



## **ATTACHMENTS TO REPORTS**

### **ORDINARY COUNCIL MEETING**

Wednesday 13 February 2019

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## Attachments to Reports

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## ATTACHMENTS TO REPORT

### Item 10.1

**Development Application 18/0056 - Continued Use of Land for the Purpose of a Caravan Park, Lot 11 DP617482, 43-53 Willow Drive, Moss Vale**

#### **Attachment 1**

Draft Conditions

#### **Attachment 2**

Locality Map and Aerial Image

#### **Attachment 3**

Site Plan

**10.1 Development Application 18/0056 - Continued Use of Land for the Purpose of a Caravan Park, Lot 11 DP617482, 43-53 Willow Drive, Moss Vale**



**ATTACHMENT 1 Draft Conditions**

**DA 18/0056**

**DRAFT CONDITIONS OF DEVELOPMENT CONSENT**

**ADMINISTRATION CONDITIONS**

**1. Development Description**

Development consent has been granted in accordance with this notice of determination for the continuing use of the subject land for the purpose of a caravan park, as defined by Wingecarribee Local Environmental Plan 2010.

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

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

Except where otherwise permitted or required by conditions of consent, the development shall be carried out in accordance with the information accompanying the development application, and the stamped consent drawings set out in the following table, including any notations or amendments made by Council in red.

Drawing Title	Drawing Reference No	Prepared By	Dated
Site Plan	0160718 (Amendment B)	Sowdes (drawn by P J)	September 2017 (Amendment B dated 20 November 2017)

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

**3. Long-term sites**

Council's consent permits no more than the following 60 dwelling sites in the development, as labelled on the stamped consent drawings, to be used for long-term residence, provided the requirements specified in items (a)-(f) below are satisfied:

P1, P1(a), P2, P3, P3(a), P3(b), P3(c), P4, P5, P7, P8, P9, P11, P12, P14, P15, P16, P17, P18, P19, P20, P21, P23, P23(a), P24, P25(a), P25(b), P26, P27, P28, P29, P31, P32, P33, P34, P35, P36, P37, P38, P39, P39(a), P40, P42, P43, P44, P45, P46, P48, P49, P50, P51, P52, P53, P54, P55, P57, P58, P59, P60, and P61.

- (a) Each long-term dwelling site shall have a delineated area of at least 80m<sup>2</sup>.
- (b) No moveable dwelling on a long-term site shall be located less than 3.0m from any other moveable dwelling on a long-term site, with the exception of dwelling sites P1(a) and P4 being semi-detached relocatable homes.
- (c) The semi-detached relocatable homes on dwelling sites P1(a) and P4 shall be separated by construction conforming to the fire safety and sound insulation provisions relating to class 1 buildings contained in Section 3.7.1 and 3.8.6 of Volume Two of the Building Code of Australia.
- (d) Each long-term dwelling site shall be provided with a connection to the development's sewage disposal system.

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- (e) Each long-term dwelling site shall be supplied with electricity from a reticulated electricity service, by means of an electrical circuit connected to a separate electricity meter, installed in accordance with the requirements of the Electricity Code of Practice.
- (f) Dwelling sites P1, P1(a), P4, P5 and P7, being located more than 75m (measured in a straight line) from a shower block or toilet block, shall be reserved for use by self-contained moveable dwellings only.

**Reason:** *Prescribed condition under clause 8 of State Environmental Planning Policy 21-Caravan parks, and to ensure long-term dwelling sites comply with relevant provisions of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.*

**4. Local Government Act 1993 Approvals and Exemptions**

Within six months of the date of Council's consent, the operator of the development shall apply to Council for approval under section 68 of the Local Government Act 1993 to operate a caravan park on the land. The application shall be accompanied by:

- (a) An Identification Survey of the land, prepared by a registered surveyor showing:
  - (i) The locations of all existing buildings and relocatable homes on the land, including the separation distances of any relocatable homes required to be relocated to achieve compliance with Council's consent and the relevant provisions of Division 3 of Part 3 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005
  - (ii) The locations of all existing and new or proposed fire hose reels.
- (b) Information and drawings indicating compliance with all conditions of Council's consent and the relevant provisions of Division 3 of Part 3 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

In addition, application(s) shall be made to Council for approval under section 68 of the Local Government Act 1993 for any of the following activities involved in the development or necessitated by conditions of Council's consent:

- (c) Water supply, sewerage and stormwater drainage work
- (d) Carry out water supply work
- (e) Install, alter, disconnect or remove a meter connected to a service pipe
- (f) Carry out sewerage work
- (g) Carry out stormwater drainage work
- (h) Connect a private drain or sewer with a public drain or sewer under the control of Council or with a drain or sewer which connects with such a public drain or sewer
- (i) Installation of any relocatable home or associated structure on any dwelling site within the development, unless it is designed, constructed and installed in accordance with the relevant requirements of Division 4 of Part 3 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and

**10.1 Development Application 18/0056 - Continued Use of Land for the Purpose of a Caravan Park, Lot 11 DP617482, 43-53 Willow Drive, Moss Vale****ATTACHMENT 1 Draft Conditions**

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Moveable Dwellings) Regulation 2005, and does not exceed one storey in height

- (j) Installation of any caravan, tent or annexe on any dwelling site within the development, unless it is designed, constructed and installed in accordance with the relevant requirements of Division 5 of Part 3 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

**Note:** *Council will not grant any approval under section 68 of the Local Government Act 1993 unless satisfied that the proposed activity complies with all relevant provisions of the Local Government Act 1993 and applicable subordinate legislation.*

**Reason:** *To require compliance with section 68 of the Local Government Act 1993.*

**5. Short-Term Sites**

Council's consent permits the following 51 sites in the development, as labelled on the stamped consent drawings, to be used for short-term residence, provided the requirements specified in items (a)-(c) below are satisfied:

1, 1D, 1E, 1S, 2, 2D, 2E, 2S, 3, 3D, 3E, 3S, 4, 4D, 4S, 5, 5D, 5S, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, 32, 33, 34, 35, TC1, TC2, TC3, TC4, TC5, TC6, and TC7.

- (a) Each short-term site shall have a delineated area of at least 65m<sup>2</sup>.
- (b) No moveable dwelling on a short-term site shall be located less than 2.5m from any other moveable dwelling on a short-term site.
- (c) Each short-term dwelling site shall be supplied with electricity from a reticulated electricity service in accordance with the requirements of AS/NZS 3001:2001, Electrical installations-Relocatable premises (including caravans and tents) and their site installations, as in force on 1 September 2005.

**Reason:** *To ensure short-term sites comply with relevant provisions of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.*

**6. Inconsistency between documents**

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

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

**7. Camp Sites**

Council's consent permits allocation of no more than eight camp sites in the development, provided the requirements specified in items (a)-(c) below are satisfied:

- (a) A camp site must have an area of at least 40m<sup>2</sup> where a separate parking space is provided within 30m, or 50m<sup>2</sup> in any other case.
- (b) No moveable dwelling on a camp site shall be located less than 2.5m from any other

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moveable dwelling on a camp site or short-term dwelling site.

- (c) No camp site shall be located more than 100m (measured in a straight line) from a shower block or toilet block in the development.

**Reason:** *To ensure camp sites comply with relevant provisions of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.*

**8. Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005**

The development shall be operated in accordance with all applicable provisions of Division 3 of Part 3 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, including the following:

- (a) At least 10% (3900m<sup>2</sup>) of the land's total area shall be reserved for recreation or other communal activities (Clause 84).
- (b) Each long-term dwelling site, short-term dwelling site and camp site in the development shall be conspicuously numbered or identified and its site boundaries clearly delineated (Clause 86).
- (c) Internal access road widths within the development shall be at least 6.0m for a two-way access road and at least 4.0m for a one-way access road, and the direction of travel for a one-way access road shall be indicated by means of conspicuous signs (Clause 94).
- (d) The development shall provide at least 10 dedicated visitor car parking spaces on the land, each being clearly identified by conspicuous signage and/or pavement markings. At least two of the visitor car parking spaces shall be designated and clearly identified on the land for use by people with disabilities, and provided in accordance with AS/NZS 2890.1:2004 Parking facilities-Off street parking. All other visitor car parking spaces shall have minimum dimensions of 5.4m x 2.5m in the case of angle parking, or 6.1m x 2.5m in any other case (Clauses 97 and 98).
- (e) The development shall be provided with at least:
- eight female water closets
  - five male water closets
  - three urinals
  - six female showers
  - six male showers
  - four female handbasins
  - four male handbasins
- (Clause 107).
- (f) The development shall be provided with shower, toilet and associated facilities, designed in accordance with AS 1428.1-2001, Design for access and mobility Part 1: General requirements for access-New building work, as in force on 1 September 2005, comprising at least:
- two of each facility for each sex, or
  - two of each facility for use by both sexes, or
  - one of each facility for each sex and one of each facility for use by both sexes.

Such facilities may be counted for the purposes of paragraph (e) above (Clause 108).

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- (g) No part of any dwelling site, camp site or community building within the development shall be situated more than 90m from a double-headed pillar-type fire hydrant, which must be maintained to the standard specified in an approval under section 68 of the Local Government Act 1993 to operate a caravan park on the land (Clause 128).
- (h) Fire hose reels shall be installed so that each dwelling site or camp site in the development can be reached by a fire hose. The fire hose reels shall be constructed in accordance with AS/NZS 1221:1997, Fire hose reels and installed in accordance with AS 2441-1988, Installation of fire hose reels, as in force on 1 September 2005.

The holder of an approval under section 68 of the Local Government Act 1993 to operate a caravan park on the land shall supply a certificate (a fire hose reel certificate) to Council in relation to the fire hose reels once every calendar year. Where a fire hose reel is newly installed, the certificate must be provided within 7 days of the completion of its installation.

Any fire hose reel certificate shall state, in relation to each fire hose reel installed in the caravan park or camping ground:

- that the fire hose reel has been inspected and tested by a person (chosen by the holder of the approval) who is properly qualified to carry out such an inspection and test, and
- that, as at the date on which the fire hose reel was inspected and tested, the fire hose reel was found to have been capable of performing to a standard not less than that required by the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

(Clause 129).

- (i) The development shall be provided with a designated area for washing vehicles (Clause 130).

**Note:** *This condition does not constitute development consent or approval for any development or activity for which prior development consent or approval is required under the Environmental Planning and Assessment Act 1979 or the Local Government Act 1993.*

**Reason:** *To ensure compliance with Division 3 of Part 3 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.*

**9. Exposed Council Sewer Pipe**

Site inspection identified an exposed Council sewer pipe in the open drainage channel traversing the land's eastern portion, which if damaged could result in sewage being discharged into Council's stormwater system. The developer shall arrange for any exposed Council sewer infrastructure on the land to be covered in accordance with relevant Council standards, in consultation with Council's Development Engineer.

**Reason:** *To prevent potential pollution of Council's stormwater system.*

**10. Compliance with Disability Discrimination Act 1992**

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



**10.1 Development Application 18/0056 - Continued Use of Land for the Purpose of a Caravan Park, Lot 11 DP617482, 43-53 Willow Drive, Moss Vale**



**ATTACHMENT 1 Draft Conditions**

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

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

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

**11. Ground Levels**

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

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

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

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

**12. Erosion and Sediment Control**

To rectify and minimise soil erosion and sediment movement, the following measures shall be implemented:-

- (a) Erosion and sediment controls shall be implemented within and adjacent to the open drainage channel traversing the land's eastern portion.
- (b) The eroded areas of the abovementioned open drainage channel shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage.
- (c) Erosion and sediment controls shall be maintained for as long as necessary to prevent sediment and polluted water leaving the site and/or entering any stormwater drainage system outside the land until site stabilisation and revegetation is finalised.

**Reason:** *To rectify and prevent erosion and pollution of stormwater.*

**CONCURRENCE CONDITIONS**

**13. Concurrence - Water NSW**

Concurrence has been granted by Water NSW for the development pursuant to *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*. The conditions of concurrence as provided by Water NSW are as follows:

**General**

1. The works and continued operation of the caravan park shall be as described in the Statement of Environmental Effects prepared by Bureaucracy Busters Town Planning Consultants (dated November 2017) and Shown on the Site Plans (Dwg. Ref. No. 0160718SITE-01, 0160718SERV-01, 0160718SWMP-01, 0160718SEW-01, and 0160718WAT-01; Sheets 1 to 5; Issue B; dated 20/11/2017) prepared by SOWDES Pty Ltd. No revised layout or works that will negatively impact on water

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quality shall be permitted without the agreement of Water NSW.

