

AGENDA

of the
Local Planning Panel
held via
Zoom,
Electronic Meeting
on

Wednesday 6 April 2022

The meeting will commence at **3:30 pm**

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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

Zoom

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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

5.1 Agritourism Nominations under Standard Instrument Amendment Order

Report Author: Senior Strategic Land Use Planner

Authoriser: General Manager

PURPOSE

The purpose of this report is to inform the Local Planning Panel of Council's local clause and land use nominations as required by the draft Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021. If supported, a report on these nominations would be prepared for Council endorsement by the Interim Administrator.

Applicant / Proponent	Council staff-initiated report to address draft WLEP 2010 amendments with regards to agritourism
Owner	Wingecarribee Shire Council
Consultants	N/A
Notification	N/A
Number Advised	N/A
Number of Submissions	N/A
Current Zoning	N/A
Proposed Amendment/s	LEP Local Clauses & relevant Land Use Tables
Political Donations	N/A
Recommendation	The proposed nominations under the <i>draft Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021</i> , as described in this report, be supported for Council endorsement by the Interim Administrator.

OFFICER'S RECOMMENDATION

THAT the proposed nominations under the *draft Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021*, as described in this report, be supported for Council endorsement by the Interim Administrator.

REPORT

BACKGROUND

In December 2021, the NSW Department of Planning & Environment (the Department) released the *draft Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 (the draft Order)* which may be viewed at **ATTACHMENT 1** to this report. The *draft Order* is in response to the exhibition of an *Explanation of Intended Effects (EIE)* throughout March and April 2021, and the consideration of submissions received which included one from Wingecarribee Shire Council.

Preliminary responses to the *draft Order* needed to be submitted to the Department by 25 February 2022 through an online ‘nomination form’ and this was done. Final responses to this ‘nomination form’, including Council Minutes, were to be provided to the Department by 31 March 2022. The Department has been advised that this Council’s Minutes will be provided as soon as they are available in April. In mid 2022 the Department intends to draft a State Environmental Planning Policy (SEPP) to amend all relevant Local Environmental Plans without the need for a Planning Proposal.

However, this timeframe has allowed no opportunity for community consultation and so this report provides a degree of transparency by outlining the draft amendments and the nominations made by Council’s strategic land use planning team, together with the justifications for those nominations.

AGRITOURISM OVERVIEW

The *draft Order* sets out the new and amended definitions and proposed new local clauses which Council can nominate whether or not to adopt, together with associated development standards.

The following diagram illustrates the relationship between them all.

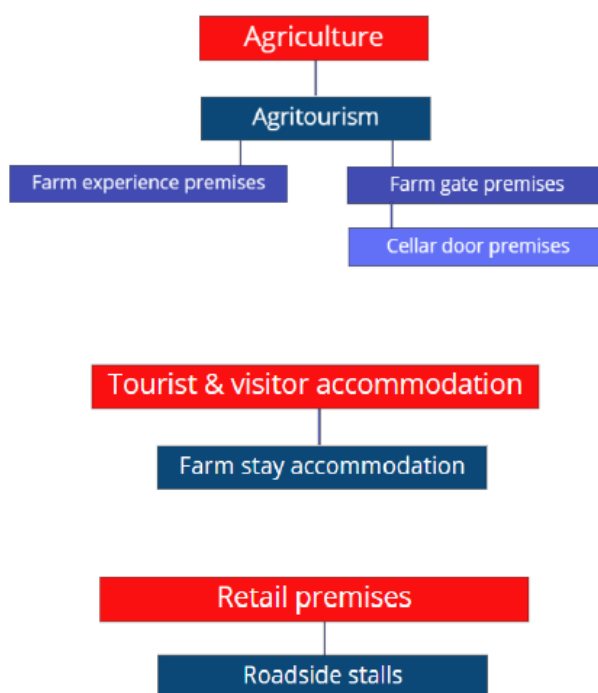


Figure 1 Land Use relationships

LAND USE DEFINITIONS

The *draft Order* provides three new definitions - *Agritourism*, *Farm experience premises* and *Farm gate premises* - to be included in the Standard Instrument- Principal Local Environmental Plan (SI PLEP) dictionary, and therefore, in the Wingecarribee Local Environmental Plan (WLEP) 2010 dictionary.

As indicated in [Figure 1](#) above, *Agritourism* will be a form of *Agriculture* comprising the new land uses of *farm gate premises*, and *farm experience premises*. The existing land use of *cellar door premises*, previously a form of *retail premises*, will become a subset of *farm gate premises*. Its definition remains unchanged.

It is noted that the group term *Agriculture* currently includes the following - *aquaculture*, *extensive agriculture*, *intensive livestock agriculture* & *intensive plant agriculture*. Due to this broad range of land uses, the group term is only permitted with consent in the *RU1 Primary Production* and *RU2 Rural Landscape zones*, and consequently these are the only zones in which *Agritourism* would automatically be permitted with consent under the draft Order. However, as stated above, the Department intends to draft an 'amending SEPP' to amend all relevant Local Environmental Plans without the need for a Planning Proposal. Proposed zone nominations are considered later in this report. *Cellar door premises* will continue to be permitted in the zones in which they are currently permissible, being *RU1 Primary Production*, *RU2 Rural Landscape*, *RU4 Primary Production Small Lots*, *C3 Environmental Management*, *C4 Environmental Living* & *SP3 Tourist zones*.

The Draft order also provides amendments to the definitions of *Farm stay accommodation* (a form of *tourist and visitor accommodation*) and *Roadside stalls*. (a form of *retail premises*). These are all non-negotiable.

The full legal definitions for those new or amended definitions are contained in draft Order, but are summarised below:

Farm gate premises – (new) - a building or place on a farm that is ancillary to that farm and that is used to provide visitors with agricultural products or services or activities related to those products predominantly from the farm or other farms in the region. It allows the processing, packaging and sale of those products, a restaurant or café and a facility for holding tastings or workshops or providing education or information related to the products.

Farm experience premises – (new) a building or place on a farm that is ancillary to that farm and that is used to provide visitors with small scale and low impact tourist or recreational services on a commercial basis. It can include horse riding, farm tours, functions and conferences and farm field days.

Farm stay accommodation – (amended) a building or place on a farm used to provide temporary accommodation to paying guests including in buildings or moveable buildings.

The Department also intends to prepare model conditions of consent for *farm stay accommodation*, *farm experience premises* and *farm gate premises* that councils can choose to adopt. These provisions will include setting a maximum number of consecutive days guests can stay in moveable dwellings at 14.

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Key land use changes are summarised in **Table 1** below.

Land use	Definition changes	Departmental comments	Council response
Farm gate premises	A new definition – a form of Agritourism	To provide visitors with agricultural products or services or activities related to those products predominantly from the farm or other farms in the region	Supported
Farm gate premises	Maximum gross floor area	To ensure activities remain small scale. Councils can still approve development below this maximum through a condition of development consent in response to site specific assessment.	200m2
Farm gate premises	Maximum number of guests	To ensure activities remain small scale. Councils can still approve development below this maximum through a condition of development consent in response to site specific assessment.	50
Farm experience premises	A new definition – a form of Agritourism	To provide a land use to enable guests to visit a farm to take part in tourist and recreational activities and to experience the features of the farm and farm life. The Department proposes to prepare model DCP clauses to assist councils where further parameters for <i>farm experience premises</i> are required.	Supported
Farm stay accommodation	Existing definition which is to be amended to include <i>moveable dwellings</i> as defined in the SI LEP	Responds to council submissions to facilitate small-scale camping on farms & clarify the type of camping allowed under the revised <i>farm stay accommodation</i> definition. A section 68 approval under the <i>Local Government Act 1993</i> will be required to install a moveable dwelling on a farm unless the council's local approvals policy allows the activity without approval.	Supported

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Farm experience premises	New clause 5.4(5) standards – Maximum gross floor area (GFA)	Maximum GFA will provide flexibility for councils to nominate an area that reflects their strategic planning. Councils can still approve development below this maximum through a condition of development consent in response to site specific assessment.	200m2
Farm experience premises	New clause 5.4(5) standards – Maximum number of guests in moveable dwellings	Councils can still approve development below this maximum through a condition of development consent in response to site specific assessment.	20
Farm experience premises	New clause 5.4(5) standards – maximum number of moveable dwellings	Councils can still approve development below this maximum through a condition of development consent in response to site specific assessment.	6
Farm experience premises	Modify clause 2.6 (subdivision-consent requirements) to prevent the creation of a dwelling entitlement in relation to farm stay accommodation to prevent the fragmentation of agricultural land	Clause 2.6 will be amended to state that <i>Farm stay accommodation</i> must only occur on: (i) the same lot as an existing lawful dwelling house, or (ii) on a lot for which a minimum size is shown for a dwelling house on the council’s Lot Size Map and the size of which is not less than the minimum size shown.	Supported
Roadside stalls	Existing definition – will remain a form of <i>retail premises</i> and will not become a form of <i>farm gate premises</i>	To ensure <i>roadside stalls</i> remain permissible in zones other than rural zones	Supported
Roadside stalls	Exempt development provisions are being prepared for <i>roadside stalls</i> in rural zones	In response to submissions received during the exhibition of the EIE.	Supported

Table 1 Key Land Use Changes

OPTIONAL CLAUSES & DEVELOPMENT STANDARDS

As indicated in Table 1 above certain development standards also have been amended under the draft order in response to submissions received during the exhibition of the EIE. These are described below together with a justification for the standard nominated by Council staff.

An optional clause (5.23) is proposed for *farm stay accommodation*. Council nominated to include this clause. The clause provides for a set maximum number of guests at any one time of '3 times the number of bedrooms' in clause 5.4(5) or '20 guests. The current provision is a maximum of 8 bedrooms under clause 5.4(5) which, at 3 guests per bedroom, would provide a maximum of 24 guests. The maximum number of moveable dwellings at any one time was nominated at 6, and the maximum number of maximum number of guests at any one time in those moveable dwellings was nominated at 20. The new clause also allows Council to nominate the maximum gross floor area for a *farm stay* building, and Council has nominated 200m².

Clause 5.23 also provides a 'heads of consideration' subclause (4) which requires the consent authority to consider the potential impacts of *farm stay accommodation* on both the subject land and neighbouring property including noise or pollution and impacts on visual amenity, heritage or scenic values, native or significant flora or fauna, water quality, traffic, safety, bushfire prone land, land suitability, and compatibility with nearby development. The inclusion of such a subclause provides Council with an assessment framework at the DA stage to refuse a development, or to approve a development with a total number of guests and/or gross floor area below the maximum, through conditions of consent should the maxima be deemed inappropriate on a specific site.

A similar optional clause (5.24) is proposed for *farm gate premises* which Council also nominated to include. The clause provides for a nominated maximum gross floor area and Council staff nominated 200m². Council also nominated a maximum number of 50 persons attending a *farm gate premises* event at any one time. The optional clause for *farm gate premises* provides the same 'heads of consideration' subclause (3) as *farm gate premises* which requires the consent authority to consider the potential impacts of the proposal. Again, as with *farm stay accommodation*, it is noted that Council could reduce the number of guests or the gross floor area for a *farm gate premises* development through a condition of development consent should a maximum be deemed inappropriate on a specific site.

LAND USE PERMISSIBILITY

Clarification of land to which these land uses would apply

The Department noted many submissions to the EIS sought an alternative definition for *farm stay accommodation* to remove current ambiguity as to what constitutes a 'working farm'. Council's submission was one of them.

The current definition is -

farm stay accommodation means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

In response, the LEP Order definition for *farm stay accommodation*, *farm experience premises* and *farm gate premises* now all stipulate that the land must be

1. A primary production business, or
2. On land categorised as farmland under the Local Government Act 1995, section 515

In the Department's words:

"The LEP Order will amend the existing definition of *farm stay accommodation* and include in the new definitions for *farm gate premises* and *farm experience premises* a requirement that these uses must be undertaken on land that is a primary production business as defined under the *Income Tax*

Assessment Act 1997 (Cwth), or which is rated 'farmland' by the council under the *Local Government Act 1993*. This approach will give applicants two options to show their development will be on land used for commercial farming and not a hobby or recreational farm. For *farm experience premises* and *farm gate premises*, the relevant use must also be ancillary to the farm. Ancillary uses are explained in *Planning Circular - How to characterise development*."

Zone nominations for Agritourism, Farm gate premises & Farm experience premises

Within the framework of this new definition, current and proposed zones within which these land uses may be permitted were considered by Council staff, as summarised in **Table 2** below.

As previously explained, *agritourism* and the subsets *farm gate premises* and *farm experience premises* will sit under the parent term *agriculture* and so will be automatically permissible in zones where *agriculture* is permissible under WLEP 2010, being *RU1 Primary Production*, *RU2 Rural Landscape*.

