



# **MINUTES**

**Wollondilly Shire Local Planning Panel**

**Thursday 1 May 2025**

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**MINUTES OF WOLLONDILLY SHIRE  
LOCAL PLANNING PANEL MEETING**

**held at the Council Chamber, Wollondilly Shire Hall, 52 Menangle Street, Picton  
NSW 2571, and remotely via audio visual link**

**on Thursday 1 May 2025 at 3.30pm**

**PRESENT:** Chairperson - Chris Wilson, Expert - Michael Mantei, Expert - Rob Montgomery, Community Representative - Luke Joseph

**IN ATTENDANCE:** Director Shire Futures - Martin Cooper, Manager Shire Planning/Head of Advocacy - Stephen Gardiner, Manager Development Services - Corrie Swanepoel, Team Leader Strategic Planning - Carolyn Whitten, Team Leader Development Services - Aimee Lee, Governance Officer x 2

**1 OPENING**

**2 RECORDING OF THE MEETING**

The electronic recording of the Local Planning Panel Meeting and the use of electronic media during the proceedings is not permitted. This includes devices such as laptops, mobile phones, tape recorders and video cameras.

**3 WEBCAST NOTICE**

Members of the public are advised, that Local Planning Panel meetings are recorded and webcast live in line with provisions under the Environmental Planning & Assessment Act 1979 No. 203. This notice is made as required under Section 18 of the Privacy and Personal Information Protection Act 1998 (PPIPA). The webcasts are publicly available for viewing on Council's website.

Video footage collected is of the panel and registered speakers. If you do not wish your image to be recorded a panel member or Council officer will, upon request, read your submission on your behalf. Your image, voice, personal and health information may be recorded, publicly broadcast and archived if you speak during the meeting and/or don't remain in the space provided in the public gallery.

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Council may be required to disclose recordings pursuant to the Government Information (Public Access) Act 2009, or where Council is compelled to do so by court order, warrant or subpoena or by any other legislation.

#### 4 ACKNOWLEDGMENT OF COUNTRY

The Chair will acknowledge the traditional Custodians of the Land.

#### 5 APOLOGIES AND LEAVE OF ABSENCE REQUESTS

#### 6 DECLARATION OF INTERESTS

#### 7 LOCAL PLANNING PANEL REPORTS - SUSTAINABLE AND BALANCED GROWTH

##### 7.1 DRAFT PLANNING PROPOSAL FOR LAND ADJOINING OAKDALE SPORTSFIELDS

### EXECUTIVE SUMMARY

The purpose of this report is to seek the advice of the Wollondilly Shire Local Planning Panel (the Panel) on a draft planning proposal received for land at 1838 Barkers Lodge Road, Oakdale (Lot 6 in DP 734561), 1475 and 1455 Burragorang Road, Oakdale (Lot 1 and Lot 2 in DP734561), Oakdale.

The draft proposal seeks to amend the *Wollondilly Local Environmental Plan 2011* (WLEP 2011) by rezoning the land to enable further subdivision for low density residential purposes on the edge of Oakdale while conserving environmentally sensitive areas. This change would enable approximately 185 residential lots.

The current draft proposal seeks to achieve this through the following amendments:

- Amend the **Land Zoning Map** from RU1 Primary Production to R2 Low Density Residential, and C2 Environmental Conservation.
- Amend the **Minimum Lot Size Map**:
  - From 16ha to 700 sqm and 450 sqm (for land to be zoned R2).
  - No minimum lot size (for land to be zoned C2).
- Amend the **Height of Buildings Map** to introduce a maximum building height of 9m for the part of the land to be zoned R2 Low Density Residential.
- Amend the **Urban Release Area Map** to show land proposed to be zoned R2 Low Density Residential as an urban release area.
- Insert a **clause** under part 4 of Wollondilly LEP 2011 to allow an exception to the minimum lot size to facilitate up to 22 lots of a size that is at least 300sqm but not more than 450sqm.

Preliminary community and stakeholder feedback were invited on the draft planning proposal from 13 June to 11 July 2024. 41 community submissions were received, most objecting to the proposal.

12 submissions were received from public authorities or Government agencies, identifying a range of issues as discussed in this report, including infrastructure implications and inconsistencies with the strategic planning framework.

The Wollondilly Local Housing Strategy (LHS) clearly demonstrates there is sufficient capacity within existing urban zoned land to meet housing demand to 2041, and that any local growth should occur within existing residential zoned land, particularly within Picton, Tahmoor and Thirlmere. The Rural Lands Strategy also explicitly seeks to prevent the encroachment of residential lands into rural areas, unless it has been clearly identified by the LHS, which is not the case for Oakdale.

A letter outlining the outcome of Council's initial assessment of the draft proposal was sent to the proponent on 4 November 2024. In response, some of the technical studies have been updated along with the draft planning proposal document. However, the primary concerns regarding the merits of the planning proposal remain unchanged.

In relation to site-specific merit, the site presents a range of constraints including biodiversity values. Whilst the draft proposal has been supported by technical studies and an indicative subdivision plan demonstrating the ability for a future subdivision, it still lacks sufficient information on wastewater servicing for the site, as well as clarity on the ownership and long-term management of the C2 Environmental Conservation Zone.

On balance, Council cannot be satisfied that the draft proposal has strategic and site-specific merit. As such, this report recommends that the draft proposal is not supported.

## PUBLIC SUBMISSIONS

There was 1 registered speaker for this Item.

## PANEL ADVICE

The Panel does not support this Planning Proposal.

## PANEL CONSIDERATIONS AND REASONS FOR ADVICE

The Panel:

- Considers that the current zoning does not reflect the opportunities of the site noting that it is contiguous with the existing Oakdale Village, has limited environmental constraints, and could be serviced within a reasonable timeframe.
- Considers that the Planning Proposal does not reflect the need for a transition from rural to urban housing zones. and would, in affect provide an urban density which is inconsistent with the current village character.
- Is of the view that a Proposal which takes into consideration the Panels comments identified above could be supported. This would likely involve a review of proposed lot sizes, total dwelling yields, public ownership of conservation lands, and an appropriate transition between rural and urban land uses.
- Ultimately considers that the Planning Proposal is inconsistent with the strategic planning framework and should not proceed in its current form.

## VOTING

4/0

## 7.2 DA/2024/829/1 - 1170 WEROMBI ROAD THERESA PARK

### EXECUTIVE SUMMARY

Development Application (DA) DA/2024/829/1 for use of the site for agritourism, including the extension of the existing shed to accommodate a farm gate premises, the conversion of the secondary dwelling for use as farm stay accommodation, a roadside stall and a home business; associated with the commercial production of honey and other associated products by The Werombi Man and The Werombi Hive was lodged with Council on 23 October 2024.

**\*\*In accordance with the Minister's Local Planning Panel Direction, Schedule 1, Part 1(b), the DA is reported to the Wollondilly Local Planning Panel as the applicant and landowner is a Councillor for Wollondilly **Shire Council**.**

No disclosures of a political donation were made in association with this application.

This report provides an assessment of the application for determination by the Wollondilly Local Planning Panel.

### PUBLIC SUBMISSIONS

There were 2 registered speaker(s) for this Item.

### STAFF RECOMMENDATION

That Development Application DA/2024/829/1 for the use of the site for agritourism, including the extension of the existing shed to accommodate a farm gate premises, the conversion of the secondary dwelling for use as farm stay accommodation, a roadside stall and a home business; associated with the commercial production of honey and other associated products by The Werombi Man and The Werombi Hive, be approved, subject to conditions detailed in this report.

### DECISION

The Panel resolve to APPROVE the application subject to conditions.

### PANEL CONSIDERATIONS AND REASONS FOR DECISION

1. The concerns raised in submissions have been adequately addressed in the Assessing Officer's report.
2. The proposed development is substantially compliant with the relevant planning instruments, Council's Development Control Plan, Engineering Standards and Policies.
3. The General Terms of Approval and comments provided by the relevant State Agencies are noted and will either form part of the determination notice or have been considered in Council's assessment.
4. The proposed development is supported subject to several amendments to the recommended conditions including the need for a revised Plan of Management to ensure appropriate site management particularly for bi-annual events.
5. The recommended conditions were amended as follows:

- The Plan of Management has been deleted from Condition no. 1;
- Condition no. 7 has been amended to remove the words “Council and”;
- A new Condition no. 32 has been added requiring a revised Plan of Management which also covers the bi-annual events and includes management measures relating to traffic, noise, parking, waste and amenities. The revised Plan of Management must be submitted to and approved by Council, prior to the issue of an OC;
- Condition no. 39 (now Condition no. 40) has been amended to replace the words “Detailed Environmental Survey” with “Acoustic Verification Report” and amended to reference Condition no. 7;
- Condition no. 43 (now Condition no. 44) has been amended to reference the “endorsed Waste Management Plan”;
- Condition no. 51 (now Condition no. 52) has been amended to clarify the maximum number of patrons permitted in the outdoor areas at any one time (consistent with the endorsed Acoustic Report);
- Condition no. 52 (now Condition no. 53) has been amended to remove the reference to the endorsed Acoustic Report;
- Condition no. 55 (now Condition no. 56) has been amended to reference Condition no. 32; and
- The RFS GTA have been attached to the consent as appendix for ease of reference.

