

# MINUTES

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

**Wednesday 4 May 2022**

The meeting commenced at **1:32 pm**

**MINUTES OF THE LOCAL PLANNING PANEL  
WEDNESDAY 4 MAY 2022**

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**MINUTES OF THE LOCAL PLANNING PANEL MEETING OF WINGECARRIBEE SHIRE COUNCIL  
HELD IN {MEETING-ROOM}, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY  
4 MAY 2022 COMMENCING AT 1:30 PM**

<b>Present:</b>	Chairperson	Stephen Leathley
	Expert	Linda Kelly
	Expert	Heather Warton
	Community Representative	Anthony Geoffrey Neill
<b>In Attendance:</b>	Director Communities and Place	Geoff King
	Acting Manager Planning, Development and Regulatory Services	Nancy Sample
	Executive Manager Strategic Outcomes	Michael Park
	External Planning Consultant	Jeremy Swan
	Coordinator ICT Operations	Ian Vong
	Admin Assistant Communities and Place	Katharine Lancaster

## **1 OPENING OF THE MEETING**

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

## **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 Straight Islanders present here today.”

## **3 APOLOGIES**

There were no apologies declared at this meeting.

## **4 DECLARATIONS OF INTEREST**

There were no Declarations of Interest declared at this meeting.

## 5 PLANNING PROPOSALS

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### 5.1 Planning Proposal - Farm Stay Accommodation

<b>Report Author:</b>	<b>Senior Strategic Land Use Planner</b>
<b>Authoriser:</b>	<b>Executive Manager Strategic Outcomes</b>

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#### PURPOSE

The purpose of this report is to seek support for a Planning Proposal to amend WLEP 2010 to include *clause 5.23 Farm stay accommodation* and amend the RU4 Primary Production Small Lots land use table to permit farm stay accommodation with consent.

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#### OFFICER'S RECOMMENDATION

THAT the Planning Proposal (Attachment 1) to amend WLEP 2010 to include clause 5.23 farm stay accommodation into WLEP 2010 and permit with consent farm stay accommodation in the RU4 Primary Production Small Lots zone of WLEP 2010 be SUPPORTED for submission to the Department of Planning & Environment for a Gateway Determination.

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#### PANEL ADVICE

*The Panel supports the Planning Proposal (Attachment 1 Council Officer's report) to amend WLEP 2010 to include clause 5.23 farm stay accommodation into WLEP 2010 and permit with consent farm stay accommodation in the RU4 Primary Production Small Lots zone of WLEP 2010 for submission to the Department of Planning & Environment for a Gateway Determination.*

**REASONS:** The panel received a briefing, including background, from Council Officers regarding the planning proposal and supports the recommendations and outcomes in the Council Officer's report.

**VOTING:** Unanimous

## 6 DEVELOPMENT APPLICATIONS

### **6.1 DA22/0583 – Construction of a New Community Hall and Associated Works at Lots 145 – 152 in DP 751259, Lot 1 in DP 327438, Lot 155 – 157 & 163 in DP 751259 and Lot 154 in DP 1144429, 300 Kareela Road, Penrose**

**Report Author:** External Planning Consultant  
**Authoriser:** Nancy Sample, Geoff King

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#### **PURPOSE**

The purpose of this report is to consider a Development Application 22/0583 which seeks development consent for the construction of a New Community Hall and associated works at Lots 145 – 152 in DP 751259, Lot 1 in DP 327438, Lot 155 – 157 & 163 in DP 751259 and Lot 154 in DP 1144429, 300 Kareela Road, Penrose.

*Alison Duthie – Representing Penrose Community Association addressed the Panel in support of the officer’s recommendation.*

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#### **OFFICER’S RECOMMENDATION**

THAT the Local Planning Panel determines DA 22/0583 – Proposed Construction of a new Community Hall and associated works at Lots 145 – 152 in DP 751259, Lot 1 in DP 327438, Lot 155 – 157 & 163 in DP 751259 and Lot 154 in DP 1144429, 300 Kareela Road, Penrose by APPROVAL, subject to the conditions in Attachment 1 to the Council Officer’s report.

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#### **PANEL DECISION**

***The Local Planning Panel determines DA 22/0583 – Proposed Construction of a new Community Hall and associated works at Lots 145 – 152 in DP 751259, Lot 1 in DP 327438, Lot 155 – 157 & 163 in DP 751259 and Lot 154 in DP 1144429, 300 Kareela Road, Penrose by APPROVAL, subject to the conditions in Attachment 1 (to the Council Officer’s report) as amended by the Panel.***

***Amendments were made to conditions 12, 13, 19 (previously 17) and 25 (previously 23) and new conditions 14 and 15.***

**REASONS:**

The Panel undertook a site inspection, briefing from Council Project Officers and Council Assessment Officers, reviewed the assessment report and listened to a presentation from a representative from the Penrose Community Association.

