

WATERBROOK BOWRAL PTY LIMITED  
LEVEL 8  
43 BRIDGE STREET  
HURSTVILLE NSW 2220

## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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

<b>APPLICATION NO:</b>	17/1822
<b>APPLICANT:</b>	WATERBROOK BOWRAL PTY LIMITED
<b>OWNER:</b>	WATERBROOK BOWRAL PTY LIMITED
<b>PROPERTY DESCRIPTION:</b>	Lot 1 DP 1101892 Lot 2 DP 1101892 Lot 4 DP 1109214 Lot 5 DP 1109214 Lot 6 DP 1109214 Lot 7 DP 1109214 Lot 8 DP 1109214 Lot 9 DP 1109214 Lot 10 DP 1109214 Lot 11 DP 1109214
<b>PROPERTY ADDRESS:</b>	2-18 CENTENNIAL ROAD BOWRAL NSW 2576
<b>PROPOSED DEVELOPMENT:</b>	Concept Plan for Seniors Housing and Stage 1
<b>DETERMINATION:</b>	Determined by granting of DEFERRED COMMENCEMENT CONSENT.
<b>CONSENT TO OPERATE FROM: CONSENT TO LAPSE ON:</b>	

### Rights of Appeal

Pursuant to Section 8.7 of the *Environmental Planning and Assessment Act 1979*, an applicant for development consent who is dissatisfied with the determination of the application by Council authority may appeal to the Court against the determination. Pursuant to Section 8.10, an appeal may be made only within 6 months after the date the decision appealed against is notified.

17/1822, Lot 1 DP 1101892  
Lot 2 DP 1101892, Lot 4 DP 1109214  
Lot 5 DP 1109214, Lot 6 DP 1109214  
Lot 7 DP 1109214, Lot 8 DP 1109214  
Lot 9 DP 1109214, Lot 10 DP 1109214  
Lot 11 DP 1109214

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### **Review of Determination**

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

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Michael St Clair  
**Town Planner**

**Date**  
**Date of Determination**

## CONDITIONS OF DEVELOPMENT CONSENT THAT MUST BE SATISFIED BEFORE THE CONSENT CAN OPERATE

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The following conditions shall be satisfied prior to the operation of the Consent:

**1. Protection of existing trees on site with high arboricultural value**

Amended plans shall be provided which retain all identified medium and high retention value trees along the existing entrance driveway. The new entrance and exit driveways shall be redesigned to ensure no works are proposed within the SRZ of any tree, and that any encroachment into the TPZ (as specified in the report prepared by Eco Logical Australia Pty Ltd, project number 18SUT-11544, version 2, dated 16 January 2019) not exceed 10%. This includes all associated works including cut, fill, excavation, installation of services, stormwater, and drainage.

**Reason:** *To ensure adequate protection is afforded to trees identified for retention under Council's Development Control Plan*

**2. Protection of identified Endangered Ecological Communities**

The plan titled Waterbrook Seniors Living Staging Plan shall be amended to ensure no new buildings and/or new roads works and/or associated infrastructure are placed within 10 m from the locations of the Southern Highlands Shale Woodlands (SHSW) tree trunks identified by survey and marked on plan.

**Reason:** *To ensure no construction impacts with the proposed development cause harm to vegetation communities on site that are required to be protected*

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Evidence of compliance with the above conditions, sufficient to satisfy Council as to those matters, must be provided within 12 months of this notice. If satisfactory evidence is produced in accordance with this requirement, the Council shall give notice to the applicant of the date from which the consent operates.

If Council has not notified that applicant within a period of 28 days after the applicant's evidence is produced to it, the Council is, for the purposes only of section 8.7 of the *Environmental Planning and Assessment Act 1979*, taken to have notified that applicant that Council is not satisfied as to those matters on the date on which that 28 day period expires.

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## PART 1: CONCEPT PLAN CONDITIONS OF DEVELOPMENT CONSENT

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### ADMINISTRATION CONDITIONS

#### 1. Development Description

Development consent has been granted in accordance with this Notice of Determination for a Concept Plan for Seniors Housing pursuant to section 4.22 of the Environmental Planning and Assessment Act 1979. The stages of the Concept Plan shall be as follows:

- |                |  |
|----------------|--|
| <u>Stage 1</u> | Partial demolition, refurbishment and construction works within the main facilities building. Construction of fifty-two (52) self-contained seniors housing dwellings. Associated landscaping, site infrastructure and road works. |
| <u>Stage 2</u> | Construction of twenty-eight (28) dwellings generally in the western portion of the site   |
| <u>Stage 3</u> | Construction of fifty-five (55) dwellings generally in the eastern portion of the site.  |

Approval is granted for Stage 1 as part of this Notice of Determination pursuant to section 4.22 of the *Environmental Planning and Assessment Act 1979*. Conditions pertaining to Stage 1 are at Part 2 of this Notice of Determination.

**Reason:** *To confirm the use of the approved development.*

#### 2. Development in Accordance with Plans and Documents

The development shall be implemented in accordance with the approved plans and supporting documents set out in the following table except where modified by any conditions of development consent.

Plan Title / Supporting Document	Reference / Version	Prepared By	Dated
Cover Sheet	16104 DA.G.0.00 Rev F	Marchese Partners	21/11/2017 11/09/2018
Location Plan	16104 DA.S.1.01 Rev F	Marchese Partners	21/11/2017 11/09/2018
Site Analysis	16104 DA.S.1.02 Rev F	Marchese Partners	21/11/2017 11/09/2018

Master Plan	16104 DA.M.1.01 Rev F	Marchese Partners	21/11/2017 11/09/2018
Staging Plan – DA Stage-02	16104 DA.M.1.03 Rev F	Marchese Partners	21/11/2017 11/09/2018
Title Sheet and Locality Plan	16104 DA-C-001 Rev K	Marchese Partners	14/12/2017 27/09/2018
Legend, Abbreviations and drawing List	16104 DA-C-002 Rev K	Marchese Partners	14/12/2017 27/09/2018
General Notes	16104 DA-C-003 Rev K	Marchese Partners	14/12/2017 27/09/2018
Survey Plans	16104 DA-C-004 Rev K	Marchese Partners	14/12/2017 27/09/2018
Site Works Site Plan	16104 DA-C-100 Rev K	Marchese Partners	14/12/2017 27/09/2018
Site Works Site Grading and bulk earthworks levels Plan – Sheet 1-4	16104 DA-C-101-4 Rev K	Marchese Partners	14/12/2017 27/09/2018
Civil Works Internal Roads Longitudinal Sections – Sheet 1-4	16104 DA-C-121-4 Rev K	Marchese Partners	14/12/2017 27/09/2018
Civil Works Internal Roads Longitudinal Sections – Sheet 7-8	16104 DA-C-127-8 Rev K	Marchese Partners	14/12/2017 27/09/2018

Civil Works Typical Road cross sections	16104 DA-C-130 Rev K	Marchese Partners	14/12/2017 27/09/2018
Civil Works internal Roads Cross Sections – Sheet 1-13	16104 DA-C-131-143 Rev K	Marchese Partners	14/12/2017 27/09/2018
Civil Works Bulk Earthworks Site Sections – Sheet 1-5	16104 DA-C-161-165 Rev K	Marchese Partners	21/11/2017 11/09/2018
Civil Works Site Stormwater Drainage Plan – Sheet 1-4	16104 DA-C-201-204 Rev K	Marchese Partners	21/11/2017 11/09/2018
Civil Works Bus Bay Detail Plan	16104 DA-C-301 Rev K	Marchese Partners	21/11/2017 11/09/2018
Title Page	1080 L00 Rev D	Site Design + Studios	19/09/2018
Design Intent	1080 LP01 Rev D	Site Design + Studios	19/09/2018
Landscape Masterplan	1080 LP02 Rev D	Site Design + Studios	19/09/2018
Wayfinding & Open Space Diagram	1080 LP03 Rev D	Site Design + Studios	19/09/2018
Elevations	1080 LP04-05 Rev D	Site Design + Studios	19/09/2018
Planting Schedule	1080 LP09	Site Design + Studios	19/09/2018