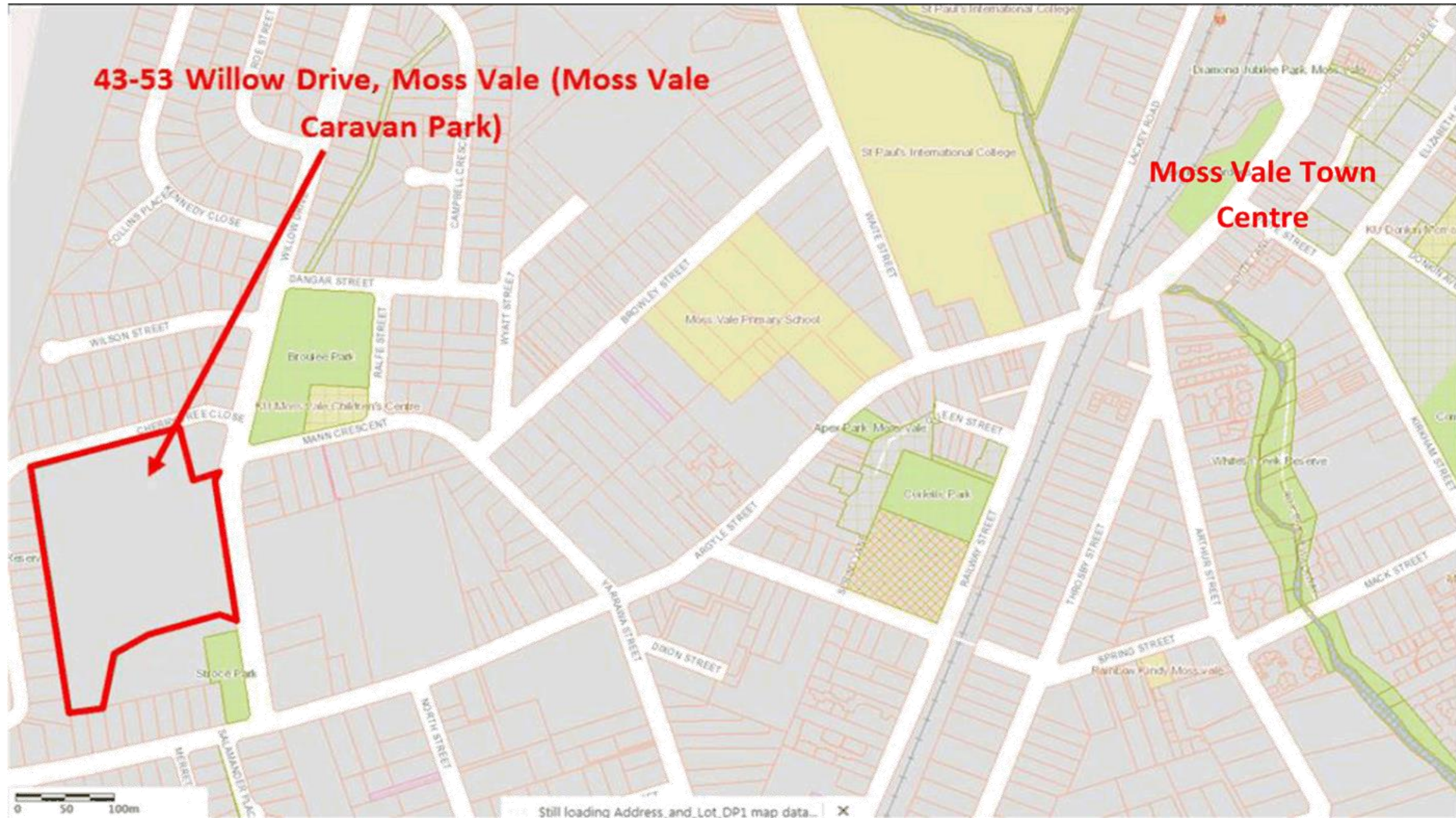
*Reason for Condition 1 - Water NSW has based its assessment under the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the proposal.*

***Stormwater Management***

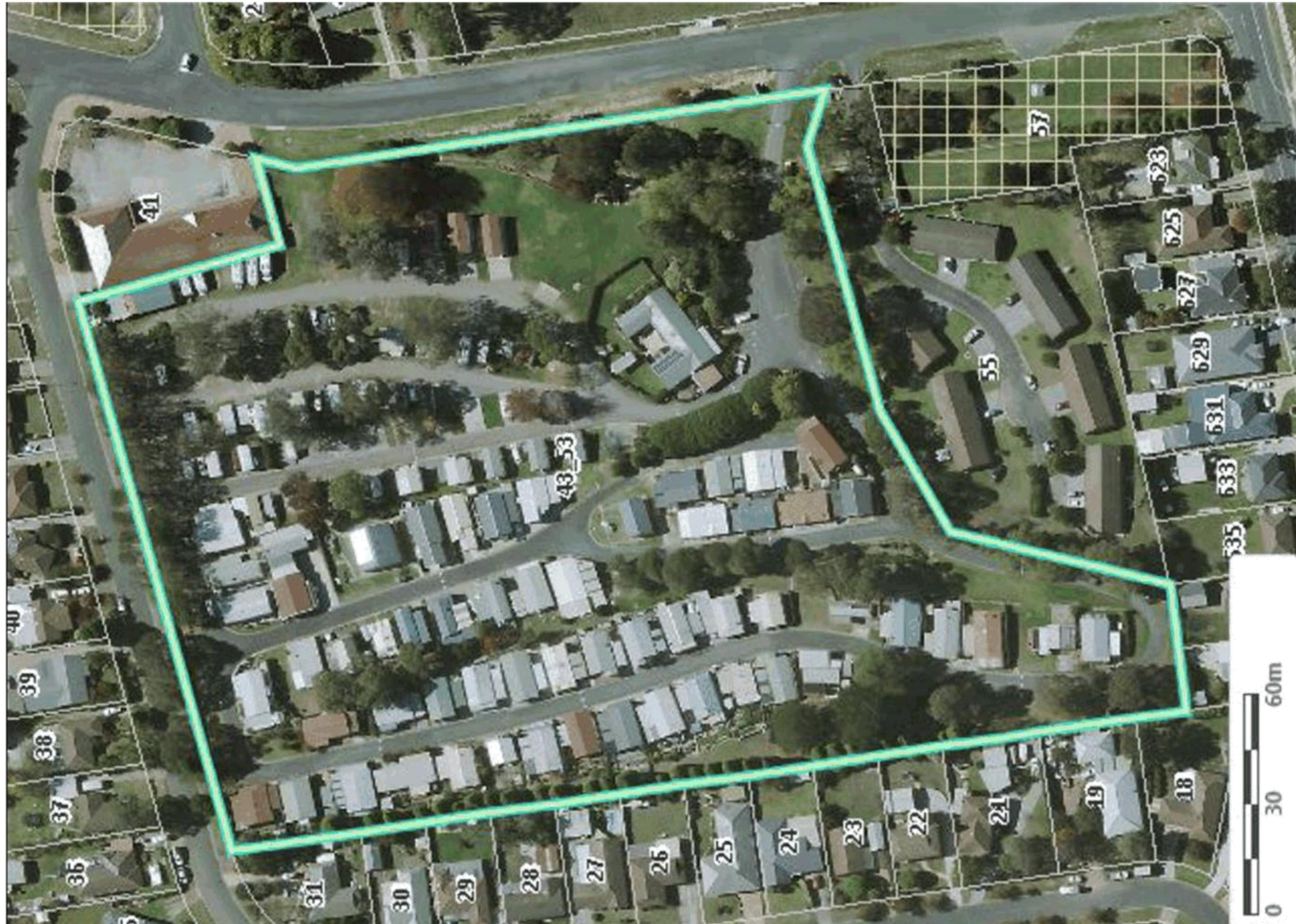
2. All remedial stormwater management and other works recommended in the Water Cycle Management Study prepared by SOWDES Pty Ltd (dated 20 November 2017) shall be undertaken **prior to the issuance of any Occupation Certificate**.
3. Potential water quality impacts from the continued use of the caravan park shall be managed in accordance with the recommendations in the Water Cycle Management Study prepared by SOWDES Pty Ltd (dated 20 November 2017), which shall form the basis of the Caravan Park Plan of Management (PoM). The PoM shall be prepared **prior to the issuance of any Occupation Certificate** and shall be to the satisfaction of Council and Water NSW. The PoM shall be implemented and shall include but not be limited to:
  - details on the location and nature of all stormwater management structures such as pits, pipes and inlet filters
  - an identification of the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, including the frequency of such activities
  - the identification of the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and
  - checklists for recording inspections and maintenance activities.
4. All stormwater management devices shall be monitored, maintained and managed as per the Caravan Park Plan of Management referred in Condition 3 above.

*Reason for Conditions 2 to 4 - To ensure that continued operation of the caravan park will not adversely affect water quality and to ensure a sustainable neutral or beneficial effect on water quality, particularly during wet weather, over the longer term.*

