

Annexure B

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: 23/0764
Development: Dwelling house
Site: 1 Wingecarribee Street, Berrima

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 03 September 2024
Date from which consent takes effect: Date of determination

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site” means the land known as 1 Wingecarribee Street, Berrima.

REASONS FOR THE GRANT OF CONSENT

The Council has considered the contentions raised in the Statement of Facts and Contentions filed on 19 February 2024 and is now satisfied that it is appropriate to grant development consent having regard to:

- the amendments to the building design which will allow it to be consistent with the special character and heritage values of the Berrima Heritage Conservation Area;
- the amendments to the building design which provide for appropriate amenity for future occupants;
- the incorporation of a flood sensor and alarm and only non-habitable rooms at ground floor level to protect future occupants from flood hazard.

The conditions of consent are as follows:

ADMINISTRATION CONDITIONS

1. Development Description

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

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
Roof Plan	2301.6 A.11 Revision G	MHDP Architects	31/07/2024
Ground Floor Plan	2301.6 A.12 Revision J	MHDP Architects	31/07/2024
First Floor Plan	2301.6 A.13 Revision G	MHDP Architects	31/07/2024
Elevations	2301.6 A.14 Revision L	MHDP Architects	02/08/2024
Sections A-A & B-B	2301.6 A.15 Revision H	MHDP Architects	02/08/2024
Perspective with Colours and Finishes Schedule	2301.6 A.16 Revision J	MHDP Architects	10/07/2024
Schedules	2301.6 A.17 Revision H	MHDP Architects	02/08/2024
Tree Retention / Removal Diagram	2301.6 A.18 Revision E	MHDP Architects	31/07/2024
Landscape Plans	24/2671 1-2 Issue C	Paul Scrivener Landscape	6/08/2024
Stormwater Management Plan	Rev A	Martens and Associates	15/07/2024
Water Cycle Management Study and Stormwater Management Plan	P2310051JR0 1V01	Martens & Associates Pty Ltd	15/07/2024
Flood Risk Assessment Report	P2310051JR0 2V01	Martens & Associates Pty Ltd	14/07/2024
BASIX Certificate	1360604S_02	House Energy Certified	7/08/2024

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.

This section does not apply –

- To the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, or
- To the erection of a temporary building, other than a temporary structure to which subsection (3) of applies.

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 clause 98A of the Environmental Planning and Assessment Regulation 2000.*

6. Notification of Home Building Act 1989 Requirements

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

- (a) In the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and

- (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) In the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

7. Bushfire Safeguards

Asset Protection Zones

- (a) From the commencement of building works and in perpetuity, the entire property must be managed as an inner protection area in accordance with the following requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*:
 - (i) tree canopy cover should be less than 15% at maturity;
 - (ii) trees at maturity should not touch or overhang the building;
 - (iii) lower limbs should be removed up to a height of 2 m above the ground;
 - (iv) tree canopies should be separated by 2 to 5 m;
 - (v) preference should be given to smooth-barked and evergreen trees;
 - (vi) large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
 - (vii) shrubs should not be located under trees;
 - (viii) shrubs should not form more than 10% ground cover;
 - (ix) clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
 - (x) grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
 - (xi) leaves and vegetation debris should be removed regularly.
- (b) To allow for emergency service personnel and residents to undertake property protection activities, a defendable space that permits unobstructed pedestrian access is to be provided around the building.

Construction Standards

- (c) New construction must comply with Sections 3 and 8 (BAL 40) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the *NASH Standard - Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.
- (d) New fences and gates must comply with Section 7.6 of *Planning for Bush Fire Protection 2019*. New fences and gates are to be made of either hardwood or non-

combustible material. Where a fence or gate is constructed within 6m of a dwelling or in areas of BAL-29 or greater, they must be made of non-combustible material only.

Water and Utility Services

- (e) The provision of water, electricity and gas must comply with the following in accordance with Table 7.4a of *Planning for Bush Fire Protection 2019*:
- (i) reticulated water is to be provided to the development,
 - (ii) all above-ground water service pipes external to the building are metal, including and up to any taps,
 - (iii) where practicable, electrical transmission lines are underground,
 - (iv) where overhead, electrical transmission lines are proposed as follows:
 - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas, and
 - 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.
 - (v) 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,
 - (vi) all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side,
 - (vii) connections to and from gas cylinders are metal,
 - (viii) polymer sheathed flexible gas supply lines are not used, and -
 - (ix) above-ground gas service pipes are metal, including and up to any outlets.

