

DATE

JIM GILVARRY & ASSOCIATES PTY LTD
PO BOX 960
BOWRAL NSW 2576

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION
Pursuant to section 80(1) of the Environmental Planning and Assessment Act 1979

APPLICATION NO:	16/1198
APPLICANT:	Jim Gilvarry & Associates Pty Ltd
OWNER:	Harbison Memorial Retirement Village
PROPERTY DESCRIPTION:	Lot 811 DP1176908
PROPERTY ADDRESS:	2 Charlotte Street BURRADOO NSW 2576
PROPOSED DEVELOPMENT:	Master Plan for Seniors Housing
DETERMINATION:	Determined by granting of CONSENT.
CONSENT TO OPERATE FROM:	DATE
CONSENT TO LAPSE ON:	DATE

This Notice of Determination grants consent to the Master Plan and Stage 1. Part 1 provides conditions for the Master Plan and Part 2 provides conditions for Stage 1.

Rights of Appeal

If you are dissatisfied with the determination of Council (including determination of a review under section 82A of the Environmental Planning and Assessment Act 1979, you may appeal to the New South Wales Land and Environment Court within 6 months after the date on which you receive the notice of determination or review, if your application was lodged after 27 February 2011. Otherwise the appeal period is 12 months after the date in which you receive this notice.

Review of Determination

You have the right to request a review of determination under section 82A of the *Environmental Planning and Assessment Act 1979*, provided that this determination is not made with respect to an integrated development. The determination cannot be reviewed after the time limit for making an appeal to the Land and Environment Court expires or after an appeal to the is disposed of by the court.

Ellie Varga
Acting Team Leader Town Planners

DATE
Date of Determination

Civic Centre, Elizabeth St, Moss Vale, NSW 2577. PO Box 141, Moss Vale. t. (02) 4868 0888 f. (02) 4869 1203
e. mail@wsc.nsw.gov.au ABN 49 546 344 354

PART 1: MASTER PLAN CONDITIONS OF DEVELOPMENT CONSENT

ADMINISTRATION CONDITIONS

1. Development Description

Development consent has been granted in accordance with this Notice of Determination for a Master Plan for Seniors Housing pursuant to section 83B of the *Environmental Planning and Assessment Act 1979*. The stages of the Master Plan shall be as follows:

- Stage 1: 28 Bed Dementia Unit,
- Stage 2: 72 Bed Residential Aged Care Facility.
- Stage 3: Living Centre consisting of a Living Village, Administration and a 72 bed Assisted Living Facility.
- Stage 4: Childcare Centre, 14 Independent Living Units in seven dual occupancy style buildings, a Village Green and associated Pavilion.

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 Docs	Ref/Version	Prepared By	Dated
Existing Site Plan	A001 / A	Calder Flower Architects	04/10/2016
Site Analysis	A002 / A	Calder Flower Architects	04/10/2016
Proposed Site Plan	A003 / C	Calder Flower Architects	23/11/2016
Proposed Site Plan with Aerial	A005 / A	Calder Flower Architects	12/09/2016
Site Master Plan Stage 1	A100 / A	Calder Flower Architects	04/10/2016
Site Master Plan Stage 2	A101 / A	Calder Flower Architects	04/10/2016
Site Master Plan Stage 3	A102 / A	Calder Flower Architects	04/10/2016
Site Master Plan Stage 4	A103 / B	Calder Flower Architects	11/11/2016
Statement of Environmental Effects	-	Lee Environmental Planning	Undated
Bushfire Hazard Assessment Report	161280	Building Code & Bushfire Hazard Solutions Pty Ltd	31/08/2016
Traffic Report	10216	Colston Budd Rogers & Kafes Pty Ltd	October 2016

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

3. Separate Development Approvals

The developer shall seek separate development consent for the purposes of each subsequent stage of the Master Plan as per Condition 1 of this Notice of Determination.

Reason: To control the future development of the site.

4. Inconsistency between Documents

In the event of any inconsistency between the conditions of this consent and the drawings/documents referred to above, the conditions of this consent shall prevail to the extent of the inconsistency.

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

5. Compliance with Disability Discrimination Act 1992

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

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

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

6. NSW Roads and Maritime Services - Requirements for subsequent Development Applications

The conditions provided by NSW Roads and Maritime Services are provided at Attachment 1 and form part of this Notice of Determination. They shall be complied with for the preparation of each subsequent Development Application.

Reason: *To ensure the development does not result in an adverse traffic outcome.*

7. Car Parking

Further to the requirements stipulated in Condition 6 regarding the provision of car parking plans for each subsequent Development Application, the car parking plans shall ensure:

- Compliance with Australian Standard AS2890 *Parking Facilities*; and
- 5% of parking spaces to be designed to enable the width of the spaces to be increased to 3.8m.

Reason: *To comply with engineering standards and the Bowral Development Control Plan.*

8. Upgrades to Park Road

As part of the Stage 2 Development Application, designs for the upgrade and construction of Park Road shall be provided as follows:

- (a) Park Road shall be upgraded from Moss Vale Road to the new driveway access to provide access to the proposed development.
- (b) Layout and general construction shall comply with Standard Drawing SD101 and SD106.
- (c) Council's minimum standard is a 6.9m wide gravel surfaced road. The road shall be located so as to retain the existing trees in the road reserve. All sections greater than 5% in longitudinal gradient is to be sealed.

- (d) Road design shall ensure preservation of existing roadside vegetation. All trees proposed to be removed within the road reserve shall be clearly identified by survey on the site plan.

Note: *Future Stage 2 Development Application shall be conditioned to ensure the construction of Park Road is completed prior to the issue of a Construction Certificate for Stage 2 works.*

Reason: *To ensure that there is legal and physical access to the property.*

9. Design for Access and Mobility

As part of each subsequent Development Application, it shall be demonstrated that the development can comply with *Australian Standard AS1428.1 Design for Access and Mobility* and *Australian Standard AS 4299 Adaptable housing*, particularly with regard to the following matters nominated in the Bowral Development Control Plan:

- Part C Section 10.10 pertaining to access for wheelchairs, pathway lighting and letterboxes;
- Part C Section 10.12 pertaining to widths of entry doors and internal corridors and circulation areas;
- Part C Section 10.14 pertaining to bathroom design;
- Part C Section 10.15 pertaining to other requirements.