**END OF CONDITIONS**



ATTACHMENT 2 Locality Map and Aerial Image





## **ATTACHMENTS TO REPORT**

### **Item 10.2**

**19/0167 - Residential Alterations and Additions to Dwelling - 34 Duke Street  
Mittagong**

#### **Attachment 2**

Site Plan

#### **Attachment 3**

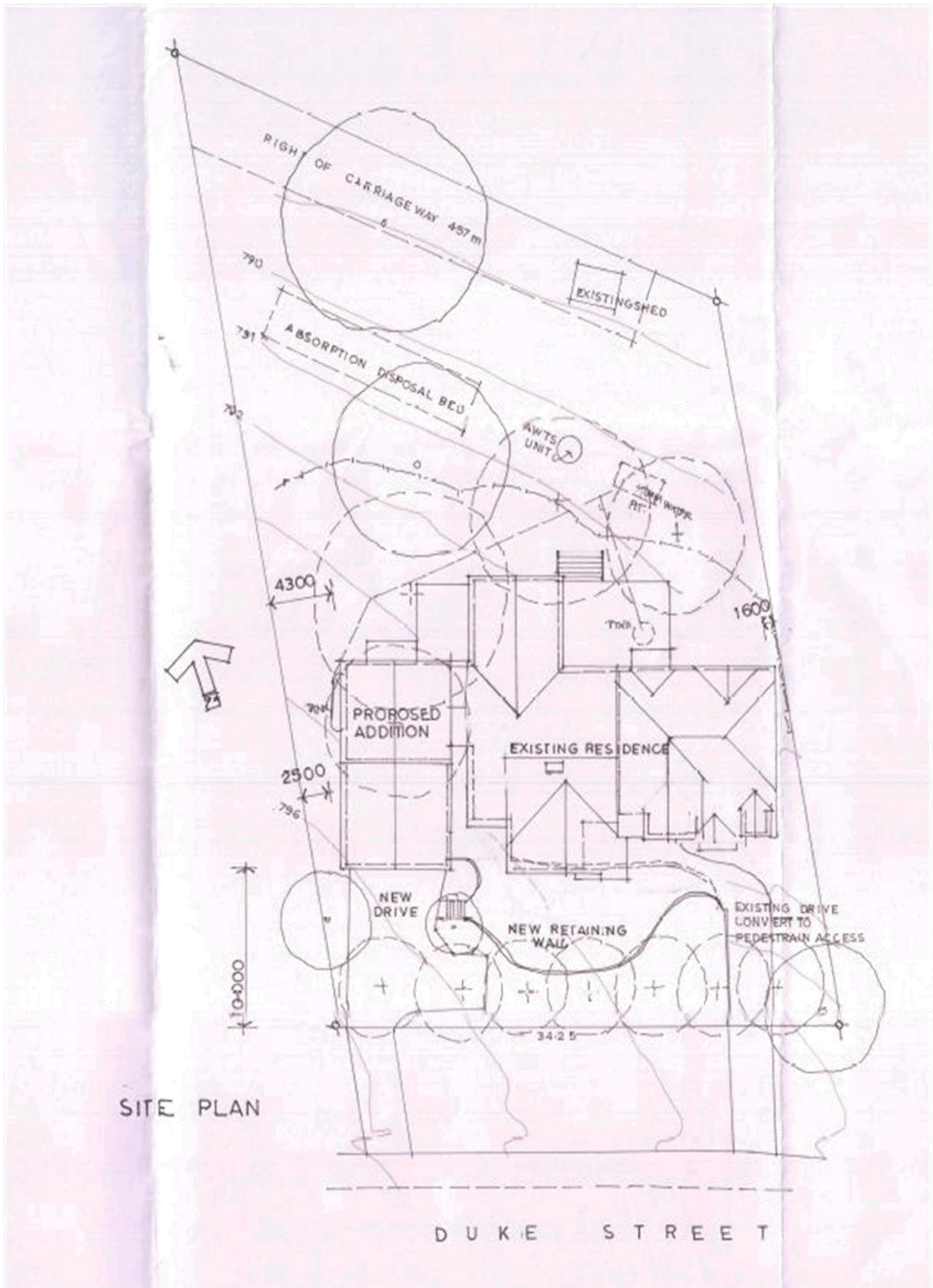
Elevations

#### **Attachment 4**

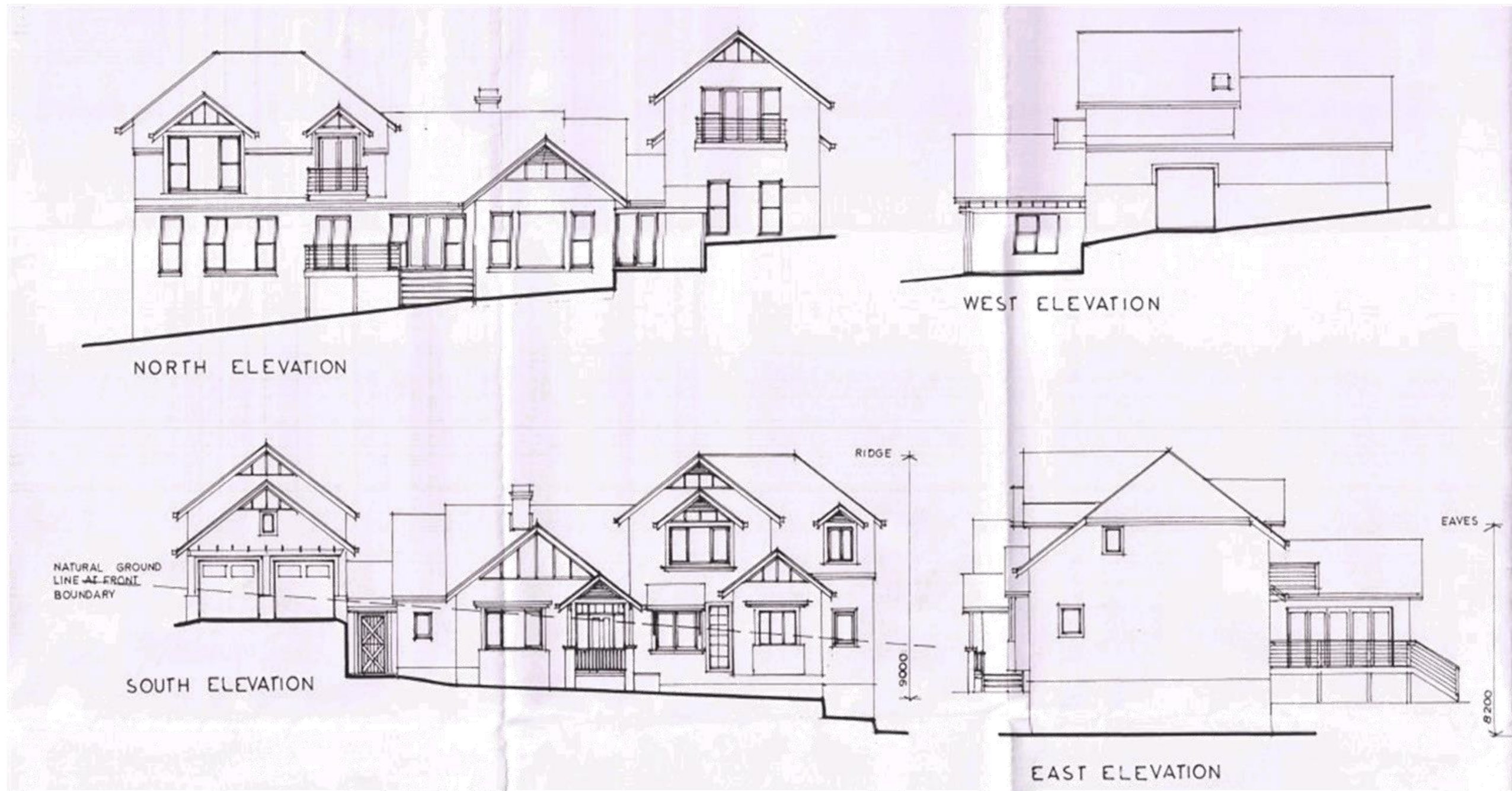
Solar Access Diagrams

ATTACHMENT 2 Site Plan

ATTACHMENT 1 - SITE PLAN



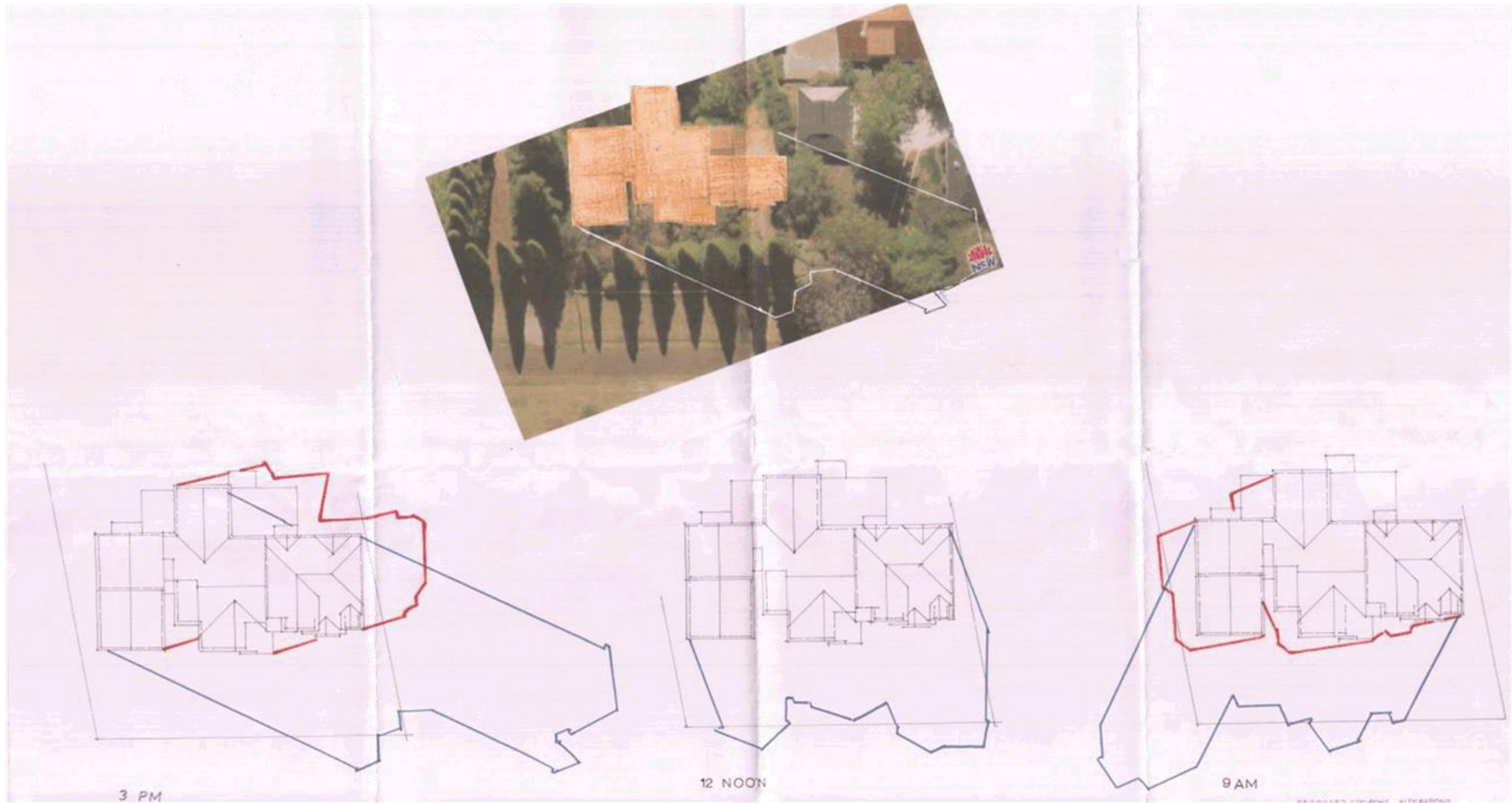
ATTACHMENT 3 Elevations



ATTACHMENT 2 - ELEVATIONS



ATTACHMENT 4 Solar Access Diagrams



ATTACHMENT 3 – SOLAR ACCESS DIAGRAMS

## ATTACHMENTS TO REPORT

### Item 13.4

**10/0414.03 Section 4.55 Modification - Residential Alteration and Additions  
(Extensions to Existing Residence, Shed and Entry Gates) - 144 Mt  
Broughton Road, Werai - Lot 1 DP 804846**

#### **Attachment 1**

Draft Conditions

#### **Attachment 2**

Site Location

#### **Attachment 3**

Zoning

#### **Attachment 4**

Site Plan

#### **Attachment 5**

Slab and Mezzanine Plan

#### **Attachment 6**

Elevations

**13.4 10/0414.03 Section 4.55 Modification - Residential Alteration and Additions (Extensions to Existing Residence, Shed and Entry Gates) - 144 Mt Broughton Road, Werai - Lot 1 DP 804846**



**ATTACHMENT 1 Draft Conditions**

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**Attachment 1 – Draft Conditions of Consent**

**SUMMARY SCHEDULE OF MODIFIED CONDITIONS**

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**ADMINISTRATION CONDITIONS – Added 24/01/2019**

**1a. Development Description – Added 24/01/2019**

Development consent has been granted in accordance with this notice of determination for the purposes of Section 4.55 Modification for alteration and addition (dwelling, shed and gates).

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

**1b. Development in Accordance with Plans and Documents – Added 24/01/2019**

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

<b>Plan Title / Supporting Document</b>	<b>Reference / Version</b>	<b>Prepared By</b>	<b>Dated</b>
Site Plan	09-351/01F	Kathy Barnsley	28/11/2018
Slab Plan	MITA14380	Fairdinkum	17/08/2018
Mezzanine Floor Framing Plan	MITA14380	Fairdinkum	17/08/2018
Interior/exterior Elevations	MITA14380	Fairdinkum	17/08/2018
Sidewall/End wall Exterior Elevation	MITA14380	Fairdinkum	17/08/2018

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

**1c. Inconsistency between documents – Added 24/01/2019**

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

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

**13.4 10/0414.03 Section 4.55 Modification - Residential Alteration and Additions (Extensions to Existing Residence, Shed and Entry Gates) - 144 Mt Broughton Road, Werai - Lot 1 DP 804846**



**ATTACHMENT 1 Draft Conditions**

**SCHEDULE 1 CONDITIONS OF MODIFIED DEVELOPMENT CONSENT**

**ADMINISTRATION CONDITIONS**

**1a. Development Description – Added 24/01/2019**

Development consent has been granted in accordance with this notice of determination for the purposes of Section 4.55 Modification for alteration and addition (dwelling, shed and gates).

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

**1b. Development in Accordance with Plans and Documents – Added 24/01/2019**

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

<b>Plan Title / Supporting Document</b>	<b>Reference / Version</b>	<b>Prepared By</b>	<b>Dated</b>
Site Plan	09-351/01F	Kathy Barnsley	28/11/2018
Slab Plan	MITA14380	Fairdinkum	17/08/2018
Mezzanine Floor Framing Plan	MITA14380	Fairdinkum	17/08/2018
Interior/exterior Elevations	MITA14380	Fairdinkum	17/08/2018
Sidewall/End wall Exterior Elevation	MITA14380	Fairdinkum	17/08/2018

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

**1c. Inconsistency between documents – Added 24/01/2019**

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

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

**1. Inspections by Council**

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

- (a) stormwater drains. (Note Council only inspects stormwater drains for residential outbuildings, detached single dwellings and additions thereto. Internal stormwater drainage for medium density residential, commercial and industrial developments will need to be inspected and certified by the developer's Hydraulic Consultant. Any drainage works on Council property must be inspected by Council. **Stormwater connection is a mandatory critical stage inspection**);
- (b) internal drainage under water test;
- (c) external drainage under water test;

**13.4 10/0414.03 Section 4.55 Modification - Residential Alteration and Additions (Extensions to Existing Residence, Shed and Entry Gates) - 144 Mt Broughton Road, Werai - Lot 1 DP 804846**



**ATTACHMENT 1 Draft Conditions**

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- (d) water plumbing;
- (e) final inspection of water plumbing, sanitary drainage and stormwater drainage.
2. Inspections by the Principal Certifying Authority - **Mandatory Critical Stage Inspections**
- 24 hours prior to the covering of the following works, the Principal Certifying Authority appointed pursuant to Section 81(2)(b) of the *Environmental Planning and Assessment Act 1979* must be notified that works are ready for inspection. (Note that all inspections below must be booked in and those in **bold type** are mandatory critical stage inspections under the Act and must be carried out by the Principal Certifying Authority. If these inspections are not carried out by the Principal Certifying Authority an Occupation Certificate cannot be issued.)
- General compliance with plans and conditions of DA and Construction Certificate (if any) will be checked during each inspection (on-site facilities including builder's toilet, erosion control measures and shoring).**
- (a) **Piers (if any) prior to pouring of concrete;**
- (b) **Footing trenches with reinforcement prior to pouring of concrete**
- (c) **Concrete slab formwork with reinforcement prior to pouring of concrete;**
- (d) **Structural framework; including roof members. When completed prior to the fixing of any internal sheeting;**
- (e) **Wet area, damp proofing and flashing before lining;**
- (f) **Bearers and joist inspection, including tie down requirements and ant capping. When completed and prior to the laying of the floor;**
- (g) **Final inspection prior to use of the building;**
3. Compliance
- Development is to take place in accordance with the approved plans and documentation submitted with the application and subject to the conditions below, to ensure the development is consistent with Council's consent.
4. Hours of Demolition and Construction Works
- In order to minimise impacts upon the locality demolition and construction activities must be limited to between 7.00am - 6.00pm Monday to Friday and 8.00am to 1.00pm Saturdays with no work on Sundays and public holidays. Any variation of these hours will only occur with Council's consent.
5. Ground Levels
- Natural ground levels are not to be altered or adjusted other than shown on the approved plans or where varied by the conditions of consent without the prior consent of Council. In this regard it is noted that up to 1.2 metres of fill will be placed to the south western corner of the proposed shed.
6. Outbuildings Use
- The structure shall not be used at any time for residential, industrial or commercial purposes, or used for the storage of goods associated with industrial or commercial undertakings in accordance with Council's Residential Development Control Plan.
7. Occupation Certificate

**13.4 10/0414.03 Section 4.55 Modification - Residential Alteration and Additions (Extensions to Existing Residence, Shed and Entry Gates) - 144 Mt Broughton Road, Werai - Lot 1 DP 804846**



**ATTACHMENT 1 Draft Conditions**

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The building, or part of the building, shall not be occupied or used until such time as an Occupation Certificate has been issued in respect of it.