	Rev D		
Typical Details	1080 LP10 Rev D	Site Design + Studios	19/09/2018
Statement of Environmental Effects	-	Lee Environmental Planning	Dec 2017
Operations Manual	-	Waterbrook	Undated
Stormwater Management Report	2017-1356 Rev C	Marchese Partners	29/09/2018
MUSIC Model Assessment	1731 Rev 1	CDS	18/12/2017
Arboricultural Impact Assessment	18SUT-11544 V2	Eco Logical Australia	15/01/2019
Assessment of Environmental Constraints and Opportunities	-	Anne Clements & Associates Pty Limited	19/12/2017
Vegetation Management Plan	-	Anne Clements & Associates Pty Limited	19/09/2018
Threatened Species Test of Significance – Stage 1 and 2	-	Anne Clements & Associates Pty Limited	18/01/2019
Preliminary Site Investigation	10025626RP01 Rev 1	Arcadis	08/10/2018
Hazardous Materials Survey	E23933.E10_Rev0	EI Australia	19/07/2018

Flood Assessment Report	J1802_R3	FloodMit	Sep 2018
Heritage Covering Letter	-	Paul Davies Pty Ltd	20/12/2017
Heritage Assessment Report	Draft	Paul Davies Pty Ltd	Dec 2012
Aboriginal Heritage Assessment Report	Ver 1.3	Kayandel Archaeological Services	Sep 2018
Revised Traffic and Parking Assessment Report	17788	Varga Traffic Planning Pty Ltd	21/09/2018
Waste Management Plan	-	Waste Audit	Sep 2018

**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 Stages 2 and 3 (as per Condition 1) of the Concept Plan 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. 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 8.10 pertaining to access for wheelchairs, pathway lighting and letterboxes;
- Part C Section 8.12 pertaining to widths of entry doors and internal corridors and circulation areas;
- Part C Section 8.13 pertaining to space within each dwelling and a clear area for services surrounding the bed area;
- Part C Section 8.14 pertaining to bathroom design;
- Part C Section 8.15 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.*

## **7. Aboriginal Cultural Heritage**

As part of each subsequent Development Application, it shall be demonstrated that all requirements for the protection of Aboriginal Cultural Heritage has been fulfilled. **Condition 28** requires that a full Aboriginal Cultural Heritage Assessment for the entire site be undertaken before a Construction Certification be issued for Stage 1 works. All findings from this assessment that relates to subsequent stages should be considered in full, with all possible measures employed to ensure that Aboriginal Heritage is appropriately managed and protected.

**Reason:** *To ensure Aboriginal Heritage is protected*

## **8. Landscape and Open Space Plan**

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

- Detailed landscaping for the subject stage including
  - Location of all existing and proposed landscape features including materials to be used;
  - Delineate and identify all trees to be retained, removed or transplanted;
  - Existing and proposed finished ground levels;

- Detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, height and spread at maturity, quantities of each species, pot sizes and the estimated size at maturity;
  - Pot size and planting out stage
  - Soil treatment prior to planting out, fertilizing and water maintenance schedule.
- 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;
- Provision of plantings to ensure the linkage between the two areas of mapped Endangered Ecological Community within the site is strengthened through the use of species consistent with this vegetation community;
- All proposed passive/recreational open space areas.

**Reason:** *To ensure consistency with the Landscape Master Plan.*

#### **9. 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.*

#### **10. 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.*

#### **11. 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.*

#### **12. Construction Management Plan**

As part of each subsequent Development Application, a Construction Management Plan (CMP) shall be submitted and approved by Council prior to issue of the Construction Certificate for each stage. The CMP shall indicate measures to be implemented to protect the environment as well as public health, safety and convenience. The CMP shall include the following:

- (a) Management of off-street parking for employees, contractors and sub-contractors.

- (b) Site access for construction vehicles and equipment purposes, involving details of site access from Centennial Road,
- (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*

### 13. Noise and Vibration Adjacent to Rail Corridors

Multi-Unit Residential within the Acoustic Assessment Area

As part of the development application that includes the portion of the site located to the east of the main entry driveway, a report from a qualified professional acoustic consultant demonstrating that railway noise and vibration will comply with following criteria in habitable rooms, with external windows and doors closed.

Internal Space	Time Period	Noise Level L <sub>Aeq</sub> (1 hr)
Living and sleeping areas	Day 7 am to 10 pm)	<40 dBA
	Night (10 pm to 7 am)	<35 dBA

Floor vibration levels in habitable rooms shall be designed to comply with the criteria in British Standard BS 6472: 1992 *Evaluation of Human Exposure to Vibration in Buildings* (1 Hz to 80 Hz).

As a minimum, this report shall provide the L<sub>Amax</sub> and L<sub>AE</sub> noise levels of at least ten consecutive trains, measured in the habitable room potentially most affected by train noise. The report shall include the calculated maximum L<sub>Aeq</sub> (1 hour) noise levels for day and night time periods, taking into account the maximum number of trains per hour and the types of trains in each period.

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

### 14. Design of Development

A materials board and architectural statement shall be submitted with each subsequent DA demonstrating each Stage's consistency with the locality of West Bowral and the existing

development on the site in terms of roof pitch, materials, design, scale, architectural features landscape embellishments etc.

**15. 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 as part of each subsequent Development Application.

***Reason:*** *To ensure the peak discharge from the site is no greater than the predeveloped peak discharge.*

## PART 2: STAGE 1 CONDITIONS OF DEVELOPMENT CONSENT

### ADMINISTRATION CONDITIONS

#### 16. 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.

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Location Plan	16104 DA.S.1.01 Rev F	Marchese Partners	21/11/2017 11/09/2018
Site Analysis	16104 DA.S.1.02 Rev F	Marchese Partners	21/11/2017 11/09/2018
Site Analysis – Response to Street Rhythm	16104 DA.S.1.03 Rev F	Marchese Partners	21/11/2017 10/09/2018
Demolition Plan	16104 DA.S.1.04 Rev F	Marchese Partners	21/11/2017 11/09/2018
Master Plan	16104 DA.M.1.01 Rev F	Marchese Partners	21/11/2017 11/09/2018
Staging Plan – DA Stage-01	16104 DA.M.1.02 Rev F	Marchese Partners	21/11/2017 11/09/2018
Staging Plan – DA Stage-02	16104 DA.M.1.03 Rev F	Marchese Partners	21/11/2017 11/09/2018

Stage 01 Master Plan Level Roof	16104 DA.M.1.04 Rev F	Marchese Partners	21/11/2017 11/09/2018
Stage 01 Master Plan Level ground	16104 DA.M.1.05 Rev F	Marchese Partners	21/11/2017 11/09/2018
Street Elevation	16104 DA.M.2.01 Rev F	Marchese Partners	21/11/2017 11/09/2018
Level – B1 Floor Plan - Existing	16104 DA.F.0.01 Rev F	Marchese Partners	21/11/2017 11/09/2018
Level – 00 Floor Plan - Existing	16104 DA.F.0.02 Rev F	Marchese Partners	21/11/2017 11/09/2018
Level – 01 Floor Plan - Existing	16104 DA.F.0.03 Rev F	Marchese Partners	21/11/2017 11/09/2018
Level – 02 Floor Plan - Existing	16104 DA.F.0.04 Rev F	Marchese Partners	21/11/2017 11/09/2018
Roof Floor Plan - Existing	16104 DA.F.0.05 Rev F	Marchese Partners	21/11/2017 11/09/2018
Elevation South East	16104 DA.F.0.10 Rev F	Marchese Partners	21/11/2017 11/09/2018
Elevation South West	16104 DA.F.0.11 Rev F	Marchese Partners	21/11/2017 11/09/2018
Elevation North West	16104 DA.F.0.12 Rev F	Marchese Partners	21/11/2017 11/09/2018
Elevation North	16104 DA.F.0.13	Marchese	21/11/2017

