

# AGENDA

of the  
**Local Planning Panel**  
held in  
**Council Chambers,**  
**Wingecarribee Shire Council Civic Centre,**  
**68 Elizabeth Street, Moss Vale**  
on

**Wednesday 22 January 2025**

The meeting will commence at **2:00 pm**

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 22 JANUARY 2025**

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## **Our Mission, Our Vision, Our Values**

### **OUR MISSION**

To create and nurture a vibrant and diverse community growing and working in harmony with our urban, agricultural and natural environments

### **OUR VISION**

**Leadership:** *'An innovative and effective organisation with strong leadership'*

**People:** *'A vibrant and diverse community living harmoniously, supported by innovative services and effective communication with Council'*

**Places:** *'Places that are safe, maintained, accessible, sympathetic to the built and natural environment, that supports the needs of the community'*

**Environment:** *'A community that values and protects the natural environment enhancing its health and diversity'*

**Economy:** *'A strong local economy that encourages and provides employment, business opportunities and tourism'*

### **OUR VALUES**

Integrity, trust and respect

Responsibility and accountability

Communication and teamwork

Service quality

**{meeting-room}**

### **Recording and Webcasting of Local Planning Panel Meetings**

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The meeting must not be recorded by others.

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**The Council Chamber has 24 Hour Video Surveillance.**

## **1 OPENING OF THE MEETING**

The Chairperson opened the meeting and welcomed members of the public and the press.

## **2 ACKNOWLEDGEMENT OF COUNTRY**

The Chairperson acknowledged country:

“Wingecarribee Shire Council acknowledge the Gundungurra and Tharawal people as the traditional custodians of this land we now call the Wingecarribee Shire. I pay my respect to Elders both past, present and emerging. I would also like to extend that respect to all Aboriginal and Torres Strait Islanders present here today.”

## **3 APOLOGIES**

Nil at time of print.

## **4 DECLARATIONS OF INTEREST**

The provisions of Chapter 14 of the Local Government Act 1993 regulate the way in which nominated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest and the reasons for declaring such interest must be disclosed as soon as practicable after the start of the meeting.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussions or voting on that matter and further require that the member vacate the meeting.

Council’s Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

## **5 PLANNING PROPOSALS**

## **6 DEVELOPMENT APPLICATIONS**

### **6.1 Development Application – DA24/1490 – Construction of Dwelling House at Lot 425 DP1096435, 5 Park Street, Wingello NSW 2579**

**Report Author:** Sam Lettice (Consultant Development Assessment Planner)

**Authoriser:** Michael McCabe

#### **PURPOSE**

The purpose of this report is to consider Development Application DA24/1490 for Construction of a Dwelling House on land at 5 Park Street, Wingello (Lot 425 DP1096435), for the Wingecarribee Local Planning Panel ('the Panel'). The application includes a combined Section 68 (24/1490.01) for associated works. The report recommends determination by APPROVAL of consent subject to conditions specified in **Attachment 1**

<b>Applicant</b>	MCDONALD JONES HOMES PTY LTD
<b>Landowner</b>	HELEN BREARLEY
<b>Zoning</b>	R2 Low Density Residential
<b>Proposed Development</b>	Construction of Dwelling House
<b>Estimated Cost of Development</b>	\$452,610
<b>Applicant's Consultants</b>	Harris Environmental Consulting Energy Advance Myard Landscape Design Bushfire & Evacuation Solutions
<b>Notification Period</b>	12 July 2024 – 26 July 2024
<b>Number of Submissions</b>	Nil (0)
<b>Political Donations</b>	None declared
<b>Reason for Referral to Panel</b>	Landowner Relative of a Councillor
<b>Assessment Officer</b>	Sam Lettice (Consultant Development Assessment Planner)

#### **OFFICER'S RECOMMENDATION**

**THAT** the Local Planning Panel determines development application DA24/1490 for construction of a dwelling house including associated section 68 works on land at 5 Park Street (Lot 425 DP1096435), Wingello by APPROVAL, subject to conditions specified in Attachment 1 to this report.

## **EXECUTIVE SUMMARY**

### **1. Executive summary**

Council is in receipt of a Development Application (DA24/1490) for construction of a dwelling house including combined section 68 for associated works on land at 5 Park Street, Wingello (Lot 425 DP 1096435). The site is zoned R2 Low Density Residential under the *Wingecarribee Local Environmental Plan 2010* (WLEP 2010).

The site is currently vacant. The development application (DA) was notified in accordance with the Wingecarribee Community Participation Plan (CPP). The notification period occurred between 12 July and 26 July. In response, no submissions were received.

The site is partly mapped as being bushfire prone land. A Bush Fire Assessment Report accompanies application and has determined that development has a Bushfire Attack Level of BAL 12.

The site is not affected by any other natural hazards and is not located within a Heritage Conservation Area (HCA). However, the site is located within vicinity of the following heritage item:

- Wingello Railway Station Group (I1188)

The development does not result in any adverse impacts upon the heritage items and archaeological site due to the separation distance and scale of the proposed development.

Having regard to the matters for consideration under Section 4.15 of the Act, it is recommended that Development Application (DA24/1490) including combined section 68 be approved, subject to recommended conditions of consent, provided in Attachment 1 of this report. The development does not result in any unreasonable adverse impacts to adjoining properties or the streetscape. The development is suitable for the site and approval would not be contrary to the public interest.

### **2. Site Description and Locality.**

The subject site, legally identified as Lot 425 in DP 1096435 (5 Park Street, Wingello), is located on the northeastern side of Park Street, at the intersection of Railway Parade which forms a secondary frontage to the northwest. It is noted that number 5 Park Street does comprise both lots 425 and 426 as illustrated in figure 1 below with the development confined to Lot 425. The site is rectangular in shape with a frontage and width of 75m, and depth of 30.91m, which yields a site area of 2,318m<sup>2</sup>. Several encumbrances are apparent on Title, noting a 3m electricity easement to the southeast boundary, restrictions and covenants.

The site is vacant and clear, and comprised of managed lawn. A vehicular crossing is apparent to southern component from Park Avenue with a mature tree within the Council verge adjacent to the street intersection. With respect to topography, a fall of approximately 2.2m is apparent from the southeastern boundary of the site (RL 675.8) down towards the northern corner and Railway Parade frontage (RL 673.56).

Surrounding development is characteristic of the low-density residential zoning and consists of single storey dwellings and associated outbuildings of varied designs and finishes. The presence of the rail corridor on the opposing side of Railway Parade is noted with local centre 400m to the west of the site.

An inspection of the subject site was carried out on the 15 August 2024 by the Assessment Officer.



**Figure 1: Locality Map**



**Figure 1 - Site as viewed from adjacent to the intersection of Railway Parade.**



**Figure 3 - Existing vehicular access to the site as viewed from Park Avenue to the north.**



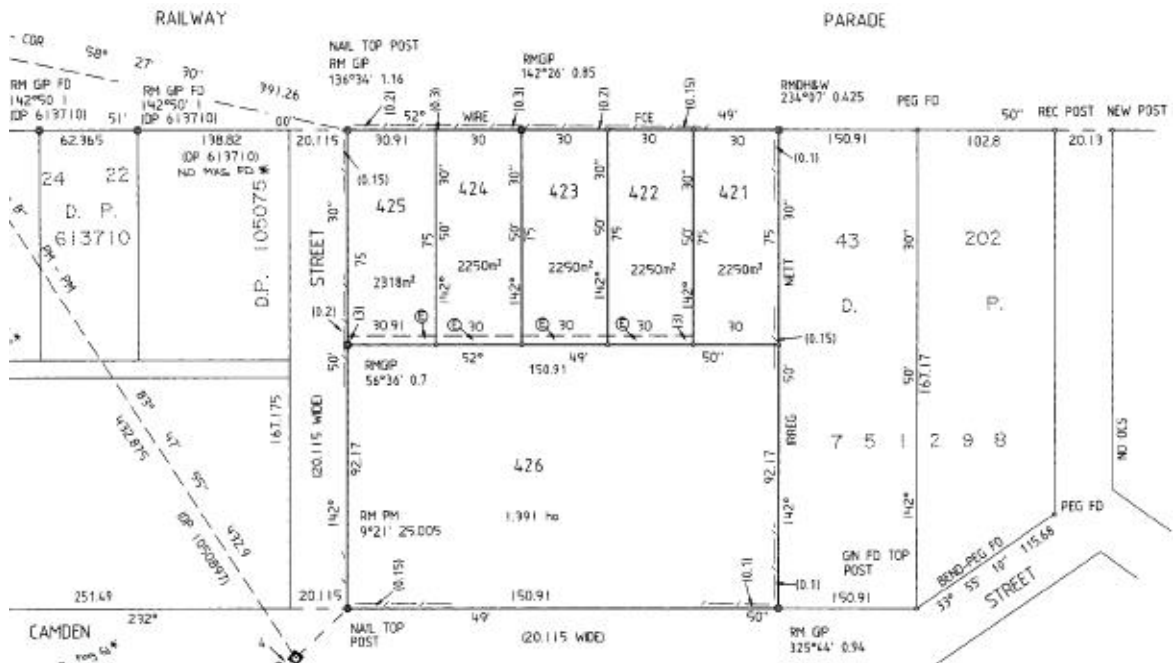


**Figure 4 -** Southern component of the site and indicative location of proposed dwelling.

Title Restrictions

The site is burdened by a 3m wide electricity easement that is located adjacent to the south eastern boundary, noting that all development does remain clear. Presence of a covenant relating to wastewater and stormwater is noted as well as several restrictions pertaining to the ongoing use and precluding certain activities to which the proposed development is not inconsistent.

Figure 5 below is an extract of the Deposited Plan for reference.



**Figure 5 -** Southern component of the site and indicative location of proposed dwelling.

**3. Background**  
**3.1 Site Background**

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14 November 2005	Subdivision Certificate no3876/05 endorsed.
16 May 2006	Property registered.

**4.2 Application Background**

27 May 2024	The DA (PAN-439091) & s68 (s68-2024-8278) submitted to Council via NSW Planning Portal.
6 June 2024	Additional information requested.
11 June 2024	Applications accepted and lodged.
12 July 2024	The DA was notified to surrounding properties and referred to internal technical teams for assessment. In response, no submissions were received or any issues raised from the referrals.
16 October 2024	Planning Assessment Report and Draft Notice of Determination submitted to Council by consultant assessment planner.
11 December 2024	Council Staff notified of reason for application to be referred to Panel.

**4. Notification**

The application was notified in accordance with Council's Community Engagement Strategy between the 12 July – 26 July 2024 with no submissions received.

**5. Relevant Environmental Planning Instruments, Development Control Plans and the Regulations – s4.15(1)(a)**

**5.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021**

Chapter 6 Water Catchments

The site is located within the Sydney Drinking Water Catchment. Pursuant to clause 6.6 of the SEPP a consent authority must not grant consent to the carrying out of development under Part 4 of the Act on land in the Sydney drinking water catchment unless it is satisfied that the carrying out of the proposed development would have a neutral or beneficial effect on water quality.

**Comment** - Application is a Module 1 development for the purposes of the Neutral or Beneficial Effect on Water Quality Assessment Guideline and therefore Council has delegated authority to determine water quality. An assessment has been completed and subject to conditions the development is considered acceptable.

**5.2 State Environmental Planning Policy (Resilience and Hazards) 2021**

Chapter 4 Remediation of Land

Chapter 4 of SEPP Resilience and Hazards 2021 requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land, and to be satisfied that the land is suitable for the proposed use.

**Comment** - Council is satisfied that the land is not a site of possible contamination and therefore no further assessment of contamination is required.

Clause 7 of SEPP 55 requires the consent authority to consider whether the land is contaminated and whether the land is or can be made suitable for the purpose for which development is proposed.

Based on Council's records, the site and immediately adjoining properties have been used for residential purposes since 2016 and prior to this was used for rural uses. There is no evidence to suggest any potentially contaminating activities have taken place on or near the site. Accordingly, the site is considered suitable for the proposed residential use and satisfies the provisions of SEPP 55.

**5.3 State Environmental Planning Policy (Sustainable Buildings) 2022**

State Environmental Planning Policy (Sustainable Buildings) 2022 applies to the proposed development with Chapter 1 providing standards for BASIX buildings.

**Comment** - In accordance with the above the application is accompanied by a BASIX Certificate which commits to environmentally sustainable measures.

**5.4 Rural Fires Act 1997**

The site is mapped as bushfire prone land under the Wingecarribee Bushfire Prone Land Map as shown in figure 6 below.



**Figure 6** - Bushfire Affection and Mapping of the Site (source: Geocortex)

The development is considered ‘infill development’ in accordance with the document entitled Planning for Bushfire Protection 2019. A development application for infill development in a bushfire prone area is required to be assessed by the relevant consent authority under section 4.14 of the Environmental Planning and Assessment Act 1979.

A Bush Fire Assessment Report prepared by a suitably qualified consultant (Bushfire & Evacuation Solutions) dated 19 March 2024 accompanies application. The Report has determined that development has a Bushfire Attack Level of BAL 12.5 and concludes that it satisfies the objectives and performance requirements of ‘Planning for Bush Fire Protection 2019’, subject to several recommendations can comply with Planning for Bushfire Protection 2019, as required under section 4.14 of the Environmental Planning and Assessment Act 1979.

The report has been reviewed and is considered reasonable noting also that suitable conditions are also recommended to ensure compliance.

**5.5 Wingecarribee Local Environmental plan 2010 (WLEP)**

The site is zoned R2 ‘Low Density Residential’ under the provisions of Wingecarribee Local Environmental Plan 2010. The proposed development relates to construction of a ‘dwelling house’ which is permissible’ with consent. Objectives of the R2 Zone are:

- *To provide for the housing needs of the community within a low-density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Proposed development is not inconsistent with the above objectives noting that it does entail the construction of a dwelling upon a vacant lot, thus promoting housing needs.

Following is a summary table indicating the performance of the proposal against the relevant statutory provisions:

Section	Development Control	Assessment	Compliance
<b>4.3 Height of Buildings</b>	Building height not to exceed maximum height identified on HOB Map where applicable.	No height of buildings has been adopted for the site.	N/A
<b>4.4 Floor Space Ratio</b>	Floor Space Ratio is not to exceed maximum identified on FSR Map,	No floor space ratio has	N/A

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	where applicable.	been adopted for the site.	
<b>5.10 Heritage Conservation</b>	Heritage Assessment requirements including development located within heritage conservation areas	Site not listed as heritage item or located within a conservation area. In addition, it is not located in immediate vicinity of either	N/A
<b>5.21 Flood Planning</b>	Development controls for land identified as flood affected	Site not identified as being flood affected.	N/A
<b>7.1 Development on existing lots in R2, R3 &amp; R5 Zones</b>	Comply with minimum lot size map (2,000m <sup>2</sup> )	2,318m <sup>2</sup>	Yes
<b>7.3 Earthworks</b>	Outlines requirement for consent as well as considerations.	With respect to the site topography a slight fall is apparent and accordingly a degree of cut and fill is necessitated, though only measures approximately 300mm and 340mm respectively, below the 600mm LEP provision. Earthworks are viewed as balanced and appropriate to site, contained within and adjacent to proposed dwelling with incorporated batter providing transition down to natural ground.	Yes
<b>7.4 and 7.5 Natural Resources Sensitivity - Biodiversity and Water</b>	Maintain terrestrial and aquatic biodiversity, hydrological functions of riparian land, waterways, and aquifers.	Site not mapped as being of ecological significance.	N/A

There are no other provisions in the LEP which affect this proposal and there is no known draft EPI applicable to the site.

**5.6 Penrose and Wingello Villages Development Control Plan**

Section	Development Control	Assessment	Compliance
<b>PART A - ALL LAND</b>			
<b>Section 4 - Water Management</b>			
<b>A4.6 Erosion and sediment control plans</b>	Where building or earthworks are proposed, an erosion & sediment control plan must be provided.	Erosion and sedimentation control plan accompanies the application with suitable conditions also recommended.	Yes
<b>A4.7 Water sensitive urban design</b>	All development within Shire to utilise potable water efficiently.	100,000L potable water supply has been provided on site.	Yes
	All developments within the Shire shall be designed in accordance with the WSUD part of Council's Engineering Design and Construction Specifications.	BASIX Certificate and subsequent commitments demonstrate compliance.	Yes
<b>Section 7 - Vegetation Management and Landscaping</b>			
<b>A7.1 Preservation of trees and other vegetation</b>	A person must not ringbark, cur down, top, lop, remove, injure, or wilfully destroy any tree or other vegetation to without	Proposed development does not entail the removal or impact upon any significant existing vegetation. In this	Yes

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	consent.	regard a suitable buffer is also maintained from mature tree within Council verge forward.	
<b>A7.3 Private Landscape and Open Space</b>	Landscape Plan shall be provided demonstrating that an appropriate amenity provided.	Landscape Plan provided and viewed as acceptable noting also large curtilage surround, providing spatial separation from adjoining sites.	Yes
<b>Section 8 -Subdivision, Demolition, Siting and Design.</b>			
<b>A8.4 Cut and Fill</b>	Where cut and fill objectives cannot be met, development must be stepped in order to accommodate site contours.	As previously outlined, a small degree of excavation and both cut and fill is required, though is considered balanced.	Yes
<b>Section 9 - Safer by Design</b>			
<b>A9.3 Crime Prevention Through Environmental Design</b>	Council requires all development to demonstrate that it is consistent with the CPTED principles.	Dwelling provides a suitable address and surveillance towards Park Street noting slightly elevated nature, readily identifiable front door, and presence of several windows of habitable rooms to the primary street façade.	Yes
<b>PART C - RESIDENTIAL DEVELOPMENT</b>			
<b>Section 1 - Introduction</b>			
<b>C1.4 Height of Buildings</b>	Single Storey - 6m	5.2m above natural ground.	Yes
<b>C1.5 Building Materials</b>	In new subdivisions, materials and colours should be of a type which are easily maintained.	Face brick provided to external walls with Colorbond sheet roofing, colours tones of which are appropriate to the site.	Yes
<b>Section 2 - Low Density Housing</b>			
<b>C2.4 Development Density and Scale</b>	Maximum Development footprint - 50%	274.55m <sup>2</sup> (11.85%)	Yes
<b>C2.5 Dwelling Orientation</b>	<p>New dwelling orientated to ensure key living areas and 50% of the primary private open space of that dwelling receive a minimum of 3 hours of direct sunlight on June 21<sup>st</sup>.</p> <p>The design of main living areas shall open directly on to private open space to permit adequate sunlight and natural light into dwelling.</p> <p>Design of the dwelling shall allow good natural cross ventilation with well-considered placement of windows.</p> <p>New development shall not reduce the solar access currently enjoyed in living areas and 50% of the primary private open space of adjacent dwellings so that they receive less than three (3) hours of direct sunlight on June 21<sup>st</sup>.</p>	<p>Internal layout of the dwelling does afford key living areas a northeastern orientation with principal private open space unrestricted (&gt; 3 hours).</p> <p>Direct access is provided with solar access not compromised</p> <p>Limited depth of the dwelling and provision of windows to all promotes cross ventilation.</p> <p>Noting single storey form with a limited bulk and scale and spatial separation from the adjoining sites, solar access is</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

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		not adversely compromised, and > 3 hours is retained.	Yes
<b>C2.6 Front Setbacks</b>	<p>Front setbacks of new residential development shall be consistent with those of the dwellings immediately adjacent to the site and to those in the immediate vicinity.</p> <p>Where no consistent setback has been established - 15m</p>	<p>6m (5m measured to patio)</p> <p>Site is rectangular in shape with Park Street being the long boundary and thus from a traditional stand point, Railway Parade would be viewed as the primary and Park Street the secondary frontage which would necessitate setbacks of 15m and 4m respectively with which compliance is observed.</p> <p>However, proposed dwelling is oriented to Park Street which does make it technically the front boundary and thus the numerical non-compliance is apparent. Setbacks of built form in the vicinity are varied with that proposed not viewed as inconsistent. Dwelling does also have a limited bulk and scale with front façade suitably articulated, and thus it is not foreseen to be dominant.</p>	Acceptable
<b>C2.7 Side Setbacks</b>	2.5m	25m (NW) / 24.46m (SE)	Yes
<b>C2.8 Rear Setbacks</b>	Rear setbacks of development will be generally consistent with those of existing adjacent development though in general subject to site assessment 10m - 15m dependent on height.	<p>14.389m (external wall)</p> <p>10.889m (alfresco)</p>	Yes
<b>C2.9 Building Height</b>	The maximum height of a dwelling house shall not exceed two (2) storeys.	Single storey	Yes
<b>C2.10 Roof Forms</b>	Roof forms shall reflect those of the existing streetscape.	Roof form adopts a traditional design and 22.5-degree pitch, considered acceptable and not dissimilar to existing forms in the immediate vicinity.	Yes
<b>C2.11 Dwellings on Corner Allotments</b>	<p>Address both street frontages through either built form or landscaping.</p> <p>Where the width of the block is longer on one street than the other, the main entry to the principal dwelling shall be located on the longer frontage.</p> <p>On secondary street frontage the dwelling is to be set back at least 3m from that boundary for a maximum length of 9m, then by at least 4m thereafter.</p> <p>The side setback may apply</p>	<p>Suitable address is provided though significant setback from Railway Parade and raised verge limits presence.</p> <p>Dwelling is oriented towards Park Street which is acceptable in this instance.</p> <p>Park Street would generally be treated as a secondary frontage by virtue of the site's dimensions with the proposed setback exceeding 4m.</p> <p>Rear setback complies.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p>

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	<p>instead of the rear setback.</p> <p>Front façade is to be set back at least 2m from a splayed corner boundary.</p> <p>Maximum height of a front fence shall be 1.2m and shall extend along the side boundary to the extent of the front setback.</p>	<p>A significant setback provided from street corner of the site which is not spayed.</p> <p>No fencing is proposed.</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p>
<b>C2.12 Garaging and Driveways</b>	<p>Where garages form part of the dwelling they shall not exceed 40% of the total width of the dwelling frontage to a maximum width of 6m.</p> <p>Double garages are only permitted on allotments of at least 12.5 metres in width</p> <p>The garage shall be set back from the front façade and designed so that the dwelling entry and façade are the dominant building features.</p> <p>New dwellings (including principal, dual occupancy or secondary dwellings) shall provide a minimum of two car spaces behind the building line for each dwelling which may include an access way to the side of the dwelling of a minimum width of 2700mm.</p> <p>Driveways are to be located a minimum of three (3) metres from the nearest street tree.</p> <p>Driveways are to be located a minimum of one (1) metre from any side boundary.</p>	<p>6.06m (8.08%)</p> <p>Site width is 75m</p> <p>Garage setback 2.8m behind primary façade of the dwelling and attached to southern elevation, such that it will not be perceived as dominant.</p> <p>Two spaces are provided within the proposed garage.</p> <p>&gt; 5m noting that the existing crossing is to be utilised.</p> <p>&gt; 1m</p>	<p>Acceptable</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>C2.13 Landscaped</b>	Minimum Landscaped Open	2,043.45m <sup>2</sup> (88.15%)	Yes

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Open Space	Space - 50%		
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**6. Environmental Assessment**

The site has been inspected (14 May 2021) and the application has been assessed having regard to Section 4.15 of the *Environmental Planning and Assessment Act, 1979*, as amended.

<b>Section 4.15 'Matters for Consideration</b>	<b>Comments</b>
Section 4.15 (1)(a)(i) – Provision of any environmental planning instrument	The proposal generally satisfies the objectives and controls of the WLEP 2010 as discussed above in section 5.
Section 4.15 (1)(a)(ii) – Provision of any draft environmental planning instrument.	Nil
Section 4.15 (1)(a)(iii) – Provisions of any development control plan	The proposal generally satisfies the objectives and controls of the Penrose and Wingello DCP as discussed above in section 5.
Section 4.15 (1)(a)(iiia) – Provision of any Planning Agreement or draft Planning Agreement.	Not Applicable.
Section 4.15 (1)(a)(iv) – Provisions of the Regulations.	The relevant clauses of the Regulations have been satisfied.
Section 4.15 (1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.	The environmental impacts of the proposed development on the natural and built environment have been addressed in this report below.
Section 4.15 (1)(c) – Suitability of Site	<p>The environmental impacts of the proposed development on the natural and built environment have been addressed in this report below.</p> <p>The proposed development does fit in the locality. There are no constraints posed by adjacent developments that would prohibit this proposal. There are adequate utilities and services available to the proposed development where necessary. The air quality and microclimate are appropriate for the development, there are no hazardous land uses or activities nearby, and ambient noise levels are suitable for the development.</p> <p>The site is not constrained by flooding or land slip with bushfire affectation suitably addressed. Soil characteristics are appropriate for the development, and there are no critical habitats, or threatened species, populations,</p>



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Section 4.15 'Matters for Consideration	Comments
	ecological communities, or habitats on site. The development will not prejudice future agricultural production and there are no known mineral or extractive resources on the site.
Section 4.15 (1)(d) – Submissions	None. Refer to section 4 for details.
Section 4.15 (1)(e) – The Public Interest	There are no known policy statements from either Federal or State Government relevant to this proposal, nor any planning studies or strategies. There is no management plan, planning guideline or advisory document that is applicable to a development of this nature. Adherence to easements, and restrictions on Title that apply to the site is also noted. As such, the proposal would not contravene the public interest.

**6.1 Likely impacts of the Development**

<i>Context &amp; Setting</i>	<p>Likely impacts of the development on context and setting are considered acceptable.</p> <p>Design, form and finish of the proposed dwelling is viewed as appropriate the site and broader street characteristic and will integrate well. It is also noted that the rainwater tank provided was relocated to be contained behind the northwestern façade of the dwelling.</p> <p>Views, privacy, and solar access of adjoining sites will not be adversely impacted.</p>
<i>Access, Transport and Traffic</i>	Existing vehicular crossing from Park Street is utilised, maintaining suitable sight lines with the dwelling generating low numbers of vehicle movements and minimal impact.
<i>Public Domain</i>	The proposed development will not have an adverse impact on the public domain.
<i>Utilities</i>	The site is serviced by electricity with suitable provision made for the drinking water as well as wastewater disposal.
<i>Heritage</i>	The site is not listed as a heritage item or located within a Conservation Area.
<i>Other Resources</i>	<i>Land</i> The proposed development will not have any impact upon land resources, such as mineral resources, riparian corridors, or the Sydney Drinking Water Catchment.
<i>Air Microclimate</i>	<i>and</i> Given the small scale of the subject development will not give rise to any significant air pollution or other emission.

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<i>Flora and Fauna</i>	The site is vacant and clear and does not possess any supporting habitat.
<i>Water</i>	The proposed development will not have any impact on water resources.
<i>Waste</i>	The proposed development will not give rise to ongoing waste disposal issues (beyond construction waste included in the waste management report).
<i>Soils</i>	The subject development will not have any significant soils impacts.  The site is not subject to any significant soil constraints, i.e. is not noted as acid sulphate, highly erodible, saline or of high productive value.
<i>Energy</i>	The proposed development is supported by a BASIX Certificate, which demonstrates that minimum energy requirements are achieved.
<i>Noise and Vibration</i>	The proposed development will not give rise to any significant noise or vibration generation, beyond typical residential uses. Presence of the rail corridor to the north of the site on the opposing side of Railway Parade is noted though given spatial separation from the operating track, no resultant impacts arise. In addition, separation does exceed figure 3.1 of Interim Guideline with acoustic reporting not warranted.
<i>Natural Hazards</i>	The site is partially mapped as bushfire prone land and in this regard a Bushfire Report has been prepared and submitted in support of the application.
<i>Technological Hazards</i>	The site is not identified as being affected by any technological / man-made hazards.
<i>Safety, Security and Crime Prevention</i>	The proposed dwelling is oriented towards Park Street, slightly elevated above the street front with entry readily identifiable and several window openings incorporated to the front façade of which provide and promote desired casual surveillance.
<i>Social and Economic Impacts in the Locality</i>	The proposed development will not result any social and economic impact.
<i>Site Design and Internal Design</i>	The proposed development has been assessed against the WLEP 2010 and Penrose and Wingello Villages Development Control Plan with appropriate level of compliance observed. Development satisfies amenity criteria with design facilitating desired level of amenity to future occupants, whilst also preserving that of adjoining sites.
<i>Cumulative</i>	Given residential use, no unacceptable cumulative impacts are expected to arise.

*Impacts*

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## **7. Conclusion**

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Wingecarribee Local Environmental Plan 2010; and
- Penrose and Wingello Development Control Plan.

This assessment has taken into consideration the submitted plans, all other documentation supporting the application, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

This proposal, for the construction of a dwelling house with combined section 68 has been referred to the Wingecarribee Local Planning Panel (WLPP) as the owner of the site a relative of Councillor.

The development application was notified for fourteen (14) days between 16 November 2023 – 30 November 2023, as stated within Council's Community Participation Plan, in which no objections were received during this period or at any time prior to the preparation of this report.

Overall, the proposal is a compatible residential development within a recent residential subdivision that performs satisfactorily against the objectives of the relevant controls and will not result in unacceptable impacts on adjoining or nearby properties, or the natural environment.

## **8. Recommendations**

That the Wingecarribee Local Planning Panel, as the consent authority **grant development consent** to Development Application DA24/1490 including Section 68 (24/1490.01) for Construction of a dwelling house and associated works on land at 5 Park Street, Wingello (Lot 425 DP 1096435) subject to the Recommended Conditions of Consent contained in **Attachment 1**.

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## **ATTACHMENTS**

**1** Recommended Conditions of Consent

**2** Development Plans and Supporting Documentation



MCDONALD JONES HOMES PTY LTD  
142 LAKES ENTRANCE ROAD  
OAK FLATS NSW 2529



Civic Centre, 68 Elizabeth St.  
Moss Vale NSW 2577  
PO Box 141, Moss Vale  
**02 4868 0888**  
mail@wsc.nsw.gov.au  
ABN 49 546 344 354

**Attachment 1 – Recommended Conditions of Consent for:**

**COMBINED NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION  
AND ACTIVITY APPROVAL INCLUDING WATER SUPPLY, STORMWATER  
DRAINAGE, SANITARY PLUMBING / DRAINAGE**

Pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* and Section 68 of the  
*Local Government Act 1993*

**DEVELOPMENT APPLICATION NUMBER: 24/1490**

**S68 ACTIVITY APPROVAL: 24/1490.01**

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<b>APPLICANT:</b>	MCDONALD JONES HOMES PTY LTD
<b>OWNER:</b>	HELEN BREARLEY
<b>PROPERTY DESCRIPTION:</b>	LOT 425 DP 1096435
<b>PROPERTY ADDRESS:</b>	5 PARK STREET, WINGELLO NSW 2579
<b>PROPOSED DEVELOPMENT:</b>	Dwelling House
<b>DETERMINATION:</b>	Approval subject to conditions

**Rights of Appeal**

Pursuant to Section 8.7 of the *Environmental Planning and Assessment Act 1979*, an applicant for development consent who is dissatisfied with the determination of the application by Council authority may appeal to the Court against the determination. Pursuant to Section 8.10, an appeal may be made only within 12 months after the date the decision appealed against is notified.

**Review of Determination**

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

*Working with you*

WSC.NSW.GOV.AU

WINGECARRIBEE - A COAL MINING FREE SHIRE

# AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 JANUARY 2025

DA24/1490 - Lot 425 DP 1096435

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## ADMINISTRATION CONDITIONS

### 1. Development Description

Development consent has been granted in accordance with this notice of determination for the construction of a dwelling house.

**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
Plans	404434 (Sheets 1 - 17) Rev 8	McDonald Jones	16/10/2024
External Palette	404434	McDonald Jones	-
BASIX Certificate	1748541S	Energy Advance	22/05/2024
BASIX Thermal Comfort Energy Efficiency Assessment	404434_v2.0	Energy Advance	22/05/2024
Landscape Plan	LP-25688 (Rev A)	Myard Landscape Design	02/05/2024
Bush Fire Assessment Report	I-24026	Bushfire & Evaluation Solutions	19/03/2024
Soil and Site Assessment for Onsite Wastewater Disposal	6270WW - Version 1.1	Harris Environmental	22/04/2024
Statement of Environmental Effects	-	McDonald Jones	27/05/2024
Waste Management Plan	-	McDonald Jones	27/05/2024

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

### 3. Inconsistency between documents

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

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

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

## AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 JANUARY 2025

DA24/1490 - Lot 425 DP 1096435

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

This section does not apply –

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

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

### 5. Erection of Signs

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

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

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

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

- Building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
- Crown building work certified to comply with the Building Code of Australia under Part 6 of the *Environmental Planning & Assessment Act 1979*.

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

### 6. Notification of Home Building Act 1989 Requirements

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifier (PC) for the development to which the work relates (not being the council) has given the council written notice of the following information:

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- (a) In the case of work for which a principal contractor is required to be appointed:
  - (i) the name and licence number of the principal contractor, and
  - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) In the case of work to be done by an owner-builder:
  - (i) the name of the owner-builder, and
  - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the Principal Certifier (PC) for the development to which the work relates (not being the council) has given the council written notice of the updated information.

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

### 7. Condition relating to shoring and adequacy of adjoining property

- (1) For the purposes of section 4.17(11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense—
  - (a) protect and support the building, structure or work from possible damage from the excavation, and
  - (b) where necessary, underpin the building, structure or work to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

**Reason:** *The condition is prescribed under Section 74 of the Environmental Planning and Assessment Regulation 2021.*

### 8. 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 2021* and the *Local Government Act 1993* and associated *Regulations* and are preconditions of any Occupation Certificate being issued for the subject development.

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

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## 9. Sanitary Plumbing and Drainage

All Plumbing and Drainage work shall comply with the provisions of the Plumbing Code of Australia.

Plumbing and Drainage shall comply with the provisions of the *Plumbing and Drainage Act 2011* and *Plumbing and Drainage Regulation 2017*.

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

- Notice of Work (NoW);
- Sewer Service Diagram (SSD);
- Certificate of Compliance (CoC).

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

## 10. Water Supply

### (a) Water Temperature

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

### (b) Installation and Materials

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

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

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

### 11. Application for a Construction Certificate (Building Works)

The applicant must apply for the Construction Certificate through the NSW Planning Portal to carry out the relevant building works in accordance with this consent.

The details to be included in the application for a Construction Certificate are:

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



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

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

*Please note that if demolition works forms part of the extent of works approved in the same application, then demolition must not commence prior to the issue of a Construction Certificate.*

## 12. Amendments to Approved Plans

The applicant shall make the following amendments to the approved plans prior to the issue of a Construction Certificate:

- a) The approved landscape plan is to be amended such that the location of the rainwater tank aligns with that shown on the approved Site Plan prepared by McDonald Jones.

**Note:** *This involves a change to the Development Application plans as submitted to and approved by Council.*

*Any changes in this regard shall be reflected as amended plans to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate for the proposed development.*

**Reason:** *To confirm and clarify the terms of Council's approval.*

## 13. 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*) prior to the issue of the Construction Certificate. 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.

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**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.*

### 14. Long Service Levy Payments

The payment of a long service levy as required under Part 5 of the *Building and Construction Industry Long Service Payments Act 1986*, in respect to this building work, and in this regard, proof that the levy has been paid, is to be submitted to Council prior to the issue of a Construction Certificate.

Council acts as an agent for the Long Services Payment Corporation and the levy may be paid at Council's Office.

**Reason:** *Statutory requirement*

### 15. Developer to provide photos of damage to Council property

The developer must provide Council and the Principal Certifier (PC) with photos of any damage of Council property adjoining the development prior to the issue of the Construction Certificate.

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

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

The construction supervisor is 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 Council property are to be carried out by the contractor/builder to Council's specification and supervision prior to issue of any Occupation Certificate or Subdivision Certificate (as applicable).

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

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

### 16. Construction Certificate

No work shall commence until a:

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

**Reason** *Statutory requirement.*

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### 17. Appointment of Principal Certifier (PC)

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

- (a) A Construction certificate for the building work has been issued by:
  - (i) the consent authority; or
  - (ii) a Principal Certifier (PC); and
- (b) the person having the benefit of the development consent has:
  - (i) appointed a Principal Certifier (PC) for the building work, and
  - (ii) notified the Principal Certifier (PC) that the person will carry out the building work as an owner-builder, if that is the case, and
- (b1) the Principal Certifier (PC) has, no later than 2 days before the building work commences:
  - (i) notified 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 Certifier (PC) of such appointment, and
  - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (c) the person having the benefit of the development consent has given at least 2 days' notice to 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.*

### 18. Notice of Commencement

No work shall commence until a notice of commencement form has been submitted (form will be attached with issue of a Construction Certificate or Subdivision Works Certificate or available from Council's website), giving the Principal Certifier (PC):

- (a) Not less than two (2) days' notice of the date on which it is proposed to commence work associated with this Development Consent.
- (b) Details of the appointment of a Principal Certifier (PC) (either Wingecarribee Council or another Registered Certifier).
- (c) Details of the Principal Contractor or Owner Builder:
  - Name

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- Builders Licence Number or Owner Builder Permit Number
  - Principal Contractor Company Name
  - Principal Contractor ABN
  - Address of Principal Contractor or Owner Builder
  - Email Address
- (d) Copy of the HBCF Insurance Certificate (if residential building works exceed \$20,000) or Owner Builder Permit.
- (e) Details demonstrating compliance with development consent conditions relevant prior to commencement of the development been satisfied.

