



## Land and Environment Court New South Wales

Case Name: **Pepperfield 6 Wiseman Road Pty Ltd v Wingecarribee Shire Council**

Medium Neutral Citation: [2024] NSWLEC 1078

Hearing Date(s): 29-31 January 2024

Date of Orders: 28 March 2024

Date of Decision: 28 March 2024

Jurisdiction: Class 1

Before: O'Neill C

Decision: The orders of the Court are:  
(1) The appeal is upheld.  
(2) Development Application No 22/0214 for lot consolidation, demolition of existing structures, 71 self-care seniors living units, community building, alterations and additions to an existing community building, landscaping and civil works, at 6-8 Wiseman Road, Bowral, is approved, subject to the conditions of consent at Annexure A.  
(3) The exhibits, other than Exhibits 3, A, B, C, D and E, are returned.

Catchwords: DEVELOPMENT APPLICATION – additional stage for a seniors housing development on adjoining land – social impacts on existing residents

Legislation Cited: *Civil Procedures Act 2005*, s 56  
*Environmental Planning and Assessment Act 1979*, ss 4.15, 8.7  
*Land and Environment Court Act 1979*, s 34  
*Retirement Villages Act 1999*, s 60

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004  
State Environmental Planning Policy (Housing) 2021, Schs 1, 7A, cl 2, 43  
Wingecarribee Local Environmental Plan 2010, cl 36

Cases Cited: Dougruby Pty Ltd v Wingecarribee Shire Council  
[2004] NSWLEC 192  
New Century Developments Pty Limited v Baulkham  
Hills Shire Council (2003) 127 LGERA 303

Texts Cited: Wingecarribee Shire Council, The Wingecarribee  
Local Housing Strategy – Housing Our Community,  
2021

Category: Principal judgment

Parties: Pepperfield 6 Wiseman Road Pty Ltd (Applicant)  
Wingecarribee Shire Council (Respondent)

Representation: Counsel:  
T To (Applicant)  
J Walker (Solicitor) (Respondent)

Solicitors:  
Mills Oakley (Applicant)  
Maddocks (Respondent)

File Number(s): 2023/87257

Publication Restriction: Nil

## JUDGMENT

- 1 **COMMISSIONER:** This is an appeal pursuant to the provisions of s 8.7(1) of the *Environmental Planning and Assessment Act 1979* (EPA Act) against the refusal of Development Application No 22/0214 for lot consolidation, demolition of existing structures, 71 self-care seniors living units, community building, alterations and additions to an existing community building, landscaping and civil works (the proposal), at 6-8 Wiseman Road, Bowral (the site), by Wingecarribee Shire Council (the Council).
- 2 The appeal was subject to conciliation on 10 August 2023, in accordance with the provisions of s 34 of the *Land and Environment Court Act 1979* (LEC Act). As agreement was not reached, the conciliation conference was terminated, pursuant to s 34(4) of the LEC Act.

### **The application is amended**

- 3 The Applicant sought the Court's leave to amend the application to rely on an amended site plan and architectural plans depicting alterations and additions to Pepperfield House, to extend the existing function room and the existing gym.
- 4 The Council opposed the Applicant pressing the application for the grant of leave to amend the application; and opposed the granting of leave for the Applicant to amend the application to rely on those architectural plans (Ex E, tabs 1 and 2).
  - The Court granted the Applicant leave to amend the application on 24 January 2024 to rely on an amended proposal. The Applicant had sought to include the alterations and additions to Pepperfield House as part of the amendment, however, the Court did not grant the Applicant leave to amend the application to include the alterations and additions to Pepperfield House (as well as other proposed amendments). The Council submitted that reagitating the same issue before me is an abuse of process, as a decision has already been made by the Court in relation to the proposed alterations and additions to Pepperfield House and the

circumstances have not changed since the Court excluded those proposed alterations and additions to Pepperfield House from the grant of leave to amend the application on 24 January 2024.

5 The Applicant was given leave to press the application. I do not accept that the pressing of the application is an abuse of process because an applicant is entitled to seek the Court's leave to amend their application during the hearing of an appeal. I had more information before me than the Court had on 24 January 2024, having read the joint reports which were filed on 25 January 2024 (Ex 6), viewed the site (including Pepperfield House), and having heard from the objectors.

6 The Council objected to the grant of leave for the Applicant to amend the application on the following bases:

- The proposed alterations and additions to Pepperfield House were presented to the existing residents in September 2023, however, those alterations and additions were not included as part of the Applicant's motion dated 18 October 2023 and heard on 2 November 2023 to amend the application to rely on an amended proposal. This is inconsistent with the Court's rules requiring the Applicant to amend the application as soon as possible. The Applicant has not satisfactorily explained why the proposed alterations and additions to Pepperfield House were not incorporated into an amended proposal for which leave was sought until December 2023.
- The Applicant's social planning expert relied on the plans for the proposed alterations and additions to Pepperfield House in her evidence, however, the Council's expert did not.
- The Council is prejudiced as the Council's experts do not have time to assess the amended application; nor does the Council have time to renotify the architectural plans.

7 The Applicant submitted that the outcome of the residents meeting was not known until after the Applicant's motion dated 18 October 2023 was filed with the Court. The social planning experts have considered the proposed alterations and additions to Pepperfield House. The town planning experts would have considered the plans for Pepperfield House because those plans were the subject of the motion filed with the Court in December 2023. Furthermore, the alterations and additions to Pepperfield House are relatively minor. The seeking of leave to amend the application to rely on the plans for alterations and additions to Pepperfield House is consistent with the overriding purpose of the rules of court to facilitate the just, quick and cheap resolution of the real issues in the proceedings, pursuant to s 56 of the *Civil Procedures Act 2005*, because the Council's key concern regarding the social impact of the proposal is partly addressed by the augmentation of the communal facilities in Pepperfield House to accommodate the additional residents.

8 I accept the Applicant's submissions and leave was granted to the Applicant to amend the application to rely on the amended site plan and the architectural plans showing the proposed alterations and additions to Pepperfield House (Ex E, Tabs 1 and 2) on the following bases:

- The augmentation of the facilities room and the gym within Pepperfield House addresses the Council's concern regarding the proposed significant increase in residents in the village with no proposed increase in facilities (Contention 6(g)(iv)(A) of Ex 3) and the concern raised by the objectors that the existing community facilities are inadequate to provide for the needs of the additional residents.
- I am satisfied that the architectural plans are suitable for assessment at the hearing as the proposal is sufficiently documented for the purpose of minor alterations and additions to an existing building. The Council raised an issue that some elevations of Pepperfield House were not shown, however, the proposed changes to the building are only visible on the north elevation, which is included.

- I am satisfied that the Applicant consolidated its amendments and applied for leave as soon as it was reasonably possible to do so.
- The granting of leave to the Applicant to amend the application did not require either the vacating of the hearing dates or an adjournment of the hearing. The alterations and additions to Pepperfield House are minor and the experts were able to consider those changes during the course of the first day of the hearing in court.

9 Following the granting of leave to the Applicant to amend the application, the town planning experts were directed to confer over the proposed alterations and additions to Pepperfield House. The town planning expert did so and the Council tendered an addendum to their joint report (Ex 9) the following day.

## **Issues**

10 The Council's contention can be summarised as the proposal will result in adverse social impacts to the existing residents of the existing retirement village located at 8 Wiseman Road, as follows:

- There is a need for a dedicated transport service for village residents, and the provision of an adequate service is not proposed, nor is it flexible enough to meet the needs of existing and future residents.
- The proposal will impact on the access of existing residents to facilities and services within the village, particularly resulting from the significant increase in proposed residents with no proposed increase in facilities and services as part of the proposal. The proposal is inconsistent with the *Retirement Villages Act 1999* s 60(3).
- The social needs of existing and future residents have not been adequately addressed, including whether the village should operate to ensure residents can age in place, or could be provided with appropriate access to the required services.

- The construction of the proposal will impact upon the health and wellbeing of existing residents.