Landscaping Assessment

- (f) New landscaping within the allotment must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:
- (i) Planting is limited in the immediate vicinity of the building;
 - (ii) Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
 - (iii) Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
 - (iv) Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
 - (v) Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
 - (vi) Avoid planting of deciduous species that may increase fuel at surface/ground level (i.e. leaf litter);
 - (vii) Avoid climbing species to walls and pergolas:

- (viii) Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
 - (ix) Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
 - (x) Low flammability vegetation species are used.
- (g) New retaining wall construction must be undertaken using non-combustible materials (as defined in the National Construction Code).

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

8. Application for a Construction Certificate (Building Works)

The applicant shall apply to Council or a Registered 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 registered certifier issues the Construction Certificate, engineering details must be submitted for approval for all structural elements, including but not limited to, piers, footings, reinforced concrete slab, first floor joist layout, roof trusses, steel beams and the like. The details must be prepared by a qualified chartered professional practicing consulting structural engineer. Also a certificate from the engineer must be included certifying that the design fully complies with appropriate SAA Codes and Standards and the Building Code of Australia requirements.
- (c) Geotechnical report for the site, prepared by a qualified geotechnical engineer detailing the foundation conditions of the site and solutions for consideration by a structural Engineer.

Note: *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 Certifier (PC), and lodgement of Notice of Commencement.*

9. Amendments to Approved Plans

The applicant shall make the following amendments to the approved plans prior to the issue of a Construction Certificate with amended plans to be submitted to Council's Director of Communities and Place or their delegate for approval.

- (a) The proposed door between the sub-floor storage area and the laundry shall be deleted and a solid wall provided in that location.

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

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

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

- (b) The landscape plan shall be amended to replace the two *Raphis* in the front garden with locally endemic species of a similar height.

Reason: *To ensure appropriate landscaping is planted.*

10. Long Service Levy Payments

The payment of a long service levy as required under Part 5 of the *Building and Construction Industry Long Service Payments Act 1986*, in respect to this building work, and in this regard, proof that the levy has been paid, is to be submitted to Council prior to the issue of a Construction Certificate.

Council acts as an agent for the Long Services Payment Corporation and the levy may be paid at Council's Office.

Reason: *Statutory requirement*

11. Developer to provide photos of damage to Council property

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

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

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

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

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

12. Section 7.11 Contributions (formerly Section 94)

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

The following Wingecarribee Shire Council Section 7.11 Developer Contributions Plans are applicable to the development:

- Roads & Traffic Management Facilities
- Resource Recovery Centre 2009
- Central Library Facility
- Section 7.11 Administration 2011 to 2031
- Open Space & Recreation Facilities

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

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

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

Note: Payment of the attached contributions is to be by BANK CHEQUE OR CASH and is to be accompanied by the attached sheet entitled "Notice of Payment - Developer Charges & Section 7.11". Should the Applicant pay by personal or company cheque the plans subject to this approval will not be available for collection until such time as the cheque has been honoured (i.e. a minimum of 10 days).

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

13. Water Management Act - Certificate of Compliance

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

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

As a precondition to the issuing of a Certificate of Compliance, Council requires the payment of Developer Charges prior to the issue of any Construction Certificate as prescribed by Council's Development Servicing Plans.

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

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

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

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

CPI Period	Water DSP	Sewer DSP	Stormwater DSP
To 31 st October 2024	\$13,294.82	\$12,888.85	\$1,536.87
Note: The charges shown above are amounts applicable during the stated time period. These amounts will be subject to adjustment quarterly in accordance with upward movements in the Consumer Price Index (CPI) once they become operational. The CPI is published quarterly by the Australian Bureau of Statistics, www.abs.gov.au < http://www.abs.gov.au >.			

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

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

Compliance Certificate

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

Water \$255 + Sewer \$255 + Stormwater \$255 = \$765

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

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

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

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

14. Section 68 Local Government Act 1993 Approvals

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

- Carry out water supply
- Carry out sewerage works
- Stormwater Construction Works

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

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.