**Reason:** *Statutory requirement.*

### 19. Erosion and Sediment Control Plan

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

- (a) Erosion and sediment controls are to be in place before the disturbance of any soils on the site, and are to be maintained during the works and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside the worksite boundaries.
- (b) Topsoil stripped from the construction site shall be stockpiled and protected from erosion until re-use during landscaping. Soil is to be retained within the property.
- (c) Stockpiles of construction and landscaping materials, and of site debris shall be located clear of drainage lines and in such a position that they are protected from erosion and do not encroach upon any footpath, nature strip or roadway.
- (d) Final site spoil shall be disposed of to conform to the specifications and standards quoted and to any conditions of approval of those measures and must comply with any relevant NSW Department of Planning and Environment requirements.
- (e) Trenches shall be backfilled, capped with topsoil and compacted to a level at least 75mm above adjoining ground level.
- (f) Vehicular access shall be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where sediment is deposited on adjoining roadways the same shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.
- (g) All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for more than 14 days or such other period as may be approved after earthworks cease. All driveways and parking areas shall be stabilised with compacted sub-grade as soon as possible after their formation.

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

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### 20. Set Out Survey

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

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

### 21. Fencing of the Construction Site

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

**Reason:** *To ensure that the safety of the public is not compromised.*

## CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

### 22. 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.*

### 23. Imported 'Waste-derived' Fill Material

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

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

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

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

Resource recovery exemptions are available on the NSW EPA website at

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<http://www.epa.nsw.gov.au/waste/>.

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

### 24. 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 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.*

### 25. Stormwater - Discharge

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

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

### 26. 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.*

### 27. Section 68 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 inspections:

- (a) Internal drainage prior to backfilling
- (b) External drainage prior to backfilling

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

### 28. Earthworks, retaining walls and structural support

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

- (a) must not cause a danger to life or property or damage to any adjoining building or structure

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on the lot or to any building or structure on any adjoining lot, and

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

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

**Reason:** *Structural safety.*

### 29. Vehicular Access Point - Construction and Delivery Vehicles

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

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

### 30. Damage to Adjoining Properties

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

**Reason:** *Structural safety.*

### 31. Prevention of Nuisance

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

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

### 32. Dust Control

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation and building works. If necessary, water sprays shall be used on the site to reduce the emission of dust.

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Screening shall consist of minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like.

**Reason:** *Environmental amenity*

### 33. Approved Hours of Construction/Demolition

Construction and 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.*

### 34. Maintenance of the Site

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

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

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

During construction:

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

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

**Reason:** *Environmental amenity.*

### 35. Storage of Building Materials, Plant and Equipment

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

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



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

### 36. Temporary Onsite Toilet

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

Each toilet shall:

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

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

### 37. Waste Management

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

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

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

## CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

### 38. Occupation Certificate

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

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

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

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

# AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 JANUARY 2025

DA24/1490 - Lot 425 DP 1096435

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

## 39. BASIX Commitments

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

In this condition:

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

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

## 40. Identification Survey

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

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

## 41. Stormwater Drainage

Prior to the issue of the Occupation Certificate:

- (a) Any regraded areas shall be free draining, away from the dwelling, and shall not concentrate surface water onto adjoining properties.
- (b) Stormwater drainage works shall be carried out in accordance with the requirements outlined in the Section 68 approval.

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

## 42. Section 68 Local Government Act Final

## AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 JANUARY 2025

DA24/1490 - Lot 425 DP 1096435

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

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

### 43. Bushfire Safeguards

Buildings located in a designated bush fire prone area shall be constructed in accordance with AS3959 - 2018 "Construction of Buildings in Bush Fire Prone Areas" and the RFS document "Planning for Bush Fire Protection" as amended. The development is required to comply with the recommendations of the Bush Fire Assessment Report submitted in support of the application and referenced in condition 2 with the following requirements noted:

#### (a) Asset Protection Zones

**Intent of measures:** *To minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions shall apply;*

- (i) From the start of building works, and in perpetuity, the entire site shall be managed as Protection Zone should be established in accordance with Appendix 4.1.1 of *Planning for Bushfire Protection 2019*.
- (ii) When establishing and maintaining an Inner Protection Area (IPA) the following requirements apply in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*:
  - Tree canopy cover should be less than 15% at maturity;
  - Trees at maturity should not touch or overhang the building;
  - Lower limbs should be removed up to a height of 2m above the ground;
  - Tree canopies should be separated by 2m to 5m;
  - Preference should be given to smooth barked and evergreen trees;
  - Large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
  - Shrubs should not be located under trees;
  - Shrubs should not form more than 10% ground cover;
  - Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation; and
  - Grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and leaves and vegetation debris should be removed.

#### (b) Construction Standards

**Intent of measures:** *To minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.*

New construction must comply with section 3 and section 6 (**BAL 12.5**) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant

## AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 JANUARY 2025

DA24/1490 - Lot 425 DP 1096435

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requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

**(c) Access – Property Access**

**Intent of measures:** *To minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.*

Property access roads must comply with the following requirements of Table 7.4a of *Planning for Bush Fire Protection 2019*.

**(d) Water and Utilities**

**Intent of measures:** *To minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.*

The provision of water, electricity and gas must comply with the following in accordance with Table 7.4a of *Planning for Bush Fire Protection 2019*. A minimum 10,000L static water supply is to be maintained at all times for firefighting operations. Tanks on hazard side of a building are provided with adequate shielding for protection of firefighters.

**(e) Landscaping**

Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

- A minimum 1m wide area (or to the property boundary where the setbacks are less than 1m), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

**Reason:** *Bushfire safety.*

# AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 JANUARY 2025

DA24/1490 - Lot 425 DP 1096435

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## 44. On-site Wastewater Treatment System

The Aerated Wastewater Treatment System (AWTS) and subsurface irrigation must be installed in accordance with the Soil and Site Assessment for Onsite Wastewater Disposal prepared by Harris Environmental Consulting. Dated April 2024, Reference 6270WW Version (1.1).

### Tank/s Installation

The location of the Aerated Wastewater Treatment System Tank(s) shall be no less than 5m from any property boundary and 2.5m from any dwelling.

The location of the Aerated Wastewater Treatment System Tank(s) shall be a minimum of 6m downslope of any in ground water storage tank. Note: where the water tank provides water for potable use separation distance shall comply with Australian Standards.

All electrical work shall be carried out by a licensed electrician in accordance with the requirements of AS/NZS 3000:2018 "Standard for Wiring Rules".

The aerated wastewater treatment facility is to be fitted with an audible and visual alarm system to indicate system failure for both high water and air supply (blower and irrigation pump failure). The alarm system should be installed inside the dwelling. Where it is proposed to install the alarm system on top of the AWTS the location of the alarm shall ensure that it can be clearly seen and heard from the dwelling.

The Aerated Wastewater Treatment System / septic tank(s) shall be protected from possible vehicle damage.

Tanks and tank excavations are not to be left uncovered overnight or at weekends. Suitable and adequate temporary protection is to be provided.

### Surface Irrigation

Subsurface drip lines shall be installed parallel to the contour of the land.

A valve system shall be installed (where more than one zone is present) to allow rotation of wastewater between the subsurface irrigation beds. The valve system shall be contained within protective housing at ground level with a lilac lid to indicate wastewater.

Vacuum breakers shall be installed at the highest possible point of each zone and shall be contained within a small box at ground level with a lilac lid to indicate wastewater.

Flush valves shall be installed at the lowest point of each zone and shall be contained within a small box at ground level with a lilac lid to indicate wastewater.

An inline filter shall be provided between the tank(s) and the subsurface drip irrigation area. The filter shall be sufficient in size to ensure that it does not require additional maintenance between service periods.

All distribution pipes (excluding external drainage lines), fixtures and fittings shall be lilac in colour (P23) in accordance with AS/NZS 3500.1:2018 and AS2700:2011.

## AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 JANUARY 2025

DA24/1490 - Lot 425 DP 1096435

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Reinforced heavy duty garden hose of a type which is compatible with or capable of being cross connected with, a potable water supply may **NOT** be used to convey effluent from the septic / treatment tank(s) to, or within, the effluent application area.

Soaker hoses, garden sprinklers and standard water hose fittings shall **NOT** be used.

All stormwater and seepage from higher levels shall be diverted away from the disposal area (by a suitable drain or bund). Installation will be in accordance with the approved plans and details approved by Council.

The entire effluent application area shall be turfed with a suitable species of grass that is both water and nutrient tolerant.

Within or adjacent to the effluent application area, a sign will be displayed advising that reclaimed effluent is being used for irrigation. The sign shall be on a **GREEN** background with **WHITE** lettering at least 20mm high. The sign shall state "**RECLAIMED EFFLUENT, DO NOT DRINK, AVOID CONTACT.**"

The effluent application area shall be protected from possible vehicle damage.

### **Decommissioning of Existing Septic Tank(s)**

Decommissioning of the existing septic tank/s shall be undertaken following the completion of installation of the approved on-site wastewater management facility. The old septic tank system de-commissioned in the following manner:

- (i) the septic tank/holding well is to be emptied by an authorised wastewater removal contractor and the contents disposed of at an approved wastewater depot,
- (ii) the septic tank and holding well are to be thoroughly dusted with commercial grade agricultural lime,
- (iii) the base of the tank is to be punctured (to prevent future holding of water), the lids broken in and the top edges broken down 300mm below ground level, and
- (iv) tanks are to be backfilled with clean filling material and finished to surrounding ground level.

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

### **45. Council Property**

The applicant shall rectify any damage to Council property (including footpaths, road furniture, landscaping/trees, drainage, water, sewer, kerb and gutter, road pavement and the like) as a result of the development, prior to the issue of any Occupation Certificate at no cost to Council.

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

### **46. Potable Water Storage – Non-Reticulated Areas**

Prior to the issue of any Occupation Certificate, rainwater storage tank / s having a minimum volume of 100,000L shall be installed onsite to provide a potable water supply to the Dwelling.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 22 JANUARY 2025**

DA24/1490 - Lot 425 DP 1096435

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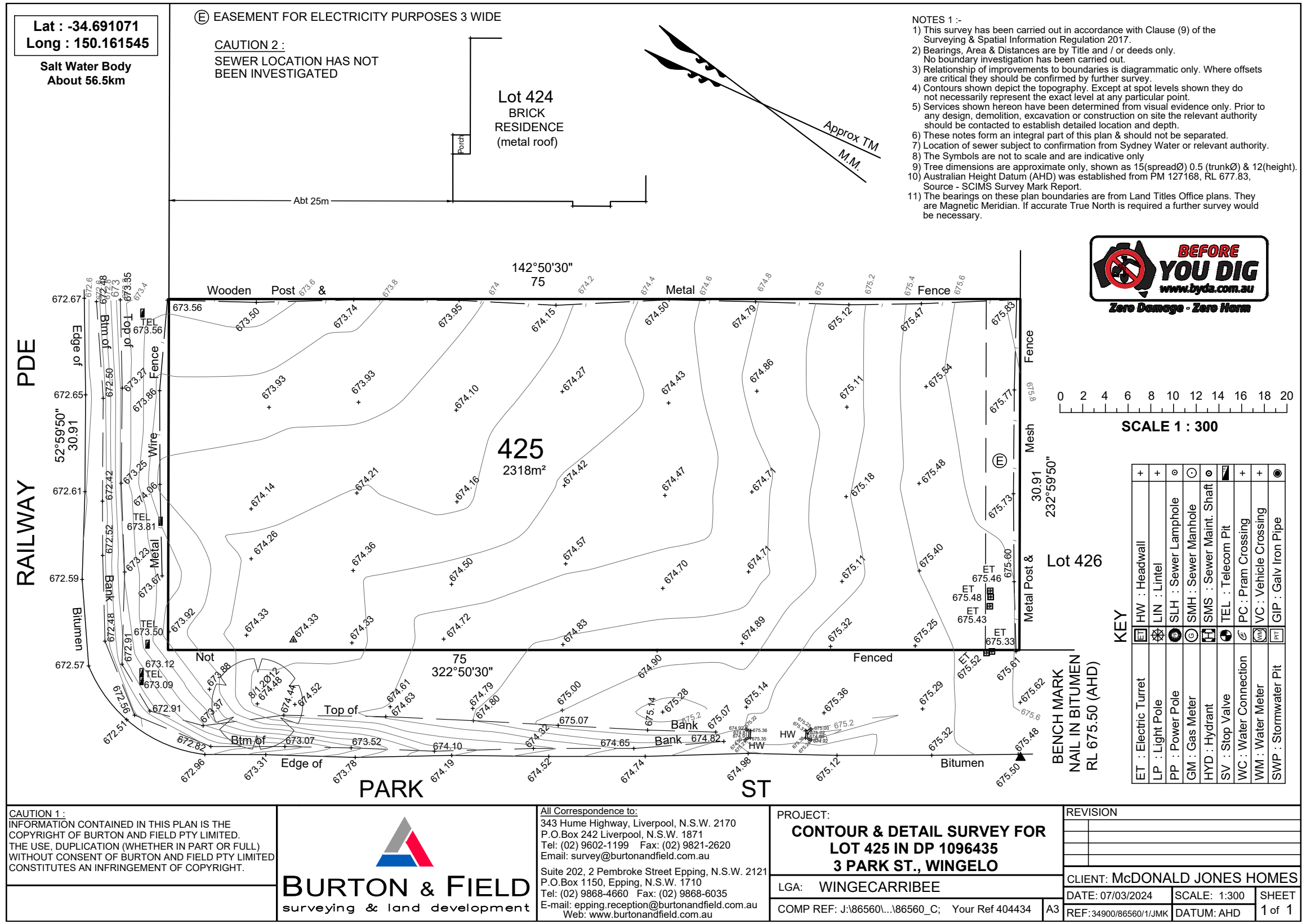
**Reason:** *To ensure that the development is completed as per this consent and the approved plans.*

**47. House Numbering**

A street house number being 75mm on house and no less than 42mm on mailbox (allocated by Council), shall be prominently displayed so that it is visible from the street / road prior to issue of the Occupation Certificate.

**Reason:** *To ensure that the property is easily identifiable.*

**END OF CONDITIONS**







**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 22 JANUARY 2025**

REFER TO SHEET 1 (COVER SHEET) FOR ALL BUILDING INFORMATION REGARDING:  
- SUSTAINABILITY REQUIREMENTS  
- SITE CLASSIFICATION  
- GENERAL BUILDING INFORMATION

**±100mm TOLERANCE TO NOMINATED FINISHED FLOOR LEVELS.**  
SUBJECT TO MAXIMUM DRIVEWAY PROFILE AND/OR ANY FLOOD RELATED LEVELS

(E) EASEMENT FOR ELECTRICITY PURPOSES 3 WIDE

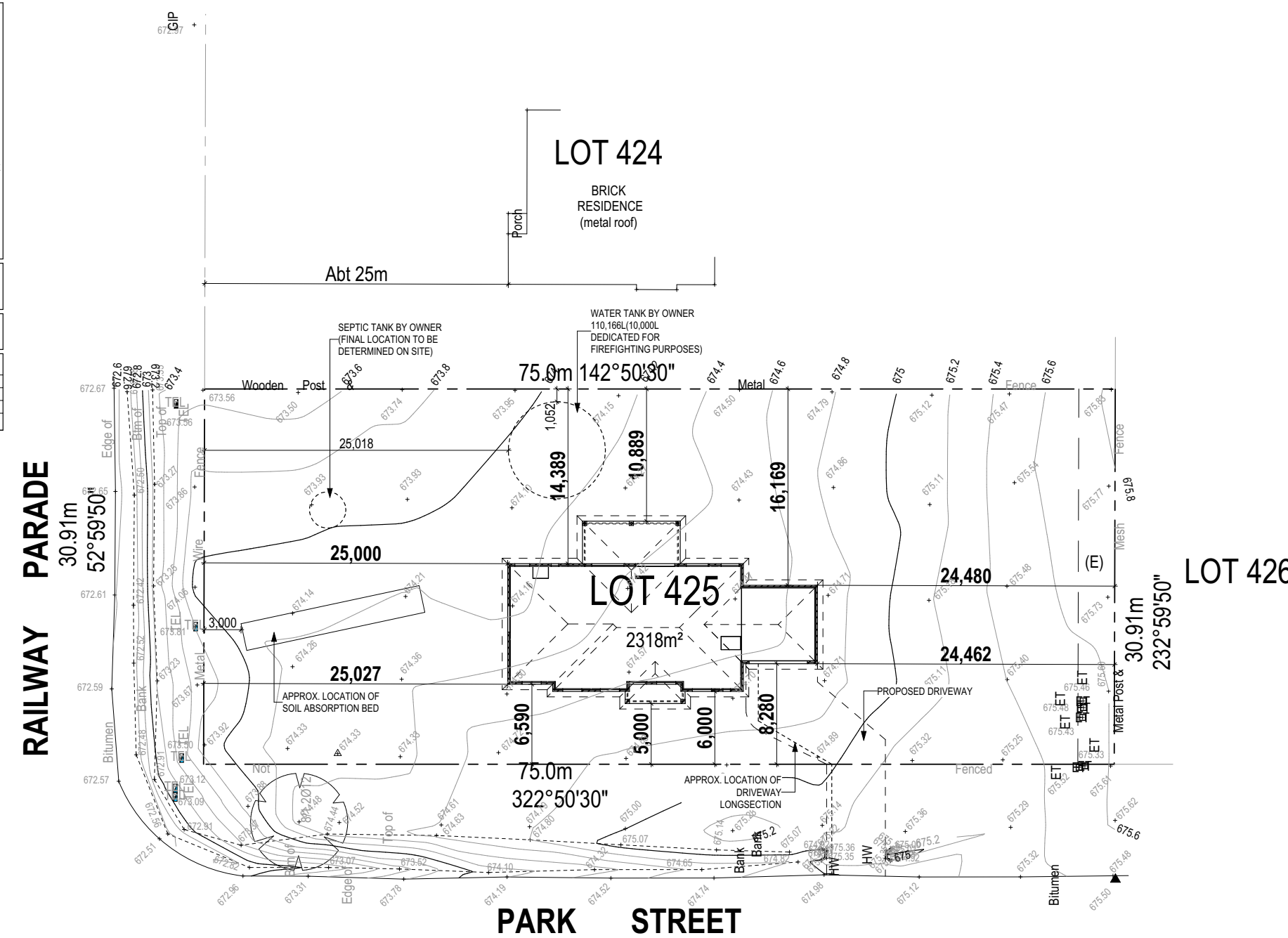
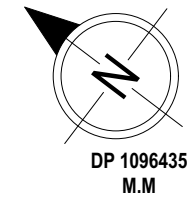
STORMWATER LAYOUT IS DIAGRAMMATIC ONLY AND NO REPRESENTATION IS MADE AS TO THE AS-BUILT LOCATION OF STORMWATER ASSETS (INCLUDING SURFACE INLET PITS) OR THE TYPE OF SYSTEM USED (CHARGED OR GRAVITY FED). ALL STORMWATER DESIGN IS SUBJECT TO CONTRACTORS RECOMMENDATIONS AND/OR ANY CONSTRUCTION CONSTRAINTS OR CHANGES AT THE DISCRETION OF THE BUILDER. THE STORMWATER SYSTEM IS NOT SUITABLE FOR ANY OTHER USE. ALL SURFACE WATER DRAINAGE MUST BE MANAGED BY OWNER INCLUDING INSTALLATION OF ADDITIONAL DISCHARGE LINES AND INLETS AS REQUIRED. THE BUILDER PROVIDES CAPACITY FOR DISPOSAL OF ROOF COLLECTED STORMWATER ONLY AND TAKES NO RESPONSIBILITY FOR OVERFLOW OR DAMAGE TO PROPERTY IF OWNER ADDS ADDITIONAL DISCHARGE LOADS TO EXISTING STANDARD PROVISIONS.

DRIVEWAY AND RETAINING WALLS BY OWNER UNLESS NOTED OTHERWISE IN THE SCOPE OF WORK AND/OR COLOUR SELECTIONS DOCUMENTATION.

PROPOSED TREES BY OWNER AFTER HANDOVER UNLESS NOTED OTHERWISE IN THE TENDER DOCUMENTATION.

APPROX. CUT/FILL	
CUT	26.38m <sup>3</sup> 59.36L
FILL	26.40m <sup>3</sup> 59.40L
DIFFERENCE	0.02m <sup>3</sup> 0.05L
EVEN CUT & FILL	

**BAL-12.5 BUSHFIRE REQUIREMENTS**  
SEE SHEET 1 (COVER SHEET) FOR DETAILS



**SUBJECT TO NCC 2022  
(1 OCT 2023 + 7 STAR BASIX)  
WATERPROOFING & PLUMBING  
CONDENSATION MANAGEMENT  
ENERGY EFFICIENCY**

**PRELIM. CONSTRUCTION DRAWING**

DATE: 05/06/2024  
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	8 RELOCATED WATERTANK	SRE 16/10/2024	425 / - / 1096435	LOCALITY PLAN	2 / 17
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REFER TO SHEET 1 (COVER SHEET) FOR ALL BUILDING INFORMATION REGARDING:  
 - SUSTAINABILITY REQUIREMENTS  
 - SITE CLASSIFICATION  
 - GENERAL BUILDING INFORMATION

STORMWATER LAYOUT IS DIAGRAMMATIC ONLY AND NO REPRESENTATION IS MADE AS TO THE AS-BUILT LOCATION OF STORMWATER ASSETS (INCLUDING SURFACE INLET PITS) OR THE TYPE OF SYSTEM USED (CHARGED OR GRAVITY FED). ALL STORMWATER DESIGN IS SUBJECT TO CONTRACTORS RECOMMENDATIONS AND/OR ANY CONSTRUCTION CONSTRAINTS OR CHANGES AT THE DISCRETION OF THE BUILDER. THE STORMWATER SYSTEM IS NOT SUITABLE FOR ANY OTHER USE. ALL SURFACE WATER DRAINAGE MUST BE MANAGED BY OWNER INCLUDING INSTALLATION OF ADDITIONAL DISCHARGE LINES AND INLETS AS REQUIRED. THE BUILDER PROVIDES CAPACITY FOR DISPOSAL OF ROOF COLLECTED STORMWATER ONLY AND TAKES NO RESPONSIBILITY FOR OVERFLOW OR DAMAGE TO PROPERTY IF OWNER ADDS ADDITIONAL DISCHARGE LOADS TO EXISTING STANDARD PROVISIONS.

ALL PLUMBING FIXTURES AND FITTINGS CONNECTED TO WATER TANK

NOTE TO PLUMBER: ROOF WATER FROM COLLECTION AREAS  
 TO BE DIVERTED TO WATER TANK. BALANCE TO STREET KERB.  
 COLLECTION AREA = 311.84m<sup>2</sup>

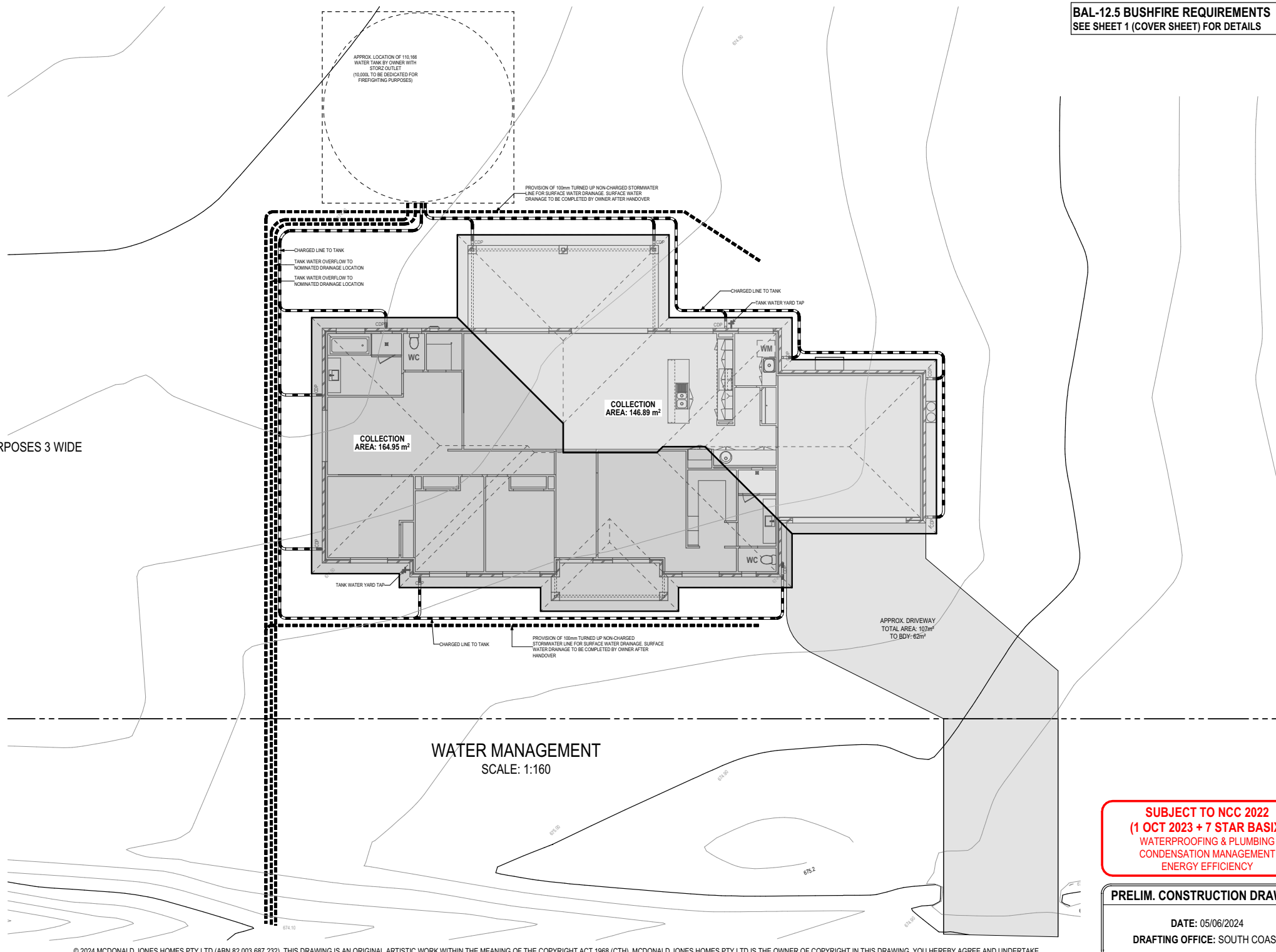
ALL STORMWATER OVERFLOW OTHER THAN THAT BEING DIRECTED TO WATER TANK(S) TO BE DIRECTED TO STREET KERB.

(E) EASEMENT FOR ELECTRICITY PURPOSES 3 WIDE

**LEGEND**

WATER PUMP IN ACC. WITH LOCAL WATER AUTHORITY REQUIREMENTS  
 TANK CAPACITY TO BE MAINTAINED AT MINIMUM 10% CAPACITY  
 ALL RECY. WATER TO BE IN APPROVED COLOUR CODED PIPEWORK (PURPLE)  
 ALL DRAINAGE LINES ARE FOR ROOF WATER / WATER TANK DRAINAGE ONLY

SDP	STANDARD DOWNPIPE
CDP	CHARGED DOWNPIPE
	RECYCLED COLD WATER LINE
	TANK COLD WATER LINE
	WATER LINE TO MAIN SUPPLY
	NON-CHARGED STORMWATER LINE
	CHARGED STORMWATER LINE
WM	WASHING MACHINE
WC	TOILET
+	YARD TAP



**BAL-12.5 BUSHFIRE REQUIREMENTS**  
 SEE SHEET 1 (COVER SHEET) FOR DETAILS

**SUBJECT TO NCC 2022  
 (1 OCT 2023 + 7 STAR BASIX)  
 WATERPROOFING & PLUMBING  
 CONDENSATION MANAGEMENT  
 ENERGY EFFICIENCY**

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	8 RELOCATED WATERTANK	SRE 16/10/2024	425 / - / 1096435	WATER MANAGEMENT PLAN	4 / 17	
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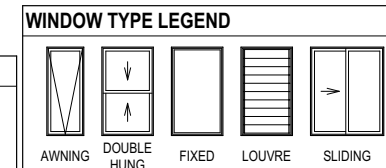
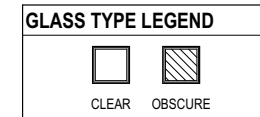
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**FRONT ELEVATION (SOUTH-WEST) (BAL-12.5)  
SCALE: 1:100**



**REAR ELEVATION (NORTH-EAST) (BAL-12.5)  
SCALE: 1:100**



**SUBJECT TO NCC 2022  
(1 OCT 2023 + 7 STAR BASIX)  
WATERPROOFING & PLUMBING  
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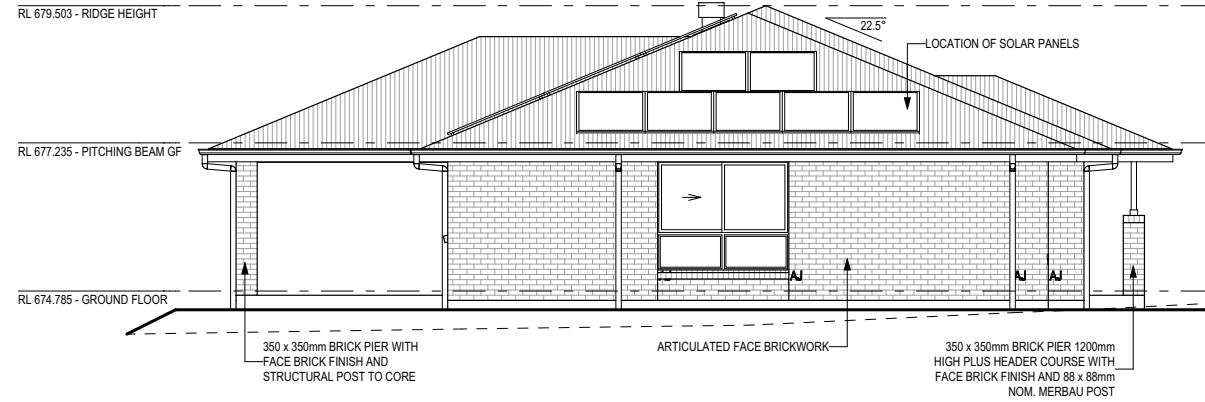
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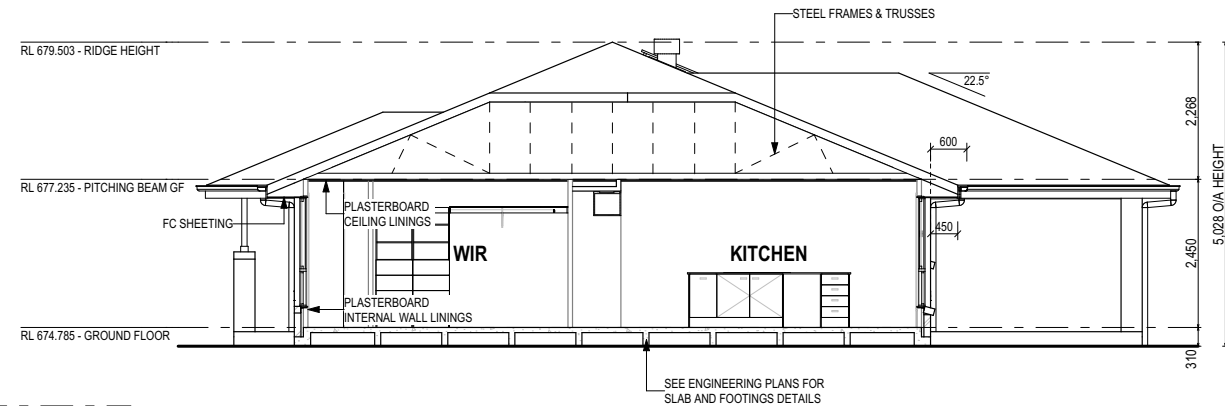
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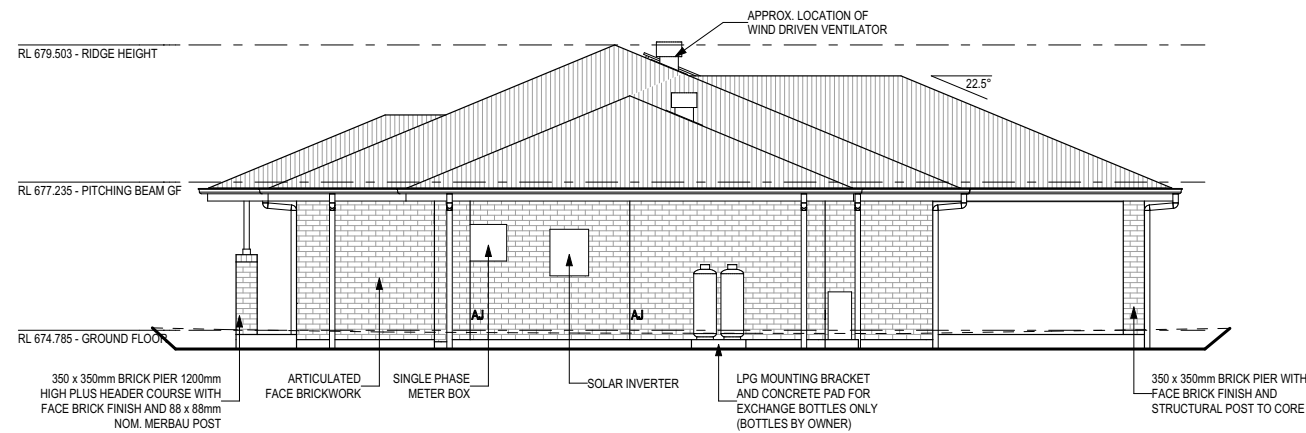
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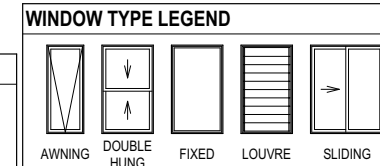
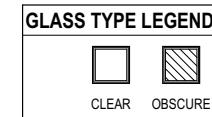
**LEFT ELEVATION (NORTH-WEST) (BAL-12.5)  
SCALE: 1:100**



**SECTION A-A  
SCALE: 1:100**



**RIGHT ELEVATION (SOUTH-EAST) (BAL-12.5)  
SCALE: 1:100**



**SUBJECT TO NCC 2022  
(1 OCT 2023 + 7 STAR BASIX)  
WATERPROOFING & PLUMBING  
CONDENSATION MANAGEMENT  
ENERGY EFFICIENCY**