## VOTING

4/0

## Amended Recommended Conditions of Consent

GENERAL CONDITIONS				
Condition				
1.	<b>Approved plans and supporting documentation</b>			
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.			
	<b>Approved Documents</b>			
	<b>Document Title</b>	<b>Version Number</b>	<b>Prepared By</b>	<b>Dated</b>
	Site Plan	V6	DesignSixOne	1/08/2024
	Enlarged Site Plan	V6	DesignSixOne	1/08/2024
	Floor Plan	V6	DesignSixOne	1/08/2024
	Elevation 1-2	V6	DesignSixOne	1/08/2024
	Elevation 3-4	V6	DesignSixOne	1/08/2024
	Elevation 3-4 with Driveway Gradient	V6	DesignSixOne	1/08/2024
	Proposed Door Schedule	V6	DesignSixOne	1/08/2024
	Existing Door Schedule	V6	DesignSixOne	1/08/2024
	Structural Plans – Sheets 1 to 9	C	D&M Consulting	13.01.2025
	2025 Signage Plan	-	The Werombi Hive	-
	Noise Impact Assessment	0	Rodney Stevens Acoustics	22 January 2025
	Wastewater Management: Site & Soil Evaluation & Disposal System Design	FINAL 01	Strategic Environmental and Engineering Consulting	7/02/2025
	Waste Management Plan and Waste Facilities	-	The Werombi Hive	January 2025
	In the event of any inconsistency between the approved plans and documents, the approved Plans/Documents prevail. In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.			
	<i>Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</i>			
2.	<b>Signage</b>			
	The endorsed 1.2m x 1m sign mounted on posts at the site's frontage displaying the 'The Werombi Hive' business name and logo is not to exceed			



	3 metres in height, from existing ground level to the top of the sign. <i>Condition reason: To limit the height of the sign.</i>
<b>3.</b>	<b>Waste Storage and Processing</b> All waste shall be managed in accordance with the approved Waste Management Plan. <i>Condition reason: To ensure that waste is appropriately managed during all stages of the development.</i>
<b>4.</b>	<b>Effluent Management</b> All wastewater generated from the development must be managed and disposed of in accordance with the Wastewater Report prepared by Strategic Environmental & Engineering Consulting, Ref: 21000030-P02-WW-01, dated 07/02/2025, except as modified by Council and/or any conditions of this consent.  <i>Condition Reason: To ensure the development is serviced by a suitable on-site sewage management system, in accordance with Council's Policy.</i>
<b>5.</b>	<b>Unexpected Finds</b> Should any suspect materials (identified by unusual staining, odour, discoloration or inclusions such as building rubble, asbestos, ash material, etc) be encountered during any stage of works (including earthworks, site preparation or construction works, etc) such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.  In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.  <i>Condition reason: To ensure there is no unacceptable risk to human health or the environment.</i>
<b>6.</b>	<b>Removal of Waste Materials</b> Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines (2014) (refer to: <a href="http://www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm">www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm</a> )  Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.  <i>Condition reason: To comply with the NSW EPA Waste Classification Guidelines.</i>
<b>7.</b>	<b>Acoustic Report</b>

	Development shall take place in accordance with the submitted Acoustic Report titled 'Noise Impact Assessment: Proposed Farmgate Experience: 1170 Werombi Road, Theresa Park' prepared by Rodney Stevens Acoustics, reference R241053R1 and dated 22 January 2025, except as modified by any conditions of this consent.
	<i>Condition reason: To ensure no impacts on to sensitive receivers.</i>
<b>8.</b>	<b>Design and Construction of Honey Production Area</b>
	The premises (including honey production area) shall be designed, constructed and operated in accordance with the Food Act 2003, Australia & New Zealand Food Standards Code and Australian Standard AS 4674, Design, construction and fit-out of food premises.
	<i>Condition reason: To ensure compliance with relevant legislation and guidelines.</i>
<b>9.</b>	<b>Honey Production Area</b>
	The honey and associated apiary products production area is to comply with any requirements from the NSW Food Authority and the NSW Department of Primary Industries.
	<i>Condition reason: To ensure premises are operated in accordance with relevant requirements</i>
<b>10.</b>	<b>Pollution POEO Act</b>
	The use of the premises shall not give rise to water pollution, air pollution, offensive odour or land pollution as defined in the <i>Protection of the Environment Operations Act, 1997</i> .
	<i>Condition reason: To ensure no impacts on to sensitive receivers.</i>
<b>11.</b>	<b>General Terms of Approval</b>
	The advice/General Terms of Approval issued by the NSW Rural Fire Service Reference No: DA20241107004645-S38-1 dated 6 March 2025 are included as conditions of this consent and must be complied with.
	<i>Condition reason: To ensure compliance with GTAs.</i>

<b>BUILDING WORK</b>	
<b>BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE</b>	
Condition	
<b>12.</b>	<b>Engineering</b>
	Before the issue of Construction Certificate, the nominated Accredited Certifier must ensure the construction certificate plans and specifications detail the works, in accordance with the approved plans and any variations outlined in the conditions of consent.
	<i>Condition reason: To ensure the Construction Certificate plans are approved in accordance with this consent.</i>

13.	<b>Access for People with Disabilities</b>
	<p>Access for people with disabilities shall be provided in accordance with the requirements of the National Construction Code, relevant Australian Standards and with regard to the Disability Discrimination Act 1992.</p> <p>Prior to the issue of a Construction Certificate, the plans shall demonstrate compliance.</p> <p>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 <i>Disability Discrimination Act 1992</i>.</p> <p><i>Condition reason: To inform of relevant access requirements for persons with a disability</i></p>
14.	<b>Application for a Construction Certificate (Building Works)</b> <p>The applicant shall apply for a Construction Certificate to carry out the relevant building works in accordance with this consent prior to the commencement of any building related work/s.</p> <p><i>Condition reason: A requirement under the provisions of the Environmental Planning and Assessment Act 1979.</i></p>
15.	<b>Section 68 – Local Government Act</b> <p>Prior to the commencement of any plumbing and/or sanitary drainage work and prior to the issue of the Construction Certificate for the Development, separate approval must be obtained under Section 68 of the Local Government Act 1993 for the required upgrades (alterations) to the on-site sewage management system.</p> <p><i>Condition reason: To ensure the development is serviced by a suitable on-site sewage management system, in accordance with Council's Policy.</i></p>
16.	<b>Hazardous Building Materials Assessment</b> <p>A Hazardous Building Materials Assessment (HBMA) shall be undertaken on all materials stored or stockpiled on the property so as to identify any hazardous materials that may be present on site.</p> <p>Should any asbestos containing material be stored or stockpiled on site, the material is to be removed by a suitably qualified person, with a Clearance Certificate being issued by a qualified Occupational Hygienist/NSW LAA and provided to Council.</p> <p>The Hazardous Building Materials Assessment Report is to be provided to Council for consideration and review before any work commences onsite.</p> <p><i>Condition reason: To ensure risk from hazardous material is minimised and the site is suitable for the ongoing use.</i></p>
17.	<b>Acoustic report prior to Construction Certificate</b>

	<p>Prior to the issue of a Construction Certificate the person having the benefit of this development consent shall submit a report to the Principal Certifying Authority from a suitably qualified and practising acoustic engineer demonstrating that the noise levels from all plant and mechanical equipment (including but not limited to, cool room compressor and air conditioning unit/s) will not exceed the recommended noise levels as outlined in the acoustic report.</p> <p><i>Condition reason: To protect the amenity of the local area</i></p>
<b>18.</b>	<p><b>Stormwater Management</b></p> <p>Before the issue of Construction Certificate, the nominated Accredited Certifier must ensure:</p> <p>(a) Stormwater from the shed extension must be connected to the proposed rainwater tanks and directed to the existing stormwater system on the site.</p> <p>(b) Stormwater runoff from and through the property must be appropriately managed so as to control nuisance, damage and hazard during storm events.</p> <p><i>Condition reason: To ensure the adequate management of stormwater and to minimise environmental harm.</i></p>
<b>19.</b>	<p><b>Traffic Management</b></p> <p>Prior to the issue of the construction certificate, the certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents:</p> <ul style="list-style-type: none"> <li>• A total of 7 parking spaces including 1 accessible parking space must be provided within the site.</li> <li>• Parking spaces and layout must adhere to AS2890.1 for off-street parking and AS2890.6 for off-street parking designed for people with disabilities.</li> <li>• The overflow parking area must be easily accessible, with no objects blocking parking spaces or internal driveway paths.</li> </ul> <p><b><i>Note: Any adjustment to services shall be at the expense of the applicant and is additional to the contributions required by Council.</i></b></p> <p><i>Condition reason: To ensure the driveway crossing adhere to the council's design specification.</i></p>
<b>20.</b>	<p><b>Environmental Controls</b></p> <p>Before the issue of Construction Certificate, an Erosion and Sediment Control Plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the satisfaction of the Nominated Accredited Certifier:</p> <p>(a) Council's relevant Design and Construction Specifications,</p>

	<p>The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time).</p> <p><i>Condition reason: To ensure erosion and sediment controls are provided in accordance with Council's Specifications and the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book).</i></p>
<b>21.</b>	<p><b>Engineering as per DA</b></p> <p>Before the issue of Construction Certificate, the nominated Accredited Certifier must ensure the Construction Certificate Plans and Specification detail the carparking and access requirements in accordance with the approved DA plans and any variations outlined in the conditions of consent.</p> <p><i>Condition reason: To ensure the construction certificate plans are prepared in accordance with the development consent.</i></p>

<b>BEFORE BUILDING WORK COMMENCES</b>	
Condition	
	<b>Engineering</b>
<b>22.</b>	<p>Before building work commences, including the placement of temporary buildings, site sheds, earthworks, site excavation, filling or other site preparation works (with the exception of site survey work and demolition), a Construction Certificate must be issued by Council or a Nominated Accredited Certifier.</p> <p><i>Condition reason: To ensure the development works are undertaken in accordance with the requirements of the Environmental, Planning and Assessment Act, 1979.</i></p>
<b>23.</b>	<p><b>Environmental Controls</b></p> <p>Before building work commences, the person or entity having the benefit of this consent must ensure the relevant erosion and Sediment controls as outlined in the approved Erosion and Sediment Control Plan is implemented and operational.</p> <p><i>Condition reason: To ensure erosion and sediment controls are adequately managed onsite.</i></p>
<b>24.</b>	<p><b>Sydney Water Tap In / Building Plan Approval</b></p> <p>Prior to the commencement of any building works, approval obtained via Sydney Water via 'Tap inTM' (<a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a>) or a Sydney Water - Water Service Co-Ordinator shall be submitted to the Principal Certifier.</p> <p><i>Condition Reason: To ensure that the Sydney Water infrastructure is not damaged or impacted by the development.</i></p>
<b>25.</b>	<p><b>Waste Storage - Demolition &amp; Construction</b></p> <p>The following practices are to be implemented during demolition and construction works:</p>