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

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

Reason: *Statutory requirement.*

16. 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.*

17. Erosion and Sediment Control Plan

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

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

- (a) Locality of the site, a north point and scale.
- (b) Existing contours of the site including catchment area boundaries and indications of direction of fall.
- (c) Location of and basic description of existing vegetation.
- (d) Diversion of uncontaminated up-slope run-off around the disturbed sites.
- (e) Location of significant natural areas requiring special planning or management including waters, floodplains, seasonally wet areas, areas prone to ponding/water logging, unstable slopes etc.
- (f) Nature and extent of earthworks, including cut and fill roadworks.
- (g) Location of all soil and material stockpiles.
- (h) Location of site access, proposed roads and other impervious areas.
- (i) Existing and proposed drainage patterns.
- (j) Location and type of proposed erosion and sediment control measures.
- (k) Site rehabilitation proposals, including final contours.
- (l) Time of placement of sediment controls.
- (m) Staging of works and how the plan is to be implemented for each stage or activity on site.
- (n) Maintenance schedule.

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

18. 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 the Principal Certifier prior to issue of the Construction Certificate. The CMP shall indicate measures to be implemented to protect the environment as well as public health, safety and convenience. The CMP must include the following:

- (a) Details of site security;
- (b) Off-street parking for employees, contractors and sub-contractors.
- (c) Site access for construction vehicles and equipment purposes.
- (d) Public safety in the use of roads and footpaths where development activities adjoin such facilities.

- (e) The storage and removal, on a regular frequency, of builder's rubble and waste by trade waste contractors.
- (f) Provision for loading and unloading materials;
- (g) Location of all building materials, structures, plant and equipment to be stored or placed within the construction site;
- (h) How materials are to be loaded/unloaded and potential impact on Council infrastructure (including but not limited to footpaths and street trees)
- (i) Public risk policies and management for all contractors' employees using or gaining access over public footpaths and roads.
- (j) External lighting and security alarms proposed for the construction site.
- (k) Firefighting measures to be available on site during development and construction.
- (l) Sanitary amenities proposed on site during development and construction.
- (m) Ensuring the safety of members of the public and Council staff who may have occasion to enter and be in attendance on the site;
- (n) Details of management of storm water run-off and the propose sediment and erosion control measures including the location of any rubble grids;
- (o) Details of any air and dust management;
- (p) Details of noise and vibration controls;
- (q) Anticipated staging and duration of works
- (r) Provision of Traffic Management Plan (TMP) and Traffic Control Plans (TMP)

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

19. Detailed Stormwater Drainage System Design

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

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

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

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

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

Reason: *To ensure adequate storm water management*

20. Shoring and Adequacy of Adjoining Property

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

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

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

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

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

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

21. Flood Sensor

Prior to the issue of the Construction Certificate, a detailed flood sensor and alarm system design shall be submitted to Council and approved by Council's Development Engineer.

Reason: *To ensure appropriate hazard protection.*

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

22. 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.*

23. 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 certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the Council of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

- b2) the person having the benefit of the development consent, if not carrying out the work as an owner builder, has:
- (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - (ii) notified the Principal 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 building work.

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

24. Notice of Commencement

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

- (a) Not less than two (2) days' notice of the date on which it is proposed to commence work associated with this Development Consent.
- (b) Details of the appointment of a Principal Certifier (PC) (either Wingecarribee Council or another 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.*

25. Erosion and Sediment Control

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

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

26. 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.*

27. Floor Levels

Prior to the completion of the habitable (first) floor, a report by a Registered Surveyor shall be submitted to Council by the applicant to confirm that the finished floor level will be a minimum of 500mm above the 1% AEP Flood Level as denoted in the approved Flood Risk Assessment Report reference P2310051JR02V01.

Reason: *To ensure that the development is constructed in accordance with the consent and approved plans and documents.*

CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

28. 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.*

29. Building Materials & Colour Scheme

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

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

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

30. Utility Services

If the work requires alteration to, or the relocation of, utility services on, or adjacent to, the lot on which the work is carried out, the work is not complete until all such works are carried out.

Reason: *To ensure that utilities are provided appropriately to the development.*

31. 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.*

32. 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.*

33. 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.*

34. 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.*

35. 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.*

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. Retaining Walls and Drainage

If the soil conditions require it:

- (a) Retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided, and
- (b) Adequate provision shall be made for drainage.
- (c) Any retaining walls which do not comply with the exempt development standards outlined in the *State Environmental Planning Policy (Exempt and Complying Codes) 2008*, are subject to a separate approval prior to the construction of the retaining wall.