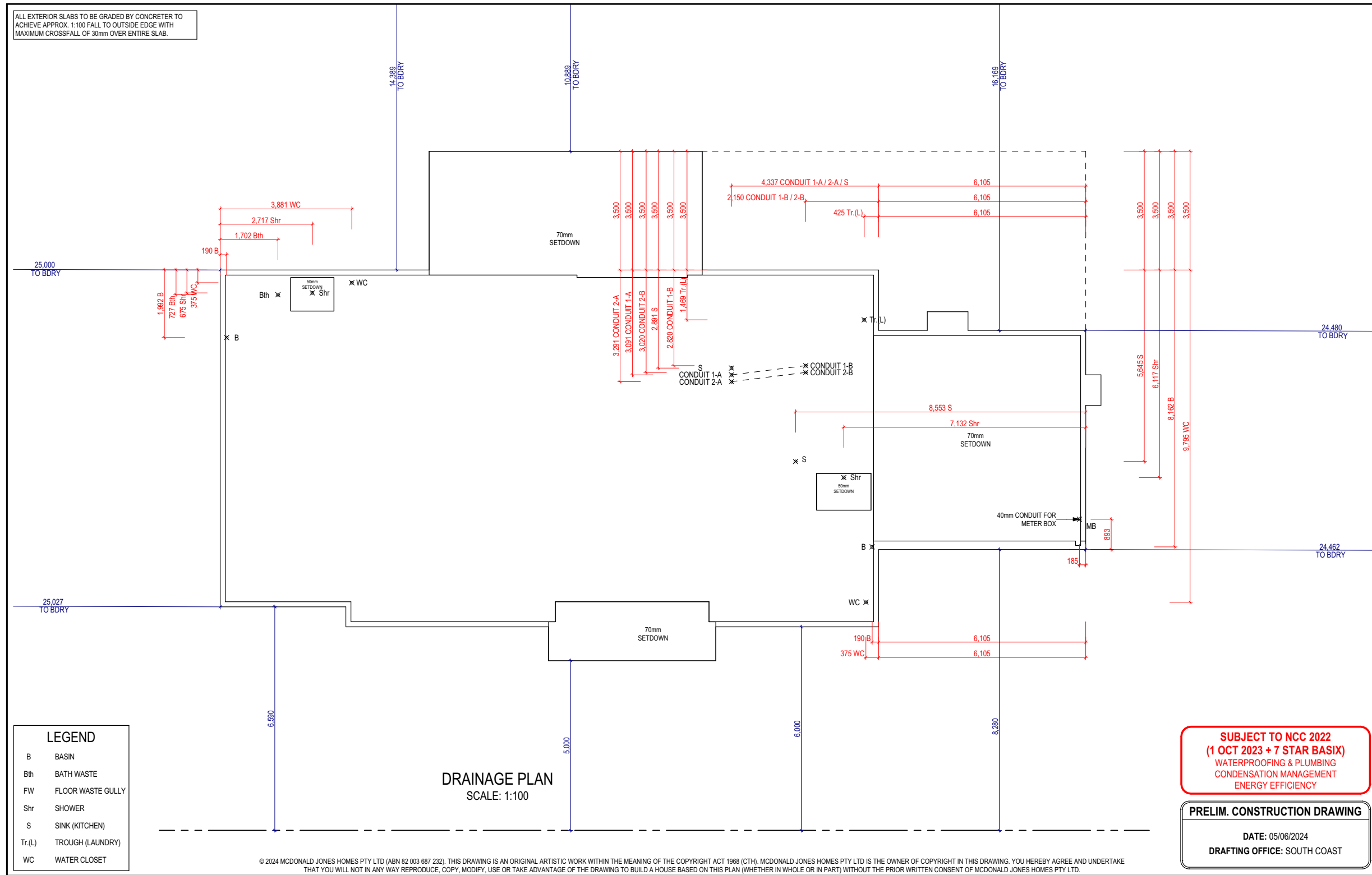
**PRELIM. CONSTRUCTION DRAWING**  
DATE: 05/06/2024  
DRAFTING OFFICE: SOUTH COAST

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 FIND YOURSELF AT HOME	SPECIFICATION:	REVISION	DRAWN	CLIENT:	HOUSE DESIGN:	HOUSE CODE:	DO NOT SCALE DRAWINGS. USE FIGURED DIMENSIONS ONLY. CHECK AND VERIFY DIMENSIONS AND LEVELS PRIOR TO THE COMMENCEMENT OF ANY WORK. ALL DISCREPANCIES TO BE REPORTED TO THE DRAFTING OFFICE.  <b>404434</b>
	NOW	4 WORKING DRAWINGS	LLE 26/04/2024	HELEN ELIZABETH BREARLEY	EVORA	H-MNWEVR10SA	
	COPYRIGHT:	5 PCV001 - INTERNAL SELECTIONS	TNG 15/05/2024	ADDRESS:	FAÇADE DESIGN:	FAÇADE CODE:	
	© 2024	6 BASIX CERTIFICATE	MFS 22/05/2024	5 PARK STREET, WINGELLO NSW 2579	CLASSIC	F-MNWEVR10CLASA	
		7 PRELIMINARY CONSTRUCTION STAMP APPLIED	SRE 05/06/2024	LOT / SECTION / DP:	SHEET TITLE:	SHEET No.:	
		8 RELOCATED WATERTANK	SRE 16/10/2024	425 / - / 1096435	ELEVATIONS / SECTION	8 / 17	
				COUNCIL:	SCALES:	1:100	
				WINGECARRIBEE SHIRE COUNCIL			

Last Published: Wednesday, 16 October 2024 9:49 AM  
File Location: G:\South Coast\Drafting\Job Files\40404434\40404434 - Breary\Plan Model\404434 Breary - AC24.rvt  
Template Version: 24.036

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 22 JANUARY 2025**



**LEGEND**

B	BASIN
Bth	BATH WASTE
FW	FLOOR WASTE GULLY
Shr	SHOWER
S	SINK (KITCHEN)
Tr.(L)	TROUGH (LAUNDRY)
WC	WATER CLOSET

**SUBJECT TO NCC 2022  
(1 OCT 2023 + 7 STAR BASIX)  
WATERPROOFING & PLUMBING  
CONDENSATION MANAGEMENT  
ENERGY EFFICIENCY**

**PRELIM. CONSTRUCTION DRAWING**

DATE: 05/06/2024  
DRAFTING OFFICE: SOUTH COAST

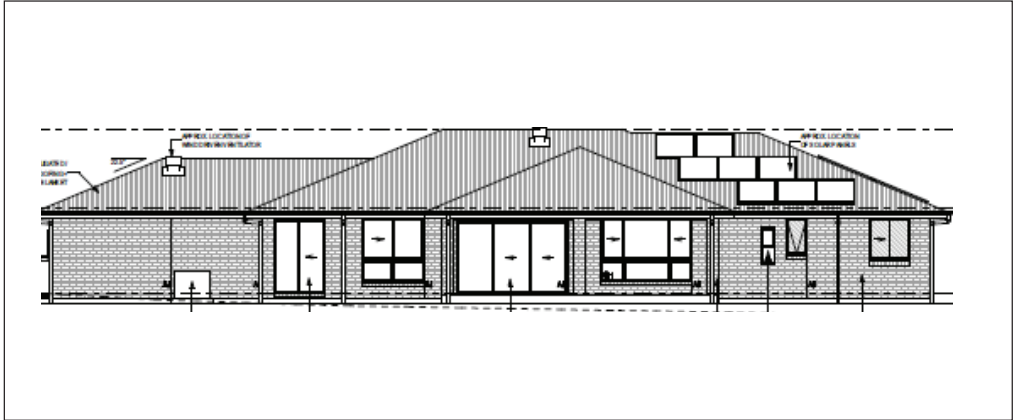


SPECIFICATION: <b>NOW</b> COPYRIGHT: © 2024		REVISION	DRAWN	CLIENT:	HOUSE DESIGN:	HOUSE CODE:	DO NOT SCALE DRAWINGS. USE FIGURED DIMENSIONS ONLY. CHECK AND VERIFY DIMENSIONS AND LEVELS PRIOR TO THE COMMENCEMENT OF ANY WORK. ALL DISCREPANCIES TO BE REPORTED TO THE DRAFTING OFFICE. <b>404434</b>	
	4	WORKING DRAWINGS	LLE	26/04/2024	HELEN ELIZABETH BREARLEY	H-MNWEVR10SA		
	5	PCV001 - INTERNAL SELECTIONS	TNG	15/05/2024	ADDRESS:	FACADE DESIGN:		FACADE CODE:
	6	BASIX CERTIFICATE	MFS	22/05/2024	5 PARK STREET , WINGELLO NSW 2579	CLASSIC		F-MNWEVR10CLASA
	7	PRELIMINARY CONSTRUCTION STAMP APPLIED	SRE	05/06/2024	LOT / SECTION / DP:	SHEET TITLE:		SHEET No.:
	8	RELOCATED WATERTANK	SRE	16/10/2024	425 / - / 1096435	DRAINAGE PLAN		17 / 17
					COUNCIL:			SCALES:
					WINGECARRIBEE SHIRE COUNCIL			1:100



# External Palette

Job Number and Surname: 404434 Brearley  
MyChoice Style: contempo



Brick Range & Colour:  
**EVERYDAY LIFE  
LEISURE**



Roof & Gutter :  
**Colorbond  
MONUMENT**



Fascia:  
**Colorbond DOVER  
WHITE**



Garage  
Door:MONUMENT



Front Door:PALE SLATE



Windows:  
MONUMENT



POSTS  
**Taubmans PALE SLATE**



DOWNPIPES  
MONUMENT



**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 22 JANUARY 2025**

**LEGEND:**

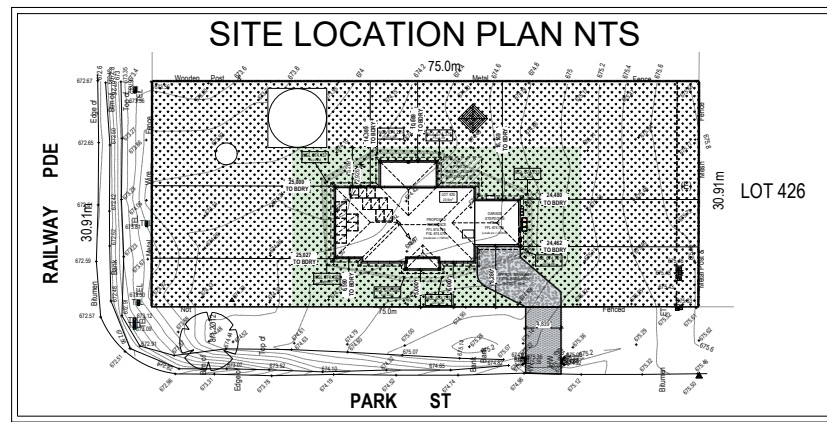
- SELECTED FRONT SEMI-ADVANCED TREE
- SELECTED REAR SEMI-ADVANCED TREE
- GATE TO MATCH FENCING
- LETTERBOX REFER TO NOTE 1.
- BIN STORE
- BRICK EDGING
- SELECTED AUSTRALIAN NATIVE, DROUGHT TOLERANT PLANTS
- EXISTING FENCING
- 1.2m - 1.8m RURAL STYLE POST AND WIRE MESH FENCE
- TURF (SIR WALTER BUFFALO)
- PERMEABLE PEBBLE AND SUBSTRATA
- SCORIA PEBBLE

APPROX. LOCATION OF WATER TANK BY OWNER (10,000L TO BE DEDICATED FOR FIREFIGHTING PURPOSES)

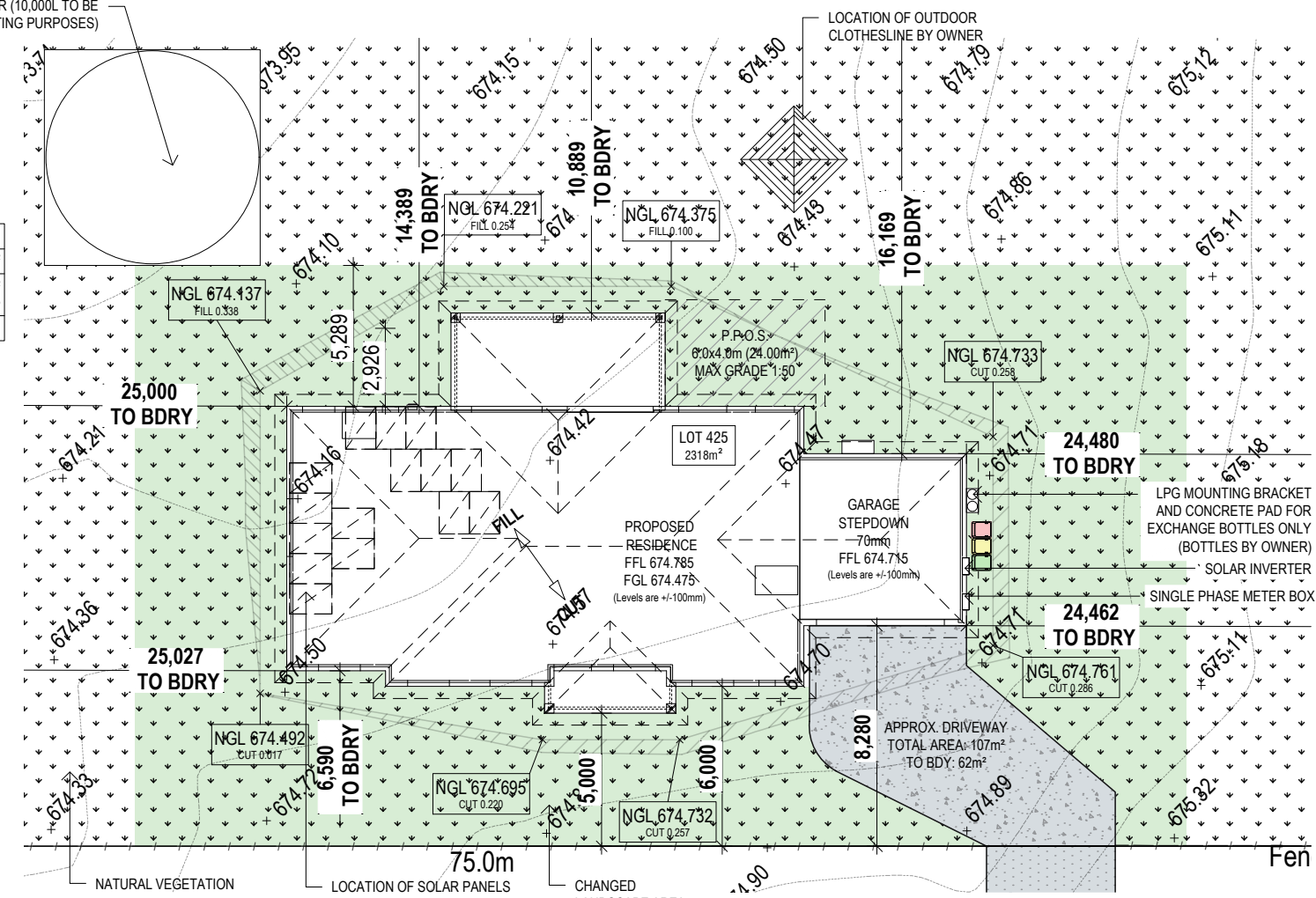
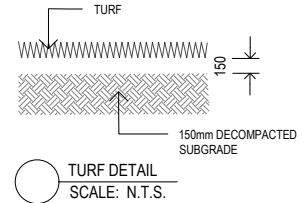
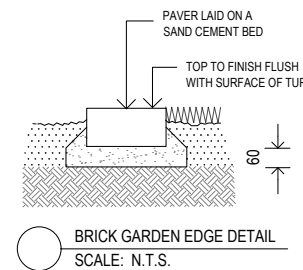
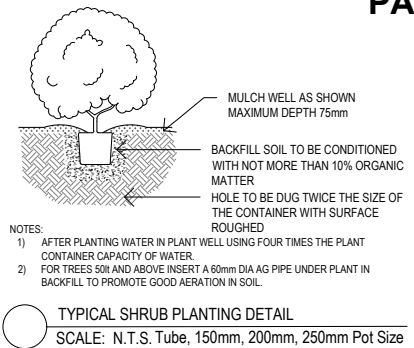
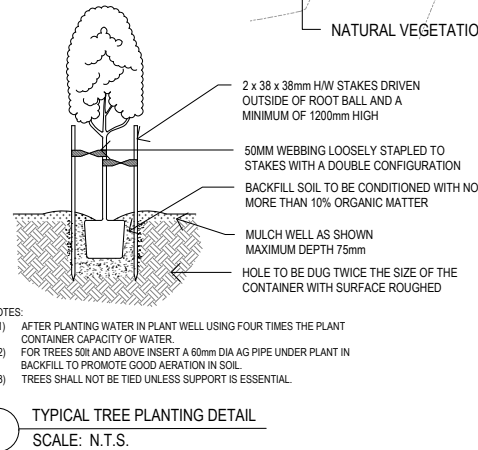
**VEGETATION BUFFER OF BUSH FIRE MAINTENANCE AND PROTECTION PROCEDURES.**

LANDSCAPE PLAN HAS BEEN PREPARED IN ACCORDANCE WITH WINGECARRIBEE SHIRE COUNCIL.

OVERALL LANDSCAPED AREA		CHANGED LANDSCAPED AREA	
TOTAL SITE AREA:	2318m <sup>2</sup>	TOTAL SITE AREA:	2318m <sup>2</sup>
TOTAL LANDSCAPE AREA: (EXCLUDES HARD SURFACES)	2043.45m <sup>2</sup> 88.15%	CHANGED LANDSCAPE AREA: (EXCLUDES HARD SURFACES)	500m <sup>2</sup> -%
MIN. REQUIRED:	35% or >90m <sup>2</sup>	MIN. REQUIRED:	-m <sup>2</sup>



- BUSH FIRE MAINTENANCE AND PROTECTION PROCEDURES**
- BUSH FIRE PRONE LAND HAS LANDSCAPE PLANTING DESIGNED TO SUIT NSW RURAL FIRE SERVICE CATEGORY GUIDELINES.
  - IN ACCORDANCE WITH BUSHFIRE PROTECTION, ALL LAWNS AGAINST THE HOUSE ARE TO BE LOW CUT.
  - WITH COUNCIL PERMISSION, TREES AND VEGETATION ARE TO BE TRIMMED BACK TO AVOID BRANCHES OVERHANGING THE HOUSE AND OVERHANGING POWER/TOWER LINES.
  - GARDEN BEDS TO BE CLEAR OF LEAF LITTER, TWIGS AND OTHER DEBRIS.
- MAINTENANCE PROCEDURES**
- LAWN TO BE FERTILISED TWICE A YEAR IN THE WARM MONTHS, MOWING WEEKLY IN SUMMER MONTHS AND FORTNIGHTLY OR MONTHLY AS REQUIRED IN THE WINTER MONTHS.
  - PLANTS TO BE FERTILISED A MINIMUM OF TWICE A YEAR AT THE SAME TIME OF PRUNING, TO DO THIS USE A COMPLETE FERTILISER. KEEP MULCH CLEAR OF TREE TRUNK AREA. AFTER PLANT/SHRUBS AND TREES ARE PLANTED CONTINUE TO WATER WELL ONCE A WEEK.
  - PRUNE HEDGE PLANTS A MINIMUM OF 2 - 3 TIMES A YEAR, IN THE WARMER MONTHS. WAIT FOR AT LEAST 10MM OF NEW GROWTH BEFORE PRUNING AGAIN TO PROMOTE HEALTHY NEW GROWTH.
- NOTES:**
- LETTERBOX PROVIDED TO AUSTRALIA POST REQUIREMENTS CLEARLY DISPLAYING HOUSE NUMBER.
  - ALL LANDSCAPED AREAS TO HAVE A MINIMUM 1:100 FALL TOWARDS STORM WATER DRAINS. OR AWAY FROM THE BUILDING FOR POSSIBLE OVERLAND WATER DRAINAGE.
  - A TREE PROTECTION ZONE (TPZ) SHALL BE ESTABLISHED FOR THE DURATION OF ANY WORKS NEAR ANY EXISTING TREES, AS PER THE METHOD OUTLINED IN THE CURRENT AS4970-2009. PERMISSION FROM THE COUNCIL ARBORIST IS REQUIRED FOR ACTIVITIES THAT DO NOT COMPLY WITH THE CURRENT AUSTRALIAN STANDARDS.
  - DRIVEWAY LAYOUT TO BE CONSTRUCTED FROM ARCHITECTURAL CONSTRUCTION DRAWINGS.
  - RETAINING WALLS ALONG SIDE BOUNDARIES BETWEEN LOTS TO BE FINALISED ON SITE AFTER BENCHING.
  - ALL RETAINING WALLS VISIBLE FROM THE STREET TO BE MASONRY WITH COLOURS MATCHING THOSE ON THE FRONT FACADE OF THE DWELLING.
  - ALL IMPORTED SOIL TO GARDEN AREAS TO BE OF PREMIUM GARDEN MIX STANDARD AT 300MM DEPTH.
  - TURF TO BE LAID ON A 150MM MINIMUM BASE OF 80% SAND 20% SOIL MIX. REFER TO DETAIL.
  - ALL GARDEN AREAS TO BE COVERED WITH A MINIMUM OF 75MM OF 10MM SCORIA PEBBLE.
  - GARDEN EDGING IS TO BE INSTALLED BETWEEN ALL ADJOINING SOFT LANDSCAPE FINISHES. REFER TO DETAIL.



(E) EASEMENT FOR ELECTRICITY PURPOSES 3 WIDE



REV	ISSUE / DESCRIPTION	DATE	CHECKED
A	Initial design for DA	02.05.24	KR



**MYARD PTY LTD**  
 ABN 63 602 735 777  
 info@myard.com.au  
 www.myard.com.au  
 P 02 8801 1825  
 Unit 2, 63 Glendenning Road,  
 Glendenning NSW 2761

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**GENERAL NOTES:**

Prior to being used for construction, the Principal Contractor must ensure that they are in possession of a Construction Certificate and all other required Council approvals. All works are to comply with B.C.A. Statutory Authorities and relevant Australian Standards. Contractors must verify all dimensions on site before commencing fabrication or preparation of workshop drawings, and verify all errors and omissions with the Architect. Use figured dimensions only. Do not scale from drawings. Position of all services on site to be confirmed prior to commencement of construction.

PLAN DRAWINGS PREPARED FOR DEVELOPMENT APPLICATION ONLY. PLAN IS NOT TO BE USED FOR CONSTRUCTION PURPOSES

SCALE: 1:200@A3

DRAWING NO. LP-25688

CLIENT NO: 404434

COUNCIL: WINGECARRIBEE

DRAWN: AVS

PAGE NO: 1/1

REVISION A

NORTH

DRAWING TITLE: DA LANDSCAPE PLAN

CLIENT: MCDONALD JONES HOMES

ADDRESS: LOT 425, DP 1096435, 5 PARK STREET, WINGELLO, NSW 2579.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 22 JANUARY 2025**

# BASIX<sup>®</sup> Certificate

Building Sustainability Index [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)

## Single Dwelling

Certificate number: 1748541S

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 10/09/2020 published by the Department. This document is available at [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)

**Secretary**

Date of issue: Wednesday, 22 May 2024

To be valid, this certificate must be submitted with a development application or lodged with a complying development certificate application within 3 months of the date of issue.



Project summary		
Project name	404434	
Street address	5 PARK Street WINGELLO 2579	
Local Government Area	Wingecarribee Shire Council	
Plan type and plan number	Deposited Plan DP1096435	
Lot no.	425	
Section no.	-	
Project type	dwelling house (detached)	
No. of bedrooms	4	
Project score		
Water	✓ 40	Target 40
Thermal Performance	✓ Pass	Target Pass
Energy	✓ 90	Target 63
Materials	✓ -73	Target n/a

Certificate Prepared by
Name / Company Name: Energy Advance
ABN (if applicable): 17609332014

## Description of project

Project address	
Project name	404434
Street address	5 PARK Street WINGELLO 2579
Local Government Area	Wingecarribee Shire Council
Plan type and plan number	Deposited Plan DP1096435
Lot no.	425
Section no.	-
Project type	
Project type	dwelling house (detached)
No. of bedrooms	4
Site details	
Site area (m <sup>2</sup> )	2318
Roof area (m <sup>2</sup> )	312
Conditioned floor area (m <sup>2</sup> )	165.45
Unconditioned floor area (m <sup>2</sup> )	13.43
Total area of garden and lawn (m <sup>2</sup> )	500
Roof area of the existing dwelling (m <sup>2</sup> )	0

Assessor details and thermal loads		
Assessor number	DMN/14/1662	
Certificate number	578SY7XD69	
Climate zone	24	
Area adjusted cooling load (MJ/m <sup>2</sup> .year)	12	
Area adjusted heating load (MJ/m <sup>2</sup> .year)	107	
Project score		
Water	✔ 40	Target 40
Thermal Performance	✔ Pass	Target Pass
Energy	✔ 90	Target 63
Materials	✔ -73	Target n/a

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 22 JANUARY 2025**

**Schedule of BASIX commitments**

The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

Water Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
<b>Fixtures</b>			
The applicant must install showerheads with a minimum rating of 3 star (> 7.5 but <= 9 L/min) in all showers in the development.		✓	✓
The applicant must install a toilet flushing system with a minimum rating of 4 star in each toilet in the development.		✓	✓
The applicant must install taps with a minimum rating of 4 star in the kitchen in the development.		✓	
The applicant must install basin taps with a minimum rating of 5 star in each bathroom in the development.		✓	
<b>Alternative water</b>			
<b>Rainwater tank</b>			
The applicant must install a rainwater tank of at least 100000 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.	✓	✓	✓
The applicant must configure the rainwater tank to collect rain runoff from at least 110 square metres of the roof area of the development (excluding the area of the roof which drains to any stormwater tank or private dam).		✓	✓
The applicant must connect the rainwater tank to: <ul style="list-style-type: none"> <li>• all toilets in the development</li> <li>• the cold water tap that supplies each clothes washer in the development</li> <li>• at least one outdoor tap in the development (Note: NSW Health does not recommend that rainwater be used for human consumption in areas with potable water supply.)</li> </ul>		✓ ✓ ✓	✓ ✓ ✓

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 22 JANUARY 2025**

Thermal Performance and Materials commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
<b>Simulation Method</b>			
Assessor details and thermal loads			
The applicant must attach the certificate referred to under "Assessor Details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a complying development certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for an occupation certificate for the proposed development.			
The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.			
The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX certificate, including the Cooling and Heating loads shown on the front page of this certificate and the "Construction" and "Glazing" tables below.			
The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Assessor Certificate requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor to certify that this is the case. The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.	✓	✓	✓
The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or application for a complying development certificate which were used to calculate those specifications.		✓	✓
The applicant must show on the plans accompanying the development application for the proposed development, the locations of ceiling fans set out in the Assessor Certificate. The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), the locations of ceiling fans set out in the Assessor Certificate.	✓	✓	✓

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 22 JANUARY 2025**

Thermal Performance and Materials commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Construction			
The applicant must construct the floors, walls, roofs, ceilings and glazing of the dwelling in accordance with the specifications listed in the tables below.	✔	✔	✔
The applicant must show through receipts that the materials purchased for construction are consistent with the specifications listed in the tables below.			✔

Construction	Area - m <sup>2</sup>	Insulation
floor - concrete slab on ground, conventional slab.	274.48	none
garage floor - concrete slab on ground, waffle pod slab.	40.37	none
external wall: brick veneer; frame: light steel frame.	all external walls	fibreglass batts or roll
external garage wall: brick veneer; frame: light steel frame.	45.6	none
internal wall: plasterboard; frame: light steel frame.	25.8	fibreglass batts or roll
internal wall: plasterboard; frame: light steel frame.	144.8	none
ceiling and roof - flat ceiling / pitched roof, framed - metal roof, light steel frame.	311.84	ceiling: fibreglass batts or roll; roof: foil backed blanket.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 22 JANUARY 2025**

Thermal Performance and Materials commitments		Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Glazing				
The applicant must install windows, glazed doors and skylights as described in the table below, in accordance with the specifications listed in the table.		✓	✓	✓
Frames		Maximum area - m2		
aluminium		39.11		
timber		1.03		
uPVC		0		
steel		0		
composite		0		
Glazing		Maximum area - m2		
single		1.03		
double		39.11		
triple		0		






**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 22 JANUARY 2025**

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
<b>Hot water</b>			
The applicant must install the following hot water system in the development, or a system with a higher energy rating: gas instantaneous with a performance of 6 stars.	✓	✓	✓
<b>Cooling system</b>			
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning - ducted; Energy rating: EER 3.0 - 3.5		✓	✓
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning - ducted; Energy rating: EER 3.0 - 3.5		✓	✓
<b>Heating system</b>			
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning - ducted; Energy rating: EER 3.0 - 3.5		✓	✓
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning - ducted; Energy rating: EER 3.0 - 3.5		✓	✓
<b>Ventilation</b>			
The applicant must install the following exhaust systems in the development:			
At least 1 Bathroom: individual fan, ducted to façade or roof; Operation control: please select		✓	✓
Kitchen: individual fan, ducted to façade or roof; Operation control: manual switch on/off		✓	✓
Laundry: natural ventilation only, or no laundry; Operation control: n/a		✓	✓
<b>Artificial lighting</b>			
The applicant must ensure that a minimum of 80% of light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✓	✓
<b>Natural lighting</b>			
The applicant must install a window and/or skylight in the kitchen of the dwelling for natural lighting.	✓	✓	✓

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 22 JANUARY 2025**

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check			
The applicant must install a window and/or skylight in 3 bathroom(s)/toilet(s) in the development for natural lighting.	✓	✓	✓			
<b>Alternative energy</b>						
The applicant must install a photovoltaic system as part of the development. The applicant must connect this system to the development's electrical system.	✓	✓	✓			
The photovoltaic system must consist of: <ul style="list-style-type: none"> <li>• one set of photovoltaic collectors with the capacity to generate at least 3.52 peak kilowatts of electricity, installed at an angle between 10 degrees and 25 degrees to the horizontal facing north east</li> <li>• another set of photovoltaic collectors with the capacity to generate at least 3.08 peak kilowatts of electricity, installed at an angle between 10 degrees and 25 degrees to the horizontal facing north west</li> </ul>	✓	✓	✓			
✓	✓	✓	<b>Other</b>			
The applicant must install a gas cooktop & electric oven in the kitchen of the dwelling.		✓				
The applicant must install a fixed outdoor clothes drying line as part of the development.		✓				

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 22 JANUARY 2025**

<b>Legend</b>
In these commitments, "applicant" means the person carrying out the development.
Commitments identified with a  in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
Commitments identified with a  in the "Show on CC/CDC plans and specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
Commitments identified with a  in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate (either interim or final) for the development may be issued.

REF: 6270WW

VERSION [1.1]

APRIL 22, 2024



## SOIL AND SITE ASSESSMENT FOR ONSITE WASTEWATER DISPOSAL

3 PARK STREET, WINGELLO, NSW

LGA: Wingecarribee

Lot 425 DP 1096435

Client: Mike Brearley

HARRIS ENVIRONMENTAL CONSULTING

PO BOX 70, JAMBEROO, 2533, NSW

TEL: (02) 4236 0954

Info@hec.eco

# AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 JANUARY 2025

SOIL AND SITE ASSESSMENT FOR ONSITE WASTEWATER DISPOSAL ON 3 PARK STREET, WINGELLO, NSW

---

## VERSION CONTROL

Title	Soil and Site Assessment for Onsite Wastewater Disposal			
Site address	3 Park Street, Wingello, NSW			
Description	Proposed dwelling			
Created By	Katherine Rose Kilpatrick B. Sci. (Geology) (UOW)			
Date Created	31/07/2023			
Version Number	Modified By	Modifications Made	Date Modified	Status
[1.0]	K.K.	Issue for client review	11/08/2023	Complete
[1.1]	K.K.	Issue for client review – change of plans	22/04/2024	Complete

### Limitations

The findings and recommendations in this report are based on the objectives and scope of work outlined above. Harris Environmental Consulting performed the services in a manner consistent with the normal level of care and expertise exercised by members of the environmental assessment profession. The report and conclusions are based on the information obtained at the time of the assessment. Changes to the site conditions may occur subsequent to the investigation described herein, through natural processes or through the intentional or accidental addition of contaminants, and these conditions may change with space and time. The results of this assessment are based upon site assessment conducted by HEC personnel and information provided by the client and site management. All conclusions regarding the property are the professional opinions of the HEC personnel involved with the project, subject to the qualifications made above. While normal assessments of data reliability have been made, HEC assumes no responsibility or liability for errors in any data obtained from regulatory agencies, information from sources outside of HEC, or developments resulting from situations outside the scope of this project.

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**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 22 JANUARY 2025**

SOIL AND SITE ASSESSMENT FOR ONSITE WASTEWATER DISPOSAL ON 3 PARK STREET, WINGELLO, NSW

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## 1. INTRODUCTION

The owners of Lot 425 DP 1096435, located on 3 Park Street, Wingello, NSW propose to construct a 3-bedroom dwelling on this 2320m<sup>2</sup> property located in the Wingecarribee Local Government Area.

Fieldwork was undertaken by Harris Environmental Consulting (HEC) on the 26<sup>th</sup> of July 2023. This plan is based on the primary investigation of the soils, topography, and hydrology of the site observed on the day of inspection. Soil samples and photos of the site were taken for further analysis. This assessment was undertaken for a proposal to install an Aerated Wastewater Treatment System (AWTS) for wastewater treatment and soil absorption beds for treated wastewater disposal.

## 2. ASSESSMENT CRITERIA

Harris Environmental Consulting was commissioned by the owner to undertake this Soil and Site Assessment for On-Site Wastewater Management in accordance with:

- Wingecarribee Shire Council Development Control Plan;
- Australian Standard AS/NZS 3500 Plumbing and Drainage 2018;
- Environment and Health Protection Guidelines (1998) On-site Sewage Management; for Single Households (Department of Local Government);
- AS/NZ 1547:2012 On-site wastewater management (Standards Australia, 2012); and
- WaterNSW (2019), Designing and Installing On-Site Wastewater Systems. A Sydney Catchment Authority Current Recommended Practice.

This report includes three key components:

1. Firstly, the Soil and Site Assessment for On-Site Wastewater Management is presented in Sections 3-6 of this report. This is a land capability assessment that follows the requirements of DLG (1998), AS/NZ1547 (2012), SCA (2011) and SCA (2012). This part of the assessment is specific to the type of treatment and disposal system proposed for the site.
2. Secondly, System Design is included in Section 7 of the report. This provides specific details on how the proposed treatment and disposal system will be installed to meet the specific requirements of SCA (2012).
3. Thirdly the Design Producer Statement is included in Appendix I, in which Harris Environmental Consulting warrants the design.

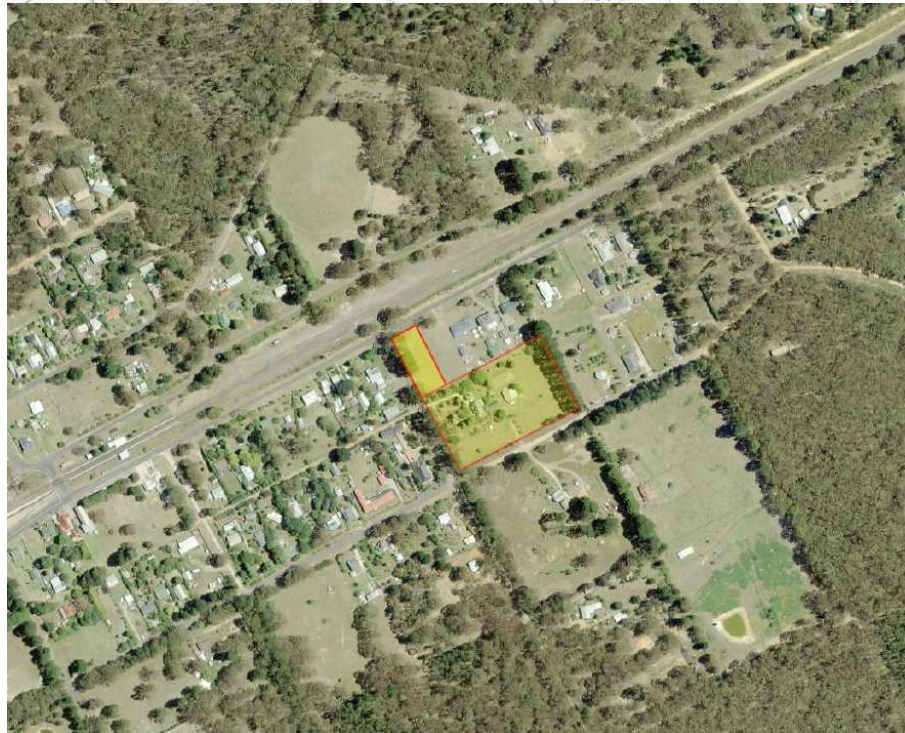
The location of the property is shown in Figure 1



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FIGURE 1 LOCATION OF THE SITE



Source: SixMaps

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## 3. SITE INFORMATION

Client/project manager:	Mike Brearley E: mike@mbaconsult.com.au P: 0407 953 249	
Size of property:	2320m <sup>2</sup>	
Site address:	3 Park Street, Wingello, NSW	
Legal title:	Lot 425 DP 1096435	
Local Government:	Wingecarribee Council	
Water supply:	Tank	
Wastewater design load and daily wastewater (L/day):	Total number of bedrooms in the proposed dwelling	4 bedrooms
	Design Wastewater Load	800L/day
	Additional Wastewater Load – future development	200L/day
	<b>Total design wastewater load</b>	<b>1,000L/day</b>
Proposed wastewater treatment:	AWTS	
Proposed wastewater disposal:	Soil absorption bed	
Date site assessed:	July 26, 2023	
Date report prepared:	April 22, 2024	
Report prepared by	Katherine Rose Kilpatrick B. Sci. (Geology) (UOW)	
Site assessor:	 Msc Env Science (UOW), Grad dip Nat Res (UNE), BscAppSc, Agriculture (HAC) Sean Harris	

## 4. SITE ASSESSMENT

Climate - rainfall	Marulan (George St) Rainfall Station (median annual 702mm)
Climate - evaporation	SCA Zone 4 Evaporation
Flood potential	Proposed wastewater treatment system is above 1 in 100 year flood level; minor limitation. Proposed wastewater disposal area above 1 in 20 year flood level; minor limitation.
Frost potential	The site is not known to be subject to severe frosts, minor limitation
Exposure	Northern aspect, no tree cover; minor limitation
Slope	<3% slope; minor limitation for soil absorption bed
Landform	Uniform slope; minor limitation
Run-on	Moderate potential for stormwater run-on.
Erosion potential	100% grass cover/minor erosion potential
Site drainage	Well drained, permeable soil profile; minor limitation
Evidence of fill	No evidence of fill
Domestic groundwater use	No known groundwater bores within 100m of the proposed soil absorption beds; minor limitation
Surface rock	No surface rock; minor limitation

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## 5. SOIL ASSESSMENT

Method:	Hand augur/crowbar/shovel			
Depth to bedrock (m):	1200mm to restrictive layer; minor limitation			
Depth to high soil watertable:	No groundwater or subsoil mottling encountered at a depth of 1200mm; minor limitation			
Coarse (%):	No coarse fragments in subsoil, minor limitation			
pH (soil/water):	pH 5.5-6; minor limitation			
Electrical conductivity:	<4dSm, minor limitation			
Salinity hazard:	No salinity information available for this area			
Native vegetation and environmentally sensitive vegetation	No native vegetation or environmentally sensitive vegetation within 1m of the proposed EMA.			
Soil landscape:	SCA classification: Larkin Soil Landscape			
Geological unit:	Hawkesbury Sandstone - medium to coarse-grained quartz sandstone with minor shale and laminate lenses.			
Bulk density:	Well-drained soil profile; minor limitation			
Soil profile, from two similar soil profiles in EMA:	Layer 1		DIR	DLR
	Texture	Sandy Loam	NA	NA
	Colour	Brown		
	Depth	0-400mm		
	Structure	Moderately structured		
	Coarse frag.	NA		
	Layer 2		DIR	DLR
Texture	Clayey Sandy Loam	NA	*30mm/day	
Colour	Orange Brown			
Depth	400-1200mm			
Structure	Moderately structured			
Coarse frag.	NA			

\*DLR of sandy loam, massive-structured receiving secondary treated effluent is 50mm/day. However, a 30mm/day DLR is used as a conservative rate.