1. The Panel understands the importance of this project to the local community in creating a sense of place.
2. The Panel considers that the car park and access should be capable of being designed so as to avoid the loss of significant mature vegetation and has amended conditions and included a new condition accordingly.
3. The Panel considers it necessary to undertake further specific acoustic investigations to ensure the building and on-going use of the facility complies with the relevant noise standards.
4. The Panel otherwise agrees with the Officer's assessment report and considers that the development application should be approved subject to the conditions of consent as outlined in that report.

**VOTING:** Unanimous

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## **7 MEETING CLOSURE**

Being no further business the meeting closed at 2.40pm.

**SCHEDULE 1 CONDITIONS OF DEVELOPMENT CONSENT**

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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 new Community Hall and associated works at Lots 145 – 152 in DP 751259, Lot 1 in DP 327438, Lot 155 – 157 & 163 in DP 751259 and Lot 154 in DP 1144429, 300 Kareela Road, Penrose.

**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.

<b>Plan Title / Supporting Document</b>	<b>Reference / Version</b>	<b>Prepared By</b>	<b>Dated</b>
Site Plan	Issue B	PSA Architects	1/9/21
Floor Plan	Issue D	PSA Architects	28/10/21
Elevation – Sheet 1	Issue B	PSA Architects	2/9/21
Elevation – Sheet 2	Issue B	PSA Architects	2/9/21
Sections – Sheet 1	Issue A	PSA Architects	2/9/21
Site Analysis Plan	Issue A	PSA Architects	2/9/21
Egress Plan	Issue C	PSA Architects	2/9/21
External Finishes Schedule	-	-	-
Bushfire Hazard Assessment	Ref 3945BF	Harris Environmental	15 June 2021
Wastewater Management Report	-	Sowdes	25/9/21
Water Cycle Management Study report	-	Sowdes	25/9/21
Stormwater Drainage Management Plan	Issue A	Sowdes	25/9/21
Parking & Traffic Report	-	Penrose Community Association	20/9/21
Tree report	-	Penrose Community Association	20/9/21
SEE	-	Penrose Community Association	3/9/21

**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**

- (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.

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

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

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

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

### **6. Compliance with Disability Discrimination Act 1992**

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

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

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

## **7. Shoring and Adequacy of adjoining property**

(1) If any excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining allotment of land, the applicant must, at the person's own expense, comply with the requirements of clause 98E of the Environmental Planning and Assessment Regulation 2000, including:

- (a) Protect and support the adjoining premises from possible damage from the excavation, and
- (b) Where necessary, underpin the adjoining premises to prevent any such damage.

(2) The condition referred to in sub clause (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.

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

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

## **8. Food Premises – General**

The construction and operation of the food premises shall comply with all applicable legislation/regulation and standards, including:

- The *Food Act 2003*
- Food Regulation 2010
- Food Standards Code
- Australian Standard AS4674 – 2004 Design, Construction and Fit Out of Food Premise and
- Australian Standard AS 1668.2-2012 The use of ventilation and air-conditioning in buildings – Mechanical ventilation in buildings

*In the event that the design, construction and/or fit out of food handling areas is inadequate for the food handling activities carried out on the premises, the Applicant will be required to undertake such works as is necessary to remedy any non-compliance with the above-mentioned legislation and Standards within a period determined by Council, for which separate prior development consent may be required.*

**Reason:** Compliance legislation and standards.

## **9. 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.*

### **10. Appointment of Project Arborist**

A project arborist who conforms to the requirements of the AS 4970 (i.e. Level 5, Arboriculture) is required to be nominated as part of the conditions for the Construction Certificate, and they are to be provided with all related site documents.

### **11. Additional tree impacts including pruning**

Pruning has been nominated in the Tree Report and may be required for some trees. This will be limited to:

- Mitigating risk
- Removal of deadwood
- Allowing sufficient clearance to conform to the Planning for Bushfire Protection 2019 and Bush fire assessment report by Harris Environmental (dated 15 June 2021, Reference 3945BF)
- Design conflict.

The curved roadway servicing the facility offers encroachment to some trees. The grades and surfaces employed shall be reviewed by the project arborist as part of the construction certificate and recommendations included for reducing the impacts on the tree roots that form the encroachment. This may require elevating the road grade, and/or modifying road surfaces to reduce root impacts.

Any design changes, impacts on the trees nominated for retention or excessive risk by trees, must require the project arborist to assess and document the incidence and related mitigation. Additional tree works required for risk/design impacts must be documented and issued to Wingecarribee Shire Council.