East	Rev F	Partners	11/09/2018
Level – B1 Floor Plan	16104 DA.F.1.01 Rev F	Marchese Partners	21/11/2017 11/09/2018
Level – 00 Floor Plan	16104 DA.F.1.02 Rev F	Marchese Partners	21/11/2017 11/09/2018
Level – 01 Floor Plan	16104 DA.F.1.03 Rev F	Marchese Partners	21/11/2017 11/09/2018
Level – 02 Floor Plan	16104 DA.F.1.04 Rev F	Marchese Partners	21/11/2017 11/09/2018
Level – Roof Floor Plan	16104 DA.F.1.05 Rev F	Marchese Partners	21/11/2017 11/09/2018
Section AA	16104 DA.F.2.01 Rev F	Marchese Partners	21/11/2017 11/09/2018
Section BB	16104 DA.F.2.02 Rev F	Marchese Partners	21/11/2017 11/09/2018
Section CC	16104 DA.F.2.03 Rev F	Marchese Partners	21/11/2017 11/09/2018
Elevations – SE	16104 DA.F.3.01 Rev F	Marchese Partners	21/11/2017 11/09/2018
Elevations – SW	16104 DA.F.3.02 Rev F	Marchese Partners	21/11/2017 11/09/2018
Elevations – NW	16104 DA.F.3.03 Rev F	Marchese Partners	21/11/2017 11/09/2018

Elevations – NE	16104 DA.F.3.04 Rev F	Marchese Partners	21/11/2017 11/09/2018
External View	16104 DA.F.4.01 Rev F	Marchese Partners	21/11/2017 11/09/2018
Internal View	16104 DA.F.4.02 Rev F	Marchese Partners	21/11/2017 11/09/2018
Material Board	16104 DA.F.4.03 Rev F	Marchese Partners	21/11/2017 11/09/2018
Stage 01 Master Plan types	16104 DA.H.0.01 Rev F	Marchese Partners	21/11/2017 11/09/2018
Villa Type A	16104 DA.H.1.01 Rev F	Marchese Partners	21/11/2017 11/09/2018
Villa Type A.1	16104 DA.H.1.02 Rev F	Marchese Partners	21/11/2017 11/09/2018
Villa Type B	16104 DA.H.1.03 Rev F	Marchese Partners	21/11/2017 11/09/2018
Villa Type C	16104 DA.H.1.04 Rev F	Marchese Partners	21/11/2017 11/09/2018
Villa Type C.1	16104 DA.H.1.05 Rev F	Marchese Partners	21/11/2017 11/09/2018
Villa Type D	16104 DA.H.1.06 Rev F	Marchese Partners	21/11/2017 11/09/2018
Villa Type D.1	16104 DA.H.1.07	Marchese	21/11/2017



	Rev F	Partners	11/09/2018
External View	16104 DA.H.2.01 Rev F	Marchese Partners	21/11/2017 11/09/2018
Material Board	16104 DA.H.2.02 Rev F	Marchese Partners	21/11/2017 11/09/2018
Adaptable Units Type A&A.1	16104 DA.H.3.01 Rev F	Marchese Partners	21/11/2017 11/09/2018
Adaptable Units Type B, C&C.1	16104 DA.H.3.02 Rev F	Marchese Partners	21/11/2017 11/09/2018
Adaptable Units Type D&D.1	16104 DA.H.3.03 Rev F	Marchese Partners	21/11/2017 11/09/2018
Mechanical Services Level 1 Kitchen	16104 MS.DA.02 Rev B	Marchese Partners	14/09/2018
Mechanical Services Level 1 Kitchen	16104 MS.DA.01 Rev B	Marchese Partners	14/09/2018
Title Sheet and Locality Plan	16104 DA-C-001 Rev K	Marchese Partners	14/12/2017 27/09/2018
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	Rev D		
Design Intent	1080 LP01 Rev D	Site Design + Studios	19/09/2018
Landscape Masterplan	1080 LP02 Rev D	Site Design + Studios	19/09/2018
Wayfinding & Open Space Diagram	1080 LP03 Rev D	Site Design + Studios	19/09/2018
Elevations	1080 LP04-05 Rev D	Site Design + Studios	19/09/2018
Stage 1 – Landscape Plan	1080 LP06 Rev D	Site Design + Studios	19/09/2018
Stage 1 – Main Facilities Area Landscaping Plan	1080 LP07 Rev D	Site Design + Studios	19/09/2018
Stage 1 – Typical Cluster	1080 LP08 Rev D	Site Design + Studios	19/09/2018
Planting Schedule	1080 LP09 Rev D	Site Design + Studios	19/09/2018
Typical Details	1080 LP10 Rev D	Site Design + Studios	19/09/2018
Statement of Environmental Effects	-	Lee Environmental Planning	Dec 2017
Operations Manual	-	Waterbrook	Undated

Stormwater Management Report	2017-1356 Rev C	Marchese Partners	29/09/2018
MUSIC Model Assessment	1731 Rev 1	CDS	18/12/2017
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Vegetation Management Plan	-	Anne Clements & Associates Pty Limited	19/09/2018
Threatened Species Test of Significance – Stage 1 and 2	-	Anne Clements & Associates Pty Limited	18/01/2019
Access Assessment Report	108893-Access-r1	BCA Logic	15/12/2017
BCA Capability Assessment Report	108893-BCA-r1	BCA Logic	15/12/2017
NCC Section J report	1971	BCA Energy	21/12/2017
BASIX Certificate	891499M	BCA Energy	21/12/2017
Preliminary Site Investigation	10025626RP01 Rev 1	Arcadis	08/10/2018
Hazardous Materials Survey	E23933.E10_Rev0	EI Australia	19/07/2018

Flood Assessment Report	J1802_R3	FloodMit	Sep 2018
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Heritage Assessment Report	Draft	Paul Davies Pty Ltd	Dec 2012
Aboriginal Heritage Assessment Report	Ver 1.3	Kayandel Archaeological Services	Sep 2018
Revised Traffic and Parking Assessment Report	17788	Varga Traffic Planning Pty Ltd	21/09/2018
Waste Management Plan	-	Waste Audit	Sep 2018

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

#### 17. 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).

#### 18. Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

- (a) That the work must be carried out in accordance with the requirements of the National Construction Code.
- (b) In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

**Reason:** The condition is prescribed under clause 98 of the *Environmental Planning and Assessment Regulation 2000*.

## 19. Erection of Signs

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

- (a) Showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) Stating that unauthorised entry to the work site is prohibited.

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

**Reason:** *The condition is prescribed under clause 98A of the Environmental Planning and Assessment Regulation 2000.*

## 20. Notification of Home Building Act 1989 Requirements

- (1) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
  - (a) In the case of work for which a principal contractor is required to be appointed:
    - (i) the name and licence number of the principal contractor, and
    - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
  - (b) In the case of work to be done by an owner-builder:
    - (i) the name of the owner-builder, and
    - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (2) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority (PCA) for the development to which the work relates (not being the council) has given the council written notice of the updated information.

**Reason:** *The condition is prescribed under Clause 98B of the Environmental Planning and Assessment Regulation 2000.*

## 21. 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.*

## **22. Asbestos Removal – Demolition of Buildings**

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

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

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

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

and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

- f) Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".
- g) Demolition is to be completed within five (5) days of commencement at which time the applicant shall notify the Certifying Authority.
- h) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 6.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- i) Protective fencing is to be installed to prevent public access to the site.
- j) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a facility licensed by the NSW Environmental Protection Authority (EPA) to accept such waste provided to Council.

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

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

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

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

### **23. Application for a Construction Certificate (Building Works)**

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



- (a) Architectural plans and building specifications complying with the National Construction Code (NCC) relevant Australian Standards, and the development consent and conditions.
- (b) If Council or a private accredited certifier issues the Construction Certificate, engineering details must be submitted for approval for all structural elements, including but not limited to, piers, footings, reinforced concrete slab, first floor joist layout, roof trusses, steel beams and the like. The details must be prepared by a qualified chartered professional practicing consulting structural engineer. Also a certificate from the engineer must be included certifying that the design fully complies with appropriate SAA Codes and Standards and the Building Code of Australia requirements.
- (c) 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.*

## **24. Appointment of Principal Certifying Authority**

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

- (a) A Construction certificate for the building work has been issued by:

- (i) the consent authority; or
  - (ii) an accredited certifier; and
- (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.*

## **25. Access for People with Disabilities**

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

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

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

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

## **26. Site Consolidation**

That the site be consolidated into one (1) lot prior to issue of the Construction Certificate.