Provision of this detail shall be submitted in the form of an Access Report prepared by a suitably qualified person.

Reason: *To comply with Australian Standards and the Bowral Development Control Plan.*

10. Landscape and Open Space Plan

As part of the Stage 2 Development Application, a Landscape Master Plan shall be prepared and submitted to Council.

As part of each subsequent Development Application, a Landscape and Open Space Plan shall be provided which is consistent with the Landscape Master Plan includes:

- Landscaping for all subsequent stages taking into consideration the amended site setback to Charlotte Street for Stage 4;
- Landscaping, design and screening of infrastructure such as electricity substations, taking into consideration easements and underground assets;
- Means of barrier protection between public places, vehicle access ways, parking areas and the surrounding landscaped areas, to prevent vehicular movement on any landscaped area;
- Playground facilities to be provided by the Applicant, at the Applicant's expense, for the enjoyment of children and visitors;
- Compliance with Planning for Bushfire Protection 2006 and any 88B restrictions for bushfire on the land;
- Open space areas including the Village Green and Pavilion building;
- The proposed species to be used, height and spread at maturity, and a specification for soil preparation, drainage, weed control, watering, fertilising and general maintenance during establishment.

11. Outdoor Lighting Plan

As part of each subsequent Development Application, an Outdoor Lighting Plan shall be submitted to, and approved by Council. The Outdoor Lighting Plan shall demonstrate sound compliance with Part A Section 10 of the Bowral Development Control Plan.

Reason: *To ensure compliance with the Bowral Development Control Plan.*

12. Energy Service Provider Requirements

As part of each subsequent Development Application, documentary evidence shall be provided from the Energy Service Provider qualifying that the requirements of that provider have been obtained.

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

13. Waste Management Plan

As part of each subsequent Development Application, a Waste Management Plan shall be prepared and submitted to Council.

Reason: *To minimise the amount of waste going to landfill.*

14. Demolition Plan

As part of each subsequent Development Application, a Demolition Plan shall be prepared and submitted to Council. The Demolition Plan shall have regard for Australian Standard AS2601 *Demolition of structures*.

Reason: *To ensure compliance with the consent.*

PART 2: STAGE 1 CONDITIONS OF DEVELOPMENT CONSENT

ADMINISTRATION CONDITIONS

15. 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 Docs	Ref/Version	Prepared By	Dated
Existing Site Plan	A001 / A	Calder Flower Architects	04/10/2016
Site Analysis	A002 / A	Calder Flower Architects	04/10/2016
Proposed Site Plan	A003 / C	Calder Flower Architects	23/11/2016
Proposed Site Plan with Aerial	A005 / A	Calder Flower Architects	12/09/2016
Site Plan Stage 1 Dementia Unit	A104 / A	Calder Flower Architects	04/10/2016
Site Plan Stage 1 Dementia Unit Floor Plan	A105 / A	Calder Flower Architects	04/10/2016
Stage 1 Dementia Unit Roof Plan Proposed Finishes	A106 / A	Calder Flower Architects	04/10/2016
Stage 4 Elevation & Section	A200 / A	Calder Flower Architects	04/10/2016
Stage 1 Dementia Unit Elevations	A201 / A	Calder Flower Architects	04/10/2016
Stage 1 Dementia Unit Sections	A202 / A	Calder Flower Architects	04/10/2016
Statement of Environmental Effects	-	Lee Environmental Planning	Undated.
Bushfire Hazard Assessment Report	161280	Building Code & Bushfire Hazard Solutions Pty Ltd	31/08/2016

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

16. 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)

17. Parameters of Consent

The overall height from natural ground level to the highest roof point on the buildings associated with Stage 1 shall be no greater than 8 metres.

Reason: To comply with the height controls in the Bowral Development Control Plan.

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

18. Application for a Construction Certificate (Building Works)

The applicant shall apply to Council or an Accredited Certifier for a Construction Certificate to carry out the relevant building works for Stage 1 in accordance with this consent. The details to be included in a Construction Certificate are:

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

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

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

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

19. Amendments to Approved Plans

The applicant shall make the following amendments to the approved Master Plan prior to the issue of a Construction Certificate for Stage 1:

- a) The Master Plan shall be amended to show seven detached dual occupancies set back no less than 15m from Charlotte Street.
- b) The Master Plan shall be amended to label the seven detached dual occupancies fronting Charlotte Street as Independent Living Units, as stipulated in the Statement of Environmental Effects.

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 Stage 1.

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

20. Section 68 Local Government Act 1993 Approvals

Prior to the issue of a Construction Certificate for Stage 1, 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:

- Water supply
- Storm water drainage works
- Sewer works

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

21. 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:

- Roads & Traffic Management Facilities
- Resource Recovery Centre 2009
- Central Library Facility
- Section 94 Administration 2011 to 2031
- Open Space & Recreation Facilities

A "Developer Charges - Notice of Payment" is attached to the back of this consent, and outlines monetary contributions and unit rates applicable at the time of issue of this consent. The contributions listed in the Notice of Payment must be paid prior to the issue of the Construction Certificate for Stage 1.

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.*

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

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

22. Water Management Act - Certificate of Compliance

A Certificate of Compliance under Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000* shall be obtained prior to the issue of Construction Certificate for Stage 1.

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

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

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

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

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

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:

CPI Period	Water DSP	Sewer DSP	Stormwater DSP
1 February 2017 to 30 April 2017	\$6,594 per ET	\$8,392 per ET	\$3,470 per ET
<p>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>.</p>			

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

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

Compliance Certificate

Compliance Certificate fees, in accordance with Council's Revenue Policy are as follows and shall be paid prior to the issue of Construction Certificate for Stage 1:-

Water \$90 + Sewer \$90 + Stormwater \$90 = \$270

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.*

23. Construction Management Plan

A Construction Management Plan (CMP) is required to be submitted and approved by Council prior to issue of the Construction Certificate for Stage 1. 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) Off-street parking for employees, contractors and sub-contractors.
- (b) Site access for construction vehicles and equipment purposes, involving details of site access from Park Road for ongoing use of the temporary car park for staff and visitors of Harbison during development construction works after the completion of

Stage 1. Construction traffic shall utilise Charlotte Street until intersection upgrade works at the junction of Moss Vale Road and park Road are approved and constructed. This shall be clearly identified in the Construction Management Plan.