Council staff also nominated that *agritourism* be permitted with consent in the *RU4 Primary Production Small Lots*, *C3 Environmental Management* and *C4 Environmental Living*, for the following reasons:

1. These are zones where *extensive agriculture* is currently permitted without consent.
2. The new definitions still require that the subject land is principally used as primary production for commercial purposes and that such land uses would be ancillary to that principal primary production use. Hobby or recreational farms therefore, would not qualify for consideration for such land uses.
3. The introduction of a 'heads of consideration' clause for these land uses reinforce the new definitions and afford a strong assessment framework for such development.
4. Specific measures and controls to address the 'heads of consideration' clause can be prepared and included in the Rural lands and Rural Living Development Control Plans.
5. The potential to broaden the land use base for legitimate primary production businesses could reduce pressure to seek rezoning to a higher land use such a rural residential development.
6. Within the context of these new land uses, the current Wingecarribee Rural Tourism can be reviewed and updated to ensure it remains a valid policy framework for moving forward with agritourism in a way that respects and supports traditional agricultural activities while also identifying opportunities for developing a broader economic base across the Shire.

It is noted that *agriculture* is currently prohibited in the *SP3 Tourist* zone under WLEP 2010. However, the proposed amending SEPP could enable *agritourism* to be permitted with consent in the *SP3 Tourist* zone, as *extensive agriculture* currently is. Council staff have nominated that this occur. It is not expected that this would create any additional pressure to rezone land to *SP3 Tourist* as the *agritourism* group term is also proposed to be permitted with consent in the other zones discussed above. It is noted that *farm stay accommodation*, *roadside stalls* and *cellar door premises* all remain permitted with consent in the *SP3 Tourist* zone.

Farm stay accommodation

Farm stay accommodation will remain under the parent term *tourist and visitor accommodation* and will continue to be permitted with consent where this is currently the case, being the *RU1 Primary Production*, *RU2 Rural Landscape*, *C3 Environmental Management*, *C4 Environmental Living* and *SP3 Tourist* zones.

Roadside stalls

Under WLEP 2010, *roadside stalls* will remain under the parent term *retail premises* and will continue to be permitted where this is currently the case. Under the SI LEP, *Roadside stalls* are mandated permitted without consent in the *RU1 Primary Production* and mandated permitted with consent in the *RU4 Primary Production Small Lots*, *B2 Local Centre* and the *B4 Mixed Use* zones. Under WLEP 2010, *Roadside stalls* are also permitted with consent in the *RU2 Rural Landscape*, *C4 Environmental Living* and *C3 Environmental Management* zones.

Cellar door premises

Even though *Cellar door premises* will become a subset of *agritourism* and no longer a *retail premises*, they will continue to be permitted in land use zones in which they are currently permissible, as well as being permitted where *agriculture*, *agritourism* or *farm gate premises* are permitted. In the case of WLEP 2010, this means they will be permitted in the *RU1 Primary Production*, *RU2 Rural Landscape*, *RU4 Primary Production Small Lots*, *C3 Environmental Management*, *C4 Environmental Living* and *SP3 Tourist* zones.

Summary

Table 2 below summarises these nominations. Current permissibility's are indicated in black text. Where a change has been nominated by Council staff, the level of that permissibility is indicated in red text.

Land Use	RU1	RU2	RU4	C3	C4	SP3
Extensive agriculture	o	o	o	o	o	c
Farm gate premises (as a subset of Agritourism)	c	c	x c	x c	x c	x
Farm experience premises (as a subset of Agritourism)	c	c	x c	x c	x c	x
Farm stay accommodation	c	c	x c	c	c	c
Roadside stalls	o	c	c	c	c	c
Cellar door premises	c	c	c	c	c	c

Table 2 Current & Nominated Land Use Permissibility under the draft order

(o=permitted without consent, c=permitted with consent, x=prohibited)

SUSTAINABILITY ASSESSMENT

- Environment**

Type text

The proposed new definitions and amendments to current definitions and development standards provide necessary environmental and amenity protections.

- Social**

There are no social issues in relation to this report.

- Broader Economic Implications**

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The proposed new definitions and amendments to current definitions and development standards offer opportunities for a broader agritourism base.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The draft Order has been considered as addressed in this report.

RELATIONSHIP TO CORPORATE PLANS

No Corporate Plans are affected by this report.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications associated with this report.

RELATED COUNCIL POLICY

The Wingecarribee Rural Tourism Policy was adopted by Council on 13 November 2019 and is due for review. This can now be undertaken within the context of these new LEP provisions.

CONCLUSION

The proposed new definitions and amendments to current definitions and development standards are generally supported by Council staff. Council has made many requests to the Department since WLEP 2010 was originally introduced seeking to enable forms of agritourism which provided both opportunities for economic development together with environmental and amenity protections. These provisions will also provide a strong context within which to review the Rural Tourism Policy.

ATTACHMENTS

1. Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [5.1.1 - 6 pages]
2. Standard Instrument Local Environmental Plans Amendment Agritourism Order 2021 J_ D 6 Yy lhtkm [5.1.2 - 6 pages]

draft



New South Wales

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

.....

DRAFT

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draft

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]

**Standard Instrument (Local Environmental Plans) Amendment
(Agritourism) Order 2021**

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Amendment of Standard Instrument (Local Environmental Plans) Order 2006

Land Use Table

Insert in appropriate order in Direction 5—

Agritourism;
Farm experience premises;
Farm gate premises;

draft

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental
Plans) Order 2006

**Schedule 1 Amendment of Standard Instrument prescribed
by Standard Instrument (Local Environmental
Plans) Order 2006**

[1] Clause 5.4 Controls relating to miscellaneous permissible uses [compulsory]

Omit “not less than 8” from clause 5.4(8). Insert instead “not less than 9”.

**[2] Clause 5.18 Intensive livestock agriculture [compulsory if intensive livestock
agriculture permitted with consent]**

Omit clause 5.18(4)(b)(v). Insert instead—

- (v) for a poultry farm used for breeding poultry—within 5,000 metres of another poultry farm, or
- (vi) for a poultry farm not used for breeding poultry—
 - (A) within 5,000 metres of a poultry farm used for breeding poultry, or
 - (B) within 1,000 metres of a poultry farm not used for breeding poultry, or
- (vii) for a pig farm—within 3,000 metres of another pig farm.

[3] Clauses 5.23 and 5.24

Insert after clause 5.22—

5.23 Farm stay accommodation [optional]

- (1) The objectives of this clause are—
 - (a) to diversify the uses of agricultural land without adversely impacting the principal use of the land for a primary production business, and
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.
 - (c) [set out other objectives of the clause]
- (2) Development consent must not be granted to development for the purposes of farm stay accommodation on a landholding unless the consent authority is satisfied that—
 - (a) the maximum number of guests accommodated in bedrooms at any 1 time will not be more than the greater of—
 - (i) 3 times the number of bedrooms permitted under clause 5.4(5), or
 - (ii) 20 guests, and
 - (b) the gross floor area of a building used to accommodate guests will not be more than [insert number no less than 60] square metres, and
 - (c) the maximum number of guests accommodated in moveable dwellings on the landholding will not be more than [insert number no more than 20] at any 1 time, and
 - (d) the maximum number of moveable dwellings used for the accommodation of guests will not be more than [insert number no more than 6], and
 - (e) all buildings or moveable dwellings used to accommodate guests will be—
 - (i) on the same lot as an existing lawful dwelling house, or

draft

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental
Plans) Order 2006

- (ii) on a lot—
 - (A) for which a minimum size is shown for a dwelling house on the Lot Size Map, and
 - (B) the size of which is not less than the minimum size shown.
- (3) Subclause (2)(b) does not apply if the development is the change of use of an existing dwelling to farm stay accommodation.
- (4) Development consent must not be granted to development for the purposes of farm stay accommodation on land unless the consent authority has considered—
 - (a) whether the development will result in noise or pollution that will have significant adverse impact on the following on or near the land—
 - (i) residential accommodation,
 - (ii) primary production operations,
 - (iii) other land uses, and
 - (b) whether the development will have significant adverse impact on the following on or near the land—
 - (i) the visual amenity, heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and
 - (c) whether the development is on bush fire prone land or flood prone land, and
 - (d) the suitability of the land for the proposed development, and
 - (e) the compatibility of the development with nearby land uses.

5.24 Farm gate premises [optional]

- (1) The objectives of this clause are—
 - (a) to allow for small scale tourism and related commercial uses on land used for primary production without adversely impacting the principal use of the land for primary production, and
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.
 - (c) [set out other objectives of the clause]
- (2) Development consent must not be granted to development for the purposes of farm gate premises on a landholding unless the consent authority is satisfied that—
 - (a) the gross floor area of a building used for farm gate premises will not be more than [insert number no more than 200] square metres, and
 - (b) the maximum number of persons that will be permitted on the landholding at any 1 time for the purposes of the farm gate premises will not be more [insert number not more than 50] persons.
- (3) Development consent must not be granted to development for the purposes of farm gate premises on land unless the consent authority has considered—
 - (a) whether the development will result in noise or pollution that will have significant adverse impact on the following on or near the land—

draft

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
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- (i) residential accommodation,
- (ii) primary production operations,
- (iii) other land uses, and
- (b) whether the development will have significant adverse impact on the following on or near the land—
 - (i) the visual amenity, heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and
- (c) whether the development is on bush fire prone land or flood prone land, and
- (d) the suitability of the land for the proposed development, and
- (e) the compatibility of the development with nearby land uses.

[4] Dictionary

Insert after the definition of *agriculture*, paragraph (d)—

- (e) agritourism.

[5] Dictionary

Omit the definition of *farm stay accommodation*.

Insert in alphabetical order—

agritourism means the following—

- (a) farm gate premises,
- (b) farm experience premises.

Note— Agritourism is a type of *agriculture*—see the definition of the term in this Dictionary.

farm stay accommodation means a building or place—

- (a) on a farm —
 - (i) that is a primary production business, or
 - (ii) on land categorised as farmland under the *Local Government Act 1995*, section 515, and
- (b) used to provide temporary accommodation to paying guests of the farm including in buildings or moveable dwellings.

Note— Farm stay accommodation is a type of *tourist and visitor accommodation*—see the definition of the term in this Dictionary.

farm experience premises means a building or place—

- (a) on a farm that is—
 - (i) a primary production business, or
 - (ii) on land categorised as farmland under the *Local Government Act 1995*, section 515, and
- (b) that is ancillary to the farm, and
- (c) that is used to provide visitors to the farm with small scale and low impact tourist or recreational services on a commercial basis including the following—
 - (i) horse riding,

draft

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental
Plans) Order 2006

- (ii) farm tours,
- (iii) functions or conferences,
- (iv) farm field days.

Note— Farm experience premises is a type of *agritourism*—see the definition of the term in this Dictionary.

farm gate premises—

- (a) means a building or place—
 - (i) on a farm that is—
 - (A) a primary production business, or
 - (B) on land categorised as farmland under the *Local Government Act 1995*, section 515, and
 - (ii) that is ancillary to the farm, and
 - (iii) that is used to provide visitors to the farm with agricultural products predominantly from the farm or other farms in the region or with services or activities related to the products, including the following—
 - (A) processing, packaging and sale of the products, but not the processing of animals,
 - (B) a restaurant or cafe,
 - (C) a facility for holding tastings or workshops, or providing information or education, related to the products, and
- (b) includes cellar door premises.

Note— Farm gate premises is a type of *agritourism*—see the definition of the term in this Dictionary.

landholding means 1 or more lots of land that—

- (a) are constituted or worked as a single property, and
- (b) are contiguous or are separated only by a road or watercourse.

primary production business has the same meaning as in the *Income Tax Assessment Act 1997* of the Commonwealth and includes a business that—

- (a) was a primary production business, and
- (b) has temporarily ceased to be a primary production business because of a natural disaster, including a drought, flood or bush fire.

[6] Dictionary, definition of “cellar door premises”

Omit “*retail premises*” from the note. Insert instead “*farm gate premises*”.

[7] Dictionary, definition of “restaurant or cafe”

Insert “, but does not include a restaurant or cafe that is included as part of artisan food and drink industry or farm gate premises” after “provided”.

[8] Dictionary, definition of “retail premises”

Insert “farm gate premises,” before highway service centres”.

[9] Dictionary, definition of “retail premises”

Omit paragraph (b).

draft



New South Wales

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

.....

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Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]

**Standard Instrument (Local Environmental Plans) Amendment
(Agritourism) Order 2021**

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Amendment of Standard Instrument (Local Environmental Plans) Order 2006

Land Use Table

Insert in appropriate order in Direction 5—

Agritourism;
Farm experience premises;
Farm gate premises;

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Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental
Plans) Order 2006

**Schedule 1 Amendment of Standard Instrument prescribed
by Standard Instrument (Local Environmental
Plans) Order 2006**

[1] Clause 5.4 Controls relating to miscellaneous permissible uses [compulsory]

Omit “not less than 8” from clause 5.4(8). Insert instead “not less than 9”.