### **The site**

- 11 The site is on the northern side of Wiseman Road, to the west of the Southern Highlands Christian School. The site is approximately 5 km from Bowral town centre.
- 12 The site is legally known as Lot 4 in DP 829578 (6 Wiseman Road) and Lot 1000 in DP 1117715 (8 Wiseman Road) and has an area of 12.118 hectares. 8 Wiseman Road has an area of 8.127 hectares. There is an existing seniors living development of 8 Wiseman Road known as Pepperfield Lifestyle Resort. The existing seniors housing development was approved by the Land and Environment Court (*Dougruby Pty Ltd v Wingecarribee Shire Council* [2004] NSWLEC 192).
- 13 6 Wiseman Road has a land area of 3.991 hectares and a frontage to Wiseman Road of 195m. The northern part of 6 Wiseman Road is flood affected and contains a dam.

### **The proposal**

- 14 The proposal is for consolidation of the two adjoining lots, the construction of 71 new self-care seniors living units within 41 buildings, a community building containing a café, landscaping and civil works. The proposal includes alterations and additions to Pepperfield House to extend the existing function room and gym.

### **Planning framework**

- 15 Matters for the consideration of a consent authority (or the Court exercising the functions of the consent authority) in determining a development application include the likely impacts of that development, including social impacts in the locality, at s 4.15(1)(b) of the EPA Act.

- 16 State Environmental Planning Policy (Housing) 2021 (SEPP Housing) does not apply to the proposal (cl 2(1)(a) of Sch 7A to SEPP Housing). State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (repealed 25 June 2021) (SEPP Seniors) does not apply to the proposal because the site is identified as environmentally sensitive land (Sch 1 of SEPP Seniors).
- 17 The site is zoned C3 Environmental Management pursuant to the Wingecarribee Local Environmental Plan 2010 (LEP 2010) and the proposal for seniors housing is permissible with consent (cl 36(2) of Sch 1 to LEP 2010).
- 18 The objectives of the C3 zone, to which regard must be had, are:
- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
  - To provide for a limited range of development that does not have an adverse effect on those values.
  - To encourage the retention of the remaining evidence of significant historic and social values expressed in existing landscape and land use patterns.
  - To minimise the proliferation of buildings and other structures in these sensitive landscape areas.
  - To provide for a restricted range of development and land use activities that provide for rural settlement, sustainable agriculture, other types of economic and employment development, recreation and community amenity in identified drinking water catchment areas.
  - To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Wingecarribee's longer term economic sustainability.

### **Public submissions**

- 19 Four of the existing residents of the village gave evidence at the commencement of the hearing onsite. The concerns of three of those residents can be broadly summarised as the proposal will adversely impact on the amenity of the existing residents and the facilities are insufficient to accommodate the proposed increase in residents. One resident spoke in support of the proposal.

## **Expert evidence**

- 20 The Applicant relied on the expert evidence of Darren Hogan (town planning) and Dr Judith Stubbs (social planning).
- 21 The Council relied on the expert evidence of Jeremy Swan (town planning) and Dr Rigmor Berg (social planning).

## **Dedicated transport service**

- 22 The Council submitted that the Court may reasonably have regard to the SEPP Seniors as it indicates the level of service provision and accessibility which policy makers determined is necessary for seniors living developments in non-urban areas. Clause 43 of SEPP Seniors requires that on non-urban sites, there should be a bus operating at least two trips per day, seven days per week. The village commenced offering a bus service only since June 2023, and at present the bus only operates one trip per day to Bowral on a fixed timetable.
- 23 The Applicant submitted that SEPP Seniors plays no part in the assessment of the proposal as the application is made relying on LEP 2010 as amended.
- 24 The draft Plan of Management includes at [13] (Ex 6, f 190), 'Access to Transport/Bowral Town Centre', which, in summary, provides an accessible free dedicated bus service between the village and Bowral twice per day, seven days per week. The service is to be reviewed twice per annum based on usage data collected by the Manager and in consultation with the Resident Committee and will increase the number of trips and/or size of the bus as required.
- 25 According to Dr Berg, flexibility of the service is important. According to Dr Stubbs, there is, in addition to the bus service, an existing roster for volunteer drivers (Ex 6, f 214), residents can access community transport and there is a local taxi service.
- 26 The Council submitted that little weight should be placed on claims that there is low demand for the bus service, because this may be due to a number of factors

including that the bus service has only recently been introduced and is so inadequate that residents who are unable to drive have chosen not to move into, or to remain, at the village. Nor should significant weight be given to the alternative transport options relied upon by the Applicant and Dr Stubbs.

- 27 The Council seeks a dedicated accessible bus service that offers a minimum of three regular stops within Burradoo Bowral or Mittagong convenient to a number of facilities (Condition 99, Ex 10). The Council submitted that any changes to the bus service should be based on a survey of residents. The Applicant proposes a dedicated accessible bus service to Bowral twice per day, seven days per week, and a weekly outing within the Southern Highlands to be determined in consultation with the Social Committee. I accept the Applicant's submission that there is no evidence before me to suggest that the existing residents want the bus service to operate differently to what is offered now and that the reasons provided by the Council for the low demand for the bus service are merely speculative.
- 28 Under the terms of the Plan of Management, there is an opportunity for the Manager, in consultation with the Residents Committee, to review the service twice each year based on usage data collected and to increase the number of trips and/or size of the bus as required. Basing any changes to the bus service on usage data is, in my view, more reliable than basing changes on a survey of residents, because the residents in a survey are unlikely to have regard to the cost implications of increasing the service. In contrast, the Manager, in consultation with the Residents Committee, can make a decision on changes to the service with regard to all the relevant factors to be considered. I am satisfied that the proposal includes the provision of an adequate, dedicated transport service for village residents, which is sufficiently flexible to meet the needs of existing and future residents.

### **Access to facilities and services**

- 29 According to Dr Stubbs, an eligible resident is able to obtain services under an aged-care package. In her view, there is a good level of services onsite,

including the village bus, the existing and proposed continuous pathways within the village, the swimming pool, yoga, the Mens' Shed and other activities appropriate for those who are frail. In Dr Stubbs opinion, the village is a well-functioning cohesive community.

30 According to Dr Berg, the community facilities are already inadequate, and an increase in the function room space with a corresponding increase in the village population, does not represent an improvement in the provision of facilities.

31 In Dr Stubbs survey, 23 existing residents responded to the question, "which facilities have room for more users" (Ex 6, f 298), with "none". I accept Dr Stubbs' opinion that the residents, in their assessment of the capacity of the facilities on offer in relation to a proposed new development, are not necessarily objective (*New Century Developments Pty Limited v Baulkham Hills Shire Council* (2003) 127 LGERA 303 at [316]-[317]). According to Dr Stubbs, Pepperfield House is only at capacity a few times per year, and as the proposal includes expanding the function room to accommodate most of the residents of the expanded village, the proposal does not represent any serious social impacts on the existing residents of the village. Instead, the expanded village will provide a more vibrant community, with augmented facilities commensurate with the increase in the population of the village.

32 I accept Dr Stubbs' evidence, based on her survey and investigations, that some existing facilities are underutilised. It is appropriate and necessary as part of the proposal that the existing function room within Pepperfield House be enlarged to accommodate the existing and new residents wanting to attend those functions most in demand by the residents. I am satisfied that the proposed alterations and additions to Pepperfield House, coupled with the addition of new facilities, including a picnic area, BBQ facilities, lawn areas and a pavilion, walking tracks, and the community building including a café, will adequately meet the needs of the existing and future residents of the village. The proposal does not represent a loss of amenity for the existing residents of the village.

## **Aging in place**

- 33 The Council submitted that the proposal does not support the objective of allowing seniors to age in place, because it does not have any special facilities to cater for those who are frail or require additional support to live independently. If the government and private support services prove inadequate, and a resident must move to an aged care facility, they may experience difficulty in finding one in the local area.
- 34 According to Dr Berg, there was an expectation by the residents that the adjoining site would be a high-care facility, and there is a need in the LGA for aged care facilities. Adding more independent living units on the site will increase the local demand for high-care facilities.
- 35 I accept the Applicant's submission that the Court does not evaluate the proposal against what other permissible use may have been proposed but instead assesses the proposal on its merits.
- 36 I accept Dr Stubbs' opinion that independent living for seniors provides conditions that assist in aging in place, including that the delivery of assisted living services is more certain when it is more efficient to provide those services within a retirement village. I accept her opinion that independent living in a retirement village provides positive social benefits for most residents.
- 37 I accept the town planning experts' agreement that the proposal is consistent with the C3 zone objectives (Ex 6, f 5).
- 38 I am satisfied that the proposal is consistent with strategic planning imperatives for the Wingecarribee local government area (Wingecarribee LGA). The Wingecarribee Local Housing Strategy – Housing Our Community (Ex E, Tab 5) identifies a need for more housing to cater for an increase in residents aged over 65, as follows (p 10):

“By 2036, over 35% of Wingecarribee residents will be aged 65 and over, up from 25% of the population in 2016. We will see an increase in older residents

(65 and over) from 11,850 in 2016 to 18,200 in 2036 representing an increase of some 54%.