- (c) Public safety in the use of roads and footpaths where development activities adjoin such facilities.
- (d) The storage and removal, on a regular frequency, of builder's rubble and waste by trade waste contractors.
- (e) Storage of all building materials and equipment wholly within the construction site.
- (f) Public risk policies and management for all contractors' employees using or gaining access over public footpaths and roads.
- (g) External lighting and security alarms proposed for the construction site.
- (h) Fire fighting measures to be available on site during development and construction.
- (i) Sanitary amenities proposed on site during development and construction.
- (j) Ensuring the safety of members of the public and Council staff who may have occasion to enter and be in attendance on the site.

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

24. Provision of Works and Services

Prior to the issue of the Construction Certificate for Stage 1 the Developer shall obtain approval for the works to be undertaken by submitting adequate documentation including plans, standard notes and completed design checklists, calculations and specifications, to Council which justify that the proposed works are in accordance with all Council's standards and all other relevant Codes and guidelines.

Reason: *Statutory requirement.*

25. Stormwater - Control of Peak Discharge

Adequate and suitable infrastructure shall be provided to ensure the peak discharge from the site is no greater than the pre-developed peak discharge. This infrastructure shall be designed in accordance with Council's Engineering Policies. Calculations to demonstrate that the post-development peak discharge will not exceed the pre-development peak discharge shall be provided with the application for a Construction Certificate for Stage 1.

Reason: *To ensure the peak discharge from the site is no greater than the pre-developed peak discharge.*

26. Detailed Stormwater Drainage System Design

Prior to the issue of the Construction Certificate for Stage 1 works, a detailed storm water hydraulic drainage plan for the disposal of storm water from the whole development site, prepared in accordance with Council's Design Standards shall be submitted and approved by Council's Development Engineer.

In this regard, the detailed plan shall show the location and size of the existing Council trunk drainage storm water pipeline presently traversing the site and proposed works and final layout of buildings associated with the future functioning of this trunk storm water drainage

system.

Should any changes be required to the approved storm water drainage plan in subsequent staged works, 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.*

27. Tree Retention - Road Design and Construction

The proposed road design and construction shall preserve and retain existing vegetation within the road reserve. Any trees proposed to be removed within the road reserve must be approved by Council and are to be clearly identified by survey and shown on submitted Construction Certificate plans.

All trees shown on approved engineering plans as being retained are to be appropriately marked and protected during construction works.

Reason: *To ensure preservation of as many existing trees as possible.*

28. Vehicular Crossings

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

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

29. Works on Crown Roads

Written approval for works to be carried out on Park Road (being a Crown road) shall be obtained from Land and Property Information (LPI) and shall be submitted to Council prior to the issue of the Construction Certificate for Stage 1.

Reason: *Statutory requirement.*

30. Off Street Parking Provision

In addition to the car parking required for all four stages of the development, a temporary on site car parking area providing a minimum 28 spaces shall be provided in the northern eastern corner of the site prior to commencement of Stage 1 works. The car park shall be constructed in accordance with Australian Standard *AS2890.1 Off-street car parking* and shall remain serviceable until such time as all approved car parking for all four stages of the development are provided for. Car parking plans shall also demonstrate compliance with *AS2890.6 Off-street car parking for people with disabilities*. The car park does not have to be

removed at the completion of all stages of the development.

Details shall be submitted to the Accredited Certifier prior to the issue of a Construction Certificate for Stage 1 showing compliance with this condition.

Reason: *To ensure adequate parking and access.*

31. Car Park Design

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

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

32. Pedestrian Safety

The Contractor shall endeavour to minimise disturbance to pedestrian/vehicle traffic in the vicinity of the site. If required by Council a hoarding shall be erected and consent required in accordance with section 138 of *Roads Act 1993*.

Details shall be submitted to the Accredited Certifier prior to the issue of a Construction Certificate for Stage 1 showing compliance with this condition.

Reason: *To ensure pedestrian and vehicular safety.*

33. Water and Sewer Engineering Design

Prior to the issue of a Construction Certificate for Stage 1, a master plan indicating how the provision of water supply and sewer collection is to be carried out including all mains, services, pumping stations as required for each stage of the development shall be submitted to and approved by Councils Development Engineer. This shall include all existing infrastructure, to which it is proposed to be connected. The master plan shall include details of calculations of the loads adopted for the system and peak flows throughout the system.

The developer shall undertake water and sewer modelling to determine the impact of the development on the existing water and sewer infrastructure. The developer shall request Councils Modelling Engineer to complete the modelling and development assessment. Council will quote the modelling works at cost, on a case by case basis. The developer is required to complete the Water/Sewer Development Assessment Application form which is available from Councils website. All relevant information for the development must be included on the application form including the proposed water and sewer connection points, pump station details including capacity, pump size, rising main diameter (as required) and

anything else relevant to water and sewer. Any upstream development potential must be included to ensure a comprehensive assessment can be completed. A copy of master plans and/or design plans will assist with the assessment. Upon receipt of the application form, Councils Engineer will send a quotation to the applicant to undertake the modelling works. Typically, the modelling will be completed within 6-8 weeks of approval of the quotation. The modelling report will be issued via email and an invoice will follow. The outputs of the modelling will determine if and where upgrades of the water and/or sewer network are required. The modelling will not include analysis or investigation/design of the internal pipe network to service the development. The developer shall (as part of the design) ensure pipework installed internally to the development is sufficient in capacity to provide the required pressure and flow as per council's standards.

Reason: *Ensure appropriate servicing of water and sewer reticulation.*

34. Energy Service Provider Requirements

The Developer prior to release of a Construction Certificate for Stage 1 shall submit to Council documentary evidence from the Energy Service Provider qualifying that the requirements of that provider have been obtained. The requirements of the supply authority will need to be met prior to the issue of the Occupation Certificate for Stage 1.

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

35. 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 Stage 1.

