

DATE OF DETERMINATION	18 July 2023
DATE OF PANEL DECISION	18 July 2023
DATE OF ELECTRONIC CIRCULATION OF PAPERS	12 July 2023
PANEL MEMBERS	Chris Wilson (Chair), Susan Budd, Natasha Harras, Stephen Leathley, Julie Walsh
APOLOGIES	None
DECLARATIONS OF INTEREST	None

MATTER DETERMINED

PPSSTH-246 – Wingecarribee – DA23/1087 - 1 Bowman Road, Moss Vale (Lot 2 DP 1269526) - Section 4.55(2) modification application seeking amendments to the previously approved community facility and emergency services facility for the Wingecarribee Animal Shelter and State Emergency Services (SES) and associated works (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings listed at item 8 in Schedule 1.

Application for modification of consent

The Panel determined to approve the modification application pursuant to section 4.55 (2) of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel generally agreed with the recommendations and balance of considerations in the Council Assessment Report and determined to approve the modification application for the following reasons:

The Panel was satisfied that the provisions of section 4.55 (2) had been satisfied in particular:

- The development to which the consent as modified is substantially the same as the development originally approved by the Panel noting that the proposed modifications do not result in any change to the approved use or essence of the development as originally approved, and that the changes proposed relate to minor internal and external alterations to the animal shelter building, State Emergency Service Building and external works across the site;
- The modification application did not require concurrence or general terms of approval from a separate public authority or approval body. The Panel noted that the modification application was referred to Transport for NSW and Water NSW who raised no objection subject to conditions;
- The modification application was appropriately notified. The Panel noted that no submissions were received; and
- The Panel noted the section 4.15 (1) assessment within the Council Assessment Report which found that the proposed development as modified to be acceptable against all relevant matters for consideration, subject to conditions.

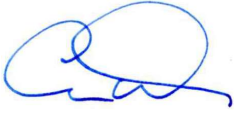
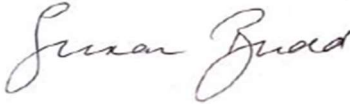



The Panel also considered the original reasons for the grant of consent for the development and noted that the modification application proposal did not conflict with any of those reasons.

CONDITIONS

The modification application was approved subject to the recommended draft amendments to conditions in the Council Assessment Report and attached in Schedule 2.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised that required further consideration.

PANEL MEMBERS	
 Chris Wilson (Chair)	 Susan Budd
 Natasha Harras	 Stephen Leathley
 Julie Walsh	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-246 – Wingecarribee – DA23/1087
2	PROPOSED DEVELOPMENT	Section 4.55(2) modification application seeking amendments to the previously approved community facility and emergency services facility for the Wingecarribee Animal Shelter and State Emergency Services (SES) and associated works.
3	STREET ADDRESS	1 Bowman Road, Moss Vale (Lot 2 DP 1269526)
4	APPLICANT/OWNER	FIGGIS & JEFFERSON TEPA PTY LTD/ Wingecarribee Shire Council
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Sections 4.55(2) and (3), and Section 4.15(1) of the Environmental Planning & Assessment Act 1979. Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 Wingecarribee Local Environmental Plan 2010 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Moss Vale Enterprise Corridor Development Control Plan 2008 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 4 July 2023 Notice of Determination DA22/1835 determined on 14 October 2022 Written submissions during public exhibition: 0 Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 20 June 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Chris Wilson (Chair), Susan Budd, Natasha Haras, <u>Council Consultant Assessment Planner</u>: Jeremy Swan (The Planning Hub), Lachlan Rogers (The Planning Hub) <u>Council staff</u>: John McFadden <u>Other</u>: Amanda Moylan (DPE)
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report

SCHEDULE 2

SCHEDULE 1 CONDITIONS OF DEVELOPMENT CONSENT

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

Plan Title / Supporting Document	Reference / Version	Prepared By	Dated
Cover Page	3791 DA 000, Revision A	Figgis + Jefferson Tapa	13 May 2022
Cover Page	3791 DA 000, Revision C	Figgis + Jefferson Tapa	30 March 2023
Ground Floor Plan	3791 DA 110, Revision B	Figgis + Jefferson Tapa	27 May 2022
Ground Floor Plan	3791 DA 110, Revision D	Figgis + Jefferson Tapa	30 March 2023
Roof Plan	3791 DA 111, Revision A	Figgis + Jefferson Tapa	13 May 2022
Roof Plan	3791 DA 111, Revision B	Figgis + Jefferson Tapa	30 March 2023
Elevation & Section 1	3791 DA 200, Revision B	Figgis + Jefferson Tapa	27 May 2022
Elevation & Section 1	3791 DA 200, Revision D	Figgis + Jefferson Tapa	30 March 2023
Elevation & Section 2	3791 DA 201, Revision B	Figgis + Jefferson Tapa	27 May 2022
Elevation & Section 2	3791 DA 201, Revision D	Figgis + Jefferson Tapa	30 March 2023
Materials and finishes Schedule	3791 DA 440, Revision A	Figgis + Jefferson Tapa	13 May 2022
Materials and finishes Schedule	3791 DA 440, Revision C	Figgis + Jefferson Tapa	30 March 2023
Notes and Legend	C001	JN Responsive Engineering	20 May 2022
Notes and Legend	C001	JN Responsive Engineering	02 June 2023
Typical Detail – Sheet 1	C050	JN Responsive Engineering	20 May 2022
Typical Detail – Sheet 1	C050	JN Responsive Engineering	02 June 2023
Typical Detail – Sheet 2	C051	JN Responsive Engineering	20 May 2022
Typical Detail – Sheet 2	C051	JN Responsive Engineering	16 June 2023
Typical Detail – Sheet 3	C052	JN Responsive Engineering	20 May 2022
Typical Detail – Sheet 3	C052	JN Responsive Engineering	02 June 2023
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Site Stormwater Plan	C200	JN Responsive Engineering	20 May 2022
Site Stormwater Plan	C200	JN Responsive Engineering	16 June 2022
Roof Stormwater Plan	C210	JN Responsive Engineering	20 May 2022