8. Erosion and Sediment Control

The following control measures shall be installed to minimise the effect of site disturbance and soil erosion:-

- (a) The strategic placement of bales of hay or a geotextile fabric fence to contain soil infiltration and runoff from sites (refer to Council's guidelines for "Erosion and Sediment Control on Building Sites". Sediment control devices shall be installed immediately after any site works have been carried out and prior to construction work commencing and remain in position until disturbed soils are turfed, 70% vegetated or otherwise stabilised.
- (b) Restricting vehicles access to one designated point.
- (c) The installation of gutters, downpipes, and the connection of downpipes to the stormwater disposal system prior to the fixing of the roof cladding. Waste Management

In accordance with Council's Development Control Plan No 49 an approved litter receptacle with a tight fitting lid shall be provided on site for the disposal of builder refuse that may be wind blown (all polystyrene waste must be bagged and securely contained). The bin shall be onsite during all demolition and construction works. Sorting of waste materials shall occur on site in accordance with the approved Waste Management Plan.

9. Waste Management Plan

The approved Waste Management Plan must be displayed on site and implemented during construction and ongoing operation of the development. Evidence of recycling/disposal actions and waste management contracts are to be maintained for three years from the date of commencement of work.

10. Compliance with Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

11. Residential Building Work

A. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the principal certifying authority for the development to which the work relates:

- (a) in the case of work to be done by a licensee under that Act:
  - (i) has been informed in writing of the licensee's name and contractor licence number, and
  - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or
- (b) in the case of work to be done by any other person:
  - (i) has been informed in writing of the person's name and owner-builder permit number, or
  - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of **owner-builder work** in Section 29 of that Act,

B. A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that

**13.4 10/0414.03 Section 4.55 Modification - Residential Alteration and Additions (Extensions to Existing Residence, Shed and Entry Gates) - 144 Mt Broughton Road, Werai - Lot 1 DP 804846****ATTACHMENT 1 Draft Conditions**

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Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

**12. Excavations and Backfilling**

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

**13. Retaining Walls and Drainage**

If the soil conditions require it:

- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- (b) adequate provision must be made for drainage.

**14. Protection of Public Places**

A. If the work involved in the erection or demolition of a building:

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place.

B. If necessary, an awning is to be erected, sufficient to prevent any substance from, in or in connection with, the work falling into the public place.

C. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

D. Any such hoarding, fence or awning is to be removed when the work has been completed.

**15. Erection of Signs**

A sign shall be prominently displayed on any site on which building, subdivision or demolition work is being carried out by the builder / developer:

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

**16. Toilet Facilities**

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.

**17. Roof and Wall Cladding**

Roof and walls are to be of dark tone non-reflective materials enabling the building to be less obtrusive on the surrounding landscape. The use of zincalume, stainless steel, unetched zinc or copper is not permitted. Galvanised iron may only be used with the specific consent of Council. In this regard it is noted

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that the colours for the proposed shed will match the existing shed.

**18. BASIX Commitments**

Under Clause 97A of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this Development Consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.

In this condition:

- (a) Relevant BASIX Certificate means:
- (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
  - (ii) if a replacement BASIX Certificate accompanies any subsequent application for a Construction Certificate, the replacement BASIX Certificate; and
- (b) BASIX Certificate has the meaning given to that term in the *Environmental Planning & Assessment Regulation 2000*.

**19. Screening to Shed**

The proposed shed shall be screened from the north, by the provision of an extension to the existing windbreak located on the northern boundary, as indicated on plan number 09-351/01D prepared by Kathy Barnsley Architect. Plantings shall be completed prior to the issue of a final occupation certificate.

**20. Existing Septic System**

The new fixtures/altered fixtures in the cottage shall be connected to the existing septic system. The exact location and size of the existing absorption trench shall be determined on site prior to a satisfactory drainage inspection being carried out. If the existing system is inadequate to cater for the proposed loadings, the system will be required to be upgraded to comply with current standards.

The existing greasetrap and trench serving the kitchen shall be removed prior to the commencement of work.

**STORMWATER, SANITARY DRAINAGE AND WATER PLUMBING CONDITIONS****21. Compliance with Relevant Legislation**

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

The following conditions shall be complied with in accordance with the *Environmental Planning & Assessment Act 1979* and *Regulation 2000* and the *Local Government Act 1993* and associated *Regulations* and are preconditions of any Occupation Certificate being issued for the subject development.

**22. Stormwater Drainage**

- (a) A dish drain having a minimum diameter of 100mm, or surface water collection points shall be provided at the base of all excavation and shall be connected to the rain water drainage system.
- (b) Any regraded areas shall be free draining, away from the dwelling, and shall not concentrate surface water onto adjoining properties.



**13.4 10/0414.03 Section 4.55 Modification - Residential Alteration and Additions (Extensions to Existing Residence, Shed and Entry Gates) - 144 Mt Broughton Road, Werai - Lot 1 DP 804846****ATTACHMENT 1 Draft Conditions**

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- (c) Roofwater shall be piped to a rainwater storage tank and the overflow directed to a 600mm x 600mm x 3 metre rubble pit located not less than 5 metres from any building or property boundary to prevent a nuisance occurring.

**23. Water Supply****(a) Pressure Relief Valve**

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

**(b) HWS - Drainage Cock**

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

**(c) Protection of Water Pipes**

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

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

**(d) Water Temperature**

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

**24. Sanitary Drainage**

Existing plumbing/drainage fixtures and lines affected by building works shall be modified or relocated to the satisfaction of Council.

**APPOINTMENT OF COUNCIL AS THE PRINCIPAL CERTIFYING AUTHORITY**

Council hereby accepts appointment as principal certifying authority for the abovementioned development.

Please read conditions of Development Consent carefully as these refer to the stages at which Council, as your principal certifying authority, must be advised in order that inspections be carried out.

**THIS SECTION RELATES TO THE GRANTING OF A CONSTRUCTION CERTIFICATE**

A Construction Certificate is hereby granted (pursuant to Section 109C(1)(b), 81A(2) and 81A(4) of the *Environmental Planning & Assessment Act 1979*) for the following work:

**Alterations and Additions to cottage and shed** in accordance with plans of R & D Garages, Job No: MITA10522 Sheets 1 & 2, dated 26/2/2010, and Kathy Barnsley Architect, No: 09-351/01D, dated 19/5/2010 and No: 09-351/02B dated 19/5/2010, No 09-351/03B dated 20/5/2010, and Catherine Lewis, Drwg No 09264/02 and 0926403 dated April 2010 and shed site plan dated 3/3/2011.

Wingecarribee Shire Council certifies that if the work is completed following the plans and specifications which have been approved, it will comply with the requirements of the Environmental Planning & Assessment Regulation 2000 as referred to in Section 81A(5) of the *Environmental Planning and Assessment Act 1979*.

It has been noted that you have appointed Wingecarribee Shire Council as the principal certifying authority.

You should also take care to carefully read conditions of approval attached to the development consent and/or any

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Section 68 (*Local Government Act 1993*) approval which applies to this development.

If the certifying authority is a Council, a Minister or a public authority and the certifying authority has issued a construction certificate subject to conditions, you can appeal against these conditions to the Land and Environment Court within 12 months from the date of the decision.

**NOTES:**

1. To ascertain the date from which this development consent operates, refer to Section 83 of the *Environmental Planning and Assessment Act 1979*.
2. Development consent will lapse two (2) years after the date from which it operates. In the case of staged development, consent will lapse five (5) years after the date from which it operates. (Refer Section 95 (2) of the *Environmental Planning & Assessment Act 1979*).
3. Section 97 of the *Environmental Planning and Assessment Act 1979* confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 12 months after receipt of this notice.
4. The approval granted by the Council does NOT consider nor negate or vary any private easement, covenant or restriction. The owner is advised to investigate any encumbrance or restriction that may be noted on the title to the land.
5. All conditions on this consent have been imposed having regard to all matters listed for consideration under Section 79C of the *Environmental Planning & Assessment Act 1979*.
6. An applicant may request pursuant to Section 82A of the *Environmental Planning & Assessment Act 1979* Council to review a determination of the application where that application is of a type referred to in that Section of the Act within twelve (12) months after receipt of this notice.

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**ADVISORY NOTES**25. Prior to Commencement of Work - Notification of Licensed Builder

Building work shall not commence until the name and licence number of the builder is advised to Council. Notification shall be in writing and shall include the written concurrence of the builder for his licence to be used and a photostat copy of this builders licence.

26. Subject to Home Builders Indemnity Insurance

No work is to be carried out until such time as the Home Builders Indemnity Insurance Certificate is submitted to the principal certifying authority.

NOTE:

- (i) No inspections will be carried out until this insurance is submitted.
- (ii) It is unlawful to commence building work until the provisions of the Home Building Act 1989 as regards Home Builders Indemnity Insurance have been satisfied.

27. Termite Protection

The following whole building termite prevention treatment must be undertaken:-

A suitable barrier shall be provided to protect the building from attack by Subterranean termites. In this regard the use of a suitable barrier or combination of barriers as prescribed by Australian Standard AS3660 to protect the element is acceptable. Chemical barriers may only be applied utilising an accredited reticulation system and in accordance with Council's Development Control Plan No 44. Details of the method of protection proposed to be used must be submitted to the Principal Certifying Authority prior to the commencement of building works.

A durable notice must be permanently fixed to the building at the entrance to a crawl space or in the case of slab on ground construction in the metre box indicating:-

- (a) The method of protection.
- (b) Date of system installation.
- (c) Where a chemical system is used its life expectancy as listed on its National Registration label.
- (d) The installers or manufacturers recommendations for the scope and frequency of future inspections for termite activity.

Where a system under AS3660.1 is installed the Principal Certifying Authority will require a certification by the installer that the system complies with AS3660.1 and manufacturers requirements. This certificate is to be submitted to the Principal Certifying Authority prior to occupation of the building.

28. Wet Area Flashing

The wet areas are to be treated and impervious to moisture at all floor wall junctions with an approved material in accordance with Part F1.7 of the Building Code of Australia, Part 3.8.1 Housing Provisions of the Building Code of Australia and Australian Standard 3740. The shower area is to be provided with a completely impervious tray using either a preformed tray of approved material or an in situ treatment complying with AS3740. Floor surfaces shall be impervious and graded to a floor waste. The installer shall provide certification for the

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installation of the approved wet area flashings to the Principal Certifying Authority prior to occupation of the building.

The certificate issued by the installer shall state:

- What areas have been treated;
- What product(s) have been used;
- Reference to the Appraisal Certification from the CSIRO or BRANZ for each of the products used; and
- The name and licence details of the person who applied the product and the date of installation.

29. Structural Engineer's Details

Separate details be prepared by a practising Structural Engineer for the following work shall be lodged with the Principal Certifying Authority and accepted for construction prior to commencing the relevant work:-

- (a) Reinforced concrete strip footings.
- (b) Reinforced concrete raft slab for cottage
- (c) Reinforced concrete slab for shed. (as fill exceeds 900mm details provided are not adequate)
- (d) Structural steelwork.

30. Footing Uniformity

All footings shall bear on natural ground having an even, uniform bearing capacity not subject to differential bearing values upon stable, firm and undisturbed foundations, free from roots and fill.

31. Timber Frame

- (a) The timber frame used in the structure shall be generally in compliance with AS1684 "Timber Framing Code".
- (b) In this regard the following shall be submitted to the Principal Certifying Authority prior to commencement of work at this stage:-
  - (i) Details of the design criteria used in preparation of the frame by the manufacturer, ie design gust wind speed, shielding co-efficient and terrain category.
  - (ii) A timber frame wall brace layout is to be submitted for approval. This layout shall be in the form of a floor plan indicating locations and types of bracing (A and/or B).
  - (iii) A roof truss layout, design and bracing details shall be submitted for approval.

