

KW:EL

**Environmental Planning and Assessment Act, 1979**

**NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION**

TO: N Daoud  
76 Griffin Parade  
ILLAWONG NSW 2234

15 April 2011

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PLEASE QUOTE THE DEVELOPMENT APPLICATION NUMBER IN ALL CORRESPONDENCE AND  
UPON PAYMENT OF FEES, CHARGES & CONTRIBUTIONS

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being the applicant in respect of Development Application No: LUA10/0863

Pursuant to Section 80 (1) (a) of the *Environmental Planning & Assessment Act 1979* notice is hereby given of the determination by the Council, as the consent authority, of the Development Application relating to the land described as follows:-

<b>PROPERTY:</b>	Lot 3 DP 1104038, Lot 4 DP 1104043, Lot 5 DP 1104045, Lot 6 DP 1104052 Lot 2 DP 1104027, Lot 2 DP 1097653 - 1 Victoria Street, Bowral		
<b>ASSESS NO:</b>	12016000007	<b>BUILDING CLASSIFICATION:</b>	6 & 2(a)
<b>OWNER:</b>	Nicholas Daoud & Co Pty Limited		

Purpose of Development: **Mixed Use Development comprising 4 Retail Units, 44 Residential Units and Above Basement Car Parking** - in accordance with plans prepared by ADM Architects, Project No: 2010-35, Drawing Nos A01 -A14 Issue C dated March 2011, Ochre Landscape Architects, Drawing No 1181-02-LD01 dated 3 February 2011 and K F Williams & Associates, Job No KF107774, Drawing Nos C01 Rev B dated 2 February 2011, C02 Rev A dated 2 March 2011, C03 Rev A dated 2 March 2011 and any supporting Statement of Environmental Effects or other studies submitted with the Development Application except where amended by any conditions below.

The Development Application has been:

Approved under the provision of Wingecarribee Local Environmental Plan 2010, subject to the conditions specified in this notice

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The conditions of the consent and reasons for their imposition follow:

**GENERAL – DEVELOPMENT CONSENT CONDITIONS**

1. Compliance

Development is to take place in accordance with the approved plans and documentation submitted with the application and subject to the conditions below, to ensure the development is consistent with Council's consent.

2. Use not to Commence

The approved use is not to commence until the proposed development has been completed in accordance with this consent and any other Council approvals which may be required, and a final inspection carried out and approved by Council staff.

3. Additional Approvals

Separate Development Applications **MUST** be submitted for the use of individual retail units which form part of the overall development. These applications **MUST** be submitted and approved **PRIOR TO ANY WORKS OCCURRING OR OCCUPATION OF THE PREMISES**.

4. Qualifications and Responsibility for Documentation

Council requires that all design plans be prepared to Council's standards by a person, who has proven experience and suitable relevant qualifications in the preparation of plans specifications and any other relevant documentation for the approved development. All of these requirements are outlined in Council's Engineering Policies.

The Developer will be responsible for the correctness of all information contained in the drawings, specifications or any other documentation. The Council will not accept responsibility for any errors or inaccuracies that may be found in such documents, regardless of whether these documents have been checked and/or approved by Council.

5. Responsibility for Works

The Council will hold the Developer (Applicant/Owner), to whom the development approval was issued, solely responsible for constructing the required development works to Council's satisfaction and maintaining them during any specified period.

6. Developers Representative during Construction of Works

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

Details to be submitted include:-

- Name of Representative:
- Company :
- Position:
- Contact Ph:
- 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.

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 Quantities, 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.

#### 7. Demolition Approval

The houses and ancillary structures (eg garages/sheds etc) shall only be demolished in accordance with the requirements of AS2601-2001 "The Demolition of Structures".

Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales and Council's Water and Sewer Asset Protection, including:-

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

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

- (g) Sewer Assets Temporary Disconnection or Closure

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

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

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

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

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

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

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

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

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

8. Construction Certificate

The building works are not to commence until a Construction Certificate has been issued in accordance with the *Environmental Planning and Assessment Act 1979*. A Building Code of Australia assessment has not been undertaken on the proposal. For further advice you may contact Council's Building Surveyors.

9. Other Approvals

Prior to any work commencing, written approval under Section 68 of the *Local Government Act 1993* must be obtained for stormwater drainage sanitary drainage and water plumbing, from the Council as the appropriate Water Supply Authority.