Grading Plan	C400	JN Responsive Engineering	20 May 2022
Grading Plan	C400	JN Responsive Engineering	02 June 2023
Grading Sections	C401	JN Responsive Engineering	02 June 2023
Cut and Fill Plan	C450	JN Responsive Engineering	02 June 2023
Pavement Plan	C500	JN Responsive Engineering	02 June 2023
Notes & Legend	ESM1	JN Responsive Engineering	20 May 2022
Notes & Legend	ESM1	JN Responsive Engineering	02 June 2023
Erosion and Sediment Control Details	ESM2	JN Responsive Engineering	20 May 2022
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Erosion and Sediment Control Plan	ESM3	JN Responsive Engineering	20 May 2022
Erosion and Sediment Control Plan	ESM3	JN Responsive Engineering	02 June 2023
Cover Page	LA01, Revision C	Taylor Brammer	15 June 2023
Landscape Plan	LA02, Revision 2	Taylor Brammer	27 May 2022
Planting Character	LA03, Revision B	Taylor Brammer	20 June 2022
Landscape Details	LA04, Revision B	Taylor Brammer	20 June 2022
Hardworks Plan	LA02, Revision C	Taylor Brammer	15 June 2023
Planting Plan	LA03, Revision C	Taylor Brammer	15 June 2022
Landscape Details	LD01, Revision C	Taylor Brammer	15 June 2023
Flora and Fauna Assessment	22007 - 17th May 2022	Hayes Environmental	17 May 2022
Traffic Impact and Parking Assessment Report	N0211564.01B	JN Responsive Engineering	20 May 2022
Access Design Assessment Report	P221_556-2 (ACCESS) KG	Design Confidence	13 May 2022
Acoustic Design Report	SYD2021-1199-R001C	Acouros Consultancy	12 September 2022
BCA Design Assessment Report	P222_556-2 (BCA) RD	Design Confidence	20 May 2022

4. Compliance with Building Code of Australia – Modified by 23/1087 dated 30 June 2023

That the work must be carried out in accordance with the requirements of the National Construction Code **for the proposed new use**. ~~Please refer to the report by Figgis and Jefferson TEPA, BCA Design Assessment report for guidance.~~

Reason: ~~The condition is prescribed under clause 98 of the Environmental Planning and Assessment Regulation 2000 69 of the Environmental Planning and Assessment Regulation 2021~~

8. Application for a Construction Certificate (Building Works) – Modified by 23/1087 dated 30 June 2023

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

- Architectural plans and building specifications complying with the National Construction Code (NCC) relevant Australian Standards, and the development consent and conditions.
- 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) Plans detailing the layout, extent and location of key components of any required Hydraulic Fire Safety System/s (Fire Hydrant **Systems**, and Fire Hose Reels, **Smoke Hazard Management Systems**) including Specifications that describe the basis for the design, installation and construction and identify the provisions of the BCA upon which the design of the system is based. The Plans and Specifications shall both be endorsed by ~~a competent fire safety practitioner (CFSP)~~ **an accredited fire safety designer** as complying with the relevant provisions of the Building Code of Australia (BCA).

~~**Note:** Confirm maximum hydrant pressure is adequate to the site prior to design of onsite system as Council will not upgrade the Hydrant pressure to suit a design.~~

~~(f) Disabled access provisions to common and public areas in accordance with AS1428 Design for Access and Mobility and the Premises Code. Disabled access provisions to in accordance with Part D3 of the National Construction Code (NCC) relevant Australian Standards (AS1428 Design for Access and Mobility and the Premises Code), and the development consent and conditions.~~

(g) If ~~an alternative~~ **a performance** 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~~ **performance** solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body.

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

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

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.*

71. Concurrence – Water NSW – Modified by 23/1087 dated 30 June 2023

General

~~i. The site layout and works shall be as specified in the Statement of Environmental Effects prepared by AT Architecture, Planning + Urban Design (dated May 2022) and shown on the Ground Floor and Roof Plans (Drawing Nos. 3791 DA 110 and 111, Issue A, dated 13/05/2022) prepared by Figgis & Jefferson Tapa Pty Ltd. No revised site layout, staging or external works that will have impact on water quality, shall be permitted without the agreement of Water NSW.~~

a) The site layout and works shall be as specified in the S 4.55(2) Application Statement of Environmental Effects (dated June 2023) prepared by AT Architecture, Planning + Urban Design and shown on the Ground Floor and Elevation Plans (Drawing Nos. 3791 DA 110 Iss D, DA 200&201, Issue D, dated 26/05/2023) prepared by Figgis & Jefferson Tapa Pty Ltd. No revised site layout, staging or external works that will have impact on water quality, shall be permitted without the agreement of Water NSW.