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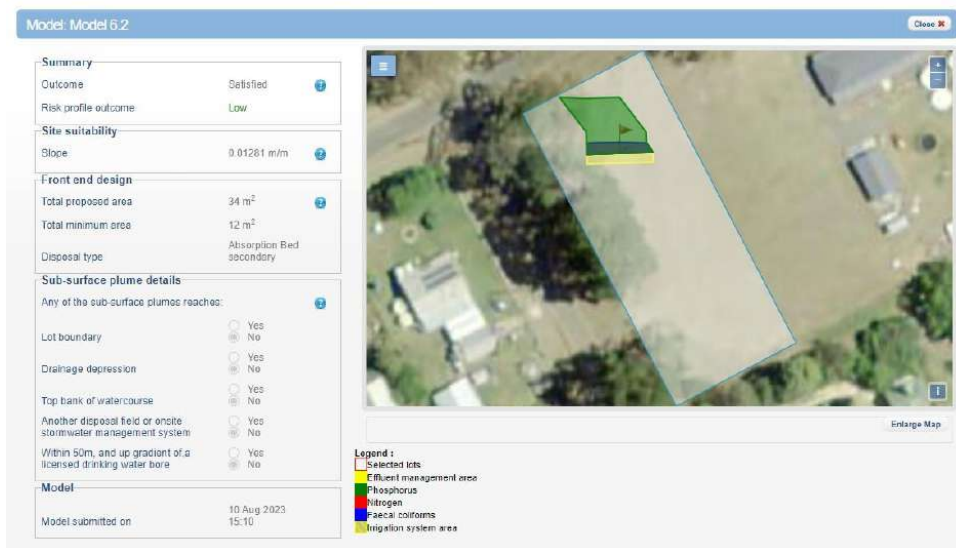
## 6. SUMMARY OF SOIL AND SITE CONSTRAINTS

There are no major soil or site constraints that would prevent the installation of an Aerated Wastewater Treatment System (AWTS) for wastewater treatment and soil absorption beds for treated wastewater disposal for the proposed dwelling.

The proposed soil absorption beds will be installed to the north of the proposed dwelling. It is in a location that is compliant with the buffers and setback distances required by Wingecarribee Council and Sydney Catchment Authority. This includes locating the proposed soil absorption beds more than 100m from permanent watercourses, 40m from drainage depressions, 15m from in-ground rainwater tanks, 3m from downslope driveways/boundary lines, and 4m from upslope driveways/ boundary lines, 2m from downslope buildings and 6m from upslope buildings.

The wastewater management system was modelled in the WaterNSW NORBE Assessment model with the proposed wastewater disposal load and found to be compliant. Please note that there is a small amount of clay content in the soil textures. P-sorption of 200mg/kg is used. The NORBE assessment assumes the owner/builder/project manager will include Stormwater Quality Improvements Devices (SQIDs) in the development. See Figure 2 for a screenshot of the model summary and the Appendix for the NORBE assessment outcome report.

FIGURE 2 OUTCOME OF NORBE ASSESSMENT



*Note: The NORBE model does not represent the actual orientation and position of the proposed soil absorption beds, and is unable to do so.*

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Photo 1 On-site soil assessment profile



Photo 2 looking northwest across the subject site, with the proposed effluent disposal area to be located in the most northern corner of the lot.



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SOIL AND SITE ASSESSMENT FOR ONSITE WASTEWATER DISPOSAL ON 3 PARK STREET, WINGELLO, NSW

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## 7. SYSTEM DESIGN

### 7.1 WASTEWATER TREATMENT SYSTEM

A domestic Aerated Wastewater Treatment System (AWTS) with a capacity of at least **1,000L/d** is proposed for wastewater treatment. The owner is required to provide the Council with the AWTS manufacturer's specifications of the proposed treatment system. (Information on proposed AWTS can be obtained from the manufacturer or NSW Health Register of Accredited Sewage Management Systems at [http://www.health.nsw.gov.au/publichealth/environment/water/waste\\_water.asp](http://www.health.nsw.gov.au/publichealth/environment/water/waste_water.asp).)

The owner will need to lodge an application to install/operate a Sewage Management System under the Local government act 1993, Section 68. Council will require the owner to have selected an AWTS manufacturer and provide Council with the necessary plans and specifications including NSW Health Accreditation, tank dimensions and capacity, operation and maintenance details, plus Licensed Plumber's name, address, phone number and license number.

The AWTS will be installed and maintained in accordance with Section 5 of the guidelines 'On-site Sewage Management for Single Households' (Department of Local Government, 1998) and AS/NZS 1547-2012 'On-site Domestic Wastewater Management' (Standards Australia, 2012). **Upon approval from Wingecarribee Council, the owner is to enter into a servicing contract with an approved servicing agent for the life of the system. Copies of the written service reports should be lodged with Wingecarribee Council following each quarterly service.**

### 7.2 LOCATION OF PROPOSED AWTS

**The location of the AWTS should be decided in conjunction with the licensed plumber in consultation with the property owner.** The AWTS must be positioned on a stable, level base and be downslope of the building so there is sufficient fall from drainage outlets in the dwelling. The location of AWTS must be

- The exact location of the AWTS is to be decided by the installer in consultation with the property owner.
- It is to be at least 1.5m from any building.
- A power supply (and telephone line if telemetry or an automated monitoring/ alarm is fitted), will be required to deliver power to the treatment unit.
- Shall be located above the 1% AEP (1:100) flood contour.

AWTS installation must comply with the manufacturer's recommendations, AS/NZS 3500.2:2018 Plumbing and Drainage Part 2 Sanitary Plumbing and Drainage' and Council requirements.

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## 7.3 PIPES

The sewer pipes between the plumbing amenities, treatment system and effluent disposal area must conform with 'AS/NZS 3500(Set):2018 Plumbing and Drainage Set' specifying the nominal pipe sizes and respective minimum grades. Table 1 contains these specifications.

In addition, where a sewer carrying untreated wastewater to a treatment system is longer than 60 metres, the minimum grade should be doubled, and inspection ports should be installed at least every 30 metres or at an angle or change of grade.

The sewer pipes between the plumbing amenities, AWTS and effluent disposal area must be buried at a depth that provides protection against mechanical damage or deformation, in accordance with 'AS/NZS 3500(Set):2018 Plumbing and Drainage Set'. Table 2 shows the minimum pipe depth for trafficable areas.

**TABLE 1 MINIMUM PIPE DIAMETER AND GRADE CALCULATIONS**

Nominal pipe size (DN)	Minimum grade %	Minimum grade ratio
65	2.5	1:40
80	1.65	1:60
100	1.65*	1:60
125	1.25	1:80
150	1.00	1:100

\* Except for drains from septic tanks, sewage treatment plants and unvented discharge pipes from tundishes, which may have a minimum grade of 1%,  
Source: 'AS/NZS 3500.2:2018 Plumbing and drainage Part 2 Sanitary plumbing and drainage' Table 3.4.1. NB: pipe grades are expressed as a percentage of vertical to horizontal distances.

**TABLE 2 MINIMUM PIPE DEPTH FOR TRAFFICABLE AREAS**

Location	Minimum depth of cover (mm) for all materials other than cast iron
Where subject to vehicular traffic	500
Elsewhere	300

Source: 'AS/NZS 3500 (Parts 0-4):2018 Plumbing and drainage Set'. Table 3.7.2 Minimum Cover for Buried Pipes'

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## 7.4 WASTEWATER DISPOSAL METHOD

The soil absorption bed can be constructed within the range of widths and depths shown in Table 3 (AS/NZ1547, 2012). The bed can be no deeper than 600mm and no wider than 4m. For this site, the proposed base of the bed is 450mm below the ground surface (300mm aggregate and 150mm topsoil).

**TABLE 3 DIMENSIONS FOR CONSTRUCTING SOIL ABSORPTION BED**

	Typical dimensions (mm)	Maximum (mm)	Minimum (mm)
Width	1000-4000	4000	1000
Depth of aggregate	300-600	600	300
Depth of topsoil	100-150	150	100
Spacing between adjacent beds	-	NA	1000

Source: AS/NZS 1547:2012 *On-site domestic wastewater management*

The size of the soil absorption bed is calculated using the formulae in AS/NZ 1547(2012). It is based on design flow rate, design width and Design Loading Rate (DLR), which is the amount of effluent that, over the long-term, be applied each day per area of an infiltrative surface without failure of the infiltrative surface. \*AS/NZ1547(2012) recommends a DLR of 50mm/day for weakly-structured sandy loam subsoils, receiving secondary treated effluent. However, a DLR of 30mm/day is used as a conservative rate.

The AS/NZ1547(2012) method for calculating bed size is as follows:

$$L = \frac{Q}{DLR \times W}$$

Where

- L = Length in m
- Q = Design daily flow in L/day (**1,000L/day**)
- W = Width in m
- DLR = Design Loading Rate in mm/d (**\*30mm/d**)

Based on the above formulae and assumptions described in this report, the soil absorption bed must be **33.3m<sup>2</sup>**.

The Linear Loading Rate (LLR), which determines the minimum total system length along the contour, was calculated using the formulae below:

$$L = \frac{Q}{LLR}$$

Where

- L = Length of system in m
- Q = Design daily flow in L/day (**1,000**)
- LLR = Linear Loading Rate in mm/d (**68 l/m/d\*\***)

\*\* slope is 0-5%, soil depth >61cm and weakly structured sandy loam soils.

Based on the above formulae and assumptions described in this report, the minimum length of the soil absorption bed is **14.7m**. The length of the soil absorption bed must exceed the minimum length calculated using the LLR.

The **33.3m<sup>2</sup> bed** must be designed. The proposed configuration will include **ONE x 2.25m wide x 15m long bed**.



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Other WaterNSW (2019) design requirements that were taken into account when designing the proposed soil absorption beds include:

- Where more than one absorption bed is needed, the bed lengths should be equal, and effluent should be distributed evenly via a splitter box or sequencing valve.
- The maximum number of beds for any design is 10.
- Bed length should be designed to ensure that effluent is evenly distributed and reaches the far end of each bed. Individual beds must be less than 20m for passive systems or 25m for pressure dosed systems.
- Beds must not be added in series (i.e. end on end).
- The maximum allowable area for soil absorption bed is 200m<sup>2</sup>.
- Slope is to be less than 20%
- Soil depth needs to be at least 750mm
- Light clay soil texture may require Special Design Criteria. Soil absorption beds not permitted on medium to heavy clays.

### 8. COMPLETION OF WORKS

The last stage of this process involves submitting an Installation Certificate provided by the installer. This is to certify that the systems have been installed according to the System Design. A copy of the installation certificate must be provided to the council and the system designer. A council certifier will make a final inspection before the system is approved for use.

The treatment and application systems must be installed by a contractor(s) licensed by NSW Fair Trading. That could be a licensed plumper or a licensed irrigation contractor (or both), each with at least three years' experience in effluent disposal.

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### 9. SUMMARY

The purpose of this assessment is to assess whether on-site wastewater management can be undertaken on the subject lot to achieve the relevant assessment criteria. This assessment finds that on-site wastewater management can be undertaken for the proposed dwelling.

Following the soil and site assessment, this assessment recommends the following:

- Installation of a domestic Aerated Wastewater Treatment System (AWTS) capable of treating 1000L/day; and
- Installation of a 33.3m<sup>2</sup> soil absorption bed as ONE x 2.25m wide x 15m long bed as described in the Appendix and shown on the Site Plan.

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## 10. REFERENCES

Department of Local Government (1998) *On-site Sewage Management for Single Households*. NSW Government.

Standards Australia (2012) Australian/New Zealand Standard 1547:2012 *On-site domestic wastewater management*. Standards Australia.

NSW Health Septic Tank Accreditation Guidelines (2001).

Hazelton, P.A and Murphy, B.W ed. (1992) *What Do All the Numbers Mean? A Guide for the Interpretation of Soil Test Results*. Department of Conservation and Land Management (incorporating the Soil Conservation Service of NSW), Sydney.

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## APPENDIX I DESIGNER PRODUCER STATEMENT

### DESIGN PRODUCER STATEMENT

#### On-site Wastewater and/or Effluent Disposal System Design

**ISSUED BY:** Harris Environmental Consulting  
**TO:** Wingecarribee Council  
**DA NO:**  
**TO BE SUPPLIED TO:** Mike Brearley  
**IN RESPECT OF:** Soil and Site Assessment for Onsite Wastewater Disposal, 3 Park Street, Wingello, NSW  
**AT:** Lot/DP: Lot 425 DP 1096435

**Harris Environmental Consulting** has been engaged by Mike Brearley to provide the technical design details for an on-site wastewater system.

The design has been carried out in accordance with:

- SCA, 2012 'Developments in Sydney's Drinking Water Catchment- Water Quality Information Requirements'.
- DLG, 1998' Environment and Health Protection Guidelines: On-site Sewage Management for Single Households'
- AS/NZS 1547:2012 'On-site Domestic Wastewater Management'

For details of site assessment and design, refer to **the Soil and Site Assessment for Onsite Wastewater Disposal, 3 Park Street, Wingello, NSW, dated April 22, 2024**

This System Design was prepared with reference to SCA, 2012 'Designing and Installing On-Site Wastewater Systems'

This is an independent design, covered by a current policy of Professional Indemnity Insurance.

#### **DECLARATION:**

I believe on reasonable grounds that this design has been carried out in accordance with agency and council requirements, and best practice in on-site wastewater design principles and procedures.

#### **NOTE: This statement does not approve the installed system.**

Under certain conditions, **Harris Environmental Consulting** is available to certify the installed system. These conditions include:

- the technology supplier(s) take(s) full responsibility for the stated quality and performance of technologies and other equipment supplied
- the installer(s) take full responsibility for installing the system as specified by all conditions of consent and **Harris Environmental Consulting** design reports unless departure from the station specification(s) is subsequently agreed between the installer and **Harris Environmental Consulting** and approved by the consent authority
- **Harris Environmental Consulting** is to be informed before installation, and engaged, under separate contract, if required to supervise installation of all specified system components.

#### **DISCLAIMER:**

Approval is to be sought from **Harris Environmental Consulting** should variations to the specification and layout in this report/ drawing be considered necessary by the installer before or at the time of installation. Failure to do so will invalidate the Design Producer Statement and **Harris Environmental Consulting** will no longer take responsibility for the design.

The client is to make full disclosure of relevant information on existing and/or proposed activities on the site that will influence estimation of likely daily wastewater quantity (based on the number of potential bedrooms and other wastewater producing activities) and quality (in particular any chemicals in the water supply and/or wastewater

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stream potentially toxic to biological wastewater processes). This design is based on the site assessment carried out by **Harris Environmental Consulting**.

Subsequent changes to the site that might affect the topography and soil profiles are to be notified by the client. Failure, by the Client, to provide this information will invalidate this Design Producer Statement.

Name Sean Harris, Harris Environmental Consulting

Signature  Msc Env Science (UOW), Grad dip Nat Res (UNE),  
BscAppSc, Agriculture (HAC)

Title: Soil and Site Assessment for Onsite Wastewater Disposal, 3 Park Street,  
Wingello, NSW

Date: April 22, 2024

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**APPENDIX II EXAMPLE OF INSTALLATION CERTIFICATE**



**COMPLETION OF WORKS  
INSTALLATION CERTIFICATE  
On-site Wastewater and/or Effluent Disposal System**

(to be prepared and issued by the licensed installer)

**ISSUED BY:** *On-Site System Installers Pty Ltd*  
**TO BE SUPPLIED TO:** *Catchment Council (DA No. XXX/YYYY)*  
**IN RESPECT OF:** *Mr & Mrs Consumer, On-site wastewater service for 1 Rural Road, Septicville (Catchment Council)*  
**SITE DETAILS:** Lot/DP: *XXX/YYY*  
Description: ..... [*insert relevant description*]

- DESCRIPTION OF PROJECT:**
- *Installation of an on-site wastewater system for a ..... [*insert relevant proposal eg a four bedroom dwelling*].*
  - *Treatment system: NSW Health accredited ..... [*insert relevant system and model number*].*
  - *Nature of disposal system / Land application: ..... [*insert relevant land application eg 400 m<sup>2</sup> subsurface drip irrigation*].*

**INSTALLED IN ACCORDANCE WITH:** *Conditions of consent and Wastewater System Designers Pty Ltd System Design, 1 Rural Road, Septicville, dated DD/MM/YYYY*

**DATE OF SITE INSTALLATION INSPECTION:** *DD/MM/YYYY*

**REPORT:** *Variations: None. Installed as indicated on Site Plan in System Design.*

**DECLARATION:**  
*I believe on reasonable grounds that all of the wastewater works have been completed in accordance with Council Consent Number 123456 and Wastewater System Designers Pty Ltd System Design dated DD/MM/YYYY.*

Name: .....

Title: .....

Signature: .....

For: *On-Site System Installers Pty Ltd*

Date: *DD/MM/YYYY*

cc: *Mr & Mrs Consumer*

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## APPENDIX III CONSTRUCTION OF SOIL ABSORPTION BEDS

The process for constructing soil absorption beds is described below:

### Step 1 Site Preparation

Obtain a copy of the council approved plans and conditions of consent. Accurately locate beds as shown on the site plans and according to the specified and approved design and/or any covenant. Check the location of all constructed beds against the approved site plans. If there is any change in their position from the site plans, a Section 96 application (from the *Environmental Planning and Assessment Act 1979*) must be made to the council to alter their position.

### Step 2 Positioning

Build the bed along the contours and use laser levelling to ensure that the base is exactly level. If this does not happen, distribution will not be even and one part of the bed will be more heavily loaded. This could cause the most heavily loaded part of the bed to fail prematurely, with further creeping failure as the effluent is forced to more distant parts of the bed.

### Step 3 Timing

Build beds during fine weather. If it rains before beds are completed, they should be covered to protect them from rain damage. Once dug, complete the bed promptly to avoid foreign material being washed into the open bed.

### Step 4 Excavation

Carefully excavate the base of any bed and level it with a dumpy or laser level. The bed must be level along and across the line of the bed. If there is a slope across the base of the bed, the effluent will drain to and preferentially load the downslope side of the bed, which may then fail or overflow.

Where beds are dug along the contour on sloping ground by an excavator that does not have a pivoting bucket, the base of the bed will probably be cut parallel to the ground surface. In this case, the base of the bed will have a fall towards the downslope side. The bed should be further hand dug to level the base and stop excessive effluent accumulating against the downslope wall of the bed.

### Step 5 Construction

The pipe work that distributes effluent into each bed shall include a tap/valve to enable flows to be managed between beds so individual beds can be rested off-line. A brief resting phase is needed to break down the microbial biomass that develops around the bed that can eventually lead to its failure.

The effluent will be distributed in the bed using a 100mm PVC pipe laid level onto a 200mm depth of 20-40mm aggregate.

## AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 JANUARY 2025

SOIL AND SITE ASSESSMENT FOR ONSITE WASTEWATER DISPOSAL ON 3 PARK STREET, WINGELLO, NSW

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The pipe will be drilled out with 10mm deburred holes every 30cm, and 20 degrees off the bottom of the pipe. Seep holes of 5mm should be sited at 2m intervals along the bottom of the pipe.

Once laid, the pipe has a 50mm cover of aggregate. Total aggregate depth is 300mm. The end of each length of pipe will have a capped riser to allow flushing of the distribution pipe.

A capped inspection port to be inserted on downhill side of the trench, using 50mm PVC pipe, slotted entire depth of gravel bed.

Cover gravel with geotextile to prevent topsoil mixing with gravel bed.

Ensure that the sides of beds are not damaged or caused to collapse when the beds are filled with gravel or sand.

Bed can be filled with gravel (typically 20-40 millimetres), but it should not be compacted. Appropriate consideration should be given to bed storage capacity where beds are filled with material other than gravel.

Test the beds with clean water before filling with gravel to ensure effective and even distribution of effluent.

Apply 150 to 200 millimetres of topsoil to the top of the bed and leave it slightly mounded above ground level to allow it to settle and to encourage incident rainfall to be shed away from the top of the bed.

The top of the absorption bed area should be turfed or grass planted to establish vegetation cover promptly after construction. This ensures the best uptake of effluent by evapotranspiration. Ensure that larger deep-rooting plants are not planted close to bed to reduce the chance of root intrusion and clogging of the beds.

A stormwater diversion berm/ drain should be built on sloping sites upslope of the absorption beds.

### Step 6 Dosing

Bed is to be pressure-dosed from the AWTS.

Run-on stormwater is to be diverted around bed means of a berm or diversion drain.



# AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 JANUARY 2025

SOIL AND SITE ASSESSMENT FOR ONSITE WASTEWATER DISPOSAL ON 3 PARK STREET, WINGELLO, NSW

## APPENDIX IV REQUIRED BUFFERS

The following buffers must be applied when installing all on-site sewage management systems in accordance with SCA and the Wingecarribee Council's Development Control Plan.

**Table 2.6 – Buffer distances**

Feature	Level of effluent treatment	Effluent application method	Buffer distance (minimum)	Achievable
Buildings, retaining walls	Primary	Subsoil	2.0m downslope and where flat, or 6.0m upslope of the feature	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	Secondary (disinfected)	Subsurface and surface (including drip or trickle) irrigation	2–6m (<3m only for drip irrigation on low rate)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Premises boundaries, paths and walkways, recreation areas	Primary	Subsoil	3.0m downslope and where flat, or 6.0m upslope of the feature; 15m to recreation areas, if by LPED irrigation	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	Secondary (disinfected)	Subsurface irrigation	3.0m downslope and where flat, or 4.0m upslope of the feature	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
		Surface irrigation	15m up- or downslope of the feature	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
In ground potable water tanks, in ground swimming pools	Primary	Subsoil	15m and downslope from water tank or pool	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	Secondary (disinfected)	Subsurface and surface irrigation	4.0m - should not be located upslope of feature	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Watercourse, lakes and the full supply level for all water supply reservoirs	Primary	Subsoil	100m from the high water level	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	Secondary (disinfected)	Subsurface and surface irrigation	100m from the high water level	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Bore or well licenced for domestic consumption	Primary	Subsoil	100m	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	Secondary (disinfected)	Subsurface and surface irrigation	100m	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

# AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 JANUARY 2025

SOIL AND SITE ASSESSMENT FOR ONSITE WASTEWATER DISPOSAL ON 3 PARK STREET, WINGELLO, NSW

Feature	Level of effluent treatment	Effluent application method	Buffer distance (minimum)	Achievable
Drainage depressions, farm dams and roadside drainage and lot scale stormwater quality improvement devices	Primary	Subsoil	40m from the high water level	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	Secondary (disinfected)	Subsurface and surface irrigation	40m from the high water level	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<p>^ If within 100 metres of a bore or well licenced for domestic consumption, a draw-down analysis is required using an appropriate methodology, such as Cromer, Gardner and Beavers, 2001 'An improved viral die-off method to estimate setback distances'. Domestic consumption is taken to mean for drinking, watering of edible plants etc.</p>				

## AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 JANUARY 2025

SOIL AND SITE ASSESSMENT FOR ONSITE WASTEWATER DISPOSAL ON 3 PARK STREET, WINGELLO, NSW

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### APPENDIX V GENERAL RECOMMENDATIONS TO MANAGE WATER QUALITY AND QUANTITY

InSinkErator style kitchen garbage disposal units should be avoided as they increase water consumption and raise the nutrient and BOD concentrations of household effluent.

Water conservation can reduce the volume of wastewater that needs to be treated and discharged on site. The residence should include appliances that are rated under the Water Efficiency Labelling and Standards (WELS) Scheme that includes:

- i. 4 star dual-flush toilets;
- ii. 3 star showerheads;
- iii. 4 star taps (for all taps other than bath outlets and garden taps);
- iv. 3 star urinals; and
- v. Water efficient washing machines and dishwashers are to be specified and used wherever possible.

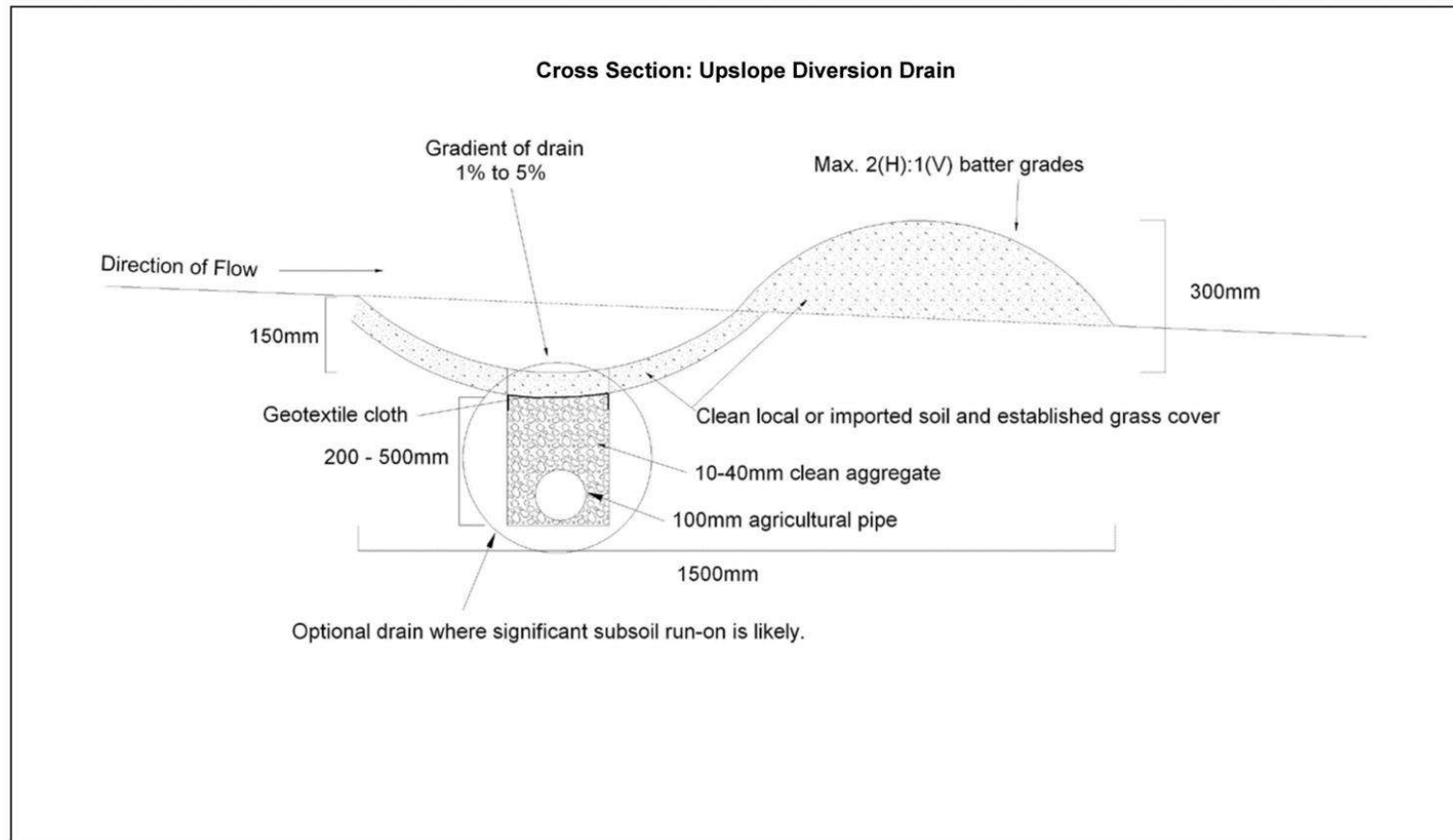
Chemical cleaning compounds and other chemicals that enter the treatment system should be low in phosphate and salt.

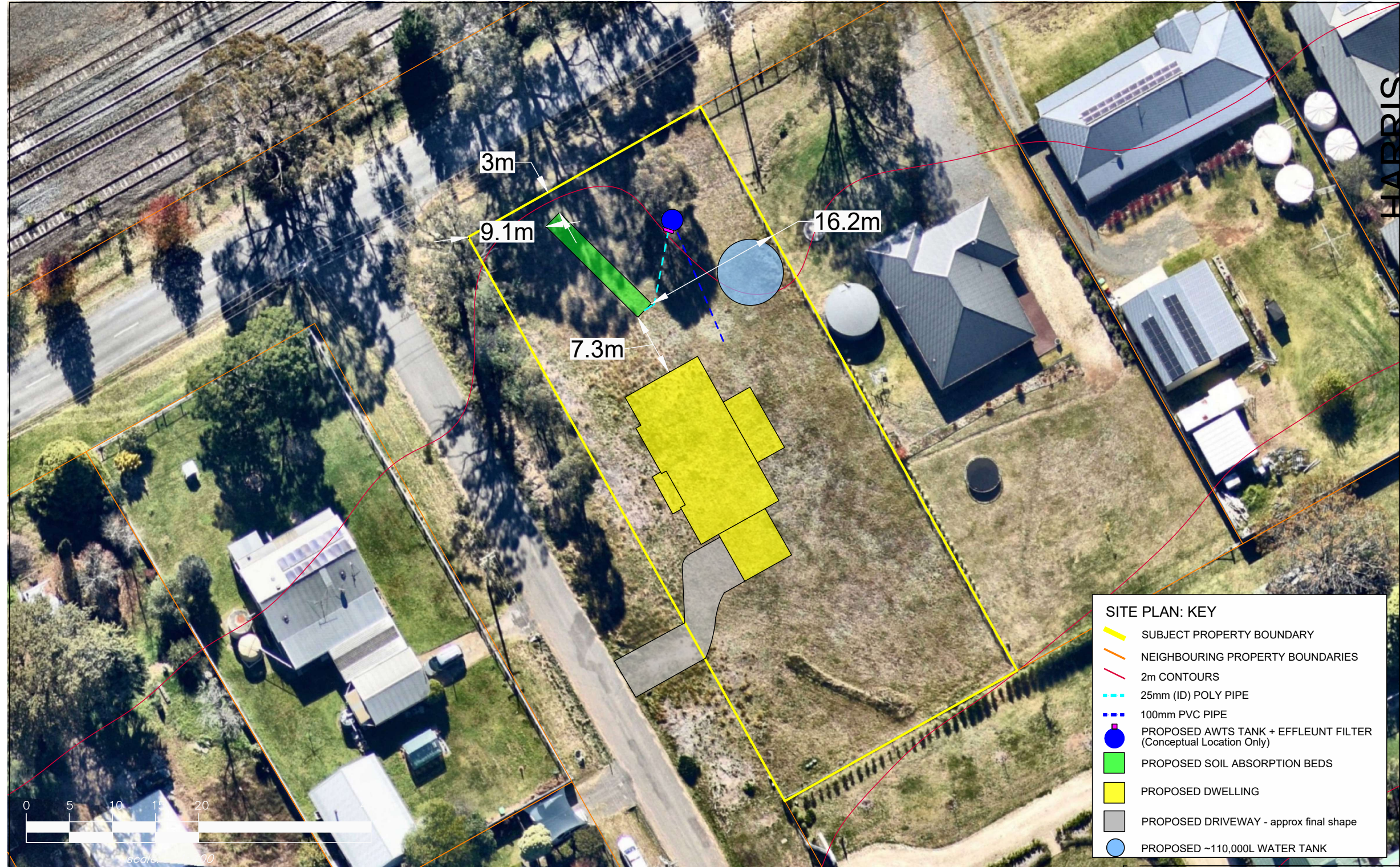
Anti-bacterial chemical cleaning compounds and other chemicals that enter the treatment system should be avoided. This includes chlorine, disinfectants, bleaches etc.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 22 JANUARY 2025**

SOIL AND SITE ASSESSMENT FOR ONSITE WASTEWATER DISPOSAL ON 3 PARK STREET, WINGELLO, NSW

**APPENDIX VI STANDARD DRAWING 9A - UPSLOPE DIVERSION DRAIN**





**HARRIS**

SITE PLAN: KEY	
	SUBJECT PROPERTY BOUNDARY
	NEIGHBOURING PROPERTY BOUNDARIES
	2m CONTOURS
	25mm (ID) POLY PIPE
	100mm PVC PIPE
	PROPOSED AWTS TANK + EFFLEUNT FILTER (Conceptual Location Only)
	PROPOSED SOIL ABSORPTION BEDS
	PROPOSED DWELLING
	PROPOSED DRIVEWAY - approx final shape
	PROPOSED ~110,000L WATER TANK

Issue:	Description:	Date	Drawn	Approved	North
v0.1	Issue for client review	31.07.23	KK	SH	
v0.2	Issue for client review	08.08.23	KK	SH	
v1.0	Issue for Council Submission	11.08.23	KK	SH	
v1.1	Issue for Council Submission - change of plans	22.04.24	KK	SH	