**[2] Clause 5.18 Intensive livestock agriculture [compulsory if intensive livestock
agriculture permitted with consent]**

Omit clause 5.18(4)(b)(v). Insert instead—

- (v) for a poultry farm used for breeding poultry—within 5,000 metres of another poultry farm, or
- (vi) for a poultry farm not used for breeding poultry—
 - (A) within 5,000 metres of a poultry farm used for breeding poultry, or
 - (B) within 1,000 metres of a poultry farm not used for breeding poultry, or
- (vii) for a pig farm—within 3,000 metres of another pig farm.

[3] Clauses 5.23 and 5.24

Insert after clause 5.22—

5.23 Farm stay accommodation [optional]

- (1) The objectives of this clause are—
 - (a) to diversify the uses of agricultural land without adversely impacting the principal use of the land for a primary production business, and
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.
 - (c) [set out other objectives of the clause]
- (2) Development consent must not be granted to development for the purposes of farm stay accommodation on a landholding unless the consent authority is satisfied that—
 - (a) the maximum number of guests accommodated in bedrooms at any 1 time will not be more than the greater of—
 - (i) 3 times the number of bedrooms permitted under clause 5.4(5), or
 - (ii) 20 guests, and
 - (b) the gross floor area of a building used to accommodate guests will not be more than [insert number no less than 60] square metres, and
 - (c) the maximum number of guests accommodated in moveable dwellings on the landholding will not be more than [insert number no more than 20] at any 1 time, and
 - (d) the maximum number of moveable dwellings used for the accommodation of guests will not be more than [insert number no more than 6], and
 - (e) all buildings or moveable dwellings used to accommodate guests will be—
 - (i) on the same lot as an existing lawful dwelling house, or

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Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental
Plans) Order 2006

- (ii) on a lot—
 - (A) for which a minimum size is shown for a dwelling house on the Lot Size Map, and
 - (B) the size of which is not less than the minimum size shown.
- (3) Subclause (2)(b) does not apply if the development is the change of use of an existing dwelling to farm stay accommodation.
- (4) Development consent must not be granted to development for the purposes of farm stay accommodation on land unless the consent authority has considered—
 - (a) whether the development will result in noise or pollution that will have significant adverse impact on the following on or near the land—
 - (i) residential accommodation,
 - (ii) primary production operations,
 - (iii) other land uses, and
 - (b) whether the development will have significant adverse impact on the following on or near the land—
 - (i) the visual amenity, heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and
 - (c) whether the development is on bush fire prone land or flood prone land, and
 - (d) the suitability of the land for the proposed development, and
 - (e) the compatibility of the development with nearby land uses.

5.24 Farm gate premises [optional]

- (1) The objectives of this clause are—
 - (a) to allow for small scale tourism and related commercial uses on land used for primary production without adversely impacting the principal use of the land for primary production, and
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.
 - (c) [set out other objectives of the clause]
- (2) Development consent must not be granted to development for the purposes of farm gate premises on a landholding unless the consent authority is satisfied that—
 - (a) the gross floor area of a building used for farm gate premises will not be more than [insert number no more than 200] square metres, and
 - (b) the maximum number of persons that will be permitted on the landholding at any 1 time for the purposes of the farm gate premises will not be more [insert number not more than 50] persons.
- (3) Development consent must not be granted to development for the purposes of farm gate premises on land unless the consent authority has considered—
 - (a) whether the development will result in noise or pollution that will have significant adverse impact on the following on or near the land—

draft

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental
Plans) Order 2006

- (i) residential accommodation,
- (ii) primary production operations,
- (iii) other land uses, and
- (b) whether the development will have significant adverse impact on the following on or near the land—
 - (i) the visual amenity, heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and
- (c) whether the development is on bush fire prone land or flood prone land, and
- (d) the suitability of the land for the proposed development, and
- (e) the compatibility of the development with nearby land uses.

[4] Dictionary

Insert after the definition of *agriculture*, paragraph (d)—

- (e) agritourism.

[5] Dictionary

Omit the definition of *farm stay accommodation*.

Insert in alphabetical order—

agritourism means the following—

- (a) farm gate premises,
- (b) farm experience premises.

Note— Agritourism is a type of *agriculture*—see the definition of the term in this Dictionary.

farm stay accommodation means a building or place—

- (a) on a farm —
 - (i) that is a primary production business, or
 - (ii) on land categorised as farmland under the *Local Government Act 1995*, section 515, and
- (b) used to provide temporary accommodation to paying guests of the farm including in buildings or moveable dwellings.

Note— Farm stay accommodation is a type of *tourist and visitor accommodation*—see the definition of the term in this Dictionary.

farm experience premises means a building or place—

- (a) on a farm that is—
 - (i) a primary production business, or
 - (ii) on land categorised as farmland under the *Local Government Act 1995*, section 515, and
- (b) that is ancillary to the farm, and
- (c) that is used to provide visitors to the farm with small scale and low impact tourist or recreational services on a commercial basis including the following—
 - (i) horse riding,

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Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental
Plans) Order 2006

- (ii) farm tours,
- (iii) functions or conferences,
- (iv) farm field days.

Note— Farm experience premises is a type of *agritourism*—see the definition of the term in this Dictionary.

farm gate premises—

- (a) means a building or place—
 - (i) on a farm that is—
 - (A) a primary production business, or
 - (B) on land categorised as farmland under the *Local Government Act 1995*, section 515, and
 - (ii) that is ancillary to the farm, and
 - (iii) that is used to provide visitors to the farm with agricultural products predominantly from the farm or other farms in the region or with services or activities related to the products, including the following—
 - (A) processing, packaging and sale of the products, but not the processing of animals,
 - (B) a restaurant or cafe,
 - (C) a facility for holding tastings or workshops, or providing information or education, related to the products, and
- (b) includes cellar door premises.

Note— Farm gate premises is a type of *agritourism*—see the definition of the term in this Dictionary.

landholding means 1 or more lots of land that—

- (a) are constituted or worked as a single property, and
- (b) are contiguous or are separated only by a road or watercourse.

primary production business has the same meaning as in the *Income Tax Assessment Act 1997* of the Commonwealth and includes a business that—

- (a) was a primary production business, and
- (b) has temporarily ceased to be a primary production business because of a natural disaster, including a drought, flood or bush fire.

[6] Dictionary, definition of “cellar door premises”

Omit “*retail premises*” from the note. Insert instead “*farm gate premises*”.

[7] Dictionary, definition of “restaurant or cafe”

Insert “, but does not include a restaurant or cafe that is included as part of artisan food and drink industry or farm gate premises” after “provided”.

[8] Dictionary, definition of “retail premises”

Insert “farm gate premises,” before highway service centres”.

[9] Dictionary, definition of “retail premises”

Omit paragraph (b).

6 DEVELOPMENT APPLICATIONS

6.1 Development Application 22/0925 - for Construction of a Steel-framed Electronic Scoreboard at Bradman Oval, Cnr Boolwey and Glebe Street, Bowral

Report Author: Senior Development Assessment Planner

Authoriser: Director Communities and Place

PURPOSE

The purpose of this report is to consider Development Application 22/0925 for construction of a steel-framed electronic scoreboard at Bradman Oval, for the Panel's consideration and recommends determination by **APPROVAL** of consent subject to the conditions specified in **Attachment 1**.

Applicant	Ms Rina Hore, The Bradman Museum Trust
Landowner	Wingecarribee Shire Council
Zoning	RE1 – Public Recreation under Wingecarribee LEP 2010
Estimated Cost of Development	\$85,000
Notification Period	10 December 2021 to 4 February 2022
Number of Submissions	Nil
Political Donations	None declared
Reason for Referral to Panel	Wingecarribee Shire Council is the landowner.

OFFICER'S RECOMMENDATION

THAT the Local Planning Panel determines development application 22/0925 for construction of a steel-framed electronic scoreboard at Bradman Oval by APPROVAL subject to the conditions specified in Attachment 1 to this report.

EXECUTIVE SUMMARY

1. Executive summary

Development application (DA) No 22/0925 seeks development consent for the construction of a steel-framed electronic scoreboard at Bradman Oval. The scoreboard is proposed to be constructed at the north-eastern end of the Oval (near the corner of Boolwey and Glebe Streets, Bowral), and is to replace an older, manually operated scoreboard in a similar location.

The new scoreboard is proposed to have dimensions of 5.83m high x 4.3m wide and 250mm (0.25m) deep and be provided with a roller shutter (for when it is not in operation) and Bradman Oval logo. The proposed scoreboard is slightly smaller than the existing manual scoreboard. The electronic nature of the new scoreboard is to enable greater flexibility in the visual presentation of the content displayed on the scoreboard.

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The subject property (i.e. Bradman Oval, Bowral), is listed as a Heritage Item under Wingecarribee LEP 2010, and is also in a Heritage Conservation Area.

The DA has been referred to several officers within and external to Council, including Council's Heritage Advisor, and to Heritage NSW. No objections have been received regarding the design of the proposal.

The DA has also been notified to neighbours and advertised in accordance with Council's Community Participation Plan, and no submissions were received.

The proposal has been assessed using the heads of consideration listed in Section 4.15(1) of the Environmental Planning & Assessment Act 1979 and is considered satisfactory for approval subject to conditions as listed in **Attachment 1**.

This DA is referred to the Local Planning Panel as Wingecarribee Shire Council is the landowner.

2. Site Description and Locality.

The subject site is known as Bradman Oval, and comprises the street block bounded by Boolwey Street, Glebe Street, Bowral Street and St Jude Street, Bowral. This street block contains the Bradman Museum, as well as the Bradman Oval cricket ground and associated facilities including cricket nets, and the like. There is also a public park (Glebe Park) at the southern end of the site which contains play equipment and picnic tables/chairs.

Surrounding properties comprise mostly residential development such as detached dwelling houses and some dual occupancy and multi-dwelling housing developments. Further to the south, across Bowral Street is the Bowral and District Hospital, and Southern Highlands Private Hospital.

The subject site is listed as a Heritage Item under Wingecarribee LEP 2010 (Item No I541), and is also located in the Bowral Conservation Area

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



Figure 1: Locality Map (source: nearmap.com.au, 14 Dec 2021).

3. Proposed Development

The development proposes the installation of a new steel-framed electronic scoreboard at the north-eastern end of Bradman Oval. The new scoreboard is proposed to have dimensions of 5.83m high x 4.3m wide and 250mm (0.25m) deep and be provided with a roller shutter (for when it is not in operation) and Bradman Oval logo. The electronic nature of the scoreboard is to enable greater flexibility in the visual presentation of the content displayed on the scoreboard.

The proposed new scoreboard is to replace an existing (manually operated) scoreboard in a similar location. The new scoreboard will be slightly smaller than the existing scoreboard.

The following are the elevations and site plan to show the location and external appearance of the proposed scoreboard.

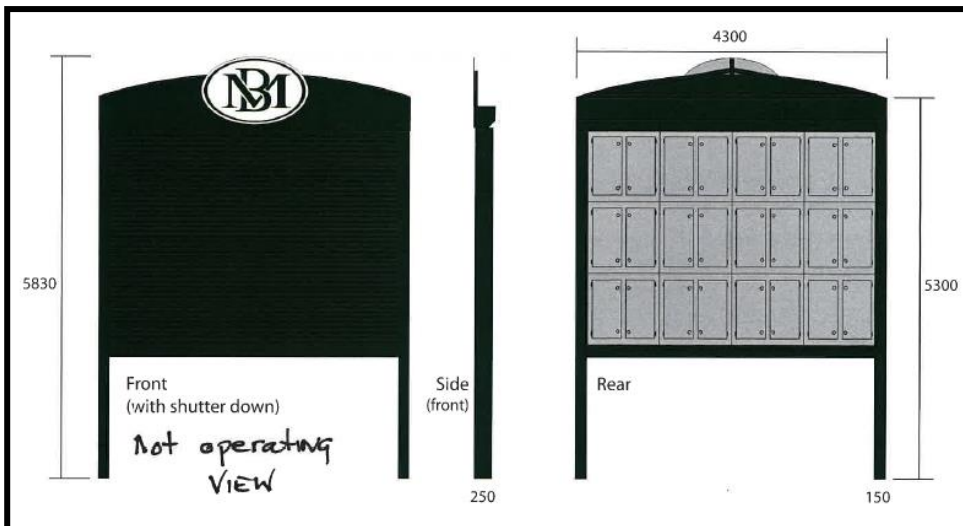


Figure 2: Elevations

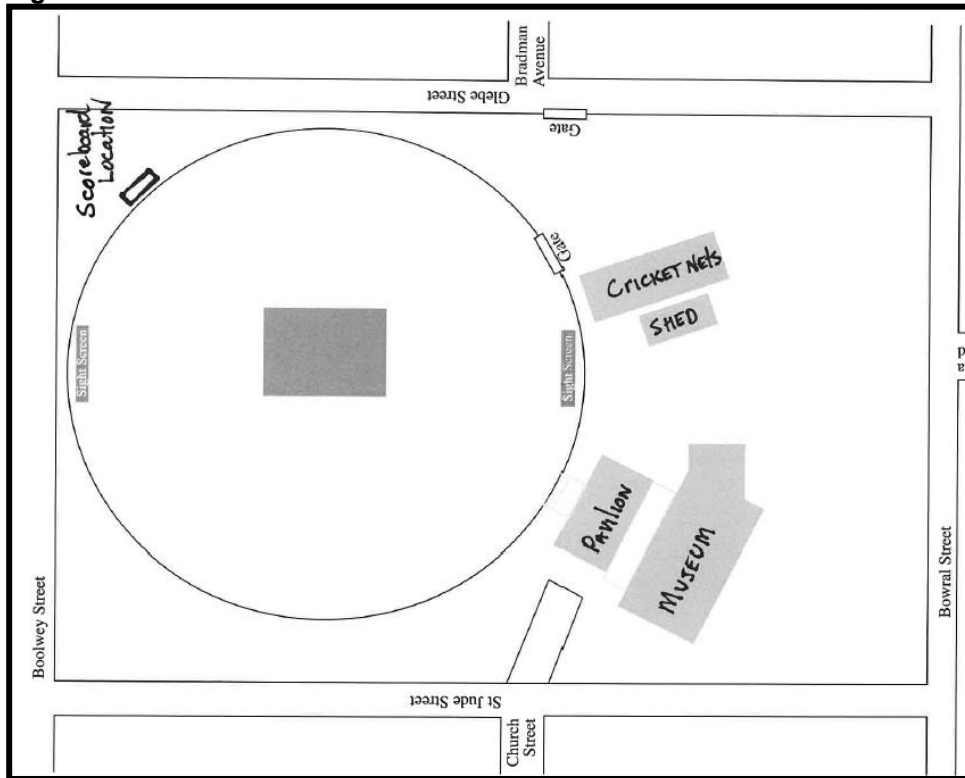


Figure 3: Site Plan.