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

38. Vehicular Access Point - Construction and Delivery Vehicles

A suitable entry point shall be nominated on site and utilised by construction and delivery vehicles. This entry point is to be located so that the possibility of damage to Council's property is minimised during construction. The access point shall be surfaced with all-

weather materials of a minimum of 40mm in size. Ballast or crushed gravel (minimum of 40mm rock) for the full width of the edge of the road to the property boundary.

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

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. Prevention of Nuisance

All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from windblown dust, debris and noise during the carrying out of works in the development.

Reason: *Health and amenity.*

41. 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.*

42. Approved hours of Construction/Demolition

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

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

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

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

43. 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.*

44. 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.*

45. 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.*

46. Temporary Onsite Toilet

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

Each toilet shall:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

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

47. Waste Management

The provision of a metal waste skip with self-closing lid or secure covering on-site for the duration of the construction to ensure that all wastes are contained on the site. The

receptacle shall be emptied periodically to reduce the potential for rubbish to leave the site.

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

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

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

48. Occupation Certificate

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

The Principal Certifier (PC) is required to be satisfied, amongst other things, that:

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

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

Note: *A person must not commence occupation or use (or change of use where an 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.*

49. 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.*

50. 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.*

51. 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*

52. BASIX Commitments

Pursuant to Section 75 of the *Environmental Planning & Assessment Regulation 2021*, it is a condition of this consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled prior to the issue of an Occupation Certificate.

In this condition:

- (a) Relevant BASIX Certificate means:
 - (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - (ii) if a replacement BASIX Certificate accompanies any subsequent application for a Construction Certificate, the replacement BASIX Certificate; and
- (b) BASIX Certificate has the meaning given to that term in the *Environmental Planning & Assessment Regulation 2021*.

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

53. House Numbering

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

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

54. Landscape Certification

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

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

55. Civil Engineering works and services

All civil engineering works and services, including construction works within the road reserve, are to be constructed in accordance with the Wingecarribee Shire Council Engineering Design and Construction Specifications and Drawings, relevant Standards and approved engineering plans prior to the issue of any Occupation Certificate.

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

56. Certification of Internal Civil Works

On completion of works and prior to the issue of any Occupation 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.*

57. Vehicle Access

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 any Occupation Certificate.

Reason: *To comply with Council's Engineering Specifications and Drawings.*

58. Provision of Services

A separate sewer connection and water service shall be provided to each dwelling at the applicant's expense prior to the issue of any Occupation Certificate.

All property services shall be located within the lots that they serve in accordance with Wingecarribee Shire Council Engineering Design and Construction Specifications, Drawings and relevant Standards.

The applicant shall provide to Council written confirmation of compliance.

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

59. Evidence of Compliance with Bushfire Measures

Prior to the issue of any Occupation Certificate, certification must be provided by a BPAD Level 3 accredited consultant that the bushfire measures required by the approval have been installed.

Reason: *To ensure ongoing protection from bushfire.*

60. Engineering Certification - Flood Compatible Development

Prior to the issue of any Occupation Certificate, an Engineering Certification to the Principal Certifier shall be provided for any proposed development to occur within the area identified as inundated by the 1:100 year ARI event to ensure compliance with the Flood Risk Assessment Report reference P2310051JR02V01.

Reason: *To ensure the development complies with flood standards.*

61. Construction of Sewer Sidelines

Sidelines and junctions shall be installed for sewer connections to the development by Council at the Developer's cost prior to the issue of any Occupation Certificate.

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

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

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

62. Construction of Water Service

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

Advice: *A water meter should be installed prior to construction commencing.*

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

63. Flood Sensor and Easement

The flood sensor and alarm required by the approved Flood Risk Assessment Report referenced P2310051JR02V01 shall be installed and certified as being operational by an appropriately qualified technician.

To ensure that future owners are made aware of their responsibilities with respect to the flood sensor and alarm, a positive covenant shall be created on the title of the allotment requiring that the owner(s) maintain and keep in working order the flood sensor and alarm, unless otherwise approved in writing by Wingecarribee Shire Council. The terms of the positive covenant shall read:

- (i) In this Positive Covenant, "flood sensor and alarm" shall mean the flood sensor and alarm approved by Wingecarribee Shire Council pursuant to this development consent or any modification thereof approved by Wingecarribee Shire Council in writing.
- (ii) The registered proprietors will at their own expense sufficiently maintain and keep in good and substantial repair and working order any flood sensor and alarm which exists from time to time on the land.
- (iii) The registered proprietors shall not remove the flood sensor and alarm without the prior written consent of Wingecarribee Shire Council.