**Reason:** *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.*

**27. Section 88B Instrument – Lot Consolidation**

The lot consolidation required at **Condition 26** above shall be accompanied by a section 88B Instrument under the *Conveyancing Act 1919*, which requires that the following existing buildings are:

- (a) Retention of the Chapel.
- (b) Retention and adaptive reuse of part of the Boys' College and South Wing.
- (c) Retention and renovation of the auditorium in the South Wing.
- (d) Retention of the entry driveway trees.
- (e) Retention of the Priest's cottage.

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

**Reason:** *To ensure compliance with Council resolution MN 262/18.*

**28. Aboriginal Cultural Heritage Assessment**

Prior to the issue of a construction certificate or any earthworks, whichever comes first, the following requirements must be satisfied to ensure appropriate investigations have occurred in respect of Aboriginal Cultural Heritage that may exist within the overall site. Assessment is to occur over the entire site footprint, with particular focus on areas where development works are envisaged to occur. This assessment shall include:

- An updated archaeological survey in accordance with OEH guidelines be conducted.
- Test excavations in accordance with OEH guidelines are required.
- Test excavations should be conducted at an early stage to provide certainty about the Aboriginal heritage management requirements.
- The test excavations for Stage 1 must occur before any ground disturbance or issue of the first construction certificate, whichever occurs earlier.
- The test excavations for Stage 2 should be conducted to inform the future detailed design, including any amendments to the concept approval, prior to approval of any detailed Stage 2 DA.
- Aboriginal community consultation in accordance with OEH guidelines must occur before starting test excavations.
- No harm to Aboriginal objects may occur unless an Aboriginal Heritage Impact Permit has been issued by OEH.
- The applicant must develop measures to avoid and prevent harm to Aboriginal objects through the proposed works.
- If Aboriginal objects are found during works, the work must stop and OEH must be contacted by calling 131 555.

**Reason:** *A requirement under the National Parks and Wildlife Act 1974*

**29. Section 68 Local Government Act 1993 Approvals**

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

- Water Supply works
- Storm water drainage works
- Sanitary Drainage works

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

**30. Section 7.11 Contributions (formerly Section 94 Contributions)**

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

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

- Roads & Traffic Management Facilities
- Resource Recovery Centre 2009
- Section 94 Administration 2011 to 2031

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

All contributions are indexed quarterly in accordance with upward movements in the Consumer Price Index (All Groups, Sydney) as published by the Australian Bureau of Statistics ([www.abs.gov.au](http://www.abs.gov.au)); Section 251 of the *Environmental Planning and Assessment Regulation 2000*; and Council's Developer Contributions Plans.

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

**Note:** *Payment of the attached contributions is to be by BANK CHEQUE OR CASH and is to be accompanied by the attached sheet entitled "Notice of Payment – Developer Charges & Section 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.*

**31. Water Management Act - Certificate of Compliance**

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

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

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

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

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

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

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

CPI Period	Water DSP	Sewer DSP	Stormwater DSP
1 November 2018 to 31 January 2019	\$10,962.73 per ET	\$10,627.98 per ET	N/A
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> < <a href="http://www.abs.gov.au">http://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 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:-

Water \$250.00 + Sewer \$250.00 = \$500.00

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

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

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

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

### **32. Dilapidation Report**

A Dilapidation Report shall be undertaken on all properties, which in the opinion of a suitably experienced professional and chartered qualified engineer, could be potentially affected by the construction of the project. The Dilapidation Report shall be carried out taking into account civil infrastructure and submitted to Council prior to the issue of the Construction Certificate.

The Report shall cover structural and geotechnical factors likely to arise from the development.

The person having the benefit of the development consent shall, at their own cost, rectify any damage caused to other properties during the construction of the project to the satisfaction of Council.

**Reason:** *To ensure the structural stability of neighbouring buildings.*

### **33. Fencing – Public Reserves/Drainage Reserves/Council Lands**

The developer at their expense shall erect fencing to all public reserves, drainage reserves or Council owned land to ensure public safety. Details of fencing shall be submitted to Council for approval prior to issue of the Construction Certificate.

**Reason:** *Public safety.*

### **34. Archival Record of a Building prior to Demolition**

The building and garden shall be recorded in accordance with the following:

- (a) Provide two (2) sets of the Archival Record in A4 plastic binders with clear plastic sleeves.

- (b) Provide two (2) typed pages with:
- i. Address.
  - ii. Author.
  - iii. Date.
  - iv. Reason for the record.
  - v. Contents page including index of photo captions.
  - vi. Maximum one (1) A4 page outline of the history of the building (year built, previous owners and uses, local stories about the building etc.).
- (c) Provide measured drawings with the floor plan and each elevation of the building, at a scale of 1:100, including a north point, bar scale and dimensions, prepared by a qualified draftsman.
- (d) Provide photographs:
- i. From a 35mm film camera.
  - ii. Photos showing all general oblique views and elevations. Typically, this is a photo of each room in the existing building including hallways, external verandahs, and external appearance of the building and garden.
  - iii. Photos showing any details of historical signage or construction details.
  - iv. Postcard size.
  - v. Pasted as two (2) photos per A4 page.
  - vi. Each photo to be captioned, including aspect, e.g. view from northeast.
  - vii. Negatives in an envelope.
- (e) Provide a CD with:
- i. Scans from negatives as .jpg files with captions saved as file names.
  - ii. Minimum image size to be 3000 x 1000 pixels.
  - iii. Text file of the typed pages (saves as a .rtf file).
- (f) The Archival record shall be submitted to and accepted by Council prior to the demolition of the building or the issue of a Construction Certificate, whichever occurs first.

**Reason:** *To ensure that there is a record of the building for archival purposes.*

### **35. Structural Engineer's Details**

Structural engineering plans are to be prepared by an experienced professional chartered practising Structural Engineer for the following work shall be lodged with the Principal Certifying Authority and approved prior to commencing the works in accordance with a Construction Certificate:

- (a) retaining walls.
- (b) the existing structure is to be certified as being structurally adequate to carry out the proposed additional loadings.

**Advice:** *The name, address and qualifications of the practising Structural Engineer certifying the design shall be clearly indicated on the plans and any*

*accompanying documentation. Such engineer is to hold qualifications appropriate to the project as defined in the Building Code of Australia. The design shall relate to the particular site.*

**Advice:** *Any such Certificate is to set forth the extent to which the Engineer has relied on relevant Specifications, Rules, Codes of Practice or Publications in respect of the construction.*

**Reason:** *To ensure the structural integrity of the building is achieved.*

### **36. Structural Adequacy of Existing Structure**

A Certificate of Structural Adequacy prepared and signed by a professional chartered experienced qualified practising Structural Engineer with suitable professional indemnity cover must be submitted to the Principle Certifying Authority in respect of the load carrying capabilities of the existing building to support the proposed alteration / additions prior to the issue of a Construction Certificate.

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

### **37. Geotechnical Survey**

The applicant shall submit a Geotechnical Survey report prepared by a suitably professional chartered experienced qualified Geotechnical Engineer certifying the structural adequacy of the site for the proposed development.

**Reason:** *To certify the structural adequacy of the site for the proposed development.*

### **38. Construction Management Plan**

A Construction Management Plan (CMP) is required to be submitted and approved by Council prior to issue of the Construction Certificate. The CMP shall indicate measures to be implemented to protect the environment as well as public health, safety and convenience. The CMP must include the following:

- (a) Off-street parking for employees, contractors and sub-contractors.
- (b) Site access for construction vehicles and equipment purposes.
- (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.*

#### **39. Provision of Works and Services**

Prior to the issue of the Construction Certificate 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.*

#### **40. 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.

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

#### **41. Detailed Stormwater Drainage System Design**

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

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

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

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

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

**Reason:** *To ensure adequate storm water management.*

#### **42. Submission of Plans for works within the Road Reserve**

The applicant shall submit to Council 3 copies of Civil Engineering plans for the design of all works within the road reserve required adjacent/near/outside <insert address> including long and cross sections, details of proposed structures and specifications.

The drawings must be approved by Council in writing and any fees and charges paid prior to the issue of the Construction Certificate.

