <p>In addition, the DA was referred off to Water NSW. Water NSW concurs with council granting consent to the application as it considers that the proposed development</p>	<p>Complies</p> <p>Complies</p>

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	<p>(i) A minimum of 50% of the roof area to be connected to a rainwater storage device and the installation of a tank of suitable capacity (minimum 8,000) water tank</p> <p>(ii) The re-use of stormwater collection for non-potable (undrinkable) uses (supplying machinery water jackets, cooling high temperature processes, landscape irrigation, flushing toilets, etc)</p>	can achieve a neutral or beneficial effect on water quality.	
	<p>c. Amenities</p> <p>(i) At a minimum toilet and bathroom facilities are to be provided for the development in accordance with the BCA. Consideration shall be made for showers and change rooms in support of Council's Bicycle Strategy and to provide staff with adequate space for storage of work wear and weather apparel.</p>	Suitable amenities are provided.	Complies
	<p>d. Lighting</p> <p>Lighting is essential for convenience and safety, but if not properly controlled it can result in adverse impacts on adjoining properties and the night sky. Most generally the problem is lighting which is poorly directed so that there is a spill over effect beyond the range required for direct illumination purposes. The quality of the night sky is a highly valued asset of the Southern Highlands environment. Unlike city areas where ambient light significantly diminishes the ability to see the night sky, the Southern Highlands affords excellent visibility and Council wants to protect this asset. Poorly directed light is also a waste of the energy used to generate it and so contradicts Council's objectives for ecologically sustainable development</p>	No lighting details provided, a condition to be imposed to comply with the relevant Australian Standards	<p>Condition No:</p> <p>Recommended to achieve compliance</p>
	<p>(a) Lighting and diffusers shall not allow light to be directed upwards more than 90 degrees.</p> <p>(b) Timers shall be accurately set to ensure that lighting is used only when natural light is insufficient.</p>	There are no lighting and diffusers directed upwards more than 90 degrees. To be conditioned.	<p>Condition No:</p> <p>Recommended to achieve compliance</p>
<b>B.8 Environmental Management</b>	<p>a. Soil Erosion and Sediment Control</p> <p>Effective erosion and sediment controls are to be installed prior to any construction activity commencing including earthworks. Where building or earthworks are proposed where the area of disturbance is less than 2500m<sup>2</sup>, Council's Development Engineers may request an Erosion and Sediment Control Plan. This plan would include a written document as well as site diagrams that</p>	An erosion and sediment control plan was submitted in support of the application and referred to Councils Development Engineers who raised not concerns.	Complies

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	<p>clearly indicate where measures are going to be implemented to minimise erosion and sedimentation. Where building or earthworks are proposed where the area of disturbance is 2500m<sup>2</sup> or greater, a Soil and Water Management Plan will be required. This plan is to include a written document as well as a set of diagrams, prepared by a suitably qualified person that clearly identifies the constraints of soil erosion, sediment pollution and stormwater pollution. All Erosion and Sediment Control plans and all associated works must meet or exceed the Neutral or Beneficial Effect (NorBE) test and the water quality objectives using Current Recommended Practices contained in the Drinking Water Catchment Regional Environmental Plan No1.</p> <p>Reference will also be required to the Landcom publication: Managing Urban Stormwater: Soils and Construction Vol 1, 4th Edition, Landcom, 2004. All erosion and sediment control measures are to remain in position until disturbed soils are turfed, 70% vegetated or otherwise stabilised. The controls must be effective and prevent sediment entering the stormwater system, drainage depressions and water courses causing water pollution. All sediment and erosion controls are to be monitored and maintained on a regular basis particularly after a rain event, to ensure that the controls in place are adequate and functioning correctly.</p>		
	<p>b. Noise, Air and Water Quality (see also Section A1.10) Applicants shall provide;</p> <ul style="list-style-type: none"> <li>(i) Details of potential impact on Noise, Air and Water quality proposed;</li> <li>(ii) Details of methods to minimise emissions of the above in an environmental management plan.</li> <li>(iii) Demonstrated compliance with Drinking Water Catchments Regional Environmental Plan.</li> <li>(iv) Application of Water Sensitive Urban Design principles.</li> <li>(v) An environmental management plan that demonstrates that the development shall not cause nuisance to residents by way of hours of operation, traffic movement, parking, headlight glare, security lighting and the like.</li> </ul>	<p>The noise, air and water quality issues have been addressed within the EIS and considered satisfactory.</p>	<p>Complies</p>
	<p>c. Contaminated Land Applicants shall provide; (i) For declared contaminated sites or where the potential exists for on</p>	<p>The subject site has undertaken multiple site analysis reviews. A PSI</p>	<p>Complies</p>

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	<p>site contamination from a previous use eg chemical storage facility, petrol station, a site contamination analysis, demonstrating consistency with State Environmental Planning Policy 55 – Remediation of Land and the Contaminated Land Management Act 1997 shall be provided.</p> <p>(ii) Where there are indications that contamination is, or may be present, Council will require the applicant to undertake a site specific contamination study where it is considered highly probable that the land is subject to contamination.</p>	<p>and a DSI has been undertaken. The reports have concluded that the subject site is considered suitable for the proposed development.</p>	
	<p>d. Waste Minimisation and Management Applicants shall provide;</p> <p>(i) A Waste Management Plan for during and post construction detailing the volume or weight of material.</p> <ol style="list-style-type: none"> <li>1. To be reused</li> <li>2. To be recycled</li> <li>3. To be disposed of at an authorised waste transfer station.</li> </ol> <p>(ii) Waste collection vehicles shall not stand on public roads or footpaths.</p> <p>(iii) An area, screened from public view or located behind the front façade of the building and with convenient access to service vehicles, shall be provided for waste storage containers</p>	<p>Waste minimisation and management has been provided as part of this application. A WMP has been provided and is considered sufficient for the development.</p> <p>In addition, a recycling procedure for timber pallets has been submitted in support of the proposal,</p>	Complies
<b>Part C Specific Land Use Development Controls</b>			
<p><b>Hazardous Industries, Hazardous Storage Establishments, Offensive Industries, Offensive Storage Establishment</b></p>	<p>To minimise the impacts from hazardous industry on adjoining land uses, any development including parking location, shall be in accordance with State Environmental Planning Policy 33 (Hazardous and Offensive Industries) and with the Hazardous Industry Advisory Paper No.10 available from the Department of Planning website and the National Standard [NOHSC: 1014 (2002)] for the Control of Major Hazard Facilities.</p> <p>Issues such as noise, air quality, waste, water quality, safety and land contamination will need to be addressed with an application by reports of suitable format</p>	<p>The proposed development is consistent with SEPP 33 (now known as the Industry and employment SEPP 2021). As part of the application, an EIS and submitted. This was reviewed by EPA and conditions of consent was provided.</p>	Complies
<b>Part D Appendices: Appendix 2 – Car Parking Provisions</b>			
<p><b>1.3 Car Parking Requirements</b></p>	<p>(a) The number of car parking spaces to be provided on the site is determined by the nature of the development and specific requirements are included within the controls for each type of development described in the Plan.</p>	<p>As above, carparking matters have been addressed adequately</p>	Complies

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	<p>(b) If the car parking requirements for a specific development are not contained within this Plan, Council will have regard to the Roads and Traffic Authority Guide for Traffic Generating Developments, and to comparable uses at other locations, in assessing the car parking requirements of the development.</p> <p>(c) The loss of any on-street parking as a result of the development, including new vehicular entry points or loading zones, shall be compensated for by providing on site parking equal to the number of lost spaces.</p>		
<b>1.5 Use of Parking Areas</b>	<p>(a) All parking spaces shall be used solely for the parking of motor vehicles for owners, staff and customers except where noted. On no account shall such spaces be used for storage or garbage purposes.</p> <p>(b) Boom gates, remotely operated doors and other devices designed to stop the public from accessing the parking area are not permitted.</p> <p>(c) No signposting or restrictions on individual spaces is allowed.</p>	As above, carparking matters have been addressed adequately	Complies
<b>1.6 Disabled Parking Requirements</b>	<p>(a) Disabled parking spaces shall be provided for each building use according to the applicable Standard.</p> <p>(b) The disabled parking requirements will be to the current Australian standard.</p>	<p>Provided</p> <p>As above, carparking matters have been addressed adequately.</p>	Complies
<b>1.7 On Site Parking Deficiencies</b>	<p>(a) In circumstances where it is not physically possible or where, for traffic reasons or otherwise, it is impracticable to provide on-site, the total number of parking spaces required under this Plan, the applicant shall make appropriate arrangements for the provision of the car parking shortfall with Council.</p> <p>(b) Council's preferred approach for such arrangements is through a voluntary Planning Agreement lodged with the Development Application. Council's adopted policy in relation to Planning Agreements sets out the requirements and process.</p> <p>(c) If there is a deficiency in the required number of car spaces, and no Planning Agreement is entered into, the Development Application shall be</p>	As above, carparking matters have been addressed adequately.	Complies

	refused.		
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**Section 4.15 (1) (a) (iia) — The provisions of any planning agreement or proposed planning agreement that apply to the land**

No planning agreement or proposed planning agreement applies to the land.

**Section 4.15 (1) (a) (iv) — The provisions of the regulations that apply to the land**

The proposed development complies with the relevant sections of the *Environmental Planning and Assessment Regulation 2021*.

**Section 4.15 (1) (b) — The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

The likely impacts of this development are minor as the site complies with all the relevant clauses in the DCP. The proposed development will not give rise to any off-site environmental impacts. The site is not located within short proximity to residential land use which will not see any major community impacts. It has positive likely economic impacts as the development is considered to be an important employment generator in Wingecaribee and as an important service centre outside the LGA.

**Section 4.15 (1) (c)—The suitability of the site for the development**

The site is found to be suitable for the development as proposed because:

The zoning permits the proposal which is an industrial storage development. The surrounding development will be similar industrial land use. The proposal will not have any adverse localised impacts other than stormwater and being a designated development due to storing chemical substances and having more than the total storage capacity threshold for all types of gases and substances. These issues have been mitigated by the recommended imposition of conditions of consent.

**Section 4.15 (1) (d)—Any submissions made in accordance with the Act or the regulations**

Council initially notified the application to owners and occupants of surrounding properties, inviting submissions between 24 October 2022 and 23 November 2022. The notification did not attract any submissions.

**Section 4.15 (1) (e)—The public interest**

There is not considered to be any overriding public interest opposing the granting of consent for the proposed development, provided all recommended consent conditions are complied with.

The proposal is unlikely to cause and adverse impacts on the locality subject to the imposition of conditions as recommended.

**6. INTERNAL AND EXTERNAL COMMUNICATION AND CONSULTATION**

Details of internal and external referrals of the application are tabulated below.

<b>Referral</b>	<b>Response</b>
<b>Development Engineer</b>	No objections. Recommended conditions of consent.
<b>Building/Certification</b>	No objections. Recommended conditions of consent.
<b>WaterNSW</b>	Water NSW concurs with council granting consent to the application as it considers that the proposed development can achieve a neutral or beneficial effect on water quality.
<b>Environment Protection Authority</b>	No objections. Recommended conditions of consent.

-  
**7. CONCLUSION**

Provided all recommended conditions of consent are complied with, the proposed development is considered satisfactory with respect to the relevant matters for consideration specified by section 4.15 (1) of the *Environmental Planning and Assessment Act 1979*. It is recommended that the Local Planning Panel determines the development application by granting consent, subject to the conditions specified in Attachment 1.