Reason: *To minimise the amount of waste going to landfill.*

36. 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 by a suitably qualified person, and approved by Council prior to issue of the Construction Certificate.

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

- (a) Locality of the site, a north point and scale.
- (b) Existing contours of the site including catchment area boundaries and indications of direction of fall.
- (c) Location of and basic description of existing vegetation.
- (d) Diversion of uncontaminated up-slope run-off around the disturbed sites.
- (e) Location of significant natural areas requiring special planning or management including waters, floodplains, seasonally wet areas, areas prone to ponding/water logging, unstable slopes etc.
- (f) Nature and extent of earthworks, including cut and fill roadworks.
- (g) Location of all soil and material stockpiles.
- (h) Location of site access, proposed roads and other impervious areas.

- (i) Existing and proposed drainage patterns.
- (j) Location and type of proposed erosion and sediment control measures.
- (k) Site rehabilitation proposals, including final contours.
- (l) Time of placement of sediment controls.
- (m) Staging of works and how the plan is to be implemented for each stage or activity on site.
- (n) Maintenance schedule.

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

37. Tree Retention

All trees shown on the development consent as being retained shall be appropriately marked and protected during construction works with fencing that shall be maintained throughout construction activities.

Reason: *To ensure retention and preservation of local vegetation.*

38. Outdoor Lighting Plan

Prior to the issue of a Construction Certificate for Stage 1, an Outdoor Lighting Plan shall be submitted to, and approved by Council. The Outdoor Lighting Plan shall demonstrate sound compliance with Part A Section 10 of the Bowral Development Control Plan.

Reason: *To ensure compliance with the Bowral Development Control Plan.*

39. Disabled Persons Access and Facilities

- (a) Detailed drawings shall be provided to Council for the fit out to the disabled person's facilities with the construction certificate application for Stage 1. Details shall be in accordance with AS 1428.1 Design for Access and Mobility and the Premises Code.
- (b) No work is to commence on disabled persons access routes until details of the routes are submitted to and approved by the Principal Certifying Authority. The details shall include a site plan clearly identifying the proposed route for access by disabled persons. It is noted that access from the allotment boundary, carpark and any other building on the allotment which access for people with disabilities is required, to the entrance of the subject building. Access shall be in accordance with AS 1428.1 Design for Access and Mobility.
- (c) Access for people with disabilities shall be provided to and within buildings as set out in Table D3.2 of the National Construction Code (NCC) by means of a continuous path of travel in accordance with AS1428.1:
 - (i) from the allotment boundary at the main points of entry; and
 - (ii) from any carparking space on the allotment (whether within or outside the building) provided in accordance with D3.5; and
 - (iii) from any adjacent and associated accessible building on the allotment; and
 - (iv) through the principal public entrance.
- (d) Sanitary facilities must be provided in accordance with Table F2.4 of the National Construction Code (NCC) for:

- (i) every Class 3, 5, 6, 7, 8 and 9 building that is required by the deemed to satisfy provisions of Part D3 to be accessible to people with disabilities and may be calculated as part of the number of facilities required by Table F2.3; and
- (ii) a Class 10a building to which the public will have access and which contains sanitary facilities, showers or hand basins etc.
- (iii) The construction and layout of all facilities provided in accordance with Table F2.4 must comply with AS1428.1.
- (iv) A unisex facility must be located so that it can be entered without crossing an area reserved for one sex only.

(e) Identification of Accessible Facilities, Services and Features

In every building required to be accessible, clear and legible Braille and tactile signage complying with Specification D3.6 and incorporating the international symbol of access or deafness or other symbol as appropriate in accordance with AS1428.1 must identify all items as specified in Clause D3.6 of the National Construction Code (NCC).

(f) Hearing Augmentation

- (a) Where an inbuilt amplification system, other than one used for emergency warning purposes only, is installed, a hearing augmentation system complying with AS1428.1 must be provided in the locations specified in Clause D3.7 of the National Construction Code (NCC).
- (b) In a Class 9b building, any screen or scoreboard capable of displaying public announcements must be capable of supplementing any public address system, other than a public address system used for emergency warning purposes only.

(g) Tactile Indicators

- (a) For a building required to be accessible, tactile ground surface indicators must be provided to warn people with vision impairment that they are approaching any area as specified in Clause D3.8 of the National Construction Code (NCC).
- (b) Tactile ground surface indicators required by (a) must be Type B indicators in accordance with AS1428.4.
- (c) A hostel for the aged, nursing home for the aged or a residential aged care building, need not comply with (a) (i) of D3.8 of the National Construction Code (NCC) if handrails incorporating a raised dome button in accordance with AS1428.1 are provided to warn people with impaired vision that they are approaching a stairway or ramp.

(h) Braille Signage

In every building required to be accessible, clear and legible Braille and tactile signage complying with Specification D3.6 of the National Construction Code (NCC) and incorporating the international symbol of access or deafness or other symbol as appropriate, in accordance with AS 1428.1 must identify:

- (a) each
 - (i) sanitary facility; and
 - (ii) accessible space with a hearing augmentation system; and
- (b) where an entrance or lift is not accessible, identify each accessible -
 - (i) entrance; and
 - (ii) lift or bank of lifts; andthe path of travel from the principal public entrance to these features and facilities where their location is not apparent to the building occupant (see National Construction code (NCC) D3.6 Braille and Tactile Signs).

(i) Disabled Sanitary Facility

The sanitary facility shall be constructed in accordance with the requirements of AS1428.1 Design for Access and Mobility General Requirements for Access.

Note: *The Applicants/property owner should note that the Commonwealth Disability Discrimination Act 1992 provides opportunity for public complaint potentially leading to legal action if access to premises by people with disabilities or their carers is precluded. This may require action to provide or improve access in addition to the minimum requirements of the National Construction Code (NCC), particularly if such work would not cause "unjustifiable hardship" for the proprietors or owners.*

The Human Rights and Equal Opportunity Commission can provide further information on this issue).

Reason: Statutory requirement.

40. Pedestrian Management Plan

Prior to the issue of a Construction Certificate, a Pedestrian Management Plan for the site shall be submitted to Council for approval which includes the following:

- (a) Provision of footpath to the full Charlotte Street frontage, taking into consideration the removal of the easternmost vehicular access as part of Stage 4.