The covenant shall be registered on title and proof of registration submitted to Council prior to the issue of any Occupation Certificate.

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

64. Sub-Floor Storage

The sub-floor storage area on the ground floor plan shall only be used for storage and not for any other purpose.

END OF CONDITIONS

Notice of Payment – Developer Charges & Section 7.11

5 August 2024

WILLIAM ARNOLD TAYLOR
12-16 OLD HUME HIGHWAY
BERRIMA NSW 2577

Re: 23/0764
Lot 1 DP 324471
WINGECARRIBEE STREET BERRIMA NSW 2577

Development Description: Dwelling House

Water, Sewerage and Stormwater Headworks charges are levied under Section 64 of the Local Government Act and Section 306 of the Water Management Act 2000. Other contributions are levied under Section 7.11 of the Environmental Planning and Assessment Act 1979 and Council's Contributions Plans.

Contributions Levy	Units	Rate	Amount Payable
Administration (Shirewide)	1.00	\$586.94	\$586.94
Central Library (Shirewide)	1.00	\$518.63	\$518.63
Open Space & Community (Acquisition)	1.00	\$108.23	\$108.23
Open Space & Community (Future Works)	1.00	\$1,918.26	\$1,918.26
Open Space & Community (Recoup)	1.00	\$906.36	\$906.36
Resource Recovery Centre (Shirewide)	1.00	\$307.83	\$307.83
Roads & Traffic (Shirewide - Future)	1.00	\$3,377.12	\$3,377.12
Roads & Traffic (Shirewide - Recoup)	1.00	\$18.95	\$18.95
S64 Sewer Compliance Certificate	1.00	\$255.00	\$255.00
S64 Stormwater Compliance Certificate	1.00	\$255.00	\$255.00
S64 Stormwater (Berrima)	1.00	\$1,536.87	\$1,536.87
S64 Sewerage (Shirewide)	1.00	\$12,888.85	\$12,888.85
S64 Water Compliance Certificate	1.00	\$255.00	\$255.00
S64 Water (Shirewide)	1.00	\$13,294.82	\$13,294.82
Total			\$36,227.86

Payments must be either in the form of cash, bank cheque or credit card (credit cards subject to 1% surcharge. Amex and Diners not accepted).

IMPORTANT – The charges shown above are valid for payment until the date given below. After this period the charge will be indexed in accordance with the relevant Plan.

DATE CHARGES ARE VALID TO – 31st October 2024

Prepared by – Andre Vernez

Cashier Receipt No: _____

Total Paid: _____

Date Paid: _____

A COPY OF THIS NOTICE MUST BE PRESENTED WHEN MAKING PAYMENT

Annexure A

Plan, Revision, Issue	Plan Name	Prepared by	Date
A.10 / Rev F	Location Plan	MHDP Architects	27.6.2024
A.11 / Rev G	Roof Plan	MHDP Architects	31.7.2024
A.12 / Rev J	Ground Floor Plan	MHDP Architects	31.7.2024
A.13 / Rev G	First Floor Plan	MHDP Architects	31.7.2024
A.14 / Rev L	Elevations	MHDP Architects	2.8.2024
A.15 / Rev H	Sections A-A & B-B	MHDP Architects	2.8.2024
A.16 / Rev J	Perspective	MHDP Architects	10.7.2024
A.17 / Rev H	Schedules	MHDP Architects	2.8.2024
A.18 / Rev E	Tree Retention / Removal Diagram	MHDP Architects	31.7.2024
A.19 / Rev E	Shadow Diagrams – Winter Solstice	MHDP Architects	31.7.2024
A.20/ Rev B	Shadow Diagrams – 16 March & September	MHDP Architects	31.7.2024
Rev B	Survey Plan	Australian Survey Solutions	5.8.2022
Issue 1 P2310051JR02VO1	Flood Risk Assessment	Martens and Associates	14.7.2024
Issue 1 P2310051JR01VO1	Water Cycle Management Study and Stormwater Management Plan	Martens and Associates	15.7.2024
Rev A	Stormwater Management Plan	Martens and Associates	15.7.2024
Rev C	Landscape Plan	Paul Scrivener Landscape	6.8.2024
1360604S_02	BASIX Certificate	House Energy Certified	7.8.2024