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**ATTACHMENTS**

1. Attachment 1 - Draft Conditions of Consent ( Pikkat Drive) [**6.2.1** - 21 pages]
2. Attachment 2 - PROPOSED DEVELOPMENT PLAN - SEA R 1677 [**6.2.2** - 11 pages]

# AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 27 SEPTEMBER 2023

23/0072  
DRAFT CONDITIONS OF DEVELOPMENT CONSENT

## ADMINISTRATION CONDITIONS

### 1. Development Description

Development consent has been granted in accordance with this notice of determination for the purposes of the construction of an industrial building and a chemical storage facility development at 41-43 Pikkat Drive

**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
Proposed Site Plan	1139, 03-11/ D	DNG Design	6 May 2023
Site Plan Lot 14	1139, 04-11/ D	DNG Design	6 May 2023
Site/landscape Plan Lot 13	1139, 05-11/D	DNG Design	6 May 2023
Floor Plan	1139, 06-11/D	DNG Design	6 May 2023
Floor Plan	1139, 07-11/D	DNG Design	6 May 2023
Elevations and Sections	1139, 08-11/D	DNG Design	6 May 2023
Roof Plan	1139, 09-11/D	DNG Design	6 May 2023
Waste Management Plan and Landscape Plan	1139, 10-11/D	DNG Design	6 May 2023
Schedule of Materials	1139, 11-11/D	DNG Design	6 May 2023
Driveway plan	210883, 2/13	DMC Consulting	29 August 2022
Pavement plan	210883, 3/13	DMC Consulting	29 August 2022
Drainage plan	210883, 4/13 B	DMC Consulting	8 May 2023
Erosion and sediment control plan	210883, 13/14	DMC Consulting	29 August 2022
Proposed site plan	HAZ-2719-GA01/6	HAZKEM	3 June 2021
Proposed site details	HAZ-2719-GA02/4	HAZKEM	3 June 2021
Tanker path layout – 19m LPG Tanker	HAZ-2719-GA03/4	HAZKEM	3 June 2021
Tanker path layout – 17m LPG Tanker	HAZ-2719-GA04/2	HAZKEM	3 June 2021
Serviced truck path	HAZ-2719-GA05/2	HAZKEM	3 June 2021
Risk screening document and preliminary hazard analysis	Rev 2	HAZKEM	April 2021
Environmental Impact Statement	Ref. 41-43PIKKATDRV-EIS-29-05-2023	Rein Warry & Co.	29 July 2023
Initial Waste management Plan	41-43PIKKATDRV-EIS-ANNX-A-WMPC	Rein Warry & Co.	29 May 2023
Air Quality Risk Assessment	23.1102.FR1V1	Northstar	28 April 2023
Phase 1 Preliminary Site Contamination Investigation	12351.01.PSCA	Getex	27 April 2023
Phase 2 Detailed Site Contamination Investigation	12351.01.TSCA	Getex	26 July 2023



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### 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.

**Reason:** *The condition is prescribed under Section 69 of the Environmental Planning and Assessment Regulation 2021.*

### 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 Section 70 of the Environmental Planning and Assessment Regulation 2021.*

### 6. Compliance with Disability Discrimination Act 1992

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

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

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

# AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 27 SEPTEMBER 2023

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

### 7. Excavation – ARTC

In accordance with the Environmental Impact Statement (EIS), any development must not involve excavation exceeding a depth of 2 metres or the utilisation of cranes that encroach upon the airspace within 25 metres of the neighbouring railway line.

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

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

- (a) Architectural plans and building specifications complying with the National Construction Code (NCC) relevant Australian Standards, and the development consent and conditions.
- (b) If Council or a private accredited certifier issues the Construction Certificate, engineering details must be submitted for approval for all structural elements, including but not limited to, piers, footings, reinforced concrete slab, first floor joist layout, roof trusses, steel beams and the like. The details must be prepared by a qualified chartered professional practicing consulting structural engineer. Also a certificate from the engineer must be included certifying that the design fully complies with appropriate SAA Codes and Standards and the Building Code of Australia requirements.
- (c) Essential services plan outlining the existing and proposed fire safety measures.
- (d) Plans detailing the layout, extent and location of key components of any required Hydraulic Fire Safety System/s (Fire Hydrant and Fire Hose Reels) including Specifications that describe the basis for the design, installation and construction and identify the provisions of the BCA upon which the design of the system is based. The Plans and Specifications shall both be endorsed by a competent fire safety practitioner (CFSP) as complying with the relevant provisions of the Building Code of Australia (BCA).
- (e) Disabled access provisions to common and public areas in accordance with AS1428 Design for Access and Mobility and the Premises Code.
- (f) If an alternative solution to the "deemed to satisfy" provisions of National Construction Code is proposed, the following details must be lodged:
  - Performance requirements that the alternative solution intends to meet.
  - Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the BCA; and
  - A statement about the person who prepared the alternate solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body.

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

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

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

### 9. 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) an accredited certifier; and

## AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 27 SEPTEMBER 2023

- (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
- (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.*

### 10. Access for People with Disabilities

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

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

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

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

### 11. 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.*

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

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

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## WEDNESDAY 27 SEPTEMBER 2023

### 13. Erosion and Sediment Control Plan

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

- (a) Erosion and sediment controls are to be in place before the disturbance of any soils on the site, and are to be maintained during the works and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside the worksite boundaries.
- (b) Topsoil stripped from the construction site shall be stockpiled and protected from erosion until re-use during landscaping. Soil is to be retained within the property.
- (c) Stockpiles of construction and landscaping materials, and of site debris shall be located clear of drainage lines and in such a position that they are protected from erosion and do not encroach upon any footpath, nature strip or roadway.
- (d) Final site spoil shall be disposed of to conform to the specifications and standards quoted and to any conditions of approval of those measures and must comply with any relevant NSW Department of Planning and Environment requirements.
- (e) Trenches shall be backfilled, capped with topsoil and compacted to a level at least 75mm above adjoining ground level.
- (f) Vehicular access shall be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where sediment is deposited on adjoining roadways the same shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.
- (g) All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for more than 14 days or such other period as may be approved after earthworks cease. All driveways and parking areas shall be stabilised with compacted sub-grade as soon as possible after their formation.

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

### 14. Developer to provide photos of damage to Council property

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

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

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

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

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

### 15. 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.

## AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 27 SEPTEMBER 2023

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.

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.*

### 16. 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) 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.*

### 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.

## AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 27 SEPTEMBER 2023

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. Carpark Design - Site Servicing

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

- (a) The site shall accommodate the turning movements of (how many) m service vehicle.
- (b) Service vehicles shall manoeuvre into and out of the site in a forward direction.
- (c) The front overhang, and swept path made by the service vehicle shall not obstruct car park traffic or encroach onto parking spaces.
- (d) The vehicle swept path shall be reflected on the engineering design plans.
- (e) Loading and unloading of service vehicles shall be undertaken onsite with no intrusion onto the road system.
- (f) The footpath crossing shall be splayed from the property boundary to the kerb line to accommodate the swept path made by the service vehicle.

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

### 19. Off Street Parking Provision

9 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.

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.*

### 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.

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- (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.*

### 21. 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.

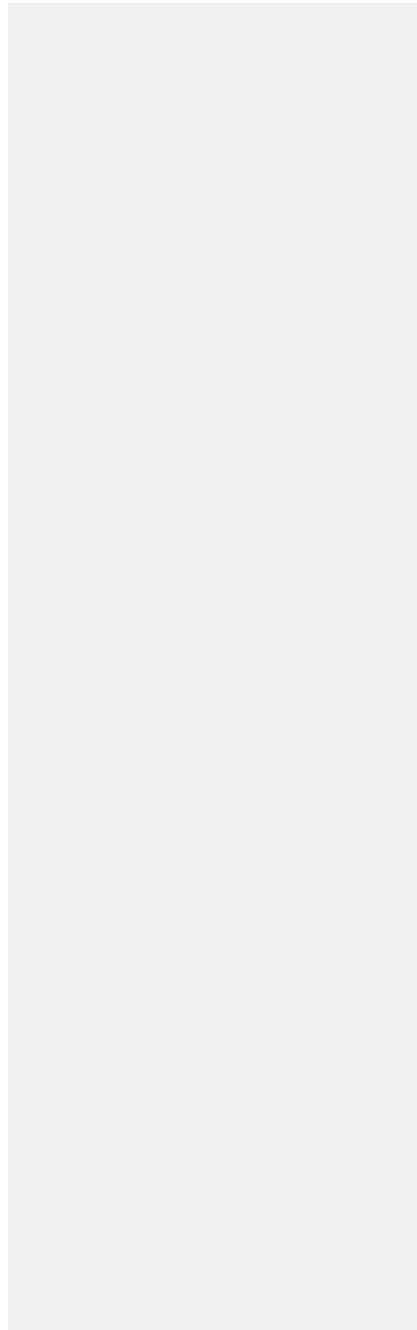
**Reason:** *To minimise soil erosion and sediment movement during construction.*

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 27 SEPTEMBER 2023**

**22. Light Spillage**

Measures to ensure that no additional light "spillage" is created from the approved development into existing or nearby residences, shall be provided to the satisfaction of Council prior to issue of Construction Certificate.

**Reason:** *To ensure no reduction in residential amenity.*





# AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 27 SEPTEMBER 2023

## CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

### 23. 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 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.*

### 24. Construction Certificate

No work shall commence until a:

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

**Reason** *Statutory requirement.*

### 25. 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

## AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 27 SEPTEMBER 2023

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.*

### 26. 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 Accredited 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.*

### 27. 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.*

### 28. Developer to advise of damage to Council property

## AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 27 SEPTEMBER 2023

The developer must advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves, street trees, drainage pits and the like, prior to commencement of any work on the site. 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 grass verges, concrete footpath, kerb and gutter, street trees, drainage pits are to be carried out by the contractor/builder to Council's specification and supervision prior to occupation of the development.

**Reason:** *Public safety.*

### 29. Erosion and Sediment Control Plan

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

- (a) Erosion and sediment controls are to be in place before the disturbance of any soils on the site, and are to be maintained during the works and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside the worksite boundaries.
- (b) Topsoil stripped from the construction site shall be stockpiled and protected from erosion until re-use during landscaping. Soil is to be retained within the property.
- (c) Stockpiles of construction and landscaping materials, and of site debris shall be located clear of drainage lines and in such a position that they are protected from erosion and do not encroach upon any footpath, nature strip or roadway.
- (d) Final site spoil shall be disposed of to conform to the specifications and standards quoted and to any conditions of approval of those measures and must comply with any relevant NSW Department of Planning and Environment requirements.
- (e) Trenches shall be backfilled, capped with topsoil and compacted to a level at least 75mm above adjoining ground level.
- (f) Vehicular access shall be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where sediment is deposited on adjoining roadways the same shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.
- (g) All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for more than 14 days or such other period as may be approved after earthworks cease. All driveways and parking areas shall be stabilised with compacted sub-grade as soon as possible after their formation.

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

### 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.*

### 31. 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.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 27 SEPTEMBER 2023**

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.*

**32. Set Out Survey**

The development shall be set out by a Registered Land Surveyor to ensure the correct location on the site in accordance with the approved site plan prior to the commencement of works.

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

# AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 27 SEPTEMBER 2023

## CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

### 33. 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.*

### 34. 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 Certifier (PC)*

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

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

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

### 35. Structure not to be built over easements/infrastructure.

No portion of any structure shall be erected over any existing sillage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.

**Reason:** *To protect infrastructure.*

### 36. 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.*

### 37. 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 (WHAT SIZE) 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.*

Commented [KC1]: Eng to provide what size is required

## AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 27 SEPTEMBER 2023

### 38. Earthworks, retaining walls and structural support

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

- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
- (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
- (c) that is fill brought to the site-must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, and
- (d) that is excavated soil to be removed from the site-must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.

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

**Reason:** *Structural safety.*

### 39. 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.*

### 40. 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.*

### 41. 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.*

### 42. Excavations and Backfilling

# AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 27 SEPTEMBER 2023

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

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

#### 43. 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 lodgement of an application under section 4.55 of the Environmental Planning and Assessment Act 1979.

#### 44. 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.

#### 45. Engineering Inspections by Council

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

- (a) Works in relation to road reserves, footpath, kerb and gutter, road shoulder and drainage within public lands or road reserves.
- (b) Final inspection of footpath, driveway, stormwater and utility construction works within the road reserve.

#### 46. 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.

#### 47. Stormwater Discharge

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

## AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 27 SEPTEMBER 2023

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

### 48. 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.*

### 49. Prevention of Nuisance

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

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

### 50. 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.*

### 51. 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.*



# AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 27 SEPTEMBER 2023

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

### 52. Safety Measure

A marked pedestrian crossing leading to the building's designated entry/access points from the rear carpark shall be provided prior to the issue of Occupation Certificate.

**Reason:** *To minimise any pedestrian conflict with the rear car parking area.*

### 53. Outdoor lighting

External security lighting and external movement sensors at the entrance of the site from Plikkat Drive which shall be provided. No lighting and diffusers are to be directed upwards more than 90 degrees

**Reason:** *To minimise any poorly designed and improperly located external lighting.*

### 54. Maintenance Schedule

Water & maintenance schedules including drip irrigation and mulching details are to be provided prior to Occupation Certificate.

**Reason:** *To maintain the landscaping on the subject site.*

### 55. Landscaping

Barriers, such as logs, kerb and guttering or low fencing, shall be provided around landscaping to prevent vehicles from damaging plantings prior to Occupation Certificate..

**Reason:** *To maintain the landscaping on the subject site.*

### 56. Design

All outside storage areas (S1 and S2) shall be appropriately screened from view from roads and public places by a landscape or lattice screening barrier prior to Occupation Certificate.

**Reason:** *To comply with the development control.*

### 57. Landscaping

The landscaping will incorporate Australian native trees and shrubs (as per Appendix 9 of the DCP) prior to Occupation Certificate

**Reason:** *To comply with the development control*

### 58. Building Design

No external service or plumbing conduits, other than down pipes for roof water shall be visible from any public place prior to Occupation Certificate.