The significant aging of our population means we need to plan for housing that is accessible and suitable for older people. Increases in aged care places, seniors living developments and adaptable forms of housing will be required to meet the needs of our aging population, as well as smaller homes for those wishing to downsize when children move away, or to reduce maintenance.”

### **Construction of the proposal and impacts on the health and wellbeing of residents**

- 39 The Council submitted that the construction of the proposal will impose noise and dust impacts on the existing residents of the village. In response to Dr Berg’s survey, many residents expressed concern about the noise, dust and heavy vehicle movement during the construction stage of the proposal. 25% of residents said they would find it problematic.
- 40 Dr Berg’s survey of existing residents included at questions 10 and 11 (Ex 6, f 393); “It is anticipated that construction at 6 Wiseman Road will take about 5 years. How is that likely to affect you?” and “Do you or your partner have any physical or mental health issues that would make noise, dust or vibration particularly problematic for you?”. The Applicant submitted that the residents’ responses were influenced by the statement that construction would take 5 years, which implies that construction would be continuous for a 5 year period, when in fact, construction is to be staged over 5 years as identified by the Construction Noise and Vibration Management Plan, falls far short of justifying Condition 64.
- 41 The Applicant submitted that there are assessment and detailed mitigation measures for the construction noise and vibration during construction of the proposal as part of the application (Construction Noise & Vibration Management Plan dated 17 October 2023, Ex B, Tab 8) and the Council has not raised a contention suggesting that those proposed measures are insufficient.
- 42 I accept the Applicant’s submission that the wording in Dr Berg’s survey indicates that the construction period for the proposal is continuous over 5 years, and this may have influenced the responses to question 11. Other than

the minor alterations and additions to Pepperfield House, the proposal is predominately confined to 6 Wiseman Road and this site may have been developed for the same purpose as an independent development to Pepperfield Lifestyle Resorts as seniors housing is a permissible use on the site. The fact that the proposal is to be part of Pepperfield Lifestyle Resorts does not elevate the consideration of managing and mitigating construction noise and vibration on the existing residents. The construction noise and vibration of any development on 6 Wiseman Road must be properly managed to minimise impacts on adjoining and nearby residents. I accept the Applicant's submission that the Council did not raise a contention regarding the adequacy of the measures proposed by the Construction Noise and Vibration Management Plan.

## **Conclusion**

- 43 On the basis of the evidence before me, and the commitment of the Applicant to an augmented bus service, I am satisfied that the proposal includes the provision of an adequate, dedicated transport service for village residents, which is sufficiently flexible to meet the needs of existing and future residents.
- 44 I am satisfied that the proposal will not detrimentally impact on the access of existing residents to facilities and services within the village because the facilities room and gym within Pepperfield House will be enlarged to accommodate the increase in residents, and there are additional new facilities provided by the proposal for the use of existing and future residents of the village.
- 45 I accept the Applicant's submission that the issue raised by the Council regarding the requirement under s 60(3) of the *Retirement Villages Act 1999* (that the services and facilities provided at the village are not to be varied unless the residents of the village by a special resolution consent to the variation) is not a relevant matter for consideration in determining the development application but may be a matter for the consent holder to address in realising the development.

46 I am satisfied that the social needs of existing and future residents have been adequately addressed by the proposal.

### **Disputed conditions of consent**

47 The Council's conditions of consent were adduced as Exhibit 10 and the Applicant's disputed conditions as Exhibit G.

48 The Council submitted that the alterations and additions proposed for Pepperfield House should be the subject of a deferred commencement condition, since many details are still missing in relation to the proposed works and these details need to be provided to Council's satisfaction prior to the consent becoming operational. I do not accept this submission because the alterations and additions to Pepperfield House are relatively minor. The proposal is adequately documented in the application for the purpose of a development application. Condition 2B requires the Applicant to provide the additional documents regarding the alterations and additions to Pepperfield House to the Council's Manager of Development Assessment and Regulation. The additional documentation required includes stormwater plans. Logically, the materials and finishes will match the existing building. The construction of the alterations and additions will be merely temporarily inconvenient to the existing residents.

49 The Council's version of Condition 15, "Section 7.11 Contributions", is in Exhibit 10 tendered during the hearing of the matter and is retained in the conditions of consent at Annexure A. No issue was raised, and no submissions were made, by the Applicant during the hearing regarding Condition 15. Condition 15 was retained as the Council's version in Exhibit G. A note was added to the version of conditions filed by the Applicant and dated 7 February 2024 (after my decision was reserved on 31 January 2024) stating that the contributions should be payable prior to the Occupation Certificate of each respective stage and amounts listed in the Notice of Payment should be revised as they are incorrect. If this was an issue, it should have been agitated during the hearing. I accept the Council's submission filed on 15 February 2024 (in response to the

Applicant's version of conditions filed and dated 7 February 2024) and the Council's updated Notice of Payment is annexed to the conditions of consent.

50 I accept the Applicant's submission regarding the imposition of Condition 64 (Ex 10) requiring the developer to provide air filters and sound proofing to units located adjacent to 6 Wiseman Road and to any resident with a health vulnerability. The issue is raised through a social impact lens and is not a contention regarding the adequacy of the measures proposed. Furthermore, the condition is too vague as to what the requirements are and the determination of a "health vulnerability".

**Orders**

51 The orders of the Court are:

- (1) The appeal is upheld.
- (2) Development Application No 22/0214 for lot consolidation, demolition of existing structures, 71 self-care seniors living units, community building, alterations and additions to an existing community building, landscaping and civil works, at 6-8 Wiseman Road, Bowral, is approved, subject to the conditions of consent at Annexure A.
- (3) The exhibits, other than Exhibits 3, A, B, C, D and E, are returned.

I certify that this and the preceding 13 pages are a true copy of my reasons for judgment.



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**Susan O'Neill**

**Commissioner of the Court**

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## Annexure A

### DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

**Development Application No:** 2022/0214

**Development:** Lot consolidation, demolition of existing structures and development for the purpose of self-care seniors living including the staged construction of 71 two bedroom units within 41 buildings creating a total of 142 bedrooms, a community building and associated landscaping and civil works.

**Site:** 6 and 8 Wiseman Road, Bowral NSW 2576, legally described as Lot 4 in Deposited Plan 829578 and Lot 1000 in Deposited Plan 1117715.

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

**Date of determination:** 28 March 2024

**Date from which consent takes effect:** Date of determination.

#### TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 6 and 8 Wiseman Road, Bowral NSW 2576, legally described as Lot 4 in Deposited Plan 829578 and Lot 1000 in Deposited Plan 1117715.

The conditions of consent are as follows:

**ADMINISTRATION CONDITIONS****1. Development Description**

Development consent has been granted in accordance with this notice of determination for 22/0214 for the purposes of Lot consolidation, demolition of existing structures, and development for the purpose of self-care seniors living including the staged construction of 71 two-bedroom units within 41 buildings for a total of 142 bedrooms, a community building with a proposed floor area of 149.86m<sup>2</sup>, and associated landscaping and civil works at 6 & 8 Wiseman Road, Bowral, NSW, 2576 (**Site**).