	<p>a) a waste storage area (bins or bays) shall be provided to temporarily store demolition and construction waste at the work site prior to disposal;</p> <p>b) a garbage bin or receptacle shall be provided at the work site before works begin and shall be maintained until works are complete. This receptacle shall have a tight-fitting lid and be suitable for the reception of food scraps, papers, etc;</p> <p>c) the waste management system shall maximise waste diversion;</p> <p>d) any bin or bay containing light weight waste (e.g. polystyrene, paper or plastic) must be enclosed to prevent the material from escaping the enclosure;</p> <p>e) waste shall be collected onsite and transported to a licenced waste facility as per the approved Waste Management Plan;</p> <p>waste shall not be burnt or buried on site, or on any other properties</p> <p><i>Condition reason:</i></p> <p>To ensure that wastes are correctly stored, disposed of and controlled at all times to prevent accidents and to maintain clean and tidy premises.</p>
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<b>DURING BUILDING WORK</b>	
Condition	
<b>26.</b>	<p><b>Environmental Controls</b></p> <p>During building work, erosion and sediment control measures:</p> <p>(a) must be managed in accordance with the approved Erosion and Sediment Control Plan and must be installed, inspected and maintained.</p> <p>(b) must be installed to ensure adjoining roads and properties are not impacted by dust, mud, sediment, soil or any other material created from the construction works.</p> <p>(c) must include a stabilised vehicle access or other control measure must be installed on the site to prevent the deposition of sediments, soils, mud and other material onto the adjoining road network. Where sediments, soils, mud and other materials have been deposited on a road cleaning and restoration of the road pavement and delineation must be undertaken as soon as practicable.</p> <p>All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised.</p> <p><i>Condition reason: To ensure erosion and sediment controls are adequately managed onsite.</i></p>
<b>27.</b>	<p><b>Construction hours</b></p> <p>Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.</p> <p><i>Condition Reason: To protect the amenity of the surrounding area</i></p>
<b>28.</b>	<p><b>Site Management</b></p> <p>All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held. Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at</p>



	a waste management facility.
	<i>Condition Reason: To ensure site management measures are implemented during the carrying out of site work</i>
<b>29.</b>	<b>Waste Storage and Processing</b>
	All waste materials generated during demolition and construction works shall be managed in accordance with the approved Waste Management Plan.
	Copies of tipping dockets shall be retained and supplied to the Principal Certifying Authority.
	<i>Condition reason: To ensure the correct and lawful handling and disposal of waste during demolition and construction.</i>
<b>30.</b>	<b>Litter Management</b>
	All waste materials shall be secured and maintained within designated waste storage areas at all times and shall not leave the site onto neighbouring properties, public roads, or into the stormwater system.
	<i>Condition reason: To ensure that wastes are correctly stored and controlled at all times to prevent accidents and to maintain clean and tidy premises.</i>
<b>31.</b>	<b>Waste Collection Vehicle Movements</b>
	During demolition and construction works, waste collection vehicles shall enter & exit the site in a forward direction, completing no more than a three-point turn while on site.
	Where this is not possible, traffic control shall be in place while the waste collection vehicle enters and exits the site.
	<i>Condition reason: To ensure public safety during movements of waste collection vehicles.</i>

<b>BEFORE ISSUE OF AN OCCUPATION CERTIFICATE</b>	
Condition	
<b>32.</b>	<b>Plan of Management</b>
	Prior to the issue of an Occupation Certificate, a revised Plan of Management is to be submitted to and approved by Council that incorporates the following: <ul style="list-style-type: none"> <li>• A document reference number and date;</li> <li>• the hours of operation referenced in Condition no. 51;</li> <li>• the maximum patron numbers referenced in Condition nos. 52 and 53 and the details of management measures to ensure that these numbers are not exceeded;</li> <li>• management measures for events including but limited to traffic, parking, noise, waste and amenities;</li> <li>• the inclusion of matters required by Condition 54 and 55; and</li> <li>• any other relevant matters as required by Council.</li> </ul>
	<i>Condition reason: To ensure that the development is operated in accordance with an endorsed Plan of Management.</i>

**33. Fire Safety Existing Building Upgrade**

Pursuant to Section 64 of the Environmental Planning and Assessment Regulation 2021, the entire existing building is to be upgraded in the following manner to bring the building into compliance with the Building Code of Australia:

1. Farm Stay building (short term accommodation)

a) Smoke alarm requirements

Provide and install additional smoke alarms and/or upgrade existing smoke alarms to comply with requirements of Part H3 Fire Safety – BCA Housing Provisions.

b) Lighting to assist evacuation

Provide and install a system of lighting to assist evacuation of occupants in the event of a fire which is activated by the smoke alarm/s to comply with requirements of Part H3 Fire Safety – BCA Housing Provisions.

2. Existing shed including proposed extension

The building to comply with the relevant fire protection measures or contain the required fire safety systems as required under Section C, D, E, F and J of the Building Code of Australia for a Class 6, 7b, 8 and 9b building, including

a) Additional exit doors are to be provided so that travel distances and discharge points comply with Part D1 of the Building Code of Australia.

b) Service all Essential Services.

c) Portable Fire Extinguishers are to be provided throughout the premises in accordance with clauses E4D2 & E4D4 of the Building Code of Australia 2022 and AS2444-2001.

d) Emergency Lighting is to be provided in accordance with E4D2 and E4D4 of the Building Code of Australia 2022 and AS2293.1-2018.

e) Illuminated Exit Signs are to be provided in accordance with E4D5, E4D6 and E4D8 of the Building Code of Australia 2022 and AS2293.1-2018.

f) An annual fire safety statement shall be provided for the premises.

Before the issue of an occupation certificate, information must be prepared by a suitably qualified person and demonstrate, to the principal certifier's satisfaction, that the development will comply with the required building upgrades.



	<i>Condition Reason: To protect occupants in the event of an emergency and to ensure that the development is serviced by adequate fire safety measures.</i>
<b>34.</b>	<b>Final Fire Safety Certificate</b>  Prior to the issue of any Occupation Certificate, a Final Fire Safety Certificate shall be submitted to the nominated Principal Certifier, to certify that all of the essential fire safety measures / services as listed in the approved Fire Safety Schedule have been satisfactorily installed.  The Final Fire Safety Certificate shall be accompanied by installation certification for each essential fire safety measure / service from the licensed installer.  <i>Condition reason: To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.</i>
<b>35.</b>	<b>Building Upgrade Measures</b>  All building upgrade measures required to be installed pursuant to Section 64 of the Environmental Planning and Assessment Regulation 2021, shall be completed prior to use of the premises and the issue of an Occupation Certificate.  <i>Condition reason: To ensure that the building is upgraded to comply with the Building Code of Australia</i>
<b>36.</b>	<b>Occupation Certificate</b>  The 1b, 6, 7b, 8 building or part shall not be occupied or used until an Occupation Certificate is issued by the Principal Certifier.  <i>Condition reason: To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.</i>
<b>37.</b>	<b>Removal of Waste Upon Completion of Works</b>  After completion of all site work all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved Waste Management Plan and written evidence of the waste removal must be provided to the satisfaction of the Principal Certifying Authority (e.g. tipping dockets, transport/receival records).  <i>Condition reason: To ensure waste material is appropriately disposed or satisfactorily stored.</i>
<b>38.</b>	<b>Bin Storage Area</b>  Bin and bulky waste storage areas shall: <ul style="list-style-type: none"> <li>a) Be adequately covered to prevent ingress of rainwater;</li> <li>b) Display instructional signage on the correct use of the waste management system;</li> <li>c) Have adequate pest control;</li> <li>d) Be inaccessible to unauthorised persons.</li> </ul> <i>Condition reason: To ensure healthy and safe practices for the storage of waste.</i>
<b>39.</b>	<b>Final Inspection – Septic System</b>

	<p>The development shall be serviced by an upgraded on-site sewage management system. The required upgrades to the on-site sewage management system must have had a satisfactory Section 68 final Inspection report issued by Wollondilly Shire Council, prior to occupation of the building or prior to the issue of an Occupation Certificate by the Principal Certifier.</p> <p><i>Condition reason: To ensure the development is serviced by a suitable on-site sewage management system, in accordance with Council's Policy.</i></p>
<b>40.</b>	<p><b>Acoustic Compliance</b></p> <p>Prior to the issue of an Occupation Certificate for the development an Acoustic Validation Report shall be carried out at the subject site to ensure that all recommendations within the Acoustic Report referenced in Condition no. 17 of this consent (titled 'Noise Impact Assessment: Proposed Farmgate Experience: 1170 Werombi Road, Theresa Park' prepared by Rodney Stevens Acoustics, reference R241053R1 and dated 22 January 2025), and any additional recommendations from the acoustic report assessing plant and mechanical equipment, can be complied with and provided to the Principal Certifying Authority. Any recommendations to reduce noise impacts identified in the Acoustic Verification Report shall be implemented prior to the issue of an Occupation Certificate.</p> <p><i>Condition reason: To protect amenity of area</i></p>
<b>41.</b>	<p><b>Engineering</b></p> <p>Before the issue of Occupation Certificate or occupation of the development, all works must be completed to the satisfaction of the Principle Certifying Authority. Engineer's Certification prepared and assessed by a suitably qualified engineer shall be provided to the Principal Certifying Authority for all internal civil works, including the carpark, associated earthworks and stormwater drainage.</p> <p><i>Condition reason: To ensure all works are completed to the satisfaction of the Principal Certifying Authority.</i></p>

<b>OCCUPATION AND ONGOING USE</b>	
Condition	
<b>42.</b>	<p><b>Annual Fire Safety Statement</b></p> <p>All essential fire safety measures / services are to be inspected and certified in accordance with the <i>Environmental Planning and Assessment Act 1979</i>, 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 <i>Environmental Planning and Assessment Act 1979</i>.</p> <p><i>Condition reason: To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i></p>
<b>43.</b>	<p><b>Bin Collection Points</b></p>

	<p>Bins shall be placed on the kerbside no earlier than 48 hours before the scheduled collection day and shall be removed from the kerbside no later than 24 hours after the collection day.</p> <p><i>Condition reason: To reduce the risk of waste spillage and ensure bins do not detract from the aesthetic qualities of the area.</i></p>
<b>44.</b>	<p><b>Waste Collection</b></p> <p>Waste management at the premises shall be in accordance with the endorsed Waste Management Plan.</p> <p><i>Condition reason: To allow waste collections to occur safely and efficiently.</i></p>
<b>45.</b>	<p><b>Maintenance of Bin Storage Area</b></p> <p>The bin storage area is to be kept free of obstacles and in a clean and hygienic state to prevent odour and to not attract vermin or other pests.</p> <p><i>Condition reason: To ensure the bin storage area is kept in a clean and hygienic state and easily accessible to users.</i></p>
<b>46.</b>	<p><b>Noise Compliance</b></p> <p>There is to be no amplified sound/music, in accordance with the acoustic report.</p> <p><i>Condition reason: To protect the amenity of the local area.</i></p>
<b>47.</b>	<p><b>External Lighting</b></p> <p>During ongoing use, lighting must comply with AS 4282: Control of Obtrusive effect of outdoor lighting.</p> <p>Lighting must not interfere with traffic safety.</p> <p>Lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties.</p> <p><i>Condition reason: To ensure safe operation of the premises and protect the amenity of the local area.</i></p>
<b>48.</b>	<p><b>Service and/or Delivery Hours</b></p> <p>Servicing and/or deliveries shall not occur outside of the hours of 8:00am to 5:00pm Monday to Saturday.</p> <p><i>Condition reason: To protect the amenity of the local area.</i></p>
<b>49.</b>	<p><b>Noise/Dust</b></p> <p>The driveway/s and parking area/s are to be inspected monthly and shall be adequately maintained to prevent the formation of potholes or other degradation which may cause dust and/or noise nuisance.</p> <p><i>Condition reason: To protect the amenity of the local area.</i></p>
<b>50.</b>	<p><b>Farm Stay Accommodation</b></p>