**Reason:** *To comply with the development control*

### 59. 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

# AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 27 SEPTEMBER 2023

- 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.*

## 60. 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.*

## 61. 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,*

## 62. Council Property

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

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

## 63. Fire Safety Certificate

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

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

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

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

## 64. Identification Survey

An identification survey prepared by a Registered Land Surveyor shall be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate to demonstrate that all buildings and structures have been constructed entirely within the allotment boundary and in accordance with the approved plans.

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

## 65. Creation of Easements

The creation or obtaining by the applicant of the following easements, at the applicant's expense and prior to issue of the Occupation Certificate for the development:

- Easement over sewer mains 3m wide in favour of Council.

## 66. Vehicle Access (Commercial)

## AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 27 SEPTEMBER 2023

Access to the site shall be provided by means of a vehicle crossing as per Standard Drawing SD108 and 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.*

### 67. Fire Safety Certificate

A final Fire Safety Certificate shall be obtained in accordance with Part 4, Division 1 of the Environmental Planning and Assessment Regulation 2021, prior to the issue of the Occupation Certificate for the building.

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

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

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

### 68. Works as Executed Drainage Diagram

The applicant shall submit to Council a copy of the works as executed plans for the both internal and external drainage (Sewer Service Diagram) prior to the issue of an Occupation Certificate. These plans shall be drawn to scale including all relevant details in accordance with the requirements of the NSW Fair Trading. The requirements of the Plumbing Act are to be complied with also in this regard.

*Reason: So that Council may ensure that the construction is in accordance with Council's requirements, and so that a permanent record of the drainage details may be held by Council, to assist in future maintenance.*

### 69. National Plumbing and Drainage Code

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

*Reason: To comply with legislation.*

# AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 27 SEPTEMBER 2023

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

### 70. Service Vehicles

All vehicles servicing the site shall be parked wholly within the property boundaries of the subject site at all times.

**Reason:** *To minimise street congestion.*

### 71. Landscaping

No work associated with the ongoing use of the site is to take place within the landscaped area.

**Reason:** *To maintain the landscaping on the subject site.*

### 72. 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 and Rescue; 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.*

## CONCURRENCE CONDITIONS

EPA- attached

WATERSW- attached

END OF CONDITIONS

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 27 SEPTEMBER 2023**

**b.c.a. notes**

addendum of matters to be carried out in accordance with the building code of australia

the entire building is to be constructed in accordance with the applicable requirements of the building code of australia (b.c.a.) and the requirements of the consent authority and certifying authority. in particular the following matters will be addressed to meet the requirements of the b.c.a. :

1. materials used in the building will satisfy the early fire hazard requirements of specification c1.10.
2. external wall will be designed so as to meet the requirements of specification c1.11.
3. the windows provided with external wall-wetting sprinklers will be permanently fixed in the closed position in accordance with c3.4(a)(ii).
4. the design of the stairway will be in accordance with d2.13.
5. the stairway will be provided with a handrail which will satisfy the requirements of d2.17 and d3.3(a)(ii).
6. door furniture to doors in required exits or forming part of required exits will satisfy the requirements of d2.21.
7. a car parking space for people with disabilities will be provided in accordance with d3.5.
8. sanitary facilities for people with disabilities will be provided with a sign incorporating the international symbol of access in accordance with the requirements of d3.6.
9. tactile ground surface indicators will be provided in accordance with the requirements of d3.8 to warn people of with a vision impairment that they are approaching a stairway.
10. a fire hydrant system will be provided in accordance with the requirements of e1.3.
11. a fire hose reel system will be provided in accordance with the requirements of e1.4.
12. portable fire extinguishers will be provided in the completed building in accordance with the requirements of e1.6.
13. portable fire extinguishers will be provided in the building during construction in accordance with the requirements of e1.9.
14. emergency lighting will be provided to applicable parts of the building in accordance with the requirements of e4.2.
15. exit signs will be installed in accordance with the requirements of e4.5 and e4.6.
16. the floor surface and walls of wet areas such as the shower rooms and water closets will be impervious to water in accordance with the requirements of f1.7.
17. doors of the water closets will be designed to be readily removable from the outside, open outwards or slide where required to do so by f2.5(b).
18. the building will be provided with the ventilation in accordance with the requirements of f4.5.
19. the water closet which opens into the warehouse area will be provided with mechanical ventilation and the doorway will be screened from view in accordance with the requirements of f4.9(b).

**consultants register**

architectural drawings should be read in conjunction with:  
 surveyors: SURVCHECK SURVEYORS  
 structural engineer: T.B.A.  
 civil engineer: TECHNIBUILD CONSULTING  
 section j report: T.B.A.

**builders note:**

ramp up all external paving to front entry door to provide access for disabled. (no steps) max gradient 1:14 & 1 : 40 max. at doorway

all ballustrades to comply with BCA D2.16

glass reflectivity index on all glazing not to exceed 20%

bathroom, w.c., or laundry window in the external wall of the building shall be fitted with obscure glazing

compliance with councils salinity management guidelines shall be adopted including the use of 32 mpa concrete & high impact water proof membrane under all ground slabs.

grid and panel layout dimensions to be verified by structural engineers. architectural drawings are indicative only.

**type "c" construction**

**essential services**

**services min. standards**

- |   |                    |
|---|--------------------|
| a. emergency lighting (as required by bca clause e4.2, e4.4)  | a.s. 2293 pt 1 & 2 |
| b. exit signs (as required by bca clause e4.5, e4.6, e4.8)  | a.s. 2293 pt 1 & 2 |
| c. fire doors (as required by bca clause spec. c3.4, c3.6)  | a.s. 1905 pt 1 & 2 |
| d. fire mains (as required bca e1.4)  |                    |
| e. hose reels (as required by bca e1.4 [nsw])   | a.s. 1221 & 2441   |
| f. hydrants (as required by bca e1.3 [nsw])   | a.s. 2419          |
| g. mechanical ventilation and air conditioning systems (as required by bca c3.15, spec. e1.7, spec. e1.8, e2.4, e2.7, f4.5, f.11, spec. 63.8, spec. h1.2) | a.s. 1668 pt 1 & 2 |
| h. portable fire extinguishers (as required by bca clause e1.6)   | a.s. 2444          |
| i. automatic fire sprinkler system to factory & all office floor in accordance- BCA Clause D1.3(b)(iii)   | a.s. 2118.1- 1999  |
| j. smoke detection system (as required by bca clause e2.2)  | a.s. 1670          |
| k. fire & smoke control (as required by bca clause e2.2.1)  | a.s. 1668 pt 1     |

**DRAWING NOTES**

1. All construction to comply with the provisions of the BCA - and the relevant Aust. Standards (AS). (AS) take preference to drawing details. Each trade responsible for ensuring (AS) compliance.
2. DO NOT SCALE from drawings to determine a dimension. Where a dimension is not shown or cannot be calculated - please contact the Author for verification.
3. All dimensions provided are to be checked & verified by the builder/owner prior to any construction commencing.
4. Window sizes provided are nominal only - and from Stegbar Schedule. Final schedule shall be provided by builder / owner.
5. Where not indicated by these plans, it remains the responsibility of the builder / contractor to locate all site services prior to any excavation / construction.
6. Services include but are not limited to Power, Gas, Phone, Water & Sewer. Weatherstrips to all external windows & doors.
7. The builder/owner is responsible for checking each drawing as provided prior to issuing for approval / construction. The undertaking of any construction work shall deem that the builder / owner have verified the plans as correct and suitable for construction.
8. Levels indicated on plans should be confirmed on site prior to excavation / construction. FFL's, Levels & retaining wall levels (where indicated), have been calculated from survey plans provided by developer or Surveyor. DNG Design takes no responsibility for any discrepancy in levels due to errors in survey plan. It remains the builders responsibility to confirm ALL finished levels prior to ANY construction.



**DEVELOPMENT DATA**

SITE AREA LOT 14:	1900m <sup>2</sup>
SITE AREA LOT 13:	1727.88m <sup>2</sup>
<b>TOTAL SITE AREA:</b>	<b>3627.88m<sup>2</sup></b>

<b>TOTAL GROSS FLOOR AREA</b>	<b>639.35m<sup>2</sup></b>
-------------------------------	----------------------------

<b>SITE COVERAGE</b> (639.35m <sup>2</sup> /3627.88m <sup>2</sup> )	<b>17.6%</b>
---	--------------

Warehouse floor area:	348.45m <sup>2</sup>
Ground floor foyer & amenities floor area:	145.1m <sup>2</sup>
First floor office & amenities floor area:	145.8m <sup>2</sup>
<b>TOTAL NET FLOOR AREA</b>	<b>639.35m<sup>2</sup></b>

**CAR PARKING**

Warehouse:	1 space per 300m <sup>2</sup>	1.16 spaces
Office/showroom:	1 space per 40m <sup>2</sup>	7.3 spaces
<b>Required Spaces:</b>		<b>8.46 spaces</b>

<b>PROVIDED SPACES:</b>	<b>10.0 spaces</b>
-------------------------	--------------------

**type c construction: frl of building elements**

building elements	class of building - frl: (in minutes)			
	2, 3 or 4 part	5, 7a or 9	6	7 b or 8
external wall (including any column and other building element incorporated therein) or other external building element, where the distance from any fire-source feature to which it is exposed is:-				
for loadbearing parts				
less than 1.5m	90/90/90	90/90/90	90/90/90	90/90/90
1.5 to less than 3m	-/-	60/60/60	60/60/60	60/60/60
3 m or more	-/-	-/-	-/-	-/-
external column not incorporating in an external wall, where the distance from any fire source feature to which it is exposed is:-				
less than 1.5m	90/-	90/-	90/-	90/-
less than 3m	-/-	-/-	-/-	-/-
3m or more	-/-	-/-	-/-	-/-
common walls + fire walls	90/90/90	90/90/90	90/90/90	90/90/90
internal wall				
bounding public corridors, public stairs and the stairs between or bounding sole-occupancy units-	60/60/60	-/-	-/-	-/-
bounding a stair if required to be rated	60/60/60	60/60/60	60/60/60	60/60/60
roofs	-/-	-/-	-/-	-/-

11	SCHEDULE OF MATERIALS
10	WASTE MANAGEMENT/LANDSCAPE PLAN
9	ROOF PLAN
8	ELEVATIONS & SECTION
7	FLOOR PLAN
6	FLOOR PLAN
5	SITE PLAN/LANDSCAPE PLAN LOT 13
4	SITE PLAN LOT 14
3	PROPOSED SITE PLAN LOT 13 & 14
2	EXISTING SITE PLAN LOT 13 & 14
1	COVER SHEET
SHEET	DESCRIPTION

CLIENT'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

Client:  
**BIGWELD PTY LTD**  
 Address:  
**LOT 13 & 14 PIKKAT DR, BRAEMAR**

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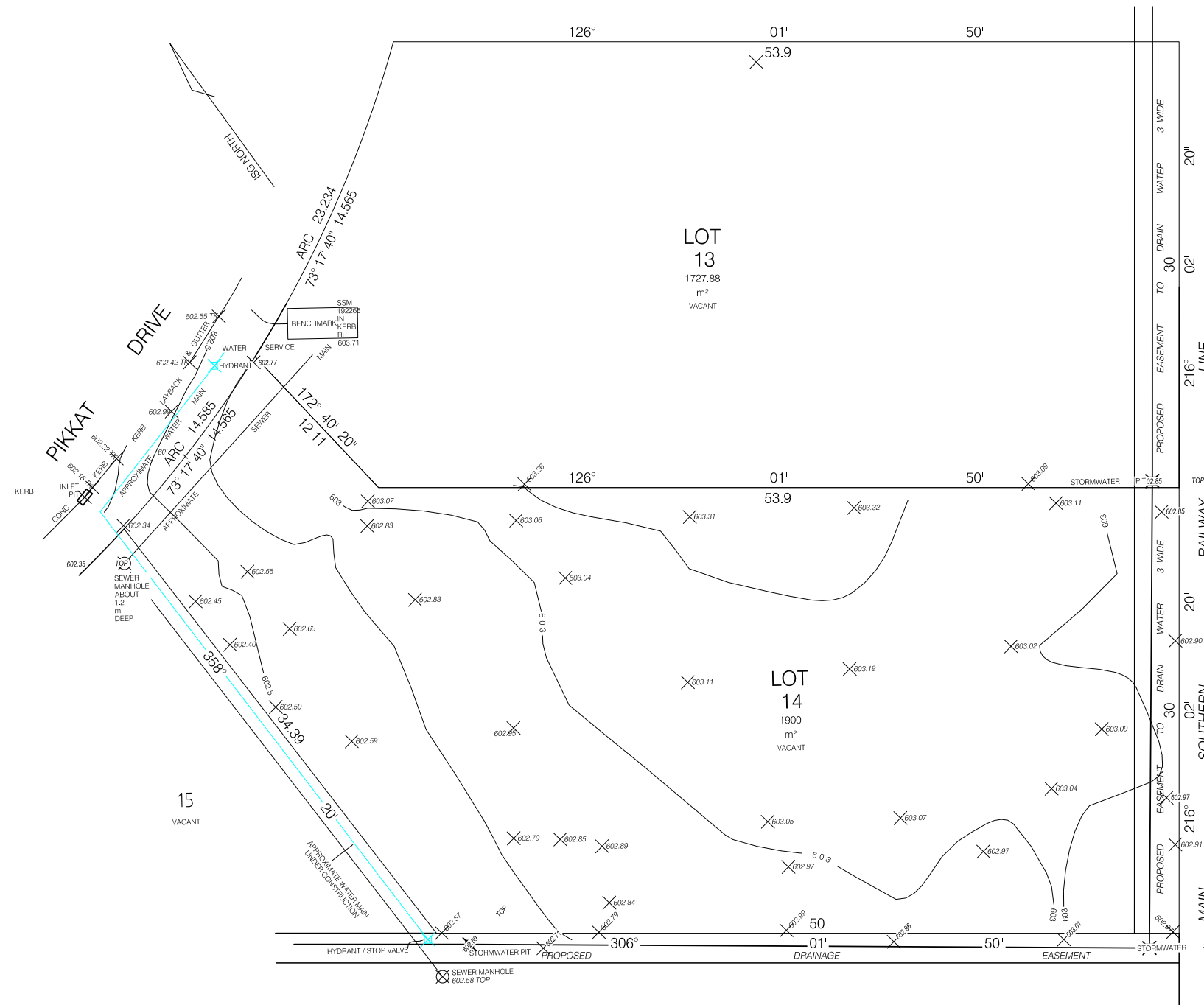