**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.

Plans	Revision	Prepared By	Dated
<b>Architectural Plans</b>			
Whole Site Plan	DA/17	Evolving Design & Drafting	16/01/24
Detailed Site Plan Layout v4	DA/17	Evolving Design & Drafting	16/01/24
Existing Respite Accommodation Upper Level Pepperfield House	DA/17	Evolving Design & Drafting	16/01/24
Proposed Community Building	DA/17	Evolving Design & Drafting	16/01/24
Type A Terrace Details (Sheet A1)	DA/17	Evolving Design & Drafting	16/01/24
Type A Terrace Details (Sheet A2)	DA/17	Evolving Design & Drafting	16/01/24
Type B Terrace Details (Sheet B1)	DA/17	Evolving Design & Drafting	16/01/24
Type B Terrace Details (Sheet B2)	DA/17	Evolving Design & Drafting	16/01/24
Type C Terrace Details	DA/17	Evolving Design & Drafting	16/01/24
Type D East Terrace Details	DA/17	Evolving	16/01/24

		Design & Drafting	
Type D West Terrace Details	DA/17	Evolving Design & Drafting	16/01/24
Type E Terrace Details	DA/17	Evolving Design & Drafting	16/01/24
Mail Pavilion	DA/17	Evolving Design & Drafting	16/01/24
Streetscape Elevations	DA/17	Evolving Design & Drafting	16/01/24
Project Details	DA/17	Evolving Design & Drafting	16/01/24
Finishes Schedule	DA/10	Evolving Design & Drafting	4/05/22
Finishes Schedule Plan	DA/10	Evolving Design & Drafting	4/05/22
Private Open Space Plans (Sheets AT, VT, CT, D/ET, D/WT and ET)	DA/17	Evolving Design & Drafting	16/01/24
Proposed Extension to Existing Community Building Sheet CC/1	DA/17	Evolving Design & Drafting	16/01/24
Proposed Extension to Existing Community Building Sheet CC/2	DA/17	Evolving Design & Drafting	16/01/24
Proposed Extension to Existing Community Building Sheet CC/3	DA/17	Evolving Design & Drafting	16/01/24
Proposed Extension to Existing Community Building Sheet CC/4	DA/17	Evolving Design & Drafting	16/01/24
Proposed Extension to Existing Community Function Room Sheet FR/1	DA/15	Evolving Design & Drafting	29/11/23
Proposed Extension of Existing Pool and Gym Area Sheet PG/1	DA/15	Evolving Design & Drafting	29/11/23
Construction Management Plan	DA/14	Evolving Design & Drafting	11/10/23
<b>Civil Engineering Plans</b>			
02A – Existing Conditions Site Plan	A	Sowdes	08/10/23

03A - Completed Development & Staging Plan	A	Sowdes	08/10/23
04A - Sewer Drainage & Water Services Site Plan	A	Sowdes	08/10/23
05A - Sewer Drainage & Water Watr Quality Management Site Plan	A	Sowdes	08/10/23
06A – Conceptual Erosion & Sediment control Site Plan	A	Sowdes	08/10/23
07A – Sewer Drainage Long Sections Detail 1 of 3	A	Sowdes	08/10/23
08A – Sewer Drainage Long Sections Detail 2 of 3	A	Sowdes	08/10/23
09A – Sewer Drainage Long Sections Detail 3 of 3	A	Sowdes	08/10/23
10A – Stormwater Drainage Long Section Details – 1 of 10	A	Sowdes	08/10/23
11A – Stormwater Drainage Long Section Details – 2 of 10	A	Sowdes	08/10/23
12A – Stormwater Drainage Long Section Details – 3 of 10	A	Sowdes	08/10/23
13A – Stormwater Drainage Long Section Details – 4 of 10	A	Sowdes	08/10/23
14A – Stormwater Drainage Long Section Details – 5 of 10	A	Sowdes	08/10/23
15A – Stormwater Drainage Long Section Details – 6 of 10	A	Sowdes	08/10/23
16A – Stormwater Drainage Long Section Details – 7 of 10	A	Sowdes	08/10/23
17A – Stormwater Drainage Long Section Details – 8 of 10	A	Sowdes	08/10/23
18A – Stormwater Drainage Long Section Details – 9 of 10	A	Sowdes	08/10/23
19A – Stormwater Drainage Long Section Details – 10 of 10	A	Sowdes	08/10/23
20A – Internal Road Design Long Section Details – 1 of 2	A	Sowdes	08/10/23
21A – Internal Road Design Long Section Details – 2 of 2	A	Sowdes	08/10/23
<b>Landscape Plans</b>			
Landscape Plan Stages 5-9	Argyle Landscapes		December 2023
Vegetation Retention and Removal Plan Stages 5-9	Argyle Landscapes		January 2022

<b>Supporting Documents</b>	<b>Prepared By</b>	<b>Dated</b>
Arboricultural Impact Assessment	Arboricultural Consultancy	7 December 2023
Draft Plan of Management	Pepperfield Lifestyle Resort	30 November 2023

Detailed Site Investigation (Contamination)	Douglas Partners	3 April 2023
Water Cycle Management Study	Swodes	8 October 2023
Construction Noise & Vibration Management Plan	Day Design	17 October 2023
Acoustic Report	Day Design	30 October 2023
Supplementary Flood Report	Flood Mit	October 2023
DA Access Review – Rev C	MGAC	26 July 2023
BASIX Certificate	Frys Energywise	16 July 2021
Waste Management Plan	Evolving Design & Drafting	11 August 2021
Traffic and Parking Assessment Report	Positive Traffic	June 2021
Social Impact Assessment	Judith Stubbs and Associates	October 2023
Survey Plan (Revision B)	LandTeam Australia	7 December 2023

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

**2A. No Consent to subdivision**

This consent does not authorise any subdivision of the subject site.

**Note:** *the individual dwellings approved under this subdivision cannot be subdivided (including by Community Title or strata subdivision) under Wingecarribee LEP as they are on lots which are smaller than the 700 m<sup>2</sup> minimum lot size in the R2 zone.*

**2B. Amenities for residents – amended plans prior to the issue of a Construction Certificate**

Prior to the issue of a construction certificate, the Applicant shall prepare and provide to Council's Manager Development Assessment and Regulation, the following amended documents which reflect the expanded community facilities provided on 8 Wiseman Road, Bowral:

- (a) Amended architectural plans;
- (b) Landscaping plans;
- (c) Civil engineering plans;
- (d) Stormwater plans
- (e) Survey;
- (f) Construction management plan;

- (g) BCA and accessibility report;
- (h) ~~Construction noise and vibration management plan; and~~
- (i) ~~Acoustic report~~

**2C. Improved Community Facilities**

The improved community facilities required by condition 2B are to be constructed and made available for use by residents prior to the issue of the first occupation certificate for any dwelling on the Site.

**2D. Amendment to location of villas 88, 89 and 90**

The position of Villas 88/89 and 90 as shown on the Detailed Site Plan (Sheet 2/2, Rev DA/17 dated 16 January 2024) are to be moved to the east to maintain not less than 3.23m separation to the eastern edge of villa 87. This amendment is to be included in plans lodged with the construction certificate application.

**3. Amendment to Landscape Plan**

The deciduous Oriental Plane Trees (*Platanus orientalis*) nominated on the landscape plan between dwellings 117 and 146 and the eastern property boundary are to be replaced with the evergreen, Bull Bay Magnolia (*Magnolia grandiflora*).

An amended landscape plan is to be submitted to the Manager Development Assessment and Regulation prior to obtaining a construction certificate. The amended landscape plan is to ensure that the locations and setbacks of villas 88, 89 and 90 align with the requirements of condition 2D.

**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 Building Code of Australia and insurance requirements under the Home Building Act 1989**

That the work must be carried out in accordance with the requirements of the National Construction Code.

This section does not apply—

- (a) to the extent to which an exemption from a provision of the *Building Code of Australia* or a fire safety standard is in force under the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021](#), or
- (b) to the erection of a temporary building, other than a temporary structure to which subsection 69(3) of the *Environmental Planning and Assessment Regulation 2021* applies.

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

## 6. Erection of Signs

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

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

**Note:** this condition does not apply where:

- (a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or 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.
- (b) Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

**Reason:** *The condition is prescribed under section 70 of the Environmental Planning and Assessment Regulation 2021.*

## 7. 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 2020 - As of 30 September 2020, 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.*

## 8. BASIX Commitments

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

In this condition:

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

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

#### 9. Long Service Levy Payments

The payment of a long service levy as required under part 5 of the *Building and Construction Industry Long Service Payments Act 1986*, in respect to this building work, and in this regard, proof that the levy has been paid, is to be submitted to Council prior to the issue of a Construction Certificate. Council acts as an agent for the Long Services Payment Corporation and the levy may be paid at Councils Office.

**Reason:** *Statutory requirement.*

#### 10. General Terms of Approval – Natural Resource Regulator

- (a) Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
- (b) This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents relating to Development Application 22/0214 provided by Council to Natural Resources Access Regulator.
- (c) Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, must be notified in writing to determine if any variations to the GTA will be required.
- (d) The application for a controlled activity approval must include the following plan(s):
  - (i) Stormwater Outlet Design Plan;
  - (ii) Erosion and sediment control plans;
- (e) The plan(s) must be prepared in accordance with Natural Resources Access Regulator's guidelines located on the website

<https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities>.