Such design shall be:

- (a) Prepared and submitted on A1 or A3 size sheets, undertaken by a chartered professional consulting Civil Engineer, and
- (b) Approved by Council under section 138 of the *Roads Act 1993*, prior to the issue of the Construction Certificate, and
- (c) Upon completion of the works and prior to the issue of an Occupation Certificate, the Applicant is to provide to Council 2 copies of "Work as Executed Plans" (WAE). The plans are to show relevant dimensions and finished levels and are to be certified by a surveyor. Also the Applicant is to provide to Council, in an approved format, details of all public infrastructure created as part of the works, and
- (d) All civil engineering works adjacent/near/outside [address] is to be supervised by Council. A maintenance period of 12 months shall apply to the work, after it has been completed and approved.

In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions.

**Reason:** *To ensure compliance of engineering works/Council assets are constructed to acceptable standards for engineering works.*

#### **43. 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.*

#### **44. Road Design - Site Access and Movement**

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

- (a) The site shall accommodate the turning movements and clearance envelope of a 12.5m pantech vehicle.

- (b) Access for emergency vehicles requires assessment and approval from Agencies, especially NSW Fire Brigade.
- (c) No vehicles over 12.5m to access the site.
- (d) Vehicle swept paths up to 8.8m service vehicle to manoeuvre through the site without encroaching on opposing vehicle paths.
- (e) The front overhang, and swept path made by the service vehicle shall not obstruct car park traffic or encroach onto parking spaces.
- (f) The vehicle swept path shall be reflected on the engineering design plans at a suitable scale to enable clear assessment.
- (g) Loading and unloading of service vehicles shall be undertaken onsite with no intrusion onto the road system.
- (h) Maximum number of movements in a cul-de-sac for the largest vehicle accessing the site is a three (3) point turn with no encroachment beyond the kerb line.

**Reason:** *To ensure that the site access and movement corridors are constructed to Council requirements.*

#### **45. Redundant Vehicular Crossings and Ancillary Works**

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

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

**Reason:** *Public infrastructure maintenance.*

#### **46. Accessible Car Parking Spaces**

Minimum two (2) car parking provided in the visitor parking area as part of the total requirement shall be reserved for disabled persons. These spaces shall be a minimum of 3.2m wide x 5.5m long and located near pedestrian access routes designed for disabled persons. Each space shall be clearly marked for disabled persons in accordance with the Premises Code.

Car parking for people with disabilities shall be provided in accordance with the National Construction Code (NCC), relevant Australian Standards and with regard to the *Disability Discrimination Act 1992* and Premises Code. Prior to the issue of a Construction Certificate, the plans shall demonstrate compliance.

The above details shall be submitted to and approved by the Accredited Certifier prior to the issue of the Construction Certificate.

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

#### **47. Off Street Parking Provision - General**

All off-street car parking spaces suitably marked in accordance with the approved plans (unless elsewhere specified) shall be provided. Each space shall have minimum dimensions in accordance with Australian Standard AS2891.1 Off Street Car Parking.

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

**Reason:** To ensure adequate parking and access.

#### **48. Off Street Car Parking Space Provision**

Car parking spaces shall be provided in accordance with the approved plans for the parking of resident and visitor vehicles on the site. In this regard, no less than 328 spaces are required and designated as follows:

- (a) 270 parking spaces within units.
  - (b) 49 parking spaces for visitors.
  - (c) 9 parking spaces for staff.
- All car spaces shall be allocated and marked accordingly. If the development is to be strata subdivided, the car park layout must respect the above allocation and thereafter regarded as part of the entitlement of that unit.
  - Each space shall have minimum dimensions in accordance with the relevant Australian Standard.
  - Under no circumstances shall parking spaces be sold, let or otherwise disposed of for use other than in accordance with this condition.
  - Visitor spaces shall only to be used by persons visiting residents of the property or persons with legitimate legal reason to be upon the land.
  - Access to visitor parking shall not be restricted without development approval.
  - A sign shall be erected at the vehicular entrance indicating the availability of visitor parking. Such spaces shall be clearly marked.

**Reason:** To ensure adequate parking and access.

#### **49. Water and Sewer Authority Conditions**

Prior to issue of a Construction Certificate, the developer shall obtain approval from Council (as the Water Supply Authority and/or as required under Section 68 of the *Local Government Act 1993*) 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.

Water service connections and sewer junctions shall be located under sealed driveways to battleaxe lots. This may require widening of accessway / rights of carriageways to those

shown on approved plan.

The existing 150mm sewer main shall be upgraded to 225mm in accordance with the Wingecarribee Shire Council sewer modelling report dated 02<sup>nd</sup> March 2018.

**Reason:** *To ensure water and sewer reticulation are in accordance with Council's standards.*

#### **50. Telecommunications Provider / Gas Provider**

Prior to the issue of the Construction Certificate, the applicant shall obtain the requirements of the Telecommunications Service / Gas Provider to service the development.

**Note:** *The Developer is also advised to contact the National Broadband Network Company Ltd (NBN) in regard to the installation of fibre in all new developments.*

**Reason:** *To ensure that telephone and gas infrastructure is provided to service the development.*

#### **51. 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 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 or Subdivision Certificate.

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

#### **52. Waste Management Plan**

A Waste Management Plan shall be completed and submitted to Council for approval, prior to the issue of the Construction Certificate for the development.

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

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

#### **53. Erosion and Sediment Control Plan**

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

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

- (a) Locality of the site, a north point and scale.

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

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

#### **54. Protection of Existing Trees and Native Vegetation**

Prior to the issue of any Construction Certificate, trees and native vegetation proposed for retention and those approved for removal must be clearly identified on all the final engineering and landscaping plans. All fenced tree protection areas must be clearly marked as "No Go Area" on all plans. The location of any threatened species, endangered populations or ecological communities must also be marked on all plans.

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

#### **55. Food premises compliance to be assessed prior to the issue of the Construction Certificate**

Prior to the issue of the Construction Certificate, detailed drawing of the design, construction and fit-out of the proposed food premises shall be submitted to the Principle Certifying Authority to be assessed for compliance with the *Food Act*, the *Food Regulations*, the *Food Safety Standards* and the Australian Standard AS4674 – 2004.

**Reason:** *To ensure compliance with statutory requirements.*

**56. Fire Safety Upgrade - Rebuilding, alterations, enlargement or extension of an existing building (cl. 94 of the Regulation)**

Pursuant to clause 94 of the *Environmental Planning and Assessment Regulation 2000*, Council requires that the portion of the existing building to be retained shall be upgraded to comply with the requirements of the National Construction Code (NCC) in the following respects:

- The provision for escape; and
- Essential fire safety measures.

The Construction Certificate plans and specification required to be submitted to the Certifying Authority pursuant to clause 139 of the *Environmental Planning and Assessment Regulation 2000* shall detail building upgrade works required by this condition.

The Certifying Authority shall be satisfied that such work, to be implemented as part of the development, will upgrade the building to bring it into compliance with the following performance requirements of the National Construction Code (NCC) in force at the date of lodgement of the Construction Certificate application:

- (a) National Construction Code – Volume One; Performance Requirements DP4, DP5 and DP6 in relation to the provision for escape,
- (b) National Construction Code – Volume One; Performance Requirements EP1.1, EP1.2, EP1.3, NSW EP1.4, EP1.6, EP2.2, EP4.1, EP4.2 and EP4.3 in relation to the provision of essential fire safety measures.

**Reason:** *To ensure compliance with statutory requirements.*

**57. Disabled Persons Access and Facilities**

- (a) Detailed drawings shall be provided to the Principle Certifying Authority for the fit out to the disabled person's facilities with the construction certificate application. Details shall be in accordance with AS 1428.1 Design for Access and Mobility and the Premises Code.
- (b) Car parking space/s for use by disabled persons shall be provided in accordance with the BCA. These spaces shall be clearly identified by sign posting complying with AS1428.1, and comply with AS2980.1 and the Premises Standard.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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).
- (g) 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*.
- (h) Advisory Note
  - (i) 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.
  - (ii) The Human Rights and Equal Opportunity Commission can provide further information on this issue).