Address: 84 Springfield Road,  
 Caherine Field, 2557 NSW  
 Email: dngdesign@outlook.com  
 Ph: 0432645352

Drawing Title:		Issue	Date	Description	01-11 <b>D</b>
<b>COVER SHEET</b>		A	15/8/20	DA DRAWINGS	
job no. :	date :	B	8/12/21	DA DRAWINGS	
1139	6/5/23	C	22/7/22	REVISED DA DRWGS.	
	scale :	D	6/5/23	REVISED DA DRWGS.	
	NTS				

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**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 27 SEPTEMBER 2023**



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Drawing Title:		Issue	Date	Description	02-11 <b>D</b>
<b>EXISTING SITE PLAN LOT 13/14</b>		A	15/8/20	DA DRAWINGS	
job no. :	date :	B	8/12/21	DA DRAWINGS	
1139	6/5/23	C	22/7/22	REVISED DA DRWGS.	
	scale :	D	6/5/23	REVISED DA DRWGS.	
	1:300				

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**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 27 SEPTEMBER 2023**

note:  
FOR ALL DETAILS REFERRING TO  
THE STORAGE, FILLING, LOCATION  
OF ANY GASES OR THE LIKE,  
REFER TO HAZKEM PLANS  
PROVIDED.



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Address:  
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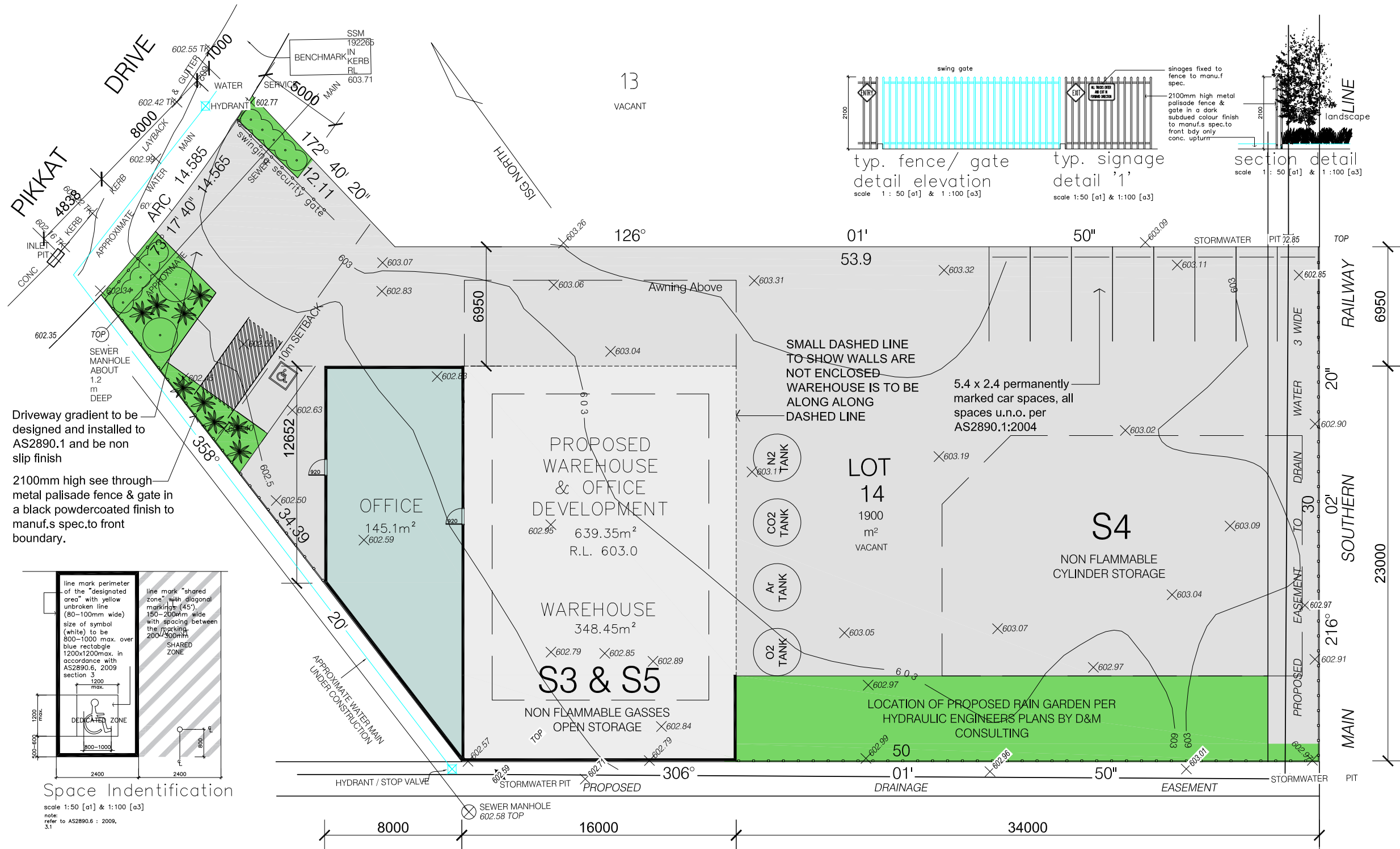
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Email: dngdesign@outlook.com  
Ph: 0432645352

Drawing Title: <b>PROPOSED SITE PLAN</b>		Issue	Date	Description	03-11 <b>D</b>	
job no. :	date :	scale :	A	15/8/20		DA DRAWINGS
1139	6/5/23	1:200	B	8/12/21		DA DRAWINGS
			C	22/7/22		REVISED DA DRWGS.
			D	6/5/23	REVISED DA DRWGS.	

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WEDNESDAY 27 SEPTEMBER 2023**



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Address:  
**LOT 13 & 14 PIKKAT DR, BRAEMAR**

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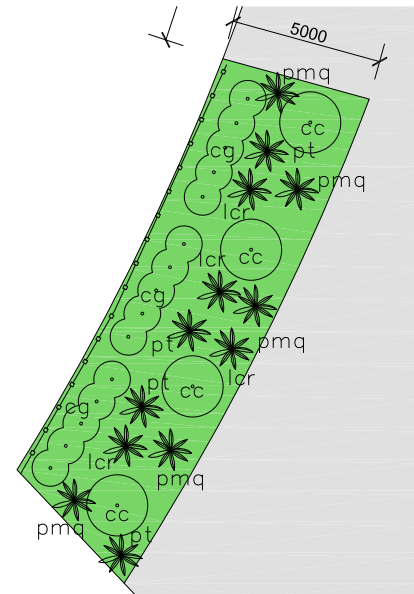
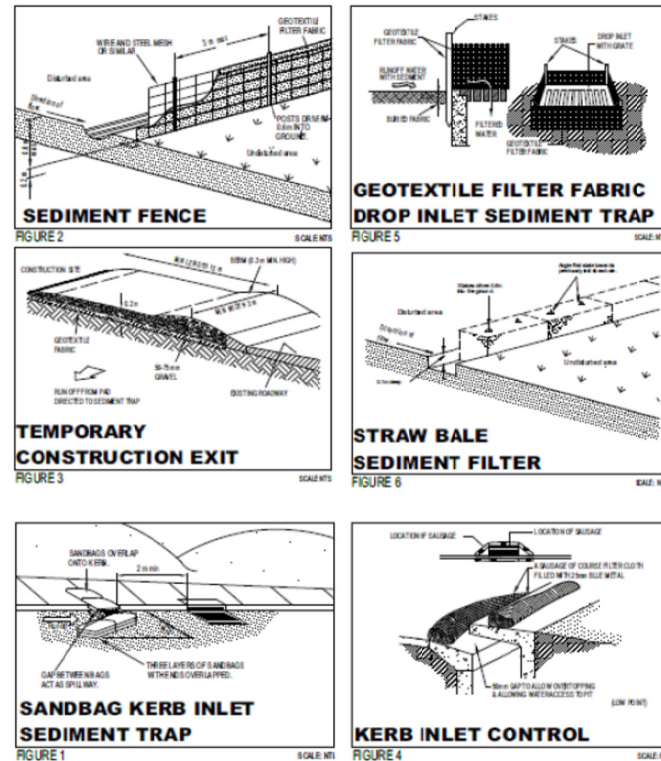
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Email: dngdesign@outlook.com  
Ph: 0432645352

Drawing Title:		Issue	Date	Description	
<b>SITE PLAN LOT 14</b>		A	15/8/20	DA DRAWINGS	04-11
job no. : 1139	date : 6/5/23	B	8/12/21	DA DRAWINGS	
scale : 1:200		C	22/7/22	REVISED DA DRWGS.	
		D	6/5/23	REVISED DA DRWGS.	<b>D</b>

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**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 27 SEPTEMBER 2023**



**SEDIMENT CONTROL NOTES**

1. ALL EROSION AND SEDIMENTATION CONTROL MEASURES, INCLUDING REVEGETATION AND STORAGE OF SOIL AND TOPSOIL, SHALL BE IMPLEMENTED TO THE STANDARDS OF THE SOIL CONSERVATION OF NSW AND INSPECTED DAILY BY THE SITE MANAGER.
2. ALL DRAINAGE WORKS SHALL BE CONSTRUCTED AND STABILIZED AS EARLY AS POSSIBLE DURING DEVELOPMENT.
3. SEDIMENT TRAPS SHALL BE CONSTRUCTED AROUND ALL INLET PITS, CONSISTING OF 300mm WIDE x 300mm DEEP TRENCH.
4. ALL SEDIMENT BASINS AND TRAPS SHALL BE CLEANED WHEN THE STRUCTURES ARE A MAXIMUM OF 60% FULL OF SOIL MATERIALS, INCLUDING THE MAINTENANCE PERIOD.
5. ALL DISTURBED AREAS SHALL BE REVEGETATED AS SOON AS THE RELEVANT WORKS ARE COMPLETED.
6. SOIL AND TOPSOIL STOCKPILES SHALL BE LOCATED AWAY FROM DRAINAGE LINES AND AREA WHERE WATER MAY CONCENTRATE. ALL ROADS AND FOOTPATHS TO BE SWEEP DAILY.
7. FILTER SHALL BE CONSTRUCTED BY STRETCHING A FILTER FABRIC (PROPEX OR APPROVED EQUIVALENT BETWEEN POST AT 3.0m CENTRES. FABRIC SHALL BE BURIED 150mm ALONG ITS LOWER EDGE.
8. DUST PREVENTION MEASURES TO BE MAINTAINED AT ALL TIMES.

**NOTE**  
TEMPORARY SITE FENCING TO THE PERIMETER OF THE BLOCK WHERE REQUIRED TO PREVENT ACCESS ONTO SITE BY PUBLIC.

**NOTE**  
GROUND LINES ARE APPROXIMATE AND EXTENT OF CUT AND FILL WILL BE DETERMINED ON SITE. SEDIMENT FENCE ON SITE WILL BE CUSTOMISED TO SITE CONDITIONS.