CLIENT:  
MICHAEL & HELEN BREARLEY

PROJECT MANAGER:  
MINCOVE HOMES  
- Issac Beard

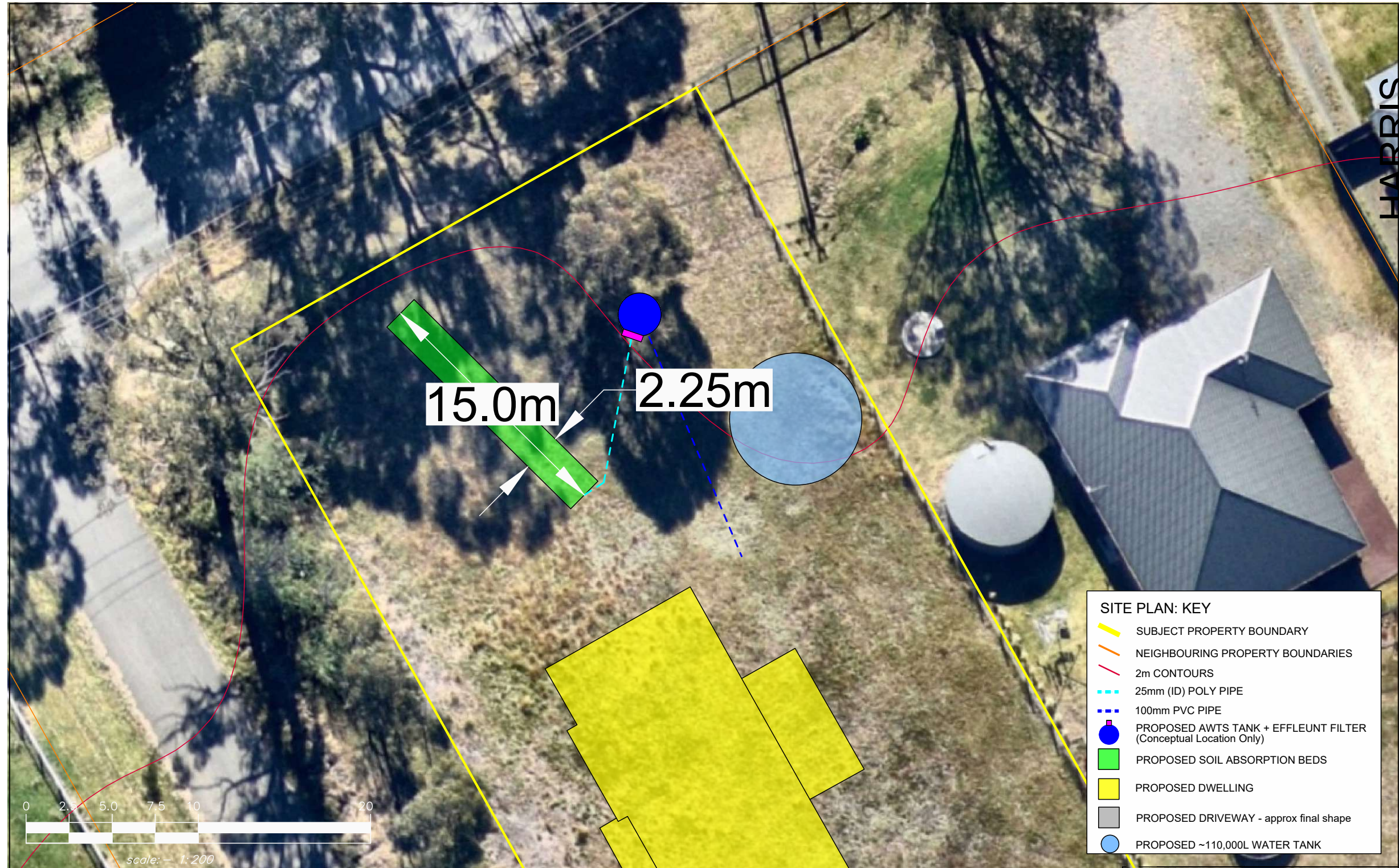
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E: info@harrisenvironmental.com.au  
ABN: 54128740549  
Wastewater | Bushfire | Stormwater

Project:  
**PROPOSED NEW DWELLING**

LOT 425 DP 1096435  
3 PARK STREET, WINGELLO, NSW  
LGA: WINGECARRIBEE

Drawing Title: <b>WASTEWATER MANAGEMENT PLAN DETAILS SHEET No.1</b>			
Drawn: KK	Date: 22.04.2024	Paper Size: ISO Expand A3	Q.A. Check: Date: Complete 22.04.2024
Designed: KK	Our reference: 6270WW	Scale: 1:400	Issue: v1.1



**SITE PLAN: KEY**

- SUBJECT PROPERTY BOUNDARY
- NEIGHBOURING PROPERTY BOUNDARIES
- 2m CONTOURS
- - - 25mm (ID) POLY PIPE
- - - 100mm PVC PIPE
- PROPOSED AWTS TANK + EFFLEUNT FILTER (Conceptual Location Only)
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CLIENT:  
MICHAEL & HELEN BREARLEY

PROJECT MANAGER:  
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Wastewater | Bushfire | Stormwater

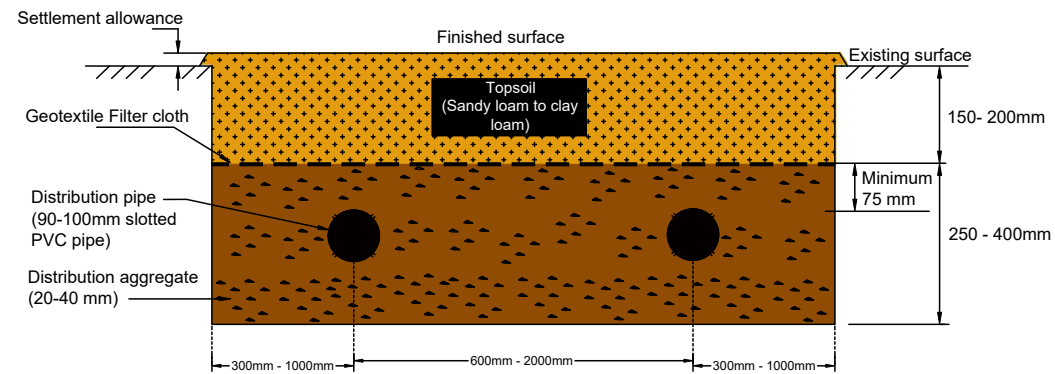
Project:  
**PROPOSED NEW DWELLING**

LOT 425 DP 1096435  
3 PARK STREET, WINGELLO, NSW  
LGA: WINGECARRIBEE

Drawing Title:  
**WASTEWATER MANAGEMENT PLAN  
DETAILS SHEET No.2**

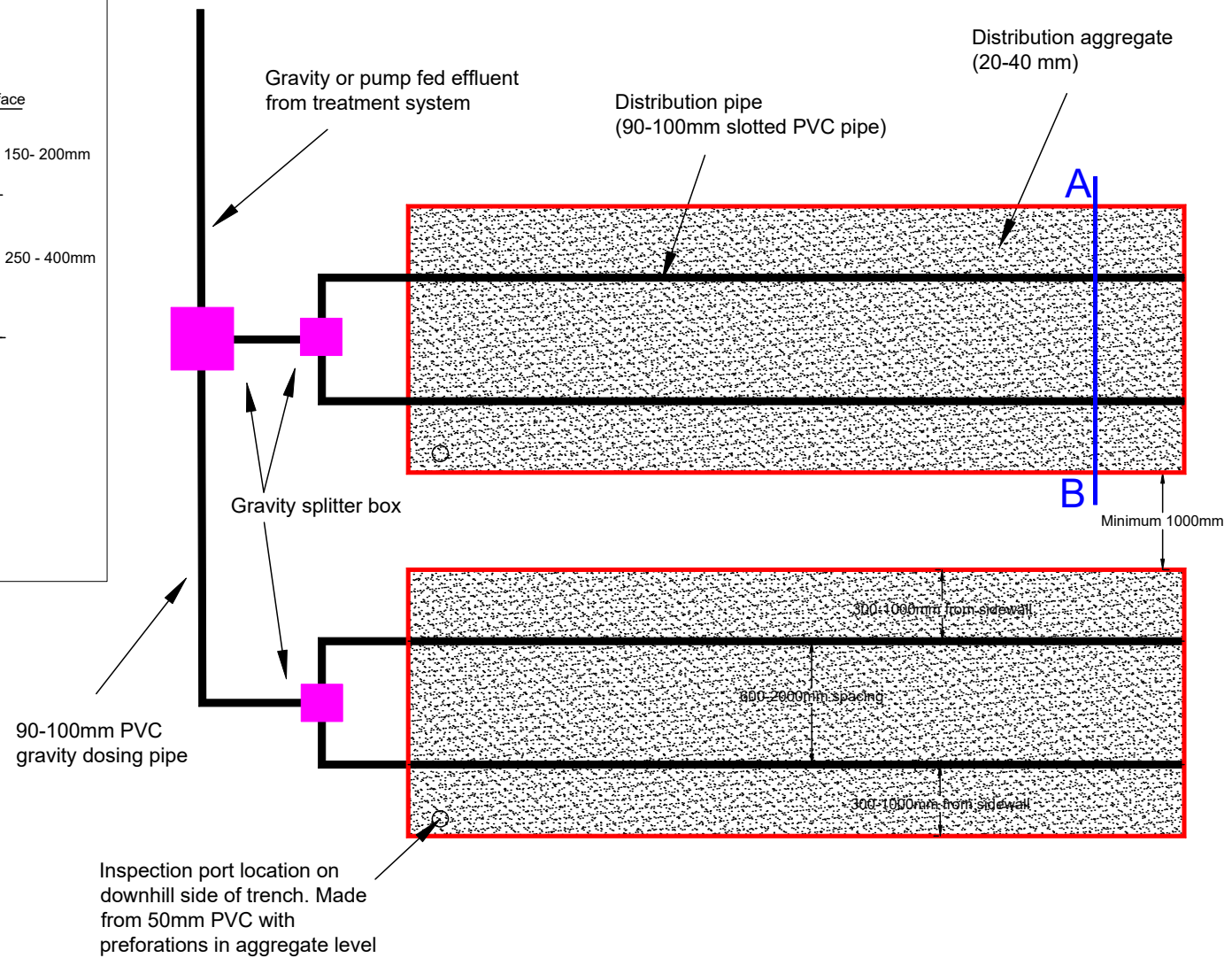
Drawn: KK	Date: 22.04.2024	Paper Size: ISO Expand A3	Q.A. Check: Complete	Date: 22.04.2024
Designed: KK	Our reference: 6270WW	Scale: 1:200	Issue: v1.1	

CROSS SECTION A-B OF CONVENTIONAL PIPED ABSORPTION BED



NOTE: LPED lines can be used to replace distribution pipes when dose loading effluent into trenches.

PLAN VIEW OF CONVENTIONAL PIPED BED



Issue:	Description:	Date	Drawn	Approved
A	HEC Standard Drawing	31/10/2022		SH

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ABN: 54128740549  
Wastewater | Bushfire | Stormwater

Designed in accordance with  
ASNZ1547 (2012) and WaterNSW  
To be read in accordance with  
construction notes in Appendix

Drawing Title: CONVENTIONAL SOIL ABSORPTION BED STANDARD DRAWING				
Drawn:	Date: 31/10/2022	Paper Size: ISO Expand A3	Q.A. Check:	Date:
Designed:	Our reference:	Scale: NTS	Dwg. No.:	Issue:

# AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 JANUARY 2025

## NorBE Assessment

### Assessment Summary

#### General Information

Consultancy	<b>Harris Environmental Consulting</b>
Consultant	<b>matt@harrisenvironmental.com.au</b>
Consultant reference number	<b>6270</b>
DA number	-
Assessing officer	-
Council	<b>Wingecarribee Shire</b>
Development class	<b>New dwelling/dual occ &lt;8bdrm unsewered</b>
Date of assessment	<b>8/10/2023 3:52:02 PM</b>

Lot	Section	Plan
425		1096435

#### Assessment Summary

Assessment status	<b>Lodged</b>	
System outcome	<b>Satisfied</b>	User outcome
WaterNSW concurrence outcome		
Determination outcome	<b>Pending</b>	Determination date

#### Pre-Assessment

Located within Sydney drinking water catchment?	<b>Yes</b>
Is development consistent with any existing SCA/WaterNSW S88 instruments on title?	<b>N/A</b>
Crown perpetual leasehold land?	<b>No</b>
Water quality impact ?	<b>Yes</b>
Documentation is complete?	<b>Yes</b>
Does Water Cycle Management Study meet WaterNSW/Council requirements?	<b>Yes</b>
Description	

#### Module 2

Development site slope	<b>All &lt; 20%</b>
Construction area(m2)	<b>200</b>
Swimming pool?	<b>No</b>
(if yes) Only a swimming pool proposed?	-
Proposed system consistent with recommendation in wastewater management report?	<b>N/A</b>
Wastewater treatment type emerging technology?	<b>N/A</b>
Pump-out?	<b>No</b>
(if yes) Will the property be connected to the sewer in the near future?	-





# AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 JANUARY 2025

## NorBE Assessment

### Assessment Summary

Adequate SSSQM certificate provided?	<b>Yes</b>
Development site within 1% AEP flood level flood prone land?	<b>No</b>
More than 250m <sup>2</sup> of vegetation clearing for dwellings/access/roads/APZ:s?	<b>No</b>
(if yes) Have appropriate management measures been proposed?	-
Significant cut and fill required for dwellings/access/roads?	<b>No</b>
(if yes) Have appropriate management measures been proposed?	-
Dwellings/access/roads or within 40m of watercourse?	<b>No</b>
(if yes) Have appropriate management measures been proposed?	-
Drainage feature crossing Proposed?	<b>No</b>
(if yes) Have appropriate management measures been proposed?	-
Development areas has widespread salinity and/or sodicity risk?	<b>No</b>
(if yes) Have appropriate management measures been proposed?	-
Other site constraints?	<b>No</b>
(if yes) Have appropriate management measures been proposed?	-
All road/access works wholly contained within the road reserve or defined easements?	<b>N/A</b>

### Wastewater Effluent Models

Model Name	Model Run	Model Reviewed	Model Nominated
Model 1	Y		
Model 2	Y		
Model 3	Y		
Model 4			
Model 4.1			
Model 5			
Model 6	Y		
Model 6.1	Y		
Model 6.2	Y	Y	Y

### Site Visit

Site inspection date	<b>26 Jul 2023</b>
inspectors name	<b>Sean Harris</b>
Does EMA meet boundary and infrastructure setback and WaterNSW's buffer requirements?	<b>Y</b>
Are the soil parameters used in the WEM consistent with the site?	<b>Y</b>



**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 22 JANUARY 2025**

**NorBE Assessment**

**Assessment Summary**

Does this assessment match site visit observations (including major site limitations)? **Y**

**Required NorBE conditions of consent**

Condition	Assigned At
Effective erosion and sediment controls shall be installed prior to any construction activity and shall prevent sediment or polluted water leaving the construction site or entering any natural drainage system or stormwater drain. The controls shall be regularly inspected, maintained and retained until works have been completed and groundcover established.	8/9/2023 2:58:06 PM

**Assessment notes**

No notes

**BUSHFIRE & EVACUATION SOLUTIONS**

SYDNEY - ILLAWARRA - SHOALHAVEN



# Bush Fire Assessment Report

**Proposed Residential Building Development**

Lot 425 (No. 3) Park Street

WINGELLO NSW

19 March 2024



**Prepared by:**

Kieran Taylor  
BPAD-Level 3 Certified Practitioner  
Corporate Member -  
Fire Protection Association of Australia  
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E: kieran@bushfireevacsolutions.com.au

**Prepared for:**

C/- McDonald Jones Homes  
PO Box 275  
Oak Flats NSW  
Tel: (02) 4230 6800



# AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 JANUARY 2025

**BUSHFIRE HAZARD RISK ASSESSMENT CERTIFICATE (section 4.14 EP & A Act 1979)**

<b>PROPERTY ADDRESS:</b>	3 Park Street Wingello
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed dwelling house
<b>PLAN REFERENCE:</b>	Preliminary Site Sketch provided by McDonald Jones Homes (un-referenced)
<b>HIGHEST BAL RATING:</b>	<b>BAL-12.5</b>
<b>DOES THE PROPOSAL RELY ON ALTERNATE SOLUTIONS?</b>	YES <input type="radio"/> <b>NO</b> <input checked="" type="radio"/>
<b>BUSHFIRE ASSESSMENT REPORT REFERENCE:</b>	I - 24026
<b>REPORT DATE</b>	19 March 2024
<b>ACCREDITATION SCHEME/ CERTIFICATION No</b>	FPAA Australia Bushfire Planning & Design Scheme/ <b>BPAD-23038</b>

I (Kieran Taylor) hereby certify the following:

- I. That I am a person who is recognised by the NSW Rural Fire Service as a suitable qualified consultant in bushfire risk assessment; and
- II. That subject to compliance with the recommendations contained herein the proposed development conforms to the specifications and requirements of the document entitled *Planning for Bush Fire Protection 2019* (i.e., as prescribed under Section 4.14 of the *Environmental Planning and Assessment Act 1979*); and
- III. Any recommendations or findings of this report are based on an honest appraisal of the constraints that existed at the site at the time of investigation, subject to the scope, resources and information available and provided at the time. Within the confines of the above statements and to the best of my knowledge, this report does not contain any incomplete or misleading information.



Principal Consultant

***BUSHFIRE & EVACUATION SOLUTIONS***

19 March 2024

# AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 JANUARY 2025

## Version Control

Version:	Date/ amendments	Authorised by
1	19 March 2024	KT

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**Disclaimer:** Any recommendation or advice expressed in this document is made in good faith and in accordance with the relevant legislation for bushfire prone development in NSW. It should be borne in mind that the measures recommended in this report cannot guarantee that a building will survive a bushfire event on every occasion. This is due to the degree of vegetation management, the unpredictable behaviour of bushfires and extreme weather conditions. The author of this report accepts no responsibility for any loss or damage, whether direct or consequential, suffered by any person as the result of or arising from the reliance on the statements, information or recommendations of this document.

# AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 JANUARY 2025

## GLOSSARY

Term/ Abbreviation	Meaning
APZ	Asset Protection Zone
AS 2419.1 - 2017	Australian Standard – Fire hydrant installations
AS 3959 - 2018	Australian Standard – Construction of buildings in bushfire prone areas
BAL	Bushfire Attack Level
BFRMP	Bushfire Risk Management Plan
BPL Map	Bushfire prone land map
BPMs	Bushfire Protection Measures
EP & A Act	Environmental Planning & Assessment Act 1979
FFDI	Forest Fire Danger Index
IPA	Inner Protection Area
LGA	Local Government Area
NCC	National Construction Code
NSW RFS	New South Wales Rural Fire Service
OPA	Outer Protection Area
PBP	Planning for Bush Fire Protection 2019
RF Act	Rural Fires Act 1997
WSC	Wingecarribee Shire Council

### **Asset Protection Zone:**

An area surrounding a development managed to reduce the bushfire hazard to an acceptable level. The width of the required asset protection zone varies with slope, vegetation and Fire Danger Index (FDI). The asset protection zone ensures there is no fire path between the hazard and the building.

### **AS 3959-2018 Construction of buildings in bushfire-prone areas:**

The relevant Australian Standard for bushfire prone construction detailing the deemed to satisfy construction provisions for building development in NSW assessed as BAL-12.5 to BAL-40.

### **Bushfire Attack:**

Attack by burning embers, radiant heat or flame generated by a bushfire, which might result in ignition and subsequent damage to, or destruction of a building.

### **Bushfire Prone Land:**

An area that is subject to, or likely to be subject to bushfire attack. In general, a bushfire prone area is an area mapped for a local government area that identifies the vegetation types and associated buffer zones. Bushfire prone land maps are prepared by local councils and certified by the Commissioner of the NSW RFS.

### **Bushfire Attack Level (BAL):**

A means of measuring the severity of a building's potential exposure to ember attack, radiant heat and direct flame contact using increments of radiant heat expressed in kilowatts per metre squared (kW/m<sup>2</sup>), and the basis for establishing the requirements for construction to improve protection of building elements from attack by bushfire.

### **Bush Fire Protection Measures:**

A range of measures (controls) available to minimise the risk arising from a bushfire. BPMs include APZs, construction standards, suitable access arrangements, water and utility services, emergency management arrangements and landscaping.

### **Bush Fire Safety Authority**

An approval of the Commissioner of the NSW RFS required for subdivision for residential or rural residential purpose or for a special fire protection purpose listed under section 100B (6) of the *Rural Fires Act*. This form of development is considered to be integrated development.

### **Forest Fire Danger Index:**

An index providing a determination of the chance of a fire starting, its rate of spread, its intensity and the difficulty of its suppression, according to various combinations of air temperature, relative humidity, wind speed and both the long and short-term drought effects.

### **Planning for Bush Fire Protection 2019:**

Legislative planning guideline produced by the NSW Rural Fire Service detailing the specifications and requirements for bushfire prone development in NSW.

# AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 JANUARY 2025

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**SECTION 1: INTRODUCTION - EXECUTIVE SUMMARY**

Bushfire and Evacuation Solutions have been commissioned to complete a bushfire assessment report for construction of a new dwelling within a residential allotment known as 3 Park Street Wingello (herewith 'the subject property').

The subject property is identified as bushfire prone land on Wingecarribee Shire Council mapping. The proposal is therefore subject to compliance with the provisions of the NSW Rural Fire Service document entitled 'Planning for Bush Fire Protection' 2019 (PBP).

The proposed development is constrained by scattered areas of forested vegetation located to the north/ northwest of the site (i.e., aligning Kareela Road and adjacent to Bill O'Reilly Oval). Given the proximity of this vegetation the highest bushfire attack level (BAL) affecting the proposed building development is assessed as **BAL-12.5**. Based on this outcome, this report provides confirmation that the subject development **can** comply with the deemed-to-satisfy bushfire construction provisions of the National Construction Code (NCC).

The proposal is assessed against the aim and objectives (acceptable solutions) of PBP (section 7) for infill development. The following bushfire protection measures (detailed further in Section 4 of this report) are recommended to address these objectives:

- Landscaping and management of the subject property in accordance with APZ (IPA) standards;
- Building construction in accordance with sections 3 and 5 of AS 3959-2018; or NASH Standard (1.7.14 updated); and Sections 7.5 and 7.6 of PBP 2019;
- Provision for a static water supply (10,000 litres) maintained for firefighting;
- Utility installation designed to reduce the potential of fire spread and ignition from gas or electricity;
- Property access to the dwelling and water supply in accordance with the design specifications of PBP;
- Provision for bushfire emergency and evacuation planning for residents of the property.

Where these measures are incorporated, it is determined that the proposal is suitable in terms of satisfying the specifications and requirements of PBP for a residential building development as required under section 4.14 of the Environmental Planning and Assessment Act 1979.

**1.1 Purpose of Report**

The primary purpose of this assessment is to determine compliance (or otherwise) of the subject development when assessed against the aim and objectives (specifications and requirements) of PBP. Based on these requirements, this report seeks to:

- Determine the bushfire parameters relevant to the site (i.e., vegetation (hazard) formation; effective slope underlying the hazard; separation distance between the building and hazard; and FFDI for the local council area);
- Determine the expected fire behaviour and bushfire attack level (BAL) affecting the subject development;
- Assess the proposal with reference to PBP;
- Identify appropriate bushfire protection measures designed to mitigate the bushfire risk and protect occupants of the building against bushfire attack;
- Assist the Consent Authority (WSC) in the determination of the suitability of the proposed development.

The recommendations contained herein may assist in forming the basis of any specific bushfire conditions that Council and/ or the NSW Rural Fire Service may elect to place within the consent conditions issued for the subject development application.

**Note:** The scope of this report is limited to the bushfire assessment for the proposed development and only contains recommendations for the subject property. Where reference is made to adjacent lands, this report does not purport to assess those lands

## **1.2 Statutory Framework**

The bushfire legislation and statutory controls relevant to the proposed development include:

### **(I) Environmental Planning and Assessment Act 1979**

#### **Section 4.14 - Consultation and development consent – certain bush fire prone land**

This section details the legislative requirements for development consent for infill development on bushfire prone land.

### **(II) Planning for Bush Fire Protection 2019**

- **Section 7 – Planning controls for infill development on bush fire prone land.**

Section 7.4 details the specifications and requirements (Acceptable Solutions) for bushfire protection measures for infill development.

- **Appendix 1 and Appendix 2:**

These sections detail the required assessment methodology and submission requirements for development on bushfire prone land.

### **(III) The National Construction Code (NCC):**

The NCC contains Performance Requirements and Deemed-to-Satisfy (DTS) provisions relating to the construction of buildings in bushfire prone areas. The construction requirements of the following standards are the DTS solution in the NCC (as varied in NSW,

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for buildings in designated bushfire prone areas):

- **Australian Standard 3959 - 2018: Construction of buildings in bushfire prone areas:**  
and
  - **NASH Standard: National Association of Steel-framed Housing**
- 

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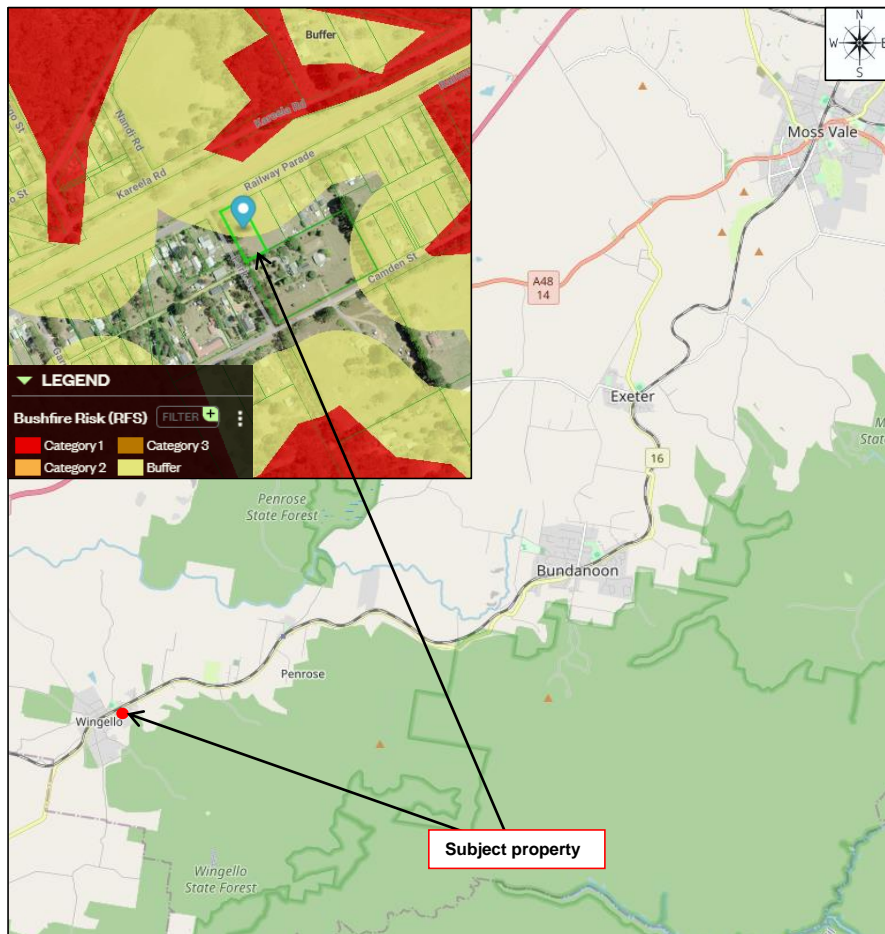
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## **SECTION 2: PROPERTY DETAILS/ PROPOSED DEVELOPMENT**

**Address/Location:** 3 Park Street Wingello NSW.  
**Lot 425** in **DP 1096435**

**Lot Size:** 2310m<sup>2</sup>.

**Mapped as Bushfire Prone Land:** Yes – constrained by Vegetation Category 1 (Forest).



**Figure 1: Locality Map (Insert – SCC Bushfire Prone Land Map)**

### **Other Known Constraints:**

A desktop assessment of the publicly available planning enquiry system has found no other constraints to be considered regarding the proposed development upon the subject site. No other

known significant environmental features have been noted, recorded or advised of as part of this assessment.

**2.1 Site Description/ Proposed Development**

Lot 425 (No. 3) Park Street is a vacant parcel of residential land (zoned R2 – Low Density Residential) located at the corner of Park Street and Railway Parade in Wingello (within the Wingecarribee Local Government Area).

The subject property is bordered to the west, south and east by developed land (i.e., residential properties and road reserves maintained in a minimal fuel condition). The site adjoins Railway Parade to the north and the adjacent railway corridor beyond which is scattered vegetation (hazard) aligning Kareela Road and extending further across Bill O’Reilly/ Wingello Reserve further to the north/northwest. The extent and proximity of this hazard area is depicted in Figure 4.

The proposed building development is for construction of a new dwelling (Class 1a as defined by the NCC). The location/ site of the development is as denoted in Figure 2 and Figure 4.



**Figure 2: Preliminary Site Sketch (Source: McDonald Jones Homes)**

**SECTION 3 BUSHFIRE HAZARD RISK ASSESSMENT**

The relevant bushfire attack level (BAL) is determined using the assessment methodology detailed in Appendix 1 of PBP. The required methodology is detailed as follows:

- I. Determine vegetation formations in all directions around the building to a distance of 140 metres (refer to A1.2); and
- II. Determine the effective slope of the land from the building for a distance of 100 metres (refer to A1.4 and A1.5); and
- III. Determine the relevant FFDI for the council area in which the development is to be undertaken (refer to A1.6); and
- IV. Determine the separation distance by measuring from the edge of the unmanaged vegetation to the closest external wall; and
- V. Match the relevant FFDI, appropriate vegetation, distance and effective slope to determine the appropriate BAL using the relevant tables at the end of this section of PBP (A1.12.5, A1.12.6, and A1.12.7); and
- VI. Refer to Section 3 in AS 3959 and NASH Standard to identify appropriate construction requirements for the calculated BAL.

**3.1 *Vegetation (bushfire hazard) within 140m of the proposed building/s***

Vegetation extent (bushfire hazard) within the study area is derived from aerial photo interpretation (API); a review of the SEED Portal (NSW Government Data/Mapping); and an inspection of the subject property and surrounds. The area/s of vegetation considered as a hazard and subsequent threat to the site is summarised as follows:

**Table 1.0: *Vegetation (hazard) located within the study area (out to 140 metres)***

Direction from subject dwelling	Primary Vegetation (hazard) Formation (Keith 2004 Formations)	Comment
North/ Northwest	<i>Forest (Dry Sclerophyll)</i>	That associated with forested vegetation located within the study area to the north/northwest along Kareela Road extending into Wingello Reserve. The relevant formation is mapped on SEED Portal (NSW State vegetation Type Formation datasets) as <b><i>South-East Dry Sclerophyll Forests – PCT ID 3643.</i></b>
All other directions	<i>N/A - Managed Land</i>	That associated with residential lots, road reserves and infrastructure managed in a minimal fuel condition.

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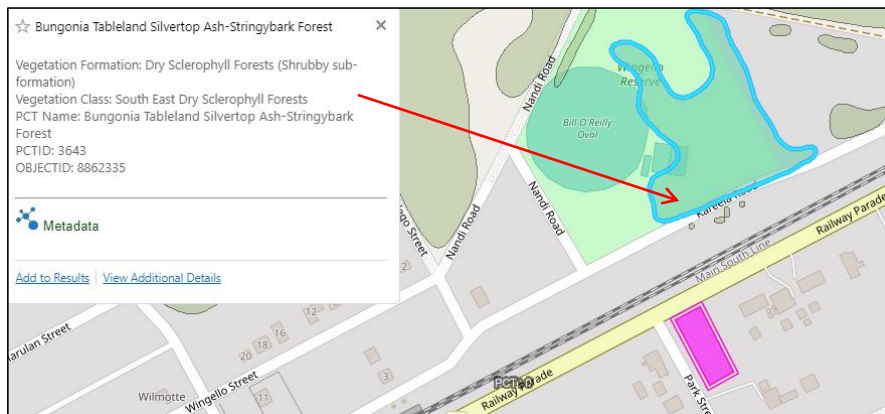


Figure 3: Extract – SEED Portal - Shoalhaven Biometric datasets



Figure 4: Site context/ bushfire hazard within the study area

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**Plate 1:** View south across subject property



**Plate 2:** Kareela Road – adjacent to Bill O’Reilly Oval to the Northwest of site



**Plate 3:** Hazard profile – Wingello Reserve to the northwest of site



**3.2 Effective slope that will influence bushfire behaviour**

The effective slope is the gradient within the hazard which will most significantly influence fire behaviour, determined over a distance of at least 100 metres from the building footprint. In this instance QGIS software (with Nearmap imagery and LIDAR digital elevation 2 metre contour overlay) has been referenced along with observations undertaken during the site inspection in the determination of the effective slope. The effective slope is assessed as:

- **>0-5 degrees down slope:** Underlying the hazard (north/northwest).



Figure 5: Effective Slope Analysis (QGIS – LIDAR 2m DEM)

**3.3 Separation Distance (between the bushfire hazard and proposed development):**

- **91 metres:** between the proposed dwelling and hazard (N/NW);

**3.4 Forest Fire Danger Index (FFDI) for Local Government Area (LGA)**

- 100       80       50  
Wingecarribee LGA (Illawarra/ Shoalhaven - NSW RFS)

**3.5 Determination of Bushfire Attack Level (BAL)**

The relevant BAL rating has been determined using the assessment methodology detailed in PBP (Section A1.1) and the values given in PBP Table A1.12.5 – Refer Appendix 1 of this report).

**Table 2.0:** BAL Assessment

Direction from building	Vegetation Formation	APZ/ separation from hazard	Slope Category (PBP 2019)	Bushfire attack level
North/ Northwest	Forest	91 metres	>0-5° d/slope	<b>BAL-12.5</b>
All other directions	N/A-Managed land	>140 metres	N/A	N/A

**Note:** The highest BAL affecting the development is assessed as **BAL-12.5**. Based on this outcome the proposed development **can comply** with the deemed to satisfy (DTS) construction provisions of the NCC.

The categories of bushfire attack, their corresponding risk and relevant construction provisions (AS 3959-2018) are summarised as follows:

**Table 3.0:** Explanation of BAL Ratings and their corresponding Risk and Construction

Bushfire Attack Level (BAL)	BAL Risk Rating	Description of predicted bushfire attack	Construction Provisions AS3959-2018
BAL - LOW	VERY LOW	Minimal attack from radiant heat and flame due to the separation distance of the building from the vegetation (hazard). Some attack from burning debris is possible.	N/A – insufficient threat to warrant bushfire construction standards.
BAL – 12.5	LOW	Attack from burning debris is significant with radiant heat not greater than 12kW/m <sup>2</sup> . Specific construction requirements for ember attack and accumulation of debris are warranted.	<b>Sections 3 &amp; 5</b> – Specific construction required for ember protection & accumulation of burning debris.
BAL - 19	MODERATE	Attack from burning debris is significant with radiant heat flux (not greater than 19kW/m <sup>2</sup> threatening some building elements. Specific construction requirements for ember attack and radiant heat are warranted.	<b>Sections 3 &amp; 6</b> – Specific construction for protection against ember attack & radiant heat is necessary.
BAL - 29	HIGH	Attack from burning debris is significant with radiant heat flux (not greater than 29kW/m <sup>2</sup> threatening building integrity. Specific	<b>Sections 3 &amp; 7</b> – Specific construction for protection against ember attack and

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Bushfire Attack Level (BAL)	BAL Risk Rating	Description of predicted bushfire attack	Construction Provisions AS3959-2018
		construction requirements for ember attack and radiant heat are warranted.	higher radiant heat is necessary.
BAL - 40	VERY HIGH	Radiant heat flux and potential flame contact could threaten building integrity.	<b>Sections 3 &amp; 8</b> – Buildings must be designed & constructed to withstand extreme radiant heat & potential flame contact.
BAL - FZ	EXTREME	Significant radiant heat and significant higher likelihood of flame contact from the fire front will threaten building integrity and result in significant risk to residents.	Flame zone construction requires an alternate solution & is outside the scope of the DTS requirements of AS3959-2018.

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**SECTION 4**      **RECOMMENDED BUSHFIRE PROTECTION MEASURES**

The intent of bushfire protection measures (BPM's) prescribed under PBP (section 7.4 – Infill Development) is given as follows:

*To minimize the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.*

The following BPM's are recommended in accordance with the acceptable solutions of PBP.

**4.1**      ***Landscaping / Asset Protection Zone (APZ) Recommendations***

An asset protection zone (APZ) is a buffer zone located between a bushfire hazard and buildings that is designed to mitigate the risk to life and property. This area is managed to minimise fuel loads and reduce potential radiant heat levels, flame, ember and smoke attack at the building elevation.

**RECOMMENDATION 1.**

That at the commencement of building works and in perpetuity, the yard area of the subject property is landscaped and maintained in accordance with asset protection zone (**Inner Protection Area – IPA**) standards.

The above recommendation should ensure that no easily combustible material, structures, available forest fuel/ bushfire vegetation or other items be installed, stored or allowed to re-accumulate and become contiguous within the yard area. Trees planted within the IPA should be well spread out and should not form a continuous canopy. The IPA extent should not support or carry a running bush fire towards the subject development site and associated infrastructure.

The **Inner Protection Area** should be managed in terms of PBP 2019 A4.1.1 which states:

*'The IPA is the area closest to the building and creates a fuel-managed area which can minimise the impact of direct flame contact and radiant heat on the development and act as a defensible space. Vegetation within the IPA should be kept to a minimum level. Litter fuels within the IPA should be kept below 1cm in height and be discontinuous'.*

Landscaped areas within the APZ are to be maintained in accordance with the following documents:

1. PBP 2019: *Appendix 4: Asset Protection Zone Requirements* (refer Appendix 2 of this report);
2. *Standards for Asset Protection Zones* (NSW Rural Fire Service).

Based on the specifications of these documents, landscaping and maintenance within the IPA should ensure the following:

- There is minimal fine fuel at ground level which could be set alight by a bushfire.