### **12. Tree removal permitted**

Based on the assigned tree numbering contained in the Tree Report by the Penrose Community Association Inc., dated 20 September 2021. The following trees are permitted for removal; No. 18, 19 and 20.

### **13. Tree retention**

Trees No. 1-17, and other site trees not included in the Arborist Report that are not exempt or have consent for removal must be retained and protected from any site works.

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

### **14. 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 driveway and car park is to be amended to ensure the retention of all trees with the exception of Trees 18,19 and 20.
- b) A project arborist (Level 5, Arboriculture) is to oversee the amendments and provide a letter confirming the design retains all trees with the exception of Trees 18, 19 and 20.

**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.*

## **15. Acoustic Report**

An acoustical investigation of the proposal shall be undertaken and submitted to Council for approval prior to the issue of the Construction Certificate by a suitably qualified acoustical consultant (who is a member of either the Australian Acoustical Society, or the Association of Australian Acoustical Consultants), describing and assessing the impact of noise emissions from the proposal. The investigation shall include:

- The identification of sensitive noise receivers potentially impacted by the proposal;
- The quantification of the existing acoustic environment at the receiver locations (measurement techniques and assessment period shall be fully justified in accordance with Australian Standard AS1055:1997 Acoustic - Description and Measurement of Environmental Noise and the former NSW Department of Environment and Climate Change's Noise Control Manual);
- The formulation of a suitable assessment criteria not giving rise to a sound level at the boundary of any adjoining premises or occupancy greater than 5dBA above the L90 background level. The source noise level shall be assessed as LAeq, 15 min. and adjusted in accordance with the NSW Department of Planning and Environment guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content;
- The identification of operational noise producing facets of the development and the subsequent prediction of resultant noise at the identified sensitive receiver locations from the operation of the premises. Where appropriate the prediction procedures shall be justified and include an evaluation of prevailing atmospheric conditions that may promote noise propagation; and a statement indicating that the development is capable of complying with the criteria together with details of acoustic control measures that will be incorporated into the development;
- The acoustic investigation shall be conducted using the former NSW Department of Environment and Climate Change's Environmental Noise Control Manual or the former NSW Department of Environment and Climate Change's Industrial Noise Policy, 2000.

The works and operation of the proposal is to be carried out in accordance with the recommendations of the acoustic investigation.

After completion of the works, prior to the issue of an Occupation Certificate, the developer shall submit to the Council, a report from a practicing professional acoustic engineer (as above) verifying that the works as installed meet the above design conditions.

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

**16. Application for a Construction Certificate (Building Works)**

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

- (a) Architectural plans and building specifications complying with the National Construction Code (NCC) relevant Australian Standards, and the development consent and conditions.
- (b) If Council or a private accredited certifier issues the Construction Certificate, engineering details must be submitted for approval for all structural elements, including but not limited to, piers, footings, reinforced concrete slab, first floor joist layout, roof trusses, steel beams and the like. The details must be prepared by a qualified chartered professional practicing consulting structural engineer. Also, a certificate from the engineer must be included certifying that the design fully complies with appropriate SAA Codes and Standards and the Building Code of Australia requirements.
- (c) Geotechnical report for the site, prepared by a qualified geotechnical engineer detailing the foundation conditions of the site and solutions for consideration by a structural Engineer.
- (d) Essential services plan outlining the existing and proposed fire safety measures.
- (e) Disabled access provisions to common and public areas in accordance with AS1428 Design for Access and Mobility and the Premises Code.
- (f) If an alternative solution to the "deemed to satisfy" provisions of National Construction Code is proposed, the following details must be lodged:
  - Performance requirements that the alternative solution intends to meet.
  - Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the BCA; and
  - A statement about the person who prepared the alternate solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body.

**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 Certifying Authority (PCA), and lodgement of Notice of Commencement.*

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

**17. Appointment of Principal Certifying Authority**

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

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

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

**18. Food Premises compliance to be assessed prior to the issue of the Construction Certificate**

Prior to the issue of the construction certificate, detailed drawings of the design, construction and fit-out of any proposed commercial food premises (as defined above) shall be submitted to either Council or the nominated Accredited Certifier to be assessed for compliance with the following standards:

- Food Standards Code, Food Standard 3.2.3
- Australian Standard AS4674-2004 Design, Construction and Fit Out of Food Premises; and

- Australian Standard AS 1668.2-2012 The use of ventilation and air-conditioning in buildings: Mechanical ventilation in buildings.