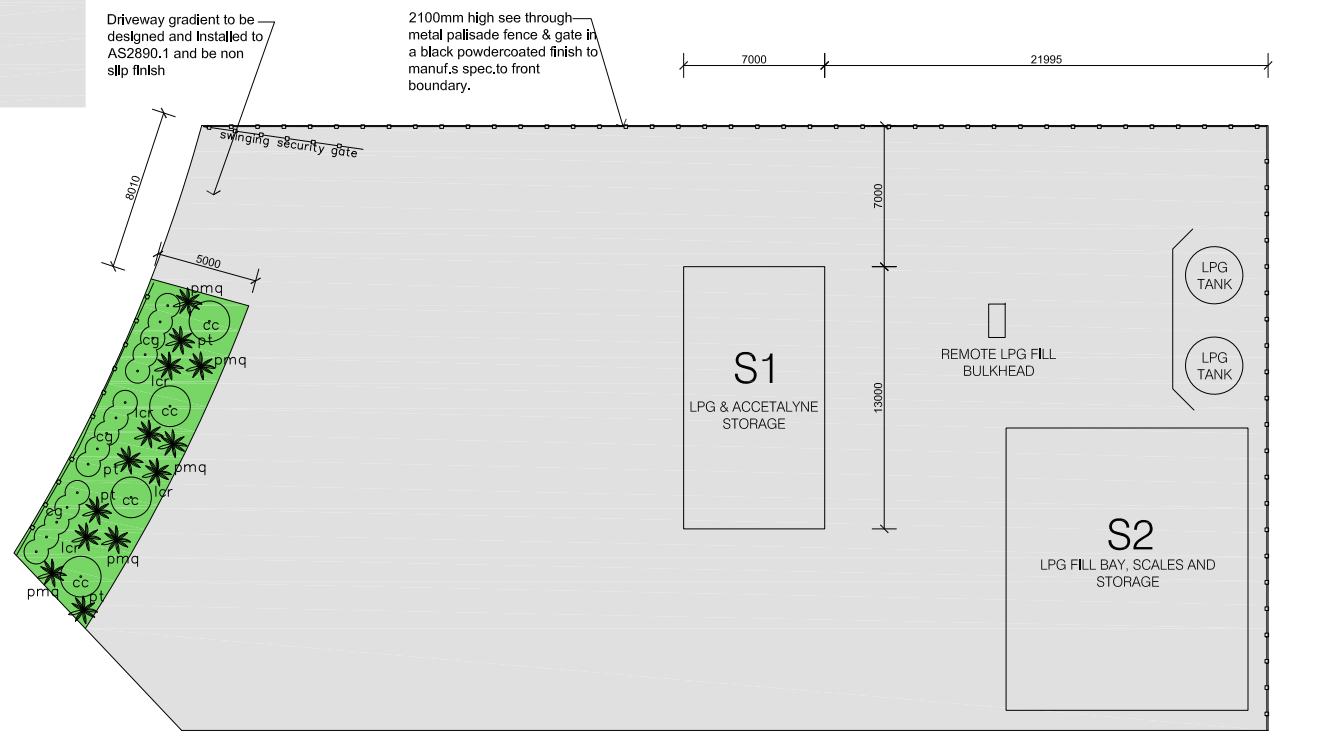
lemon scented gum

**landscaping schedule**

symbol	botanical name	common name	quantity	pot size	maturity size
<b>trees</b>					
cc	corymbia citriodora	lemon scented gum	2	45 litre	8-10 m
<b>shrubs</b>					
pt	phormium tenax	black rage	4	200 mm	1-2 m
pmq	phormium tenax	maori queen	5	200 mm	1-2 m
lcr	lomandra confertifolia	rubignosa crackerjack	4	150 mm	1 m
<b>ground cover</b>					
cg	@suarina glauca	sawmp sheoak	15	150 mm	0.5 m



Ground cover plants 1 per 1m, Shrubs (up to 1m height) 1 per 1.5m, tall shrubs/small trees (2m height) 1 per 4.5m and trees (greater than 5m height) 1 per 3m per CDC compliance. Landscaped area to have a soil depth of at least 1m



CLIENT'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

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Address:  
**LOT 13 & 14 PIKKAT DR, BRAEMAR**

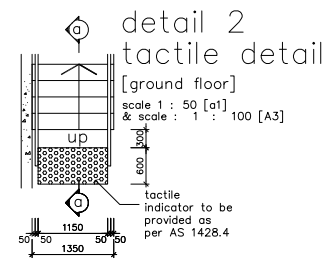
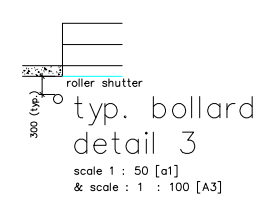
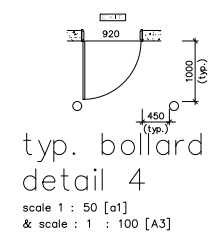
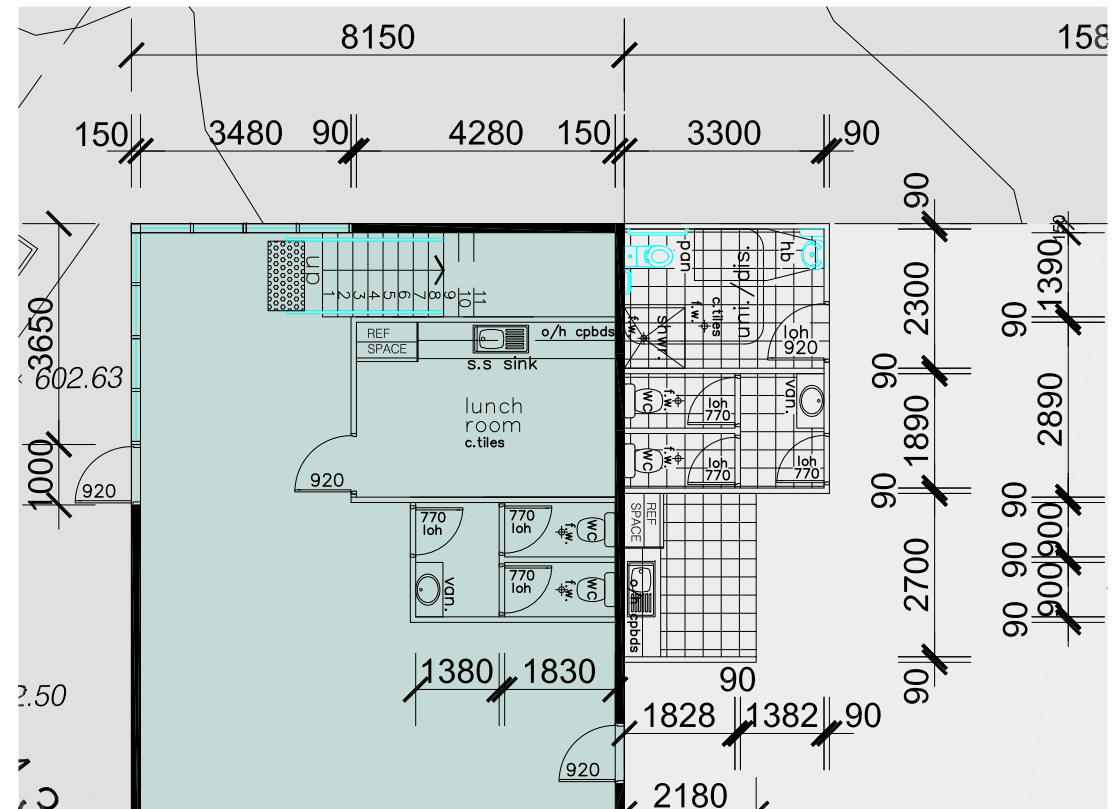
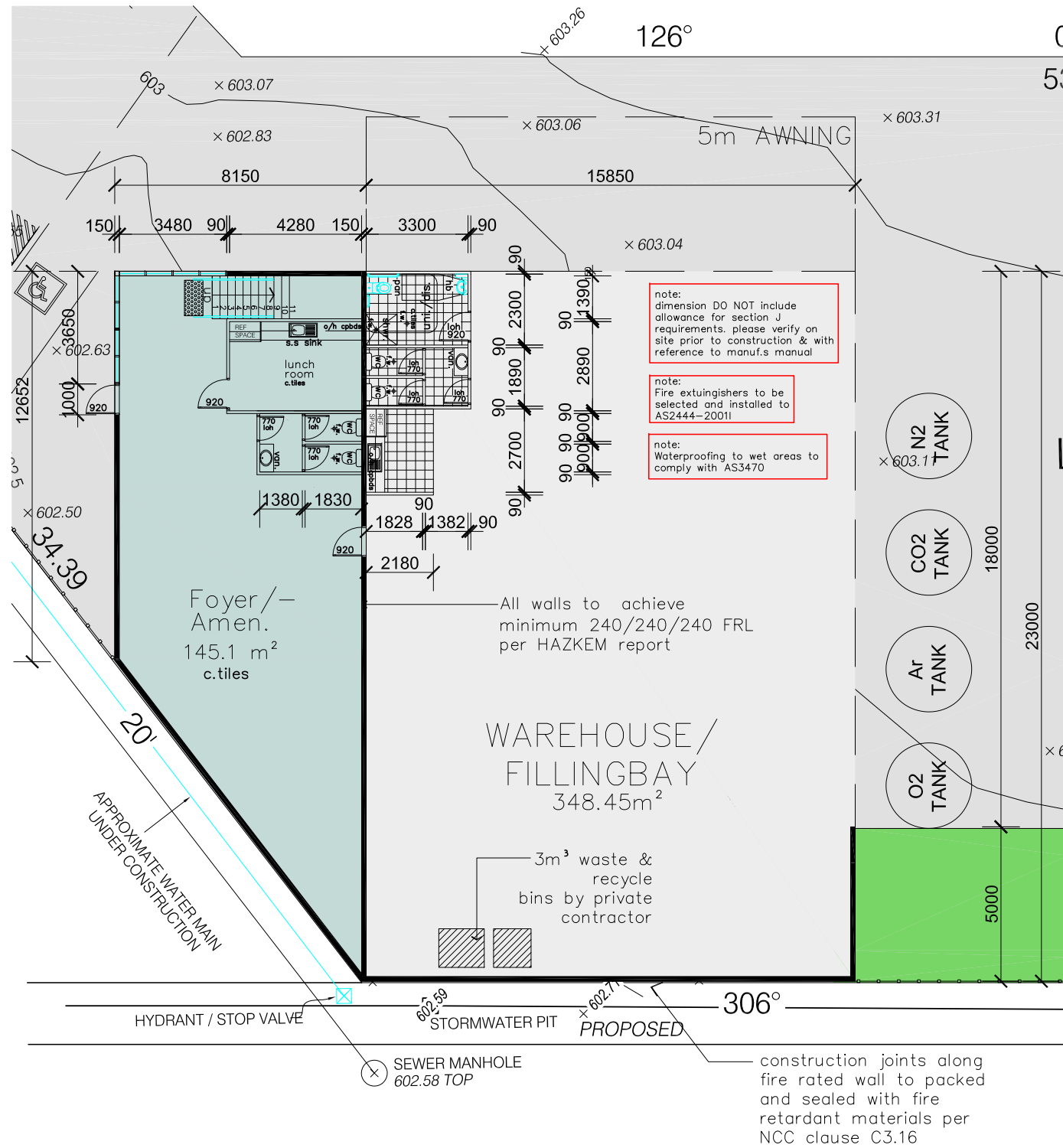
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Email: dngdesign@outlook.com  
Ph: 0432645352

Drawing Title:		Issue	Date	Description	05-11 <b>D</b>
<b>SITE/LANDSCAPE PLAN LOT 13</b>		A	15/8/20	DA DRAWINGS	
job no. :	date :	B	8/12/21	DA DRAWINGS	
1139	6/5/23	C	22/7/22	REVISED DA DRWGS.	
	1:200	D	6/5/23	REVISED DA DRWGS.	