4. Notification

The owners of adjoining and affected neighbouring properties were notified of the proposed development in accordance with Council's Community Participation Plan. The minimum notification period was from 10 December 2021 to 4 February 2022. **No submissions** were received from the notification/advertising process.

5. Relevant Environmental Planning Instruments

State Environmental Planning Policies

It is noted that as of 1 March 2022, the majority of SEPPs were repealed, and a number of consolidated SEPPs commenced operation.

However, it is noted that most of the new SEPPs contain Savings provisions to the effect that for DAs lodged before the commencement of the new SEPPs – the DA should be assessed as if the new SEPP had not commenced.

As such, consideration is required in terms of the previous SEPPs – and such consideration is provided below.

5.1 State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The catchment SEPP aims:

- (a) to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal.
- (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.
- (c) to support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.

The proposed development has been assessed as a Module 1 under the NorBE Guidelines, and Council has assumed concurrence to consider and determine matters relating to water quality. In accordance with clause 10 of the Drinking Water Catchment SEPP, the proposed development would have a neutral or beneficial effect on water quality.

5.2 State Environmental Planning Policy No 55 – Remediation of Land

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 recreation purposes for approximately 100 years and this development only seeks approval for a minor type of development consistent with the continued use of the site for such recreation purposes. 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 use and satisfies the provisions of SEPP 55.

5.3 Wingecarribee Local Environmental Plan 2010 (WLEP 2010)

Zoning:

The land is in Zone RE1 – Public Recreation under Wingecarribee LEP 2010. The current use of the site is within the definition of a *recreation facility (outdoor)* which is defined as follows:

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skateboard ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

The proposed development is an ancillary building to be used in conjunction with the cricket ground, therefore it is a permissible use within RE1 – Public Recreation zoning of the site.

Principal Development Standards and Other Provisions:

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

Clause	Development Standard	Proposal	Compliance
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Clause	Development Standard	Proposal	Compliance
<p>5.10 Heritage Conservation</p> <p>The applicable provisions of clause 5.10 WLEP 2010 are assessed as follows:</p>	<p>Clause 5.10(1) provides the following objectives for Heritage Conservation:</p> <ul style="list-style-type: none"> a. to conserve the environmental heritage of Wingecarribee b. to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views c. to conserve archaeological sites, d. to conserve Aboriginal objects and Aboriginal places of heritage significance. 	<p>The proposed development is for a minor ancillary building – being a new scoreboard.</p> <p>Though it is electronic in nature, it will have the appearance of a traditional scoreboard which is a typical feature of a cricket ground.</p> <p>The development is consistent with the objectives of clause 5.10</p>	<p>Yes</p>
	<p>Clause 5.10(2) states that development consent is required for various development types, including [in clause 5.10(2)(e)] “erecting a building on land on which a heritage item is located or that is within a heritage conservation area”</p>	<p>The development involves erecting a building; and the site is both a listed heritage item and is within a Heritage Conservation Area.</p>	<p>Development consent is required.</p>
	<p>Clause 5.10(3) provides instances where development consent is not required.</p>	<p>Development consent is required in accordance with clause 5.10(2)</p>	<p>Development consent is required.</p>
	<p>Clause 5.10(4) requires the consent authority to consider the effect of the proposed development on the heritage significance of the item or area concerned.</p>	<p>The development of a new electronic scoreboard is a minor ancillary structure typically associated with a cricket ground.</p> <p>It will be set among established trees on the northern side of the cricket ground and will have minimal adverse visual impact.</p>	<p>Yes</p>

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Clause	Development Standard	Proposal	Compliance
	Clause 5.10(5) provides that the consent authority may require a heritage management document to be prepared that assesses the effect on the heritage significance of the heritage item or heritage conservation area	Given the minor nature of the proposed development, a heritage management document is not necessary in this instance.	Yes
	Clause 5.10(6) provides that the consent authority may require the submission of a heritage conservation management plan	As above, the minor nature of this development would not require the submission of a heritage conservation management plan	Yes
	Clause 5.10(7) provides requirements for development of archaeological sites.	The subject site is not an archaeological site.	Yes
	Clause 5.10(8) provides requirements for Aboriginal places of heritage significance.	The subject site is not an Aboriginal place of heritage significance	Yes
	Clause 5.10(9) provides requirements for demolition of nominated State Heritage Items.	The proposal does not involve demolition of a nominated state heritage item	Yes
	Clause 5.10(10) provides for various conservation incentives – which allow consent for any purpose (even though development would not otherwise be allowed under the Plan)	This clause is not relevant to the proposal.	Yes
<p>5.21 Flood Planning</p> <p>This clause applies to the subject site which is shown on Council’s mapping system as being partly flood prone.</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.	The proposal involves construction of a replacement scoreboard on narrow posts. The development would have minimal adverse impact on flood behaviour in this location and is considered acceptable in terms of clause 5.21.	Yes

6. Development Control Plans and Policies

Bowral Town Plan Development Control Plan (DCP)

The Bowral Town Plan DCP provisions are structured into two components: objectives and controls. The objectives provide the framework for assessment under each requirement and outline key outcomes that a development is expected to achieve. The controls contain both numerical standards and qualitative provisions. Any proposed variations from the controls may be considered only where the applicant successfully demonstrates that an alternative solution could result in a more desirable planning and urban design outcome.

The proposal is a relatively uncommon type of development and there are very few controls which specifically apply to this proposal.

The relevant provisions of the Bowral Town Plan DCP are addressed below:

DCP Compliance Table
<p><u>Part A – All Land</u></p>
<p><u>Section 2 – General Objectives</u></p> <p>This Part of the DCP provides general objectives to guide the Plan as a whole – including Economic Function; Urban Function; Heritage Conservation; Residential Amenity; Residential Diversity; Visual Amenity; Public Views and Vistas; Environmental Sustainability; and the Public Domain.</p> <p>The proposal is considered satisfactory when assessed using the provisions of Section 2 of the Bowral DCP.</p>
<p><u>Section 5 – Flood Liable Land</u></p> <p>This Section of the DCP deals with Flood Liable Land. The subject site is shown on Council's mapping system to be flood affected and therefore the controls in Section 5 of the DCP would apply.</p> <p>However, the proposal is a very minor form of development (scoreboard to be erected on two posts) which would have minimal impact in terms of flood considerations and would have minimal flooding impact on neighbouring properties.</p> <p>The development is satisfactory in terms of this Section of the DCP.</p>
<p><u>Section 9 – Construction Standards and Procedures</u></p> <p>This Section of the DCP contains a range of matters relating to construction standards and procedures, including matters to be submitted with DAs; building over or near easements; building over two or more allotments; subfloor areas of buildings; exhaust fans; water storage in non-reticulated areas; stormwater disposal; structures over public areas; site access standards during construction; footpath protection during construction; waste management and disposal; Section 68 inspections (water, sewer etc); civil design and construction; re-sited buildings; street numbering; and upgrading of un-formed public roads.</p> <p>Many of these controls relate to construction of new buildings (with floor space requirements) and are not applicable to this development for a new scoreboard at Bradman Oval.</p> <p>Provided the development is constructed in accordance with the BCA provisions, the development is satisfactory in terms of this Section of the DCP.</p>

Part C – Residential Zoned Land

Though the subject site is not zoned Residential (zoning is RE1 – Public Recreation), this Part of the DCP contains controls pertaining to the Bowral Conservation Precincts, which affects the subject site.

An assessment against the applicable provisions of this Part of the DCP is undertaken as follows.

Section C14 – Bowral Conservation Precincts

C14.1 - Location and Description

This Section of the DCP applies to the properties within the Bowral Conservation Area and the Aitken Road Conservation Area (as shown in the DCP maps) - and the subject site is in the Bowral Conservation Area.

C14.2 - Preferred Development Outcomes

This Section of the DCP states that applicants need to be mindful that their property is within a designated Conservation Area and present a design which respects the existing streetscape and architectural elements; and that the proposal may be referred to Council's Heritage Advisor for assessment and potentially waiving some of the controls.

This DA has been referred to Council's Heritage Advisor who has raised no objection to the design of the scoreboard.

C14.3 - Specific Development Controls

This Section of the DCP contains a broad range of specific controls for new development (Section C14.3.2); and controls for extensions or other alterations to Dwellings (Section C14.4).

The controls in this Section relate to residential development of either new dwellings or alterations/additions to existing dwellings and are not relevant to the subject development of a new scoreboard at Bradman Oval.

Overall, the proposal is considered satisfactory when assessed against the relevant provisions of the Bowral Town Plan DCP.

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7. 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 above
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 Bowral Town Plan DCP. See table above.
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 proposed development is a minor ancillary structure which will be consistent with the character of the Bradman Oval and surrounds.</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.	There are no natural constraints which would render the proposal as being unsuitable at this site.
Section 4.15 (1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation.	There were no submissions received following neighbour notification/advertising of this DA
Section 4.15 (1)(e) – The public interest.	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is in the public interest.

8. Referral Comments

This DA was referred to the following officers within and external to Council:

Internal Council Referrals:

Accredited Certifiers: Has advised that the proposal is satisfactory in terms of BCA compliance with no special conditions of consent required.

Development Engineers: Has raised no objection to the proposal subject to appropriate conditions.

Heritage Advisor: Has advised that the proposal is acceptable in terms of heritage considerations.

Parks and Buildings: Has recommended that the shutters not be a bright colour. (This can be addressed via a condition of consent, requiring the scoreboard, including roller shutters for when the scoreboard is not in use, to be a dark colour such as black or earth brown).

External Referral:

Heritage NSW: Has provided approval under Section 60, 62 and 63 of the Heritage Act 1977 subject to conditions of consent (which are included in the draft conditions).

9. Conclusion

The proposed development has been assessed using the heads of consideration listed in Section 4.15(1) of the Environmental Planning & Assessment Act 1979 and is satisfactory.

The proposal is for a replacement scoreboard at Bradman Oval. Though it is electronic in nature, it is a minor structure, ancillary to the main use of the Oval as a historic cricket ground and will blend into the surroundings of the Oval with minimal adverse impact.

The proposal has been supported by Council's Heritage Advisor, and approval has been provided by Heritage NSW.

The development is satisfactory for approval subject to appropriate conditions of consent.

ATTACHMENTS

1. Draft Consent Bradman Oval [6.1.1 - 13 pages]
2. Scoreboard elevations - Bradman Oval - Bowral Photo [6.1.2 - 7 pages]



DATE

RINA HORE
PO BOX 9994
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

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION
Pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979

APPLICATION NO:	22/0925
APPLICANT:	RINA HORE
OWNER:	WINGECARRIBEE SHIRE COUNCIL
PROPERTY DESCRIPTION:	Lot 2 and 3 DP 1153049
PROPERTY ADDRESS:	BRADMAN MUSEUM & OVAL BOWRAL STREET BOWRAL NSW 2576
PROPOSED DEVELOPMENT:	Construction of a steel-framed electronic scoreboard
DETERMINATION:	Approval subject to conditions
CONSENT TO OPERATE FROM:	DATE
CONSENT TO LAPSE ON:	DATE + 5 YEARS

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.