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

Stormwater Management

- ~~ii. Stormwater Plans (Ref: NO211564, Drawing Nos. C200 and C210, Revision No. 1, Dated 20.05.22) prepared by JN Responsive Engineering shall be revised in consultation with Water NSW prior to the issuance of a Construction Certificate. The revised stormwater management plan shall:~~
 - ~~• be designed as per existing covenant on the lot, or~~
 - ~~• be modified to the satisfaction of Water NSW, and~~
 - ~~• address impacts of existing easements near the existing basin area on construction, functioning and maintenance of stormwater management structures.~~
- ~~iii. No wash water used in cleaning the floors of the shelter facility shall be directed to the stormwater management system.~~
- b) All stormwater management measures, as specified in the MUSIC Model Assessment Report (NO211564-CLRT.01A, dated 2 June 2023) and Site Stormwater Plan and Typical Details (Ref: NO211564; Drawing No. C200, Revision J, and Drawing No. CO51, Revision H, dated 16.06.23; Drawing Nos. C50 and C52, Revision F, dated 02.06.23) both prepared by JN Responsive Engineering, shall be incorporated in the final stormwater drainage plan to be approved by the Principal Certifier (PC).**
- c) The driveway and hardstand areas shall be sealed and shall drain to stormwater pits fitted with pit inserts (OceanGuard 200 or Water NSW endorsed equivalent) and directed to a biofiltration basin on the site.**
- d) The biofiltration basin shall also:**
 - be designed consistent with Adoption Guidelines for Stormwater Biofiltration Systems Version 2 (Payne et al, 2015, Melbourne, CRC for Water Sensitive Cities)**
 - also incorporate the following:**
 - a minimum surface and filter area of 220 square metres or an extended detention depth of 200 mm**
 - a filter depth (excluding transition layers) of 400 mm above the underdrains**
 - a network of underdrains**
 - a filter media consisting of a clean sandy loam with a certified median particle diameter of 0.5 mm, a maximum orthophosphate concentration of 40 mg/kg and a maximum total nitrogen concentration of 400 mg/kg**
 - 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 Council's stormwater drain**
 - be accessible from driveway by machinery to facilitate cleaning, monitoring, and maintenance of the structures.**
 - be constructed after all hardstand areas have been paved or sealed and all ground surfaces have been stabilised**
 - be permanently protected from heavy vehicle damage by guardrails, castellated kerb, bollards, 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 re-vegetated or stabilised]**
- e) No wash water from industrial washdown, or water used in cleaning the floors of the shelter facility shall be directed to the stormwater management system.**
- f) A rainwater collection and reuse system for the building roof shall be installed that:**
 - includes rainwater tanks with a minimum total capacity of 20,000 litres above any volume required for mains top-up**
 - ensures roofs and gutters designed to maximise the capture of rainwater in the tanks**
 - ensures that the tanks are plumbed to toilets, shelter non potable water needs, and other areas for non-potable use including use landscape watering, and**
 - ensures that all rainwater tank overflow is directed to the biofiltration basin.**
- g) No variation to stormwater treatment or management that will have any impact on water quality shall be permitted without prior agreement of Water NSW.**

- h) 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 that all stormwater management structures have been installed as per these conditions of consent and are in a functional state.

Operational Environmental Management Plan

- ~~iv. Prior to the issuance of an Occupation Certificate, update or modify any existing Operational Environmental Management Plan (OEMP). If an OEMP does not exist, a Plan shall be prepared in consultation with Water NSW by a person with knowledge and experience in the preparation of such plans. The Plan shall:~~
- ~~• include the details on the location and nature of stormwater management structures~~
 - ~~• 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, and~~
 - ~~• include checklists for recording inspections and maintenance activities.~~
- ~~v. All stormwater treatment devices shall be monitored, maintained, and managed as per the Operational Environmental Management Plan.~~
- i) An Operational Environmental Management Plan (OEMP) shall be prepared by a person with knowledge and experience in the preparation of such plans. The Plan shall:
- be prepared in consultation with Water NSW prior to the issuance of an Occupation Certificate
 - include the details on the location and nature of stormwater management structures
 - 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, and
 - include checklists for recording inspections and maintenance activities, particularly biofiltration basin.
- j) All stormwater treatment devices shall be monitored, maintained, and managed as per the Operational Environmental Management Plan, which has appropriately resolved comments made by Water NSW during the consultation process.

Reason for Conditions a) to j) — To ensure appropriate stormwater treatment and quality control measures are designed, implemented, and maintained to achieve a sustainable neutral or beneficial impact on water quality, particularly during wet weather, over the longer term.

~~**Reason** To ensure appropriate stormwater treatment and quality control measures are designed, implemented, and maintained to achieve a sustainable neutral or beneficial impact on water quality, particularly during wet weather, over the longer term.~~

Construction Activities

- ~~vi. Prior to the issuance of a Construction Certificate, a Soil and Water Management Plan shall be prepared by a person with knowledge and experience in the preparation of such plans. The Plan shall:~~
- ~~• be based on the Erosion and Sediment Control Plan and Details (Ref: N0211564,~~
 - ~~• Drawing Nos. ESM1 to ESM3, Revision No. 1. dated 20.05.22) prepared by JN Responsive Engineering~~
 - ~~• meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004)~~
 - ~~• be prepared in consultation with Water NSW and be to the satisfaction of Council, and~~
 - ~~• include controls:~~
 - ~~○ to manage any shallow groundwater intercepted during construction and have appropriate approvals for the activity, and~~
 - ~~○ to prevent sediment or polluted water leaving the construction area or entering any stormwater drain or natural drainage system.~~
- ~~vii. 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 ground surface stabilised or groundcover re-established.~~

- k) A Soil and Water Management Plan shall be prepared by a person with knowledge and experience in the preparation of such plans. The Plan shall:
- be prepared in consultation with Water NSW prior to the issuance of a Construction Certificate and be to the satisfaction of the PC
 - be based on the Erosion and Sediment Control Plan and Details (Ref. NO211564, Drawing Nos. ESM1 to ESM3, Revision E, dated 02.06.23) prepared by JN Responsive Engineering
 - meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004), and
 - include controls that prevent sediment or polluted water leaving the site or entering any stormwater drain or natural drainage system.
- l) 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 ground surface stabilised or groundcover re-established.