**Reason:** *Compliance with legislation and standards.*

## **19. Tree protection**

### Arboricultural Method Statement

As a requirement for the construction certificate, an Arboricultural Method Statement, Tree management plan (completed by the assigned project arborist; minimum Level 5 arborist) must be presented and accepted to Wingecarribee Shire Council before works proceed. This report should incorporate discussion with the building contractors to ensure practical means for construction. This report is to detail although is not limited to:

- Zones of protection, being the Tree Protection Zone, and Structural Root Zone.
- Protection specifications and measures (fencing/ground protection) in relation to the zones of protection.
- Hold points for the works procedure
- Methods of work and means for reducing tree impact
- Tree protection measures and plan

Trees No. 1-17 require protection and these shall not be impacted during the construction/ development of the site. The Tree Protection Zones (TPZ) for these trees as nominated in the Tree Report is required to be observed and utilised for the protection and in relation to the Australian Standard, AS 4970.

## **20. Access for People with Disabilities**

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

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

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

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

## **21. Dilapidation Report**

A Dilapidation Report shall be undertaken on all properties, which in the opinion of a suitably experienced professional and chartered qualified engineer, could be potentially affected by the construction of the project. The Dilapidation Report shall be carried out taking into account civil infrastructure and submitted to Council prior to the issue of the Construction Certificate.

The Report shall cover structural and geotechnical factors likely to arise from the development.

The person having the benefit of the development consent shall, at their own cost, rectify any damage caused to other properties during the construction of the project to the satisfaction of Council.

**Reason:** *To ensure the structural stability of neighbouring buildings.*

## **22. Construction Management Plan**

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

- (a) Details of site security
- (b) Off-street parking for employees, contractors, and sub-contractors.
- (c) Site access for construction vehicles and equipment purposes.
- (d) Public safety in the use of roads and footpaths where development activities adjoin such facilities.
- (e) The storage and removal, on a regular frequency, of builder's rubble and waste by trade waste contractors.
- (f) Storage of all building materials and equipment wholly within the construction site.
- (g) Public risk policies and management for all contractors' employees using or gaining access over public footpaths and roads.
- (h) External lighting and security alarms proposed for the construction site.
- (i) Firefighting measures to be available on-site during development and construction.
- (j) Sanitary amenities proposed on site during development and construction.
- (k) Ensuring the safety of members of the public and Council staff who may have occasion to enter and be in attendance on the site.
- (l) Details of management of storm water run-off and the proposed sediment and erosion control measures including the location of any rubble grids;
- (m) Details of any air and dust management;
- (n) Details of noise and vibration controls;
- (o) Anticipated staging and duration of works
- (p) Provision of Traffic Management Plan (TMP) and Traffic Control Plans (TCP)

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

### **23. Section 68 Local Government Act 1993 Approvals**

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

- Stormwater Constructions Works

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

### **24. Section 138 Roads Act 1993 Approval**

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

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

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

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

**Reason:** *Statutory requirement.*

### **25. Carpark Design - Site Servicing**

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

- (a) The site shall accommodate the turning movements of a fire fighting vehicle.
- (b) Service vehicles shall manoeuvre into and out of the site in a forward direction.
- (c) The front overhang, and swept path made by the service vehicle shall not obstruct car park traffic or encroach onto parking spaces.
- (d) The vehicle swept path shall be reflected on the engineering design plans.

- (e) Loading and unloading of service vehicles shall be undertaken onsite with no intrusion onto the road system.
- (f) The footpath crossing shall be splayed from the property boundary to the kerb line to accommodate the swept path made by the service vehicle.

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

## **26. Accessible Car Parking Spaces**

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

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

Details to demonstrate compliance shall be submitted to and approved by the Certifying authority prior to the issue of the Construction Certificate.

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

## **27. Off Street Parking Provision - General**

37 off-street car parking spaces suitably marked in accordance with the approved plans (unless elsewhere specified) shall be provided. Each space shall have minimum dimensions in accordance with Australian Standard AS2890.1 Off Street Car Parking.

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

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

## **28. Stormwater – Control of Peak Discharge**

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

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

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

### **29. Detailed Stormwater Drainage System Design**

Prior to the issue of the Construction Certificate, a detailed storm water hydraulic drainage plan for the disposal of storm water from the site, prepared in accordance with Council's Design Standards shall be submitted and approved by Council's Development Engineer together with a Section 68 Certificate approval.

In this regard Council accepts in principle the concept stormwater design plan drawings and Water Cycle Management Study prepared by Sowdes dated 27 February 2019.

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

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

Where the proposed design extends beyond the property boundary, separate approval under section 135 of the Roads Act 1993, must be obtained from Council prior to the commencement of works.