Separate approval by the Roads Authority is required pursuant to Section 138 of the *Roads Act 1993* for any works within the road reserve.

10. Hydraulic Engineer Plans

When you submit your Construction Certificate and/or Section 68 Application it is essential that you include with your plans and specifications two copies, including one coloured set, of detailed plans prepared by a consulting hydraulics engineer of:

- (i) the sanitary plumbing and drainage;

- (ii) the hot and cold water supply systems;
- (iii) the stormwater drainage and disposal system, including the layout of roof drainage / surface drainage / sub-surface drainage; and
- (iv) the hydraulic design shall provide for:-
  - (a) Containment at the property boundary by:- *Break Tank / Air Gap / Reduced Pressure Zone Device / Pressure Type Vacuum Breaker / Double Check Valve / Single Check Valve.*
  - (b) Zone protection to (Where) by:- *Break Tank / Air Gap / Reduced Pressure Zone Device / Pressure Type Vacuum Breaker / Double Check Valve / Single Check Valve / Individual protection to the potable water supply reticulation.*
- (v) fire services

11. Occupation Certificate

Prior to Occupation Certificate being issued, an inspection by the Principal Certifying Authority must be undertaken to ensure that all conditions of this development consent have been complied with.

12. Compliance with Relevant Legislation

Compliance with the *Environmental Planning & Assessment Act 1979* and *Local Government Act 1993*. The Building Code of Australia, SAA Codes and adopted Local Policies shall be observed.

13. Protection of Council's Road Reserve, Kerb and Gutter and Footpath

The building supervisor is responsible to ensure that all contractors, sub-contractors, and delivery trucks use a designated access point to prevent damage to Council's property. Repairs to damaged grass verges, concrete footpath, kerb and gutter are to be carried out by the builder to Council's specification and supervision prior to occupation of the development.

14. Vehicular Access Point

A suitable entry point is to 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 is to be surfaced with all weather materials of a minimum of 75mm in size.

15. Hoarding

A suitable hoarding is to be erected around the site. The erection of the structure shall not commence until a hoarding application has been submitted and fees paid to Council and approval issued. The hoarding is then to be erected in the appropriate location to Council's satisfaction before building work commences on that stage.

16. Guarantee for Civil Works

Prior to allowing occupation of the building a cash bond or irrevocable bank guarantee is to be lodged for a period of twelve (12) months for a sum equal to five (5) % of the engineering works or a minimum of \$1,000 that are to become the property of Council to ensure the effective performance of these works.

17. Compliance with Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

18. Residential Building Work

A. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the principal certifying authority for the development to which the work relates:

(a) in the case of work to be done by a licensee under that Act:

- (i) has been informed in writing of the licensee's name and contractor licence number, and
- (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or

(b) in the case of work to be done by any other person:

- (i) has been informed in writing of the person's name and owner-builder permit number, or
- (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of **owner-builder work** in Section 29 of that Act,

B. A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

19. Excavations and Backfilling

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

20. 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 must be provided, and
- (b) adequate provision must be made for drainage.

21. Protection of Public Places

- A. If the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - (b) building involves the enclosure of a public place,
- a hoarding or fence must be erected between the work site and the public place.
- B. If necessary, an awning is to be erected, sufficient to prevent any substance from, in or in connection with, the work falling into the public place.
- C. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- D. Any such hoarding, fence or awning is to be removed when the work has been completed.

22. Erection of Signs

A sign shall be prominently displayed on any site on which building, subdivision or demolition work is being carried out by the builder / developer:

- (a) showing the name, address and telephone number of the principal certifying authority for the work;
- (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.

23. Toilet Facilities

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

24. BASIX

Prior to the submission /approval of the construction certificate the applicant is to submit to Council amended plans including the items specified on the BASIX certificate as being required to be shown on the DA plans eg; the individual gas hot water heaters and the capacity of the rainwater tanks.

25. Roof Material

Prior to the submission/approval of the construction certificate the applicant shall submit amended plans to Council showing galvanised roofing instead of the 'Woodland Grey' colorbond proposed.