Reason - To manage adverse environmental and water quality impacts during the construction phase of the development and to minimise the risk of erosion, sedimentation and pollution within or from the site during this construction phase.

CONDITIONS OF DEVELOPMENT CONSENT

ADMINISTRATION CONDITIONS

1. Development Description

Development consent has been granted in accordance with this notice of determination for the construction of a community facility and an emergency services facility for the Wingecarribee Animal Shelter and State Emergency Services (SES) and associated works at Lot 2, DP1269526, 1 Bowman Road, Moss Vale.

Reason: To confirm the use of the approved development.

2. Development in Accordance with Plans and Documents – Modified by 23/1087 dated 30 June 2023

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

Plan Title / Supporting Document	Reference / Version	Prepared By	Dated
Cover Page	3791 DA 000, Revision A	Figgis + Jefferson Tapa	13 May 2022
Cover Page	3791 DA 000, Revision C	Figgis + Jefferson Tapa	30 March 2023
Ground Floor Plan	3791 DA 110, Revision B	Figgis + Jefferson Tapa	27 May 2022
Ground Floor Plan	3791 DA 110, Revision D	Figgis + Jefferson Tapa	30 March 2023
Roof Plan	3791 DA 111, Revision A	Figgis + Jefferson Tapa	13 May 2022
Roof Plan	3791 DA 111, Revision B	Figgis + Jefferson Tapa	30 March 2023
Elevation & Section 1	3791 DA 200, Revision B	Figgis + Jefferson Tapa	27 May 2022
Elevation & Section 1	3791 DA 200, Revision D	Figgis + Jefferson Tapa	30 March 2023

Elevation & Section 2	3791 DA 20, Revision B	Figgis + Jefferson Tapa	27 May 2022
Elevation & Section 2	3791 DA 201, Revision D	Figgis + Jefferson Tapa	30 March 2023
Materials and finishes Schedule	3791 DA 440, Revision A	Figgis + Jefferson Tapa	13 May 2022
Materials and finishes Schedule	3791 DA 440, Revision C	Figgis + Jefferson Tapa	30 March 2023
Notes and Legend	C001	JN Responsive Engineering	20 May 2022
Notes and Legend	C001	JN Responsive Engineering	02 June 2023
Typical Detail – Sheet 1	C050	JN Responsive Engineering	20 May 2022
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Grading Sections	C401	JN Responsive Engineering	02 June 2023
Cut and Fill Plan	C450	JN Responsive Engineering	02 June 2023
Pavement Plan	C500	JN Responsive Engineering	02 June 2023
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Erosion and Sediment Control Details	ESM2	JN Responsive Engineering	02 June 2023
Erosion and Sediment Control Plan	ESM3	JN Responsive Engineering	20 May 2022
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Cover Page	LA01, Revision C	Taylor Brammer	15 June 2023
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Access Design Assessment Report	P221_556-2 (ACCESS) KG	Design Confidence	13 May 2022
Acoustic Design Report	SYD2021-1199-R001C	Acouros Consultancy	12 September 2022
BCA Design Assessment Report	P222_556-2 (BCA) RD	Design Confidence	21 May 2022

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

3. Inconsistency between documents

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

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

4. Compliance with Building Code of Australia – Modified by 23/1087 dated 30 June 2023

That the work must be carried out in accordance with the requirements of the National Construction Code **for the proposed new use**. ~~Please refer to the report by Figgis and Jefferson TEPA, BCA Design Assessment report for guidance.~~

Reason: *The condition is prescribed under clause 98 of the ~~Environmental Planning and Assessment Regulation 2000~~ 69 of the Environmental Planning and Assessment Regulation 2021*

5. Erection of Signs

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

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

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

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

6. Compliance with Disability Discrimination Act 1992

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

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

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

7. Keeping of Animals

The animal shelter is to be operated in accordance with the relevant regulations and standards for the keeping of animals.

Reason: *To ensure the animals in the shelter are kept in suitable conditions in accordance with the relevant regulations and standards.*

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

8. Application for a Construction Certificate (Building Works) – Modified by 23/1087 dated 30 June 2023

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

- a. Architectural plans and building specifications complying with the National Construction Code (NCC) relevant Australian Standards, and the development consent and conditions.
 - b. If Council or a private 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. Plans detailing the layout, extent and location of key components of any required ~~Hydraulic~~ Fire Safety System/s (Fire Hydrant **Systems**, and Fire Hose Reels, **Smoke Hazard Management Systems**) including Specifications that describe the basis for the design, installation and construction and identify the provisions of the BCA upon which the design of the system is based. The Plans and Specifications shall both be endorsed by ~~a competent fire safety practitioner (CFSP)~~ **an accredited fire safety designer** as complying with the relevant provisions of the Building Code of Australia (BCA).
- ~~**Note:** Confirm maximum hydrant pressure is adequate to the site prior to design of onsite system as Council will not upgrade the Hydrant pressure to suit a design.~~
- ~~f. Disabled access provisions to common and public areas in accordance with AS1428 Design for Access and Mobility and the Premises Code.~~ **Disabled access provisions to in accordance with Part D3 of the National Construction Code (NCC) relevant Australian Standards (AS1428 Design for Access and Mobility and the Premises Code), and the development consent and conditions.**
 - g. If ~~an alternative~~ **a performance** 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~~ **performance** solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body.