**Reason:** *Statutory requirement.*

#### **58. Contaminated Land Investigation Requirements**

The recommendation contained within the Stage 1 Preliminary Investigation of the site (Arcadis, Preliminary Site Investigation and limited Soil Sampling, 10025626RP01, Rev 1, Dated 8/10/2018) shall be carried out in accordance with the Managing Contaminated Land Planning Guidelines under State Environmental Planning Policy No. 55 - Remediation of Land and the *Contaminated Land Management Act 1997* and relevant Office of Environment and Heritage guidelines. These Required works shall be carried out by a suitably qualified environmental auditor and shall be submitted to Council prior to the issue of the Construction Certificate.

**Reason:** *Compliance with Statutory Requirements*

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

#### **59. Notice of Commencement**

No work shall commence until a notice of commencement (form will be attached with issue of a Construction Certificate or available from Council's website is submitted) giving Council:

- (a) Not less than two (2) days' notice of the date on which it is proposed to commence work associated with this Development Consent;
- (b) Details of the appointment of a Principal Certifying Authority (either Wingecarribee Council or another Accredited Certifier)
- (c) Details of the name, address and licence details of the Builder.

**Reason:** *Statutory requirement.*

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

#### **60. 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.*

**61. Construction Certificate**

No work shall commence until a:

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

**Reason** *Statutory requirement.*

**62. 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:-

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

Prior to commencing any works on site the representative shall:

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

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

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

**Reason:** *Statutory requirement.*

**63. Heritage - Submission of Photographic Survey**

Prior to the commencement of demolition, a photographic survey shall be submitted to Council. The photographic survey shall be prepared in accordance with the guidelines "Archival Recording of Heritage Items Using Film or Digital Capture" published by the NSW Heritage Office. Three copies of the Photographic Survey shall be submitted in an unbound report format. Each copy should contain:

**For Film-based Projects:**

- A very brief report or introduction which explains the purposes of the report and gives a brief description of the subject, as well as details of the sequence in which images were taken. The report may also address the limitations of the photographic record and may make recommendations for future work;
- measured plans of the building at 1: 100 scale;
- a site plan of the building at min 1: 200 scale;
- plans of the building marked up to indicate where the photographs were taken and the direction of the photograph;
- the report should include all technical details including camera and lenses, film type, exposure and colour information;
  - Catalogue sheets, photographic plan, supplementary maps;
  - B&W materials:
    - One set of archivally processed and numbered B&W negatives stored in archival sheets or envelopes
    - Three sets of archivally processed proof (contact) sheets, labelled and cross-referenced to the catalogue sheets;
- Colour materials:
  - Three sets of colour transparencies (either original transparency plus two duplicates or three original images taken concurrently) numbered, labelled and cross-referenced to the catalogue sheets and stored in archival slide sheets.

**Digital Projects**

- A very brief report or introduction which explains the purposes of the report and gives a brief description of the subject, as well as details of the sequence in which images were taken. The report may also address the limitations of the photographic record and may make recommendations for future work;
- measured plans of the building at 1: 100 scale;
- a site plan of the building at min 1: 200 scale;
- plans of the building marked up to indicate where the photographs were taken and the direction of the photograph;
- the report should include all technical details including camera and lenses, image file size and format, technical metadata associated with the images, and colour information;
- Catalogue sheets, photographic plan, supplementary maps;
- Three sets of colour thumbnail image sheets (e.g. A4 page with six images by six images) showing images and reference numbers.
- The thumbnail sheets should be processed with archivally stable inks on archivally acceptable photographic paper and cross referenced to catalogue sheets;
- One full set of 10.5x14.8cm (A6) colour prints OR, if a large project, a representative set of selected images processed with archivally stable inks on archivally acceptable photographic paper.

- A CD or DVD containing electronic image files saved as RAW files with associated metadata, and cross referenced to catalogue sheets.

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

**Reason:** *Heritage Record.*

#### **64. Inspection of Demolition Works**

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

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

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

**Reason:** *To ensure compliance with the consent.*

#### **65. 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.*

**66. 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.*

**67. 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.*

**68. 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, street trees, drainage pits and the like, prior to commencement of any work on the site. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the developer/owners/proponents expense.

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

**Reason:** *Public safety.*

**69. Renewal of Sewerage**

Prior to occupation certificate the existing sewer main shall be upsized in accordance with Wingecarribee Shire Council modelling report dated 02<sup>nd</sup> March 2018. All superseded mains and structures are to be removed from site and disposed at a facility that is licensed to accept such waste. Details to be submitted to Council (as the Water Authority) with Section 68 Application.

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

**70. Erosion and Sediment Control**

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

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

**71. Wheel Wash**

A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed in accordance with the approved Erosion and Sediment Control Plan prior to the commencement of any site works, to prevent mud and dirt leaving the site and being tracked.

**Reason:** *To minimise soil being trucked off site.*

**72. Tree Protection Measures**

Protective fencing is to be installed around the tree to be retained in line with the dripline or per direction of the site arborist. This fencing is to be constructed of chain wire mesh 1.8m high, which is supported by steel stakes or piping and braced to resist impacts and as per the requirements detailed in AS4970-2009 "Protection of Trees on Development Sites", the installation of which is carried out under the supervision of the arborist.

**Note:** *Removal of the protective fencing during construction work will affect bonds and may result in fines or legal proceedings being instigated by Council against the applicant and/or builder.*

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

**73. Protection of Trees**

Prior to any work commencing, certification of the installation and inspection of the required tree protection works is to be provided to Council and the Principal Certifying Authority by the arborist. A copy of the certificate is to be provided to Council within 7 days of the inspection and prior to any works commencing.

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

**74. Erection of Nesting Boxes**

Hollows or nest boxes are to be installed on a one for one basis for any natural hollow removed by the development. Nest boxes are to be constructed of appropriate durable materials (e.g. painted marine ply, native hardwood or similar) and fixed to recipient trees with stainless steel screws, wire or similar. All nest boxes are to be erected prior to any clearing occurring on the development site. The Consulting Ecologist must identify suitable locations to erect hollows/nest boxes that minimise the risk of vandalism and maximise the likelihood of occupation by native fauna. To replace nest hollows lost, at least 8 large nest boxes should be erected at least 3 metres high within retained vegetation at the rear of the property within the retained native trees.

**Reason:** *To provide an equivalent replacement for any natural hollow to be removed.*

## **CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE**

### **75. Approved Plans to be available on site**

Endorsed Council approved plans, specifications, documentation and the consent shall be made available on site at all times during construction.

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

### **76. 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.*

### **77. Demolition Requirements**

The existing structures approved for removal shall be demolished in accordance with the requirements of AS2601-2001 "The Demolition of Structures".

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

- (a) Protection of site workers and the general public.
- (b) Erection of hoardings where appropriate.
- (c) Asbestos removal handling and disposal where applicable by licensed contractors.
- (d) Ensuring only licensed demolition contractors are used as required pursuant to

Occupational Health and Safety Legislation.

- (e) Appropriate precautions are taken in regard to lead based paints.

- (f) Water and Sewer Asset Protection

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

- (g) Sewer Assets Temporary Disconnection or Closure

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

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

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

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

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

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

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

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

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



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

#### **78. Ground Levels**

Natural ground levels shall not be altered or adjusted other than shown on the approved plans or where varied by the conditions of consent without the prior consent of Council.

Finished ground levels shall be graded away from the buildings and adjoining properties must achieve natural drainage. The concentrated flows are to be dispersed down slope or collected and discharged to the storm water drainage system.

**Reason:** *To ensure that natural drainage of the property and adjoining properties is not effected*

#### **79. Excavations and Backfilling**

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

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

#### **80. Support for Neighbouring Buildings**

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- a) must preserve and protect the building from damage, and
- b) if necessary, must underpin and support the building in an approved manner (under guidance / instruction of a structural engineer), and
- c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work to be carried out for the purposes of this clause, whether carried out on the allotment of land.

In this case, allotment of land includes a public road and any other public place.

**Reason:** *To preserve and protect neighbouring buildings.*

#### **81. Engineering Inspections by Council**

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

- (a) Sewer main upgrade (Technical Services).

(b) Works in relation to road reserves, footpath, kerb and gutter, road shoulder and drainage within public lands or road reserves;

(c) final inspection of water plumbing, sanitary drainage and stormwater drainage.