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

### 11. Accessibility and useability for self-contained dwellings

Prior to issue of Construction Certificate, plans shall be submitted to the satisfaction of PCA demonstrating compliance with Schedule 3 Standards concerning accessibility and useability for self-contained dwellings of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*. Standards concerning accessibility and useability for self-contained dwellings as detailed in Schedule 3 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, including wheelchair access, security, letterboxes, shall be complied with in the approved development.

**Reason:** Statutory requirement.

### 12. Application for a Construction Certificate (Building Works, Civil 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.
- (g) Civil plans, including but not limited to, earthworks, roads, stormwater drainage, erosion and sediment control and water and sewer reticulation are to be designed in accordance with council engineering specifications and all relevant industry standards referred to in WSC specifications.

**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 PCA, and lodgment 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.*

**13. Shoring and Adequacy of Adjoining Property**

- (a) If any excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining allotment of land, the Applicant must, at the person's own expense, comply with the requirements of section 74 of the *Environmental Planning and Assessment Regulation 2021*, including:
- (i) Protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) Where necessary, underpin the adjoining premises to prevent any such damage.
- (b) The condition referred to in sub clause (a) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

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

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

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

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

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

Information shall be submitted as part of the Section 68 application to demonstrate whether or not gravity sewer servicing is feasible for Council's development engineer review.

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

**15. Section 7.11 Contributions (formerly section 94)**

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

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

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

A "Developer Charges - Notice of Payment" is attached to the back of this consent, and outlines monetary contributions and unit rates applicable at the time of issue of this consent which total **\$2,345,675.35**. The contributions listed in the Notice of Payment at Annexure A to these conditions must be paid prior to the issue of the relevant Construction Certificate in accordance with the development stages.

All contributions are indexed quarterly in accordance with upward movements in the Consumer Price Index (All Groups, Sydney) as published by the Australian Bureau of Statistics ([www.abs.gov.au](http://www.abs.gov.au) <<http://www.abs.gov.au>>); Sch 4, Part 3, item 3.3 of the *Environmental Planning and Assessment Regulation 2021*; and Council's Developer Contributions Plans.

**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.*

**16. 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 the relevant Construction Certificate in accordance with the development stages.

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

As a precondition to the issuing of a Certificate of Compliance Council requires the

payment of Developer Charges prior to the issue of Construction Certificate as prescribed by Wingecarribee Shire Council's Development Servicing Plans:

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

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

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

Copies of Development Servicing Plans are available at Wingecarribee Shire Council's Administration building Moss Vale or are available for download from Council's website.

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

CPI Period	Water DSP	Sewer DSP	Stormwater DSP
1 November 2022 to 31 January 2023	\$12,291 per ET	\$11,916 per ET	\$4,024 per ET
<p>Note: The charges shown above are amounts applicable during the stated time period. These amounts will be subject to adjustment quarterly in accordance with upward movements in the Consumer Price Index (CPI) once they become operational. The CPI is published quarterly by the Australian Bureau of Statistics, <a href="http://www.abs.gov.au">www.abs.gov.au</a> &lt;<a href="http://www.abs.gov.au">http://www.abs.gov.au</a>&gt;.</p>			

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

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

### Compliance Certificate

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

Water \$250 + Sewer \$250 + Stormwater \$250 = \$750

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.

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.*

## 17. Hydraulic Engineer Plans

The following Hydraulic Engineering plans and specifications (two copies, including one coloured set) shall be prepared by a suitably qualified experienced professional and chartered Hydraulics Engineer and submitted for approval prior to issue of the Construction Certificate and/or section 68 approval.

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

**Reason:** *To ensure that the development is designed appropriately.*

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

## 18. 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.

The stormwater plan shall demonstrate that the proposed works will not result in any exacerbation of overland stormwater flows resulting from the lack of capacity within the existing stormwater system.

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.*

#### 19. **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.*

#### 20. **Driveway and Parking Design**

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 I Development Engineer prior to the issue of a Construction Certificate showing compliance with this condition.

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

#### 21. **Water and Sewer Assets Identification and Location**

The site plan as per the water or sewer engineering design shall include the detailed locations, materials, sizes and depths of any water mains or water services, rising mains private or Council owned, or sewer mains, manholes, sewer sidelines, sewer junctions and or boundary traps. The site plans that include these water and sewer assets are to be approved by the Council's Manager Development Assessment and Regulation before any demolition works can commence.

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

#### 22. **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.

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

### 23. 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 Final Occupation Certificate.

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

### 24. 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.*

### 25. Construction Management Plan

To undertake development works including demolition, earthworks and construction a Construction Management Plan (**CMP**) is required to be submitted and approved by Council prior to issue of the Construction Certificate. The CMP shall indicate measures to be implemented to protect the environment as well as public health, safety and convenience. The CMP must include the following:

- (a) Details of site security;
- (b) Off-street parking for employees, contractors and sub-contractors;
- (c) Site access for construction vehicles and equipment purposes;
- (d) Public safety in the use of roads and footpaths where development activities adjoin such facilities;
- (e) The storage and removal, on a regular frequency, of builder's rubble and waste by trade waste contractors;

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

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

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

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

## 27. 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.*

## 28. WATER NSW Conditions of Concurrence

### General

1. The development shall be implemented in accordance with the plans and supporting documents set out in the following table.

Plan title	Reference	Vers/ Issue	Prepared By	Dated
Whole Site Plan	Job No: 115/20, Pepperfield Resort Bowral	DA/14	Evolving Design and Drafting	11.10.23

	Stages 5-9 works Sheet No 1/2			
Detailed Site Plan Layout v4	Job No: 115/20, Pepperfield Resort Bowral Stages 5-9 works Sheet No 2/2	DA/14	Evolving Design and Drafting	11.10.23
Type A Building Details	Job No: 115/20, Pepperfield Resort Bowral Stages 5-9 works Sheet No A/1	DA/17	Evolving Design and Drafting	16/01/2024
Type B Building Details	Job No: 115/20, Pepperfield Resort Bowral Stages 5-9 works Sheet No B/1	DA/17	Evolving Design and Drafting	16/01/2024
Type C Building Details	Job No: 115/20, Pepperfield Resort Bowral Stages 5-9 works Sheet No C	DA/17	Evolving Design and Drafting	16/01/2024
Type D East Building Details	Job No: 115/20, Pepperfield Resort Bowral Stages 5-9 works Sheet No D/E	DA/17	Evolving Design and Drafting	16/01/2024
Type D West Building Details	Job No: 115/20, Pepperfield Resort Bowral Stages 5-9 works Sheet No D/W	DA/17	Evolving Design and Drafting	16/01/2024
Type E East Building Details	Job No: 115/20, Pepperfield Resort Bowral Stages 5-9 works Sheet No E	DA/17	Evolving Design and Drafting	16/01/2024

No revisions to lot layout, staging or external works that will have impact on water quality, shall be permitted without the agreement of Water NSW.

*Reason for Condition 1 - Water NSW has based its assessment under the State Environmental Planning Policy (Biodiversity and Conservation) 2021 on this version of the development.*

### **Sewer Infrastructure**

2. The existing on-site wastewater management system on the property shall be decommissioned in Stage 1 of the development, in accordance with the NSW Health Advisory Note No 3 (Revised dated January 2017) for

*Destruction, Removal or Reuse of Septic Tanks, Collection Wells, Aerated Wastewater Treatment Systems and Other Sewage Management Facility Vessels.*

3. All new sewerage infrastructure, as relevant to each stage of the development, shall be designed, located, and installed in accordance with Council's requirements and be to the satisfaction of Council.
4. No Occupation Certificate for each Stage of development, shall be issued unless the appointed Principal Certifier (**PC**) has received written certification from Wingecarribee Shire Council's Water & Sewer Services that the existing Bowral Sewage Treatment Plant (**STP**) and associated infrastructure has:
  - sufficient hydraulic capacity to accommodate and treat the additional wastewater load generated by that stage of the development, and/or
  - been upgraded and commissioned.