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WEDNESDAY 27 SEPTEMBER 2023**



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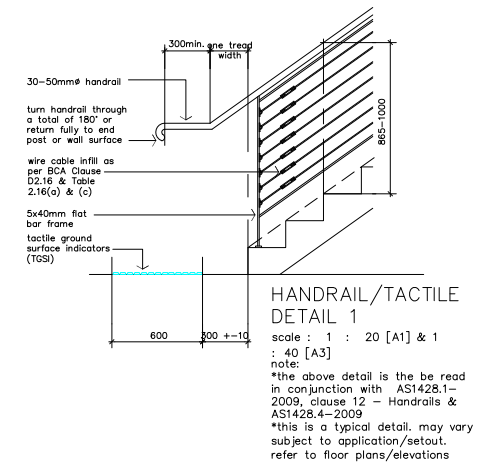
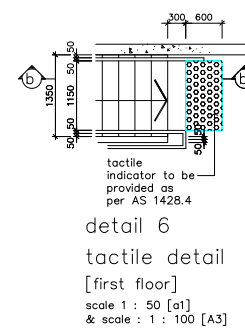
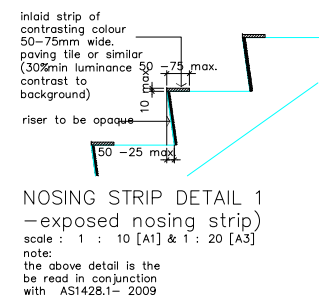
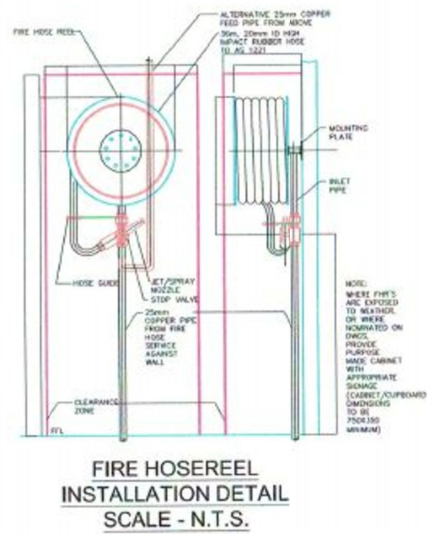
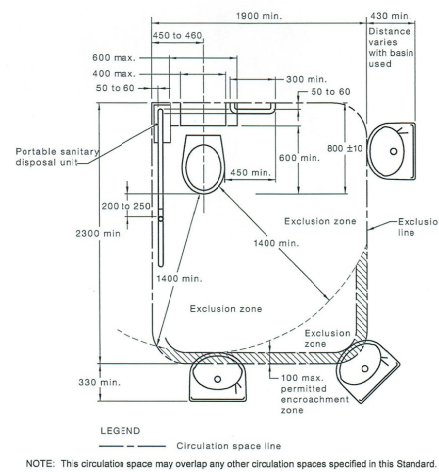
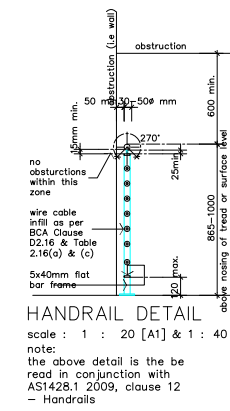
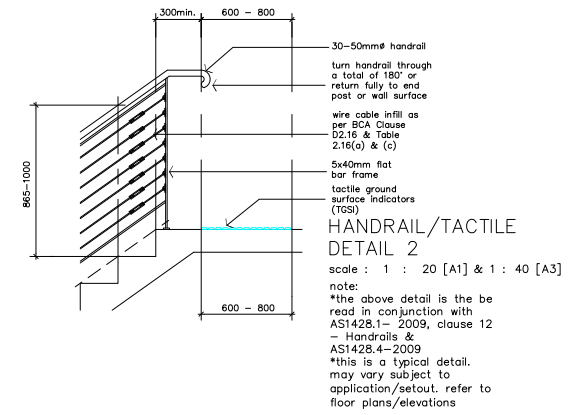
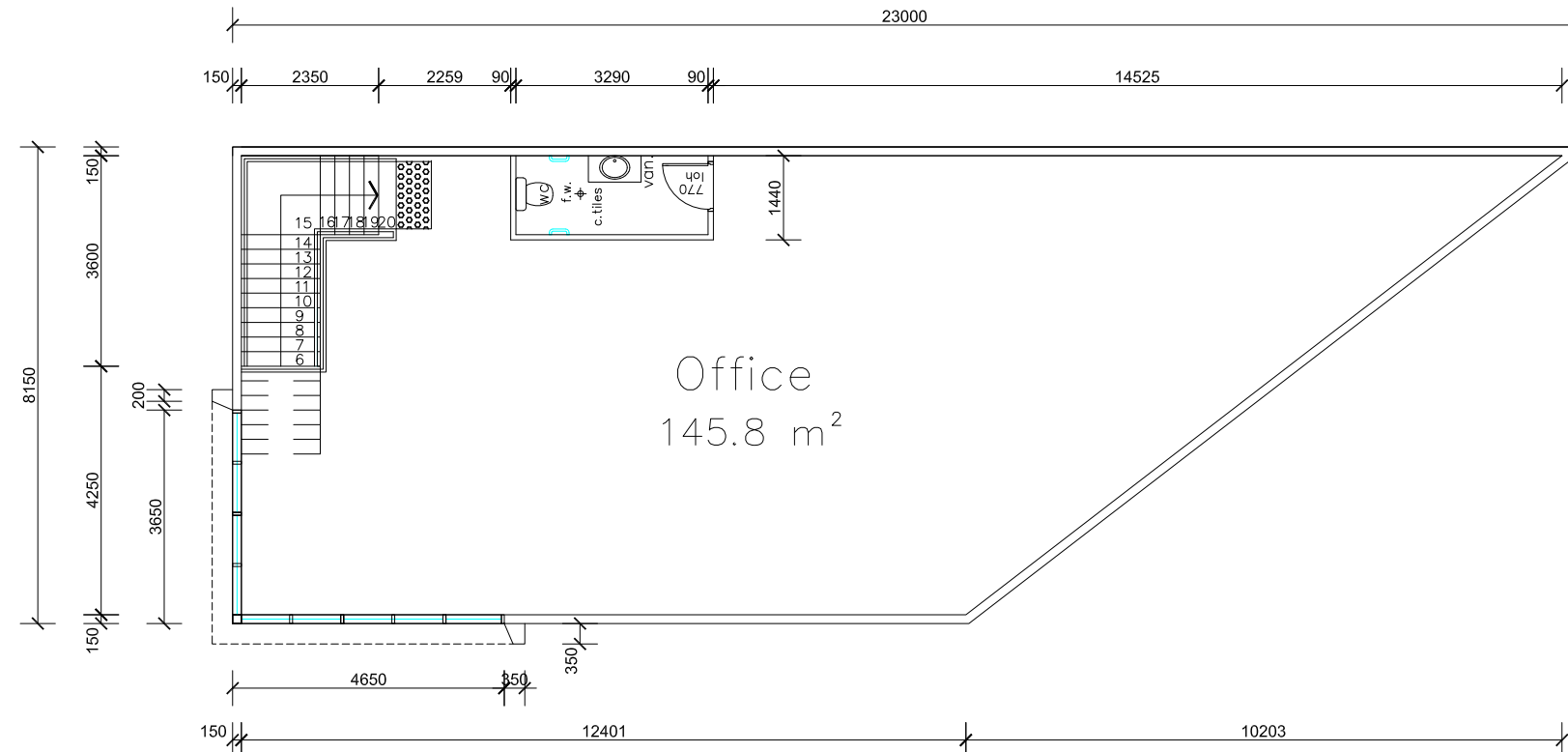
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**BIGWELD PTY LTD**  
Address:  
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Ph: 0432645352

Drawing Title:		Issue	Date	Description	06-11  <b>D</b>	
<b>FLOOR PLAN</b>		A	15/8/20	DA DRAWINGS		
job no. :	date :	scale :	B	8/12/21		DA DRAWINGS
1139	6/5/23	1:150 & 1:100	C	22/7/22		REVISED DA DRWGS.
			D	6/5/23		REVISED DA DRWGS.

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DESIGN**

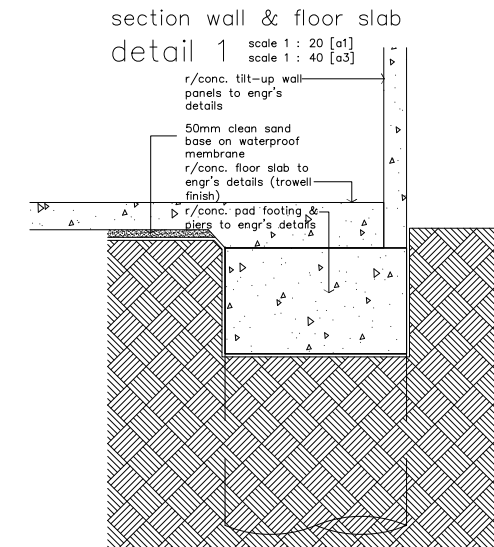
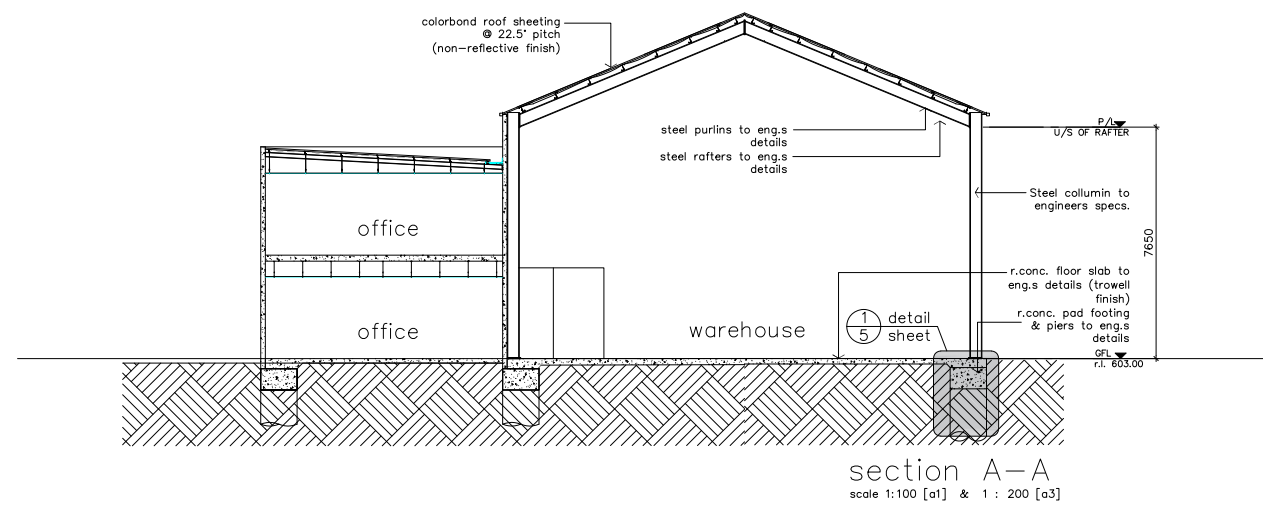
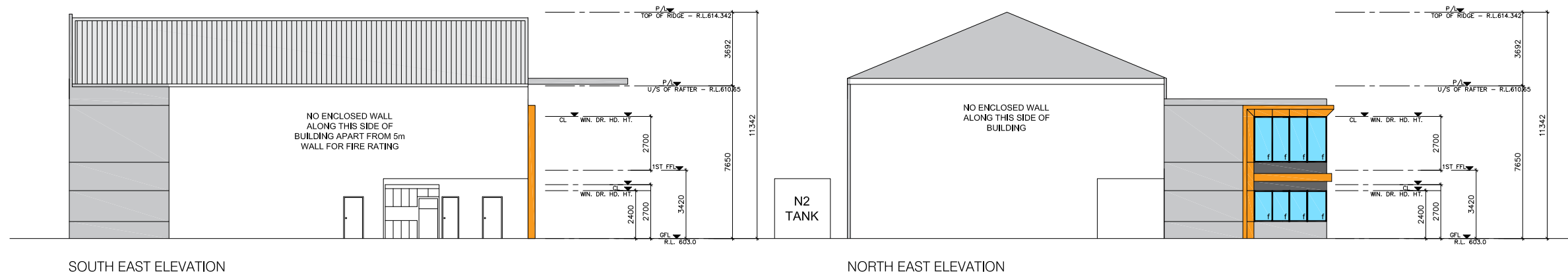
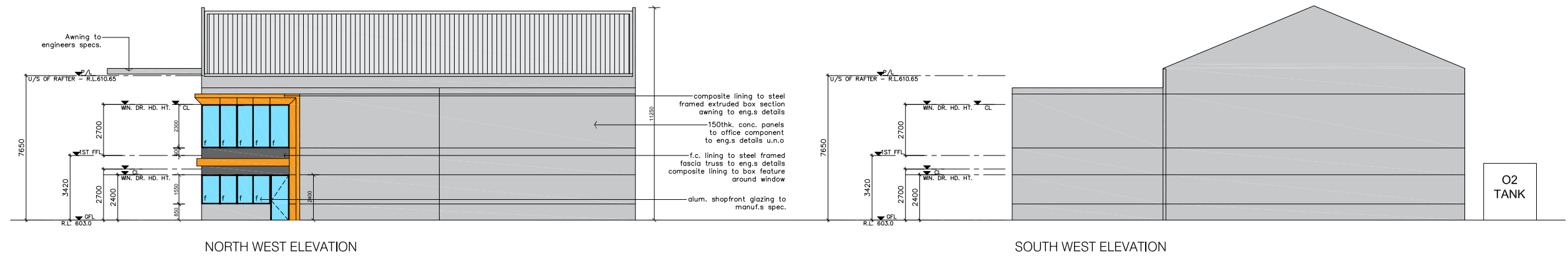
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Drawing Title:		Issue	Date	Description	
<b>FLOOR PLAN</b>		A	15/8/20	DA DRAWINGS	07-11
job no. :	date :	scale :			
<b>1139</b>	<b>6/5/23</b>	<b>1:100</b>			<b>D</b>
				REVISED DA DRWGS.	
				REVISED DA DRWGS.	