26. Archival Report

Prior to the demolition of the existing houses and ancillary structures, the applicant is to submit to Council an archival report as follows:

Provide one (1) hard copy for Council to lodge into the Berrima & District Historical Society Archive. To be an acid free photo album with:

- Spine and front of album to be clearly labelled.
- An index indicating the photographer, location, date, equipment used and caption for each photo to be bound into the album.
- Clear, high quality, archival print photos of each elevation, each room, all significant architectural details, historic / archaeological features and overall setting.
- Photos may be in colour.
- Minimum photo size to be 3,000 x 2,000 pixels in jpg format, files named to match numbers in album and index.
- As a guide, minimum photo record to be 30 postcard prints, plus 5 of the most significant images printed in A4 size.
- Photo numbers in album to be keyed to photo locations (number with direction arrow) on a floor plan and a site plan, also bound into album.
- Hard copy of any heritage report (Heritage Impact Statement, Conservation Plan or Strategy).
- Copyright statement that Council is licensed to reproduce the material.
- Electronic copy of the above on a CD, bound into the album.

27. Fencing

Provision and maintenance thereafter at the developer's / owners expense of permanent and effective screen fencing of 1.8m high hardwood timber lapped and capped fencing to the side and rear boundaries of the site.

28. Lighting

Intensity, location, direction and hours of illumination will be varied if, in the opinion of the Council, injury is being caused to the amenity of the neighbourhood.

## Land Title

### 29. Site Consolidation

The site shall be consolidated **PRIOR TO RELEASE OF THE CONSTRUCTION CERTIFICATE** to ensure the use of the land as one allotment is legally recognised and to prevent separate dealings in the existing allotments after the use commences.

### 30. Grass Swale, Overland Flowpaths, Rainwater Tanks and Detention Basin Maintenance

The creation of a "Positive Covenant" on the linen plan and title of the proposed development showing the location of stormwater facilities and requiring that the proposed stormwater facilities be maintained in a safe and functional manner. In addition, the Section 88B Instrument is to make provision for Council to conduct maintenance on the subject stormwater facilities at the owner's expense if the stormwater facilities are not maintained to the agreed standard. Details shall be provided for the approval of the Director Environment and Planning **PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE.**

NOTE: A standard format is available from Council.

### 31. Grass Swale, Overland Flowpaths, Rainwater Tanks and Detention Basin Alterations

The creation of a "Restriction as to User" on the linen plan and title of the proposed development to prevent any change in shape or alteration in structure of the proposed stormwater facilities after the final approval of the structure has been given by Council. Details to be provided for the approval of the Director Environment and Planning **PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE.**

### 32. Title Restrictions Re Drainage

Details of function, form and levels of essential earth or other surface works including floodways, shall be legally attached to the titles of affected land to help ensure the permanency and designed operation of such facilities.

### 33. Dedication of Right of Carriageway / Easements

The creation or obtaining by the Applicant of the following right of carriageway, at the Applicant's expense **PRIOR TO OCCUPATION OF THE DEVELOPMENT:**

- (a) Splay corner shall be dedicated to Council at the junction of Victoria Street and Mittagong Road.

## Protection of Council Assets

### 34. Storage Materials

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, without prior Council approval.

35. Structure not to be built over Easements

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

36. Developer Must Advise of Damage to Property

The Developer must advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves and the like, prior to commencement of any work on the site. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the Developer's expense.

**CIVIL ENGINEERING WORKS AND SERVICES**

37. Provision of Works and Services

The provision, by the Developer, at their expense, of the following works and services to be documented and constructed in accordance with Council's Engineering Policies, to the satisfaction of the Development Control Engineer. **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE** the Developer must obtain approval for the works to be undertaken by submitting adequate documentation including plans, standard notes and completed design checklists, calculations and specifications, to Council which justify that the proposed works are in accordance with all Council's standards and all other relevant Codes and guidelines.

Water and Sewer Authority Conditions

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

**(a) Stormwater Drainage**

(i) Boundary Grated Catch Drains

Prevention of "sheet flows" over the public footpath by provision of a grated catch drain across or inlet pit adjacent to the driveway(s) at the property boundary, with piped water discharged to the satisfaction of the Development Control Engineer / Council's Building Surveyor.

(ii) Existing Drainage Augmentation

The augmentation of the existing street drainage system to accommodate drainage from the proposed development and to protect other property to the satisfaction of the Development Control Engineer.