32. Smoke Detection and Alarm System - Class 1(a) Dwelling

An approved smoke detection alarm system must be installed and maintained in the dwelling in accordance with Pt 3.7.2.3 of the Housing Provisions, Building Code of Australia. For your information the following will satisfy the above:-

A smoke detector with battery backup and wired to mains power where available, must be

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located on or near the ceiling in any storey containing bedrooms:-

- (a) Between each part of the dwelling containing bedrooms and the remainder of the dwelling; and
- (b) Where bedrooms are served by a hallway, in that hallway; and
- (c) any other storey not containing bedrooms.

Prior to occupation of the building, a certificate from the installer shall be submitted to the Principal Certifying Authority and approved. Such certificate shall detail the systems compliance with AS 3786, connection to mains supply and provision of a standby power supply.

**END OF CONDITIONS**

**13.4 10/0414.03 Section 4.55 Modification - Residential Alteration and Additions (Extensions to Existing Residence, Shed and Entry Gates) - 144 Mt Broughton Road, Werai - Lot 1 DP 804846**



**ATTACHMENT 1 Draft Conditions**

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ATTACHMENT 2 Site Location

ATTACHMENT 2 - SITE LOCATION

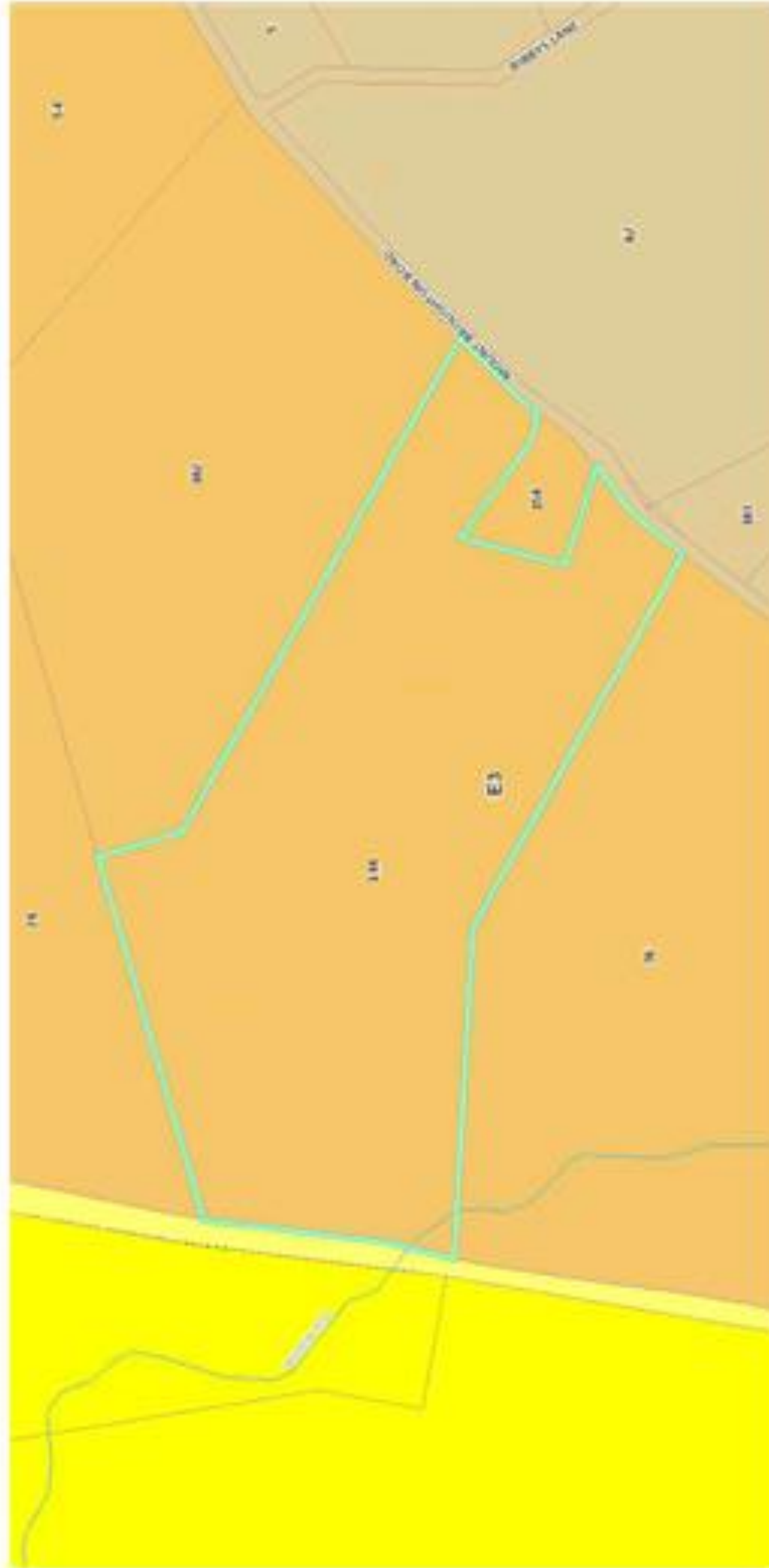


Site Location



ATTACHMENT 3 Zoning

ATTACHMENT 3 - ZONING



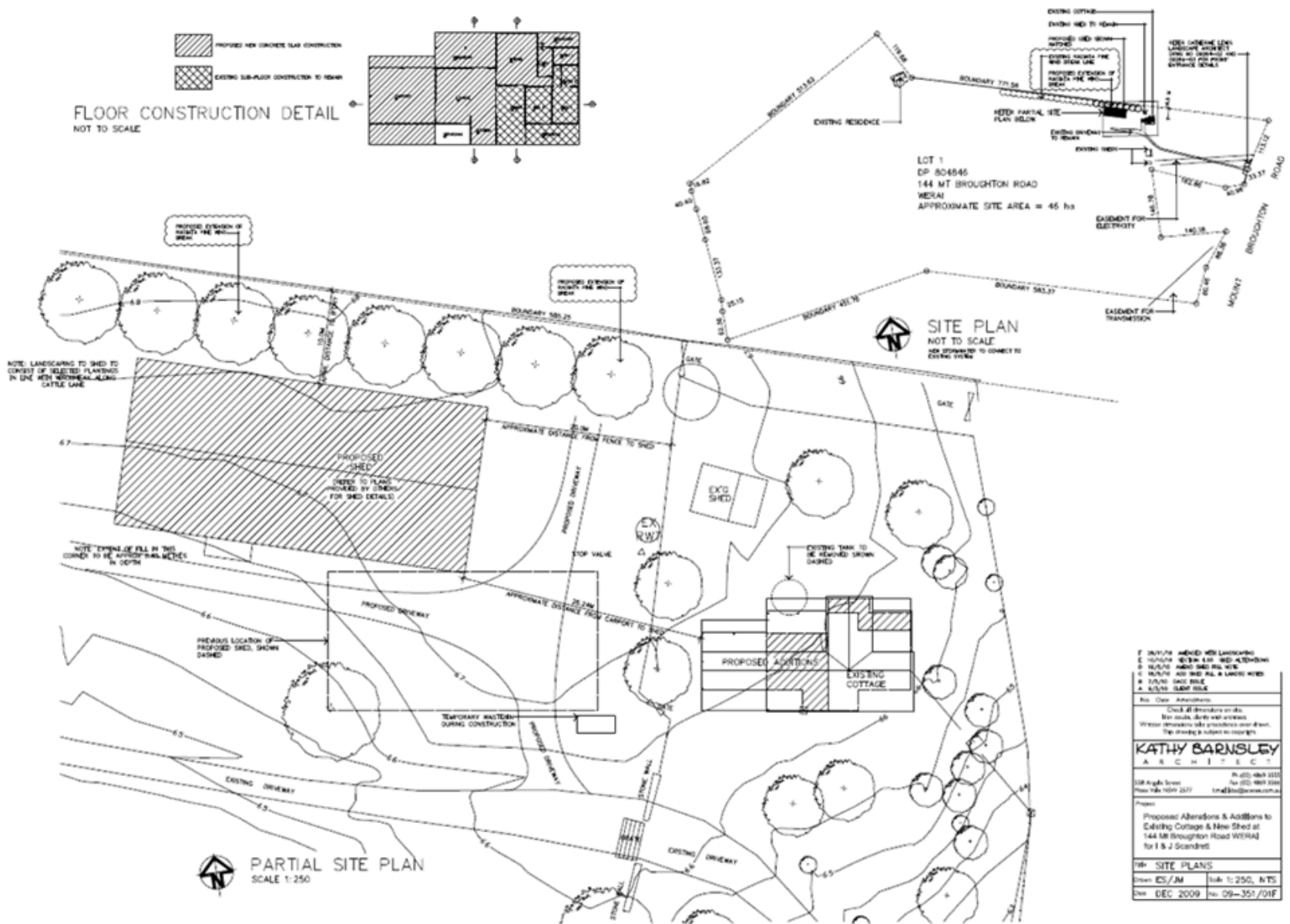
E3: Environmental Management Zone





ATTACHMENT 4 Site Plan

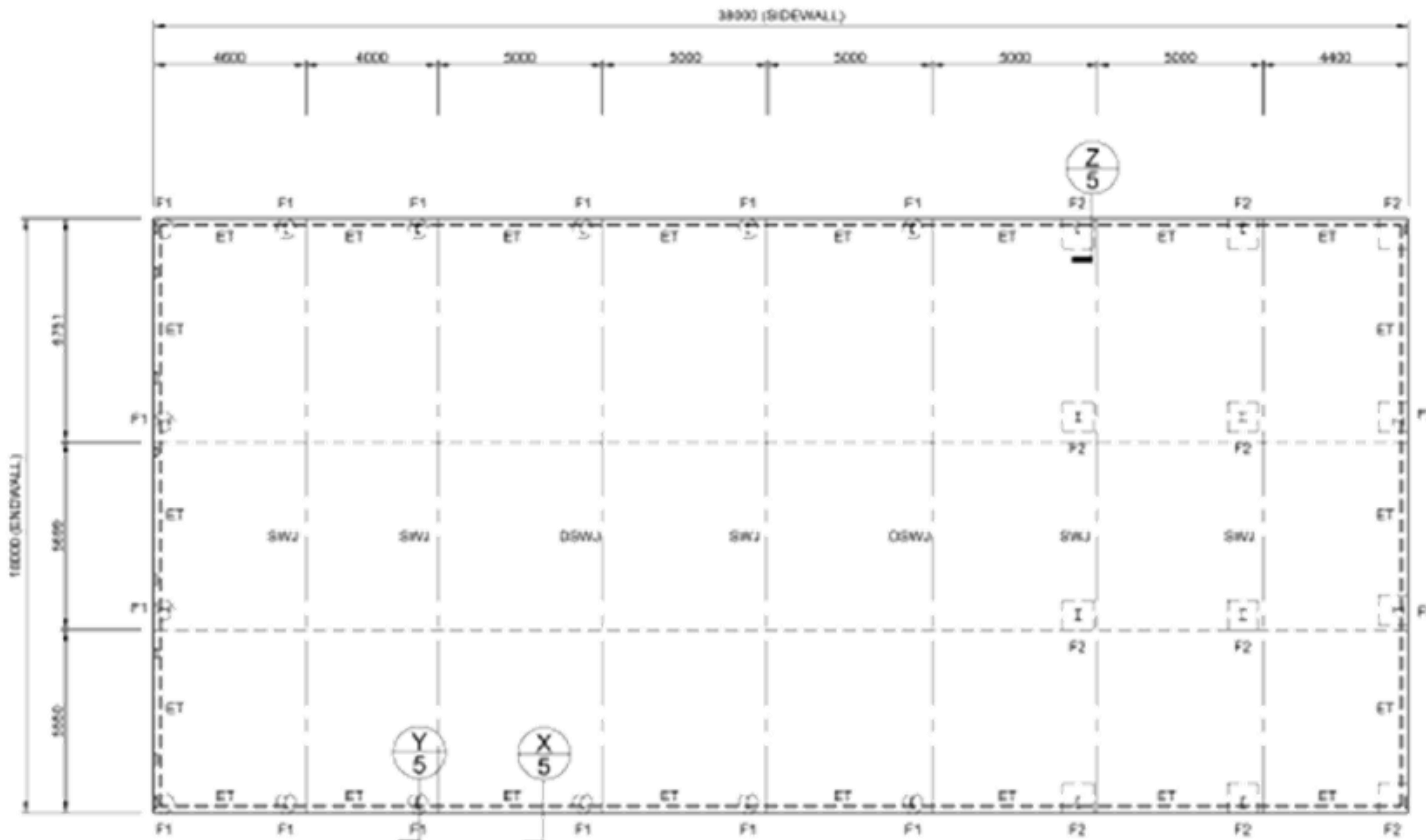
ATTACHMENT 4 – SITE PLAN



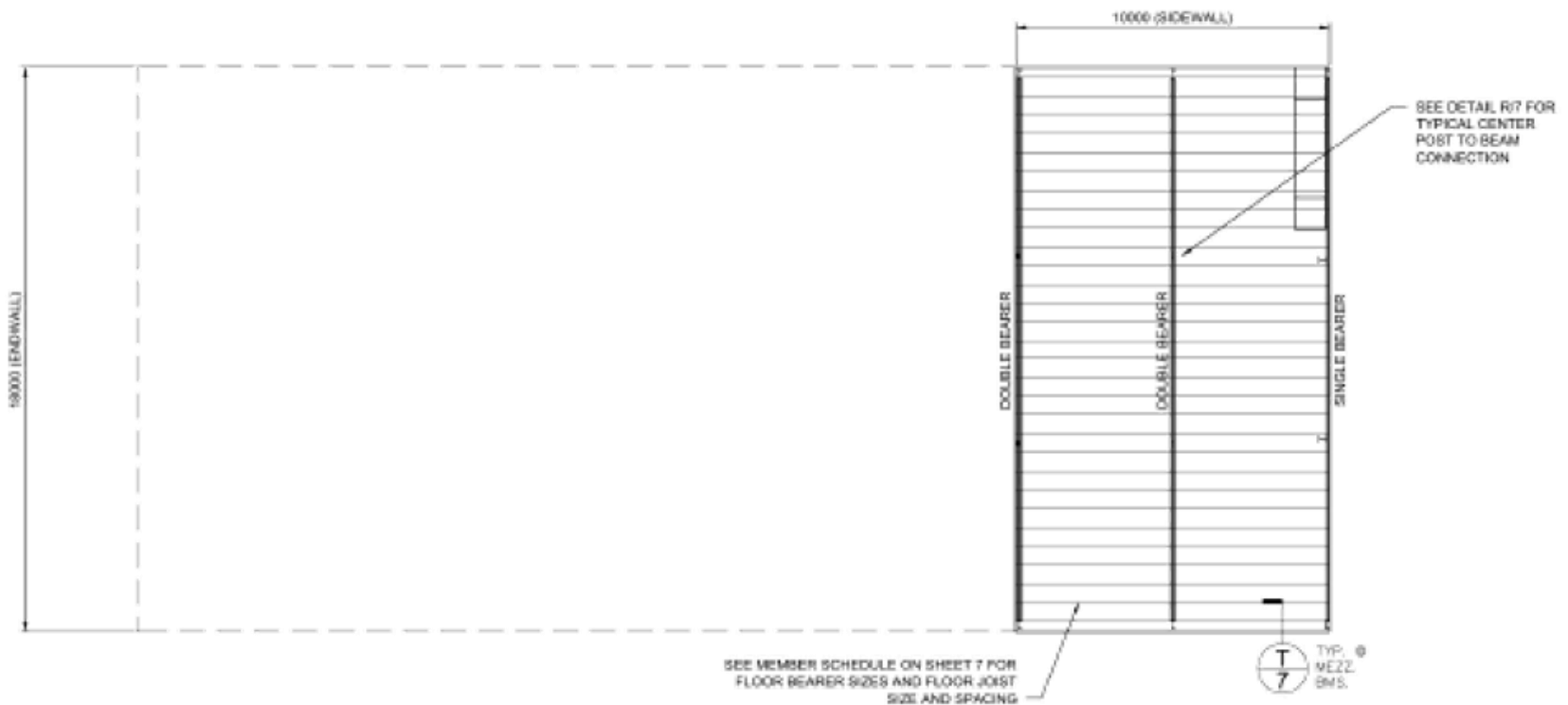


ATTACHMENT 5 Slab and Mezzanine Plan

ATTACHMENT 5 – Slab Plan & Mezzanine



1 SLAB PLAN  
1 SCALE: 1 = 250

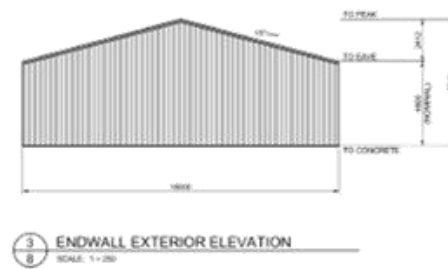
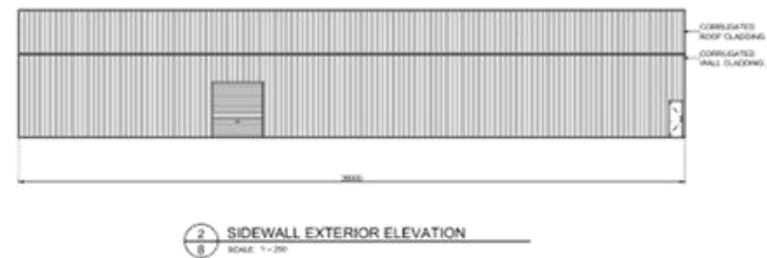
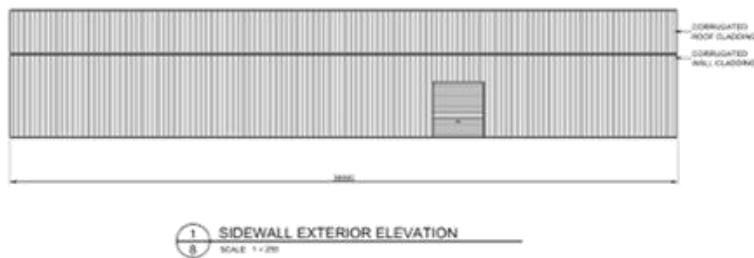
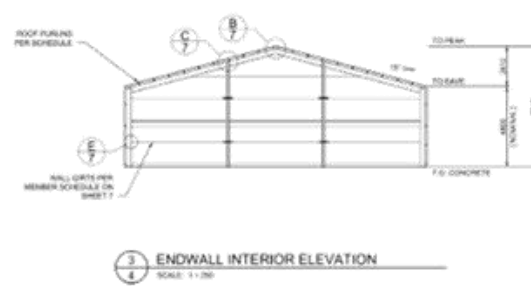
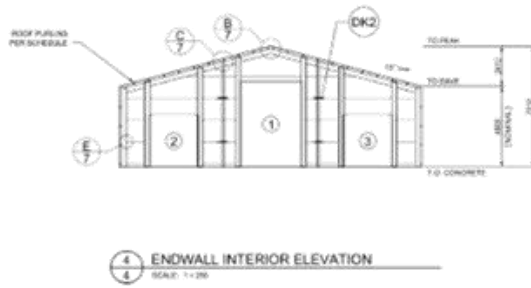
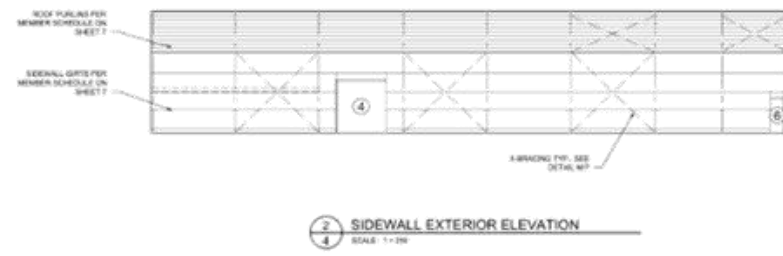
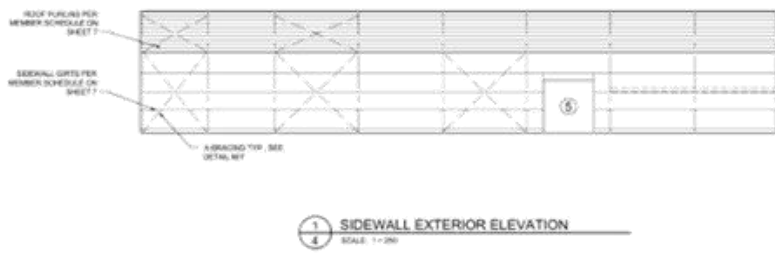


1 MEZZANINE FLOOR FRAMING PLAN  
3 SCALE: 1 = 250 DESIGN LIVE LOAD: 2 kPa



ATTACHMENT 6 Elevations

ATTACHMENT 6 – Sidewall Exterior Elevation/End Wall Interior Elevation and Sidewall/End Wall Exterior Elevation



BUILDING COLOURS	
WALL	PAPERSHANE
ROOF	JASPER
WHEEL COVER	PAPERSHANE
P.A. SIGN	PAPERSHANE
SCREENING	JASPER
CLITTER	JASPER
CORNER FLASHING	JASPER
SHED FLASHING	JASPER
OPENING FLASHING	JASPER

## ATTACHMENTS TO REPORT

### Item 13.5

DA17/0751 - 7 lot subdivision - 586 - 592 Moss Vale Road, Burradoo

#### **Attachment 1**

Draft Conditions 17.0751

#### **Attachment 2**

Site Location 17.0751

#### **Attachment 3**

Zoning 17.0751

#### **Attachment 4**

Subdivision Plan 17.0751

#### **Attachment 5**

1Access and roadworks 17.0751

#### **Attachment 6**

Three Main Vistas Through Site 17.0751



## ATTACHMENT 1 Draft Conditions

## ATTACHMENT 1 – DRAFT CONDITIONS OF CONSENT

## ADMINISTRATION CONDITIONS

## 1. Development Description

Development consent has been granted in accordance with this notice of determination for the purposes of a 7 lot subdivision.

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

## 2. Development in Accordance with Plans and Documents

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

Plan Title / Supporting Document	Reference / Version	Prepared By	Dated
Proposed Lot Plan	Ref 0160317 LOT-01 Amendment B	Sowdes	18/5/17
Stormwater Management Site Plan	Ref 0160317 SWMP-01 Amendment B	Sowdes	18/5/17
Conceptual Erosion and Sediment Control Plan	Ref 0160317 ESC-01 Amendment B	Sowdes	18/5/17
Wastewater Management Site Plan	Ref 0160317 WM-01 Amendment B	Sowdes	18/5/17
Flood Risk Assessment Site Plan	Ref 0160317 FRA-01 Amendment B	Sowdes	18/5/17
Plan showing 3 main vistas through the site highlighted in green	marked "A" as held on Council's file		
Civil Works Concept Design Plans	101+, 102+, 103+, 104+, 106+, 121+, 122+, 123+, 131+, 132+, 141+191+, 192+, 195+ Issue 02	Calibre	7/11/18
Wastewater Management Assessment Report		Sowdes	18/5/17
Water Cycle Management Study		Sowdes	18/5/17
Traffic Report	17-000968	Calibre	May 2017
Aboriginal Cultural Heritage Report		Associates Archaeology and Heritage	August 2018
Statement Of Environmental Effects		Bureaucracy Busters	June 2017

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

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

ATTACHMENT 1 Draft Conditions

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**3. Application for a Subdivision Works Certificate**

Subdivision work in accordance with the consent shall not be commenced until a Subdivision Works Certificate has been applied for and issued by Council, pursuant to section 6.13 of the *Environmental Planning and Assessment Act 1979*. The application for a Subdivision Works Certificate needs to be accompanied by detailed engineering plans and specifications and completed design checklists found in Council's Engineering Policies.