- A minimum 1-metre-wide area (or to the property boundary where the setbacks are less than 1 metre) suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Trees and shrubs planted within the APZ are of a low-flammability species (i.e., native and/or introduced species) and should not directly abut the building.
- The use of non-combustible ground surfaces such as gravel paths and paved areas is encouraged, particularly surrounding the building envelope.
- Lawn areas are maintained low cut and clear (i.e., <100mm in height). There shall be minimal fine fuel at ground level which could be set alight by a bushfire.
- Areas under fences, gates and trees are raked and kept clear of fine fuel.
- Gutters, roofs and roof gullies are kept clear of leaves and other debris.
- Verandas, decks, carports, courtyards etc. are not used to store combustible materials and shall be kept free of leaves and other debris.
- Trees may be retained within the IPA where:
  - Trees at maturity should not touch or overhang the building.
  - Planting is restricted from the immediate vicinity of the building which may over time and if not properly maintained come into contact with the building.
  - Maximum tree cover should be less than 15% and maximum shrub cover less than 10%.
  - Planting should not provide a continuous canopy to the building (i.e., trees or shrubs should be isolated or located in small clusters). Tree canopies should be separated by 2 – 5 metres.

#### **4.2 Construction Standard Recommendations**

##### **RECOMMENDATION 2.**

That the proposed building development is constructed to BAL-12.5 standards in accordance with Sections 3 and 5 (**BAL-12.5**) of Australian Standard AS 3959-2018 'Construction of buildings in bushfire-prone areas' (or the NASH Standard (1.7.14 updated) 'Steel Framed Construction in Bushfire Areas) as appropriate; and Section 7.5.2 of PBP 2019 (i.e., NSW specific state variation to the NCC).

##### **RECOMMENDATION 3.**

That the following NSW state specific variations to the NCC apply in accordance with the provisions of Section 7.5.2 and 7.6 of PBP 2019:

**Sarking** - All sarking used must be:

- Non-combustible, or

- Breather type sarking complying with AS/NZS 4200.1 and with a flammability index of not more than 5 (see AS1530.2) and sarked on the outside of the frame, or
- An insulation material conforming to the appropriate Australian Standard for that material.

**Sub-floor Supports:**

- Clause 5.2 of AS 3959 is replaced by clause 7.2 of AS 3959, except that any wall enclosing the subfloor space need only comply with the wall requirements for the respective BAL.

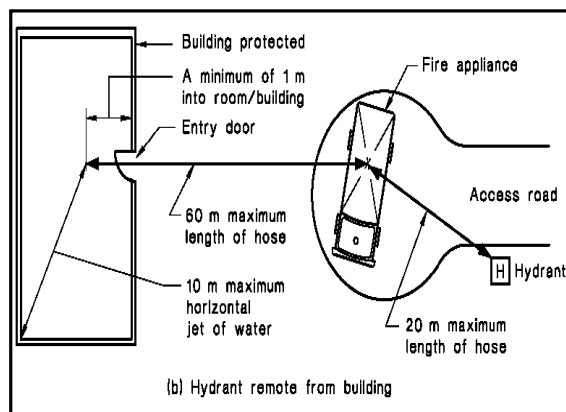
**Verandas, decks, Steps, ramps and landings:**

- Clause 5.7 of AS 3959 is replaced by clause 7.7 of AS 3959, except that any wall enclosing the subfloor space need only comply with the wall requirements for the respective BAL.

**Fences and Gates** – Any new fences or gates constructed within the APZ should be of hardwood or non-combustible material. Note: any new fences constructed within 6 metres of the dwelling should be of non-combustible construction.

**4.3 Water Supply Recommendations**

The subject property **is not** serviced by a reticulated (town) mains hydrant installation (i.e., in accordance with the relevant provisions of AS 2419.1-2005) depicted as follows.



A static (tank) water supply is therefore required to be installed and maintained for firefighting (in accordance with the Acceptable Solutions of PBP – Table 5.3d and Table 7.4a) detailed as follows:

**RECOMMENDATION 4.**

That a static water supply (minimum 10,000 litres for lots 1,000 - 10,000m<sup>2</sup>) is maintained at all times for firefighting operations. This supply shall be provided in accordance with the acceptable solutions of PBP (i.e., for non-reticulated water supply areas) which include:

- *A suitable connection for firefighting purposes is to be located within the IPA and away from the structure. A 65mm Storz outlet with a Gate or Ball valve is fitted to the outlet.*
- *Ball valve and pipes are adequate for water flow and are metal. All exposed water pipes external to the building are metal, including any fittings.*
- *Supply pipes from tank to ball valve have the same bore size to ensure flow volume.*
- *Underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank. A hardened ground surface for truck access is to be supplied within 4 metres of the access hole. Underground tanks are clearly marked/ signed;*
- *Above ground tanks are to be manufactured from concrete or metal and raised tanks have their stands constructed from non-combustible material or bushfire resisting timber (see Appendix F of AS 3959).*
- *Tanks on the hazard side of a building are to be provided with adequate shielding for the protection of firefighters.*
- *Unobstructed access is provided at all times to the water source.*

In addition to the above, the following measures are recommended:

- That a static water supply (SWS) marker is obtained from the local NSW Rural Fire Service Control Centre or local fire station. The SWS marker is to be placed at the front gate of the property either:
  - a) On the front fence – facing the road; OR
  - b) On the letterbox – facing the road.
- That a portable powered pump (petrol or diesel powered) minimum >3kW (5hp) is made available and shielded from the bushfire threat. Connection of the tank outlet to the pump may require a 65mm to 38mm reducer storz fitting. A non-collapsible suction hose shall also be provided.
- That a firefighting hose with a diameter not less than 19mm, fire-fighting nozzle and fittings suitable for connection to the pump, shall be provided. Fire hose reels are constructed in accordance with AS/NZS 1221:1997 and installed in accordance with the relevant clauses of AS 2441:2005. The hose shall be of sufficient length to reach all elevations of the subject dwelling.

#### **4.4 Utilities (Gas and Electricity Supply) Recommendations**

##### **RECOMMENDATION 5.**

- *That any proposed gas connection is installed and maintained in accordance with AS1596 and the requirements of relevant authorities; and*
- *All fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and shielded on the hazard side of the installation (i.e., using non-combustible shielding material); and*

- *Connections to and from gas cylinders are metal; and*
- *Polymer-sheathed flexible gas supply lines are not used; and*
- *Above-ground gas service pipes are metal, including and up to any outlets.*
- *That any new or re-positioned electricity supply line servicing the subject development is located underground from the connection point at the property boundary to the building.*
- *For existing overhead electrical transmission lines – no part of a tree is closer to the power line than the distance set out in accordance with the specifications in ISSC3 *Guidelines for Managing Vegetation Near Power Lines*.*

#### **4.5 Vehicle Access/Egress Recommendations**

##### **RECOMMENDATION 6.**

That property access to the proposed building (and to the water supply) complies with the acceptable solutions of PBP section 7.4 that are relevant ('applicable') to the site, detailed as follows:

- *Property access roads are two-wheel drive, all weather roads **(Applicable)**;*
- *The capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges and causeways are to clearly indicate load rating **(Applicable – however, there are no bridges or causeways)**;*
- *There is suitable access for a Category 1 fire appliance to within 4m of the static water supply **(Applicable)**;*
- *At least one alternative property access road is provided for individual dwellings that are located more than 200 metres from a public through road. **(Not Applicable)**.*
- *Minimum 4m carriageway width **(Applicable)**.*
- *In forest, woodland and heath situations, rural property access roads have passing bays every 200 metres that are 20 metres long by two metres wide, making a minimum trafficable width of six metres at the passing bay. **(Not applicable)**.*
- *Minimum vertical clearance of 4m to any overhanging obstructions, including tree branches **(Applicable)**;*
- *Property access must provide a suitable turning area in accordance with PBP Appendix 5 (refer Appendix 3 of this report) **(Applicable)**;*
- *Curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress **(Applicable)**;*
- *The minimum distance between inner and outer curves is 6m **(Applicable)**;*
- *The cross fall not more than 10 degrees. **(Not Applicable)**;*
- *Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads **(Not Applicable)**;*
- *A development comprising more than three dwellings has formalised access by dedication of a road and not by right of way **(Not applicable)**.*



**4.6 Bushfire/ Emergency Evacuation Recommendations**

The preparation of bushfire emergency and evacuation procedures in high-risk bushfire prone areas has been shown to increase the chances of occupant and building survival in the event of bushfire attack. The NSW Rural Fire Service and Fire & Rescue NSW have formulated bushfire survival plans (readily available from their respective websites).

**RECOMMENDATION 7.**

It is recommended that a bushfire survival plan is prepared for the occupants of the dwelling. This plan shall be prepared in accordance with the relevant steps detailed by the NSW Rural Fire Service (<http://www.rfs.nsw.gov.au/plan-and-prepare/bush-fire-survival-plan>).

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## **SECTION 5** **COMPLIANCE/ NON-COMPLIANCE WITH PBP PERFORMANCE CRITERIA - BUSHFIRE PROTECTION MEASURES FOR INFILL DEVELOPMENT.**

Bushfire Protection Measure (BPM)	Performance Criteria	Comment
Asset protection Zones	<ul style="list-style-type: none"> <li>&gt; APZs are provided commensurate with the construction of the building;</li> <li>&gt; A defensible space is provided;</li> <li>&gt; APZs are managed and maintained to prevent the spread of fire to the building;</li> <li>&gt; The APZ is provided in perpetuity;</li> <li>&gt; APZ maintenance is practical, soil stability is not compromised and the potential for crown fires is minimised.</li> </ul>	<p><b>Can Comply</b> – Recommendation No.1 of this report.</p> <p>A defensible space and APZ is provided on the subject property (and adjacent managed land) separating the proposed dwelling and hazard for the life of the development.</p>
Access	<ul style="list-style-type: none"> <li>&gt; Firefighting vehicles are provided with safe, all-weather access to structures and hazard vegetation;</li> <li>&gt; The capacity of access roads is adequate for firefighting vehicles;</li> <li>&gt; There is appropriate access to water supplies;</li> <li>&gt; Firefighting vehicles can access the dwelling and exit the property safely.</li> </ul>	<p><b>Can Comply</b> – Predicated on compliance with Recommendation 6.</p>
Water Supplies	<ul style="list-style-type: none"> <li>&gt; An adequate water supply is provided for firefighting purposes;</li> <li>&gt; The integrity of the water supply is maintained;</li> <li>&gt; A static water supply is provided for firefighting purposes in areas where reticulated water is not available.</li> </ul>	<p><b>Can Comply</b> – Predicated on compliance with Recommendation 4.</p>
Electricity Services	<ul style="list-style-type: none"> <li>&gt; Location of electricity services limits the possibility of ignition of surrounding bush land or the fabric of the building.</li> </ul>	<p><b>Can Comply</b> – Predicated on compliance with Recommendation No. 5.</p>
Gas Services	<ul style="list-style-type: none"> <li>&gt; Location and design of gas services will not lead to ignition of surrounding bushland or the fabric of buildings.</li> </ul>	<p><b>Can Comply</b> – Predicated on compliance with Recommendation No. 5.</p>
Construction Standards	<ul style="list-style-type: none"> <li>&gt; The proposed building can withstand bush fire attack in the form of embers, radiant heat and flame contact;</li> <li>&gt; Proposed fence and gates are designed to minimise the spread of bush fire;</li> <li>&gt; Proposed Class 10a buildings are designed to minimise the spread of bush fire.</li> </ul>	<p><b>Can Comply</b> – Predicated on compliance with the recommended bushfire construction standards and APZ (Recommendations 1-3) the subject development can achieve the performance requirements of the planning legislation.</p>
Landscaping	<ul style="list-style-type: none"> <li>&gt; Landscaping is designed and managed to minimise flame contact and radiant heat to buildings, and the potential for wind-driven embers to cause ignitions.</li> </ul>	<p><b>Can Comply</b> – Recommendation No. 1 of this report.</p>

**SECTION 6**      **ENVIRONMENTAL IMPACT OF ANY PROPOSED BUSHFIRE PROTECTION MEASURES**

Bushfire Protection Measure	Likely Environmental Impact	Comment
APZ	Insignificant	<i>The subject property is currently cleared managed land.</i>
Construction Standard	Insignificant	<i>New works to be constructed within approved building envelope.</i>
Water Supply for fire fighting	Insignificant	<i>N/A</i>
Utility service protection	Insignificant	<i>N/A</i>
Vehicle Access	Insignificant	<i>N/A</i>

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## CONCLUSION

Where the recommendations of this report are incorporated, it is considered that this development proposal can comply with *Planning for Bushfire Protection 2019*, as required under section 4.14 of the *Environmental Planning and Assessment Act 1979*.

The recommended bushfire protection measures include provision for landscaping and management of the subject property in accordance with APZ standards; bushfire construction in accordance with the relevant bushfire construction standards; and provision for a static water supply and utility installation in accordance with the specifications of PBP. These measures reasonably address the aim and objectives of PBP and are consistent with the relative and current bushfire risk to the subject development site.

As infill development, the proposal can satisfy the intent of the performance criteria of PBP and as a considered opinion can reasonably facilitate PBP objectives in as far as;

- *Affording buildings and their occupants protection from exposure to bushfire;*
- *Providing for a defensible space to be located around buildings;*
- *Providing appropriate separation between a hazard and buildings which, in combination with other measures, prevent the likely fire spread to buildings;*
- *Ensure that appropriate operational access and egress for emergency service personnel and occupants is available;*
- *Provide for ongoing management and maintenance of bushfire protection measures; and*
- *Ensure that utility services are adequate to meet the needs of firefighters.*

Should any of the above information require clarification or further discussion, please contact the undersigned.



**Kieran Taylor**

**BUSHFIRE & EVACUATION SOLUTIONS**

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**REFERENCES/ FURTHER READING**

*Australian Standard 3959-2018, Construction of buildings in bushfire prone areas* – Standards Australia.

*Environmental Planning and Assessment Act (1979)* – NSW Government Printer.

- Section 4.14 Consultation and Development Consent Certain Bushfire Prone Land
- Section 10.3 Bushfire Prone Land

*Rural Fires Act (1997)* – NSW Government Printer

*Landscape and building design for bushfire areas (2003)* – Ramsay G C & Rudolf L, CSIRO Publishing, Collingwood Victoria.

*National Construction Code (2019)* – Australian Building Codes Board, Canprint.

*Ocean shores to desert dunes: the native vegetation of NSW and the ACT (2004)* – Keith D, NSW Dept of Environment and Conservation, Hurstville NSW.

*Planning for Bushfire Protection. A guide for councils, planners, fire authorities and developers (2019)* – NSW Rural Fire Service.

*Standards for Asset Protection Zones* – NSW Rural Fire Service

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**Appendix 1:** PBP Table A1.12.5

**Table A1.12.5**

Determination of BAL, FFDI 100 - residential developments

KEITH VEGETATION FORMATION	BUSH FIRE ATTACK LEVEL (BAL)					
	BAL-FZ	BAL-40	BAL-29	BAL-19	BAL-12.5	
	Distance (m) asset to predominant vegetation class					
ALL UPSLOPE AND FLATLAND	Rainforest	< 8	8 -< 11	11 -< 16	16 -< 23	23 -< 100
	Forest (wet and dry sclerophyll) including Coastal Swamp Forest, Pine Plantations and Sub-Alpine Woodland	< 18	18 -< 24	24 -< 33	33 -< 45	45 -< 100
	Grassy and Semi-Arid Woodland (including Mallee)	< 9	9 -< 12	12 -< 18	18 -< 26	26 -< 100
	Forested Wetland (excluding Coastal Swamp Forest)	< 7	7 -< 10	10 -< 14	14 -< 21	21 -< 100
	Tall Heath	< 12	12 -< 16	16 -< 23	23 -< 32	32 -< 100
	Short Heath	< 7	7 -< 9	9 -< 14	14 -< 20	20 -< 100
	Arid-Shrublands (acacia and chenopod)	< 5	5 -< 6	6 -< 9	9 -< 14	14 -< 100
	Freshwater Wetlands	< 4	4 -< 5	5 -< 7	7 -< 11	11 -< 100
	Grassland	< 8	8 -< 10	10 -< 15	15 -< 22	22 -< 50
	Rainforest	< 11	11 -< 14	14 -< 21	21 -< 29	29 -< 100
> 0 > 5 DEGREES - DOWNSLOPE	Forest (wet and dry sclerophyll) including Coastal Swamp Forest, Pine Plantations and Sub-Alpine Woodland	< 22	22 -< 29	29 -< 40	40 -< 54	54 -< 100
	Grassy and Semi-Arid Woodland (including Mallee)	< 12	12 -< 16	16 -< 23	23 -< 32	32 -< 100
	Forested Wetland (excluding Coastal Swamp Forest)	< 9	9 -< 12	12 -< 18	18 -< 26	26 -< 100
	Tall Heath	< 13	13 -< 18	18 -< 26	26 -< 36	36 -< 100
	Short Heath	< 8	8 -< 10	10 -< 15	15 -< 22	22 -< 100
	Arid-Shrublands (acacia and chenopod)	< 5	5 -< 7	7 -< 11	11 -< 16	16 -< 100
	Freshwater Wetlands	< 4	4 -< 6	6 -< 8	8 -< 12	12 -< 100
	Grassland	< 9	9 -< 12	12 -< 17	17 -< 25	25 -< 50
	Rainforest	< 14	14 -< 18	18 -< 26	26 -< 37	37 -< 100
	Forest (wet and dry sclerophyll) including Coastal Swamp Forest, Pine Plantations and Sub-Alpine Woodland	< 28	28 -< 36	36 -< 49	49 -< 65	65 -< 100
> 5 > 15 DEGREES - DOWNSLOPE	Grassy and Semi-Arid Woodland (including Mallee)	< 15	15 -< 20	20 -< 28	28 -< 39	39 -< 100
	Forested Wetland (excluding Coastal Swamp Forest)	< 12	12 -< 16	16 -< 23	23 -< 33	33 -< 100
	Tall Heath	< 15	15 -< 20	20 -< 29	29 -< 40	40 -< 100
	Short Heath	< 9	9 -< 12	12 -< 18	18 -< 25	25 -< 100
	Arid-Shrublands (acacia and chenopod)	< 6	6 -< 8	8 -< 12	12 -< 18	18 -< 100
	Freshwater Wetlands	< 5	5 -< 6	6 -< 10	10 -< 14	14 -< 100
	Grassland	< 10	10 -< 13	13 -< 20	20 -< 28	28 -< 50
	Rainforest	< 17	17 -< 23	23 -< 34	34 -< 46	46 -< 100
	Forest (wet and dry sclerophyll) including Coastal Swamp Forest, Pine Plantations and Sub-Alpine Woodland	< 36	36 -< 45	45 -< 60	60 -< 77	77 -< 100
	Grassy and Semi-Arid Woodland (including Mallee)	< 19	19 -< 25	25 -< 36	36 -< 49	49 -< 100
> 15 > 20 DEGREES - DOWNSLOPE	Forested Wetland (excluding Coastal Swamp Forest)	< 15	15 -< 20	20 -< 29	29 -< 41	41 -< 100
	Tall Heath	< 17	17 -< 22	22 -< 32	32 -< 44	44 -< 100
	Short Heath	< 10	10 -< 13	13 -< 20	20 -< 29	29 -< 100
	Arid-Shrublands (acacia and chenopod)	< 7	7 -< 9	9 -< 14	14 -< 20	20 -< 100
	Freshwater Wetlands	< 5	5 -< 7	7 -< 11	11 -< 16	16 -< 100
	Grassland	< 11	11 -< 15	15 -< 23	23 -< 32	32 -< 50
	Rainforest	< 23	23 -< 30	30 -< 42	42 -< 56	56 -< 100
	Forest (wet and dry sclerophyll) including Coastal Swamp Forest, Pine Plantations and Sub-Alpine Woodland	< 46	46 -< 56	56 -< 73	73 -< 92	92 -< 100
	Grassy and Semi-Arid Woodland (including Mallee)	< 24	24 -< 32	32 -< 44	44 -< 59	59 -< 100
	Forested Wetland (excluding Coastal Swamp Forest)	< 19	19 -< 26	26 -< 37	37 -< 50	50 -< 100
Tall Heath	< 19	19 -< 25	25 -< 36	36 -< 49	49 -< 100	
Short Heath	< 11	11 -< 15	15 -< 23	23 -< 32	32 -< 100	
Arid-Shrublands (acacia and chenopod)	< 7	7 -< 10	10 -< 16	16 -< 23	23 -< 100	
Freshwater Wetlands	< 6	6 -< 8	8 -< 13	13 -< 18	18 -< 100	
Grassland	< 13	13 -< 17	17 -< 26	26 -< 36	36 -< 50	

## Appendix 2: PBP 2019 - APZ Profile/description

### A4.1 Asset protection zones

An APZ is a fuel-reduced area surrounding a built asset or structure.

For a complete guide to APZs and landscaping, download the NSW RFS document *Standards for Asset Protection Zones* at [www.rfs.nsw.gov.au/resources/publications](http://www.rfs.nsw.gov.au/resources/publications).

An APZ provides:

- a buffer zone between a bush fire hazard and an asset
- an area of reduced bush fire fuel that allows suppression of fire
- an area from which backburning or hazard reduction can be conducted,
- an area which allows emergency services access and provides a relatively safe area for firefighters and home owners to defend their property.

Potential bush fire fuels should be minimised within an APZ. This is so that the vegetation within the planned zone does not provide a path for the transfer of fire to the asset either from the ground level or through the tree canopy.

An APZ, if designed correctly and maintained regularly, will reduce the risk of:

- direct flame contact on the asset
- damage to the built asset from intense radiant heat
- ember attack.

The APZ should be located between an asset and the bush fire hazard.

The methodology for calculating the required APZ distance is contained within Appendix 1. The width of the APZ required will depend upon the development type. APZs for new development are set out within Chapters 5, 6 and 7 of this document.

In forest vegetation, the APZ can be made up of an inner protection area (IPA) and an outer protection area (OPA).

#### Inner protection areas (IPAs)

The IPA is the area closest to the asset and creates a fuel-managed area which can minimise the impact of direct flame contact and radiant heat on the development and be a defensible space. Vegetation within the IPA should be kept to a minimum level. Litter fuels within the IPA should be kept below 1cm in height and be discontinuous.

In practical terms the IPA is typically the curtilage around the dwelling, consisting of a mown lawn and well maintained gardens.

When establishing and maintaining an IPA the following requirements apply:

**Trees:**

- canopy cover should be less than 15% (at maturity)
- trees (at maturity) should not touch or overhang the building
- lower limbs should be removed up to a height of 2m above ground
- canopies should be separated by 2 to 5m
- preference should be given to smooth barked and evergreen trees.

**Shrubs:**

- create large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards buildings
- shrubs should not be located under trees
- shrubs should not form more than 10% ground cover
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.

**Grass:**

- should be kept mown (as a guide grass should be kept to no more than 100mm in height)
- leaves and vegetation debris should be removed.

#### Outer protection areas (OPAs)

An OPA is located between the IPA and the unmanaged vegetation. Vegetation within the OPA can be managed to a more moderate level. The reduction of fuel in this area substantially decreases the intensity of an approaching fire and restricts the pathways to crown fuels; reducing the level of direct flame, radiant heat and ember attack on the IPA.

Because of the nature of an OPA, they are only applicable in forest vegetation.

In practical terms the OPA is an area where there is maintenance of the understorey and some separation in the canopy.

When establishing and maintaining an OPA the following requirements apply:

**Trees:**

- tree canopy cover should be less than 30%
- trees should have canopy separation
- canopies should be separated by 2 to 5m

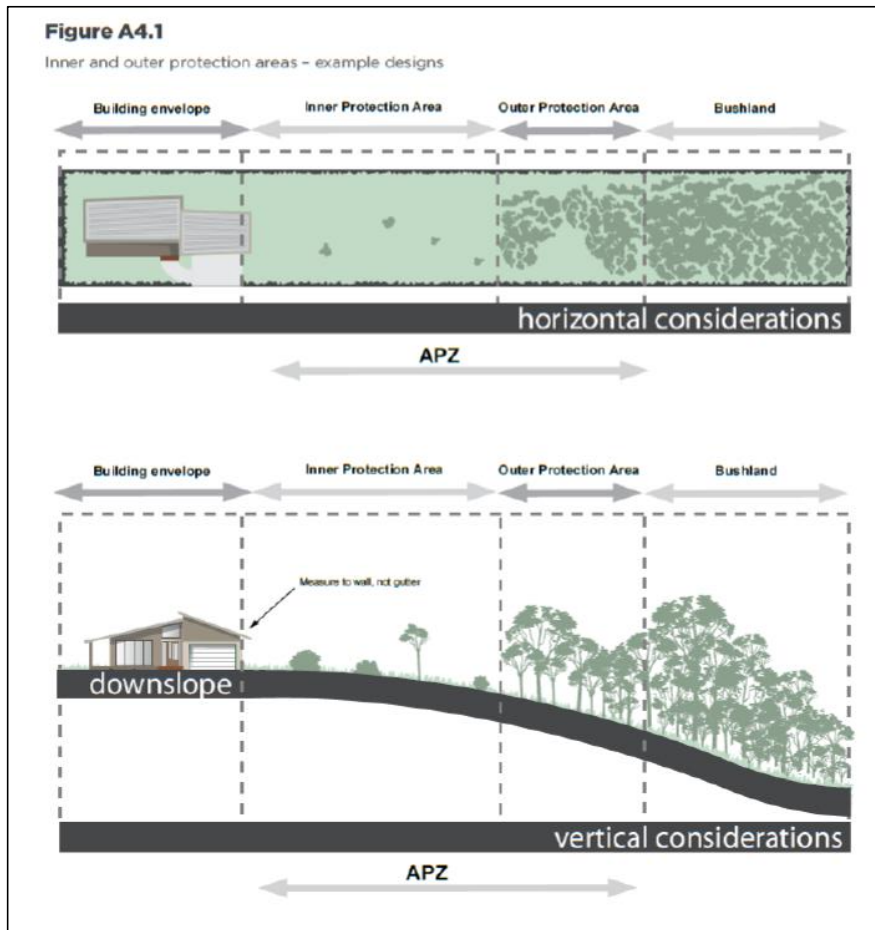
**Shrubs:**

- shrubs should not form a continuous canopy
- shrubs should form no more than 20% of ground cover

**Grass:**

- should be kept mown (as a guide grass should be kept to no more than 100mm in height)
- leaf and other debris should be mown, slashed or mulched.

An APZ should be maintained in perpetuity to ensure ongoing protection from the impact of bush fires. Maintenance of the IPA and OPA to the standards given above should be undertaken on an annual basis, in advance of the fire season, as a minimum.





**Appendix 3:** PBP 2019 (Appendix 3) – Turning Head Options

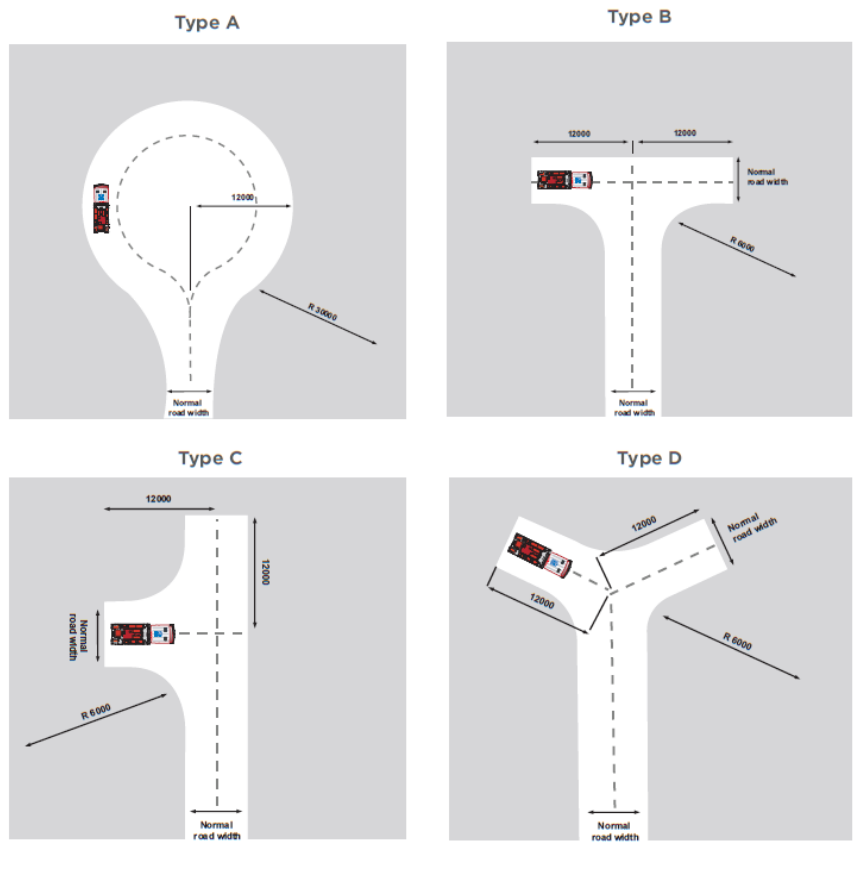
**A3.3 Vehicle turning head requirements**

Dead ends that are longer than 200m must be provided with a turning head area that avoids multipoint turns. "No parking" signs are to be erected within the turning head.

The minimum turning radius shall be in accordance with Table A3.2. Where multipoint turning is proposed the NSW RFS will consider the following options:

**Figure A3.3**

Multipoint turning options.



**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 22 JANUARY 2025**

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**STATEMENT OF ENVIRONMENTAL EFFECTS**

*May 27, 2024*

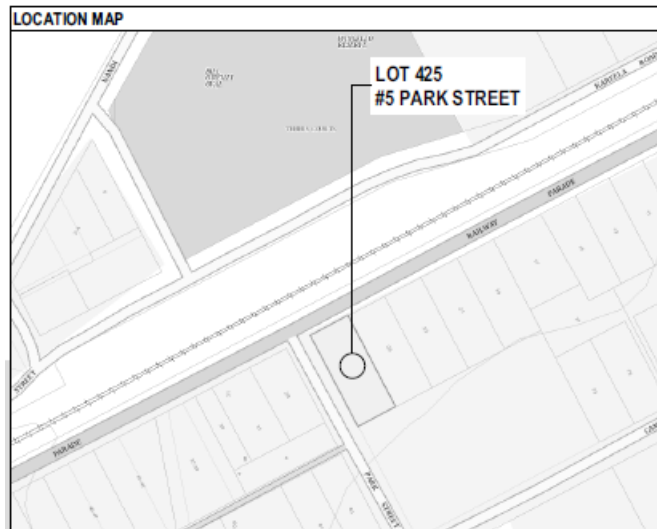
**SITE:** 5 Park Street, Wingello  
**PROPOSAL:** Single Storey 4 Bedroom Dwelling

**INTRODUCTION**

This Statement of Environmental Effects is provided to support the development application for the construction of a one storey residential dwelling at the above address. It is intended to elaborate where necessary on aspects covered in the drawings as well as to provide additional information where required.

**SITE SUITABILITY, SCALE & HEIGHT**

This vacant site is on Park Street and comprises a total area of 2318m<sup>2</sup>.



The dwelling has been designed with a modern architectural style to be compatible with existing development in the immediate vicinity and complies with Council’s requirement regarding front and side boundary setbacks. A variation request has been included in this statement due to front setback.

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# AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 JANUARY 2025



## ZONING

This proposal is located on land that is zoned Zone R2 Low Density Residential under the Wingecarribee Local Environmental Plan 2010.

The proposal is a one storey residential dwelling. The dwelling will be similar to existing surrounding development and will be used for residential purposes providing for the housing needs of the community and it will be compatible with the character and impact positively on the amenity of the surrounding neighbourhood.

This proposed new residence is considered to provide an efficient use of the residential zoned land with minimal impact on surrounding properties.

This proposal is permissible with consent as it is defined in the Planning Certificate.

## COMPLIANCE WITH PENROSE & WINGELLO DCP

### BUILDING MATERIALS

The proposed colours for this dwelling are non-reflective and sympathetic with the local environment as well as dwellings within the vicinity. A copy of the external colour palette is included with this Development Application.

### FRONT SETBACKS

The proposed front setback is 6m to the front of the dwelling. We request a variation to the Penrose & Wingello DCP regarding front setback due to the shape of the block and orientation of the front of the dwelling.

### DCP Part C Residential Zoned Land: Section 2 Detached Dwellings & Associated Development. Section C2.6 Front Setbacks

The specific objectives are to:

- (a) Ensure the front setback of new infill development is consistent with the existing streetscape.*
- (b) Provide areas for trees and vegetation to enhance the streetscape and provide privacy.*
- (c) Preserve existing vegetation connections.*

While the DCP requires Lots over 1500m<sup>2</sup> to have a front setback of 15m to dwellings, the proposed dwelling has a front setback of 6m to the front wall of the dwelling and 5m to the patio.

We request a variation to the DCP for the proposed front setback.

We believe that the proposed dwelling as designed will be aesthetically pleasing to the area and given the site constraints of this lot, including unusual shape making it difficult to position the proposed dwelling to achieve the required front and rear setbacks.

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## AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 JANUARY 2025



The proposed dwelling has been designed to create a residential dwelling that will be comfortable and create a desirable lifestyle with varied indoor and outdoor entertaining and relaxation spaces and is in keeping with the bulk and scale of existing dwellings in the area.

Being a single storey design, the proposed dwelling will not hinder solar access and will allow natural light and ventilation to existing dwellings in the area and the planned landscaping will assist with privacy and further reduce the impact of the proposed dwelling to the existing streetscape.

Given all these considerations, we believe that the proposed dwelling as planned on the allotment, is a suitable dwelling for the property and addresses the site constraints accordingly. With appropriate street appeal and responsible planning of hard and soft landscaping applicable to the site. We seek councils' approval of the development as per the plans submitted.

### SIDE SETBACKS

Proposed side setbacks for this proposed dwelling are as follows:

- RHS setback 24.48m
- LHS setback 25.027m

### REAR SETBACKS

The rear setback of the proposed dwelling is 10.899m.

### BUILDING HEIGHT

This proposed dwelling will be single storey. The overall height is approximately 5.028m and is within the guidelines of the DCP.

The proposed dwelling is single storey, so overshadowing of the neighbouring property should be negligible.

We assume the property owner will provide landscaping and fencing which will assist with privacy.

### GARAGING & DRIVEWAYS

The garage for this proposed dwelling will be set back behind the front façade of the dwelling therefore will not be a dominant feature of the home.

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# AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 JANUARY 2025



## ENVIRONMENT

The proposed dwelling is not expected to have a significant adverse environmental impact on:

- Any significant vegetation community
- Habitat of threatened species, populations or ecological communities
- Rare species of flora
- Watercourse
- Or any significant natural features

The site does not contain any significant constraints that would affect the proposal such as slope, instability or threatened species and is not located with a direct proximity to any watercourse.

## COMMUNICATIONS & HOUSEHOLD SERVICES

The site is serviced with tank water, septic sewer, electricity and telecommunications and is in reasonable proximity to a wide range of community services including health, schools and shopping facilities.

## ACCESS & TRAFFIC

The site has access from Park Street to a double garage and no significant increase in traffic will be generated from the development.

## AIR & NOISE

The dwelling is intended for residential purposes and as such it is envisaged noise will be within normal domestic limits and there will be no adverse effect on air quality during or after construction.

## SOIL & WATER

It is proposed to divert the majority of the roof stormwater to a min 110,000 litre stormwater tank located on the LHS. The collected water will be recycled for use in all plumbing fixtures and fittings to comply with Basix and as indicated on the recycled water plans. Any overflow from the tank plus the residual roof stormwater will be conveyed to street kerb swale drainage.

Sediment control barriers of geotextile fabric will be installed and maintained until completion of construction to ensure any sediment is contained within the property boundaries.

## HERITAGE

There are no known heritage issues for the site.

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## AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 JANUARY 2025



### ENERGY

Basix Certificate 1748541s has been issued and a copy attached confirming the dwellings compliance with water target of 40% (40% actual) and energy target of 63% (90% actual).

### WASTE

During construction waste will be separated on site and contained as indicated on the attached site plan. Hard waste will be removed by appropriate subcontractors for recycling. Soft waste will be disposed of through appropriate waste management facilities.

After occupation it is proposed that domestic household waste will be stored in Council provided bins and collected as part of Council's weekly rubbish and fortnightly recycled material collection services. Pending collection, the bins will be stored on the site away from public view.

### BUSHFIRE ASSESSMENT

There is bushfire risk to this property of BAL 12.5 and a Bushfire Report is included with our application.

### CONCLUSION

We believe the development complies with Council's standards and policies and therefore should be approved.