(iii) Site Drainage

The site shall be drained so as to comply with the following requirements. These requirements shall be reflected on the Construction Certificate plans and submitted to Council or an accredited certifier for approval prior to the issue of a Construction Certificate:

- a. On-site detention storage for stormwater run off from the development site shall be provided such that the discharge from the site for design storm events up to and including the 100 year average recurrence interval does not exceed the pre-developed conditions. Details must include the following:
  - On-site detention structure must be designed to incorporate lockable access for maintenance (as required).
  - On-site detention structure must be designed and constructed to have a suitably graded invert to prevent ponding.
  - The developer must provide certification from a qualified civil and/or structural engineer that the on-site detention structure has been constructed in accordance with the approved plans
- b. The levels of the car park and landscaped areas adjacent to the buildings must be designed so as to prevent the 1 in 100 year stormwater runoff from overland flows or pipe blockages from entering any proposed, existing or adjoining buildings.
- c. Overland flow paths must be provided to allow for flows in excess of the capacity of the pipe/drainage system in the event of any blockage. Gates and fencing within the overland flow path must be designed to allow for unobstructed flows. Overland flow paths shall be maintained to allow for unimpeded flows at all times.
- d. Runoff currently entering the site from uphill properties shall not be obstructed from entering the site nor redirected, other than by drainage works or in accordance with an approved stormwater plan, so as not to have adverse effects or increase the quantity or concentration of surface runoff entering adjoining properties.
- e. Stormwater runoff from roof and hardstand surfaces shall be connected by underground pipe (min. diameter 375-RCP in Council's road reserve) and discharged to the proposed OSD system. Stormwater connections between the OSD system and the kerb and gutter, or Council's underground system, must be inspected and approved by Council's Development Engineer or their nominee and backfilled as soon as possible.
- f. Drainage from the car park is to be provided with a low flow pipe to the drainage system fitted with a non return valve/flap. The sump is to be provided with submersible pumps (including back up) of equal capacity fitted with a grinder impeller. The pumps and backup generator are to be tested every 3 months with the test result record kept on site;

g. On-Site Detention - Maintenance Schedule

A maintenance schedule for the on-site stormwater detention system must be submitted with the Construction Certificate plans for the proposed development.

**(b) Parking, Loading, Access and Roadworks**

(i) Construction of Footway Crossing

Industrial vehicular footway crossings in accordance with Standard Drawing Nos SD 108 and SD123, for access to the development.

(ii) Loading/Servicing

All vehicular loading and unloading being carried out within the site, to provide for safe off-street loading and unloading of vehicles servicing the site and prevent interference with the use of the public road by vehicles and pedestrians.

(iii) Provision of Vehicular Direction Signs

Vehicle direction signs indicating the entry and exit points to the proposed development together with direction to the location of visitor parking spaces.

(iv) Road Occupancy Licence

Prior to commencement of work within the road reserve, a Road Occupancy Licence shall be obtained from the Roads and Traffic Authority Traffic Operations Unit. The application shall be accompanied by a Traffic Management Plan, prepared by a person who is certified to prepare Traffic Control Plans.

(v) Approval Required for Work within Road Reserve – Section 138 Roads Act 1993

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

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

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

- Insurance details – Public Liability Insurance to an amount of \$20 million, to be held by applicant / contractor undertaking the works.

*Note:*

*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.*

(vi) 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 8.8m MRV 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 when turning onto the road from the development.

(vii) Driveway and Car Parking

The internal driveway and car park shall include the following:

- a. The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with Australian Standard AS2890.1 and AS2890.2, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.
- b. The development shall make provision for a total of 114 car parking spaces. This requirement shall be reflected on the Construction Certificate plans.
- c. Retaining walls shall be incorporated into the driveway/car park design (as required) to support changes of grade and difference in level between road, foot path and car park finished floor levels.
- d. Driveway/s shall be designed in accordance with Figure 2.10 and Clause 2.6 of AS2890.1.
- e. Areas of internal driveway and car park traversed by heavy vehicle traffic (e.g. Garbage Truck) shall be heavy duty concrete to withstand expected loads.

- f. The designated loading/unloading facility shall be kept clear for that purpose at all times. The designated loading/unloading facility shall be shown on the Construction Certificate plans.

(viii) Structural Engineering Details

The submission of structural engineering details by a suitably qualified and experienced structural engineer (with appropriate insurance coverage) to the Principal Certifying Authority, prior to the release of the Construction Certificate addressing the following matters:

- a. Footings;
- b. reinforced concrete slabs;
- c. retaining walls;
- d. structural steelwork;
- e. wall bracing and tie-down requirements;
- f. the structural engineer, in producing a design is to complement the Geotechnical

Engineer's Stability Report to make a clear statement that "any structure designed and erected in accordance with the plans and specifications will achieve the performance requirements described.