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

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

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*

9. Building Materials & Colour Scheme

Details and samples of all new external building materials and finishes, including their proposed colours, shall be submitted for the approval of Council's Planning Section prior to the issue of the Construction Certificate.

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

10. Access for People with Disabilities

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

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

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

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

11. Accessible Car Parking Spaces

2 of the car parking spaces provided as part of the total requirement shall be reserved for disabled persons.

These spaces shall be constructed and identified in accordance with Volume 1 of the National Construction Code (NCC) and AS/NZS 2890.6 - Parking Facilities; Off-street parking for people with disabilities.

Details to demonstrate compliance shall be submitted to and approved by the Principal Certifier (PC) prior to the issue of the Construction Certificate.

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

12. Off Street Parking Provision

22 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 AS2890.1 Off Street Car Parking.

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

Reason: *To ensure adequate parking and access.*

13. Waste Management Plan

A Waste Management Plan shall be completed and submitted to Council's Waste Section 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.*

14. Developer to provide photos of damage to Council property

The applicant must provide Council's Property Section and the PCA with photos of any damage of Council property adjoining the development prior to the issue of the Construction Certificate.

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

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

The construction supervisor is contractors, sub-contractors, and access point to prevent damage responsible to ensure that all delivery trucks use a designated to Council's property.

Repairs to damaged Council property are to be carried out by the contractor/builder to Council's specification and supervision prior to issue of any Occupation Certificate.

Reason: *To ensure that Councils assets are protected.*

15. 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

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

16. Section 138 Roads Act 1993 Approval

Where works are proposed within the road reserve, the applicant must obtain approval from Council's Traffic and Engineering Section (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's Traffic and Engineering Section in order to obtain the Section 138 approval:

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

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

Reason: *Statutory requirement.*

17. Erosion and Sediment Control Plan

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

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

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

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

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

18. Construction Management Plan

To undertake development works including demolition, earthworks and construction a Construction Management Plan (CMP) is required to be submitted and approved by Council's Development Engineering Section 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 proposed sediment and erosion control measures including the location of any rubble grids;
- o) Details of any air and dust management;
- p) Details of noise and vibration controls;
- q) Anticipated staging and duration of works
- r) Provision of Traffic Management Plan (TMP) and Traffic Control Plans (TCP)

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

19. Stormwater – Control of Peak Discharge

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

Any stormwater temporarily stored onsite shall be done in a manner that does not jeopardise public safety. In this regard the development shall provide a risk assessment with the Construction Certificate documentation.

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

20. Detailed Stormwater Drainage System Design

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

The existing site outlet from the basin to be piped to the existing inlet at the corner of Berrima Road and Bowman Road. The kerb return (dish drain) at intersection shall be formalised to Standard Drawing SD105.

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's Development Engineering Section prior to the commencement of works.

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

Reason: *To ensure adequate storm water management.*

21. Carpark Design - Site Servicing

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

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

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

22. Provision of Works and Services

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

Reason: *Statutory requirement.*

23. Light Spillage

Measures to ensure that no additional light "spillage" is created from the approved development into existing or nearby residences, shall be provided to the satisfaction of Council's Environmental Health Section prior to issue of Construction Certificate.

Reason: *To ensure no reduction in residential amenity.*

24. Hoardings and Other Temporary Barriers on Council Property

A separate application under the Roads Act 1993 along with details and appropriate fees be submitted to Council's Traffic and Engineering Section prior to the commencement of work. The application shall detail all hoardings, temporary barriers and various other arrangements proposed to be installed to protect the general public from potential disruption and/or injury and also how Council assets will be protected throughout the course of construction activities.

Reason: *To maintain public safety.*

25. Pedestrian Safety

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

Reason: *To ensure pedestrian and vehicular safety*

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

26. Appointment of Principal Certifier (PC)

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

- (a) A Construction certificate for the building work has been issued by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
- (b) the person having the benefit of the development consent has:
 - (i) appointed a Principal Certifier (PC) for the building work, and
 - (ii) notified the Principal Certifier (PC) that the person will carry out the building work as an owner-builder, if that is the case, and
- (b1) the Principal Certifier (PC) has, no later than 2 days before the building work commences:
 - (i) notified Council's Building Certification Section of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (b2) the person having the benefit of the development consent, if not carrying out the work as an owner builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - (ii) notified the Principal Certifier (PC) of such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (c) the person having the benefit of the development consent has given at least 2 days' notice to Council's Building Certification Section of the person's intention to commence the erection of the building.

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

27. Notice of Commencement

No work shall commence until a notice of commencement form has been submitted (form will be attached with issue of a Construction Certificate or Subdivision Works Certificate or available from

Council's website), giving the Principal Certifier (PC):

- (a) Not less than two (2) days' notice of the date on which it is proposed to commence work associated with this Development Consent;
- (b) Details of the appointment of a Principal Certifier (PC) (either Wingecarribee Council or another Accredited Certifier)
- (c) Details of the Principal Contractor or Owner Builder.
 - Name
 - Builders Licence Number or Owner Builder Permit Number
 - Principal Contractor Company Name
 - Principal Contractor ABN
 - Address of Principal Contractor or Owner Builder
 - Email Address
- (d) Copy of the HBCF Insurance Certificate (if residential building works exceed \$20,000) or Owner Builder Permit;
- (e) Details demonstrating compliance with development consent conditions relevant prior to commencement of the development been satisfied.