Note: *Footpaths shall be required to be provided to the full length of Charlotte Street prior to the issue of the first Occupation Certificate (Interim or Final) for Stage 4.*

- (b) Pedestrian access within the site for each stage, taking into consideration:

- (i) pedestrian access to and from the temporary car park,
(ii) at the Park Road vehicular entrance.

Reason: For pedestrian management and safety.

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

41. Appointment of Principal Certifying Authority

No work shall commence in connection with this Development Consent for Stage 1 until:

- (a) A Construction certificate for the building work has been issued by:
- (i) the consent authority; or
- (ii) an accredited certifier; and
- (b) the person having the benefit of the development consent has:
- (i) appointed a principal certifying authority for the building work, and
- (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- (b1) the principal certifying authority has, no later than 2 days before the building

work commences:

- (i) notified the Council of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (b2) the person having the benefit of the development consent, if not carrying out the work as an owner builder, has:
- (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - (ii) notified the principal certifying authority of such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (c) the person having the person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

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

42. Principal Certifying Authority Sign

Prior to commencement of any work, signage must be erected in a prominent position on the work site identifying:

- The Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- The Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person.
- The sign must state that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.

This clause does not apply to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Advice: *Where Council is the PCA, signage is available from Council.*

Reason: *Statutory requirement.*

43. Developers Representative during Construction of Works

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

Details to be submitted include:-

- 1 Name of Representative:
- 2 Company:
- 3 Position:
- 4 Contact phone:
- 5 Contact fax:
- 6 After Hours Contact:
- 7 Signature of Representative:
- 8 Signature & Acceptance of representative by the Developer:
- 9 Council requires that the nominated "Construction Supervisor" either hold qualifications acceptable for Corporate Membership of the Institute of Engineers, Australia, or be Approved by the Director and/or has proven experience and suitable relevant qualifications for the control, supervision and management of civil engineering works as required for carrying land development.

Prior to commencing any works on site the representative shall:

- 10 Inform Council in writing of their intention 7 days before entering the site.
- 11 Submit to Council a proposed Schedule of Works.

The Developer may be required to arrange for Council to peruse all other contract documentation prior to the contractor arriving on site to commence work (Schedule of Works, Specifications Bill of Quantity, traffic control plan and Soil and water management plan).

Failure to comply with the requirements as set out above will result in an immediate stop work order.

Reason: *Statutory requirement.*

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

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

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

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

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

Reason: *Statutory requirement.*

45. 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.

Reason: *Statutory requirement.*

46. Fencing of the Construction Site

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

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

47. Developer to advise of damage to Council property

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

The construction supervisor is responsible to ensure that all contractors, sub-contractors, and delivery trucks use a designated access point to prevent damage to Council's property. Repairs to damaged grass verges, concrete footpath, kerb and gutter are to be carried out by the contractor/builder to Council's specification and supervision prior to occupation of the Stage 1.

Reason: *Public safety.*

48. 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 for Stage 1.

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

49. Temporary Car Park

A temporary on site car parking area providing a minimum 28 spaces as per Condition 30

shall be completed in the northern eastern corner of the site prior to commencement of Stage 1 construction works.

The car park shall be constructed in accordance with Australian Standard AS2890.1 Off-street car parking and shall remain serviceable until such time as all approved car parking for all four stages of the development are provided for.

Reason: *To ensure adequate parking and access.*

CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

50. Approved Plans to be Available On Site

Stamped 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.*

51. Imported 'Waste-derived' Fill Material

The only waste derived fill material that may be received at the development site is:

- Virgin excavated natural material 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 cl.51A of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material

Note: *Any waste-derived fill material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority.*

The application of waste-derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997*. However, a licence is not required if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a resource recovery exemption under cl.51A of the *Protection of the Environment Operations (Waste) Regulation 2005*.

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.*

52. Structure not to be built over easements/infrastructure

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

Reason: *To protect infrastructure.*

53. 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/drainier that the following works are ready for inspection:

- (a) stormwater drains. (Note Council only inspects stormwater drains for residential outbuildings, detached single dwellings and additions thereto. Internal stormwater drainage for medium density residential, commercial and industrial developments will need to be inspected and certified by the developer's Hydraulic Consultant. Any drainage works on Council property must be inspected by Council).
- (b) stormwater absorption trenches;
- (c) internal drainage under water test;
- (d) external drainage under water test;
- (e) water plumbing;
- (f) septic tank or aerated wastewater treatment system;
- (g) pump well and associated pump lines;
- (h) absorption trenches;
- (i) Piers associated with external drainage designed to distribute weight of structure away from sewer main prior to pouring of concrete.
- (j) Sewer / water main extensions (Technical Services).
- (k) final inspection of water plumbing, sanitary drainage and stormwater drainage.
- (l) Works in relation to road reserves, footpath, kerb and gutter, road shoulder and drainage within public lands or road reserves;

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.*

54. Storm water - 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.*

55. Storm water - Discharge

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

Reason: *To ensure that storm water is appropriately disposed of.*

56. Disruption of Traffic

During any construction works on the public road that is associated with this approval, the Applicant shall provide appropriate signage and traffic control facilities as per the requirements of AS 1742.3-2009 Manual of uniform traffic control devices - Traffic control for works on roads and the RMS "Traffic Control at Works Sites" manual.

Reason: *Safety and information.*

57. 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.*

58. Prevention of Nuisance

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

Reason: *Health and amenity.*

59. Dust Control

The following measures must be taken to control the emission of dust on site:

- (a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- (b) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the stormwater system.
- (c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.

Reason: *Environmental amenity*

60. Vegetation Management

A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation without the prior consent of Council (unless considered exempt development).

Any vegetation removed with Council consent and any other vegetation cleared in association of the approved development shall be disposed of in accordance with the approved Waste Management Plan.

For minor development, vegetation shall be either mulched for reuse on site or transported to an approved waste/recycling facility.