Chris Young
Senior Development Assessment Planner

DATE
Date of Determination

Working with you

WSC.NSW.GOV.AU

WINGECARRIBEE - A COAL MINING FREE SHIRE

AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 6 APRIL 2022

22/0925, Lot 2-3 DP 1153049

SCHEDULE 1 CONDITIONS OF DEVELOPMENT CONSENT

ADMINISTRATION CONDITIONS

1. Development Description

Development consent has been granted in accordance with this notice of determination for the construction of a steel-framed electronic scoreboard.

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
Location – Air Photo	DA22/0925	-	-
Existing Site Plan (marked up)	261 SK100	Turner Hughes Architects	15/3/2016
Existing Scoreboard	DA22/0925	-	-
Elevation Options	DA22/0925	Solid Scoreboards	Aug 2021
Elevations – Dimensions	DA22/0925	Solid Scoreboards	Aug 2021
Site Plan	DA22/0925	-	-
Project Statement	DA22/0925	-	-

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

3. Compliance with the requirements of Heritage NSW

The development shall fully comply with the requirements of Heritage NSW, as stipulated in their letter dated 1 November 2021 (attached to this consent).

4. 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).*

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

That the work must be carried out in accordance with the requirements of the Building Code of Australia.

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

AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 6 APRIL 2022

22/0925, Lot 2-3 DP 1153049

6. Erection of Signs

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

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

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

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

7. 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.*

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

8. 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.*

9. 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 may include:

- (a) Architectural plans and building specifications complying with the National Construction Code (NCC) relevant Australian Standards, and the development consent and conditions.

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22/0925, Lot 2-3 DP 1153049

- (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:
 - 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 Certifier (PC) and lodgement of Notice of Commencement.*

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

10. 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

AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 6 APRIL 2022

22/0925, Lot 2-3 DP 1153049

- (ii) an accredited certifier; and
- (b) the person having the benefit of the development consent has:
 - (i) appointed a Principal Certifier (PC) for the building work, and
 - (ii) notified the Principal Certifier (PC) that the person will carry out the building work as an owner-builder, if that is the case, and
- (b1) the Principal Certifier (PC) has, no later than 2 days before the building work commences:
 - (i) notified 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.*

11. 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.

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

12. Building Materials & Colour Scheme

The approved scoreboard (including roller shutters) shall be of a dark colour (eg black or earthy brown) to minimise the visual impact. Details and samples of all new external building

AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 6 APRIL 2022

22/0925, Lot 2-3 DP 1153049

materials and finishes, including their proposed colours, shall be submitted for the approval of Council prior to the issue of the Construction Certificate.

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

13. 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.*

14. 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) Trenches shall be backfilled, capped with topsoil and compacted to a level at least 75mm above adjoining ground level.
- (c) 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.
- (d) 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.*

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

15. 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

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or another Accredited Certifier)

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

Reason: *Statutory requirement.*

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

16. 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.*

17. Developer to advise of damage to Council property

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

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

Reason: *Public safety.*

CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

18. 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.*

19. Imported 'Waste-derived' Fill Material

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

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

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

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

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

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

20. Structure not to be built over easements/infrastructure

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

Reason: *To protect infrastructure.*

21. 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.*

22. Vehicular Access Point - Construction and Delivery Vehicles

A suitable entry point shall be nominated on site and utilised by construction and delivery

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22/0925, Lot 2-3 DP 1153049

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. 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.*

23. 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.*

24. 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.*

25. 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.*

26. 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.*

27. Approved hours of Construction/Demolition

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22/0925, Lot 2-3 DP 1153049

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

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

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

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

28. 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.*

29. Waste Management

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

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

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

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

30. 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.

AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 6 APRIL 2022

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

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

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

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

31. 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.*

END OF CONDITIONS

AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 6 APRIL 2022

22/0925, Lot 2-3 DP 1153049



NSW
GOVERNMENT

Heritage NSW

HMS Application ID: 394

Ms Rina Hore
Bradman Museum
GLEBE PARK 6 ST JUDE ST
BOWRAL NSW 2576

By email: rina@bradman.com.au

Dear Ms Hore

**Application under section 60 of the *Heritage Act 1977*
Bradman Oval and Collection of Cricket Memorabilia
State Heritage Register No. 01399**

Address: Glebe Street, BOWRAL NSW 2576
Proposal: The installation of non-significant material being metal posts to hold up a metal cabinet, to replace the existing moveable metal frame.

Section 60 fast track application no: HMS ID 394, received 7 September 2021

As delegate of the Heritage Council of NSW (the Heritage Council), I have considered the above fast track application, including those matters identified under section 62 of the *Heritage Act 1977*. Pursuant to section 63 of the Act, approval is granted subject to the following conditions:

APPROVED DEVELOPMENT

1. All work shall comply with the information contained within:

- a) Letter: Bradman Oval – Heritage Advice., Landscape Designers & Heritage Consultants., prepared by Chris & Charlotte Webb Pty Ltd., dated 22 October 2021.;
- b) Report: Heritage Impact Statement., Bradman Oval Bowral., prepared by Bradman Foundation, Rina Hore., dated 21 February 2021.;

EXCEPT AS AMENDED by the conditions of this approval:

SPECIALIST TRADESPERSONS

2. All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

Reason: So that the construction, conservation and repair of significant fabric follows best heritage practice.

SITE PROTECTION

3. Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

Reason: To ensure significant fabric including vegetation is protected during construction.

COMPLIANCE

4. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

Level 6, 10 Valentine Ave Parramatta NSW 2150 ■ Locked Bag 5020 Parramatta NSW 2124
P: 02 9873 8500 ■ E: heritagemailbox@environment.nsw.gov.au

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22/0925, Lot 2-3 DP 1153049

DURATION OF APPROVAL

5. This approval will lapse five years from the date of the consent unless the building works associated with the approval have physically commenced.

Reason: To ensure the timely completion of works.

Advice

Section 148 of the *Heritage Act 1977* (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

Unexpected discoveries during works

If during works under this approval, you unexpectedly discover a relic or believe you may have discovered an historical archaeological 'relic', notification is required under s146 of the *Heritage Act 1977*. If you believe you have unexpectedly discovered an Aboriginal object, notification is required under s89A of the *National Parks and Wildlife Act 1974*.

In these scenarios work must cease in the affected area(s) and the following notifications are required (a relic - the Heritage Council of NSW and an Aboriginal object – Heritage NSW). Additional assessment and approval may be required under the relevant legislation prior to works continuing in the affected area(s) based on the nature of the discovery.

Right of Appeal

If you are dissatisfied with this determination appeal may be made to the Minister under section 70 of the Act.

It should be noted that an approval under the Act is additional to that which may be required from other Local Government and State Government Authorities in order to undertake works.

Stamped documents

Any stamped documents (e.g. approved plans) for this application are available for the Applicant to download from the Heritage Management System at <https://hms.heritage.nsw.gov.au> under 'My Completed Applications.'

If you have any questions about this correspondence, please contact Erin McWhirter, Heritage Support Officer, at Heritage NSW on 8837 6397 or Erin.McWhirter@environment.nsw.gov.au.

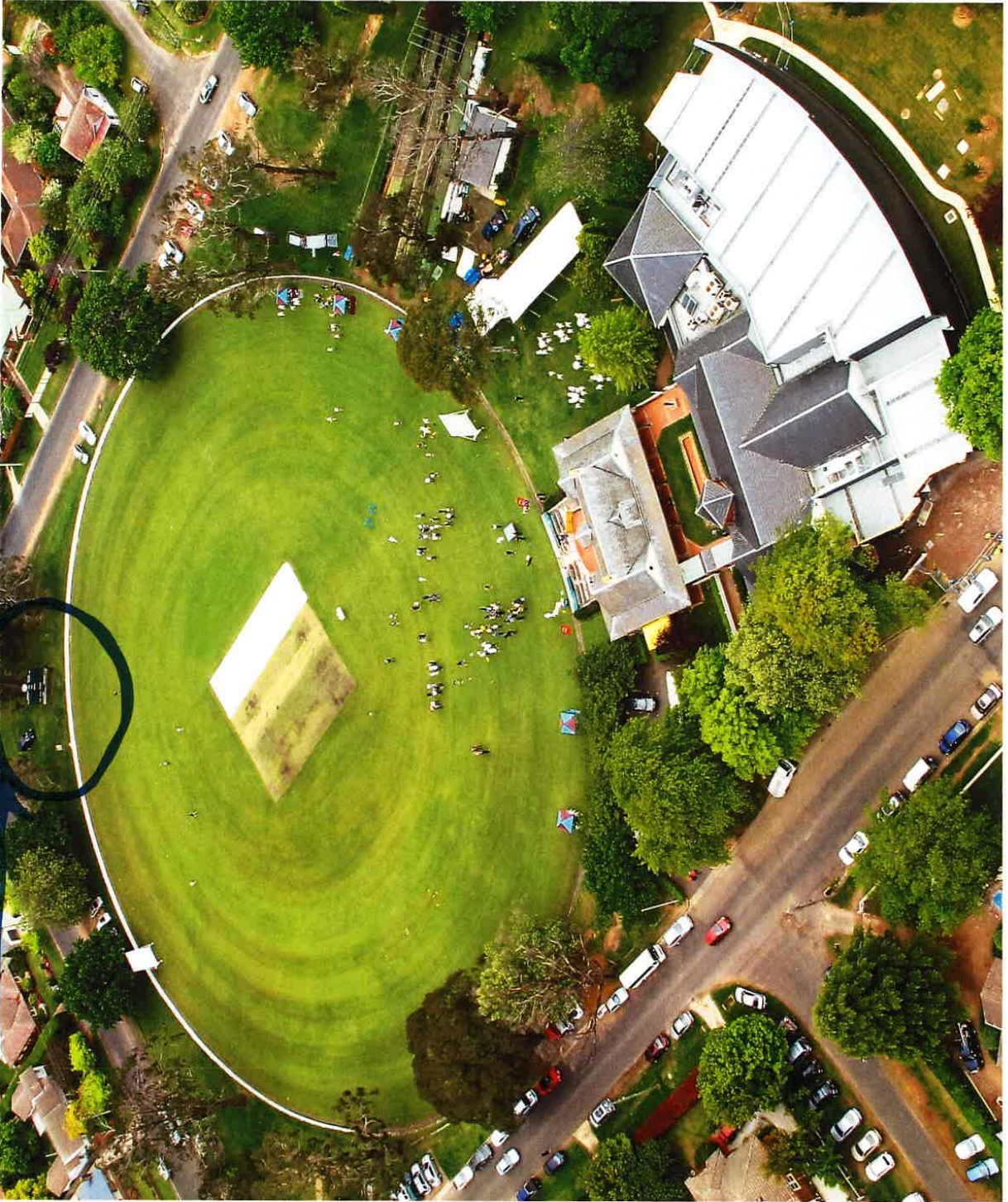
Yours sincerely

S Lavelle

1 November 2021

Dr Siobhan Lavelle OAM
A/Senior Team Leader, Customer Strategies
Heritage NSW
Department of Premier and Cabinet
As Delegate of the Heritage Council of NSW