*Reason for Conditions 2 to 4 – To ensure that wastewater is appropriately managed to have an overall and sustainable neutral or beneficial effect on water quality over the longer term, and that Bowral STP has sufficient capacity.*

#### **Sewage Pump Station**

5. The sewage pump station, proposed to be located near proposed dwelling 90, shall be designed, located and installed in the first stage (Stage 5) of the development, as specified in the Water and Sewer Development Impact Assessment Report and the Civil Engineering Plans referenced in the Table of condition 1 and meet Council's requirements. The sewage pumping station shall:
  - have the electrical switchgear and access points associated with the sewage pump station located above the 1% Annual Exceedance Probability (1 in 100 year) flood level
  - have a minimum emergency storage volume equivalent to at least 3 hours peak wet weather flow
  - be designed with sufficient capacity to collect and transfer all wastewater generated by the development
  - have an appropriate emergency storage capacity to accommodate wet weather flow
  - have a permanent standby pump and access to an emergency power generation unit to ensure continuity of operation in the event of pump or power failure
  - have an alarm system to trigger when the pump fails or when the system is reaching its capacity to ensure sufficient residual capacity for emergencies such as power failure or pump malfunction, and
  - have an appropriate bunding around the sewage pump station to divert run-on away from the sewage pump station and prevent any overflows reaching natural drainage system or stormwater drains.

*Reason for Condition 5 – To ensure that the design and operation of the sewerage infrastructure is undertaken in a way that minimises the risk of sewage overflows to*

*ensure a sustainable neutral or beneficial effect on water quality over the longer term.*

### **Roads**

6. The roads shall be located and constructed as shown on the Civil Engineering Plans referenced in the Table of Condition 1. The roads shall:
  - be sealed and otherwise constructed in accordance with Council's engineering standards, and
  - have all runoff collected via a series of pits and pipes and directed to various water quality treatment measures, and
7. All stormwater structures and drainage works associated with the roads shall be included within suitably defined easements.

*Reason for Conditions 6 to 7 – To ensure that the roads and associated infrastructure will have a sustainable neutral or beneficial impact on water quality during the operational phase of the development.*

### **Stormwater Management**

8. All stormwater management measures, as specified in Section 4 of the Water Cycle Management Study and shown on the Civil Engineering plans referenced in the Table of Condition 1, shall be incorporated in the final stormwater drainage plan. The final stormwater drainage plan shall:
  - be prepared in consultation with Water NSW and prior to the issuance of a Construction Certificate for each stage of the development and be approved by PC
  - include stormwater management measures:
    - o pits and pipes
    - o rainwater collection and reuse systems
    - o biofiltration systems
  - for roads and hardstand areas with approximately 2.5 square metres of biofiltration per every 10 square metres of sealed surface and to include sediment traps as required, and
  - for each dwelling and community building with a minimum filter area of 4 square metres taking overflow from the rainwater tank and runoff from other areas be implemented.
9. Each biofiltration system shall also:
  - be designed consistent with *Adoption Guidelines for Stormwater Biofiltration Systems Version 2* (Payne *et al*, 2015, Melbourne, CRC for Water Sensitive Cities)
  - be planted with appropriate deep-rooted, moisture-tolerant vegetation protected by rock mulch (grass and turf is not appropriate vegetation and organic mulch is not suitable)
  - direct all discharge and overflow to existing dam via armoured discharge points such that discharge does not cause erosion
  - be accessible from driveway by machinery to facilitate cleaning, monitoring, and maintenance of the structures
  - be permanently protected from vehicular damage by bollards, fences, castellated kerbs, or similar structures, with a sign to be

- erected to advise of its nature and purpose in water quality management, and
  - be protected by sediment and erosion control measures during any construction and post-construction phase until the ground surface is revegetated or stabilised.
10. Each rainwater collection and reuse system shall:
- ensure that roofs and gutters are designed to maximise the capture of rainwater in the tank
  - ensure the tank is plumbed for reuse to toilets, laundry, and other non-portable purposes such as landscape irrigation, and
  - ensure that all rainwater tank overflow is directed to a biofiltration system on the site.
11. No changes to stormwater treatment and management that will have any impact on water quality, shall be permitted without the agreement of Water NSW.
12. A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and the PC prior to the issuance of an Occupation Certificate for each stage of the development that all stormwater management structures have been installed as per these conditions of consent and are in a functional state.
13. An Operational Environmental Management Plan (**OEMP**) shall be prepared in consultation with Water NSW by a person with knowledge and experience in the preparation of such plans. The OEMP(s) shall:
- be prepared prior to the issuance of an Occupation Certificate for the first stage (Stage 5) of the development and be updated for subsequent stages of the development
  - be provided to the owners/residents of each dwelling and/or relevant association
  - include details on the location, description, and function of stormwater management structures such as pits, pipes, biofiltration systems, rainwater collection and reuse systems, and any other stormwater structures and drainage works
  - outline the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, including the frequency of such activities
  - identify the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy
  - include checklists for recording inspections and maintenance activities, particularly for biofiltration systems, and
  - be finalised after all comments made by WaterNSW during the consultation process have been appropriately resolved and incorporated.
14. There shall be a public positive covenant under Section 88E of the *Conveyancing Act 1919*, the prescribed authority being Water NSW, placed over the consolidated lot requiring that the rainwater collection and reuse system, biofiltration systems and associated outlets be retained,

protected, and maintained in accordance with the Operational Environmental Management Plan.

*Reason for Conditions 8 to 14 – To ensure that the stormwater quality management measures and structures for the proposed development have a sustainable neutral or beneficial impact on water quality over the longer term.*

### **Construction Activities**

15. A Soil and Water Management Plan shall be prepared for all works required in each stage of the development by a person with knowledge and experience in the preparation of such plans. The Plan shall:
- incorporate the Conceptual Erosion & Sediment Control Plan in the Civil Engineering plans referenced in the Table of Condition 1
  - meet the requirements outlined in Chapter 2 of *NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004)*
  - be prepared prior to the issuance of a Construction Certificate for each stage of the development, and be to the satisfaction of the PC, and
  - include controls to prevent sediment or polluted water leaving the construction site or entering any bioretention system, natural drainage lines or stormwater drain.
16. The Soil and Water Management Plan shall be implemented, and no works shall commence until effective erosion and sediment controls have been installed. The controls shall be regularly inspected, maintained, and retained until works have been completed and groundcover established.

*Reason for Conditions 15 & 16 – To manage adverse environmental and water quality impacts during the construction phase of the development to minimise the the risk of erosion, sedimentation, and pollution within or from the site during this phase.*

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

### **29. 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 PCA (either Wingecarribee Shire Council or another Accredited Certifier); and
- (c) Details of the name, address and licence details of the Builder (or Civil Contractor for civil works).

**Reason:** *Statutory requirement.*

**30. PCA Sign**

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

- The 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; and
- 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.

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

**Reason:** Statutory requirement.

**31. Construction Certificate**

No work shall commence until a:

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

**Reason:** Statutory requirement.

**32. 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:

- (a) Name of Representative;
- (b) Company;
- (c) Position;
- (d) Contact phone;
- (e) Contact fax;
- (f) After Hours Contact;
- (g) Signature of Representative;
- (h) Signature & Acceptance of representative by the developer; and

- (i) 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:

- (a) Inform Council in writing of their intention 7 days before entering the Site; and
- (b) 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.*

### **33. Inspection of Demolition Works**

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

- (a) Prior to demolition works commencing (fencing must be erected and approved Waste Management Plan to be on site); and
- (b) 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.*

### **34. Approval Required for Work within Road Reserve - Section 138 Roads Act 1993**

Where works are proposed within the road reserve, the developer shall 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 Maritime Services 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 Maritime Services accreditation, a copy of which is to be submitted with the plan; and
- 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 from Transport for NSW for engineering design plans, Traffic Control Plans and approvals under Section 138 of the Roads Act 1993.*

**Reason:** *Statutory requirement.*

### 35. Removal of Aerated Wastewater treatment system within the Allotment

Prior to commencement of construction of the building, the existing Aerated Wastewater treatment system within the allotment shall be removed.

**Reason:** *Statutory requirement.*

### 36. 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.*

### 37. Tree Protection Measures

Protective fencing is to be installed around the tree to be retained in line with the Tree Protection Zone 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.*

**38. 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 PCA 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.*

**39. Erosion and Sediment Control**

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

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

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

**40. Floor Levels**

Prior to pouring concrete for the ground floor slab, a report by a Registered Surveyor shall be submitted to Council by the applicant to confirm that the level of the finished floor level will be minimum of 500mm above the 1% AEP Flood Level.