(ix) Kerb, Gutter and Shoulder Seal

Standard profile 150mm upright concrete kerb and gutter, shoulder seal and stormwater drainage shall be constructed for the full frontage of the development as and where required in accordance with the following requirements:

- a. The road shoulder pavement shall be constructed of 300 thick compacted road base (minimum) excluding thickness of surfacing or to match existing pavement (Whichever is greater).
- b. Where new kerb and gutter is installed, the exiting seal is to be saw-cut a minimum of 300mm from the existing seal edge (or as directed by Council's Development Engineer) and the seal removed prior to the sealing of the shoulder. The shoulder seal is to overlap the new and old pavements.
- c. All redundant vehicular crossings must be removed and the kerbing and guttering reinstated. This work shall be carried out at the developer's expense.

(x) Footpath Construction

A full width paved footpath shall be constructed for the full frontage of the commercial component/Mittagong Road section of the development. Engineering design plans shall be submitted to and approved by Council prior to issue of construction certificate and shall incorporate the following:

- a. a cross section from the centre of the road to the finished floor level of each building frontage to the development;

- b. footpath levels shall comply with a 3% crossfall (min) from the boundary to top of kerb;
- c. The footpath shall be a uniform grade over the length of the development site frontage and transition at each end to match existing footpath levels of adjoining property frontages;
- d. Entry points to the building/s shall be in accordance with Australian Standard 1428.1 - 2001 Design for Access and Mobility - Part 1 General Requirements for Access - Buildings.
- e. Street tree shall be selected from Councils Street Tree Policy and planted in accordance with Councils street tree specifications,
- f. Paving layout pattern, design and specifications shall be included on the construction plans.
- g. The residential Frontage to Victoria Street shall incorporate turf, street trees and include a 1.5m wide concrete path.

(xi) Sediment Control Measures

The developer must ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work.

Provision shall be made along the boundary of the property at the vehicular crossing/s to prevent waste and surface water entering the road reserve. This requirement shall be reflected on the plans and supporting documentation issued for construction.

**(c) Sewer Mains**

(i) Construction of Sewer Sidelines

Sidelines and junctions shall be installed for sewer connections to the development by Council at the Developer's cost.

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

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

(ii) Building within Vicinity of Sewer Main

Where a building is constructed within the area of influence of the sewer main, the weight of the building shall be distributed away from the sewer main by pier and beam construction. The piers shall be designed by a Professional Engineer and shall be embedded on firm foundation at least 300mm below the invert of the pipe with a minimum horizontal clearance from the pipe of 600mm.

The area of influence of the sewer main is considered that area within the angle of repose of 45° for normal loam/clay/sand foundations, or 60° for rock foundations measured 600mm from the outside of the pipe from the trench bottom.

Notwithstanding the above, a building shall not be erected within 1.2m of the outside edge of a sewer manhole and unobstructed personal access of minimum width of 900mm shall be provided to any manhole located upon private property.

**(d) Water Mains Supply**

**(i) Construction of Water Service**

A water service shall be installed to the development by Council at the Developer's cost.

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

**General**

**38. 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 prior to release of a Construction Certificate will be required to submit to Council documentary evidence from the Energy Service Provider qualifying that the requirements of that provider have been obtained. The requirements of the supply authority will need to be met prior to occupation of the development or the application for a Subdivision Certificate.

**39. Telecommunications Provider / Gas Provider – Where Applicable**

The Developer is to obtain the Telecommunications Provider / Gas Provider to ascertain the requirements of the organisations for the development.

**Advisory Note:**

The Developer is also requested to contact the National Broadband Network Company Ltd in regard to the installation of fibre in all new developments.

**40. Works as Executed Plans**

Following the completion of the work, one full set of work-as-executed drawings shall be submitted to and retained by Council. Sufficient details including locations and levels of the below ground infrastructure are required in order to enable a complete check of the work as executed as compared to the original approved design.

Any deviation from the approved engineering plans shall be shown on the work-as-executed drawings. Each sheet of the drawings shall carry the certification of the developers supervising engineer.