cc: Wingecarribee Council



Location

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 6 APRIL 2022**

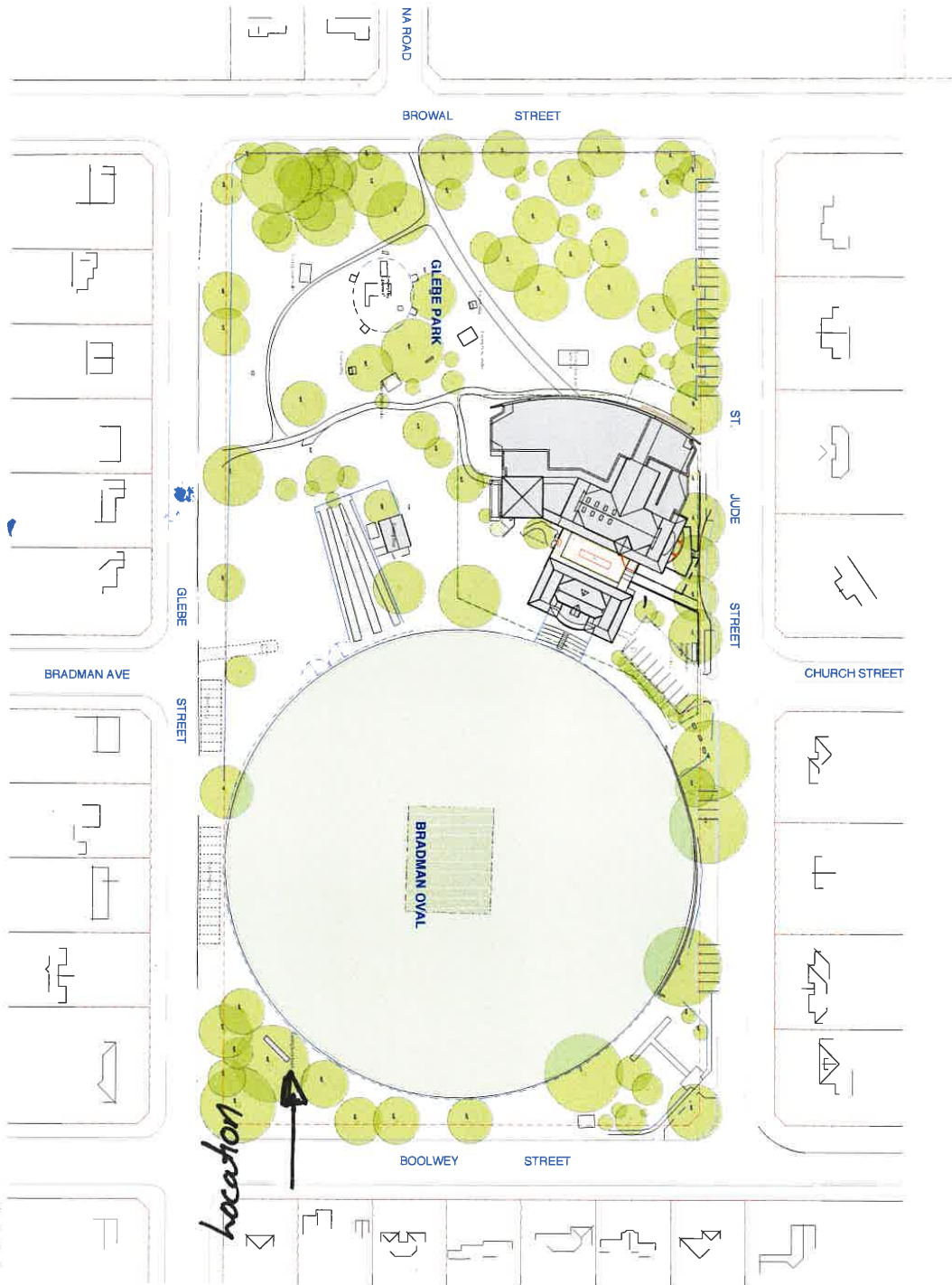
**TURNER
HUGHES
ARCHITECTS**

Level 2, 121, Abernethy Street,
Adelaide SA 5000
P: (08) 8463 3300
F: (08) 8463 3200
E: info@turnerhughes.com.au

Client:
Bradman Museum Trust

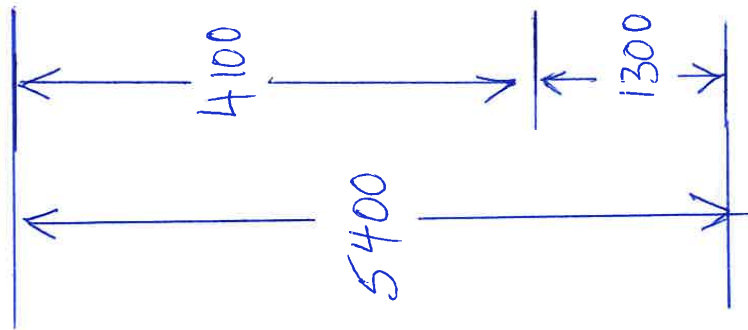
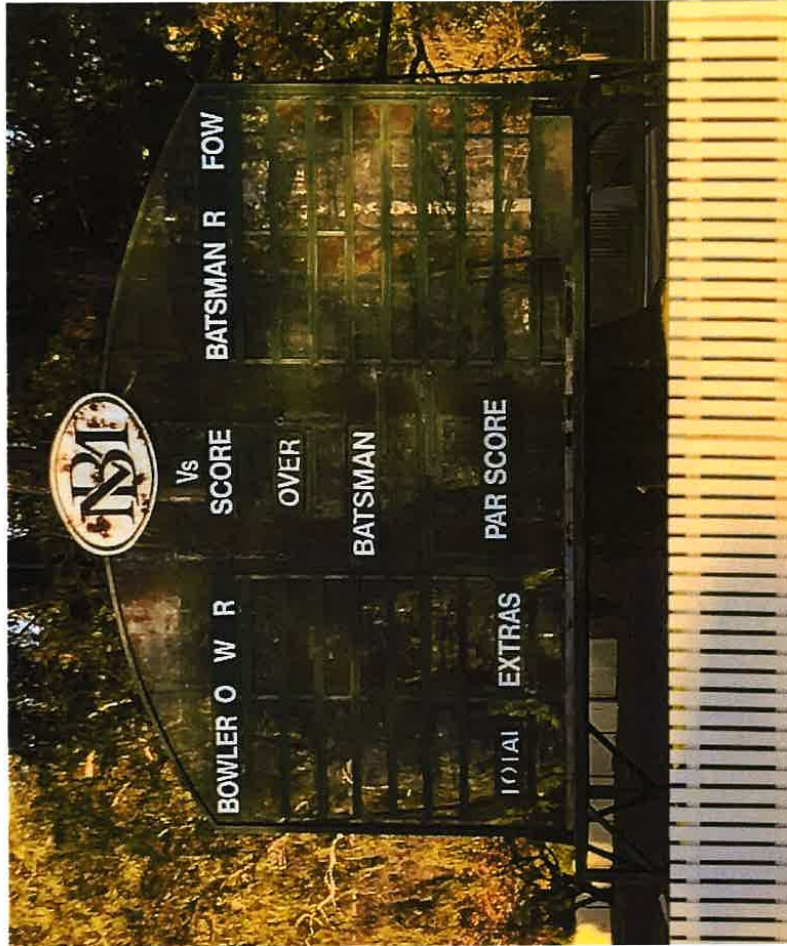
Title:
Existing Site Plan
Project:
2016 Masterplan

North
Drawing: AD
Date: 15/01/18
Scale: 1:500 @ A1
1:1000 @ A0
Drawing Number:
261 SK-100



EXISTING Frame

Bradman Oval



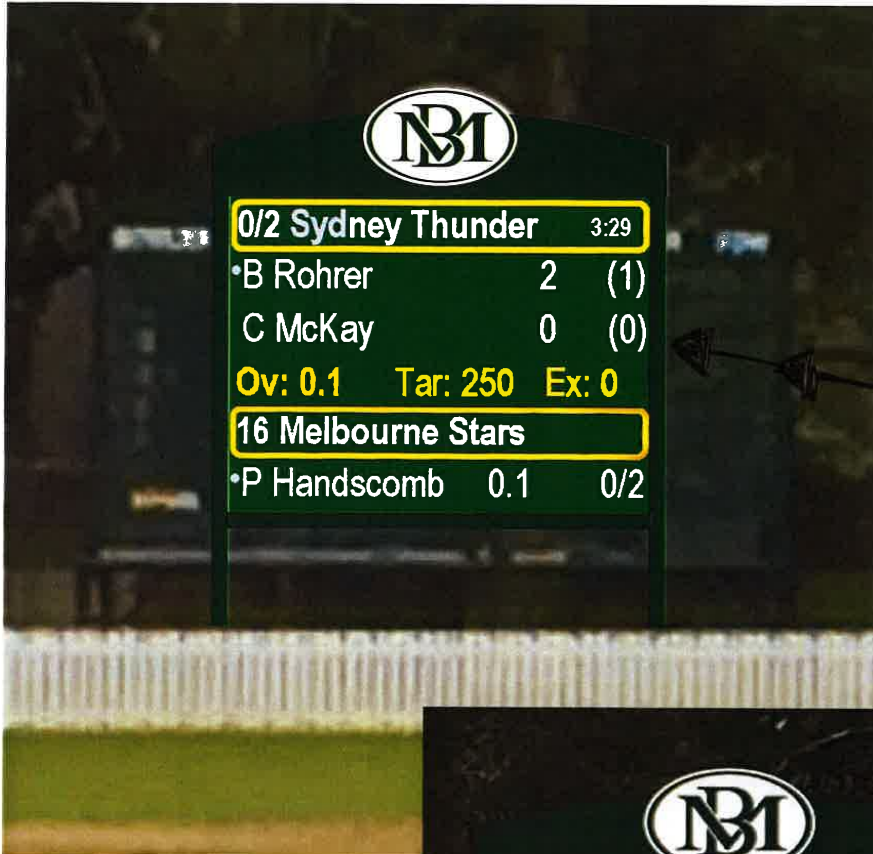


PROJECT INFO SHEET

Project: **Scoreboard** Ver.: **5.0** Client: **Bradman Oval (Bowral)** Date: **Aug 2021**

LED size: **4.0x3.0m** type: **Full colour** options: **Full cricket suite**

Location New



*EXISTING
Location
& NEW IS SMALLER*

Standard summary cricket layout

Optional cricket layouts
(Heritage sample shown)

www.solid.com.au



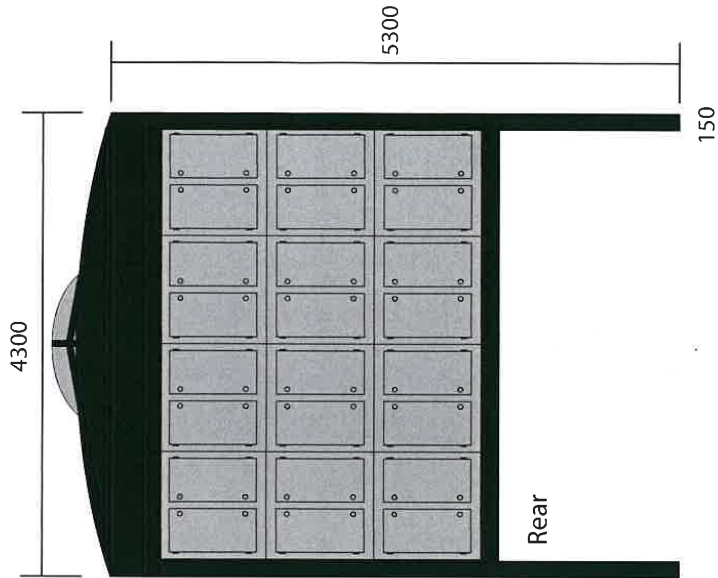


PROJECT INFO SHEET

Project: Scoreboard Ver.: 5.0 Client: Bradman Oval (Bowral) Date: Aug 2021

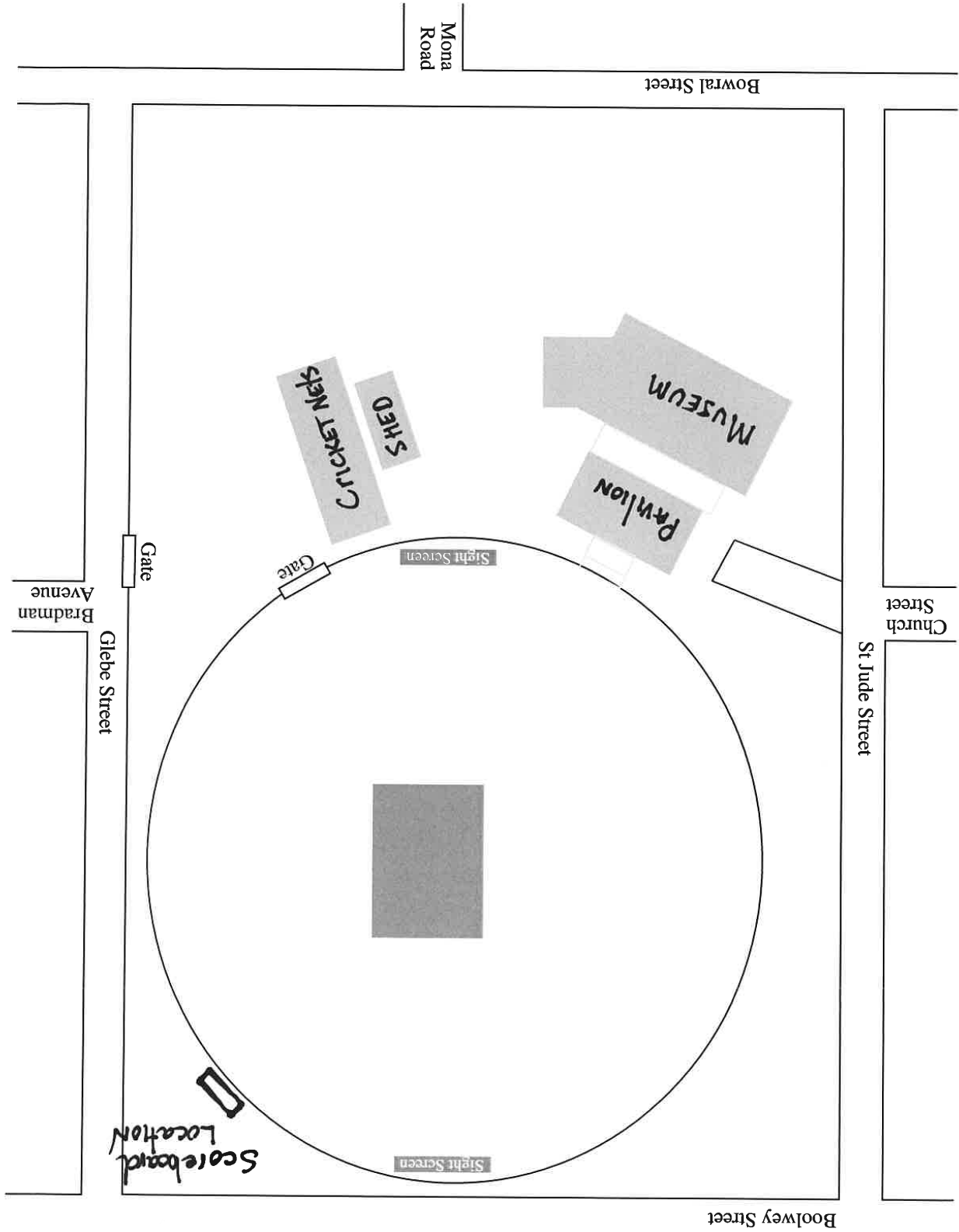
LED size: 4.0x3.0m type: Full colour options: Full cricket suite

BRADMAN OVAL
Proposed



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**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 6 APRIL 2022**



AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 6 APRIL 2022

Project – Bradman Oval Scoreboard

Removal of non-significant fabric structure in the existing Scoreboard metal frame and replace with a non-significant fabric structure metal frame with a metal security cabinet and roller shutter.