	<p>Should there be any food for sale provided to farm stay accommodation users, the food must be from a commercial kitchen registered in accordance with the <i>Food Act 2003</i>.</p> <p><i>Condition reason: To protect the amenity of the local area.</i></p>
<b>51.</b>	<p><b>Hours of Operation</b></p> <p><u>Farm Gate Premises (including roadside store):</u></p> <ul style="list-style-type: none"> <li>• 8 am to 5 pm Sunday to Friday and public holidays</li> <li>• 7 am to 5pm Saturday</li> </ul> <p><u>Farm Experience (workshops and field days):</u></p> <ul style="list-style-type: none"> <li>• 8am to 6pm Sunday to Thursday and public holidays</li> <li>• 8am to 10pm Friday and Saturday</li> </ul> <p><i>Condition reason: To specify hours of operation.</i></p>
<b>52.</b>	<p><b>Noise Compliance</b></p> <p>There shall be a maximum of 16 (15 patrons and 1 guide) in the outdoor areas at any one time, in accordance with the endorsed Acoustic Report referenced in Condition no. 7 of this consent.</p> <p>In addition, there shall be no more than 4 farm experience (workshops) per year after 6pm.</p> <p><i>Condition reason: To protect the amenity of the local area.</i></p>
<b>53.</b>	<p><b>Noise Compliance</b></p> <p>There shall be no more than 2 field day events with a maximum of 50 people per year.</p> <p><i>Condition reason: To protect the amenity of the local area.</i></p>
<b>54.</b>	<p><b>Farm Stay Accommodation Bookings</b></p> <p>The farm stay accommodation must be open to bookings from the general public and must provide accommodation for periods of no greater than 72 consecutive days.</p> <p><i>Condition reason: To ensure compliance with the DCP.</i></p>
<b>55.</b>	<p><b>Home Business</b></p> <p>The home business must not employ more than 2 persons other than the residents and must not occupy more than 50 square metres of floor area.</p> <p><i>Condition reason: To ensure compliance with the LEP.</i></p>
<b>56.</b>	<p><b>Plan of Management</b></p> <p>The development must be managed in accordance with the Council endorsed Plan of Management, referenced in Condition no. 32 of this consent, for the life of the development.</p>

	A copy of the plan of management is to be available upon request and held on site.
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	<i>Condition reason: To ensure compliance with the plan of management.</i>
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### **7.3 DA/2024/181/1 - 54 CARLTON ROAD THIRLMERE - SENIORS HOUSING**

#### **EXECUTIVE SUMMARY**

Development Application DA/2024/181/1 seeks consent for the demolition of existing structures, construction of six (6) independent living units for the purposes of seniors housing with associated site grading, stormwater drainage, driveway and landscaping works at 54 Carlton Road, Thirlmere.

The proposal was notified in accordance with Council's Community Participation Plan from 11 to 25 March 2024. A total of 21 submissions were received, of which 20 of them were unique submissions. In accordance with Direction 1 of the Local Planning Panels Direction, the proposal is classified as a contentious development (as identified in Schedule 2 of the Direction) and is required to be referred to the Wollondilly Local Planning Panel for determination.

The applicant has amended the proposal and submitted additional information to address issues identified during the assessment process. The amended plans and reports were not re-notified as the amendments will not have a greater impact than the original proposal.

The proposal has been assessed against relevant provisions of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) and the Wollondilly Local Environmental Plan 2011 other applicable environmental instruments. The proposal is generally consistent with the applicable objectives and achieves compliance most of the standards and criteria except for the availability of bus services. Having considered facilities and services are generally accessible in the locality, the limited service on Saturdays and non-availability of transport services on Sundays does not warrant refusal of the development application. Furthermore, the proposal will provide alternate housing options for residents particularly those who are over 55s. On balance, it is considered that the application can be supported and is therefore recommended for approval subject to conditions.

No disclosure of a political donation was made in respect of this application.

#### **PUBLIC SUBMISSIONS**

There was 1 registered speaker for this Item.

#### **STAFF RECOMMENDATION**

That DA/2024/181/1 for demolition of existing structures, construction of six (6) independent living units for the purposes of seniors housing with associated earthworks, stormwater drainage, driveway and landscaping works be approved subject to conditions as detailed in this report.

#### **DECISION**

The Panel resolve to APPROVE the application subject to conditions.

#### **PANEL CONSIDERATIONS AND REASONS FOR DECISION**

1. The concerns raised in submissions have been adequately addressed in the Assessing Officer's report.
2. The proposed development is substantially compliant with the relevant planning instruments, Council's Development Control Plan, Engineering Standards and Policies.

3. The variation sought by the proponent is justified having regard to the objectives of the R3 residential zoning.
4. Whilst community objections in relation to the proposed front setback are noted, the adjoining Court-approved multi-dwelling development has established the future setback character of Carlton Road.
5. The development proposal is supported subject to the inclusion of additional conditions in the recommended conditions to strengthen amenity outcomes.
6. Amendments to the conditions are as follows:
  - Condition 4F - The development shall be deemed to require a Special On-Property Waste Collection, requiring the mobile bins to be collected from the bin bay on collection day, and the emptied bin returned to the bin bay as soon as practicable.
  - Condition 4 (a) - The bin storage area must be amended to accommodate 18x 240 litre bins with a minimum floor area of 9.3m<sup>2</sup> (20% allowance for circulation space) and relocated 2 metres off the front boundary to enable additional landscaped screening between the front fence and the bin storage structure.
  - The footpath is required to be designed in accordance with Council's Engineering Design Specifications (Standard Drawing No. WSCD9.1). Details are to be submitted together with other information for Road Design Approval under s138 of the Roads Act (see Condition 39 of the recommended conditions and it is replicated below. A Certificate of Practical Completion for the footpath must be issued prior to the issue of an Occupation Certificate (see condition 60 of the recommended conditions and it is replicated below).
  - New Condition – The Applicant shall ensure that a concrete footpath 1.5 metres wide is constructed within the road reserve from the site's northern property boundary to the existing footpath within Carlton Road in accordance with Council's specifications (ref. Wollondilly Shire Council Standard Drawing No. WSC.D9.1). Details shall be included on the engineering plans.

## VOTING

4/0



## Recommended Conditions of Consent

GENERAL CONDITIONS					
Condition					
1.	Approved Development				
	Development Consent is granted for demolition of existing structures and construction of seniors housing containing six independent living units and associated stormwater drainage works and landscaping at Lot: 68 Sec: C DP: 1569, 54 Carlton Road THIRLMERE.				
	Condition reason: To ensure all parties are aware of the approved development description and development address.				
2.	Approved Plans and Supporting Documentation				
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.				
	Approved plans				
	Plan title	Plan number	Revision number	Drawn by	Date
	Perspective View	1/16	I	Accurate Design and Drafting	25-10-2024
	Cover Page	2/16			
	Ground Floor Plan Building 1	3/16			
	Upper Floor Plan Building 1	4/16			
	Ground Floor Plan Building 2	5/16			
	Upper Floor Plan Building 2	6/16			
	Building 1 Elevations	7/16			
	Building 2 Elevations	8/16			
	Section & Details	9/16			
	Existing Site Plan and Site Analysis	10/16			
	Site Plan	11/16			
Landscape and Deep Soil Zone Calculation Sheet	12/16				
Landscape Concept Plan	1 of 1	/	PDLA Landscape Architects	23/09/2024	
Note Sheet	1/19	B	D&M Consulting	01/10/2024	
Existing Site Plan	2/19				
Driveway Plan	3/19				
Driveway Layout	4/19				
Pavement Details	5/19				



	Driveway Long section and cross section	6/19																															
	Drainage Plan 1/2	7/19																															
	Drainage Plan 2/2	8/19																															
	Drainage Schedule	9/19																															
	Drainage Details 1	10/19																															
	Carlton Road Drainage Plan	11/19																															
	Carlton Road Drainage Long section	12/19																															
	Water Quality Calculation	13/19																															
	Minor Calculations	14/19																															
	Major Calculations	15/19																															
	Vehicle Swept Paths 1	16/19																															
	Vehicle Swept Paths 2	17/19																															
	Vehicle Swept Paths 3	18/19																															
	Cut and fill plan	19/19																															
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<p>In the event of any inconsistency between the approved plans and documents, the approved documents prevail. In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p><i>Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development</i></p>																																	
3.	<b>Prohibition of Use as Three Bedroom Unit</b>																																
<p>The independent living units approved under this development must not be reconfigured to create additional bedrooms. No wall or partition must installed in any part of the unit to create additional bedrooms.</p>																																	
<p><i>Condition Reason: To ensure the use as two bedroom units and compliance with SEPP (Housing) 2021 controls.</i></p>																																	

4.	<b>Waste Management</b>										
	<div><div>(a) The bin storage area must be amended to accommodate 18x 240 litre bins with a minimum floor area of 9.3m<sup>2</sup> (20% allowance for circulation space) and relocated 2metres off the front boundary to enable additional screening between front fence and the bin storage.</div><div>(b) No more than 2 bins to be stacked in front of each other. Provisions must be made for a minimum 1.6m wide walkway and 1.8m wide doors/doorways.</div><div>(c) The bin storage area must be provided with a tap and hose fitting and shall be designed to drain to a dry basket arrestor which shall be connected to sewer, to allow for washing out the bay. The design of the system is to be submitted to Sydney Water for approval as part of the Section 73 application.</div><div>(d) The bin storage area shall include suitable safety lighting for residents to use the areas after dusk until dawn. Safety lighting shall be provided along the full length of the driveway to permit residents to safely walk to the storage area.</div></div>										
	<div><div>(e) The architectural drawings, landscape plans and engineering plans must be amended to incorporate the above details (a) to (d) and re-submitted with the application for a Construction Certificate.</div><div>(f) The development shall be deemed to require a Special On-Property Collection, requiring the mobile bins to be collected from the bin bay on collection day, and the emptied bin returned to the bin bay as soon as practicable.</div><div>(g) Prior to issue of any Occupation Certificate, an appropriate instrument must be registered on the title specifying the requirement for the approved independent living units to enter into arrangements with Council for the provision of the Special On-Property Collection service.</div></div> <div>Notes : Dimensions of bins</div> <table><tr><td>Bin Type</td><td>Height (mm)</td><td>Depth (mm)</td><td>Width (mm)</td><td>Area (m<sup>2</sup>)</td></tr><tr><td>240 litre bin</td><td>1060</td><td>730</td><td>585</td><td>0.43</td></tr></table>	Bin Type	Height (mm)	Depth (mm)	Width (mm)	Area (m <sup>2</sup> )	240 litre bin	1060	730	585	0.43
Bin Type	Height (mm)	Depth (mm)	Width (mm)	Area (m <sup>2</sup> )							
240 litre bin	1060	730	585	0.43							
	Condition reason : To maintain clean and tidy remises										
5.	<b>Use of Development as Seniors Housing</b>										
	<div>In accordance with Clause 88 of SEPP (Housing) 2021, the development must only accommodate people of the following groups:<div><div>a) Seniors or people who have a disability;</div><div>b) People who live in the same household with seniors or people who have a disability;</div><div>c) Staff employed to assist in the administration and provision of services to housing provided under this consent.</div></div></div> <div>Prior to the issue of any Occupation Certificate :<div><div>(i) A restriction under section 88b of the Conveyancing Act is to be registered on the property title in this regard.</div><div>(ii) Evidence of such registration must be submitted to Manager, Development Services</div></div></div> <div>Note: the definition of “seniors” shall have the same meaning as defined under Clause 82 of SEPP (Housing) 2021.</div>										
	Condition Reason: To ensure the approved development caters for the seniors housing needs.										