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

**41. Approved Plans to be available on site**

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

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

**42. 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 PCA.*

The application of waste-derived material to land is an activity that may require a licence under the POEO Act. 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 the *Protection of the Environment Operations (Waste) Regulation 2014*.

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

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

#### 43. Demolition Requirements

The buildings on site 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 Authority of New South Wales and Council's Water and Sewer Asset Protection, including:

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

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

- (g) Sewer Assets Temporary Disconnection or Closure:  
The Site sanitary drainage is to be temporarily disconnected or closed off by a suitably qualified Plumber from any of Council's sewer sidelines, sewer junctions and or boundary traps that are to be retained and reused to prevent ingress contaminants into Council's sewer mains. This work shall be sited and approved by Council's Water and Sewer 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.*

**44. 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.*

**45. Engineering Inspections by Council**

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

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

**Reason:** *Statutory Requirement.*

**46. Stormwater - Construction**

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

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

**47. Stormwater - Discharge**

During construction, 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.*

**48. Erosion and Sediment Control Plan Compliance**

All site works shall be carried out in accordance with the approved Erosion and Sediment Control Plan. Implementation of the Erosion and Sediment Control Plan shall be supervised by personnel with appropriate qualification and experience in erosion and sediment control.

**Note:** *In the event of non-compliance with the approved plan, Council Officers have the ability to issue Penalty Notices, being an on the spot fine and/ or orders.*

**Reason:** *To ensure that the environment is protected.*

**49. Soil and Water Management - Site Maintenance**

Roads servicing the construction site shall be maintained in a condition free of mud, soil and other construction/demolition materials at all times.

**Reason:** *To minimise construction / demolition materials being trucked off site.*

**50. Prevention of Nuisance**

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

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

**51. 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.

**52. Dust Control**

**Small Works**

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation and building works. If necessary, water sprays shall be used on the site to reduce the emission of dust. Screening shall consist of minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like.

**Major Works**

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; and
- (c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.

**Reason:** Environmental amenity.

**53. Approved hours of Construction/Demolition**

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

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

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

**Note:** Any variation to these hours shall require Council consent via the

*lodgment of an application under section 96 of the Environmental Planning and Assessment Act 1979.*

**54. 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.*

**55. Temporary Onsite Toilet**

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

Each toilet shall:

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

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

**56. 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.*

**57. 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.*

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

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

No storage, or placing of any building materials to occur on adjacent public roads or footpath areas in association with the construction, maintenance or use of the development or site, without prior Council approval.

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

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

#### 59. **Protection of Public Places**

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

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

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

Where a hoarding is required, an application for hoarding shall also be submitted to and approved by Council prior to commencement of any work. Hoardings shall be erected to comply with the requirements of WorkCover, the PCA and with relevant Australian Standards.

**Reason:** *Public safety.*

#### 60. **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.*

## CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A FINAL OCCUPATION CERTIFICATE

### 61. Occupation Certificate

In accordance with Section 6.15 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 PCA is required to be satisfied, amongst other things, that:

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

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

**Note:** *A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of section 109H (4) of the Act) unless a Final Occupation Certificate has been issued in relation to the building or part.*

### 62. Completion Requirements

All of the conditions of this consent shall be at no cost to Council and shall be completed prior to the issuing of an Occupation Certificate (unless stated otherwise).

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

**Note:** *Garbage bins will not be issued by Council until such time as a Final Occupation Certificate and Section 68 final certificate (if applicable) has been issued.*

### 63. 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.*

**64. Section 138 Roads Act Final**

The applicant is to ensure that the works associated with the Section 138 approval for this development be completed and inspected by Council prior to the issue of any Occupation Certificate.

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

**65. Section 68 Local Government Act Final**

The applicant is to ensure that the works associated with the Section 68 approval for this development be completed and inspected by Council prior to the issue of any Occupation Certificate.

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

**66. Sewer Drainage Diagram**

The applicant shall submit to Council a copy of the Sewer Service for the both internal and external drainage prior to the issue of a Final Occupation Certificate. These plans shall be drawn to scale including all relevant details. The requirements of the Plumbing Act are to be complied with also in this regard.

**Note:** *The "Sewer Service Diagram" shall be drawn as per the template available from the NSW Fair Trading website.*

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

**67. Restriction as to User - Housing for Seniors**

The approved development is only for the accommodation of the following people:

- (a) Seniors or people who have a disability;
- (b) People who live within the same household with seniors or people who have a disability; and
- (c) Staff employed to assist in the administration of and provision to services to housing provided for seniors or persons with a disability.

A restriction as to user shall be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919*, limiting the use of any accommodation to which the application relates to the kinds of people referred to above.

Council shall be nominated as the authority empowered to release vary or modify the Restriction. The restriction as to user shall be provided for Council signature, and shall be registered prior to the issue of a Final Occupation Certificate.

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

**68. Seniors Housing**

The following shall be completed prior to the issue of a Final Occupation Certificate:

- (a) Letter Boxes and Street Numbers – Units
  - (i) Separate letter boxes and street numbers for each unit being provided adjacent to the street frontage, to meet the specification of Australia Post and Council.
- (b) Television Aerials
  - (i) A maximum of one common television aerial per building shall be installed, to minimise visual "clutter" and maintain the amenity of the locality.

No street fencing is required by this condition.

**Note:** *The provisions of the Dividing Fences Act 1991 should be considered.*

**Reason:** *To ensure compliance with Council's development controls.*

**71. Defects and Liability Bond for Public Assets - Civil Works**

Prior to the issue of any Occupation Certificate the developer shall lodge a cash bond to cover the defects liability period of 24 months for any public infrastructure constructed by them which will be handed over to council. The liability period will commence from the date of issue of the Occupation Certificate.

The security bond will be in an amount equal to 10% of the value of the total building works with a minimum value of \$10,000 based on the building costs supported by written evidence in accordance with Council's Bond Policy. The bond shall be assessed by Council for release after the 24 month period on formal request from the developer.

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

**72. Final Arborist Report**

The arborist engaged to ensure the proper protection and management of the trees required to be retained is to provide a final report to Council prior to the issue of 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.*

**73. Landscape Certification**

Certification is to be provided to the 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.*

**74. Irrigation**

Certification is to be provided to the PCA 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.*

**75. National Plumbing and Drainage Code**

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

**Reason:** *To comply with legislation.*

**Note:** *The Plumbing and Drainage Act 2011 requires each plumber and drainer that works on the development to submit the following information to Wingecarribee Shire Council:*

- Notice of Works (NOtI)
- Sewer Service Diagram (SSD)
- Certificate of Compliance (COG)

**76. Water Supply**

Prior to the issue of a Final Occupation Certificate:

(a) Pressure Relief Valve:

If an unvented mains water pressure storage heater is installed, it shall be fitted with valves as specified in Table 4.1 of AS3500.4 1994 and the manufacturer's specifications.

(b) HWS - Drainage Cock:

The hot water storage unit shall be provided with a drainage cock when the hot water service is located internally.

(c) Protection of Water Pipes:

To overcome possible damage to water pipes located in uninsulated roof spaces, the pipe and fittings shall be surrounded by an appropriate thickness of insulation. Pipes in external walls shall be positioned not less than 20 mm away from the external surface and located on the treated side of any insulation present.

Vide Clause 5.19.4.1 and 5.19.5 of AS3500 Part 1 National Plumbing and Drainage Code.

(d) Water Temperature:

All new hot water installations shall deliver hot water not exceeding 50 degrees Celsius in residential buildings at the outlet of all sanitary fixtures used primarily for personal hygiene purposes (i.e. bathrooms and ensuites).

(e) Topping up of Rainwater Tank by Council's Mains Supply:

An indirect connection shall be provided by means of a visible "air gap", external to the rainwater tank, in accordance with the provisions of the National Plumbing Code, AS/NZ3500 - Minimum Air Gap Requirements.

(f) Installation and Materials:

Installation and materials shall be in accordance with AS/NZS3500 Part 1, Water Supply, Section 2 and 8 and Council requirements.

(g) Potable Water Supply Pipe:

The maximum diameter of a potable water supply pipe used for "topping up" shall be 20mm. Where mains pressure is greater than 500kPa, a 500kPa limiting valve must be installed to ensure that the water pressure to other customers is not compromised and that flow demands on the water supply system are reduced.