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

**4. Appointment of Principal Certifying Authority**

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

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

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



## ATTACHMENT 1 Draft Conditions

## 5. Section 7.11 Contributions (formerly Section 94)

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

The following Wingecarribee Shire Council Section 94 Developer Contributions Plans are applicable to the development:

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

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

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

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

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

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

## 6. Water Management Act - Certificate of Compliance

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

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

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

- Water Supply Development Servicing Plan;

A developer Charges - Notice of Payment is attached to the back of this consent and outlines

## 13.5 DA17/0751 - 7 lot subdivision - 586 - 592 Moss Vale Road, Burradoo



## ATTACHMENT 1 Draft Conditions

monetary contributions and unit rates applicable at the time of issue of this consent.

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

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

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

CPI Period	Water DSP	Sewer DSP	Stormwater DSP
1 February 2019 – 30 April 2019	To be advised	Nil	Nil
Note: The charges shown above are amounts applicable during the stated time period. These amounts will be subject to adjustment quarterly in accordance with upward movements in the Consumer Price Index (CPI) once they become operational. The CPI is published quarterly by the Australian Bureau of Statistics, <a href="http://www.abs.gov.au">www.abs.gov.au</a> < <a href="http://www.abs.gov.au">http://www.abs.gov.au</a> >.			

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

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

#### Compliance Certificate

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

Water \$92.50= \$92.50

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

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

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

#### 7. Construction Traffic Management Plan

To undertake development works including demolition, earthworks and construction a






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

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

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

#### 8. Provision of Works and Services

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

**Reason:** *Statutory requirement.*

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**9. Detailed Stormwater Drainage System Design**

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

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

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

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

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

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

**10. Water Engineering Design**

The developer shall undertake water modelling to determine the impact of the development on the existing water infrastructure. The developer may engage an approved hydraulic consultant or request Council's Modelling Engineer to complete the modelling and development assessment. Council will quote the modelling works at cost, on a case by case basis. The developer is required to complete the Water/Sewer Development Assessment Application form which is available from Council's website. All relevant information for the development must be included on the application form including the number of lots, proposed water connection points and anything else relevant to water. Any upstream development potential must be included to ensure a comprehensive assessment can be completed. A copy of master plans and/or design plans will assist with the assessment. Upon receipt of the application form, Council's Engineer will send a quotation to the applicant to undertake the modelling works. Typically, the modelling will be completed within 6-8 weeks of approval of the quotation. The modelling report will be issued via email and an invoice will follow. The outputs of the modelling will determine if and where upgrades of the water network are required. Any upgrades required will be designed and constructed at the developer's cost.