6.	<p><b>Potential Neighbour Disturbance/ Neighbour Notification</b></p> <p>Where any work associated with this consent has the potential to disturb neighbours through the generation of noise, dust, odour, vibration or through deliveries to the site the person with control over the works shall advise the occupants of all adjoining and potentially affected properties of the timing and duration of such works. The land owner has the ultimate responsibility for ensuring that anybody undertaking works under this development consent on their behalf is aware of this requirement and completes the task required by this condition.</p> <p><i>Condition Reason: To ensure neighbours are notified of potential disturbance activities.</i></p>
7.	<p><b>Engineering</b></p> <p>All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specification. In particular, Section D5 relating to the management of stormwater, and Section D13 relating to vehicular access and off-street parking.</p> <p><i>Condition Reason: To ensure the development complies with Council's Design and Construction Specification 2016..</i></p>
8.	<p><b>Engineering</b></p> <p>All construction works to create public assets shall be undertaken by suitably qualified and experienced Civil Contractors to the satisfaction of Wollondilly Shire Council. All contractors shall have appropriate insurance and quality systems in place for the level of works being performed.</p> <p><i>Condition Reason: To ensure the development complies with Council's Design and Construction Specification 2016.</i></p>
9.	<p><b>Access, Manoeuvring and Off-Street Parking</b></p> <p>(a) The internal access and parking/ manoeuvring area shall be constructed to comply with Wollondilly Shire Council's adopted design and construction specification.</p> <p>(b) The provision of 4m wide driveway access must be constructed from the property boundary in Carlton Road to the proposed carparking space and manoeuvring area as generally shown in the proposed "civil Plan" prepared by D&amp; M Consulting, Ref No. 240017, Dated 01/10/2024, Revision: B.</p> <p><i>Condition reason: To ensure adequate vehicular access is provided for the development.</i></p>
10.	<p><b>Property Access on Carlton Road</b></p> <p>Provision must be made for a 6m wide concrete vehicular crossing / footway crossing to be constructed from the road to the property boundary as generally shown on the proposed Civil plan to service the proposed housing containing six independent living units in accordance with WSC.D1.8 of Council's Standard Drawings. The existing layback in Carlton Road shall be removed and Kerb reinstated. The footpath area shall be stabilised with topsoil and turf.</p> <p><b>Note: Any adjustment to services shall be at the expense of the applicant and is in addition to the contributions required by Council.</b></p> <p><i>Condition Reason: To ensure adequate vehicular access is provided for the development.</i></p>
11.	<p><b>Stormwater Management</b></p> <p>Stormwater runoff from and through the property must be appropriately managed so as to control nuisance, damage and hazard during storm events.</p> <p><i>Condition Reason: To ensure the adequate management of stormwater and minimise environmental harm.</i></p>
12.	<p><b>Stormwater Management</b></p>

	<p>Stormwater runoff from all impervious surfaces on the property must be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 10% AEP. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.</p> <p><i>Condition Reason: To ensure the adequate management of stormwater and minimise environmental harm.</i></p>
<b>13.</b>	<p><b>Property Stormwater Management</b></p> <p>A stormwater drainage system must be provided as generally shown in the Proposed Stormwater Concept Plan prepared by D &amp; M Consulting, Ref No. 240017, Dated 01/10/2024.</p> <p><i>Condition Reason: To ensure the adequate management of stormwater and minimise environmental harm.</i></p>
<b>14.</b>	<p><b>Tree Removal</b></p> <p>All trees and vegetation within the subject site 54 Carlton Road, Thirlmere (Lot 68, Section 6 in DP 1569) are approved for removal. No other trees including street tree can be removed.</p> <p><i>Condition Reason: To remove trees to facilitate development and ensure existing trees are suitably retained and protected.</i></p>
<b>15.</b>	<p><b>Tree Retention</b></p> <p>Unless otherwise authorised by this development consent, you are not permitted to ringbark, cut down, top, lop, remove, wilfully injure or destroy any tree not approved for removal. Any person having the benefit of this consent must seek written from Council for removal of additional trees.</p> <p><i>Condition Reason: To ensure no unauthorised removal of trees.</i></p>
<b>16.</b>	<p><b>Tree Protection</b></p> <p>The works are required to comply with Australian Standard (AS 4970-2009) Protection of Trees on Development Sites at all times. This includes the protection of street trees and trees on adjoining allotments which may be negatively affected by construction activities.</p> <p>The Standard provides guidance on the principles for protecting trees on land subject to development. It follows, in sequence the stages of development from planning to implementation. Suitable Tree Protection Zones (TPZ) and tree fencing shall be established and maintained during the entire construction works.</p> <p><i>Condition Reason: To ensure existing trees are suitably protected from damage throughout construction.</i></p>
<b>17.</b>	<p><b>Replacement Planting and Specifications</b></p> <p>To compensate for the removal of locally endemic canopy trees, replacement tree planting is to be provided. In this regard, a minimum of three (3) locally endemic replacement canopy trees are to be planted on site. Each tree shall have a minimum pot size of 45 litres and be able to reach minimum 15 metres mature height with a spreading canopy. Trees species are to be selected from Volume 1, Part 11.2, Table 5 – (Landscaping-Recommended Species) of the Wollondilly DCP 2016. Details of compliance are to be shown on the plans and submitted with the application for Construction Certificate. You may consult Council’s Natural Resources Officer in relation to the proposed tree species.</p> <p>Tree specimens chosen for planting are to align with the requirements for stock selection as stipulated by AS2303-2015 – Tree stock for landscape use. Further, the trees must be maintained until they reach a height of three (3) metres, or canopy spread of three (3) metres or have a trunk circumference of 450mm at a height of 1m above ground level. If any tree dies before reaching this size, it is to be replaced with a specimen of the same species and pot size and maintained accordingly.</p> <p><i>Condition Reason: To compensate for the loss of amenity and canopy cover from proposed tree removal.</i></p>
<b>18.</b>	<p><b>Unexpected Finds</b></p>

	<p>Should any suspect materials (identified by unusual staining, odour, discoloration or inclusions such as building rubble, asbestos, ash material, etc) be encountered during any stage of works (including earthworks, site preparation or construction works, etc) such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.</p> <p>In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.</p> <p><i>Condition Reason: To ensure there is no unacceptable risk to human health or the environment.</i></p>
<b>19.</b>	<p><b>Removal of Waste Materials</b></p> <p>Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines (2014) (refer to: <a href="http://www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm">www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm</a>)</p> <p>Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.</p> <p><i>Condition Reason: To comply with the NSW EPA Waste Classification Guidelines.</i></p>
<b>20.</b>	<p><b>Installation of Rainwater Tanks</b></p> <p>The beneficiary of this consent must arrange for the installation of rainwater tanks sized and designed as per Section 7.3 Rainwater tanks of Council's Water Sensitive Urban Design Guidelines (@4000L per 100m2 of roof area) by a suitable qualified person prior to the issuing of a Construction Certificate.</p> <p><i>Condition Reason: To ensure compliance with Council's Integrated Water Management Policy and related Urban Design Guidelines.</i></p>

## DEMOLITION WORK

### BEFORE DEMOLITION WORK COMMENCES

Condition	
<b>21.</b>	<p><b>Asbestos Removal Signage</b></p> <p>Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.</p> <p><i>Condition reason: To alert the public to any danger arising from the removal of asbestos</i></p>
<b>22.</b>	<p><b>Demolition Management Plan</b></p> <p>Before demolition work commences, a demolition management plan must be prepared by a suitably qualified person.</p> <p>The demolition management plan must be prepared in accordance with Australian Standard 2601 – The Demolition of Structures, the Code of Practice – Demolition Work, and must include the following matters:</p> <ul style="list-style-type: none"> <li>a. The proposed demolition methods;</li> <li>b. The materials for and location of protective fencing and any hoardings to the perimeter of the site;</li> <li>c. Details on the provision of safe access to and from the site during demolition work, including pedestrian and vehicular site access points and construction activity zones;</li> </ul>

	<ul style="list-style-type: none"> <li>d. Details of demolition traffic management, including proposed truck movements to and from the site, estimated frequency of those movements, and compliance with AS 1742.3 Traffic Control for Works on Roads and parking for vehicles;</li> <li>e. Protective measures for on-site tree preservation and trees in adjoining public domain (if applicable) (including in accordance with AS 4970-2009 Protection of trees on development sites and,</li> <li>f. Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off the site onto surrounding roadways;</li> <li>g. Noise and vibration control measures, in accordance with any Noise and Vibration Control Plan approved under this consent;</li> <li>h. Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other machines;</li> <li>i. Location and type of temporary toilets onsite;</li> <li>j. A garbage container with a tight-fitting lid.</li> </ul>
	<i>Condition reason: To provide details of measures for the safe and appropriate disposal of demolition waste and the protection of the public and surrounding environment during the carrying out of demolition works on the site</i>
<b>23.</b>	<b>Disconnection of Services Before Demolition Work</b>
	Disconnection of services before demolition work Before demolition work commences, all services, such as water, telecommunications, gas, electricity and sewerage, must be disconnected in accordance with the relevant authority's requirements.
	<i>Condition reason: To protect life, infrastructure and services</i>
<b>24.</b>	<b>Hazardous Building Materials Assessment</b>
	A Hazardous Building Materials Assessment (HBMA) shall be undertaken on all buildings and structures to be demolished that identifies all hazardous components on the site.
	The HBMA report shall be provided to the Principal Certifier 7 days before the commencement of any demolition works.
	<i>Condition reason: To require a plan for safely managing hazardous materials</i>
<b>25.</b>	<b>Notice of Commencement for Demolition</b>
	At least one week before demolition work commences, written notice must be provided to the Principal Certifier and the occupiers of neighbouring premises of the work commencing. The notice must include: <ul style="list-style-type: none"> <li>a. Name</li> <li>b. address,</li> <li>c. contact telephone number,</li> <li>d. licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor, and</li> <li>e. the contact telephone number of council and</li> <li>f. the contact telephone number of SafeWork NSW (4921 2900).</li> </ul>
	<i>Condition reason: To advise neighbours about the commencement of demolition work and provide contact details for enquiries</i>