The existing scoreboard is not heritage listed, however the location is on the corner of Boolway and Glebe Streets Bowral, a section of Bradman Oval. The existing frame was installed in 1989, is fabricated from our RHS metal beams on the outer edge, with a curved upper facade. The frame is covered with 2 mm thick metal perforated sheets, all surfaces are coated with Heritage Brunswick Green powder coat. The Façade includes a Bradman Oval Logo. The total width is 6.5 meters and the highest point 5.4 meters.

When in use, magnetic vinyl squares pre-printed with white numerals and characters is placed in the appropriate position on the metal perforated plate, so that they can be seen in the configuration that displays the progress score of the cricket game being played on the Oval. It takes four people to operate this manual system, is dangerous and considered a high risk to operate.

The existing frame is completely rusted through in many areas and overall is in a poor state of repair. It is not economically feasible to repair the existing frame and due to the archaic method of operation, it is only used once a year for a marquee match that attracts sufficient volunteers to operate the scoreboard as intended. The condition of the existing structure is an eyesore, safety hazard and not fit for purpose.

The scope of works includes removing the existing frame, which will be extracted by the metal recyclers in Moss Vale.

Repair and prepare the ground in the exact location, though the location holes for the uprights will be closed together as the replacement uprights are 4.30 meters apart.

Install a visually similar fabricated design from RHS uprights with a curved façade, including a replica logo. The area between the uprights will house a solid metal and waterproofed cabinet with a horizontal roller shutter door. The overall length is 4.30 meters and the highest point is 5.83 meters with like the existing, the entire frame and cabinet will be finished in Heritage Brunswick Green.

When in use the screen, is configured using computer software and Wi-Fi connection to come display characters and numerals in a heritage style font that is readable from the centre of the ground and surrounds for those playing in the cricket match.

In addition the software does have a feature which can display images and logos before and after the match. When the score board is not being used for a cricket match the serenity roller shutter will be down and the cabinet locked.

Should it be required the scoreboard software can be configured to display community messages, which land owners Wingecarribee Shire Council may require from time to time.

6.2 Development application 21/2058 - Subdivision of land and carrying out of works to create three lots, and carrying out of works for the purpose of private roads, Lot 5 DP867717, Earl Street, Bowral

Report Author: Senior Development Assessment Planner

Authoriser: Acting Manager Planning, Certification and Compliance

PURPOSE

The purpose of this report is to consider Development Application 21/2058 for the Panel's consideration and recommends determination by REFUSAL of consent for the reasons specified in Attachment 1.

Consultants	<ul style="list-style-type: none">• SET Consultants Pty Ltd• Larry Cook Consulting Pty Ltd• Lodge Environmental Pty Ltd• Weir Phillips Heritage and Planning• Arborsaw• Apex Archaeology.
Notification Period	16 July to 6 August 2021.
Number of Submissions	357.
Zoning	Zone C4 Environmental Living.
Political Donations	None declared.
Reason for Referral to Panel	Notification of the application attracted 357 submissions.

OFFICER'S RECOMMENDATION

THAT the Independent Advisory Planning Assessment Panel determines development application 21/2058 for subdivision of land and carrying out of works to create three lots, and carrying out of works for the purpose of private roads, at Lot 5 DP867717, Earl Street, Bowral by REFUSAL of consent for the reasons specified in Attachment 1 to this report.

EXECUTIVE SUMMARY

1. Executive summary

Lot 5 DP867717 is a heavily vegetated 12.14ha Environmental Living lot on the lower southeastern slopes of Mount Gibraltar. It slopes steeply to a watercourse traversing its length, and is vacant apart from several eroded and poorly maintained internal access roads. The land is flanked by other heavily vegetated land including Council's Mount Gibraltar Reserve, with some low density residential properties to its east, south and southwest.

Council has previously contemplated acquiring the land to effectively extend the Mount Gibraltar Reserve, but it remains in private ownership.

Development application 21/2058 was made on 23 June 2021, proposing subdivision of the land and carrying out of works to create three residential lots, as well as carrying out of works for the

purpose of private roads. The proposed development involves and may be expected to necessitate and/or precipitate considerable removal of mature native vegetation to provide satisfactory vehicle access, utility services availability and potential building sites.

Council notified the application to owners and occupants of surrounding properties, inviting submissions between 16 July and 6 August 2021. Notification attracted 357 submissions, overwhelmingly objecting to the proposed development.

Council requested additional information to accompany the application on 8 July, 4 August and 26 August 2021. All requested additional information was due to be provided to Council by 30 September 2021. On 1 October 2021 none of the requested additional information had been provided to Council, so Council notified the applicant that it had taken the applicant to have notified Council that the outstanding information would not be provided, and intended to deal with the application accordingly as provided for by clause 54 of the Environmental Planning and Assessment Regulation 2000.

The application proposes integrated development, requiring:

- Controlled activity approval under section 91 of the Water Management Act 2000
- Authorisation under section 100B of the Rural Fires Act 1997 in respect of bush fire safety of subdivision of land that could lawfully be used for residential purposes.

The NSW Natural Resources Access Regulator (NRAR) has advised the general terms of its proposed Water Management Act approval. However, the NSW Rural Fire Service (RFS) has confirmed it cannot grant its Rural Fires Act approval; consequently, section 4.47 (4) of the Environmental Planning and Assessment Act 1979 specifies Council must refuse consent to the application.

The application is considered unsatisfactory with respect to various applicable statutory provisions of the following environmental planning instruments:

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Koala Habitat Protection) 2021
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- Wingecarribee Local Environmental Plan 2010.

The application is also considered unsatisfactory with respect to various applicable provisions of the Wingecarribee Shire Rural Living Development Control Plan.

The proposed development is considered likely to have significant negative environmental and social impacts in the locality, and the land's attributes are considered to render it unsuitable for the proposed development. There is not considered to be any overriding public interest in favour of granting consent for the proposed development.

Council has notified the applicant and their consultant that they may withdraw the application at any time prior to its determination, but no withdrawal has been made.

Noting the above, it is recommended that Council determines the application by refusing consent.

2. Site Description and Locality.

Figures 1 and 2 illustrate the land’s location and layout (see also **Attachments 2 and 3**). It is a vacant, irregularly shaped 12.14ha Environmental Living lot on the eastern side of Earl Street in Bowral, around 2km northeast of the town centre, on the lower southeastern slopes of Mount Gibraltar.

The land has a 55m western frontage to Earl Street. However, Earl Street adjoining the land is an unformed “paper road”; it is densely vegetated and does not provide vehicular access to the land. The land is also immediately northeast of the intersection of Gladstone Road and Carlisle Street, and lawfully accessible by vehicle from Carlisle Street via a right of carriageway burdening Lot 2 DP1128023, 10 Carlisle Street, which shares the land’s southern boundary.

The land slopes steeply to a watercourse traversing the length of the land, falling southwards towards Mittagong Creek. The land is occupied by dense native vegetation, including abundant mature native trees. A number of eroded and poorly maintained internal access roads also traverse the land.

Council’s heavily vegetated Mount Gibraltar Reserve adjoins the land’s western boundary. Other adjoining properties to the land’s west, north and east are also heavily vegetated. Properties to the east, south and southwest are developed for low density residential accommodation purposes.

Photographs of the land, taken during site inspection on 15 July 2021, are reproduced in

Attachment 4.

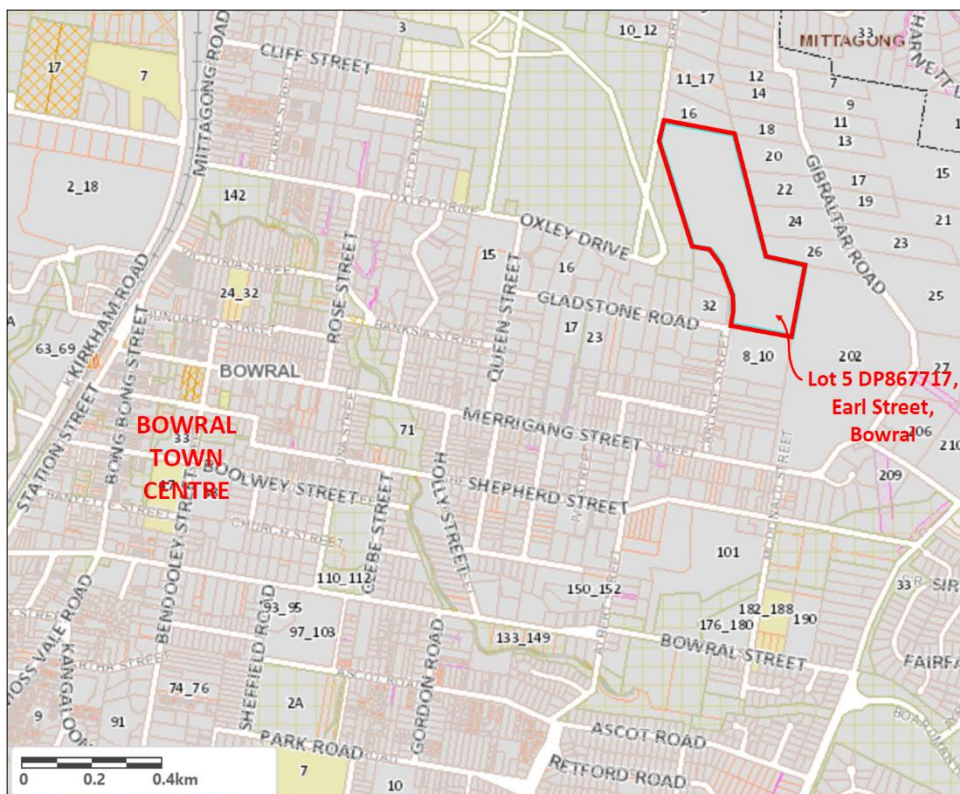


Figure 1: Locality Map (see also Attachment 2).

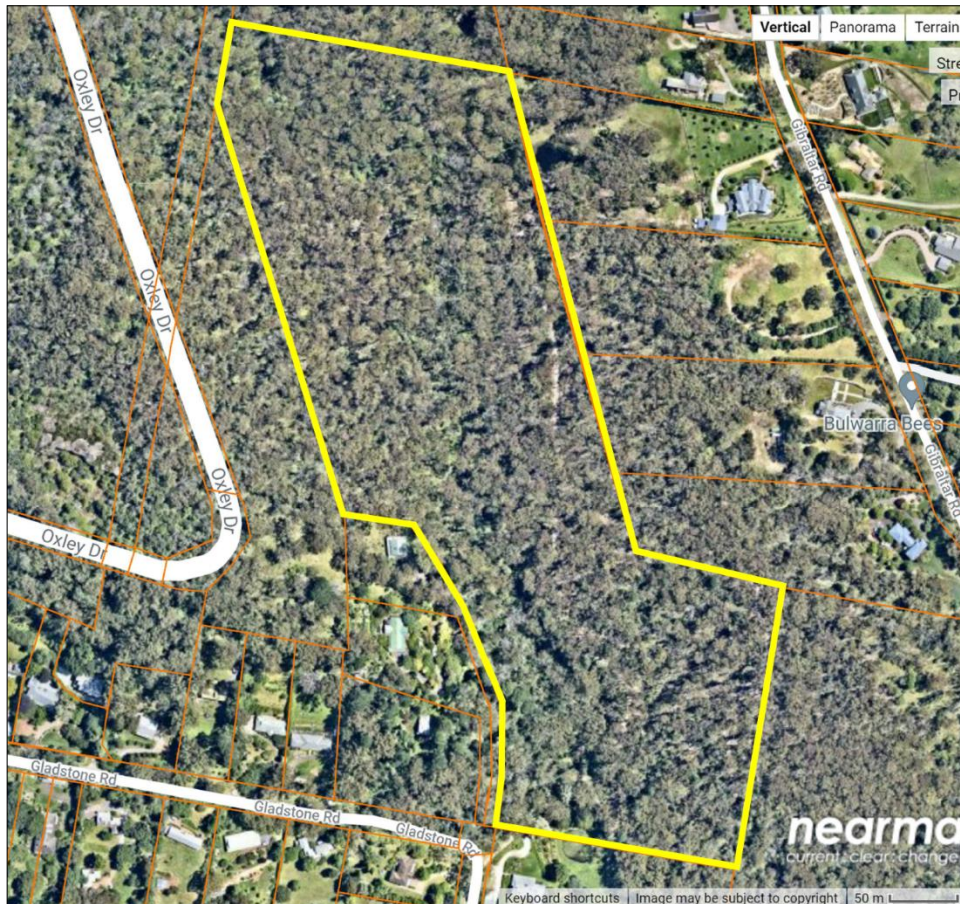


Figure 2: Aerial image (see also Attachment 3).