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**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 27 SEPTEMBER 2023**



CLIENT'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

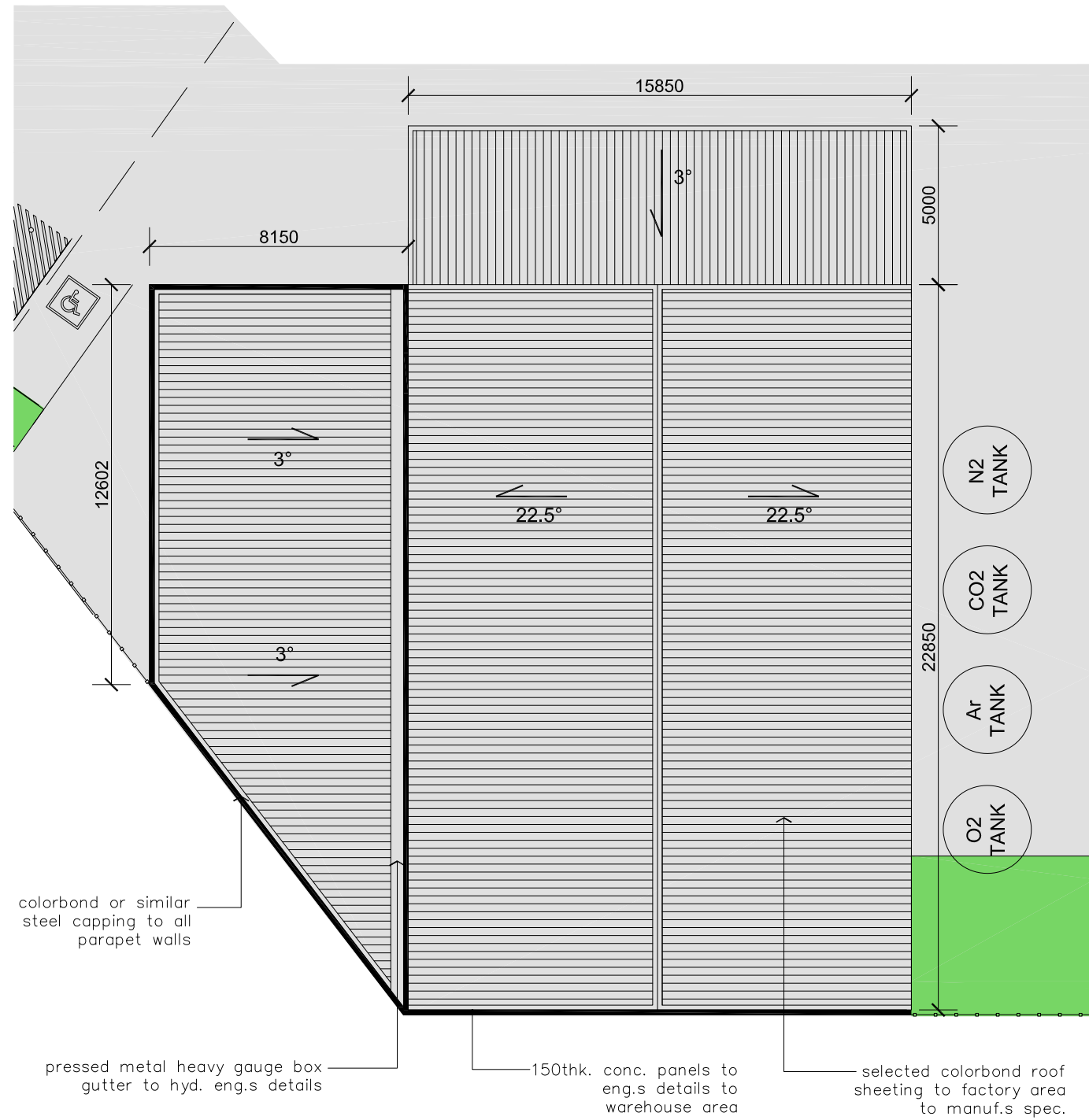
Client:  
**BIGWELD PTY LTD**  
Address:  
**LOT 13 & 14 PIKKAT DR, BRAEMAR**

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Address: 84 Springfield Road,  
Catherine Field, 2557 NSW  
Email: dngdesign@outlook.com  
Ph: 0432645352

Drawing Title: <b>ELEVATIONS &amp; SECTION</b>		Issue	Date	Description	08-11 <b>D</b>	
job no. : <b>1139</b>	date : <b>6/5/23</b>	scale : <b>1:200</b>	A	15/8/20		DA DRAWINGS
			B	8/12/21		DA DRAWINGS
			C	22/7/22		REVISED DA DRWGS.
			D	6/5/23	REVISED DA DRWGS.	

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**4.2 ROOF AND CEILING CONSTRUCTION J1.3  
4.2.4 OPINION**

Table J1.3 shows DTS options for roof and ceiling construction under the provisions of the BCA. Compliance with the requirements of J1.2 (a) to (d) inclusive, is obtained by materials complying with relevant standards as noted in the BCA as well as the methods used during construction and installation.

A roof and ceiling in climate zone 6 is required to achieve a minimum Total R-Value of 3.2 to meet the DTS requirements of the BCA. The Total R-Value means the sum of the R-Value of the individual component layers in a composite element including any building material, insulating material, airspace and associated surface resistances.

**4.3 WALLS PART J1.5  
4.3.3 OPINION**

Table J1.5a shows DTS options for walls under the provisions of the BCA. Compliance with the requirements of J1.2 (a) to (d) inclusive is obtained by materials complying with relevant standards as noted in the BCA as well as the methods used during construction and installation.

An external wall in climate zone 6, for a Class 7b building in Table J1.5b (a) is required to achieve a minimum Total Value of R 2.8 to meet the DTS requirements of the BCA. Table J1.5A for Climate zone 6 allows a reduction in the R value of 0.5 when the wall has a density of more than 220 k/g/m<sup>2</sup> giving the required value of R 2.3. The Total R-Value means the sum of the R-Value of the individual component layers in a composite element including any building material, insulating material, airspace and associated surface resistances.

Internal walls forming part of the building's envelope must achieve a minimum Total Value of R 2.33 to meet Table J1.5b.

**4.4 FLOOR PART J1.6  
4.4.3 OPINION**

The subject building is required to comply with the provisions of the BCA, part J1.6.

Part J1.6 indicates that insulation is only required for a slab edge when there is an in-slab heating system. There are no in-slab heating systems indicated on the referenced drawing set, therefore slab edge insulation is not required for the subject building. Table 1.6 indicates that insulation is required for downward heat movement for a suspended floor slab with an unenclosed perimeter.

**4.5 EXTERNAL GLAZING PART J2.0  
4.5.3 OPINION**

A glazing system(s) that achieves the following minimum specifications as outlined in the table (Appendix 5.02) will achieve compliance. This is for all windows that form part of the conditioned spaces within the building.

These generic window values for U<sub>w</sub> and SHGC<sub>w</sub> are from the National Fenestration Rating Council (NFRC) and cover the whole assembly (including the glazing and the frame) and can be supplied by most window manufacturers in Australia. These values have been sourced from ASHRAE Values (Appendix 5.0.3).

**4.6 BUILDING SEALANT PART J3.0  
4.6.3 OPINION & COMPLIANCE**

The subject building is required to comply with the provisions of the BCA J3.0 for parts J3.2, J3.4, J3.5 and J3.6 inclusive.

J3.2 No chimneys or flues to conditioned spaces are indicated on the referenced drawing set, therefore compliance is not required for the subject building.

J3.4 A seal to restrict air infiltration must be fitted to each edge of an external door, openable external window or the like where windows are servicing a conditioned space. This can be a foam or rubber compressible strip, fibrous seal or the like.

This requirement does not apply to:  
(a) a window complying with AS 2047; or  
(b) external louvre door, louvre window, or other such opening; or  
(c) a fire door; or  
(d) a roller shutter door, roller shutter grille or other security door or device installed only for out-of-hours security.

All external doors leading to a conditioned space must have a self closing door. This requires the door to return to the fully closed position immediately after each opening.

J3.5 All exhaust fans to conditioned spaces must have a self closing damper fitted where they service a conditioned space.

J3.6 Roofs, external walls, external floors and any opening such as a window, door or the like must be constructed to minimise air when forming part of the external fabric of a conditioned space. Required construction must be enclosed by internal lining systems that are close fitting at ceiling, wall and floor junctions; or sealed by caulking, skirting, architraves, cornices or the like.

**4.7 AIRCONDITIONING J5  
4.7.3 OPINION & COMPLIANCE**

Specification J5.2 shows DTS options for air conditioning and ventilation systems under the provisions of the BCA. Compliance with the requirements of J5.2, 3, 4 and 5 is obtained by complying with relevant standards as noted in the BCA as well as the methods used during construction and installation.

**Table 3 DUCTWORK AND FITTINGS - MINIMUM MATERIAL R-VALUE**

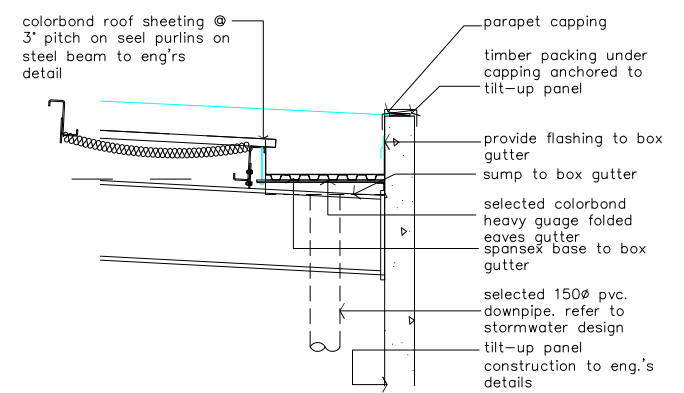
Location of ductwork and fittings	Minimum material R-Value for ductwork and fittings in each climate zone
Within a conditioned space	1, 2, 3 and 5 4, 6 and 7 8
All other locations	1.2 1.0 1.6
Where exposed to direct sunlight	2.0 2.0 3.4 2.4

**4.8 ARTIFICIAL LIGHTING & POWER J6  
4.8.4 OPINION & COMPLIANCE**

Specification J6 shows DTS options for lighting systems under the provisions of the BCA. Compliance with the requirements of J6.2, 3, 4, 5 and 6 is obtained by complying with relevant standards as noted in the BCA as well as the methods used during construction and installation.