41. Relocation of Existing Services

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

42. Certification of Internal Civil Works

On completion of works and prior to occupation, certification from a practising appropriately qualified Engineer shall be submitted to Council detailing that all internal civil works (ie, internal driveways, paths and stormwater drainage systems including any onsite detentions) are in accordance with the approved plans and specifications.

**MONETARY CONTRIBUTIONS AND DEVELOPER CHARGES**

43. Section 94 Contributions

Under Section 94 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:

- **Section 94A Contributions Plan**

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

All contributions are indexed quarterly in accordance with upward movements in the Consumer Price Index (Tables 15. Output of the General Construction Industry, Index Numbers and Percentage Changes - Index Number; Non-residential building construction (3020) New South Wales) as published by the Australian Bureau of Statistics ([www.abs.gov.au](http://www.abs.gov.au)); Section 25J(4) of the *Environmental Planning and Assessment Regulation 2000*; and Council's Developer Contributions Plans.

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).

44. Certificate of Compliance

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

**Notes:**

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, as prescribed by Wingecarribee Shire Council's Development Servicing Plans:

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

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

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

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

The Water and Sewerage Development Servicing Plans (DSP's) were adopted by Council on 22 November 2006 and came into effect on 1 January 2007. 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:

<b>CPI Period</b>	<b>Water DSP</b>	<b>Sewer DSP</b>	<b>Stormwater DSP</b>
1 February 2011 to 30 April 2011	\$5,747.50 per ET	\$7,315 per ET	\$3,022.03 per ET
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, <a href="http://www.abs.gov.au">www.abs.gov.au</a> .			

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 thirty (30) days prior to adoption.

### **Compliance Certificate**

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

Water \$90.00 + Sewer \$90.00 + Stormwater = \$270.00.

Prior to final release, you will need to contact Council's Technical 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.

## GOVERNMENT AGENCIES

### 45. Roads and Traffic Authority

The following are the requirements of the Roads and Traffic Authority with regard to road safety and traffic management:

#### **Prior to the issuing of a Construction Certificate**

1. Prior to the issuing of the construction certificate, the developer shall enter into a Works Authorisation Deed (WAD) with the RTA for any works on Mittagong Road.

#### **Prior to the issuing of an Occupation Certificate (Interim or Final)**

2. Traffic signals shall be provided at the intersection of Mittagong Road and Victoria Street and be designed in accordance with RTA's Traffic Signal Design Manual, 2008. The RTA has agreed to a single approach and departure lane on Victoria Street in its letter dated 23 February 2011. The design shall accommodate the turning paths of a 12.5m Large Rigid Vehicle and the provision of appropriate splays at no cost to the RTA. This includes a splay from Lot 1 DP916166 which is the responsibility of the developer to acquire.
3. Any request for exemption to providing a Signalised Pedestrian Crossing on any leg of the intersection must be made in writing to John Tough, Manager of Network Operations, 25 Garden Street, Eveleigh, NSW, 2015. The RTA does not consider that crossing should be provided on all legs in accordance with current policy as per previous letter dated 23 February 2011.
4. The pavement on Mittagong Road and Victoria Street shall be upgraded if required to accommodate the traffic signal detectors.
5. The RTA will not permit direct vehicular access to Mittagong Road from the subject property therefore all access must be via Victoria Street. This includes access for service vehicles.
6. Any existing access points to Mittagong Road from the subject property shall be permanently closed with kerb and gutter and footpath reinstated to Council standards. Photos shall be provided to the RTA as evidence that this work has been completed prior to Council issuing the occupation certificate.
7. The residential part of the development should be designed such that road traffic noise from Mittagong Road is mitigated by durable materials, in accordance with EPA criteria for new land use developments (The Environmental Criteria for Road Traffic Noise, May 1999). The RTA's Environmental Noise Management Manual provided practical advice in selecting noise mitigation treatments.
8. Geometric road design shall be in accordance with *RTA Road Design Guide*. Pavement design shall be in accordance with the *AUSTROADS Pavement Design Guide*.
9. Lighting shall be upgraded/provided in accordance with Australian Standard AS/NZS 1158.
10. All roadworks, traffic controls facilities and other works associated with points 1 – 9, including many modifications required to meet RTA standards, will be at no cost to the RTA. All works shall be completed prior to occupation.