**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.*

## **82. Stormwater - Construction**

The applicant shall provide adequate storm water drainage infrastructure (pits/pipes/open channels/detention storage) for the conveyance of storm water passing through the site from upstream, and sourced from the development to a discharge outlet to be approved by Council. The point of discharge shall be clearly depicted and the legal right to discharge at that point to be justified. Status of the point of discharge is to be made clear (i.e. provision of drainage easements).

The provision of stormwater drainage infrastructure shall incorporate measures outlined in;

- Stormwater Management Plan – RevC prepared by Marchese Partners Engineering P/L dated 29 September 2018
- Flood Assessment Report prepared by FloodMit Pty Ltd dated September 2018 incorporating Option 4.

**Reason:** *To assist in the prevention of erosion of the site from storm water.*

## **83. Stormwater - Discharge**

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

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

## **84. Earthworks, retaining walls and structural support**

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

- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
- (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and

- (c) that is fill brought to the site—must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, and
  - (d) that is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.
- (2) Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442), published in October 2013 by Safe Work Australia.

**Reason:** *Structural safety.*

#### **85. Damage to Adjoining Properties**

All precautions shall be taken to prevent any damage likely to be sustained to adjoining properties. Where damage occurs to adjoining property all necessary repair or suitable agreement for necessary repairs shall be undertaken by the applicant in consultation with, and with the consent of, the affected property owner.

**Reason:** *Structural safety.*

#### **86. 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.*

#### **87. 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.*

#### **88. Burning and Burying of Waste**

No materials or rubbish resulting from the land clearing, demolition and building works shall be burnt or buried on the site. All waste materials shall be disposed of to a facility authorised and licensed to accept such waste.

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

#### **89. 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.*

#### **90. Noise & Vibration**

The construction of the development and preparation of the site, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions shall be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

In the event of a noise or vibration problem arising, the person in charge of the premises shall, when instructed by an authorised officer of Council or the Accredited Certifier, cease work and carry out an acoustical survey and/or investigation by an appropriately qualified acoustical engineer or qualified and experienced professional consultant and submit the results to Council. The person in charge of the site shall implement any or all of the recommendations of the consultant and any additional requirements of Council. Any requirements of Council in this regard must be complied with immediately.

**Reason:** *Safety and amenity.*

#### **91. 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*

#### **92. 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.*

#### **93. Tree Removal/Tree Preservation**

No trees shall be pruned, removed, damaged or destroyed without the prior written consent of Council. Failure to comply with this requirement will result in prosecution by Council in

accordance with the provisions of *Wingecarribee Local Environmental Plan 2010* and associated Development Control Plans.

**Advice:** *Tree removal should be carried out by a level 3 and above professional arborist to avoid any risk to life or damage to property. This person should have adequate public liability insurance cover.*

**Reason:** *To comply with the Wingecarribee Local Environmental Plan 2010.*

#### **94. Supervising Arborist**

An arborist qualified to at least Australian Qualifications Framework (AQF) Certificate Level 4 shall be retained throughout all construction work to ensure to proper protection and management of the trees required to be retained and that any necessary pruning/root pruning is carried out in accordance with AS4973-1996 "Pruning of Amenity Trees" and AS4970-2009 "protection of Trees on Development Sites". This includes on site supervision of the erection of tree protection measures and, where approved, any works that are required within the Tree Protection Zone (TPZ) or Structural Root Zone (SRZ).

**Reason:** *To ensure to proper protection and management of the trees required to be retained and that any necessary pruning/root pruning is carried out in accordance with the relevant Australian Standards.*

#### **95. Protection of Fauna**

Prior to the removal of any Hollow Bearing Tree (HBT), the following matters MUST be addressed:

- a. Ensure that a suitably qualified and licensed Ecologist (who is vaccinated for Australian Bat Lyssavirus) is engaged to supervise the removal of the HBTs in order to rescue or relocate any fauna displaced during the clearing process.
- b. Check for fauna in the zone of disturbance before clearing and scare off or remove them before commencing clearing works.
- c. Remove any non-HBTs prior to the removal of the HBTs.
- d. Leave HBTs standing for at least one night after other non-HBT clearing to allow any fauna the opportunity to remove themselves after site disturbance.
- e. After clearing, re-check the site to ensure no fauna have become trapped or injured during clearing operations. Any fauna found should be moved to adjacent habitat.
- f. Before felling the HBTs, tap trunk using heavy machinery to scare fauna from the hollows. Repeat several times. The aim is to 'substantially' shake the tree and encourage fauna to exit.
- g. Carefully fell the HBT by gently lowering the tree to the ground using an excavator arm fitted with grapples. Alternatively, arrange for qualified tree surgeons to fell the HBT using chainsaws and pulleys.
- h. After felling the tree, thoroughly check the tree for fauna in the case that any have become trapped or injured during clearing operations. Any fauna should be safely moved into adjacent habitat.
- i. If taking the tree down in stages, the non-hollow bearing branches should be removed before the hollow bearing branches are removed.
- j. Fell trees into the already disturbed areas to avoid damaging adjacent vegetation.
- k. Take care when moving equipment near vegetation to be retained.
- l. Logs from felled trees should be distributed into areas of vegetation so that they can continue to provide habitat for fauna such as terrestrial reptiles and mammals.

- m. Relocate woody debris to areas where they will not contribute a fire hazard.
- n. Provide written evidence to Council in order to document that a suitably qualified person was engaged for the specific tasks listed above.

**Reason:** *To ensure that the removal is undertaken in an environmentally responsible manner.*

#### **96. Arborist Progression Reports**

A 3 monthly report is to be prepared and submitted to Council by the arborist engaged to supervise all works pertaining to protection and approved pruning and root pruning activities that:

- o. Sets out maintenance work carried out on the trees; and
- p. Assesses the health and condition of the tree.

The report shall also provide documentary evidence that the tree protection conditions are being complied with in the form of site notes and photographs.

**Reason:** *To ensure that the tree protection conditions are being complied with.*

#### **97. Approved hours of Construction/Demolition**

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

DAY	HOURS
Monday to Friday	7:00am to 6:00pm
Saturday	8:00am to 1:00pm
Sunday	Nil
Public Holidays	Nil

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

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

#### **98. 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.*

#### **99. 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.*

#### **100. Storage of Building Materials, Plant and Equipment**

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

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

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

#### **101. Site requirements during demolition and construction**

All of the following shall be satisfied/complied with during demolition, construction and any other site works:

- (a) All demolition shall be carried out in accordance with Australian Standards AS 2601-2001.
- (b) Demolition shall be carried out by a registered demolition contractor.
- (c) A single entrance shall service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- (d) No blasting shall be carried out at any time during construction of the building.
- (e) Care shall be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- (f) Adjoining owner property rights and the need for owner's permission shall be observed at all times, including the entering onto land for the purpose of undertaking works.

- (g) Any demolition and excess construction materials shall be recycled wherever practicable.

**Reason:** *To ensure that the works are carried out in accordance with the approval and relevant legislation and to ensure that there is no disturbance to neighbouring properties.*

#### **102. Construction and delivery vehicles**

A suitable entry point shall be nominated on site and utilised by construction and delivery vehicles. The entry point shall be located so that the possibility of damage to Councils property is minimised during construction. The access point shall be surfaced with all-weather materials of a minimum of 40mm in size.

**Reason:** *To minimize the potential for damage to Councils assets.*

#### **103. Temporary Onsite Toilet**

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

Each toilet shall:

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

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

#### **104. Waste Management**

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

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

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

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

#### **105. Occupation Certificate**



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

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

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

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

**Note:** *A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of Section 6.10 of the Environmental Planning and Assessment Act 1979 unless an Occupation Certificate has been issued in relation to the building or part.*

#### **106. Public Infrastructure**

The applicant shall rectify any damage to public infrastructure (including roads, gutters, footpaths, street trees, etc.) prior to the issue of an Occupation Certificate at no cost to Council.

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

#### **107. Works as Executed Plans - Building Works**

Prior to the issue of the Occupation Certificate, 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.

**Reason:** *To ensure that there is a record of final works carried out on the site.*

#### **108. Civil Engineering works and services**

All approved civil engineering works and services as per the approved engineering plans are to be constructed prior to the issue of the Occupation Certificate.