**roof notes**

- generally:
- provide gutter expansion joints every 18m, max.
  - minimum gutter grades shall be 1 in 50
  - connect all downpipes to the sole of the gutter, sump, no side entries permitted
  - minimum slope of downpipes to be 15°
  - provide overflows to all box gutters
- safety mesh:
- safety mesh to be provided under all fibreglass translucent roof sheeting in accordance with AS/NZS 4389:1996
- fibreglass translucent roof sheeting:
- fibreglass translucent roof sheeting shall be manufactured to conform with the nomination cladding profile
  - installation shall be carried out in accordance with australian design and fixing standards AS/NZS 1562.3:1996
  - the weight of the sheeting shall be ..... gr/m<sup>2</sup>



section through office box gutter detail 2

CLIENT'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

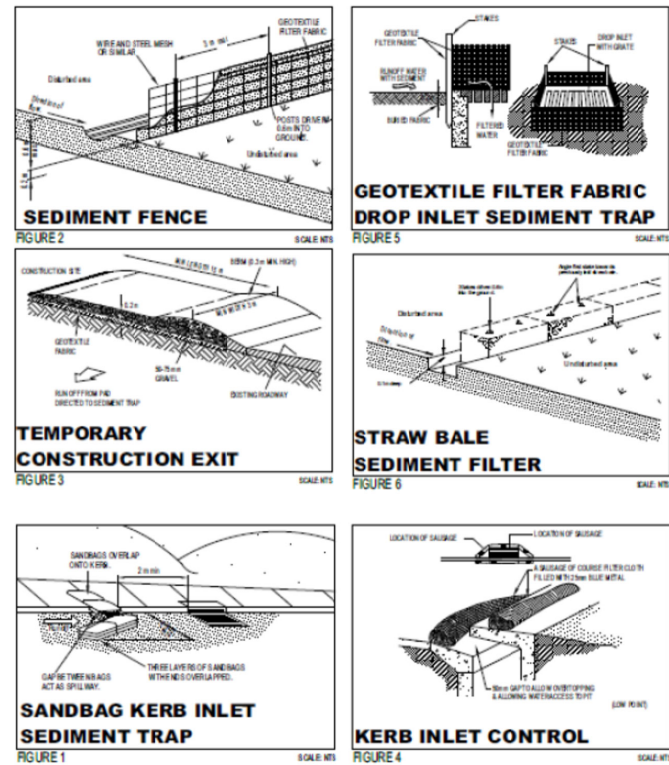
Client:  
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**DNG DESIGN**  
Address: 84 Springfield Road, Catherine Field, 2557 NSW  
Email: dngdesign@outlook.com  
Ph: 0432645352

Drawing Title:		Issue	Date	Description	
<b>ROOF PLAN</b>		A	15/8/20	DA DRAWINGS	09-11
job no. :	date :	scale :			
1139	6/5/23	1:150			
					<b>D</b>

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swamp sheak



cracker jack



black rage



maori queen

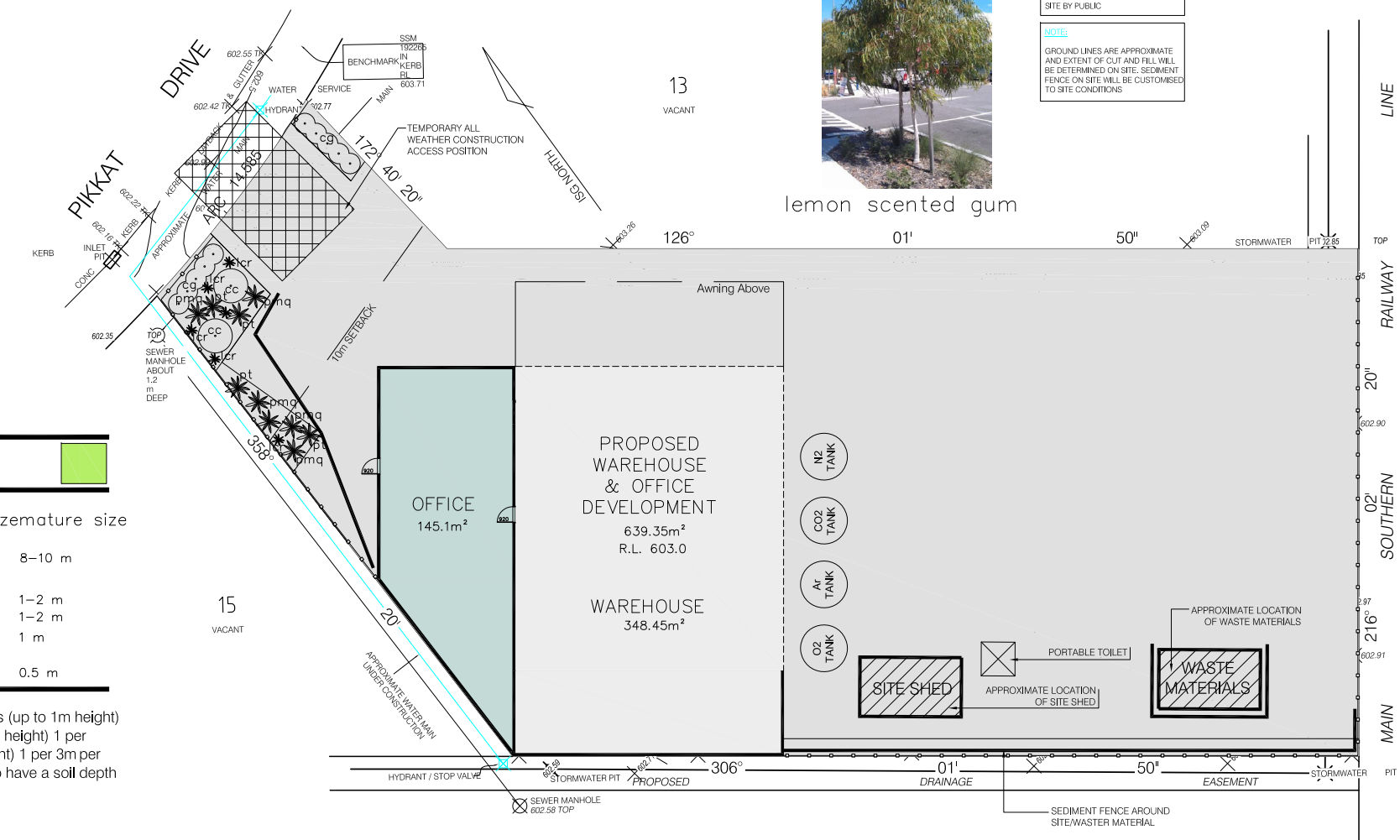


lemon scented gum

- SEDIMENT CONTROL NOTES**
1. ALL EROSION AND SEDIMENTATION CONTROL MEASURES, INCLUDING VEGETATION AND STORAGE OF SOIL AND TOPSOIL, SHALL BE IMPLEMENTED TO THE STANDARDS OF THE SOIL CONSERVATION OF NSW AND INSPECTED DAILY BY THE SITE MANAGER.
  2. ALL DRAINAGE WORKS SHALL BE CONSTRUCTED AND STABILIZED AS EARLY AS POSSIBLE DURING DEVELOPMENT.
  3. SEDIMENT TRAPS SHALL BE CONSTRUCTED AROUND ALL INLET PITS, CONSISTING OF 300mm WIDE x 300mm DEEP TRENCH.
  4. ALL SEDIMENT BASINS AND TRAPS SHALL BE CLEANED WHEN THE STRUCTURES ARE A MAXIMUM OF 60% FULL OF SOIL MATERIALS, INCLUDING THE MAINTENANCE PERIOD.
  5. ALL DISTURBED AREAS SHALL BE REVEGETATED AS SOON AS THE RELEVANT WORKS ARE COMPLETED.
  6. SOIL AND TOPSOIL STOCKPILES SHALL BE LOCATED AWAY FROM DRAINAGE LINES AND AREA WHERE WATER MAY CONCENTRATE. ALL ROADS AND FOOTPATHS TO BE SWEEP DAILY.
  7. FILTER SHALL BE CONSTRUCTED BY STRETCHING A FILTER FABRIC (PROPEX OR APPROVED EQUIVALENT) BETWEEN POST AT 3.0m CENTRES. FABRIC SHALL BE BURIED 150mm ALONG ITS LOWER EDGE.
  8. DUST PREVENTION MEASURES TO BE MAINTAINED AT ALL TIMES.

**NOTE:**  
TEMPORARY SITE FENCING TO THE PERIMETER OF THE BLOCK WHERE REQUIRED TO PREVENT ACCESS ONTO SITE BY PUBLIC

**NOTE:**  
GROUND LINES ARE APPROXIMATE AND EXTENT OF CUT AND FILL WILL BE DETERMINED ON SITE. SEDIMENT FENCE ON SITE WILL BE CUSTOMISED TO SITE CONDITIONS



**landscaping schedule**

symbol	botanical name	common name	quantity	pot size	size
<b>trees</b>					
cc	corymbia citriodora	lemon scented gum	2	45 litre	8-10 m
<b>shrubs</b>					
pt	phormium tenax	black rage	5	200 mm	1-2 m
pmq	phormium tenax	maori queen	5	200 mm	1-2 m
lcr	lomandra confertifolia	rubiginosa crackerjack	6	150 mm	1 m
<b>ground cover</b>					
cg	casuarina glauca	sawmp sheak	10	150 mm	0.5 m



Ground cover plants 1 per 1m, Shrubs (up to 1m height) 1 per 1.5m, tall shrubs/small trees (2m height) 1 per 4.5m<sup>2</sup> and trees (greater than 5m height) 1 per 3m per CDC compliance. Landscaped area to have a soil depth of at least 1m

CLIENT'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

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Address: 84 Springfield Road, Caherine Field, 2557 NSW  
Email: dngdesign@outlook.com  
Ph: 0432645352

Drawing Title: <b>WASTE MANAGEMENT PLAN &amp; LANDSCAPE PLAN</b>		Issue	Date	Description	10-11 <b>D</b>
job no.:	date:	A	15/8/20	DA DRAWINGS	
1139	6/5/23	B	8/12/21	DA DRAWINGS	
	NTS	C	22/7/22	REVISED DA DRWGS.	
		D	6/5/23	REVISED DA DRWGS.	

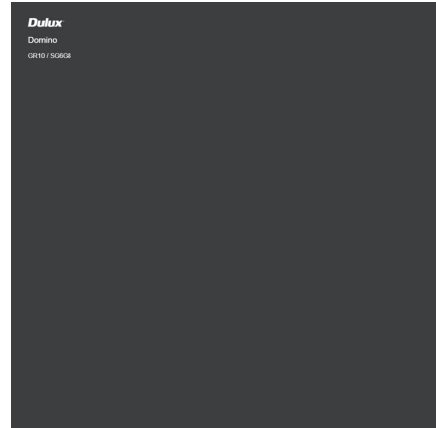
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**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 27 SEPTEMBER 2023**



- (4) 150thk. conc. panels to office & warehouse to be painted in Dulux colorbond shale grey
- (5) Roof & awning fascia and gutters to be colorbond shale grey



- (1) fibre cement sheeting to steel framed fascia truss to be painted dulux colorbond domino

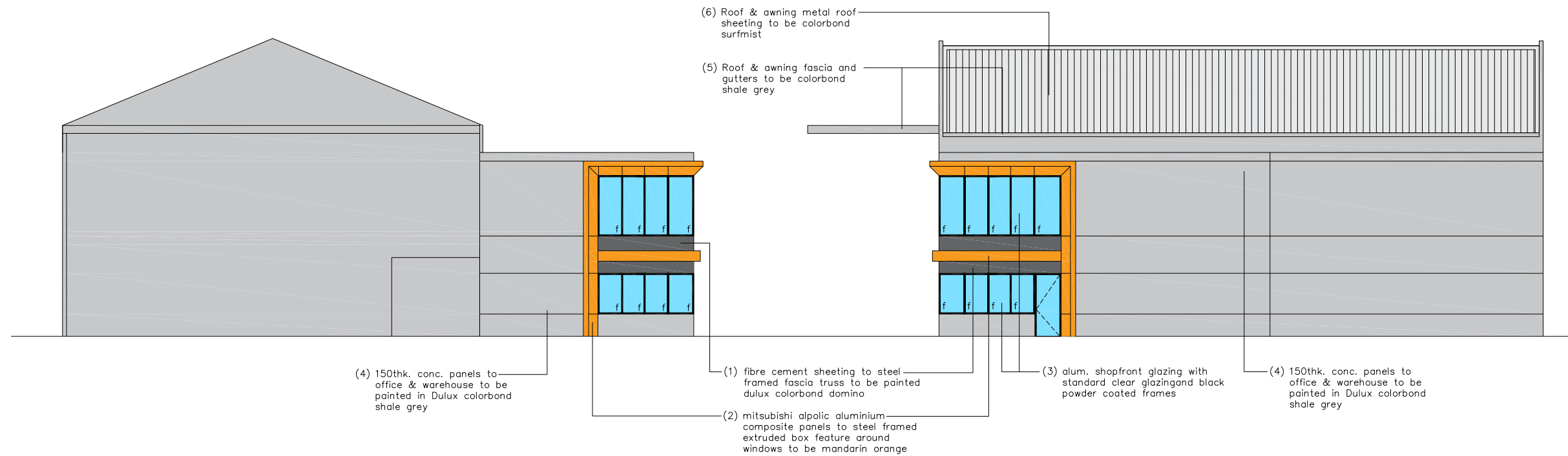


- (6) Roof & awning metal roof sheeting to be colorbond surfmist



**MB058-G30 P**  
**Mandarin Orange**

- (2) mitsubishi alpolc aluminium composite panels to steel framed extruded box feature around windows to be mandarin orange



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Client:  
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Address: 84 Springfield Road,  
Caherine Field, 2557 NSW  
Email: dngdesign@outlook.com  
Ph: 0432645352

Drawing Title:  
**SCHEDULE OF MATERIALS**  
job no. : 1139      date : 6/5/23      scale : NTS

Issue	Date	Description
A	15/8/20	DA DRAWINGS
B	8/12/21	DA DRAWINGS
C	22/7/22	REVISED DA DRWGS.
D	6/5/23	REVISED DA DRWGS.

11-11  
**D**

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**7 MEETING CLOSURE**