11. Section 138 and 87 consent under the Roads Act, 1993 shall be obtained from the RTA prior to construction. Note: Since a WAD is required for the subject roadworks, the RTA will be exercising its powers under Section 64 of the Roads Act, 1993 to become the roads authority.
12. The developer shall apply for a Road Occupancy Licence (ROL) from the RTA Traffic Operations Unit (TOU) prior to commencing work within the classified road reserve or within 100m of traffic signals. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare a Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Direction to Restrict will also be required from the TOU. The developer shall submit the ROL application 10 business day prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependant upon the RTA receiving an accurate and compliant TMP. Note: An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by the RTA Project Manager.

Conditions of development consent relating to road work, traffic control facilities and other structures on the classified road network contrary to those outlined above are unlikely to receive RTA consent under the *Roads Act, 1993*.

49. Sydney Catchment Authority

The following are the requirements of the Sydney Catchment Authority with regard to Drinking Water Catchments Regional Environmental Plan No 1:

**General**

1. The works and site layout are to be as specified in the Statement of Environmental Effects prepared by JBA Urban Planning Consultants Pty Ltd (dated March 2011) and as shown on the Site Plans prepared by ADM Architects (Project No. 2011-35; Drawing Nos. A-00 to A-09; Issue C; dated March 2011). Any revision to the site layout or works is to be agreed to by the Sydney Catchment Authority;

*Reason for Condition 1- The Sydney Catchment Authority has based its assessment under the Drinking Water Catchments Regional Environmental Plan (REP) No 1 on this version of the development;*

**Stormwater Management**

2. All stormwater treatment and management measures are to be implemented as specified in Section 2.2 of the Water Cycle Management Study (WCMS) prepared by Brown Consulting (NSW) Pty Ltd (dated March 2011) and shown in Figure 4 the Concept plan of Proposed Water Quality Treatment Strategy, in particular as varied or elaborated in the following conditions;
3. Rainwater tanks with a minimum capacity of 100,000 litres above any mains top-up are to be installed to collect all roof runoff from all buildings;
4. The rainwater tanks are to be plumbed for non-potable use in all residential and commercial units, particularly toilets, and may also be used for external uses such landscape irrigation;

5. All site runoff including any rainwater tank overflow is to be directed to a bioretention basin located in the southern part of the site;
6. The bioretention basin is to be designed and constructed as shown on the Concept Drainage Plan (Job No. KF109774; DWG No. C01) and is otherwise to be consistent with Chapter 6 of *WSUD Engineering Procedures: Stormwater* (Melbourne Water 2005) and is incorporate the following specifications:
  - a minimum total filter area of 180 square metres;
  - a minimum extended detention depth of 170 mm;
  - a minimum filter depth of 450 mm above the underdrain;
  - a filter media consisting of a sandy loam with a medium particle size diameter of 0.5 mm;
  - discharge from the underdrain and any overflow from the basin is to be directed to Council's stormwater drainage system on Mittagong Road;
7. The bioretention basin filter media must be installed following other construction activities associated with the development, and must be protected by sediment and erosion control measures on the site until the ground surface is revegetated or stabilised so as to prevent the filter media from being clogged by sediment;
8. The bioretention basin is to be permanently protected from vehicular damage by bollards, fences, steel barriers or similar permanent structures, with signs erected to advise of its stormwater quality management function;
9. An Operational Environmental Management Plan detailing the responsibilities for the inspection, monitoring and maintenance of all stormwater management structures, including pits, pipes, gross pollutant traps, rainwater tanks and bioretention basin consistent with the manufacturer's specifications and best practice is to be developed in consultation with the Sydney Catchment Authority;
10. Any variation to stormwater treatment and management is to be agreed to by the Sydney Catchment Authority;

*Reason for Conditions 2 to 10 – To ensure appropriate stormwater treatment and quality control measures are in place so as to ensure a sustainable neutral or beneficial impact on water quality particularly during wet weather over the longer term;*

#### **Implementation of Conditions**

11. Conditions 2 to 9 above must be implemented prior to the issuance of an occupation certificate;

*Reason for Condition 11 – To ensure that the necessary management structures and works are properly constructed and in place so as enable an overall and sustainable neutral or beneficial effect on water quality over the longer term;*