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

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

### **30. Energy Service Provider Requirements**

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

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

### **31. Electricity Substation**

Any required electricity substation shall be located within the boundaries of the site and covered by an appropriate Section 88B instrument or easement under the Conveyancing Act 1919.

Documentary evidence of compliance, including correspondence from the energy authority is to be provided to the Accredited Certifier prior to the issue of a Construction Certificate detailing the energy authority's requirements.

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

### **32. Waste Management Plan**

A Waste Management Plan shall be completed and submitted to Council for approval, prior to the issue of the Construction Certificate for the development.

Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout demolition and construction. Waste management and its storage must not pose a threat to public health or the environment.

*Reason:* To minimise the amount of waste going to landfill.

### **33. Erosion and Sediment Control Plan**

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

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

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

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

#### **34. Tree Retention**

Road design and construction shall ensure preservation of existing roadside vegetation. All trees proposed to be removed within the road reservation shall be clearly identified by survey and submitted to Council for approval prior to issue of Construction Certificate.

All trees shown on the development consent as being retained shall be appropriately marked and protected during construction works with fencing that shall be maintained throughout construction activities.

**Reason:** *To ensure retention and preservation of local vegetation.*

#### **35. Developer to provide photos of damage to Council property**

The developer must provide Council and the PCA with photos of any damage of Council property adjoining the development prior to the issue of the Construction Certificate.

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

Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the developer/owners/proponent's 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 Council's assets are protected.*

#### **36. Application for a Construction Certificate (Building Works)**

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

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

- (d) Essential services plan outlining the existing and proposed fire safety measures.
- (e) Plans detailing the layout, extent, and location of key components of any required Hydraulic Fire Safety System /s (Fire Hydrant and Fire Hose Reels) including Specifications that describe the basis for the design, installation and construction and identify the provisions of the BCA upon which the design of the system is based. The Plans and Specifications shall both be endorsed by a competent fire safety practitioner (CFSP) as complying with the relevant provisions of the Building Code of Australia (BCA).
- (f) Disabled access provisions to common and public areas in accordance with AS1428 Design for Access and Mobility and the Premises Code.
- (g) If an alternative solution to the “deemed to satisfy” provisions of National Construction Code is proposed, the following details must be lodged:
  - a. Performance requirements that the alternative solution intends to meet.
  - b. Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the BCA; and
  - c. A statement about the person who prepared the alternate solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body.

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

**Note:** *Construction work may only commence upon the issue of a Construction Certificate, appointment of a Principal Certifying Authority (PCA), and lodgment of Notice of Commencement.*

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

### **37. Water NSW Conditions**

#### **General**

1. The site layout and works shall be as specified in the Statement of Environmental Effects (dated 03/09/2021) prepared by Penrose Community Association and shown on the Site Plan (Dwg. No. 20:028\_A100, Rev. B, dated 01 Sep 21) prepared by psa architects. No revised site layout, staging or external works that will have impact on water quality, shall be permitted without the agreement of Water NSW.

**Reason:** *To ensure that the holding of the event will not adversely affect water quality and to ensure a sustainable neutral or beneficial effect on water quality.*

#### **Wastewater**

2. The wastewater treatment system and effluent management areas shall be located and installed in accordance with the recommendations in the following documents prepared by SOWDES and *Designing and Installing On-Site Wastewater Systems* (WaterNSW, 2019):
  - the Wastewater Management Report (dated 25 September 2021) except that
    - a. the septic tank is to be a minimum capacity of 4500L
    - b. the final design of the absorption beds shall be done in consultation with Water NSW
    - c. the absorption beds shall be fenced off/protected from livestock and vehicle

- d. ensure all run-on and stormwater collected from roofs, access roads and other hard surface areas is diverted away from the trench or bed area, e.g. by means of a stabilised bund or drain with provision for energy dissipation at the outlet to prevent scouring or erosion.
  - the Wastewater Management Site Plan (Drawing Reference Number: 0090722-04A; Sheet 4 of 7 Issue A; dated 25/09/2021)
  - the Set-out Details for Septic Tank and Absorption Disposal System (Drawing Reference Number: 0090722-04A(C); Sheet 3 of 3; Issue A; dated 25/09/2021), and
  - the Conventional Absorption Disposal Bed – Site Specific Details (Drawing Reference Number: 0090722-04A(b); Sheet 2 of 3; Issue A; dated 25/09/2021).
3. No changes to the wastewater treatment and effluent management systems that may impact on water quality, shall be permitted without the agreement of Water NSW.
4. Portable toilets shall be provided if the site is to be used for an event with more than 130 people.
5. Appliances and fixtures with at least a four-star ratings shall be installed in the outbuilding to minimise the volume of wastewater produced.
6. These conditions of consent relating to wastewater management shall be provided to the installers of the wastewater treatment and effluent management systems.
7. The installers of the wastewater treatment and effluent management systems shall certify to Council in writing that the systems have been:
  - constructed and installed as per these conditions of consent and in accordance with *Designing and Installing On-Site Wastewater Systems (WaterNSW, 2019)*, and
  - tested and are functioning properly.
8. The on-site wastewater management system shall be maintained according to Section 5 of the Department of Local Government's guidelines *On-site Sewage Management for Single Households (1998)*, *AS/NZS 1547:2012 On-site Domestic Wastewater Management*, and the manufacturer's specifications.
9. Council shall not issue an Occupation Certificate until Council has received the certification from the installers and approved the onsite wastewater management system under the *Local Government Act 1993* as being consistent with these conditions.