Reason: *To ensure compliance with Clause 5.9 of the Wingecarribee Local*

Environmental Plan 2010 by preserving the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

Note: *Failure to comply with this condition may result in prosecution by Council.*

Note: *No vegetation shall be burnt except with an approval issued by Council pursuant to the Protection of the Environment Operations (Clean Air) Regulation 2010. Failure to comply may result in a penalty of up to \$500 for an individual or up to \$1,000 for a corporation.*

Advice: *Tree removal should be carried out by a competent person to avoid any risk to life or damage to property. This person should have adequate public liability insurance cover.*

61. Council Reserve / Street Tree Retention

All trees in Council's road reserve are to be preserved except where removal is separately approved by Council via a tree preservation order permit or development application, to ensure the continued amenity of the streetscape and to retain the ecological integrity of the roadside area.

Advice: *Reference should be made to Council's Urban Street Tree Master Plan.*

Reason: *To ensure the continued amenity of the streetscape and to retain the ecological integrity of the roadside area.*

62. Disposal of Vegetation

Any trees removed with Council consent and any other vegetation cleared in association with this development shall be disposed of in accordance with the Waste Management Plan approved with this development application. For minor additions and outbuildings removed vegetation shall be either mulched for reuse on site or transported to an appropriately licensed waste/recycling facility.

Reason: *Environmental amenity.*

63. Approved Hours of Construction/Demolition

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

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

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

Note: *Any variation to these hours shall require Council consent via the lodgement of an application under section 96 of the Environmental Planning and Assessment Act 1979.*

64. 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.*

65. 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.*

66. 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, without prior Council approval.

Advice: *Specific approval may be obtained via a section 138 Roads Act 1993 application.*

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

67. Protection of Public Places

The adjoining or adjacent public area shall not be obstructed by any materials, vehicles, refuse skips and the like, under any circumstances unless approved in writing by Council.

If the work involved in the demolition or construction of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the closure of a public place, a barrier, fence or hoarding shall be erected prior to the commencement of any work subject to approval of a Traffic Management Plan.

An application to occupy public space shall be submitted to Council for approval prior to commencement of works.

Where a hoarding is required, an application for hoarding shall also be submitted to and approved by Council prior to commencement of any work. Hoardings shall be erected to

comply with the requirements of WorkCover, the Principal Certifying Authority and with relevant Australian Standards.

Reason: *Public safety.*

68. Temporary Onsite Toilet

Toilet facilities shall be available or provided at the work site before works begin 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.*

69. Waste Management

Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout construction. Waste management and its storage must not pose a threat to public health or the environment.

The provision of a metal waste skip with self-closing lid or secure covering on-site for the duration of the construction to ensure that all wastes are contained on the site. The receptacle shall be emptied periodically to reduce the potential for rubbish to leave the site.

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

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

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

70. Occupation Certificate

In accordance with section 109J of the *Environmental Planning and Assessment Act 1979*, an application for an Occupation Certificate shall be made on completion of the works for Stage 1 and the relevant application fee paid. All works specified in the development consent and approved Construction Certificate plans shall be completed and all development consent conditions complied with prior to the issue of the Occupation Certificate.

The Principal Certifying Authority is required to be satisfied, amongst other things, that:

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

Reason: *To comply with the provisions of the Environmental Planning and Assessment 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 109H (4) of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.*

71. Easements

The creation or obtaining by the applicant of the following easements, at the applicant's expense and prior to issue of the first Occupation Certificate (Interim or Final) for Stage 1:

- (a) Easement over stormwater drainage pipeline in favour of Council. Easement width to be determined during detailed design.

Reason: *To ensure that access to public infrastructure is protected.*

72. Public Infrastructure

The applicant shall rectify any damage to public infrastructure (including roads, gutters, footpaths, street trees, etc.) prior to issue of the first Occupation Certificate (Interim or Final) certificate for Stage 1 at no cost to Council.

Reason: *To ensure that public infrastructure is protected from damage as a result of the development.*

73. Energy Service Provider Requirements

The requirements of the energy supply authority shall be met prior to the issue of the Occupation Certificate for Stage 1.

Any required electricity substation shall be located within the boundaries of the site and covered by an appropriate section 88B instrument or easement under *the Conveyancing Act 1919*. This restriction shall be registered to the title of the property prior to the issue of the first Occupation Certificate (Interim or Final).

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

74. Civil Engineering Works and Services

All approved civil engineering works and services as per the approved engineering plans are to be constructed prior to issue of the first Occupation Certificate (Interim or Final).

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

75. Certification of Engineering Works

Prior to issue of the first Occupation Certificate (Interim or Final) for Stage 1, the following documents shall be submitted to the Principal Certifying Authority. These documents are:

- a) A Certificate from a suitably Qualified Engineer, with Corporate Membership standing in the Institution of Engineers, Australia, and registered on the National Professional Engineers Register (NPER) under the appropriate professional category, and
- b) A "Work - As - Executed" (WAE) plans of the engineering and/or drainage works.
The abovementioned Certificate shall certify that:

- (i) the stormwater drainage system, and/or
- (ii) the car parking arrangement and area, and/or
- (iii) any related footpath crossing works, and/or
- (iv) the proposed basement pump and well system, and/or
- (v) the proposed driveway and layback, and/or
- (vi) other civil works have been constructed in accordance with the approved plans and details, satisfies the design intent and complies with appropriate SAA Codes relevant Standards and Councils Policies and Specifications.

Where Council is not the Principal Certifying Authority, two (2) copies of the above documents are to be provided to Council on disk in DXF format prior to the issue of any Occupation Certificate. These documents are to be retained on Council's Construction Certificate file.

Reason: *Asset management.*

76. Maintenance and Bond for Public Assets - Civil Works

The Developer shall at their own expense maintain all civil works constructed by them and which will fall into Councils care with respect to the development for a period of 12 months after the date of the signing of the Subdivision Certificate or approval for occupation of the development. Prior to issue of the first Occupation Certificate (Interim or Final) for Stage 1 the Developer shall lodge a cash bond with regard to maintenance of the public assets constructed in an amount equal to 5% of the total engineering works with a minimum bond value of \$1,000. The bond shall be assessed by Council for release after the 12 month period on request by the Developer.

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

77. Asset Management

Prior to issue of the first Occupation Certificate (Interim or Final) for Stage 1, the developer shall provide a detailed summary of the Assets that will be handed over to Council at the end of the maintenance period. The details shall be provided in a tabular form so as to allow Council to update its Assets register.