## DURING DEMOLITION WORK

	Condition
<b>26.</b>	<b>Demolition Plan</b>

	Demolition works shall be carried out in accordance with the approved Demolition Plan.
	<i>Condition reason: To ensure demolition works are carried out in accordance with approved plans.</i>
<b>27.</b>	<b>Demolition Work Hours</b>
	Any works including demolition may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday
	<i>Condition reason: To protect the amenity of the surrounding area.</i>
<b>28.</b>	<b>Handling of Asbestos During Demolition</b>
	While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:
	<ul style="list-style-type: none"> <li>a. Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material;</li> <li>b. Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and</li> <li>c. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m<sup>2</sup> or more of asbestos sheeting must be registered with the EPA online reporting tool WasteLocate.</li> </ul>
	<i>Condition reason: To ensure that the removal of asbestos is undertaken safely and professionally</i>
<b>29.</b>	<b>Site Maintenance</b>
	While demolition work is being carried out, the following requirements, as specified in the approved demolition management plan, must be maintained until the demolition work and demolition waste removal are complete:
	<ul style="list-style-type: none"> <li>a. Protective fencing and any hoardings to the perimeter on the site</li> <li>b. Access to and from the site</li> <li>c. Construction traffic management measures</li> <li>d. Protective measures for on-site tree preservation and trees in adjoining public domain</li> <li>e. Onsite temporary toilets</li> <li>f. A garbage container with a tight-fitting lid</li> </ul>
	<i>Condition reason: To protect workers, the public and the environment</i>

## ON COMPLETION OF DEMOLITION WORK

Condition	
<b>30.</b>	<b>Demolition and Clearance Certificate</b>
	After demolition and site clean-up works, a <b>Clearance Certificate</b> must be provided by a suitably qualified and experienced Hygienist confirming all potentially Hazardous Building Materials have been removed from the site - including surface soils around all buildings and structures.
	<i>Condition reason: To ensure the site is suitable for the intended use in accordance with the requirements of SEPP (Resilience and Hazards) 2021.</i>



## BUILDING WORK

### BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition							
<b>31. Design Amendments to Architectural Plans</b>							
Amend the architectural drawings to incorporate the following details and re-submit the amended architectural drawings with the application for a Construction Certificate.							
<ul style="list-style-type: none"> <li>a. The waste storage shed must be redesigned to accommodate 18x 240L waste bins</li> <li>b. The waste storage shed must be provided with cold water connection and have impervious floor with connection to the sewer system</li> <li>c. Driveway colour to be CC Solutions Mocha, or other similar colour</li> <li>d. Ground floor wall cladding to be vertical weatherboard in Haymes Vellum or other closely similar colour</li> <li>e. Upper floor wall cladding to be horizontal weatherboard in half-tint Haymes Vellum or other closely similar colour</li> <li>f. Garage door shall match the wall colour to de-emphasize the presence of garage door as much as possible</li> <li>g. Roof to be Standing Seam or Custom Orb profile in CB Woodland Grey or other closely similar colour</li> </ul>							
<i>Condition Reason: To ensure the design respects the heritage properties nearby.</i>							
<b>32. Design Amendments to Landscape Plan</b>							
Amend the landscape plan to incorporate the following details and re-submit the amended landscape plan with the application for a construction certificate.							
<ul style="list-style-type: none"> <li>a. Number, species and location of three (3) replacement trees</li> <li>b. Substitute <b>Convolvulus 'Two Moons'</b> and <b>Trachelosporum jasminoides</b> with either <i>Chrysocephalum apiculatum</i>, <i>Scaevola albida</i>, <i>Viola hederacea</i>, <i>Myoporum parviflorum</i> or <i>Kunzea pomifera</i>.</li> <li>c. Substitute <b>Clivia miniate</b>, <b>Liriope 'Evergreen Giant'</b> and <b>Liriope 'Munroes White'</b> with either <i>Dianella</i> sp or <i>Lomandra</i> sp</li> <li>d. Substitute <b>Pyrus 'Bradford'</b> with either <i>Hymenosporum flavum</i>, <i>Tristanopsis laurina</i>, <i>Callitris rhomboidea</i> or <i>Elaeocarpus reticulatus</i></li> <li>e. Substitute <b>Prunus 'Oakville Spire'</b> and <b>Acer 'Crimson Sentry'</b> with either <i>Brachychiton populenis</i> or cultivar, <i>Podocarpus elatus</i>, <i>Clerodendrum tomentosum</i> or <i>Glochidion ferdinandi</i>,</li> <li>f. Substitute <b>Buxus Japiconica</b>, <b>Raphiolepis 'Snow Maiden'</b> and <b>Escallonia 'Pink Pixie'</b> with either <i>Westringia</i> sp, <i>Acmena/ Syzygium Dwarf</i> variety or <i>Correa</i> sp</li> </ul>							
<i>Condition Reason: To ensure the use of appropriate native species instead of invasive species.</i>							
<b>33. Section 7.11 Local Contributions</b>							
Prior to the issue of Construction Certificate, payment of contribution for the proposed development shall be made to Wollondilly Shire Council. The contribution amount is prepared in accordance with Wollondilly Contribution Plan (2020) and have been calculated in the following manner:							
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Category</th><th style="text-align: right;">Amount</th></tr> </thead> <tbody> <tr> <td><b>Road and Transport</b></td><td style="text-align: right;">\$26,274</td></tr> <tr> <td><b>Open Space</b></td><td style="text-align: right;">\$19,330</td></tr> </tbody> </table>		Category	Amount	<b>Road and Transport</b>	\$26,274	<b>Open Space</b>	\$19,330
Category	Amount						
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	<table><tr><td>Community Facilities</td><td>\$5,845</td></tr><tr><td>Car Parking</td><td>\$0</td></tr><tr><td>Plan Management</td><td>\$659</td></tr><tr><td>TOTAL</td><td>\$52,108</td></tr></table>	Community Facilities	\$5,845	Car Parking	\$0	Plan Management	\$659	TOTAL	\$52,108
Community Facilities	\$5,845								
Car Parking	\$0								
Plan Management	\$659								
TOTAL	\$52,108								
	<p>These figures are reviewed quarterly in accordance with the provisions of the Wollondilly Contributions Plan (2020) and an updated figure must be obtained from Council at least 5 working days prior to time of payment by contacting <a href="mailto:contributions@wollondilly.nsw.gov.au">contributions@wollondilly.nsw.gov.au</a>.</p> <p>Wollondilly Contributions Plan (2020) may be viewed on the NSW Planning Portal or Wollondilly Shire Council's Website.</p> <p><i>Condition reason: To demonstrate compliance and ensure fees are paid in accordance with the Wollondilly Contributions Plan (2020).</i></p>								
34.	<p><b>Housing and Productivity Contribution</b></p> <p>Prior to the issue of Construction Certificate, the housing and productivity contribution (HPC) set out in <b>CON-8229</b> must be paid and evidence of payment must be submitted to the Principal Certifier. The calculation breakdown is replicated below for your information.</p> <table><tr><td><b>Housing and Productivity Contribution</b></td><td><b>Amount</b></td></tr><tr><td>Housing and Productivity Contribution (Base Component)</td><td>\$53,118.17</td></tr><tr><td><b>Total Housing and Productivity Contribution</b></td><td><b>\$53,118.17</b></td></tr></table> <p>The HPC must be paid using the NSW Planning Portal. At the time of payment, the amount of HPC is to be adjusted in accordance with the <i>Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order)</i>.</p> <p><i>Condition reason: To require contributions towards the provision of regional infrastructure.</i></p>	<b>Housing and Productivity Contribution</b>	<b>Amount</b>	Housing and Productivity Contribution (Base Component)	\$53,118.17	<b>Total Housing and Productivity Contribution</b>	<b>\$53,118.17</b>		
<b>Housing and Productivity Contribution</b>	<b>Amount</b>								
Housing and Productivity Contribution (Base Component)	\$53,118.17								
<b>Total Housing and Productivity Contribution</b>	<b>\$53,118.17</b>								
35.	<p><b>Sydney Water Tap In / Building Plan Approval</b></p> <p>Before the issue of a construction certificate, approval obtained via Sydney Water via 'Tap inTM' (<a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a>) or a Sydney Water - Water Service Co-Ordinator shall be submitted to the Principal Certifier.</p> <p><i>Condition Reason: To ensure that the Sydney Water infrastructure is not damaged or impacted by the development.</i></p>								
36.	<p><b>Tree Planting near Sydney Water Asset</b></p> <p>Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.</p> <p>For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.'</p> <p>For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near our assets, see Diagram 5 – Planting Trees within Sydney Water's Technical guidelines – Building over and adjacent to pipe assets.</p> <p><i>Condition Reason: To ensure that the Sydney Water infrastructure is not damaged or impacted by the development.</i></p>								
37.	<p><b>Engineering</b></p>								