Reason: *Statutory requirement.*

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

28. 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.*

29. Set Out Survey

The development shall be set out by a Registered Land Surveyor to ensure the correct location on the site in accordance with the approved site plan prior to the commencement of works.

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

30. Temporary Onsite Toilet

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

Each toilet shall:

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

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

31. Applicant to advise of damage to Council property

The applicant must advise Council's Property Section of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves, street trees, drainage pits and the like, prior to commencement of any work on the site. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the developer/owners/proponents expense.

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

Reason: *Public safety.*

32. 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

33. Approved Plans to be available on site

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

Reason: *To ensure compliance with approved plans.*

34. Imported 'Waste-derived' Fill Material

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

- Virgin excavated natural material (VENM) within the meaning of the *Protection of the Environment Operations Act 1997* (POEO); or
- Any other waste-derived material the subject of a resource recovery exemption under clauses 91 & 92 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material

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

The application of waste-derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997*. However, a licence is not required if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a resource recovery exemption under clauses 91 & 92 of the *Protection of the Environment Operations (Waste) Regulation 2014*.

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

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

35. Structure not to be built over easements/infrastructure

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

Reason: *To protect infrastructure.*

36. Ground Levels

Natural ground levels shall not be altered or adjusted other than shown on the approved plans or where varied by the conditions of consent without the prior consent of Council's Development Engineering and Planning Sections.

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

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

37. Engineering Inspections by Council

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

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

Note: *The subject building is not to be occupied until an Interim or Final Occupation Certificate is issued.*

Note: *An accredited certifier may not be substituted for Council in respect of these inspections, as Council remains the sole responsible authority for these matters.*

Reason: *Statutory requirement.*

38. Stormwater – Construction

The applicant shall provide adequate storm water drainage infrastructure (pits/pipes/open channels/detention storage) for the conveyance of storm water passing through the site from upstream, and sourced from the development to a discharge outlet to be approved by Council's Development Engineering Section. 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.*

39. Stormwater – Discharge

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

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

40. 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.*

41. Construction Management Plan

All development activities and traffic movements shall be carried out in accordance with the approved Construction Management Plan.

All controls in the Plan shall be maintained at all times. A copy of the Plan must be kept on site at all times and made available to the Accredited Certifier and Council on request.

Reason: *Compliance with condition of consent.*

42. Vehicular Access Point – Construction and Delivery Vehicles

A suitable entry point shall be nominated on site and utilised by construction and delivery vehicles. This entry point is to be located so that the possibility of damage to Council's property is minimised during construction. The access point shall be surfaced with all-weather materials of a minimum of (WHAT SIZE) mm in size. Ballast or crushed gravel (minimum of 40mm rock) for the full width of the kerb from the edge of the road to the property boundary.

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

43. Earthworks, retaining walls and structural support

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

- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
- (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
- (c) that is fill brought to the site-must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, and
- (d) that is excavated soil to be removed from the site-must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.

Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442), published in October 2013 by Safe Work Australia.

Reason: *Structural safety.*

44. Damage to Adjoining Properties

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

Reason: *Structural safety.*

45. Prevention of Nuisance

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

Reason: *Health and amenity.*

46. Building Operations

Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations which could lead to the discharge of materials into the storm water drainage system.

Reason: *To ensure that building materials are not washed into storm water drains.*

47. 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.*

48. 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.*

49. Approved hours of Construction/Demolition

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

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

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

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

50. Waste Management

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

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

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

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

51. Occupation Certificate

In accordance with Section 6.9 of the *Environmental Planning and Assessment Act 1979*, an application for an Occupation Certificate, shall be made on completion of the works and the relevant

application fee paid. All works specified in the development consent and approved Construction Certificate plans shall be completed and all development consent conditions complied with prior to the issue of the Occupation Certificate.

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

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

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

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

52. 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's Development Engineering Section prior to the issue of any Occupation Certificate.

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

53. 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's Development Engineering Section prior to the issue of any Occupation Certificate.

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

54. Construction of Sewer Sidelines

A sidelines and 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.*

55. 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.

56. Council Property

The applicant shall rectify any damage to Council property (including footpaths, road furniture, landscaping/trees, drainage, water, sewer, kerb and gutter, road pavement and the like) as a result of the development, prior to the issue of any Occupation Certificate

Reason: *To ensure that Councils assets are protected.*

57. Civil Engineering works and services

All civil engineering works and services are to be constructed in accordance with the Wingecarribee Shire Council Engineering Plans and Specifications, relevant Standards and approved engineering plans prior to the issue of the Occupation Certificate.

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

58. Certification of Internal Civil Works

On completion of the works and prior to the issue of the Occupation Certificate, certification from a practicing appropriately qualified engineer, shall be submitted to Council's Development Engineering Section detailing that all the internal civil works (i.e. internal driveways, paths and stormwater drainage system, including any onsite detention) are in accordance with the approved plans and specifications.

Reason: *Asset management.*

59. Vehicle Access (Commercial)

Access to the site shall be provided by means of a vehicle crossing as per Standard Drawing SD108 and SD123 and approved by Council's Development Engineering Section prior to the issue of the Occupation Certificate. A copy of the Standard Drawing can be obtained from Council's offices.

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

60. Construction of Kerb & Gutter and Drainage

Concrete dish drain and associated drainage system in Berrima Road and Bowman Road intersection for the adequate discharge of storm water shall be constructed in accordance with Council's Engineering Design and Construction Specifications and drawings prior to the issue of the Occupation Certificate.