The assets to be identified include;

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

Reason: *To ensure appropriate details are held for asset management.*

78. Storm water Facilities Alterations

A "Restriction as to User" shall be included on and title of the proposed development to prevent any change in shape or alteration in structure of the proposed storm water facilities after the final approval of the structure has been given by Council. Details shall be provided for the approval of Council prior to issue of the first Occupation Certificate (Interim or Final) For Stage 1.

Reason: *To provide appropriate storm water management.*

79. Storm water Facilities Maintenance

A "Positive Covenant" shall be included on the title of the proposed development showing the

location of storm water facilities and requiring that the proposed storm water facilities be maintained in a safe and functional manner. In addition, the section 88B Instrument shall make provision for Council to conduct maintenance on the subject storm water facilities at the owner's expense if the storm water facilities are not maintained to the agreed standard. Details shall be provided for the approval of Council prior to issue of the first Occupation Certificate (Interim or Final) for Stage 1.

Reason: *To provide appropriate storm water management.*

80. Landscape Plan

Prior to the issue of the first Occupation Certificate (Interim or Final) for Stage 1, the approved Landscaping Plan shall be completed to the satisfaction of the Group Manager, Planning Development and Regulatory Services.

Reason: *To ensure the development is landscaped prior to its occupation.*

81. Bushfire Hazard

Pursuant to Condition 1 in Attachment 3, at the issue of the first Occupation Certificate (Interim or Final) of Stage 1, and in perpetuity, the entire property shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'. This requirement shall be included as a "Restriction as to User" on the title of the property prior to issue of the first Occupation Certificate (Interim or Final) for Stage 1.

Reason: *Bushfire Safety*

DURING OPERATION

82. Temporary Car Park

Access to the Temporary Car Park shall remain via Charlotte Street until such time as the first Occupation Certificate (Interim or Final) is issued for Stage 2.

The car park does not have to be removed at the completion of all stages of the development. However if the car park is removed at the appropriate stage, the land shall be reinstated to its original state. Waste shall be removed to a facility licensed to receive it.

Reason: *To ensure adequate parking and access.*

83. Annual Fire Safety Statement

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

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

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

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

safety schedule) to be permanently displayed in the building.

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

CONCURRENCE CONDITIONS

84. Concurrence – Water NSW

Concurrence has been granted by Water NSW for Stage 1 of the development pursuant to *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*. The conditions provided by Water NSW are provided at Attachment 2 and form part of this Notice of Determination.

INTEGRATED DEVELOPMENT CONDITIONS

85. General Terms of Approval – NSW Rural Fire Service

General Terms of Approval have been granted by NSW Rural Fire Service for Stage 1 of the development pursuant to section 100B of the *Rural Fires Act 1997*. The conditions provided by NSW Rural Fire Service are provided at Attachment 3 and form part of this Notice of Determination.

END OF CONDITIONS

**ATTACHMENT 1: NSW ROADS AND MARITIME SERVICE
GENERAL TERMS OF APPROVAL**

- Traffic Study

A Traffic Impact Study (TIS) that has been prepared by a suitably qualified consultant must be submitted with each subsequent stage/DA (i.e. Stage 2, 3 and 4). The TIS must be prepared in accordance with the RTA Guide for Traffic Generating Developments (refer to Table 2.1 that outlines the key issues that should be considered in preparing a TIS).

- Modelling – Intersections

Intersection modelling using SIDRA needs to be undertaken for the junction of Moss Vale Road with Charlotte Street and Moss Vale Road with Park Road and must be submitted with each subsequent stage/DA (i.e. Stage 2, 3 and 4). This is required to demonstrate that an acceptable level of service is maintained at the above intersections. Intersection modelling using SIDRA for the above junctions needs to consider the following:

- Full development of the site;
- AM and PM peaks volumes and holiday peak volumes;
- Existing traffic volumes with and without development and 10 year projected volumes with and without the development;
- The base SIDRA models must be calibrated with on-site observations in the AM and PM peak (including existing turning volumes). This can be done by measuring existing queue lengths and delays;
- Current and representative traffic counts need to be used;
- Additional works required within the adjoining classified road network to ameliorate any impacts on traffic, efficiency and road safety. This including an assessment against the warrants as detailed in Section 4.8 (Warrants for BA, AU and CH Turn Treatments) of Austroads Guide to Road Design; and
- Electronic copies of all SIDRA files need to be provided to RMS for review.

- Sight Distances

As part of the Stage 2 DA the applicant must demonstrate that the access proposed at the junction of Park Road and Moss Vale Road would have Safe Intersection Sight Distance in accordance with Austroads Guide to Road Design – Part 4a: Unsignalised and Signalised Intersection Table 3.2, in both directions (e.g. 151m in both directions for a design speed of 70km/h).

- Designs

As part of the Stage 2 DA (and any other stage at which upgrades to intersection with the state classified road are required), designs for all works proposed at the junction of Moss Vale Road with Charlotte Street and Moss Vale Road with Park Road must be provided to the RMS for review and comment. The designs provided must take the SP2 Infrastructure zoning (marked classified road) into consideration and ensure works are consistent with the long term road alignment. The designs must also demonstrate compliance with Austroads Guide to Road Design and RMS supplements, be to scale, detail property boundaries (existing and proposed after road widening), line marking, lane widths, drainage, etc.

- Turn Paths (swept paths)

As part of each subsequent stage/DA (i.e. Stage 2, 3 and 4) the applicant must provide a swept path analysis in accordance with Austroads turning templates to demonstrate that the largest vehicle likely to utilise the accesses can enter and exit the driveway in a forward direction and will not cross the centre line of Moss Vale Road and Charlotte Street.

- Car Parking

As part of each subsequent stage/DA (i.e. Stage 2, 3 and 4) the applicant must undertake a car parking assessment that details required car parking to be provided within the site for

that stage, car parking previously required and provided, location of car parking (existing and proposed), etc.

- Construction Traffic

Construction traffic should use Charlotte Street to gain access to the development site until intersection upgrade works at the junction of Moss Vale Road with Park Road have been approved by RMS (i.e. designs) and the approved works constructed.