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

#### **109. Certification of Engineering Works**

Prior to issue of the Occupation Certificate, 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 prior to the issue of any Occupation Certificate. These documents are to be retained on Council's Construction Certificate file.

**Reason:** *Asset management.*

#### **110. 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 Council's 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 the issue of any Subdivision or Occupation Certificate 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.*

#### **111. Guarantee for Civil Works**

Prior to allowing occupation of the building/completion of subdivision works a cash bond or irrevocable bank guarantee in favour of Council is to be lodged for a period of 12 months for a sum equal to 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.

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

#### **112. Asset Management**

Prior to the issue of the Occupation Certificate, 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 (m<sup>2</sup>)
- Sewer
- Water
- Open Space and total area being dedicated (m<sup>2</sup>)

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

### **113. Engineering Details in DXF Format**

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

**Reason:** *To ensure appropriate records are held and asset Management.*

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

Failure to provide completed documents in this format will result in a delay in the issue of the Occupation Certificate and retention of bonds held until such time as Council have deemed the WAE information to be complete in the required format. The standards are updated as required; please ensure you are using the correct version. Please note the work as executed information requirements include providing surveyed levels for all underground assets. WAE Information submitted must be checked and signed off by a Registered Surveyor or suitable qualified Engineer.

### **114. Final Arborist Report**

The arborist engaged to ensure the proper protection and management of the tree required to be retained is to provide a final report to Council prior to the issue an Occupation Certificate, concerning the health and condition of the tree and if necessary any remedial works required. Any remedial works required shall be carried out and completed prior to the issuing of the Occupation Certificate, and included in the final report. The report shall also provide documentary evidence in the form of site notes and photographs that the tree protection conditions were complied with throughout all construction phases and any approved pruning works, root pruning, and remedial works were carried out as per AS4973 and AS4970. If Council is **not** the PCA, a copy of the certification is to be provided to Council with the lodgement of the Occupation Certificate.

**Reason:** *To ensure the proper protection and management of any trees required to be retained.*

### **115. Landscape Certification**

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

**Reason:** *To ensure that the landscaping has been carried out in accordance with the Council endorsed landscape plan.*

#### **116. Final Ecology Report**

Prior to the issue of an Occupation Certificate, a final certification report providing documentary evidence of compliance for each stage of the development with all conditions of consent relating to ecology/trees/fauna management/nesting boxes must be prepared by the engaged Consulting Ecologist and forwarded to Council for review.

**Reason:** *To ensure compliance for each stage of the development with respect to tree/vegetation management.*

#### **117. Irrigation**

Certification is to be provided to the Principal Certifying Authority from a suitably qualified and licensed contractor that the specified fully automatic commercial grade irrigation system has been designed and installed to all common planted areas in accordance with the requirements of the current relevant Australian Standards, any relevant water authority regulations and current best practices. If Council **is not** the PCA, a copy of the certification is to be provided to Council with the Occupational Certificate.

**Reason:** *To ensure that an appropriate irrigation system has been installed.*

#### **118. Fire Safety Certificate**

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

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

- Forwarded to Wingecarribee Shire Council;
- Forwarded to the Commissioner of the New South Wales Fire Brigade; and
- Prominently displayed in the building.

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

#### **119. Food Shop Requirements**

Prior to the issue of the Interim or Final Occupation Certificate, the premise shall be set up and operated in accordance with the *Food Act*, the *Food Regulations* and the *Food Safety Standards*. The premise shall be fitted out in accordance with the Australian Standard AS4674 – 2004.

**Reason:** *Statutory requirement.*

## **120. Food Shop Registration Requirements**

Occupation of the premises shall not occur until:

- a) a registration form has been submitted to Council for the food premises; and
- b) notification to the NSW Food Authority under Food Safety Standard 3.2.2 Division 2 Section 4 Notification.

This requirement is to be met by notifying through the following website:  
[www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au)

Evidence of compliance of the above shall be submitted to Council prior to the issue of an Interim or Final Occupation Certificate and commencement of business.

**Reason:** *Registration and notification to relevant authorities.*

## **121. Storm water Facilities Alterations**

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

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

## **122. Storm water Facilities Maintenance**

A "Positive Covenant" shall be included on the linen plan and 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 (*Conveyancing Act 1919*) shall make provision for Council to conduct maintenance on the subject storm water facilities at the owner's expense if the storm water facilities are not maintained to the agreed standard. Details shall be provided for the approval of Council prior to issue of the Occupation Certificate.

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

## **123. Construction of Road**

Construction of internal access roads, turning areas, footpaths, parking areas shall be completed prior to the issue of the occupation certificate.

- (a) Construction of access roads and turning areas shall be provided with an all-weather surface of asphaltic concrete.
- (b) Construction of minimum 2.0m wide shared pathways shall be provided with an all-weather surface of concrete including pedestrian area lighting to be designed in accordance with AS/NZS 1158.3.1 (category P).
- (c) Construction of parking areas shall be provided with an all weather surface of asphaltic concrete with parking spaces permanently marked

**Reason:** *To ensure that adequate access is provided.*

#### **124. Construction of Road**

All road construction shall be in accordance with Council's Engineering Standard and to the satisfaction of the Group Manager Planning, Development and Regulatory Services, prior to the issue of the Occupation Certificate.

- (a) Construction of Centennial road full width between Kirkham Road and a point 50m (equivalent to a BAR length for 50kph) west of the secondary access point centerline intersection point to the development site including footpath and associated road drainage in accordance with Council's Engineering Standards including SD101 – Collector Road. All costs to be borne by the applicant
- (b) Access road intersections with Centennial Road to be designed as intersections with kerb returns in accordance with Council's Engineering Standards.
- (c) Provision of lighting where the access roads intersect with the public road network – Centennial Road to be designed in accordance with AS/NZS 1158.1.1 (Category V).
- (d) Construction of a minimum 1.2m wide footpath along the western side and part eastern side of Kirkham Road between Centennial Road and the existing rail subway pathway (adjacent to Mittagong Creek) including a pedestrian refuge on Kirkham Road. All costs to be borne by the applicant.
- (e) Construction of roundabout at the intersection of Centennial Road and Kirkham Road in accordance with Austroads Guide to Road Design Part 4B Roundabouts or RMS (RTA) Road Design Guide. All costs to be borne by the applicant.
- (f) Construction of a minimum 1.2m wide footpath along the western side of Kirkham Road between the refuge and Mount Road including a free standing pedestrian bridge over Mittagong Creek. All cost to be borne by the applicant.

**Note:** *Where the subdivision is staged and required roadworks are incomplete, Council may require the construction of temporary cul-de-sacs or turning facilities for large vehicles such as garbage trucks. These works are to be constructed to the requirements of Council.*

**Reason:** *To ensure that adequate access is provided.*

#### **125. Provision of reticulated sewer to each lot**

A sewer connection shall be provided to the development in accordance with the approved civil engineering plans prior to the issue of the Occupation Certificate.

Sewerage mains shall be constructed to serve the development.

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

#### **126. Construction of Water Service**

A water service shall be installed to the development by Council at the applicant's cost prior to the issue of the Occupation Certificate.

A metered fire service shall be installed to the development at the applicant's cost prior to the issue of Occupation Certificate.

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

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

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

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

### **127. Noise Control**

The use of the premises shall not give rise to the transmission of offensive noise to any place of different occupancy.

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

### **128. 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.*

## **INTEGRATED DEVELOPMENT CONDITIONS**

### **129. General Terms of Approval – Natural Resource Access Regulator**

General Terms of Approval has been granted by the Natural Resource Access Regulator for the development pursuant to *Water Management Act 2000*. The conditions provided by the Natural Resource Access Regulator are provided at Attachment 1 and form part of this Notice

17/1822, Lot 1 DP 1101892  
Lot 2 DP 1101892, Lot 4 DP 1109214  
Lot 5 DP 1109214, Lot 6 DP 1109214  
Lot 7 DP 1109214, Lot 8 DP 1109214  
Lot 9 DP 1109214, Lot 10 DP 1109214  
Lot 11 DP 1109214

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of Determination.

## **CONCURRENCE CONDITIONS**

### **130. Concurrence - Water NSW**

Concurrence has been granted by Water NSW for 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.

## **END OF CONDITIONS**