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# **mcdonald jones**

**YOUR HOME, YOUR DREAM**

**WASTE MINIMISATION AND MANAGEMENT  
PLAN**

27/05/2024



**Waste Management Plan**  
**Land Use or Activity Proposed**

<b>Site Address</b>	Address: 5 Park Street, Wingello Lot: 425    DP: 1096435
<b>Applicant Details</b>	Surname/Company: <b><u>Mcdonald Jones Homes / MOJO Homes Pty Ltd</u></b> Postal Address: <b><u>PO Box 275 OAK FLATS NSW 2529</u></b> Phone: 4230 6800 Buildings and other structures currently on site: - __ Vacant _____  Brief description of proposal: - __ Construction of dwelling _____ _____ _____
	The details provided on this form are the intentions for managing waste related to the project.
	Date: 27/05/2024

27/05/2024

**Waste Management Plan**  
**Details of Waste Management – Construction Phase**

Materials On-Site		Destination		
<b>REUSE AND RECYCLING</b>				
Type of Material	Estimated Amount (cubic m.) or area (sq.m.) or tonne	ON-SITE Proposed re-use or on-site Recycling methods	OFF-SITE Contractor and Recycling outlet	DISPOSAL Contractor and Landfill site
<b>Excavation Material</b>	<i>15 cubic m</i>	<i>Equal Cut and Fill OR left on site for the owners re use with the future landscape works.</i>		
<b>Green Waste</b>	<i>N/A.</i>			
<b>Bricks and Tile</b>	<i>2.5 tonne</i>		<i>Taken to SCE Recycling to be recycled into aggregate</i>	
<b>Concrete Slab &amp; Blocks</b>	<i>1.5 tonne</i>		<i>Taken to SCE Recycling to be recycled into aggregate</i>	
<b>Waffle Pods</b>	<i>2 cubic metres</i>		<i>Recycled by Nicsons Pty Ltd</i>	

27/05/2024

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 22 JANUARY 2025**

CONSTRUCTION PHASE (Continued)

**Materials On-Site**

**Destination**

		<b>REUSE AND RECYCLING</b>		<b>DISPOSAL</b>
<b>Type of Material</b>	<b>Estimated Amount (cubic m.) or area (sq.m.) or tonne</b>	<b>ON-SITE Proposed re-use or on-site Recycling methods</b>	<b>OFF-SITE Contractor and Recycling outlet</b>	<b>Contractor and Landfill site</b>
<b>Timber</b> (Off cuts)	<i>2 cubic metres</i>		<i>Taken to Soilco for recycling into mulch</i>	
<b>Plasterboard</b>	<i>4 cubic metres</i>		<i>Crushed and recycled for gypsum for soil improvement</i>	
<b>Steel</b> (Framing, Flashing, Guttering Fascia Colorbond off-cuts)	<i>6cubic metres</i>		<i>Taken to ARC Steel Recycling</i>	
<b>Recyclable Plastics</b>	<i>1 cubic metres</i>		<i>Taken to Astron to be recycled after shredding</i>	
<b>Cardboard</b>	<i>1 cubic metre</i>		<i>Taken to Flagstaff for recycling</i>	
<b>Non-Recyclable Products</b> (non-recyclable plastics, PVC tubing etc)	<i>6 cubic metres</i>		<i>Rowles Site Solutions P/L</i>	<i>Huntley Heritage Land Fill</i>

27/05/2024

**Modification Application – DA25/0890 – Temporary Use of Land (Annual Market Event) at Lot 1 and Lot 2 DP 1152987, 2-4 Market Place, Berrima NSW 2577**

**Report Author:** Consultant Planner (Hugh Halliwell)

**Authoriser:** Michael McCabe – Director Communities and Place

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**PURPOSE**

The purpose of this report is to consider Section 4.55(1A) Modification Application 25/0890 for the temporary use of land for the purposes of an annual market event at 2-4 Market Place, being Lot 1 and 2 in DP 1152987, Berrima, for the Panel's consideration and recommends determination by **APPROVAL** in accordance with **Attachment 1**.

<b>Applicant</b>	Hogan Planning
<b>Landowner</b>	Wingecarribee Shire Council
<b>Zoning</b>	RE1 Public Recreation
<b>Proposed Development</b>	Australia Day Market Event
<b>Estimated Cost of Development</b>	\$35,000
<b>Applicant's Consultants</b>	Nil
<b>Notification Period</b>	19 December 2024 – 23 January 2025 (extended over holiday period)
<b>Number of Submissions</b>	None at the time of publishing report
<b>Political Donations</b>	None declared
<b>Reason for Referral to Panel</b>	Land owner by Wingecarribee Shire Council

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**OFFICER'S RECOMMENDATION**

**THAT the Local Planning Panel determines modification application 25/0890 for the temporary use of land for the purposes of an annual market event at 2-4 Market Place, Lot 1 and 2 in DP 1152987, Berrima by APPROVAL.**

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**EXECUTIVE SUMMARY**

**1. Executive summary**

Council is in receipt of a Section 4.55(1A) Modification Application (DA25/0890) submitted on 16 December 2024, seeking approval for amendments to the previously approved (DA24/0473) temporary use of land for the purposes of an annual market event at 2-4 Market Place, Berrima.

DA24/0473 was determined by the Wingecarribee Local Planning Panel (WLPP) on 24 January 2024.

This proposed modification (DA25/0890) seeks consent for amendments to Conditions 5 and 6 to allow for greater flexibility to permit the carrying out of activities before and after Australia Day.

## **AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 JANUARY 2025**

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The assessment has found that the modification is generally consistent with the aims and objectives of and the following legislation and environmental planning instruments:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Planning Systems) 2021;
- State Environmental Planning Policy (Resilience and Hazard) 2021;
- Wingecarribee Local Environmental Plan 2010.

The DA has also been notified to neighbours from 19 December 2024 to 23 January 2025 and advertised in accordance with Council's Community Participation Plan, and at the time of publishing the report no submission had been received.

The proposed modifications are consistent with all relevant environmental planning instruments and do not result in any change to the approved use or essence of the development as originally approved. The development as modified is considered to be substantially the same as approved under DA24/0473 and warrants favourable consideration.

The Proposed amendments have been considered under the 'Matters for consideration' listed in Section 4.15 of the Environmental Planning & Assessment Act 1979, including likely impacts, the suitability of the site for the development, and the public interest and is generally considered to be satisfactory. Approval is recommended subject to conditions.

This DA is referred to the Local Planning Panel due to the site being owned by Wingecarribee Shire Council (**Council**).

### **2. Site Description and Locality.**

The subject site is known as 2-4 Market Place Berrima, and comprises the lots known legally as Lots 1 and 2 in DP 1152987. The site is intersected by the Old Hume Highway and bounded by Jellore Street to the north, Market Place to the south, Argyle Street to the east and Bryan Street to the west.

The site is used for the purposes of public recreation and contains a children's playground and amenities building to the west. The site contains several picnic tables, and a picnic shelter to the east. Established canopy trees are present across the site.

The site is located in the Berrima village within a predominately low-rise, commercial setting. Wingecarribee River traverses the eastern, western and southern extent of the Berrima village.

Beyond the Berrima village, surrounding properties contain predominately residential land uses as well as environmentally sensitive land. The low-density residential land is located to the northern extent of the village.

The aerial photo below provides a visual description of the site and surrounds.



**Figure 1: Aerial Map (Source: Metro Map).**

**3. Background**

The modification application is made pursuant to Section 4.55(1A) of the EP&A Act and seeks to amend Conditions 5 and 6 under DA24/0473.

Conditions 5 and 6 read as follows:

**5. Approved Hours and Duration of Market Event**

The approved hours of operation, and duration, of any market event are as follows:

- Entry/exit – gates open: 8:00am
- Amplified music: to be switched off and to finish not later than 4:00pm
- Entry/exit – gates closed: 4:00pm

***Reason:** To identify the approved hours of operation of the market event; and to ensure that the amenity of the surrounding area is not compromised as a result of the operation of the development.*

**6. Approved Hours of Market Event Set Up/Set Down**

In addition to the approved hours and duration of the market event (as per condition above), the establishment and demobilisation activities of any market event structure, equipment or the like shall be limited to the following hours:

DAY	HOURS
Monday to Saturday	7:00am to 5:00pm
Sundays / 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.*

In relation to Condition 5, the applicant has proposed the following:

## **AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 JANUARY 2025**

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*As Australia Day falls on different days each calendar year, it is proposed that the dates be extended between 23rd and 29th January. Extending the dates will ensure the event can occur over the whole weekend and public holidays. It is proposed that the event not be restricted to Australia Day only but to days on either side, depending on what day Australia Day falls on. Use of the infrastructure (marquees, etc.) for other community groups, such as a long lunch.*

In relation to Condition 6, the applicant has proposed the following:

*Condition 6 prohibits set up and set down on Sundays or Public Holidays. While the bump-in of the substantial infrastructure (for example, stage, marquees, etc.) will not be undertaken on Sunday or the public holiday, the small stall holders will set up on the morning of the event and bump out their small stall at the end of the market event. This condition of consent needs to be amended to accommodate the small stallholders.*

Further clarification on the amendments is provided by the applicant as follows:

*The proposed modification seeks to extend condition No. 5 (Approved Hours and Duration of Market Event) between 23rd and 29th January. Extending the dates will ensure the event can occur over the whole weekend and public holidays.*

*The proposed modification seeks modification to condition No. 6 (Approved Hours of Market Event Set Up/Set Down) to enable the small stall holders to set up on the morning of the event and bump out their small stall at the end of the market event.*

The proposed amendments to Conditions 5 and 6 are as follows:

### **5. Approved Dates, Hours and Duration of Market Event**

**The approved dates of the Market Event are as follows:**

- **25 January**
  - **Event set up and bump-in – marquees and the like**
- **26 January**
  - **Australia Day Market Event**
- **27 January**
  - **Bump out of the Market Event**

The approved hours of operation, and duration, of any market event are as follows:

- Entry/exit – gates open: 8:00am
- Amplified music: to be switched off and to finish not later than 4:00pm
- Entry/exit – gates closed: 4:00pm

**Reason:** *To identify the approved hours of operation of the market event; and to ensure that the amenity of the surrounding area is not compromised as a result of the operation of the development.*

**6. Approved Hours of Market Event Set Up/Set Down**

In addition to the approved hours and duration of the market event (as per condition above), the establishment and demobilisation activities of any market event structure, equipment or the like shall be limited to the following hours:

<b>DAY</b>	<b>HOURS</b>
Monday to Saturday	7:00am to 5:00pm
Sundays / Public Holidays	<b>7:00am to 5:00pm</b>

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

**4. Section 4.55 Modification of Consent Generally**

The applicant has proposed this modification application under the provisions of Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 being Modifications involving minimal environmental impact. The relevant matters under this section have been taken into consideration in the assessment of this report and are as follows:

The provisions of any EPI and DCP and any other matters prescribed by the Regulations.

Section 4.55(1A) Provisions

Pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, the determining authority has to be satisfied that:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and
- (c) it has notified the application in accordance with—
  - (i) the regulations, if the regulations so require, or
  - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Comment

The proposed Section 4.55(1A) application seeks consent to modify DA24/0473 to amend Conditions 5 and 6 of the approval.



## AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 JANUARY 2025

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The proposed amendment to Condition 6, allowing for bump-in activities to be undertaken on Sundays and Public Holidays, is considered satisfactory and consistent with the provisions of Section 4.55(1A) of the EP&A Act.

However, the inclusion of the phrase “use of the facilities for other community groups, such as a long lunch between the hours of 8am – 4pm” lacks sufficient detail to satisfy the provisions of Section 4.55(1A). The following concerns are noted:

- It is unclear who the “other community groups” are and how they are connected to the Australia Day Market Event.
- The term “long lunch” is not defined, and no details have been provided regarding the nature of the activities or their potential impacts.
- Due to the lack of detail, the extent of environmental impacts—such as noise, traffic, or waste generation—cannot be adequately assessed.

To ensure compliance with Section 4.55(1A), the applicant should provide further clarification on:

1. The specific community groups involved and their connection to the event.
2. A detailed description of the activities proposed during the “long lunch.”
3. An assessment of potential environmental impacts arising from these activities.

Without this additional information, the proposed amendment to Condition 5 cannot be fully evaluated or considered consistent with the provisions of the EP&A Act.

The proposed extension of dates on either side of Australia Day to include 23–25 January and 27–29 January is considered excessive, particularly if the infrastructure is not intended for use by community groups during this extended period. Such an extension may result in unnecessary occupation of public spaces and potential disruption to the community.

A more reasonable and balanced approach would be to allow for a single day on either side of the event (25 and 27 January) to facilitate packing up and removing all infrastructure (i.e., bump-out). This timeframe is considered satisfactory as it aligns with typical event management practices, minimises disruption, and ensures efficient use of resources.

### 5. Notification

The owners of adjoining and affected neighbouring properties were notified of the proposed development in accordance with Council’s Community Participation Plan.

At the time of publishing this report, no submissions were received by Council. Full details on submissions received (if any) will be provided for the Panel’s consideration at the Local Planning Panel Meeting.

### 6. Heritage Act 1977

The subject site is listed on the State Heritage Register. Certain activities and works are exempt from approval under the *Heritage Act 1977*, therefore not triggering the “integrated development” provisions under Section 4.46 of the EP&A Act that require approval under Section 58 of the *Heritage Act 1977*. The list of standard exemptions, include ‘change of use’. Specified works/activities under this exemption, include:

- Development that is the change of use, **commencement of an additional or temporary use, of land**, a building or work to which a listing on the State Heritage Register applies.

The relevant standards for these works/activities, include:

- Activities/works must not involve the alteration of fabric, layout or setting of the listed item.
- Activities/works must not involve the carrying out of activities/ works other than that permitted by other exemptions under these standard exemptions or the *Heritage Act 1977*.
- Activities/works must not involve the cessation of the primary use for which the listed item was erected, a later significant use, or the loss of significant associations with the listed item by current users.
- Activities/works must not involve a temporary use greater than 90 calendar days (inclusive of set-up and pack-down time).

The proposed temporary use (as amended) of the site for the purposes of an annual market day event associated with Australia Day satisfies the above standards and can be considered exempt from approval under the relevant legislation as stated above.

General conditions apply to all standard exemptions, which will be included in the conditions of consent.

## **7. Relevant Environmental Planning Instruments**

### **7.1 State Environmental Planning Policies**

#### **i. State Environmental Planning Policy (Resilience and Hazards) 2021**

##### Chapter 4

Under Section 4.6(1) of the SEPP (Resilience and Hazards) 2021, the consent authority must not grant consent to the carrying out of any development unless it has considered whether the land is contaminated. Section 4.6(2) further requires the consent authority to consider a report specifying the findings of a preliminary investigation of the land before determining an application for consent.

Owing to the site's location in an established commercial and recreational area, it is determined that no further investigation is required to determine the suitability of the proposed temporary use. In light of this, the proposal is found to satisfy the provision of the SEPP, in particular Section 4.6(1) and (2).

#### **ii. State Environmental Planning Policy (Biodiversity and Conservation) 2021**

Chapter 2 of the Biodiversity & Conservation SEPP contains provisions replacing the former SEPP (Vegetation in Non-Rural Areas) 2017.

The site contains minimal native vegetation and the development does not propose any tree removal. Therefore, the development is satisfactory in terms of this Chapter of the Biodiversity & Conservation SEPP.

Chapter 4 of the Biodiversity & Conservation SEPP contains provisions replacing the former 2021 Koala SEPP. Clause 4.9 in Chapter 4 of this SEPP applies as the land has an area of greater than 1 hectare and does not have an approved Koala Plan of Management.

Clause 4.9(3) of the SEPP states that if the council is satisfied that the development is likely to have low or no impact on koalas or koala habitat, the council may grant consent to the development application.

At this site, the land is mostly cleared, is adjacent to an urbanised area, and is unlikely to comprise core Koala Habitat. As such, the development is considered satisfactory in terms of Chapter 4 of the SEPP.

Chapter 6 of the Biodiversity & Conservation SEPP contains provisions replacing the former SEPP (Sydney Drinking Water Catchment) 2011.

The amendments do not alter the previous NorBE assessment which concluded that the development can achieve a Neutral or Beneficial Effect on water quality and is therefore satisfactory in terms of Chapter 6 of the SEPP.

## **7.2 Wingecarribee Local Environmental Plan 2010 (WLEP 2010)**

### Zoning:

The land is in Zone RE1 Public Recreation under Wingecarribee LEP 2010. The proposed use of the site is within the definition of *markets* which is defined as follows:

**Markets** mean –

*means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.*

The proposed use is not explicitly specified as a prohibited use; therefore, it is a permissible use within the RE1 – Public Recreation zoning of the site.

The objectives of the RE1 – Public Recreation zone are:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To enable ancillary development that will encourage the enjoyment of land zoned for open space.*

The proposal is considered to be consistent with the aims and objectives of the zone, which will be demonstrated and discussed throughout this report.

Principal Development Standards and Other Provisions:

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The following principal development standards and other provisions in WLEP 2010 are also relevant to the proposal:

<b>Clause</b>	<b>Control</b>	<b>Proposal</b>	<b>Complies?</b>
<b>2.8 Temporary use of land</b>	Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 60 days (whether or not consecutive days) in any period of 12 months.	<p>The proposal (as amended) continues to seek consent for the temporary use of land for the purposes of a market event, in accordance with the provisions of the clause.</p> <p>The amended proposal will not prejudice future development on the land in accordance with the Plan and any other applicable environmental planning instrument. The temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood. The temporary use along with the temporary location of structures, including stalls and portaloos will not adversely impact on the environment or any attributes/features of the land, or increase the risk of natural hazards (i.e. flooding or bushfire). Upon the cessation of the temporary use of the land, the land is readily capable of being restored to the condition in which it was before the commencement of the temporary use.</p> <p>The proposal is capable of satisfying the provisions of the clause, thereby consent should be granted for the temporary use under the clause.</p>	Yes
<b>4.1 Minimum subdivision lot size</b>	No minimum lot size is specified for the site.	N/A	N/A
<b>4.3 Height of buildings</b>	No height of building standard is specified for the site.	N/A	N/A
<b>4.4 Floor space ratio</b>	No floor space ratio (FSR) standard is specified for the site.	N/A	N/A

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Clause	Control	Proposal	Complies?
<p><b>5.10 Heritage conservation</b></p>	<p>As noted at the beginning of this report, the site is identified as a heritage item of State significance, being 'Berrima Market' (Item No. I233), while the site is also located within the Berrima Heritage Conservation Area (Item No. C148). The site is also located adjacent to and within proximity of several heritage items.</p> <p>The objectives of the clause are as follows:</p> <ul style="list-style-type: none"> <li>a) to conserve the environmental heritage of Wingecarribee,</li> <li>b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</li> <li>c) to conserve archaeological sites,</li> <li>d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</li> </ul>	<p>Refer further below for discussion on the significance of the heritage item and conservation area in relation to the temporary use.</p>	<p>Yes</p>
<p><b>5.21 Flood Planning</b></p> <p>This clause applies to the subject site which is shown on Council's mapping system as being entirely flood prone.</p>	<p>Clause 5.21(3) provides that the consent authority must consider various matters in deciding whether to grant consent – including the intended design or scale of buildings resulting from the development, and whether the development incorporates measures to minimise risk to life and ensure safe evacuation in the event of a flood.</p>	<p>The site is largely outside the flood extent as prescribed by Council's flood mapping, with the exception of a small area at the north-west corner of 2 Market Place.</p> <p>Given the minor section of flooding on the map and location of temporary structures for the market event, the flood affectation is unlikely to result in the adverse impact on the flood function and behaviour on the land, while also not adversely affecting flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties. The minor extent of flooding relative to the site and the proposed use will not impact on the safe and efficient evacuation of people, while the flood risk to life and property will not be adversely impacted.</p> <p>On this basis, the development is generally satisfactory when assessed under clause 5.21.</p>	<p>Yes</p>

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Clause	Control	Proposal	Complies?
7.3 Earthworks	<p>Clause 7.3(2A) provides that development consent is required for earthworks carried out on land identified as “Flood Planning Area” on the Flood Planning Area map.</p> <p>The consent authority must consider a number of matters in deciding whether to grant consent – including the likely disruption of existing drainage patterns and soil stability in the locality.</p>	N/A	N/A

**8. Development Control Plans and Policies**

**8.1.1 Berrima Village Development Control Plan (DCP)  
Berrima Village Development Control Plan (DCP)**

Part A Section 9 ‘Development within a heritage context’ outlines the controls that ensure the protection, conservation and management of the heritage significance of Berrima, its heritage items and conservation areas. These controls are assessed in conjunction with the provisions outlined under Clause 5.10 of the LEP, as discussed earlier in this report.

As noted above the site is identified as a heritage item of State significance, being ‘Berrima Market’ (Item No. I233), while the site is also located within the Berrima Heritage Conservation Area (Item No. C148). The site is also located adjacent to and within proximity of several heritage items.

It is not expected that the modification application will adversely impact on the heritage significance and integrity of the item, while conserving its significance, fabric and the setting in which the item is located.

The site and future works are subject to the Berrima Market Place Conservation Management Strategy (**the Strategy**). The significance of the Berrima Market Place relates to its design as the central element in the Berrima town, which retains the footprint of the original 1830 Hoddle town plan and is an example of the application of early town planning principles.

The bridge relics, hand hewn by convict labour, are a connection to the origins of Berrima as part of a penal settlement. The park is associated through its tree plantings, with Mrs Isobel Crowe, the first female to graduate in horticulture in New South Wales, Claude Crowe, noted landscape design of the 1950s, Sir Henry Parkes and Queen Victoria, who’s Diamond Jubilee was commemorated by tree plantings. The Park is also associated, through bridge relics, with David Lennox, the colony’s most renowned bridge builder. The Park is also of high landmark value, well-known by motorists as a rest area. The aesthetic significance is characterised by the tree plantings which reflect the civic activities of the Berrima community over the past 110 years. It is of outstandingly high social significance as a core feature of the historic Berrima village.

Market Place is considered therefore to be of high significance due to its key role within Berrima as a focus for the village, visual environment and setting of the village as well as for the key historic structures and features which are contained therein.

The Park comprises the following core historic features:

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1. Distinctive townscape,
2. Relationship with nearby historic buildings,
3. Sandstone kerbing,
4. Pine tree plantings dating back from the 1890s and later,
5. Sire Henry Parkes Oak Tree, and
6. Cenotaph.

Pursuant to Clause A13.2 of the DCP, the Market Place precinct has historically been used for the purposes of public recreation, cricket, tennis and market fairs. The objectives of the Market Place precinct, are as follows:

- a) *Retain the Market Place as the centre of parkland recreation in Berrima.*
- b) *Protect the relaxed informal Village character by limiting development, especially along Jellore Street.*
- c) *Encourage the continued mix of residential and commercial land uses within Jellore Street and ensure that new development is consistent in form and scale with existing contributory development in Jellore Street.*
- d) *Retain the visual prominence of the former Post Office building on the Old Hume Highway by ensuring that new development in Jellore Street maintains a front building line consistent with existing development in the street.*
- e) *Ensure the continued contribution of towering pine plantation and grassed areas for passive recreation only.*
- f) *To ensure that proposed development in the Berrima Market Place reserve is in accordance with the Berrima Market Place Conservation Management Strategy.*
- g) *Retain without further development the open space around the Holy Trinity Church (including the land zoned RE1) and unformed road areas of Villiers Street and Argyle Street.*
- h) *Retain existing soft edges around the Market Place and avoid their replacement with modern kerb and guttering.*
- i) *Retain and maintain the heritage-listed stone kerbing around and within the Market Place reserve where it exists.*

The modification application for the temporary use of the land will retain the site character, which is that of a village green surrounded by a perimeter of predominately pine species. The event will not result in the loss of these trees. The proposed use will not adversely impact on the significance of the abovementioned features. The use is consistent with the historic use of the site as a place for market fairs and will not be inconsistent with the Berrima Market Place Conservation Management Strategy, as discussed above.

Overall, the proposal is considered unsatisfactory when assessed against the relevant provisions of the Berrima Village DCP.

**9. Referrals**

The application was not referred to any internal bodies or external agencies.

**10. Environmental Assessment**

The site has been inspected and the application has been assessed having regard to Section 4.15 of the *Environmental Planning and Assessment Act, 1979*, as amended.

Section 4.15 'Matters for Consideration	Comments
Section 4.15 (1)(a)(i) – Provision of any environmental planning instrument	See discussion in sections 6 & 7 and key issues below.

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Section 4.15 'Matters for Consideration	Comments
Section 4.15 (1)(a)(ii) – Provision of any draft environmental planning instrument.	There are no Draft Environmental Planning Instruments relevant to the subject proposal.
Section 4.15 (1)(a)(iii) – Provisions of any development control plan	The proposal satisfies the objectives and controls of the Berrima Village DCP.
Section 4.15 (1)(a)(iiia) – Provision of any Planning Agreement or draft Planning Agreement.	Not Applicable.
Section 4.15 (1)(a)(iv) – Provisions of the Regulations.	The relevant clauses of the Regulations have been satisfied.
Section 4.15 (1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.	<p>The environmental impacts of the proposed development on the natural and built environment have been addressed in this report.</p> <p>The proposal will not result in detrimental social or economic impacts on the locality.</p>
Section 4.15 (1)(c) – The suitability of the site for the development.	The proposal is subject to minor flooding to a small area to the north-west corner, outside the extent of proposed stalls and associated structures. The site is also identified as bushfire prone land. The approved DA has addressed the relevant provisions of the LEP and DCP in relation to bushfire and flooding and the modification does not alter the original assessment in this regard, therefore it is determined that the site is suitable for the development.
Section 4.15 (1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation.	No submissions were received following public notification and has been considered in the assessment of this DA.
Section 4.15 (1)(e) – The public interest.	The proposal seeks consent for the purposes of an annual temporary market event for the benefit of the public. Accordingly, it is considered that the proposed Australia Day market event is in the public interest.

**11. Conclusion**

That Modification Application No. (DA25/0890) for a 4.55(1A) Modification to Conditions 5 and 6 of the development consent to DA24/0473 for the temporary use of land for the purposes of an annual market event at 2-4 Market Place, Lot 1 and 2 in DP 1152987, Berrima, be determined by APPROVAL subject to the reasons detailed in Attachment 1 of this report.



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**ATTACHMENTS**

Attachment 1: Notice of Determination

Attachment 2: Supporting Modification Documentation

HOGAN PLANNING  
PO BOX 2257  
BOWRAL NSW 2576



Civic Centre, 68 Elizabeth St.  
Moss Vale NSW 2577  
PO Box 141, Moss Vale  
**02 4868 0888**  
mail@wsc.nsw.gov.au  
ABN 49 546 344 354

**Attachment 1 – Recommended Conditions of Consent for:**

**NOTICE OF DETERMINATION OF A MODIFICATION APPLICATION BY THE  
WINGECARRIBEE LOCAL PLANNING PANEL**

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

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<b>APPLICATION &amp; MODIFICATION NO:</b>	24/0473 -25/0890
<b>APPLICANT:</b>	HOGAN PLANNING
<b>OWNER:</b>	WINGECARRIBEE SHIRE COUNCIL
<b>PROPERTY DESCRIPTION:</b>	Lot 1 and 2 DP 1152987
<b>PROPERTY ADDRESS:</b>	2-4 MARKET PLACE, BERRIMA NSW 2577
<b>PROPOSED DEVELOPMENT:</b>	Temporary Use of Land for an Annual Market Event
<b>DETERMINATION:</b>	Determined by granting of CONSENT

**Rights of Appeal**

Pursuant to Section 8.7 of the *Environmental Planning and Assessment Act 1979*, an applicant for development consent who is dissatisfied with the determination of the application by Council authority may appeal to the Court against the determination. Pursuant to Section 8.10, an appeal may be made only within 12 months after the date the decision appealed against is notified.

**Review of Determination**

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

*Working with you*

WSC.NSW.GOV.AU

WINGECARRIBEE - A COAL MINING FREE SHIRE

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25/0890 (24/0473) Lot 1 and 2 DP 1152987

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**SUMMARY OF MODIFIED CONDITIONS**

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**CONDITIONS MODIFIED UNDER 25/0890:**

**5. Approved Dates, Hours and Duration of Market Event**

The approved dates of the Market Event are as follows:

- **25 January**
  - **Event set up and bump-in**
- **26 January**
  - **Australia Day Market Event**
- **27 January**
  - **Bump out of the Market Event**

The approved hours of operation, and duration, of any market event are as follows:

- Entry/exit – gates open: 8:00am
- Amplified music: to be switched off and to finish not later than 4:00pm
- Entry/exit – gates closed: 4:00pm

*Reason: To identify the approved hours of operation of the market event; and to ensure that the amenity of the surrounding area is not compromised as a result of the operation of the development.*

**6. Approved Hours of Market Event Set Up/Set Down**

In addition to the approved hours and duration of the market event (as per condition above), the establishment and demobilisation activities of any market event structure, equipment or the like shall be limited to the following hours:

<b>DAY</b>	<b>HOURS</b>
Monday to Saturday	7:00am to 5:00pm
Sundays / Public Holidays	<b>7:00am to 5:00pm</b>

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

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25/0890 (24/0473) Lot 1 and 2 DP 1152987

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## ADMINISTRATION CONDITIONS

### 1. Development Description

Development consent has been granted in accordance with this notice of determination for the purposes of a market event (Australia Day).

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

### 2. This consent is limited to a five (5) year duration.

### 3. 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
Site Plan	-	-	-
Statement of Environmental Effects	-	Hogan Planning	September 2023
Traffic Management Plan	1.1	Platinum Traffic Services	21/09/2023
Traffic Control Plan	1	Platinum Traffic Services	18/09/2023

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

### 4. Maximum number of market events per year

Approval is granted in this Consent for a maximum of one (1) market event per calendar year.

**Reason:** *To confirm the scope of Council's consent*

### 5. Approved Dates, Hours and Duration of Market Event – Modified by 25/0890 dated 23 January 2025

The approved dates of the Market Event are as follows:

- **25 January**
  - Event set up and bump-in
- **26 January**
  - Australia Day Market Event
- **27 January**
  - Bump out of the Market Event

The approved hours of operation, and duration, of any market event are as follows:

- Entry/exit – gates open: 8:00am
- Amplified music: to be switched off and to finish not later than 4:00pm
- Entry/exit – gates closed: 4:00pm

**Reason:** *To identify the approved hours of operation of the market event; and to ensure that the amenity of the surrounding area is not compromised as a result of the operation of the development.*

# AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 JANUARY 2025

25/0890 (24/0473) Lot 1 and 2 DP 1152987

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## 6. **Approved Hours of Market Event Set Up/Set Down – Modified by 25/0890 dated 23 January 2025**

In addition to the approved hours and duration of the market event (as per condition above), the establishment and demobilisation activities of any market event structure, equipment or the like shall be limited to the following hours:

DAY	HOURS
Monday to Saturday	7:00am to 5:00pm
Sundays / Public Holidays	<b>7:00am to 5:00pm</b>

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

## 7. **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).*

## 8. **Compliance with Disability Discrimination Act 1992**

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

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

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

## 9. **Change of Use (No building works)**

This development consent does not permit building works or structural alterations to any existing building or structure on the property.

**Reason:** *To clarify the nature of the consent.*

## **CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT EACH OF MARKET EVENT**

### 10. **Venue and Security Management Plan**

The applicant shall submit a comprehensive Plan of Management. This plan shall be submitted to NSW Police Force no later than fourteen (14) days prior to the date of the event and shall include the following:

- (a) **A Venue Plan** containing the following:
- Location of amenities,
  - Location of lighting,

# AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 JANUARY 2025

25/0890 (24/0473) Lot 1 and 2 DP 1152987

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- First Aid,
- Private and Event parking,
- Public transport,
- Evacuation point,
- Emergency assembly point.
- Copy of signed agreed conditions attached,
- Licensee/managers/Contact details,
- Type of food available,
- Location and number of water stations,
- Management of Patrons,
- Incident Register,
- Signs displayed.
- Security Master Licence holders details,
- Security Supervisors contact details,
- Copy of Master Licence,
- Copy of Security Sign on sheet,
- Security Operations Plan or written instructions to security.
- Lighting,
- Location of Food,
- Amenities,
- Locations of Water Stations.

- (b) The applicant shall discuss with the Hume Local Area Commander (or their delegate) in relation to the provisions of security personnel and/or User-pay police officers required at the function and shall abide by the Local Area Commander's (or their delegate) final decision. At least 90 days notice shall be provided to the NSW Police Force (before the market event).
- (c) The licensee shall discuss with the Hume Local Area Commander (or their delegate) in relation to the liquor license conditions placed on the Limited License (single function) required at the function and shall abide by the Local Area Commander's (or their delegate) final decision.

**Reason:** *Public health and safety*

**Note:** This requirement does not apply to market events to be held before 1 April 2023.

## 11. Access for People with Disabilities

Access for people with disabilities shall be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the *Disability Discrimination Act 1992*. Prior to the approval from Council of the Temporary Use of Land, the submitted plans shall demonstrate compliance with the abovementioned standards.

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

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

## 12. Disabled Toilets

Disabled toilet/s shall comply with the relevant Australian Standards, the Building Code of Australia, and have regard for the *Disability Discrimination Act 1992*.

**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. The*

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*plans must be approved by the Accredited Certifier prior to issue of a Construction Certificate.*

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

### 13. Public Liability Insurance

The Event Operator shall submit to Council, a copy of the Public Liability Insurance Policy for the project with a minimum cover of \$20 million. The Policy shall indemnify Wingecarribee Shire Council against any actions as a result of the works to be undertaken on the public land.

**Reason:** *To ensure that the interests of the public are protected.*

### 14. 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 carrying out of works in the development.

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

### 15. Food Business Notification Requirement

Food businesses trading at the event shall submit Food Business Notifications to Council prior to the commencement of the event.

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

## CONDITIONS TO BE SATISFIED DURING EACH OF MARKET EVENT

### 16. Temporary Food Premises Requirements

During the operation and use of the development, temporary food premises shall be set up and operated in accordance with the *Food Act, Food Regulation, Food Safety Standards and NSW Food Authority's Guidelines for Food Businesses at Temporary Events.*

**Reason:** *Compliance with relevant legislation, guidelines, and standards.*

### 17. Mobile Food Premises Requirements

During the operation and use of the development, mobile food premises shall comply with the NSW Food Authority's *Guidelines for Mobile Food Vending Vehicles.*

**Reason:** *Compliance with relevant legislation, guidelines and standards.*

### 18. Provision of Toilets and Hand Washing Facilities for Food Handlers

During the operation and use of the development, sufficient toilet facilities shall be provided for the use by all food handlers and maintained in a hygienic condition. Hand washing facilities shall be provided immediately adjacent to the toilets. The hand washing facilities shall be supplied with warm running water through a single outlet, soap and paper towels.

**Reason:** *Compliance with relevant legislation, guidelines and standards.*

### 19. Operational Noise Levels

Noise from amplified music shall not exceed the levels specified below when measured at the nearest affected residential property:

- $L_{Aeq}$  at 55 dB(A),

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- L<sub>Amax</sub> at 60 dB(A) and
- L<sub>Cmax</sub> at 80 dB(C).

In the event Council receives substantiated complaints about excessive noise caused by amplified music emanating from the development the applicant will be directed to take corrective actions specified by Council.

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

## 20. Dust Control

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during set up, set down and event period. When conditions are favourable to dust formation, water sprays/cart and/or vegetation shall be used on the site to reduce the emission of dust. Screening shall consist of minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like.

**Reason:** *Environmental amenity*

## 21. Noise Control

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

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

## 22. Waste management

Waste generated during the ongoing operation of the development shall be managed in environmentally satisfactory manner and in compliance with the *Local Government Act 1993*, *Protection of the Environment Operations Act 1997* and regulations under these Acts.

**Reason:** *To protect the environment and ensure compliance with statutory requirements.*

## 23. Location of Temporary Structures

The structures to be installed for the Berrima Australia Day shall:

- a) not restrict any car parking required to be provided by a condition of a development consent applying to the land or any vehicular or pedestrian access to or from the land unless that parking and access is on land owned, controlled or managed by a council or public authority and that council or public authority has given its written consent to the temporary use of the land for the erection of the temporary structure,
- b) not obstruct traffic or pedestrians at any time and any ancillary equipment is to be positioned so as not to impede the flow of traffic or pedestrians on any road/street,
- c) not redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property,
- d) not result in damage to any protected tree growing on the land or on adjacent land,
- e) if it is the erection of a temporary structure – be erected on a surface that is sufficiently firm and level to sustain the structure while in use,
- f) if it is the erection of a temporary structure-be able to resist loads determined in accordance with the following Australian and New Zealand Standards –
  - (i) AS/NZS 1170.0:2002 Structural design actions, Part 0: General principles
  - (ii) AS/NZS 1170.1:2002, Structural design actions, Part 1: Permanent, imposed and other actions,
  - (iii) AS/NZS 1170.2:2011, Structural design actions, Part 2: Wind actions,
- g) be covered by a policy of insurance taken out by the person carrying out the development that adequately covers the public liability of the person in respect of the carrying out of the development for an amount approved by the owner of the land on which the development is carried out,



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- h) keep the area in a clean and tidy condition at all times,
- i) not cause nuisance or interference with the amenity of the area by reason of any process or operation on the subject site causing emission of noise, dust, smoke or any polluted discharge whatsoever,
- j) the Applicant shall permit access onto the land of any officers of Wingecarribee Shire Council or any other government department or public authority at reasonable times for the purposes of inspecting the operation and carrying out such control tests or reading as they consider necessary.