**Reason:** *To ensure that the on-site wastewater management system is appropriately designed, located, and constructed to have a sustainable neutral or beneficial effect on water quality over the longer term.*

#### **Stormwater Management**

10. All stormwater treatment and management measures shall be implemented as shown on the Stormwater Drainage and Management Site Plan (Drawing Reference Number: 0090722-03A; Sheet 3 of 7 Issue A; dated 25/09/2021) all prepared by SOWDES and with following additions:
  - the grass buffer strips separating the unsealed accessways from the biofiltration raingardens shall have a minimum width of 2 metre
  - biofiltration raingardens shall be planted with appropriate deep-rooted, moisture-tolerant vegetation protected by rock mulch (grass and turf are not appropriate vegetation and organic mulch is not suitable)
  - all discharge and overflow points shall be armoured to prevent erosion

- be permanently protected from vehicular damage by bollards, fences, castellated kerbs or similar structures, with a sign to be erected to advise of its nature and purpose in water quality management, and
  - be protected by sediment and erosion control measures during any construction and post-construction phase until the ground surface stabilised.
11. No variation to stormwater treatment or management that will have any impact on water quality shall be permitted without the agreement of Water NSW.
12. A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and Council prior to the issuance of an Occupation Certificate that all stormwater management structures have been installed as per these conditions of consent and are in a functional state.

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

#### **Operational Environmental Management Plan**

13. An Operational Environmental Management Plan shall be prepared in consultation with Water NSW by a person with knowledge and experience in the preparation of such plans. The Plan shall:
- be prepared prior to the issuance of an Occupation Certificate
  - include the details on the location and nature of all:
    - on-site wastewater management structures such as pits, pipes, inspection points, tanks, distribution system and absorption beds
    - stormwater management structures such as pits, pipes, buffer strips, swales, biofiltration raingardens, discharge points and rainwater collection system
  - outline the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all on-site wastewater management and stormwater management structures, including the frequency of such activities
  - identify the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and
  - include checklists for recording inspections and maintenance activities.
14. All on-site wastewater management and stormwater treatment devices shall be monitored, maintained and managed as per the Operational Environmental Management Plan.

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

#### **Construction Activities**

15. An Erosion and Sediment Control Plan, based on the Conceptual Erosion & Sediment Control Site Plan (Drawing Reference Number: 0090722-07A; Sheet 7 of 7 Issue A; dated 25/09/2021) prepared by SOWDES, shall be prepared for all works required as part of the development by a person with knowledge and experience in the preparation of such plans. The Plan shall:
- meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004) manual

- be prepared prior to Council issue a Construction Certificate; and be to the satisfaction of Council, and
- include controls to prevent sediment or polluted water leaving the construction site or entering any natural drainage system or stormwater drain.

16. The Erosion and Sediment Control Plan shall be implemented, and no works shall commence until effective erosion and sediment controls have been installed. The controls shall be regularly inspected, maintained and retained until works have been completed and groundcover established.

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

### **38. Bushfire**

The development must comply with all bushfire conditions specified in the NSW Rural Fire Service advice dated 25 March 2022 and located at the rear of this consent.

**Reason:** *Bushfire safety.*

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

### **39. 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 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.*

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

**Reason:** *Statutory requirement.*

#### **41. Construction Certificate**

No work shall commence until a:

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

**Reason:** *Statutory Requirement.*

#### **42. Developers Representative during Construction of Works**

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

Details to be submitted include:

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

Prior to commencing any works on site, the representative shall:

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

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

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

**Reason:** *Statutory Requirement.*

#### **43. Section 138 Roads Act 1993 Approval**

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

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

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

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

**Reason:** *Statutory requirement.*

#### **44. 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.*

#### **45. Tree Retention (Marking)**

All trees shown on the development consent to be “retained” shall be appropriately marked and protected prior to the commencement of construction works.