	<p><b>Before the issue of Construction Certificate</b>, the nominated Accredited Certifier must ensure the Construction Certificate plans and specifications detail the access driveways, stormwater drainage, rainwater tank, kerb &amp; gutter and road shoulder upgrade requirements in accordance with the approved plans and any variations outlined in the conditions of consent.</p> <p><i>Condition reason: To ensure the Construction Certificate plans are approved in accordance with this consent.</i></p>
<b>38.</b>	<p><b>Environmental Controls</b></p> <p><b>Before the issue of Construction Certificate</b>, an <b>Erosion and Sediment Control Plan</b> must be prepared by a suitably qualified person in accordance with the following documents and provided to the satisfaction of the Nominated Accredited Certifier:</p> <ul style="list-style-type: none"> <li>(a) Council's relevant Design and Construction Specifications,</li> <li>(b) the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time).</li> </ul> <p><i>Condition reason: To ensure erosion and sediment controls are provided in accordance with Council's Specifications and the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book)..</i></p>
<b>39.</b>	<p><b>Road Design Approval</b></p> <p><b>Before the issue of Construction Certificate</b>, the applicant must be obtained a Road Design Approval, in accordance with Section 138 of the Roads Act 1993, from Wollondilly Shire Council's Asset, Transport and Engineering Section, as the Road Authority, for the following works:</p> <ul style="list-style-type: none"> <li>(a) Construction of vehicular crossings, kerb and gutter, road shoulder and associated works.</li> <li>(b) Construction of stormwater pipe drainage in Carlton Road for connection to North St. In case other developers already constructed some frontages, the remaining pipe works is required for connection to North St.</li> <li>(c) Removal of any obsolete layback gutter.</li> <li>(d) Frontage footpath works</li> </ul> <p><b>Note: A Road Design approval is required for approval of public road works. A fee is applicable for this.</b></p> <p><b>A S138 consent certificate is to be obtained from Council's Asset, Transport and Engineering Section for the construction of public road works. The permit is subject to Council's standard fees and charges.</b></p> <p><i>Condition reason: To ensure the development works are undertaken in accordance with requirements of the Roads Act, 1993.</i></p>
<b>40.</b>	<p><b>Stormwater Drainage</b></p> <p>The plans for the stormwater drainage and access driveways, shall be submitted with the Construction Certificate for any civil works associated with this development. All levels are to be reduced to Australian height Datum, Design parameters shall comply with the requirements of Council's Design Specifications.</p> <p><i>Condition reason: To ensure stormwater is managed in accordance with the requirements of Council's Design Specification 2016, and Council's Water Sensitive Urban Design Guidelines, November 2020.</i></p>
<b>41.</b>	<p><b>Waste Management Plan Requirements</b></p> <p>Before the issue of a construction certificate, a waste management plan for the development must be prepared and provided to Private Certifier. The plan must be prepared:</p> <ul style="list-style-type: none"> <li>a. in accordance with             <ul style="list-style-type: none"> <li>i. the Environment Protection Authority's Waste Classification Guidelines as in force from time to time, and</li> </ul> </li> <li>b. include the following information—             <ul style="list-style-type: none"> <li>i. the contact details of the person removing waste,</li> <li>ii. an estimate of the type and quantity of waste,</li> <li>iii. whether waste is expected to be reused, recycled or sent to landfill,</li> <li>iv. the address of the disposal location for waste.</li> </ul> </li> </ul>

	A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.
	<i>Condition reason: To ensure resource recovery is promoted and local amenity protected during construction</i>

## BEFORE BUILDING WORK COMMENCES

Condition	
<b>42. Construction Certificate Required</b>	<p>Construction shall not commence on the site, including the placement of temporary buildings, site sheds, earthworks, site excavation, filling or other site preparation works (with the exception of site survey work), prior to the issue of a Construction Certificate by Council or a nominated Principle Certifier.</p> <p><i>Condition Reason: To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.</i></p>
<b>43. Public Roads</b>	<p>The person or entity having the benefit of this Consent shall engage appropriately qualified persons, at no cost to Council, to undertake Audit(s) on the Traffic Management measures implemented adjacent to the site during subdivision construction works. Audits shall be undertaken at times specified by Council as the Road Authority.</p> <p><i>Condition Reason: To ensure the development works are undertaken in accordance with requirements of the Roads Act, 1993</i></p>
<b>44. Erosion and Sediment Controls in Place</b>	<p>Before building work commences, the person or entity having the benefit of this consent must ensure the relevant erosion and Sediment controls as outlined in the approved <b>Erosion and Sediment Control Plan</b> is implemented and operational.</p> <p><i>Condition Reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</i></p>
<b>45. Toilet Facilities</b>	<p>Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.</p> <p><i>Condition Reason: To ensure site management measures are implemented during the carrying out of site work.</i></p>
<b>46. Construction Waste Storage Area</b>	<p>Before any site/building work commences, a waste storage area must be provided. This area shall separate the waste into categories such as hard waste (e.g. bricks, concrete, tiles), soft waste (e.g. timber, gyprock, metal, glass) and light waste (e.g. paper, plastic, pods). The light waste storage area must be enclosed so as to prevent the material from escaping the enclosure.</p> <p><i>Condition Reason: To ensure site management measures are implemented during the carrying out of site work.</i></p>
<b>47. Fencing</b>	<p>An appropriate fence preventing public access to the construction site shall be erected and maintained for the duration of works.</p> <p><i>Condition Reason: To ensure that the construction site is secured and contribute to public safety during works.</i></p>

<b>DURING BUILDING WORK</b>	
Condition	
<b>48. Construction Hours</b>	<p>Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.</p> <p><i>Condition Reason: To protect the amenity of the surrounding area.</i></p>
<b>49. Surveys by a registered surveyor</b>	<p>While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier:</p> <ol style="list-style-type: none"> <li>All footings / foundations in relation to the site boundaries and any registered and proposed easements</li> <li>At other stages of construction – any marks that are required by the principal certifier.</li> </ol> <p><i>Condition Reason: To ensure buildings are sited and positioned in the approved location</i></p>
<b>50. Site Management</b>	<p>All materials and equipment must be stored wholly within the work site.</p> <p>Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.</p> <p><i>Condition Reason: To ensure site management measures are implemented during the carrying out of site work.</i></p>
<b>51. Vehicle Movements</b>	<p>All vehicles entering or leaving the site must have their loads covered, and before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.</p> <p><i>Condition reason: To promote safe entry and exit to the construction site.</i></p>
<b>52. Waste management</b>	<p>All waste management must be undertaken in accordance with the approved waste management plan.</p> <p><i>Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste.</i></p>
<b>53. Earthworks</b>	<p>Any earthworks (including any structural support or other related structure for the purposes of the development):</p> <ul style="list-style-type: none"> <li>- 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</li> <li>- Must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and</li> <li>- That is fill brought to the site—must contain only excavated natural materials (ENM) or virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, and</li> <li>- 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.</li> <li>- Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442), published in July 2012 by Safe Work Australia.</li> </ul> <p><i>Condition Reason: To ensure site management measures are implemented during the carrying out of site work.</i></p>

54.	<b>Stormwater Management</b>
	<p>The stormwater shall be discharged to the street stormwater system and where applicable shall be in accordance with Australian Standard AS/NZS 3500.3.2 – Stormwater Drainage.</p> <p>Overflow shall be managed so as to control nuisance, damage and hazard during storm events, to the satisfaction of the Principal Certifier.</p>
	<i>Condition Reason: To ensure the development complies with the approved plans and referenced documents.</i>
55.	<b>Excavated Areas</b>
	<p>Excavated area/s adjacent to the building shall be retained and drained to prevent the subsidence of the excavation and/or entry of surface water to the building. All disturbed areas are to be stabilised by turfing, mulching, paving or other suitable stabilisation method.</p>
	<i>Condition reason: To ensure all earthworks are adequately retained.</i>
56.	<b>Public Roads</b>
	<p>During building work, all reasonable efforts shall be taken to protect the public footway, road pavement, and any public drainage infrastructure, from damage during the course of construction. Restoration of any damaged road, footway or public drainage infrastructure shall be at the applicant's expense.</p>
	<i>Condition reason: To ensure the development works are undertaken in accordance with the requirements of the Roads Act, 1993.</i>
57.	<b>Procedure for Critical Stage Inspections</b>
	<p>While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.</p>
	<i>Condition Reason: To require approval to proceed with building work following each critical stage inspection.</i>
58.	<b>Inspections</b>
	<p>During building work, the person or entity having the benefit of this consent must ensure the <u>internal works</u> are inspected at the times specified by the nominated Principal Certifier. For civil works where Council is the Certifier, inspections will include, but not limited to:</p> <ul style="list-style-type: none"> <li>▪ Prior to commencement of any construction work on the site, after erosion and sediment control and traffic control measures are implemented.</li> <li>▪ When drainage lines have been laid, jointed and bedded, prior to backfilling.</li> <li>▪ Prior to pouring of the drainage pits, when the formwork and steel is in place.</li> <li>▪ Prior to pouring of the road drainage culverts, when the formwork and steel is in place.</li> <li>▪ When roadworks have been excavated to subgrade, prior to placing of pavement.</li> <li>▪ When subsoil drainage lines have been excavated and drainage pipe laid prior to placing filter material.</li> <li>▪ After shaping and prior to topsoil/turf placement of overland flow paths.</li> <li>▪ When part of the pavement depth (as indicated by Principal Certifying Authority) has been placed.</li> <li>▪ During the roller test, which is to be carried out using a three point roller or approved equivalent.</li> <li>▪ A completion of pavement shaping, prior to priming.</li> <li>▪ At sealing (minimum 24 hours required after priming).</li> <li>▪ At completion of the preparation of kerb and guttering subgrade.</li> <li>▪ At completion of the preparation of all concrete layback gutter crossing subgrade.</li> <li>▪ Prior to pouring concrete for concrete footpath/cycleway, when formwork and steel is in place.</li> <li>▪ Prior to pouring vehicle crossing slabs, when formwork and steel is in place.</li> <li>▪ Prior to pouring concrete to driveway/car park slabs, when formwork and steel is in place.</li> <li>▪ At practical completion of works.</li> </ul>

	<ul style="list-style-type: none"> <li>At final completion of works (minimum of 12 months after date of issue of practical completion certificate).</li> </ul> <p><b>Note: It is the responsibility of the applicant or contractor to notify the Principal Certifier or Council when inspections are required. Failure to notify may lead to additional work being required prior to issue of Certificate of Practical Completion. A minimum of 24 hours' notice is required for inspections.</b></p> <p><i>Condition reason: To ensure all internal works are inspected at times specified by the nominated Principal Certifier</i></p>
<b>59.</b>	<p><b>Environmental Control</b></p> <p>During building works, the following environmental control measures must be in place at all times:</p> <ol style="list-style-type: none"> <li><b>Erosion and sediment control measures</b> in accordance with the approved Erosion and Sediment Control Plan must be installed, inspected and maintained</li> <li><b>Suitable measures</b> to ensure adjoining roads and properties are not impacted by dust, mud, sediment, soil or any other material created from the construction works.</li> <li><b>A stabilised vehicle access or other control measure</b> must be installed on the site to prevent the deposition of sediments, soils, mud and other material onto the adjoining road network. Where sediments, soils, mud and other materials have been deposited on a road cleaning and restoration of the road pavement and delineation must be undertaken as soon as practicable.</li> </ol> <p><i>Condition reason: To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.</i></p>

## BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition	
<b>60.</b>	<p><b>Certificate of Practical Completion</b></p> <p>All works within the public road reserve must be completed to the satisfaction of Wollondilly Shire Council as the Road Authority. A <b>Certificate of Practical Completion</b> must be issued by Wollondilly Shire Council as the Road Authority for all works within the road reserve that includes: Property stormwater disposal pipes to kerb inlet-pit, kerb &amp; gutter, vehicular crossings (<i>i.e.</i> footpath crossings), road shoulder works and frontage footpath works.</p> <p>The Private Certifier <b>must not</b> issue any Occupation Certificate prior to the issue of the Certificate of Practical Completion by Wollondilly Shire Council.</p> <p><i>Condition reason: To ensure all works within the public road reserve are completed to the satisfaction of Council as the Road Authority.</i></p>
<b>61.</b>	<p><b>Engineering Certification for Internal Works</b></p> <p><b>Prior to the issue of Occupation Certificate</b>, certification prepared by a suitably qualified engineer, must be submitted to the Principal Certifying Authority for all internal works (<i>i.e.</i> driveway access, manoeuvring areas, stormwater, rainwater tanks) have been completed as per Council's WSUD guidelines.</p> <p><i>Condition Reason: To ensure all building works are completed to the satisfaction of the Principal Certifying Authority.</i></p>
<b>62.</b>	<p><b>Defects Liability Bond</b></p> <p>A defects liability and establishment period of twelve (12) months will apply from the date of issue of the Certificate of Practical Completion by Council and for Public Roads the twelve (12) months is dated from the date of registration of the road as Public Road. A 10% defects liability and establishment bond is to be lodged <b>prior to the issue of Certificate of Practical Completion</b> in accordance with Council's Construction Specification for all work that is to become the property of Council.</p> <p><i>Condition Reason: To ensure the development complies with Council's Design and Construction Specification 2016.</i></p>



<b>63.</b>	<b>Work as Executed Plan</b>
	A certified “Works as Executed” plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted to Council, electronically in a XML format in accordance with the ADAC requirement as set out in the Wollondilly Shire Council Design and Construction Specifications, including CCTV recording for all road stormwater lines to Council before the final inspection for the Certificate of Practical Completion. The “Works as Executed” details shall be shown on the approved plans and must certify that the works have been constructed in accordance with the approved drawings and to the levels specified.
	<i>Condition Reason: To ensure the development complies with Council’s Design and Construction Specification 2016.</i>
<b>64.</b>	<b>Disturbed Areas</b>
	The disturbed areas surrounding the building work shall be reinstated to the satisfaction of the Principal Certifier upon completion of the work.
	<i>Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.</i>
<b>65.</b>	<b>Restriction on Title - Special On-Property Collection Services</b>
	Prior to issue of any Occupation Certificate, an appropriate instrument under s88 of the Conveyancing Act 1919 must be registered on the title specifying the requirement for the approved independent living units to enter into arrangements with Council for the provision of the Special On-Property Collection services.
	Evidence of the registration must be submitted to Manager, Development Services within three (3) months of the registration for record purposes.
	<i>Condition reason: To facilitate proper provision of waste collection services.</i>
<b>66.</b>	<b>BASIX Compliance</b>
	Before the issue of any Occupation Certificate, all of the commitments listed in the approved BASIX Certificate are required to be fulfilled / completed, to the satisfaction of the Principal Certifier, in accordance with Clause 44 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
	<i>Condition reason: To demonstrate compliance with the State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.</i>
<b>67.</b>	<b>Section 73 Compliance Certificate</b>
	A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Our assessment will determine the availability of water and wastewater services, which may require extensions, adjustments, or connections to our mains. Make an early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before an Occupation or Subdivision Certificate will be issued.
	Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.
	Go to the Sydney Water website or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.
	<i>Condition reason: to ensure the development is serviced by Sydney Water Sewer infrastructure.</i>
<b>68.</b>	<b>Sydney Water Sewer Connection</b>
	The approved Seniors Housing (independent living units) development shall be connected to the reticulated Sydney Water sewerage system, prior to the issue of Occupation Certificate.
	<i>Condition reason: to ensure the development is serviced by Sydney Water Sewer infrastructure.</i>
<b>69.</b>	<b>Electricity Providers</b>

	Electricity supply is to be made available to all proposed dwellings in accordance with the requirements of Endeavour Energy. In this regard, written confirmation from Endeavour Energy that suitable arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.
	<i>Condition reason : To ensure that an adequate level of services and infrastructure are provided for this development.</i>
<b>70.</b>	<b>Additional Street Address</b>
	Before the issue of an Occupation Certificate, an application for an additional street address must be made to Wollondilly Shire Council via <a href="mailto:streetaddressing@wollondilly.nsw.gov.au">streetaddressing@wollondilly.nsw.gov.au</a> and in accordance with Section 5.2 of the NSW Address Policy published by Geographical Names Board of NSW.
	<i>Condition Reason: to ensure the development complies with the NSW Address Policy.</i>
<b>71.</b>	<b>Australia Post</b>
	Before the issue of any Occupation Certificate, letter boxes shall be provided for each unit of the approved Seniors Housing (independent living units) development.
	<i>Condition reason: to ensure the development complies with Australia Post requirements.</i>

## OCCUPATION AND ONGOING USE

Condition	
<b>72.</b>	<b>Occupation Certificate</b>
	The Seniors Housing (independent living units) development must not be occupied or used until an Occupation Certificate is issued by the Principal Certifier.
	<i>Condition reason: To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.</i>
<b>73.</b>	<b>Landscaping</b>
	The landscaping must be maintained in accordance with the details provided on the approved plan and conditions in this consent at all times.
	<i>Condition reason: To ensure landscaping is maintained in accordance with approved plans.</i>
<b>74.</b>	<b>Waste Storage Shed</b>
	The waste storage shed must be kept clean and tidy throughout the lifespan of this development. The waste storage shed shall be able to accommodate 18x 240L bins (6x waste, recycling and garden waste each) to service the needs of residents. Suitable maintenance schedule shall be made to ensure the cleanness and tidiness of the Shed.
	<i>Condition reason: to ensure the development provides appropriate waste storage.</i>



## PRESCRIBED CONDITIONS

### Division 2 Conditions of development consent—the Act, s 4.17(11) - Subdivision 1 Development generally

#### Condition

<b>75.</b>	<p><b>Compliance with Building Code of Australia and Insurance Requirements Under Home Building Act 1989</b></p> <ol style="list-style-type: none"> <li>1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.</li> <li>2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.</li> <li>3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with the Building Code of Australia, Volume 1, Part B1 and NSW Part I5.</li> <li>4. In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the relevant date.</li> <li>5. In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.</li> <li>6. This section does not apply— <ol style="list-style-type: none"> <li>i. 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</li> <li>ii. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.</li> </ol> </li> <li>7. In this section— relevant date has the same meaning as in the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, section 19.</li> </ol> <p><i>Condition reason: Prescribed condition (Environmental Planning and Assessment Regulation 2021).</i></p>
<b>76.</b>	<p><b>Erection of Signs</b></p> <ol style="list-style-type: none"> <li>1. This section applies to a development consent for development involving building work, subdivision work or demolition work.</li> <li>2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out— <ol style="list-style-type: none"> <li>i. showing the name, address and telephone number of the principal certifier for the work, and</li> <li>ii. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and</li> <li>iii. stating that unauthorised entry to the work site is prohibited.</li> </ol> </li> <li>3. The sign must be— <ol style="list-style-type: none"> <li>i. maintained while the building work, subdivision work or demolition work is being carried out, and</li> <li>ii. removed when the work has been completed.</li> </ol> </li> <li>4. This section does not apply in relation to— <ol style="list-style-type: none"> <li>i. 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</li> <li>ii. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</li> </ol> </li> </ol> <p><i>Condition reason: Prescribed condition (Environmental Planning and Assessment Regulation 2021).</i></p>

<b>77.</b>	<b>Notification of Home Building Act 1989 Requirements</b>
	<ol style="list-style-type: none"> <li>1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council.</li> <li>2. It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following— <ol style="list-style-type: none"> <li>i. for work that requires a principal contractor to be appointed— <ol style="list-style-type: none"> <li>a. the name and licence number of the principal contractor, and</li> <li>b. the name of the insurer of the work under the Home Building Act 1989, Part 6,</li> </ol> </li> <li>ii. for work to be carried out by an owner-builder— <ol style="list-style-type: none"> <li>a. the name of the owner-builder, and</li> <li>b. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit.</li> </ol> </li> </ol> </li> <li>3. If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.</li> <li>4. This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</li> </ol>
	<i>Condition reason: Prescribed condition (Environmental Planning and Assessment Regulation 2021).</i>
<b>78.</b>	<b>Shoring and Adequacy of Adjoining Property</b>
	<ol style="list-style-type: none"> <li>1. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.</li> <li>2. It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense— <ol style="list-style-type: none"> <li>i. protect and support the building, structure or work on adjoining land from possible damage from the excavation, and</li> <li>ii. if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.</li> </ol> </li> <li>3. This section does not apply if— <ol style="list-style-type: none"> <li>i. the person having the benefit of the development consent owns the adjoining land, or</li> <li>ii. the owner of the adjoining land gives written consent to the condition not applying.</li> </ol> </li> </ol>
	<i>Condition reason: Prescribed condition (Environmental Planning and Assessment Regulation 2021).</i>
<b>79.</b>	<b>Fulfilment of BASIX Commitments</b>
	<p>It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled—</p> <ol style="list-style-type: none"> <li>i. BASIX development,</li> <li>ii. BASIX optional development, if the development application was accompanied by a BASIX certificate.</li> </ol>
	<i>Condition reason: Prescribed condition (Environmental Planning and Assessment Regulation 2021).</i>

<b>ADVICE</b>	
Condition	
<b>80.</b>	<b>Works within public road</b>
	At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
	<i>Condition reason: To provide advice on the development consent.</i>
<b>81.</b>	<b>Damage to Public Utility or Services</b>
	During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc., that require alterations shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.
	<i>Condition reason: To provide advice on the development consent.</i>
<b>82.</b>	<b>Insurance</b>
	The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
	<ul style="list-style-type: none"> <li>• Motor Vehicle Insurance (comprehensive or property damage) for all self-propelled plant, as well as valid registration or RMS permit (Including CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.</li> <li>• Workers Compensation Insurance.</li> <li>• Twenty Million Dollar Public Liability Insurance.</li> </ul>
	<i>Condition reason: To provide advice on the development consent.</i>
<b>83.</b>	<b>Authority's Contact</b>
	The following service providers should be contacted before commencement of construction to establish their requirements:
	<ul style="list-style-type: none"> <li>• Dial before you dig (various services) 1100</li> <li>• Telstra (telephone) 1 800 810 443</li> <li>• Endeavour Energy (electricity) 131 081</li> <li>• AGL (gas) 131 245</li> <li>• Sydney Water (water &amp; sewer) 132 092</li> </ul>
	<i>Condition reason: To provide advice on the development consent.</i>

## **8 CLOSURE OF MEETING**

**The public part of the meeting closed at 4:02pm.**

**The full meeting closed at 5:42pm.**

**The minutes of this meeting were confirmed by the Chair.**