**11. Erosion and Sediment Control**

An Erosion and Sediment Control Plan shall be prepared in accordance with "Landcom's Blue Book" for sedimentation and erosion control plan by a suitably qualified person and implemented prior to the commencement of works.

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

- a) Locality of the site, a north point and scale.
- b) Existing contours of the site including catchment area boundaries and indications of direction of fall.
- c) Location of and basic description of existing vegetation.
- d) Diversion of uncontaminated up-slope run-off around the disturbed sites.
- e) Location of significant natural area requiring special planning or management including waters, floodplains, seasonally wet areas, areas prone to ponding/water logging, unstable slopes etc.



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- f) Nature and extent of earthworks, including cut and fill roadworks.
- g) Location of all soil and material stockpiles.
- h) Location of site access, proposed roads and other impervious areas.
- i) Existing and proposed drainage patterns.
- j) Location and type of proposed erosion and sediment control measures.
- k) Site rehabilitation proposal, including final contours.
- l) Time of placement of sediment controls.
- m) Staging of works and how the plan is to be implemented for each stage or activity on site.
- n) Maintenance schedule.

## 12. Landscape Plan

A Landscape Plan prepared by a suitably qualified professional to a scale of 1:100 or 1:200, conforming to all relevant conditions of consent shall be submitted to Council for approval prior to the issue of the Construction Certificate.

The plan shall include the following information:

- Location of all existing and proposed landscape features including materials to be used;
- Delineate and identify all trees to be retained, removed or transplanted;
- Existing and proposed finished ground levels;
- Top and bottom wall levels for both existing and proposed retaining and free standing walls and
- Detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity.
- Pot size at planting out stage
- Soil treatment prior to planting out, fertilizing and water maintenance schedule.
- Details of the five 40 metre lengths of boundary plantings, interspersed with five 40 metre breaks in boundary plantings, proposed to the western Moss Vale Road boundary (with the deletion of approximately 2 – 3 proposed boundary plantings to the immediate north and south of the proposed driveway access to ensure the view corridor through the site from Moss Vale Road to the Wingecarribee River remains clear).

Consideration within the design should be given to the scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area, potential views, solar access and privacy for neighbouring development.

**Reason:** *To ensure appropriate landscaping treatments are applied to facilitate amenity.*

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

## 13. Notice of Commencement

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

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

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- (c) Details of the name, address and licence details of the Builder.

**Reason:** *Statutory requirement.*

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

## 14. Commencement of Subdivision Works &amp; Appointment of PCA

Subdivision work in accordance with a consent must not commence until:

- (a) A Construction Certificate has been issued;
- (b) The person having the benefit of the development consent has appointed the Principal Certifying Authority (PCA); and
- (c) The PCA (if not Council) has, no later than two (2) days before the subdivision work commences, notified the Council (or other consent authority where applicable) of the PCA's appointment.
- (d) The person having the benefit of the consent has given at least two (2) days' notice to the Council of the person's intention to commence the subdivision work.

**Advice:** *Crown work certified in accordance with Part 6 of the Environmental Planning and Assessment Act 1979 is exempted from the above requirements.*

**Reason:** *Statutory requirement.*

## 15. Developers Representative during Construction of Works

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

Details to be submitted include:-

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

Prior to commencing any works on site the representative shall:

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

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

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

**Reason:** *Statutory requirement.*

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

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

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

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

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

**Reason:** *Statutory requirement.*

**17. Developer to advise of damage to Council property**

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

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

**Reason:** *Public safety.*

**18. Erosion and Sediment Control**

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

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

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## CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

## 19. Approved Plans to be available on site

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

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

## 20. Engineering Inspections by Council

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

- (a) final inspection of water plumbing, sanitary drainage and stormwater drainage.
- (b) Works in relation to road reserves, footpath, kerb and gutter, road shoulder and drainage within public lands or road reserves;

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

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

**Reason:** *Statutory requirement.*

## 21. Stormwater - Construction

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

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

## 22. Erosion and Sediment Control Plan Compliance

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

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

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

## 23. Prevention of Nuisance

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

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

## 24. Tree Removal/Tree Preservation

No trees shall be pruned, removed, damaged or destroyed without the prior written consent of Council. Failure to comply with this requirement will result in prosecution by Council in accordance with the provisions of *Wingecarribee Local Environmental Plan 2010* and associated Development Control Plans.

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

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

## 25. Approved hours of Construction/Demolition

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

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

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

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

## 26. Construction Traffic Management Plan

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

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

**Reason:** *Compliance with condition of consent.*

## 27. Maintenance of the site

All materials and equipment shall be stored wholly within the work site.

Waste materials (including excavation, demolition and construction waste materials) shall be managed on the site and then disposed of at a waste management facility.

Any run-off and erosion control measures required shall be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

During construction:

- (a) all vehicles entering or leaving the site shall have their loads covered, and
- (b) all vehicles, before leaving the site, shall be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

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At the completion of the works, the work site shall be left clear of waste and debris.

**Reason:** *Environmental amenity.*

**28. Fencing to Moss Vale Road**

Uniform post and wire / post and rail rural front fencing along the frontage of the site to Moss Vale Road shall be provided by the applicant developer prior to issue of Subdivision Certificate. Details of fencing to be provided to the satisfaction of Council prior to issue of Construction Certificate.

**Reason** *To ensure compliance with Councils development controls.*

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE****29. Subdivision Certificate**

An application for a Subdivision Certificate shall be lodged with Council or an Accredited Certifier (in accordance with Section 6.15 of the *Environmental Planning and Assessment Act 1979*) for approval to enable the subdivision plans to be submitted to and registered with NSW Land Registry Services. Should the Subdivision Certificate application be lodged with Council, a final plan of subdivision and 3 copies shall be included with the application.

All works specified in Council's development consent and approved Subdivision Works Certificate plans shall be completed and all development consent conditions complied with prior to issue of the Subdivision Certificate.

The application for a Subdivision Certificate is to be accompanied by supporting documentation outlining how each condition of consent has been complied with.

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

**30. Dedication of Right of Carriageway / Easements**

The creation or obtaining by the Applicant of the following easements and right of carriageway, at the Applicant's expense prior to the issue of the Subdivision Certificate:

- (a) Right of carriageway and easement for services 10 meters wide over Lot 1 in favour of Lots 2, 3, 4, 5, 6 and 7.
- (b) Right of carriageway and easement for services 10 meters wide over Lot 7 in favour of Lots 1, 2, 3, 4, 5, and 6.

**31. Section 88B Instrument - Various**

The original plans of subdivision shall be accompanied by a Section 88B Instrument under the *Conveyancing Act 1919*, which requires:

- dwellings and outbuildings upon proposed Lots 1 – 7 shall be located within the 600 square metre building envelope only, to respect the spatial character and building separation distance characteristic of the Burradoo Landscape Conservation Area. The 600 square metre building envelopes shown on Stormwater Management Site Plan Ref 0160317 SWMP-01 Amendment B prepared by Sowdes dated 18/5/17 shall be shown on linen plans of subdivision.
- Roof pitches shall be a minimum 27.5 degree roof pitch, respecting the site's proximity to Briars Inn heritage property;
- Dwellings shall be restricted to single storey construction, with a second level contained within a maximum 35 degree roof pitch. Where a proposed dwelling steps



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down the slope, split level dwelling designs can be considered. However the split level dwelling must be designed to ensure that the height of the dwelling when measured at any one point does not exceed single storey (with a second level contained within a maximum 35 degree roof pitch);

- No screen, hedgerow or windbreak plantings shall be planted within the three view corridors through the site as highlighted in green on plan marked "A" as held on Council's file. The three view corridors through the site as highlighted in green on approved plan marked "A" as held on Council's file shall be shown on linen plans of subdivision.
- All ground disturbance works, including access roads, fencing, and easements for services shall be confined to the area hatched black and titled "Due Diligence Cleared" in Figure 8 of the Associates Archaeology and Heritage report dated August 2018.
- Areas marked "Due Diligence Cleared", "High Sensitivity" and "Low Sensitivity" as shown in Figure 8 of the Associates Archaeology and Heritage report dated August 2018, shall be shown on linen plans of subdivision and referenced in the 88b instrument.
- All boundary fencing shall be limited to post and wire / post and rail type fencing (not paling fencing or metal panel colorbond style fencing) to ensure the rural character of the locality is respected

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

**Reason:** *To ensure compliance with Council policy positions.*

**32. Deletion of 2 – 3 proposed boundary plantings to the immediate north and south of the proposed driveway**

Prior to issue of Subdivision Certificate, approximately 2 – 3 proposed boundary plantings to the immediate north and south of the proposed driveway access should be deleted to ensure one of the three view corridors through the site from Moss Vale Road to the Wingecarribee River remains clear.

**33. Access by Right of Carriageway**

The applicant shall submit to Council for approval the draft Section 88B Instrument under the *Conveyancing Act 1919* for the approved subdivision prior to issue of the Subdivision Certificate.

The Instrument shall include:

- Provision for on-going management/maintenance of the carriageway including clear details of obligations/responsibilities of the affected parties.
- Effective (legal) provision for access by all emergency and other essential service organisations over the private carriageway.

**Reason:** *To comply with Councils engineering requirements.*

**34. Civil Engineering works and services**

All approved civil engineering works and services as per the approved engineering plans, including construction works within the road reserve, are to be constructed prior to the issue of the Subdivision Certificate.

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

**35. Engineering Details in DXF Format**

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

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

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

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

**36. Asset Management**

The developer shall provide a detailed summary of the Assets that will be handed to Council at the end of the maintenance period. The details shall be provided in a tabular form so as to allow Council to update its Assets register.

**37. Provision of Services**

All property services shall be located within the lots that they serve in accordance with Council's Engineering Standards and shall be provided at the applicants expense prior to the issue of the Subdivision Certificate. The applicant shall provide to Council written confirmation of compliance.

**Reason:** *To ensure that all available services are provided to each lot within the subdivision.*

**38. Construction of Cycle way in Footway on Frontage**

Concrete cycle way 2 meters wide in footway on the frontage to the subdivision in Moss Vale Road in accordance with Council's Moss Vale Bicycle Network Plan shall be constructed prior to the issue of the Subdivision Certificate. Cycle way design and construction shall minimise the impacts on existing roadside vegetation. Detailed design of cycle way shall be provided to Council prior to the issue of the Construction Certificate.

**39. Construction of Right of Carriageway**

Construction of Right of Carriageway surfaced with a suitable 'soft' appearance to complement the landscape scheme to the satisfaction of the Group Manager Planning, Development and Regulatory Services. 'Soft' may be interpreted as exposed gravel aggregate except in heritage areas or sites where decomposed granite is approved. Exposed gravel aggregate should be stabilised with a minimum of 5% cement. Where grades exceed 5% (i.e. 1 in 20) the pavement to be sealed.

The Right of Carriageway shall have vehicle passing bays in accordance with Australian Standards.

**40. Public Infrastructure**

The applicant shall rectify any damage to public infrastructure (including roads, gutters, footpaths, street trees, etc.) prior to the issue of the Subdivision Certificate.

**41. Construction of Water Service**

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A water service shall be installed to each lot in the subdivision prior to the issue of the Subdivision Certificate.

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

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

**42. Site Classification**

The developer's geotechnical engineer shall provide a site classification in accordance with the current version of Australian Standard (AS2870) for each lot in the subdivision that will be built upon. The site classification shall be registered on the Section 88B Instrument under the *Conveyancing Act 1919*, prior to the issue of the Subdivision Certificate.

**43. Certification of Internal Civil Works**

On completion of works and prior to occupation, certification from a practising appropriately qualified Engineer shall be submitted to Council detailing that all internal civil works (i.e., internal driveways, paths and stormwater drainage systems including any on-site detentions) are in accordance with the approved plans and specifications.

**44. Maintenance and Bond for Public Assets – Civil Works**

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

**45. Storm water Facilities Alterations**

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

**46. Storm water Facilities Maintenance**

A "Positive Covenant" shall be included on the linen plan and title of the proposed subdivision showing the location of storm water facilities and requiring that the proposed stormwater facilities be maintained in a safe and functional manner. In addition, the section 88B Instrument shall make provision for Council to conduct maintenance on the subject storm water facilities at the owner's expense if the storm water facilities are not maintained to the agreed standard. Details shall be provided for the approval of Council with the application for a Subdivision Certificate.

**47. Energy Service Provider's Requirements**

The provision of underground electricity to service the development in accordance with the requirements of the Energy Service Provider. The Developer shall submit to Council documentary evidence from the Energy Service Provider qualifying that the requirements of that provider have been obtained. The requirements of the supply authority will need to be met prior to the issue of the Subdivision Certificate.