**Reason:** *To ensure that trees are retained without damage.*

#### **46. Traffic Control Plan**

A minimum of seven (7) days prior to the commencement of work, the developer shall submit to Council a Certified Traffic Management Plan for each activity of work in accordance with the current version of Roads and Maritime Services (RMS) document “Traffic Control at Work Sites”. This plan must include each construction activity that involves works on or adjacent to public land. If the work site alters, further plans are to be submitted to Council. A copy of the plan (s) is to be kept on site at all times.

**Reason:** *To ensure public safety.*

#### **47. Erosion and Sediment Control**

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

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

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

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

**48. 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.*

**49. 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 Certifying Authority.*

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

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

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

**50. 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 40 mm in size. Ballast or crushed gravel (minimum of 40mm rock) for the full width of the kerb from the edge of the road to the property boundary.

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

**51. Engineering Inspections by Council**

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

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

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

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

**Reason:** *Statutory requirement.*

## **52. Stormwater – Construction**

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

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

## **53. 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.*

## **54. Earthworks, retaining walls and structural support**

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

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

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

**Reason:** *Structural safety.*

### **55. Erosion and Sediment Control Plan Compliance**

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

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

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

### **56. 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.*

### **57. Noise and Vibration**

The construction of the development and preparation of the site, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions shall be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

In the event of a noise or vibration problem arising, the person in charge of the premises shall, when instructed by an authorised officer of Council or the Accredited Certifier, cease work and carry out an acoustical survey and/or investigation by an appropriately qualified acoustical engineer or qualified and experienced professional consultant and submit the results to Council. The person in charge of the site shall implement any or all of the recommendations of the consultant and any additional requirements of Council. Any requirements of Council in this regard must be complied with immediately.

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

### **58. Dust Control**

Major Works

The following measures must be taken to control the emission of dust on site:

- (a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- (b) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the stormwater system.
- (c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.

**Reason:** *Environmental amenity.*

### **59. Tree Removal / Tree Preservation**

No trees shall be pruned, removed, damaged or destroyed without the prior written consent of Council. Failure to comply with this requirement will result in prosecution by Council in accordance with the provisions of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.

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

**Reason:** *To comply with the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.*

### **60. Approved hours of Construction**

Construction activities shall be limited to the following hours:

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

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

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

### **61. Construction Management Plan**

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

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

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

### **62. 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.*

### **63. Tree Protection Measures, Certification**

The following hold points and certifications are required for trees that are retained during construction. This includes:

- Pre-construction: Assessment and certification. Installation of tree protection measures. These must conform to the AS 4970 and be nominated by the project arborist. This is a requirement for the issue of the construction certificate.
- Works within the SRZ: Assessment and certification. The project arborist must be on-site during any work within the SRZ. This work must be documented and photographed and form a document to be included in the final certification.
- Pruning Schedule: If pruning is required, then it shall be under instruction of the project arborist and conform to the AS 4373. No more than 10% of the crown mass can be removed. A pruning schedule outlining, the reason for pruning, specific branches to be removed (diameter/length, type), proportions of crown mass, pruning code, and photos illustrating the part of the tree to be pruned is required before pruning proceeds. This must be submitted to Wingecarribee Shire Council for approval before pruning proceeds.
- Final assessment of tree. To ensure the trees provide for the same condition and vitality as before construction and if not, implement mitigation to ensure long-term retention. This is a requirement for the issue of the occupation certificate.

### **64. Sub-surface utilities**

The proposed route of sub-surface utilities, including stormwater, electricity, communications, water, and gas will require avoiding the Tree Protection Zone of any tree nominated for retention. Any trenching, other than what has been allowed for should be avoided within the area of the TPZ's for any tree nominated for retention. Any proposed route shall be re-routed outside of the TPZ. Under boring may be required if a limitation for the route of service is restricted to an area that falls within the TPZ from any tree. Any excavation in the area of a TPZ must be authorised and conditioned by the project arborist.

### **65. 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.*

## **66. Excavations and Backfilling**

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

**Reason:** *To ensure the safety of life and property.*

## **67. Building Operations**

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

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

## **68. 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*

## **69. 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.*

## **70. 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.*

## **71. 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.*

## **72. Civil Engineering Works and Services**

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

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

## **73. Certification of Engineering Works**

Prior to issue of the Occupation Certificate, the following documents shall be submitted to the Principal Certifying Authority. These documents are:

- (a) A Certificate from a suitably Qualified Engineer, with Corporate Membership standing in the Institution of Engineers, Australia, and registered on the National Professional Engineers Register (NPER) under the appropriate professional category, and
- (b) A "Work - As - Executed" (WAE) plans of the engineering and/or drainage works. The abovementioned Certificate shall certify that:
  - (i) the stormwater drainage system, and/or
  - (ii) the car parking arrangement and area, and/or
  - (iii) any related footpath crossing works, and/or
  - (iv) the proposed driveway and layback, and/or
  - (v) other civil works have been constructed in accordance with the approved plans and details, satisfies the design intent and complies with appropriate SAA Codes relevant Standards and Councils Policies and Specifications.