The existing site outlet from the basin to be piped to the existing inlet at the corner of Berrima Road and Bowman Road. The kerb return (dish drain) at intersection shall be formalised to Standard Drawing SD105.

Reason: *To ensure that storm water is appropriately managed.*

61. Works as Executed Drainage Diagram

The applicant shall submit to Council's Development Engineering Section a copy of the works as executed plans for the both internal and external drainage (Sewer Service Diagram) prior to the issue of an Occupation Certificate. These plans shall be drawn to scale including all relevant details in accordance with the requirements of the NSW Fair Trading. The requirements of the Plumbing Act are to be complied with also in this regard.

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.*

62. Identification Survey

An identification survey prepared by a Registered Land Surveyor shall be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate to demonstrate that all buildings and structures have been constructed entirely within the allotment boundary and in accordance with the approved plans.

Reason *To ensure compliance with the approved plans .*

63. Asset Management

Prior to the issue of the Occupation Certificate, the contractor shall provide a detailed summary of the Assets that will be handed over to Council at the end of the maintenance period. The details shall be provided in a tabular form so as to allow Council to update its Assets register.

The assets to be identified include:

- Drainage systems length and size of pipes, number of pits, total area (m2)

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

64. Fire Safety Certificate

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

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

- Forwarded to Wingecarribee Shire Council;
- Forwarded to the Fire Commissioner; and
- Prominently displayed in the building.

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

65. Private Fire Service Backflow Prevention

As this development has a Private Fire Service line connected to Council's reticulated water supply, Council's Building Certification Section will require prior to the issue of the Occupation Certificate:

- i. A testable backflow prevention device to be installed by a licensed plumber to the fire service line, in accordance with AS/NZ 3500 Part 1: Water Services and the Plumbing Code of Australia.
- ii. When the device is installed the commissioning / test results shall be submitted to Council's Building Certification Section for registration prior to the issue of any Occupation Certificate or the Final Section 68.
- iii. The backflow prevention device must be maintained and tested annually by an accredited backflow prevention plumber. The plumber must complete and submit the maintenance and test reports for each device installed and pay the appropriate registration fees to Council in accordance with Council's adopted Backflow Prevention Policy and Schedule of Fees and Charges.

Reason: *To protect the water supply.*

66. 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.*

67. Engineering Details in DXF Format

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

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

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

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

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

68. Noise Control Measures

The Applicant shall:

1. Incorporate the recommendations set out in part 3.3 of the Wingecarribee Animal Shelter Acoustic Design Report prepared by Fu Siong Hie of Acouras Consultancy (Report Ref No. SYD2021, dated 12/09/2022) (the 'Acoustic Report') into the design, construction and fit-out of the proposed buildings;
2. Incorporate the recommendations set out in part 3.4 of the Acoustic Report into the selection, design, installation and fit-out of the air-conditioning and ventilation equipment; and
3. Develop, implement and maintain a noise management plan in accordance with the recommendations set out in part 3.6 of the Acoustic Report.

Reason: *To prevent loss of amenity to the area and/or occupational environment.*

69. Operational Noise Levels

The Applicant shall ensure that operational noise levels for the development do not exceed the background level by more than 5 dB(A) at the nearest affected residential property. Without limiting the above, operational noise levels must also fall within the requirements of the acceptable noise amenity levels as specified in the NSW EPA Noise Policy for Industry. In the event that operational noise is identified as exceeding the requirements of this condition, the Applicant will be required to undertake such works as is necessary to remedy such exceedance within a period determined by Council's Environmental Health Section

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

70. Annual Fire Safety Statement

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

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

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

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

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

AGENCY REFERRAL CONDITIONS

71. Referral Conditions – Water NSW – Modified by 23/1087 dated 30 June 2023

General

- viii. ~~The site layout and works shall be as specified in the Statement of Environmental Effects prepared by AT Architecture, Planning + Urban Design (dated May 2022) and shown on the Ground Floor and Roof Plans (Drawing Nos. 3791 DA 110 and 111, Issue A, dated 13/05/2022) prepared by Figgis & Jefferson Tapa Pty Ltd. No revised site layout, staging or external works that will have impact on water quality, shall be permitted without the agreement of Water NSW.~~

- a) The site layout and works shall be as specified in the S 4.55(2) Application Statement of Environmental Effects (dated June 2023) prepared by AT Architecture, Planning + Urban Design and shown on the Ground Floor and Elevation Plans (Drawing Nos. 3791 DA 110 Iss D, DA 200&201, Issue D, dated 26/05/2023) prepared by Figgis & Jefferson Tapa Pty Ltd. No revised site layout, staging or external works that will have impact on water quality, shall be permitted without the agreement of Water NSW.