**48. Flooding – Finished Floor Level**

Where any part of any allotment is created is within the 1% AEP flood an appropriate Restriction as to User shall be created on the title of that lot prior to the issue of the Subdivision Certificate. The title document shall state the 1% AEP flood level and the minimum finished floor level for that allotment. The finished floor level is to be a minimum of 500mm above the 1% AEP flood level.



## GOVERNMENT DEPARTMENT CONDITIONS

### 49. Roads and Maritime Services

Prior to the issuing of the Subdivision Works Certificate for the works approved under this application, the developer must:

- Enter into a Works Authorisation Deed (WAD) with the RMS for all works on Moss Vale Road.

Notes:

- A WAD is a legally binding contract between RMS and the developer, authorising the developer to undertake works on a State road and/or install traffic signals.
- To progress the WAD, the developer needs to email a copy of the conditions of development consent to [development.southern@rms.nsw.gov.au](mailto:development.southern@rms.nsw.gov.au).
- All roadworks and traffic control facilities must be undertaken by a pre-qualified contractor. A copy of pre-qualified contractors can be found on the RMS website at: <http://www.rta.nsw.gov.au/doingbusinesswithus/tenderscontracts/prequalifiedcontractors.htm>
- Any new services or modifications to existing services associated with this development application that involve works on, over or under Moss Vale Road (as defined the area from kerb to kerb) must be incorporated into, and managed under, the Works Authorisation Deed for the project. Note: It is the developer's responsibility to identify these works to RMS project manager.
- More information on WADs can be found at: [www.rms.nsw.gov.au/documents/projects/factsheet-development-process.pdf](http://www.rms.nsw.gov.au/documents/projects/factsheet-development-process.pdf)

Prior to the commencing works within the road reserve, the developer must:

- Obtain Section 138 consent under the Roads Act, 1993 for the works associated with the WAD.

Notes:

- RMS will be exercising its powers under Section 64 of the Roads Act, 1993 to become the roads authority for works associated with the WAD and therefore responsible for issuing the Section 138 consent for those specific works.
- Apply for, and obtain a Road Occupancy Licence (ROL) from the RMS Traffic Operations Unit (TOU) prior to commencing roadworks on a State Road or any other works that impact a travel lane of a State Road or impact the operation of traffic signals on any road.

Notes:

- The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU.
- The developer must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon RMS receiving an accurate and compliant TMP.
- An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by RMS Project Manager.

Prior to the issuing of the Subdivision Certificate, the developer must:

- Upgrade the junction of access and the Kings Highway generally in accordance with the attached plan to comply with a sealed Basic Left Turn Treatment (BAL) and a Basic Right Turn Treatment (BAR) in accordance with Austroads Guide to Road Design and other relevant standards.

Notes:

- The pavement design on the Kings Highway must be in accordance with Austroads standards.
- The drainage treatment and culvert extension must be in accordance with Austroads standards.

**ATTACHMENT 1 Draft Conditions**

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- Where required, the developer must upgrade/provide lighting in accordance with Australian Standard AS/NZS1158.
- All works need to be completed at no cost to RMS
- Physically close any other existing access points to Moss Vale Road by fencing them and revegetating.
- Formally execute right of way access arrangements by way of a Section 88B Instrument under the Conveyancing Act, 1919 to legally benefit and burden the relevant lots.

**50. Office of Environment & Heritage**

- All ground disturbance works are confined to the area hatched black and titled "Due Diligence Cleared" in Figure 8 of the AAH (2018, p.25) report. This should include all building envelopes, access roads, fencing and easements for services.
- Council impose future building envelope locations on title at subdivision DA stage, ensuring that these are located within the "Due Diligence Cleared" areas at Figure 8 and outside of the areas of archaeological sensitivity.
- If ground disturbance works are required in the areas marked as high sensitivity, moderate sensitivity, or the location of the recorded artefact, additional archaeological investigation including test excavation will be required. An Aboriginal Heritage Impact Permit (AHIP) under s90 of the National Parks & Wildlife Act 1974 will be required if harm to Aboriginal objects cannot be avoided.
- The recommendations for further assessment and/or investigations for future development or activities with the potential to cause harm in areas of archaeological sensitivity, such as grazing and landscaping, are also supported (Section 7.4, AAH 2018, pp26-27).
- Future purchasers should be informed of the recorded site location and areas of high and moderate sensitivity. Council could place a note on the title with this information.
- If Aboriginal objects are found during works (including in the black hatched area) then all work must stop and OEH must be contacted immediately by calling 131 555. An AHIP application will be required if harm to Aboriginal objects cannot be avoided.
- A copy of the test excavation report and AHIMS site card must be submitted to the AHIMS Registrar.

**51. Natural Resource Access Regulator (previously Office of Water)**

No approval is granted by this development consent for works within 40 metres of the Wingecarribee River.

**52. Concurrence - Water NSW**

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

**ATTACHMENT 1 Draft Conditions**

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**General**

1. The lot layout and works shall be as specified in the Statement of Environmental Effects prepared by Bureaucracy Busters (dated June 2017) and Proposed Subdivision Plan prepared by SOWDES Pty Ltd (Dwg No. 0160317Lot-01; Ver. B; dated 18/05/2017). No revisions to lot layout, works or staging of the subdivision that will impact on water quality, shall be permitted without the agreement of Water NSW.

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

**Wastewater Management**

2. There shall be a public positive covenant under Section 88E of the *Conveyancing Act 1919*, the prescribed authority being Water NSW, placed over each lot requiring that all wastewater generated on the lot be treated and disposed of above the 1% AEP flood level.

*Reason for Condition 2 - To ensure that an appropriate on-site wastewater management system can be sited on each lot given the soil constraints so as to have a sustainable neutral or beneficial effect on water quality over the longer term.*

**Stormwater Management**

3. All management measures as specified in Section 4 of the Water Cycle Management Study (dated 18 May 2017) and shown on the Stormwater Management Site Plan (Dwg. No 0160317SWMP-01, Ver. B; dated 18/05/2017) both prepared by SOWDES Pty Ltd, shall be implemented.

*Reason for Condition 3 – To ensure that a sustainable neutral or beneficial effect on water quality can be achieved over the long term for the development as a whole.*

**Right of Carriageway**

4. The two right of carriageways shall be sealed and otherwise constructed to Council's engineering standards, and shall incorporate stormwater management measures detailed in Stormwater Management Site Plan (Dwg. No. 0160317SWMP-01, Ver. B; dated 18/05/2017) prepared by SOWDES Pty Ltd. The stormwater management measures shall as minimum include:
  - pits and pipes
  - grassed swales
  - piped crossings over grassed swales for lot access ways, as appropriate
  - six biofiltration basins.
5. An Operational Environmental Management Plan (OEMP) shall be prepared in consultation with Water NSW by a person with knowledge and experience in the preparation of such plans. The OEMP shall be prepared prior to the issuance of a Subdivision Certificate for the development and shall be provided to future owners of Lots 1 and 7. The OEMP shall include but not be limited to:



## ATTACHMENT 1 Draft Conditions

- details on the location, description and function of stormwater management structures such as pits, pipes, swale, biofiltration basins, and any other stormwater structures and drainage works
  - an identification of the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, including the frequency of such activities
  - the identification of the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and
  - checklists for recording inspections and maintenance activities.
6. There shall be a public positive covenant under Section 88E of the *Conveyancing Act 1919*, the prescribed authority being Water NSW, placed over proposed Lots 1 and 7 requiring that:
- the grassed swales and biofiltration basins shall be retained, maintained and protected, and
  - no development take place within one metre of the structure.

*Reason for Conditions 4 to 6 - To ensure the right of carriageways and associated drainage works and water quality control measures are appropriately managed and maintained so as to ensure an overall and sustainable neutral or beneficial impact on water quality over the longer term.*

**Other**

7. Conditions 3 to 5 above shall be complied with **prior to the issuance of any Subdivision Certificate** for the development.

*Reason for Condition 7 – To ensure there is an overall and sustainable neutral or beneficial impact on water quality during all phases of the proposed development.*

**Construction Activities**

8. The Conceptual Erosion and Sediment Control Plan (Dwg. No. 0160317ESC-01, Ver. B; dated 18/05/2017) prepared by SOWDES Pty Ltd shall be implemented and effective erosion and sediment controls shall be installed prior to any construction activity. The controls shall prevent sediment or polluted water leaving the construction site or entering any natural drainage lines or stormwater drain and shall be regularly maintained and retained until works have been completed and groundcover established.

*Reason for Condition 8 – To manage adverse environmental and water quality impacts during the construction phase of the development so as to minimise the risk of erosion, sedimentation and pollution within or from the site during this phase.*

**ADVISORY MATTERS****Telecommunications/Gas Provider**

The applicant shall obtain the requirements of the Telecommunications/Gas Provider to service the development.

The applicant is also advised to contact the National Broadband Network Company Ltd (NBN) in regard to the installation of fibre in all new development.

**END OF CONDITIONS**



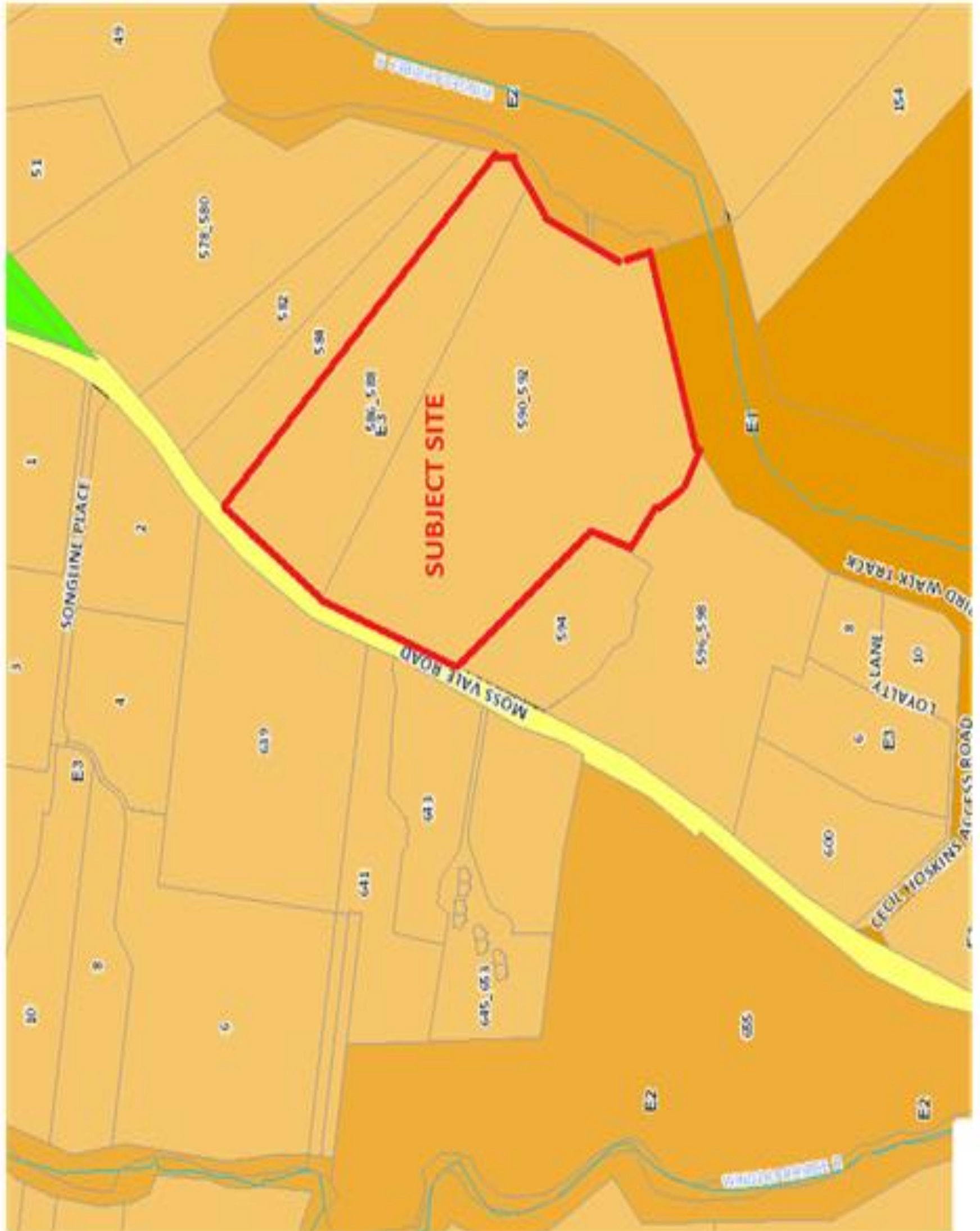
ATTACHMENT 2 – SITE LOCATION







ATTACHMENT 3 - ZONING





ATTACHMENT 4 Subdivision Plan

ATTACHMENT 4 – SUBDIVISION PLAN



ATTACHMENT 5 Access and roadworks

ATTACHMENT 5 – ACCESS and ROADWORKS



ATTACHMENT 6 Three Main Vistas Through Site

ATTACHMENT 5 – THREE MAIN VISTAS THROUGH SITE



Three main vistas through the site