Where Council is not the Principal Certifying Authority, two (2) copies of the above documents are to be provided to Council prior to the issue of any Occupation Certificate. These documents are to be retained on Council's Construction Certificate file.

**Reason:** *Asset Management*

#### **74. Vehicle Maneuvering**

All vehicles shall enter and leave the site in a forward direction to ensure traffic/pedestrian safety. A sign worded "No Reversing Across Footpath" is to be provided adjacent to the vehicular entry and clearly visible to users of the car park to inform drivers of this requirement prior to the issue of the Occupation Certificate. Sign to be to the satisfaction of the Group Manager Planning, Development and Regulatory Services and of approximate dimensions 0.3m x 0.6m.

**Reason:** *To comply with Engineering Standards.*

#### **75. Maintenance and Bond for Public Assets – Civil Works**

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

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

#### **76. National Plumbing and Drainage Code**

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

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

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

#### **77. 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 Certifying Authority is required to be satisfied, amongst other things, that:

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

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

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

**Note:** *The applicant is to ensure that works associated with the Section 138 (Roads Act) approval and Section 68 (Local Government Act) approval are completed and inspected by Council.*

### **78. Food Premises compliance to be assessed prior to the issue of the Occupation Certificate**

Prior to the issue of the Occupation Certificate, the premise shall be set up and operated in accordance with the

- *Food Act 2003,*
- *Food Regulation 2000,*
- *Food Standards Code*
- *Australian Standard AS4674-2004 Design, Construction and Fit Out of Food Premises; and*
- *Australian Standard AS 1688.2-2012 The use of ventilation and air-conditioning in buildings – Mechanical ventilation in buildings.*
- *Food Regulations and the Food Safety Standards. The premise shall be fitted out in accordance with the Australian Standard AS4674 - 2004.*

**Reason:** *Compliance with legislation and standards*

### **79. 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.*

### **80. Civil Engineering Works and Services**

All approved civil engineering works and services as per the approved engineering plans are to be constructed prior to the issue of the Occupation Certificate.

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

### **81. Section 138 Roads Act Final**

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

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

### **82. Section 68 Local Government Act Final**

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

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

### **83. Certification of Internal Civil Works**

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

**Reason:** *Asset management.*

### **84. Vehicle Access (Rural)**

Access to the site shall be provided by means of a vehicle crossing as per Standard Drawing No SD110 and SD123 and approved by Council prior to the issue of the Occupation Certificate. A copy of the Standard Drawing No SD110 is to be obtained from Council before work commences.

**Reason:** *To ensure that the driveway is constructed to Councils standard specification.*

### **85. Vehicle Maneuvering**

All vehicles shall enter and leave the site in a forward direction to ensure traffic/pedestrian safety. A sign worded "No Reversing Across Footpath" is to be provided adjacent to the vehicular entry and clearly visible to users of the car park to inform drivers of this requirement prior to the issue of the Occupation Certificate. Sign to be to the satisfaction of the Group Manager Planning, Development and Regulatory Services and of approximate dimensions 0.3m x 0.6m.

**Reason:** *To comply with Engineering Standards.*

### **86. Construction of Internal Road**

Internal driveway minimum of 5.5m wide surfaced with reinforced concrete shall be in accordance with Council's Engineering Standard and to the satisfaction of the Group Manager Planning, Development and Regulatory Services, prior to the issue of the Occupation Certificate.

Note: Where the subdivision is staged and required roadworks are incomplete, Council may require the construction of temporary cul-de-sacs or turning facilities for large vehicles such as garbage trucks. These works are to be constructed to the requirements of Council.

**Reason:** *To ensure that adequate access is provided.*

## **CONDITIONS TO BE SATISFIED ON AN ONGOING BASIS**

### **87. Hours of Operation**

The hours of use are restricted to between 8am – 10pm 7 days a week with all visitors having left the site by 11pm.

**Reason:** *To ensure that the development complies with the hours of use on an ongoing basis.*

**88. Maximum number of persons**

The maximum number of persons using the facility at any one time is 125 persons.

**Reason:** *To ensure that the development complies with the maximum number of persons.*

**89. Lighting**

All external lighting shall:

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

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

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