## 24. Tents, Marquees or Booths for Community Events

Compliance with the following requirements:

- a) For all tents, marquees and booths being used at the same time-the development must not have a total floor area exceeding 500m<sup>2</sup>.
- b) Each tent, marquee or booth must be erected so as to ensure that there is a distance of at least 1.5m from any other tent, marquee or booth that is unobstructed so as to allow for pedestrian circulation unless that other tent, marquee or booth is attached with no separation.
- c) Each tent, marquee or booth with an area exceeding 300m<sup>2</sup> must be located at least 6m from any other tent or marquee, and from any booth, to minimize the risk of fire spread.
- d) Each tent or marquee with an area exceeding 300m<sup>2</sup> must be provide with a system of emergency lighting and an additional electrical supply capable of providing emergency lighting in the event of a power failure.
- e) Each tent, marquee or booth must be located at least 3m from any boundary of the land.
- f) Each tent, marquee or booth must be erected at ground level.
- g) Each tent or marquee must have the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road
  - h) 1 exit if the tent or marquee has a floor area of not more than 25m<sup>2</sup>
  - i) 2 exits if the tent or marquee has a floor area of not more than 100m<sup>2</sup>
  - j) 4 exits in any other case,
- k) If any tent or marquee will include internal seating, stalls, tables or other obstructions, a clear path or travel to any exit no greater than 40m in length must be provided.
- l) Each tent or marquee must have a width for each exit of at least 1m.
- m) No tent or marquee can have a wall height exceeding 4m.
- n) Each tent or marquee must have a height as measured from the surface on which the tent or marquee is erected to the highest point of the tent or marquee not exceeding 6m.
- o) No tent or marquee can contain tiered seating.
- p) Each tent, marquee or booth must not remain on the land for more than 7 days after the event.
- q) Wastewater is to be contained within the tent, marquee or booth for later disposal to the sewage system.
- r) All waste created from activities within the tent, marquee or booth shall be contained within the tent, marquee or booth and disposed of legally, at Council's Waste Facility or other authorized waste facility.
- s) The parking of any vehicles associated with the Mobile Food Van at Berima Australia Day, is prohibited at all times, except for the positioning of the Mobile Food Van.
- t) Vendors are only permitted to operate between the hours of:
  - i. 8:00am - 9:00pm – Monday to Friday
  - ii. 8:00am - 9:00pm – Saturday, Sunday or public holiday,
- u) Each tent, marquee or booth and the operations shall comply with the Food Act and Regulations (as amended), Food Standards Code and the NSW Food Authority's Mobile Food Vending Vehicles Guideline wherever applicable.

## 25. Stages or platforms for community events

Compliance with the following requirements:

- a) The stage or platform must not have a floor area exceeding 100m<sup>2</sup>.
- b) Each stage or platform must be located at least 3m from any boundary of the land unless the land is under the ownership, control or management of a council or public authority, and

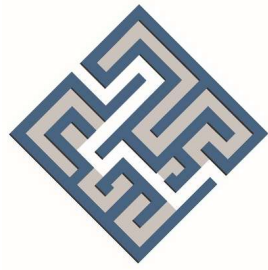
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- that council or public authority has provided its consent in writing to the temporary use of the land for the erection of the stage or platform.
- c) The stage or platform must have a height as measured from the surface on which the stage or platform is erected to the floor of the stage or platform not exceeding 2m.

**END OF CONDITIONS**



**STATEMENT OF ENVIRONMENTAL EFFECTS**

FOR ANNUAL MARKET EVENT (BERRIMA AUSTRALIA DAY) AT

LOTS 1 AND 2 IN DEPOSITED PLAN No. 1152987

“BERRIMA MARKET PLACE PARK”, OLD HUME HIGHWAY, BERRIMA

SEPTEMBER 2023 (Amended 5 December 2024)



**AGENDA OF THE LOCAL PLANNING PANEL  
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STATEMENT OF ENVIRONMENTAL EFFECTS

FOR ANNUAL MARKET EVENT (BERRIMA AUSTRALIA DAY) AT

LOTS 1 AND 2 IN DEPOSITED PLAN No. 1152987  
"BERRIMA MARKET PLACE PARK", OLD HUME HIGHWAY, BERRIMA

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Darren Hogan M.P.I.A.

September 2023 (Amended 5 December  
2024)

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Date



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## EXECUTIVE SUMMARY

This application is being made to Wingecarribee Shire Council to hold an annual market event (Berrima Australia Day) on Lots 1 and 2 in Deposited Plan No. 1152987, "Berrima Market Place Park", Old Hume Highway, Berrima.

The Development Application has been lodged under the provisions of the *Wingecarribee Local Environmental Plan 2010* (WLEP 2010) where the proposed development is permissible with consent.

The proposed development satisfies Council's relevant planning controls and policies and is satisfactory when considered against the objectives of those controls and policies.

No unreasonable impacts will arise as a result of the proposed land use. Traffic generation will be managed in accordance with the traffic management plan that accompanies this application under separate cover.

Due to the nature, scale and value of the proposal, it can be considered as local development and Council is the consent authority.



Figure 1 Aerial photo of the subject site (source – Nearmap – 5 September 2023).



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## 1 INTRODUCTION

This Statement of Environmental Effects provides the following:

- > A description of the subject site and of the surrounding area.
- > A description of the proposed development.
- > A summary and description of the main planning controls that apply to the land and the proposed development.
- > Identification and discussion of the key assessment issues.
- > An assessment of the proposal in accordance with Part 4 Division 4.3 Section 4.15 of the Environmental Planning and Assessment Act 1979.

## 2 SITE AND SURROUNDS

### 2.1 The Subject Site

The subject site is located within the central village of Berrima, to the south west of the Bowral township.

The details of the site are as follows:

- The site is identified as Lots 1 and 2 in Deposited Plan No. 1152987, “Berrima Market Place Park”, Old Hume Highway, Berrima and maintains an area of approximately 1.07ha.
- The site is severed by the Old Hume Highway and positioned on the eastern and western sides of the road.
- Generally, the site falls in a westerly direction.
- The site contains a number of radiata pines and ornamental trees.
- The site maintains table/seating and children’s play equipment. Public amenities are located on the south western portion of the property.
- The site is zoned RE1 Public Recreation under the provisions of *Wingecarribee Local Environmental Plan 2010* (WLEP 2010).

### 2.2 The Surrounding Area

Development on adjoining and adjacent properties consist of land holdings of varied sizes maintaining dwellings, with associated sheds and outbuildings, commercial premises and the heritage listed Anglican Church. Uses of these lands are consistent with their relevant land use zonings of the locality.



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The Market Place locality forms part of the Berrima Conservation Area and has both State and Local significance.

A volume of heritage listed properties surround the subject site as identified within Schedule 5 of the WLEP.

The proposal is for an annual temporary use of the parkland with relatively minor temporary structures. It is not anticipated the propose annual event will cause any detrimental harm to the heritage significance of the surrounding heritage items.

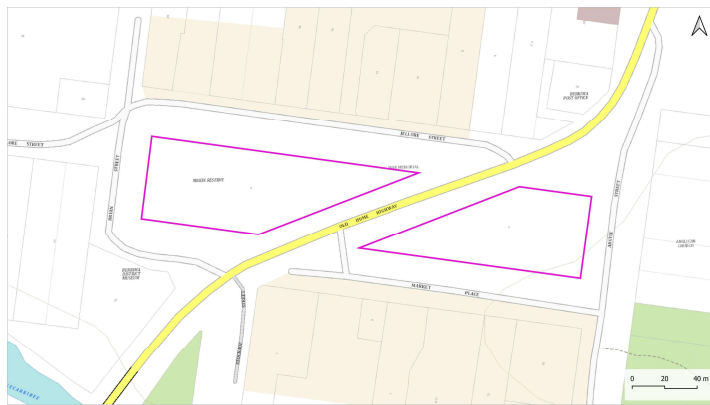


Figure 2 Topographical view of the subject site in relation to surrounding lands (photo source – Dept. Lands SIX Maps).

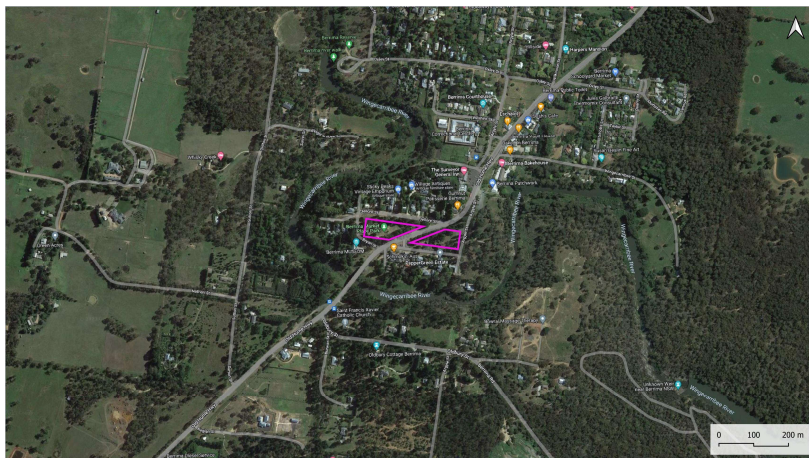


Figure 3 Aerial view of the subject site in relation to surrounding lands (photo source – Google Satellite 2023).





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## 3 PROPOSAL

The proposal is to hold an annual community event (Berrima Australia Day). The event itself will feature the Citizenship Ceremony, announcement of the young and citizen of the year, street parade, market stalls, amusements, children entertainment and live entertainment.

As Australia Day falls on different days each calendar year, it is proposed that the consent enable the event to take place between 23rd and 29th January. The proposed dates will ensure the event can occur over the whole weekend and public holidays. It is proposed that the event not be restricted to Australia Day only but to days on either side, depending on what day Australia Day falls on. Use of the infrastructure (marquees, etc.) for other community groups, such as a long lunch.

23-25 January

- Event setup and bump-in. – Marquees and pagodas installed
- Use of the facilities for other community groups, such as a long lunch between the hours of 8am – 4 pm

26 January (Australia Day)

- 7-8am Market stall setup
- 8am - Event start time – Markets stalls, Amusements, Childrens and live Entertainment open
- 9am - Citizenship Ceremony and announcement of citizens if the years
- 10.30am - Citizenship Ceremony and announcement of citizens if the year concludes
- 12pm – Street Parade begins
- 1pm – Street Parade concludes
- 4pm – Event concludes and bump out begins

27 -29 January 2023

- Use of the facilities for other community groups, such as a long lunch between the hours of 8am – 4 pm
- Bump out of the Event

The proposed land use activity is consistent with the long-term history of the property being used for recreational purposes including Australia Day Ceremonies. In addition to the existing amenities, it is proposed to provide porta-loos to accommodate visitors.

The site is mapped as being located within a bushfire prone area. In the event of predicted catastrophic weather conditions, the event will be cancelled.



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**4 PLANNING CONTROLS**

**4.1 Overview**

The overarching planning controls for development within the State are the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) and the *Biodiversity Conservation Act 2016* (BC Act 2016). Additional considerations for the proposed development are the relevant State (SEPP), Regional (REP) and Local (LEP) Environmental Planning Policies.

Relevant SEPPs and Local Plans that have a direct application to the land and to the development proposal include:

- > State Environmental Planning Policy (*Biodiversity and Conservation*) 2021;
- > State Environmental Planning Policy (*Resilience and Hazards*) 2021;
- > State Environmental Planning Policy (*Transport and Infrastructure*) 2021
- > Wingecarribee Local Environmental Plan No. 2010 (WLEP 2010); and
- > Wingecarribee Development Control Plan – *Berrima*.

**4.2 Biodiversity Conservation Act 2016**

The subject site is primarily managed grasslands with ornamental trees and radiata pines scattered over the site. The site is NOT mapped on the Biodiversity Values Map. No trees will be removed to accommodate the proposed annual event. The development would not exceed the Biodiversity Offset Scheme on the map criteria.

Under the BC Act 2016 Biodiversity Offset Scheme Entry Threshold (BOSET), the proposed development does not meet the entry threshold. A Flora and Fauna Assessment (FFA) and Biodiversity Development Assessment Report (BDAR) are not triggered and further assessment under the BC Act 2016 is not required.

**4.3 State Environmental Planning Policy (*Biodiversity and Conservation*) 2021**

The following assessment addresses Chapters 4 and 8 of *SEPP (Biodiversity and Conservation) 2021* in relation to the proposed subdivision.

**Chapter 4 - Koala habitat protection 2021**

*Does Koala habitat protection 2021 apply?*

Landholding is within an LGA listed in Schedule 1 and is not zoned RU1, RU2, or RU3	Yes
Exemption under Section 6	No



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Yes, the Landholding is within the Wingecarribee LGA and zoned RE1 Public Recreation. *Chapter 4 - Koala Habitat Protection 2021* applies to the land.

Does Part 4.2 Development control of koala habitats apply?

Development Site is on land to which an approved Koala Plan of Management applies.	No
Development is on land which has an area of at least 1 hectare (including adjoining land within the same ownership).	Yes

Yes, Clause 11 of Part 4.2 applies to the proposed development.

Assessment of impact on koalas or koala habitat

The proposed development would not involve removal of any trees from the site. The development would have no or a low impact on koalas or koala habitat. A Koala Assessment Report is not required. Council may grant consent to the development application.

Conclusion

Chapter 4 *Koala habitat protection 2021* of *SEPP (Biodiversity Conservation) 2021* is relevant to the subject land and Part 4.2 *Development control of koala habitats* applies. The development would have a low or no impact on Koalas or Koala habitat. Council is not prevented, because of this Policy, from granting consent to the development application.

Chapter 8 Sydney Drinking Water Catchment has application to mapped catchment areas within the State.

The Aims of the Chapter are set out in the following terms:

*(a) to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal, and*

*(b) to provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have a neutral or beneficial effect on water quality, and*

*(c) to support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.*

Response

Recommended practices and performance standards of WaterNSW:

- 1) Any development or activity proposed to be carried out on land to which this Policy applies should incorporate the Authority’s current recommended practices and standards.



## AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 JANUARY 2025

- 2) If any development or activity does not incorporate the Authority's current recommended practices and standards, the development or activity should demonstrate to the satisfaction of the consent authority or determining authority how the practices and performance standards proposed to be adopted will achieve outcomes not less than those achieved by the Authority's current recommended practices and standards.

Development consent cannot be granted unless neutral or beneficial effect on water quality

- 1) A consent authority must not grant consent to the carrying out of development under Part 4 of the Act on land in the Sydney drinking water catchment unless it is satisfied that the carrying out of the proposed development would have a neutral or beneficial effect on water quality.
- 2) For the purposes of determining whether the carrying out of the proposed development on land in the Sydney drinking water catchment would have a neutral or beneficial effect on water quality, the consent authority must, if the proposed development is one to which the NorBE Tool applies, undertake an assessment using that Tool.

A neutral or beneficial effect on water quality is satisfied if the development:

- a) has no identifiable potential impact on water quality; or
- b) will **contain** any water quality impact on the development site and prevent it from reaching any watercourse, water body or drainage depression on the site; or
- c) will **transfer** any water quality impact outside the site where it is treated and disposed of to the standards approved by the consent authority.

It is proposed to utilise existing amenities and bring in porta-loos for annual event. All structures will be temporary. No earthworks are required to accommodate the proposed event. The site has a long history of being used to hold the Australia Day event. It is concluded that the proposed development satisfies the 'Neutral or Beneficial Effect (NorBE) test with regard to water quality.

#### 4.4 State Environmental Planning Policy (*Resilience and Hazards*) 2021

Chapter 4 of the SEPP (Resilience and Hazards) 2021 sets out the Object of the chapter in respect to the remediation of land:

- (1) *The object of this Chapter is to provide for a State wide planning approach to the remediation of contaminated land.*
- (2) *In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—*
  - (a) *by specifying when consent is required, and when it is not required, for a remediation work, and*
  - (b) *by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and*



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*(c) by requiring that a remediation work meet certain standards and notification requirements.*

Response

The SEPP has application to the State and requires consideration for any proposed development. The subject property is a public recreation reserve, a land use activity that is not identified under the SEPP as one that is likely to trigger the potential for land contamination. Given the absence within the site of any evidence for potential contaminating land use activities, it is considered that subject to Council agreement, that an investigation into the potential for land contamination is not triggered by the proposal under the terms of the SEPP.

**4.5 State Environmental Planning Policy (Transport and Infrastructure) 2021**

A Traffic Management Plan prepared by Platinum traffic Services, dated 18/9/2023 accompanies this application under separate cover. The TMP addresses how vehicular and pedestrian traffic will be managed throughout the event.

Overall, the traffic impacts of the proposal are considered acceptable.

**4.6 Wingecarribee Local Environmental Plan 2010 (WLEP 2010)**

Under the provisions of WLEP 2010 the site is zoned RE1 Public Recreation.

The objectives of the RE1 zone are:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To enable ancillary development that will encourage the enjoyment of land zoned for open space.*

The development proposal is considered to be consistent with the objectives of the RE1 zone as the proposed development caters toward providing a recreational activity within a natural landscaped setting. The site has a long history of being used to hold events, the likes of Australia Day.

The proposed development is of a temporary nature and will not negatively impact on cultural or heritage values, or land in the vicinity of the site.

The proposed development is permitted under the provisions of WLEP 2010 and will be compatible with other land uses located on the site and the long history of the property being used for recreational activities.

Compliance with the relevant WLEP 2010 Clauses is detailed within the following table:

WLEP 2010 Applicable Clause	Compliance
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Clause 1.2 Aims of Plan	The proposed development is an appropriate form of development for the zoning and is permissible with consent.
Clause 2.2 Zoning of the land to which the Plan applies	The land is zoned RE1 Public Recreation under the WLEP 2010.
Clause 2.3 Zone objectives and the Land Use Table	The proposed development is consistent with the zone objectives for the RE1 zone.
Clause 4.6 Exceptions to Development Standards	No consideration by Council for an exception to any development standard is required.
Clause 5.10 Heritage Conservation	<p>The Market Place locality forms part of the Berrima Conservation Area and has both State and Local significance.</p> <p>A volume of heritage listed properties surround the subject site as identified within Schedule 5 of the WLEP.</p> <p>The proposal is for an annual temporary use of the parkland with relatively minor temporary structures. It is not anticipated the propose annual event will cause any detrimental harm to the heritage significance of the surrounding heritage items.</p>
Clause 5.20 - Standards that cannot be used to refuse consent—playing and performing music	Noted
Clause 7.3 Earthworks	The proposed development does not require earthworks to be undertaken.
Clause 7.4 Natural Resources Sensitivity: Biodiversity	The subject property is not located within any Regional Wildlife Corridor.
Clause 7.5 Natural Resources Sensitivity: Water	The subject development location is not located in association with any riparian corridor or designated watercourse.
Clause 7.6 Extractive mineral resources	The subject site is not mapped by Council as containing any potential extractive material and is not located within any potential extractive material buffer zone.
Clause 7.9 Flood Planning	The subject property is not mapped as being flood affected.
Clause 7.10 Public Utility Infrastructure	Adequate infrastructure to accommodate the proposal.



## **AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 JANUARY 2025**

### **4.7 Wingecarribee Development Control Plan – Berrima Village**

WDCP – Berrima Village applies to the site and the development proposal.

The general objectives of the plan are as follows:

*(a) Preserve the character of Berrima Village as being a largely intact nineteenth century village, predominantly Georgian in character, with modest scaled buildings set in a mature landscape setting.*

*(b) To provide specific controls for all forms of development on both public and private land within the Berrima Village.*

*(c) Maintain and enhance the existing visual, built and landscape character of Berrima Village.*

*(d) Ensure that new or infill development is sympathetic to the existing built forms and landscape.*

*(e) Protect and conserve buildings, structures or places of environmental heritage and/ or visual importance.*

*(f) Provide Council's requirements in the form of performance criteria in order to achieve the above objectives.*

The development proposal is an annual temporary land use activity (Australia Day). The temporary land use will consist of temporary structures and will therefore not have any significant detrimental impact on the heritage significance of the Berrima Village.

In assessing a Land Use Application (LUA), Council will consider the extent to which the proposal contributes to the achievement of both zone objectives and the following Economic Function objectives:

*(a) Enhance the role of Berrima within the overall economic structure of Wingecarribee Shire.*

*(b) Recognise and enhance the role of Berrima as an important retail and service centre providing for the needs of the surrounding community and visitors to the region.*

*(c) Recognise and enhance the role of Berrima as an important employment generator.*

*(d) Encourage appropriate site amalgamation and redevelopment to provide a range of business and retail opportunities throughout the town.*

The proposed development is considered to satisfy objectives (a) and (b) of the zone by providing additional economic benefits for the Wingecarribee Shire, attracting visitors and encouraging visitors to support the Shires local producers. The site has a long history of being used to hold events, the likes of Australia Day.

It is concluded that the development is satisfactory and warrants development consent.



# AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 JANUARY 2025

## 5 KEY ASSESSMENT ISSUES

### 5.1 Permissibility

Under the provisions of WLEP (2010) the site is zoned RE1 Public Recreation. Items 2, 3 and 4 of the land-use table for the RE1 zone contain the following matters: -

#### 2 *Permitted without consent*

*Environmental protection works*

#### 3 *Permitted with consent*

*Aquaculture; Camping grounds; Caravan parks; Centre-based child care facilities; Community facilities; Entertainment facilities; Environmental facilities; Function centres; Kiosks; Markets; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite Day care centres; Restaurants or cafes; Roads; Signage; Take away food and drink premises; Water storage facilities*

#### 4 *Prohibited*

*Any development not specified in item 2 or 3*

The proposed development is best defined as 'Markets', which is identified as a Permissible Land Use with Council Consent within the RE2 zone.

**market** means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

**Note—**

Markets are a type of **retail premises**—see the definition of that term in this Dictionary.

### 5.2 Property Description

The subject site is described as Lots 1 and 2 in Deposited Plan No. 1152987, "Berrima Market Place Park", Old Hume Highway, Berrima.

### 5.3 Topography

Generally, the site falls in a westerly direction.





# **AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 JANUARY 2025**

## **5.4 Vegetation and Water**

The subject development location is not located in association with any riparian corridor or designated watercourse.

The site contains primarily managed grasslands. The site contains a number of radiata pines and ornamental trees.

## **5.5 Improvements, Restrictions and Uses**

The site maintains table/seating and children's play equipment. Public amenities are located on the south western portion of the property.

## **5.6 Traffic Generation**

The proposal will result in an increase in traffic generation, due to the visitors expected to attend the annual event. A Traffic Management Plan accompanies this application under separate cover.

The site has a long history of being used to hold events, the likes of Australia Day.

The Old Hume Highway and surrounding road network are well-formed roads capable of supporting the increase in traffic generation. The application proposes one event per annum. Any inconvenience caused due to the increase in traffic movements is short term and is outweighed by the benefit the event will bring to the Shire.

## **6 ENVIRONMENTAL EFFECTS**

### **6.1 Environmental Planning Instruments**

The development proposal is affected by the provisions of State Environmental Planning Policy (*Biodiversity and Conservation*) 2021. As addressed in Chapter 4.3 of this report, the development proposal would have a neutral or beneficial impact on water quality.

The subject site is zoned RE1 Public Recreation, under the provisions of WLEP 2010. The proposed development is permissible with consent.

### **6.2 Draft Environmental Planning Instruments**

There are no Draft known Local Environment Plans that apply to the proposal.



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### **6.3 Development Control Plans**

WDCP – *Berrima Village* applies to the site and to the development proposal. As outlined in this Statement of Environmental Effects, the proposed development satisfies the objectives of this control plan.

### **6.4 Planning Agreements under Section 7.4 of the EP&A Act**

There are no Planning Agreements currently entered into, or that are offered to be entered into, by the developer pursuant to Section 7.4 of the EP&A Act.

### **6.5 Matters Prescribed by the Regulations**

There are no relevant matters prescribed by the Regulations that affect the development proposal.

### **6.6 Likely Impacts of the Development**

#### *6.6.1 Natural Environment*

The subject site is not located within any designated environmentally sensitive environment. The proposed development would not significantly affect the natural attributes of the site.

There would be a neutral impact on water quality.

#### *6.6.2 Built Environment*

The proposed development does not involve the construction of any new permanent buildings and therefore there is no change to the built environment. Structures associated with the market stall holders and entertainment are temporary.

#### *6.6.3 Social Impacts*

The proposed development would not be expected to have any adverse social impacts. The proposed markets / event will provide a positive stimulus and new opportunities for social interaction within the Shire.

#### *6.6.4 Economic Impacts*

The proposed development is not expected to have any detrimental economic impact on the site, or on development within the vicinity of the site. The proposal is an economic and orderly use of the site.

The proposed market event is expected to have a positive economic impact upon the local economy by showcasing local producers and attracting visitors to the Wingecarribee Shire.



## **AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 22 JANUARY 2025**

### **6.7 Suitability of the Site**

The site is located within the RE1 Zone, where the proposed development is permissible with Council consent.

There are no constraints affecting the subject site or adjacent properties that render the proposed development unsuitable or inappropriate. In the event of predicted catastrophic weather conditions, the event will be cancelled.

### **6.8 Public Submissions**

Any public submissions received in response to the development proposal are required to be considered in the light of Part 4, Division 4.3, Section 4.15 of the *Environmental Planning and Assessment Act 1979*, having particular regard to:

- > The stated and underlying objectives of the relevant planning controls;
- > The specific merits and circumstances that apply to the proposed development and the site;
- > The acceptable nature of the likely impacts of the proposal;
- > The suitability of the site in accommodating the proposed development; and
- > The acceptable nature of the proposal when considering the wider public interest.

### **6.9 The public interest**

Having regard to the contents of this report, it is considered there are no matters that warrant refusal of the development proposal on grounds of it being contrary to the public interest.

## **7 CONCLUSION**

The proposed development has been assessed against the provisions of Part 4, Division 4.3 Section 4.15 of the *Environmental Planning and Assessment Act, 1979*.

On balance and having regard to the following, it is concluded that the development is satisfactory and warrants development consent:

- > The proposed development is permitted in the RE1 zone, and is consistent with relevant provisions of *Wingecarribee Local Environmental Plan 2010*, particularly the objectives for land zoned RE1 Public Recreation.
- > The proposed development would have a neutral impact on water quality. The proposal is therefore consistent with the State Environmental Planning Policy (*Biodiversity and Conservation*) 2021.



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- > No unreasonable environmental impacts would arise as a result of the proposed development. The proposal has been specifically planned and designed to address all potential impacts, including the visual amenity of the locality and the management of vehicular and pedestrian traffic.
- > There are no constraints on the site, or adjoining sites, that render the proposal unsuitable for this site.
- > It is considered there are no matters that warrant refusal of the proposal on grounds of it being contrary to the public interest. The proposal is consistent with the provisions of *Wingecarribee Local Environmental Plan 2010* and is therefore considered to promote the public interest.



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***Disclaimer***

This report is believed to be true and correct at the time of writing. It is based on the information provided by the client and other relevant organisations during preparation. HOGAN PLANNING - Town Planning Consultants does not accept any contractual, tortious or other form of liability for any consequences arising from its use. People using the information in the report should apply and rely on their own skill and judgment to a particular issue they are considering. This report shall be used solely for the purpose of this proposal and shall not be replicated or altered.



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WEDNESDAY 22 JANUARY 2025**



1 November 2024

General Manager  
Wingecarribee Shire Council  
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Dear Madam,

**Proposed Modification to LUA 24/0473 – Annual Market Event – (Nos. 2-4) Market Place, Berrima**

This Statement of Support has been prepared to support an application made pursuant to Section 4.55(1A), of the Environmental Planning and Assessment Act 1979, in relation to the subject Land Use Application.

This Statement satisfies the requirements of Clause 100 of the Environmental Planning and Assessment Regulation 2021 in providing the appropriate information to enable Council to appropriately assess and determine the application.

This Statement of Support provides the appropriate consideration of a proposed modification to conditions 5 and 6 of the development consent as assessed against the relevant planning legislation. This will allow Council to be satisfied pursuant to s4.55(1A) of the EPA Act 1979, that the development as modified would be substantially the same development as originally approved and of minimal environmental impact.

This conclusion is based on the fact that the development as modified will occupy the same land, does not contemplate any change to the approved land use and proposes to make minor modification to conditions 5 and 6 of the consent as identified in this Statement. All other conditions of consent will remain unchanged. The modification will have no adverse environmental impacts.

With direct reference to the provisions of Clause 100 of the Regulations, the following information is provided:

- (1) An application for modification of a development consent under section 4.55 (1), (1A) or (2) or 4.56 (1) of the Act must contain the following information:

*(a) the name and address of the applicant: - Hogan Planning. PO Box 2257, Bowral, 2576.*

*(b) a description of the development to be carried out under the consent (as previously modified): -*

The approval issued under LUA 24/0473 was for: -

Temporary use of Land for an Annual Market Event



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*(c) the address, and formal particulars of title, of the land on which the development is to be carried out: -*

Lots 1 and 2 in Deposited Plan No. 1152987  
(Nos. 2-4) Market Place, Berrima, NSW, 2577

*(d) a description of the proposed modification to the development consent: -*

**The proposed modification seeks modification to condition No. 5 (Approved Hours and Duration of Market Event): -**

The SoEE that accompanied DA24/0473 described the proposed event as: -

25 January 2023

- Event setup and bump-in. – Marquees and pagodas installed

26 January 2023

- 7-8am Market stall setup
- 8am - Event start time – Markets stalls, Amusements, Childrens and live Entertainment open
- 9amCitizenship Ceremony and announcement of citizens if the years
- 10.30am - Citizenship Ceremony and announcement of citizens if the year concludes
- 12pm – Street Parade begins
- 1pm – Street Parade concludes
- 4pm – Event concludes and bump out begins

27 -29 January 2023

- Bump out of the Event

As Australia Day falls on different days each calendar year, it is proposed that the dates be extended between 23rd and 29th January. Extending the dates will ensure the event can occur over the whole weekend and public holidays. It is proposed that the event not be restricted to Australia Day only but to days on either side, depending on what day Australia Day falls on. Use of the infrastructure (marquees, etc.) for other community groups, such as a long lunch.

**The proposed modification seeks modification to condition No. 6 (Approved Hours of Market Event Set Up/Set Down): -**

Condition 6 prohibits set up and set down on Sundays or Public Holidays. While the bump-in of the substantial infrastructure (for example, stage, marquees, etc.) will not be undertaken on Sunday or the public holiday, the small stall holders will set up on the morning of the event and bump out their small stall at the end of the market event. This condition of consent needs to be amended to accommodate the small stallholders.



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*(e) a statement that indicates either:*

*(i) that the modification is merely intended to correct a minor error, misdescription or miscalculation,*

*Or*

*(ii) that the modification is intended to have some other effect, as specified in the statement*

It does not correct a minor error, misdescription or miscalculation.

If the modification application is supported, the site's approved development will remain fundamentally the same as that approved under LUA 24/0473.

*(f) a description of the expected impacts of the modification: -*

The proposed modification is expected to have no impacts greater than those that would result from proceeding with the development as approved.

*(g) an undertaking to the effect that the development (as to be modified) will remain substantially the same as the development that was originally approved: -*

The development, as to be modified, will remain substantially the same as that originally approved.

The modification will not result in off-site impacts. All other conditions of consent will be retained.

*(h) for a modification application that is accompanied by a biodiversity development assessment report—the biodiversity credits information.*

A Biodiversity Development Assessment Report (BDAR) is not required.

*(i) if the applicant is not the owner of the land—a statement that the owner consents to the making of the modification application: -*

Refer to accompanying application form.

*(j) whether the modification application is being made to—*

*(i) the Court under the Act, section 4.55, or*

*(ii) the consent authority under the Act, section 4.56.*

Not Applicable





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Description of the Modifications being sought: -

- ❖ The proposed modification seeks to extend condition No. 5 (Approved Hours and Duration of Market Event) between 23rd and 29th January. Extending the dates will ensure the event can occur over the whole weekend and public holidays.
- ❖ The proposed modification seeks modification to condition No. 6 (Approved Hours of Market Event Set Up/Set Down) to enable the small stall holders to set up on the morning of the event and bump out their small stall at the end of the market event.

The following paragraphs provide comments as justification for this modification application.

Category of Modification: -

The proposed modification to the existing consent is considered within the ambit of Section 4.55 of the Environmental Planning and Assessment Act 1979 (the Act).

The modification application has been lodged pursuant to Section 4.55(1A) of the Act, which states:

*(1A) Modifications involving minimal environmental impact A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

*(a) it is satisfied that the proposed modification is of minimal environmental impact, and*

*(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

*(c) it has notified the application in accordance with:*

*(i) the regulations, if the regulations so require, or*

*(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

*(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Assessment of Proposed Modification: -

The proposed modification to conditions 5 and 6 is not considered a significant change to the initially approved development; it is suitable to the circumstances of the case and can be supported.

The modification will ensure the event can be accommodated efficiently and coordinated depending on the day Australia Day falls. It will also enable other community groups to use the infrastructure over the long weekend, like a long lunch. The modification will also enable small stallholders to set up on the day of the event.



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The development is substantially the same as that initially approved.

Conclusion: -

The requested modification to the approved LUA 24/0473 is not considered significant and is well within the ambit of Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

The proposed modification does not result in adverse impacts. It is justified because the changes to the development are relatively minor in nature. The modification would not result in adverse impacts from the approved temporary land use.

If you need to discuss this matter, please contact me directly.

Yours truly,



Darren Hogan MPIA  
Principal



### **6.3 Development Applications Greater Than 180 Days to be reported to the WLPP**

**Report Author: Coordinator Planning Assessment**

**Authoriser: Michael McCabe**

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#### **PURPOSE**

The purpose of this report is to provide the Wingecarribee Local Planning Panel with detail regarding the current Development Applications that exceed 180 days.

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#### **OFFICER'S RECOMMENDATION**

**THAT the Wingecarribee Local Planning Panel note the Development Applications that are currently being assessed which have exceeded 180 days since lodgement.**

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#### **REPORT**

The table, provided in Attachment 1, includes a list of DAs that are currently being assessed which have exceeded 180 days since lodgement which are to come to the Wingecarribee Local Planning Panel for determination.

A short commentary has been included against each Application. The table is being provided to the Wingecarribee Local Planning Panel for information and feedback.

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#### **ATTACHMENTS**

1. ITEM 6.3 - ATTACHMENT 1 Wingecarribee Local Planning Panel 22 January 2025 [6.3.1 - 2 pages]

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**ITEM 6.3 - ATTACHMENT 1** Wingecarribee Local Planning Panel 22 January 2024

<b>DA No.</b>	<b>Address</b>	<b>Proposal</b>	<b>Est. date to WLPP</b>	<b>Advice to Chair</b>	<b>No. of Days at 15/01</b>
22/0926	West Parade, Hill Top	Retail Premises, Take Away Food and Drink Premises	March. 25	Revised plans and information were received in August 2024. Under agency & referral/assessment.	1151
23/0202	Earl Street, Bowral	Building Envelope & Vegetation Removal	Feb. 25	Awaiting external agency advice (Water NSW & DPPI - Water)	882
23/1081	8 Hakea Street, Hill Top	Dwelling House, Tree Removal	March. 25	Further information requested – Due 20 December. Information remains outstanding	653
24/0574	451 Moss Vale Road, Bowral	Construction of Residential Flat Building (20 Dwellings)	Feb. 25	Awaiting internal referrals and final assessment.	440
24/0847	21 Shepherd Street	Change an Existing Secondary Dwelling to a Detached Dual Occupancy & Strata Subdivision	Feb. 25	Additional information received – currently being reviewed & assessed.	398
24/1094	271 Exeter Road, Sutton Forest	Continued use of existing structures/facilities, proposed construction of Equine Facilities and the establishment of a Recreation Facility (outdoor) - Equestrian Centre	Feb. 25	Additional information received in October – currently being reviewed & assessed. Legal advice sought in November on the applicants land use position. Legal advice	289

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				received in December and under consideration.	
24/1216	52 Kangaloon Road, Bowral	Subdivision of three existing lots into three new lots to facilitate the retention of an existing dwelling and Construction of 13 infill seniors living units	March. 25	Additional information received – currently being reviewed & assessed.	287
24/1430	64 Clemens Road, Woodlands	Demolition of Existing Building and Building Envelope for Dwelling	April. 25	Additional information pending.	236

**Total DA's – 8 (Previous month - 10)**

**Table – DAs to be determined by the Local Planning Panel that are over 180 days**

**7 MEETING CLOSURE**