ATTACHMENT 2: WATER NSW CONCURRENCE

Water NSW concurs with Council granting consent to the application, subject to the following conditions:

General

1. The proposal shall be as per the Site Master Plan for Stages 1 to 4 (Project 16080, Dwg. No DA A003, Issue C, dated 23/11/2016) and Stage 1 Site Plan (Project 16080, Dwg. No DA A104, Issue A, dated 4/10/2016) all prepared by Calder Flowers Architects. No revisions to layout, works or staging that will impact on water quality, shall be permitted without the agreement of Water NSW.

Reason for Condition 1 - Water NSW has based its assessment under State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the development.

Stormwater Management

2. All stormwater management measures for Stage 1 as outlined in the Water Cycle Management Study prepared by Strategic Environmental and Engineering Consulting (dated 13 October 2016) shall be implemented, in particular as elaborated or varied in the following conditions.
3. The dementia unit shall have a rainwater collection and reuse system that include the following specifications and requirements:
 - rainwater tanks with a minimum total capacity of 50,000 litres above any volume required for mains top-up
 - roofs and gutters designed so as to maximise the capture of rainwater in the tanks
 - the tanks plumbed to toilets, laundry and other areas for non-potable use including use for gardens, and
 - rainwater tank overflow shall be directed to site stormwater drainage system.
4. No changes to stormwater treatment and management that will impact on water quality, shall be permitted without the agreement of Water NSW.
5. An Operational Environmental Management Plan (OEMP) for Stage 1 shall be prepared in consultation with Water NSW by a person with knowledge and experience in the preparation of such plans. The OEMP shall be prepared prior to the issuance of a Occupation Certificate for Stage 1 development. The OEMP shall include but not be limited to:
 - details on the location, description and function of stormwater management structures such as pits, pipes, inlet filters, rainwater tanks, and any other stormwater structures and drainage works
 - an identification of the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, including the frequency of such activities
 - the identification of the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and
 - checklists for recording inspections and maintenance activities.

Reason for Conditions 2 to 5 – To ensure appropriate stormwater treatment and quality control measures are designed, implemented and maintained so as to achieve a sustainable neutral or beneficial impact on water quality over the longer term.

Construction Activities

6. A Soil and Water Management Plan shall be prepared for the proposed demolition and constructions works of Stage 1 by a person with knowledge and experience in the preparation of such plans. The Plan shall meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004) manual - the "Blue Book". The Plan shall be prepared prior to construction commencing and be to the satisfaction of Council.
7. The plan shall be implemented and effective erosion and sediment controls shall be installed prior to any construction or demolition activity. The controls shall prevent sediment or polluted water leaving the construction site or entering any natural drainage lines or stormwater drain and shall be regularly maintained and retained until works have been completed and groundcover established.

Reason for Conditions 6 & 7 – To manage adverse environmental and water quality impacts during the construction phase of the development so as to minimise the risk of erosion, sedimentation and pollution within or from the site during this phase.

Subsequent Stages of Development in the Masterplan

8. Any development of subsequent stages of the Masterplan will be subject to further development applications and the provisions of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 (the SEPP) and will need to be assessed according to the Neutral or Beneficial Effect (NorBE) test in relation to the potential effect of the development on water quality.

Reason for Condition 8 - Water NSW under State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 needs to ensure all stages of the development achieve a sustainable neutral or beneficial impact on water quality over the longer term.

ATTACHMENT 3: NSW RURAL FIRE SERVICE GENERAL TERMS OF APPROVAL

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Telephone: 1300 NSW RFS
e-mail: csc@rfs.nsw.gov.au

Headquarters
Locked Bag 17
Granville NSW 2142

Facsimile: 8741 5433



The General Manager
Wingecarribee Shire Council
PO Box 141
MOSS VALE NSW 2577

Your Ref: 16/1198
Our Ref: D16/4292
DA16121905304 SD

ATTENTION: Ellie Varga

6 January 2017

Dear Sir / Madam

Integrated Development for 2 Charlotte Street Burradoo 2576

I refer to your letter dated 12 December 2016 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
2. To allow for emergency service personnel and residents to undertake property protection activities, a defensible space that permits unobstructed pedestrian access is to be provided around the building.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and

electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

3. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Access

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

4. New property access roads and internal roads shall comply with sections 4.1.3(2) and 4.2.7 of 'Planning for Bush Fire Protection 2006'

Evacuation and Emergency Management

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

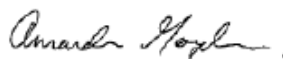
5. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Landscaping

6. Any proposed landscaping is to conform to the requirements of Appendix 5 of 'Planning for Bush Fire Protection 2006' and the Rural Fire Service 'Standards for asset protection zones'.

For any queries regarding this correspondence please contact Stephen Dubois on 1300 NSW RFS.

Yours sincerely



Amanda Moylan

Team Leader Development and Planning Assessment

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.

Notice of Payment – Developer Charges & Section 94

16/1198

3 March 2017

JIM GILVARRY & ASSOCIATES PTY LTD
PO BOX 960
BOWRAL NSW 2576

Re: 16/1198
Lot 811 DP 1176908
2 CHARLOTTE STREET BURRADOO NSW 2576

Development Description: *Masterplan Application for Seniors Housing, Stage One - 28 Bed Dementia Unit of a Four (4) Stage Redevelopment of the site*

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

Contributions Levy	Units	Rate	Amount Payable
S64 Stormwater Compliance Certificate	1.00	\$90.00	\$90.00
S64 Stormwater (Bowral)	1.00	\$3,469.78	\$3,469.78
S64 Sewer Compliance Certificate	1.00	\$90.00	\$90.00
S64 Sewerage (Shirewide)	140.48	\$8,392.42	\$1,178,926.85
S64 Water Compliance Certificate	1.00	\$90.00	\$90.00
S64 Water (Shirewide)	121.00	\$6,594.03	\$797,846.34
Total			\$1,980,512.97

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 Consumer Price Index.

DATE CHARGES ARE VALID TO – 02 Apr 2017

Prepared by – *Bennett Kennedy*

Cashier Receipt No: _____

Total Paid: _____

Date Paid: _____

A COPY OF THIS NOTICE MUST BE PRESENTED WHEN MAKING PAYMENT