(h) Location of Rainwater Tanks:

Rainwater tanks are to be located such as to prevent overflows from any sewer surcharge gullies entering the rainwater tank and associated overflow pipe work.

(i) Prevention of Foreign Matter:

There are to be no other connections to the overflow pipe work such as surface water inlets. (To prevent foreign matter entering the overflow pipe work and flowing back into the rainwater tank).

(j) Proximity to Other Services:

(i) Separation between above ground rainwater services and any

parallel potable water supply must be a minimum of 100mm.

- (ii) Below ground rainwater services must be separated by a minimum of 300mm from any parallel potable water supply pipe.

**Reason:** *To ensure compliance with plumbing standards.*

**77. 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 a Final Occupation Certificate.

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

**78. 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 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 a Final Occupation Certificate.

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

**79. Construction of Sewer Sidelines**

A sidelines/junction shall be installed for sewer connection to the development by Council at the developer's cost prior to the issue of the Occupation Certificate. Council's application form shall be completed by the applicant and the appropriate fee paid.

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

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

**80. 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.

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

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

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

**81. 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.*

## 82. Certification of Engineering Works

Prior to issue of the Occupation Certificate, the following documents shall be submitted to the PCA 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 PCA, 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.*

## 83. Vehicle Access

Access to the site shall be provided by means of vehicle crossings as per Standard Drawing SD107 and SD123 and approved by Council prior to the issue of a Final Occupation Certificate. A copy of the Standard Drawings can be obtained from Council's offices.

**Reason:** *To ensure that the driveway is constructed to Council's standard specification.*

## 84. Engineering Details in DXF Format

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

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

**85. Asset Management**

Prior to the issue of a Final 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.

**Reason:** *To ensure appropriate asset management.*

**86. Provision of Services**

A separate access, sewer connection, storm water drainage connection, water service and electricity supply shall be provided within the development at the applicant's expense prior to the issue of the Occupation Certificate.

All property services shall be located within the lots that they serve in accordance with Council's Engineering Standards. The applicant shall provide to Council written confirmation of compliance.

**Reason:** *To ensure that all available services are provided within the development.*

**87. Detention Systems**

Any open drainage system which is designed to reduce peak flows shall be designed in accordance with the requirements of the current edition of the Australian Rainfall & Runoff. All batters shall be in accordance with Council's Engineering Standards to facilitate maintenance and provide a safe environment.

**Reason:** *To control storm water flows.*

**88. Permanent Road Survey Marks**

Permanent road survey marks shall be provided to the satisfaction of the Group Manager Planning, Development and Regulatory Services prior to the issue of the Occupation Certificate.

**Reason:** *Engineering Requirements.*

**89. Provision of Reticulated Sewer to Each Dwelling**

Reticulated sewer service shall be constructed to each dwelling 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.*

**90. Property Services within Lots**

All property services shall be located within the lots that they serve in accordance

with Council's Engineering Policies. The developer shall provide to Council written confirmation of this prior to the issue of the Occupation Certificate.

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

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

### **91. Occupation Certificate**

The site shall not be occupied or used until an Occupation Certificate is issued by the Principal Certifier.

### **92. Essential Fire Safety Measures / Services**

All essential fire safety measures / services are to be inspected and certified in accordance with the Environmental Planning and Assessment Act 1979, every 12 months from the date of the Occupation Certificate. Council shall be provided with a copy of the Annual Fire Safety Statement, Fire Safety Schedule and relevant inspection reports in accordance with the *Environmental Planning and Assessment Act 1979*.

### **93. Use not to Commence**

The approved use shall not commence until the proposed development stage has been completed in accordance with this consent and issue of any other Council approvals which may be required.

**Reason:** *To ensure that the use of the site is lawful.*

### **94. Waste Management Plan**

The approved Waste Management Plan shall be implemented during the ongoing operation of the development.

**Reason:** *To ensure that waste is managed in a sustainable manner.*

### **95. Loading/Servicing**

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

**Reason:** *Public safety.*

### **96. Amenity**

The approved use on the site shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood by reason of noise, smoke, smell, vibration, gases, vapours, dust, particulate matter or other impurities from the premises.

**Reason:** *To ensure that the amenity of neighbouring properties is not compromised.*

### **97. Lighting**

All external lighting shall:

- (a) Comply with AS 4282-1997 Control of the obtrusive effects of outdoor lighting; and
- (b) Be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.

Lighting at vehicle access points to the development must be provided in accordance with AS/NZS 1158 Set: 2010 Lighting for roads and public spaces Set.

**Reason:** *To ensure that the amenity of neighbouring properties is not compromised.*

**98. No Offensive Noise**

The use of the premises shall not give rise to noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to 'offensive noise' as defined by the *Protection of the Environment Operations Act 1997*.

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

**99. Unobstructed driveways and parking areas**

All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces:

- (a) shall not be used for the manufacture, storage or display of goods, materials or any other equipment; and
- (b) shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

**Reason:** *To ensure that access is maintained.*

**100. Village Bus**

From the date on which the first dwelling on the Site is occupied, the owner of the site shall provide and commence operating a dedicated bus service capable of carrying at least 10 passengers for the use of the residents satisfying the requirements of Section 13 of the Plan of Management prepared by Pepperfield Lifestyle Resort.

The village bus to be provided for the proposed development must be free of charge, and must operate each day, including weekends. It must provide at least one trip to and from the development between 8am and 12 pm each day, and at least one trip to and from the development between 12 pm and 6pm each day. The bus will offer a minimum of three regular stops within Burradoo, Bowral or Mittagong.

The bus will be available from the dedicated bus stop locations. Where required, frail and less mobile residents should contact the full time village manager..

In addition to the above trips to Bowral, the applicant will provide transport to the residents for one weekly outing within the Southern Highlands, to be determined in consultation with the village social committee, using the village bus and/or additional vehicles as required.

**Reason:** *To ensure the development provides satisfactory accessibility for all residents, in line with the requirements of State Environmental Planning Policy (Housing for Seniors or People with Disability) 2004*

**101. Waste Management**

The developer is to ensure that there is assistance provided to the residents for the transfer of waste to the designated collection points.

**Reason:** *To ensure the safety of the residents of the seniors living development.*

**END OF CONDITIONS**

**ANNEXURE A - DEVELOPER CHARGES**



Civic Centre, Elizabeth St. Moss Vale, NSW 2577.  
 PO Box 141, Moss Vale. DX: 4961 Bowral.  
 Ph: (02) 4868 0888 Fax: (02) 4869 1203  
 wscmail@wsc.nsw.gov.au www.wsc.nsw.gov.au  
 Office Hours: Mon-Fri 8.30am - 4.30pm

**Notice of Payment – Developer Charges & Section 7.11**

22/0214

22 February 2024

Darren Hogan  
 PO Box 2257  
 BOWRAL NSW 2576

Re: 22/0214  
 Lot 4 DP 829578  
 Lot 1000 DP 1117715  
 PEPPERFIELD LIFESTYLE RESORT 8 WISEMAN ROAD BOWRAL NSW 2576

Development Description: *Seniors Housing*

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

Contributions Levy	Units	Rate	Amount Payable
Administration (Shirewide)	39.05	\$575.55	\$22,475.20
Central Library (Shirewide)	39.05	\$508.56	\$19,859.37
Open Space & Community (Acquisition)	39.05	\$106.13	\$4,144.44
Open Space & Community (Future Works)	39.05	\$1,840.54	\$71,873.18
Open Space & Community (Recoup)	39.05	\$888.77	\$34,706.52
Resource Recovery Centre (Shirewide)	39.05	\$301.86	\$11,787.45
Roads & Traffic (Shirewide - Future)	39.05	\$3,291.13	\$128,518.44
Roads & Traffic (Shirewide - Recoup)	39.05	\$18.58	\$725.65
S64 Sewer Compliance Certificate	1.00	\$255.00	\$255.00
S64 Sewerage (Shirewide)	39.05	\$12,638.68	\$493,540.26
S64 Water Compliance Certificate	1.00	\$255.00	\$255.00
S64 Water (Shirewide)	39.05	\$13,036.76	\$509,085.59
<b>Total</b>			<b>\$1,297,226.10</b>

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

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

**DATE CHARGES ARE VALID TO – 30<sup>th</sup> April 2024**

Prepared by – *Chris Young*

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

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

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

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

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