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

Stormwater Management

- ~~ix. Stormwater Plans (Ref: NO211564, Drawing Nos. C200 and C210, Revision No. 1. Dated 20.05.22) prepared by JN Responsive Engineering shall be revised in consultation with Water NSW prior to the issuance of a Construction Certificate. The revised stormwater management plan shall:~~

- ~~• be designed as per existing covenant on the lot, or~~
- ~~• be modified to the satisfaction of Water NSW, and~~
- ~~• address impacts of existing easements near the existing basin area on construction, functioning and maintenance of stormwater management structures.~~

- ~~x. No wash water used in cleaning the floors of the shelter facility shall be directed to the stormwater management system.~~

- b) All stormwater management measures, as specified in the MUSIC Model Assessment Report (NO211564-CLRT.01A, dated 2 June 2023) and Site Stormwater Plan and Typical Details (Ref: NO211564; Drawing No. C200, Revision J, and Drawing No. CO51, Revision H, dated 16.06.23; Drawing Nos. C50 and C52, Revision F, dated 02.06.23) both prepared by JN Responsive Engineering, shall be incorporated in the final stormwater drainage plan to be approved by the Principal Certifier (PC).
- c) The driveway and hardstand areas shall be sealed and shall drain to stormwater pits fitted with pit inserts (OceanGuard 200 or Water NSW endorsed equivalent) and directed to a biofiltration basin on the site.
- d) The biofiltration basin shall also:
- be designed consistent with Adoption Guidelines for Stormwater Biofiltration Systems Version 2 (Payne et al, 2015, Melbourne, CRC for Water Sensitive Cities)
 - also incorporate the following:
 - a minimum surface and filter area of 220 square metres or an extended detention depth of 200 mm
 - a filter depth (excluding transition layers) of 400 mm above the underdrains
 - a network of underdrains
 - a filter media consisting of a clean sandy loam with a certified median particle diameter of 0.5 mm, a maximum orthophosphate concentration of 40 mg/kg and a maximum total nitrogen concentration of 400 mg/kg
 - 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 Council's stormwater drain
 - be accessible from driveway by machinery to facilitate cleaning, monitoring, and maintenance of the structures.
 - be constructed after all hardstand areas have been paved or sealed and all ground surfaces have been stabilised
 - be permanently protected from heavy vehicle damage by guardrails, castellated kerb, bollards, 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 re-vegetated or stabilised]
- e) No wash water from industrial washdown, or water used in cleaning the floors of the shelter facility shall be directed to the stormwater management system.
- f) A rainwater collection and reuse system for the building roof shall be installed that:
- includes rainwater tanks with a minimum total capacity of 20,000 litres above any volume required for mains top-up
 - ensures roofs and gutters designed to maximise the capture of rainwater in the tanks

- ensures that the tanks are plumbed to toilets, shelter non potable water needs, and other areas for non-potable use including use landscape watering, and
 - ensures that all rainwater tank overflow is directed to the biofiltration basin.
- g) No variation to stormwater treatment or management that will have any impact on water quality shall be permitted without prior agreement of Water NSW.
- h) 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 that all stormwater management structures have been installed as per these conditions of consent and are in a functional state.

Operational Environmental Management Plan

- ~~xi. Prior to the issuance of an Occupation Certificate, update or modify any existing Operational Environmental Management Plan (OEMP). If an OEMP does not exist, a Plan shall be prepared in consultation with Water NSW by a person with knowledge and experience in the preparation of such plans. The Plan shall:~~
- ~~• include the details on the location and nature of stormwater management structures~~
 - ~~• 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, and~~
 - ~~• include checklists for recording inspections and maintenance activities.~~
- ~~xii. All stormwater treatment devices shall be monitored, maintained, and managed as per the Operational Environmental Management Plan.~~
- i) An Operational Environmental Management Plan (OEMP) shall be prepared by a person with knowledge and experience in the preparation of such plans. The Plan shall:
- be prepared in consultation with Water NSW prior to the issuance of an Occupation Certificate
 - include the details on the location and nature of stormwater management structures
 - 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, and
 - include checklists for recording inspections and maintenance activities, particularly biofiltration basin.
- j) All stormwater treatment devices shall be monitored, maintained, and managed as per the Operational Environmental Management Plan, which has appropriately resolved comments made by Water NSW during the consultation process.

Reason for Conditions a) to j) — To ensure appropriate stormwater treatment and quality control measures are designed, implemented, and maintained to achieve a sustainable neutral or beneficial impact on water quality, particularly during wet weather, over the longer term.

~~**Reason** — To ensure appropriate stormwater treatment and quality control measures are designed, implemented, and maintained to achieve a sustainable neutral or beneficial impact on water quality, particularly during wet weather, over the longer term.~~

Construction Activities

- ~~xiii. Prior to the issuance of a Construction Certificate, a Soil and Water Management Plan shall be prepared by a person with knowledge and experience in the preparation of such plans. The Plan shall:~~
- ~~• be based on the Erosion and Sediment Control Plan and Details (Ref: N0211564,~~
 - ~~• Drawing Nos. ESM1 to ESM3, Revision No. 1, dated 20.05.22) prepared by JN Responsive Engineering~~
 - ~~• meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004)~~
 - ~~• be prepared in consultation with Water NSW and be to the satisfaction of Council, and~~
 - ~~• include controls:~~

- ~~○ to manage any shallow groundwater intercepted during construction and have appropriate approvals for the activity, and~~
- ~~○ to prevent sediment or polluted water leaving the construction area or entering any stormwater drain or natural drainage system.~~

~~xiv. 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 ground surface stabilised or groundcover re-established.~~

- k) A Soil and Water Management Plan shall be prepared by a person with knowledge and experience in the preparation of such plans. The Plan shall:**
- be prepared in consultation with Water NSW prior to the issuance of a Construction Certificate and be to the satisfaction of the PC**
 - be based on the Erosion and Sediment Control Plan and Details (Ref. NO211564, Drawing Nos. ESM1 to ESM3, Revision E, dated 02.06.23) prepared by JN Responsive Engineering**
 - meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004), and**
 - include controls that prevent sediment or polluted water leaving the site or entering any stormwater drain or natural drainage system.**
- l) 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 ground surface stabilised or groundcover re-established.**

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

END OF CONDITIONS