### Construction Activities

12. A Soil & Water Management Plan (SWMP) is to be prepared for all site works undertaken and proposed as part of the development by a person with knowledge and experience in the preparation of such plans. The Plan is to be prepared prior to the commencement of any construction work and is to meet the requirements outlined in Chapter 2 of the NSW Landcom's *Soils and Construction: Managing Urban Stormwater* (2004) manual – the “Blue Book”. The SWMP is to be to the satisfaction of Council;
13. Effective erosion and sediment controls are to be installed prior to all construction works including site access. The controls must prevent sediment and contaminated runoff entering Council's street drainage system, and are to be regularly maintained and retained until works have been completed and groundcover stabilised;

*Reason for Conditions 12 & 13 – To manage adverse environmental and water quality impacts during the construction stage of the development and to minimise the risk of erosion, sedimentation and pollution within or from the site during this construction phase.*

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Endorsement of Date of Consent: 15 April 2011

### **NOTES:**

1. To ascertain the date from which this development consent operates, refer to Section 83 of the *Environmental Planning and Assessment Act 1979*.
2. Development consent will lapse five (5) years after the date from which it operates. In the case of staged development, consent will lapse five (5) years after the date from which it operates. (Refer Section 95 (2) of the *Environmental Planning & Assessment Act 1979*).
3. Section 97 of the *Environmental Planning and Assessment Act 1979* confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within six (6) months after receipt of this notice.
4. The approval granted by the Council does NOT consider nor negate or vary any private easement, covenant or restriction. The owner is advised to investigate any encumbrance or restriction that may be noted on the title to the land.
5. All conditions on this consent have been imposed having regard to all matters listed for consideration under Section 79C of the *Environmental Planning & Assessment Act 1979*.
6. An applicant may request pursuant to Section 82A of the *Environmental Planning & Assessment Act 1979* Council to review a determination of the application where that application is of a type referred to in that Section of the Act within six (6) months after receipt of this notice.

Date: 15 April 2011

Signed: .....

**Kate Wooll**  
**Town Planner**  
**Environmental Assessment Branch**

## **Notice of Payment – Developer Charges & Section 94**

19 April 2011

Nicolas Daoud  
76 Griffin Parade  
ILLAWONG NSW 2234

**Re: LUA10/0863 – Mixed Use Development 4 Retail Units, 44 Residential Units & Basement Carparking  
Lot 3 DP 1104038; Lot 4 DP 1104043; Lot 5 DP 1104045; Lot 6 DP 1104052; Lot 2 DP 1104027; Lot 2 DP 1097653 - 1 Victoria Street Bowral**

Water and Sewerage 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 94A of the Environmental Planning and Assessment Act 1979 and Council's Section 94A Contributions Plans.

			<b>Amount</b>
<b>Contributions Levy</b>	<b>Units</b>	<b>Rate</b>	<b>Payable</b>
<b>Section 94A Contributions Plan</b>	<b>\$10,514,682.00</b>	<b>1%</b>	<b>\$105,146.82</b>
<b>S64 Sewerage Compliance Certificate</b>	<b>1</b>	<b>\$90.00</b>	<b>\$90.00</b>
<b>S64 Stormwater Agglomerated DSP Area A</b>	<b>4.6</b>	<b>\$3,022.03</b>	<b>\$13,901.35</b>
<b>S64 Stormwater Compliance Certificate</b>	<b>1</b>	<b>\$90.00</b>	<b>\$90.00</b>
<b>S64 Sewerage (Wastewater) DSP - Precinct 1</b>	<b>24.5</b>	<b>\$7,315.00</b>	<b>\$179,217.50</b>
<b>S64 Water Supply DSP - Precinct 1</b>	<b>24.5</b>	<b>\$5,747.50</b>	<b>\$140,813.75</b>
<b>S64 Water Compliance Certificate</b>	<b>1</b>	<b>\$90.00</b>	<b>\$90.00</b>
<b>Developer Contributions Total</b>			<b>\$439,349.42</b>

*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 need to be recalculated due to adjustments in the Producer Price Index for Section 94A Plan and Consumer Price Index for the Section 64 DSP levies.

**DATE CHARGES ARE VALID TO – 30 April 2011**

**Prepared by – David Matthews**

Cashier Receipt No: \_\_\_\_\_

Total Paid: \_\_\_\_\_

Date Paid: \_\_\_\_\_

**A COPY OF THIS NOTICE MUST BE PRESENTED WHEN MAKING PAYMENT**

DRAFT