3. Historical notes

The land was created in June 1997 by registration of a plan of subdivision of Lots 3-7 DP770845, the subject of Council's development consent 483/93. It is subject to a restriction as to user under section 88B of the Conveyancing Act 1919 specifying no development shall be carried out on the land without prior written consent of Council and Illawarra Electricity.

In its Ordinary Meeting of 16 December 2009, the Council resolved to investigate the potential for Council to acquire the land:

The Committee on a MOTION moved by Clr L A C Whipper and seconded by Clr G McLaughlin RECOMMENDED:

- 1. THAT Council give consideration to the acquisition of Lot 5 DP 867717 Oxley Drive, Bowral and the feasibility of adding this allotment to the Mt Gibraltar Reserve.*
- 2. THAT the information supplied by the Director Corporate Services be noted AND THAT a detailed report on their proposed acquisition of Lot 5 DP 867717 Oxley Drive, Bowral, be forwarded to a future Ordinary meeting of Council early in 2010.*
- 3. THAT members of the Mt Gibraltar Reserve Committee be invited to attend an Information Session with Councillors, if necessary.*

In its meeting of 2 February 2010, the Council moved into Closed Council to consider a report regarding the potential acquisition of the land for addition to the Mount Gibraltar Bush Land Reserve. The Council resolved:

THAT the proposed acquisition of Lot 5 Deposited Plan 867717 Oxley Drive, Bowral for Addition to the Mt Gibraltar Bush Lane Reserve Council be deferred pending the outcome of an urgent meeting to be held with representative is the Mt Gibraltar Management Committee and subject to the outcome of that meeting, the matter be forwarded to a future Ordinary Meeting of the Council for further consideration, if necessary.

There is no apparent record of the Council giving any further consideration to the proposed acquisition of the land.

On 4 September 2020 Council provided written prelodgement advice regarding a prospective subdivision of the land to create three lots. Council's advice included:

"...predictions regarding the severity of fire seasons are worsening and the highlands is highly vulnerable to such fires...this area did not 'burn' last year and that it is a wildlife corridor".

"...there two woodland types across this property...

"The northern part of the site shown on our mapping system as primarily Mittagong Sandstone Woodland and the southern section of the site is Southern Highlands Shale Woodland (EEC)".

"[The land] includes a Category 3 Watercourse... This requires consideration under the Water Management Act and makes [the proposed development] Integrated Development where any of the proposal is located within 40m of the centreline of the watercourse".

"[The land] abuts (to its southern end) a heritage item under WLEP 2010. This end of the site is also highly sensitive in regard to the woodland type (EEC) and would therefore require careful consideration in regard to environmental management and required heritage curtilage".

"...the following points are areas that require more information for Council:

- *A site plan identifying all hollow bearing trees (mostly interested in trees within likely impact zones) – important to understand how to avoid impacts to the Greater Glider – considering that any NSW offsets will not be considering this species (albeit an endangered population).*
- *Information addressing the requirements of the State Environmental Planning Policy (Koala Habitat Protection) 2019 (Koala SEPP).*
- *An assessment for Aboriginal heritage for this kind of site – as it would appear that there is proposed vegetation clearing and earthworks – and the site is not considered disturbed land e.g. as it is covered by native vegetation. Such assessment would determine if an Aboriginal Heritage Impact Permit would be required".*
- *Proposed impacts to [Plant Community Type 743 (Brown Barrel)] risk the development being refused – as PCT743 is associated with the critically endangered Robertson Basalt Tall Open Forest – and this is a Serious and Irreversible Impact (SII) entity. Avoiding such impacts will be critical during the planning phases. Council will rely on info in the BDAR to assist in making a determination on SII".*

"...the site will require (standard RFS requirement) an evacuation route / emergency access route out of the woodland area".

4. Proposed development

The application seeks development consent to subdivide the land and carry out works to create three lots, and carry out works for the purpose of roads. An extract from the proposed development drawings accompanying the application is reproduced in **Figure 3** and **Attachment 5**.

Proposed Lots 1, 2 and 3 are respectively 4.0ha, 4.07ha and 4.05ha in area. The proposed lots are accessible by vehicle from Carlisle Street via proposed private roads in the existing right of carriageway burdening 10 Carlisle Street, and proposed rights of carriageway burdening proposed Lot 1 in favour of proposed Lots 2 and 3, and burdening proposed Lot 2 in favour of proposed Lot 3.

Noting the minimum subdivision lot size specified by Wingecarribee Local Environmental Plan 2010 for the land is 4ha, it may be impossible to dedicate public roads to give access to the proposed lots without reducing the proposed lots' areas to contravene that minimum size.

Provision for the proposed lots to be satisfactorily accessible by vehicles – including emergency service vehicles – may reasonably be expected to involve and necessitate removal of substantial native vegetation. Future development of the proposed lots for residential accommodation purposes may also be expected to necessitate considerable native vegetation removal.

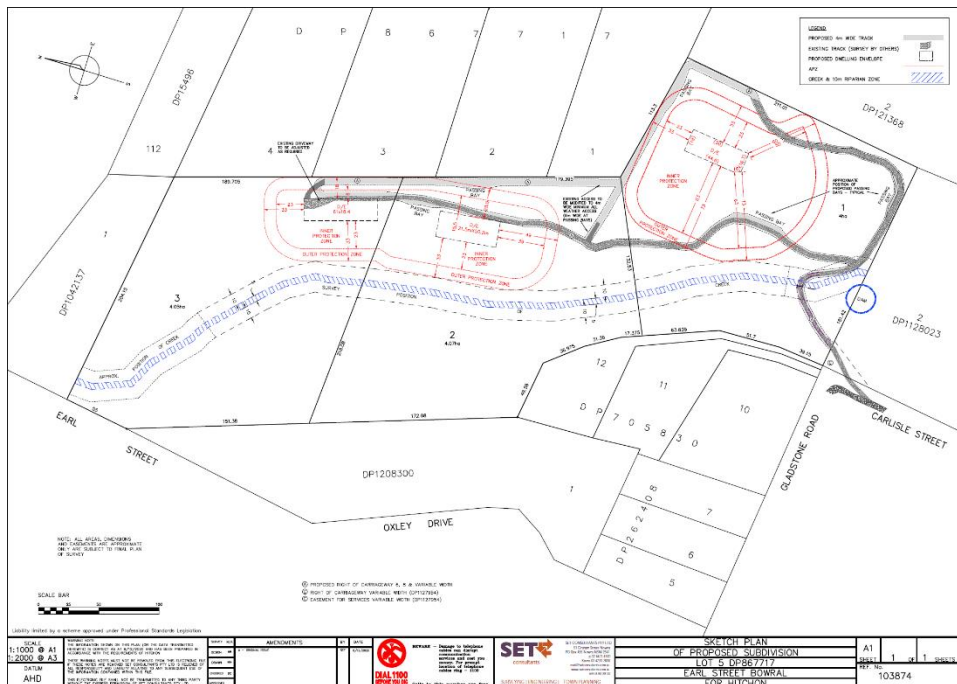


Figure 3: Extract from proposed development drawings (see also Attachment 5).

5. Application background

The application was made on 23 June 2021.

Preliminary review identified the application was not accompanied by a report detailing the findings of an Aboriginal heritage assessment of the land, which had been requested by Council's prelodgement advice letter of 4 September 2019. On 8 July 2021 Council accordingly requested the applicant provide additional information to rectify that omission no later than 5 August 2021.

The application was referred to Council's Environmental Protection Officer, who identified the application was not accompanied by sufficient information to allow an informed assessment of the proposed lots' suitability for on-site wastewater management and disposal (noting no connection to Council's reticulated sewerage service is proposed). On 4 August 2021 Council accordingly requested the applicant provide additional information to rectify that omission no later than 2 September 2021. In doing so, Council also extended the period for the applicant to provide additional information requested by Council on 8 July 2021, to 2 September 2021.

The application had also been referred to Council's Ecology Consultant, who identified various deficiencies in the Biodiversity Development Assessment Report (BDAR) accompanying the application. On 26 August 2021 Council accordingly requested the applicant provide additional information to rectify the BDAR's identified deficiencies no later than 30 September 2021. In doing so, Council also extended the period for the applicant to provide additional information requested by Council on 8 July and 4 August 2021, to 30 September 2021.

In each of its three written requests for additional information, Council advised the applicant that if they failed to provide any requested additional information by the end of the period specified, Council would take them to have notified Council that the outstanding information will not be provided, and would deal with the application accordingly.

In the meantime, as the proposed development is integrated development requiring NSW Rural Fire Service (RFS) authorisation under section 100B of the Rural Fires Act, Council requested the RFS advise the general terms of any approval it might grant in relation to the development. The RFS' response of 10 September 2021 identified various concerns in relation to the proposed development and associated bush fire protection measures specified by the bush fire report accompanying the application. The RFS indicated, "An updated bush fire report addressing the above concerns along with an updated subdivision plan must be provided for further assessment of the proposal". Council took the RFS to have informed Council that it would not grant its approval to the development as proposed, and noting the Environmental Planning and Assessment Act 1979 and subordinate legislation do not provide for a consent authority to request or require amendment of a development application (as opposed to requesting additional information to inform assessment), Council did not make any such request.

On 1 October 2021 the applicant had not provided any of the information Council had requested on 8 July, 4 August and 26 August 2021. Council had allowed the applicant until 30 September 2021 to provide all requested additional information, and the applicant had not requested any further extension of that period.

Clause 54 (1) and (6) of the Environmental Planning and Assessment Regulation 2000 (the Regulation) specifies as follows:

54 Consent authority may request additional information

- (1) *A consent authority may request the applicant for development consent to provide it with such additional information about the proposed development as it considers necessary to its proper consideration of the application.*
- (6) *If the applicant for development consent has failed to provide any of the requested information by the end of—*
 - (a) *any period specified as referred to in subclause (2)(b), or*
 - (b) *such further period as the consent authority may allow,**the applicant is taken to have notified the consent authority that the information will not be provided, and the application may be dealt with accordingly.*

Council therefore informed the applicant on 1 October 2021 that Council (in accordance with clause 54 (6) of the Regulation) had taken the applicant to have notified Council that they would not provide any of the additional information requested by Council on 8 July, 4 August and 26 August 2021, and intended to deal with the application accordingly.

On 5 October 2021 Council further confirmed to the applicant's consultant:

"As indicated by Council, in the absence of any requested additional information having been received by 4:30pm on 30 September 2021, Council has taken the applicant to have notified Council that none of the requested additional information will be provided, and will deal with the application on that basis pursuant to clause 54 (6) of the Environmental Planning and Assessment Regulation 2000 (the Regulation). Alternatively, the applicant may withdraw the application at any time prior to its determination by lodging notice of the withdrawal on the NSW planning portal, pursuant to clause 52 of the Regulation.

"The NSW Rural Fire Service has effectively notified Council that it will not grant its bush fire safety authority unless the proposed development is substantially amended. Having regard to clause 55 (1) of the Regulation, Council does not agree to the prospective amendment of the application.

"Please convey this advice to the applicant..."

On 13 January 2022 Council further confirmed to the applicant's consultant:

"Council notified development application 21/2058 to owners and occupants of surrounding properties, inviting submissions between 16 July and 6 August 2021. Notification attracted 357 submissions that overwhelmingly object to the proposed development.

"On 8 July, 4 August and 26 August 2021, Council requested the applicant provide various additional information to accompany the application. All requested additional information was due to be provided to Council by 30 September 2021. On 1 October 2021, Council notified the applicant that in the absence of any of the requested additional information having been provided to Council, Council had taken the applicant to have notified Council that none of the requested information would be provided, and Council would deal with the application accordingly.

"The application was referred to various relevant Council officers for specialist advice, as well as to external parties including the NSW Rural Fire Service (RFS) and Natural Resources Access Regulator (NRAR), each of whom is an integrated development approval body. Of particular note, the RFS' response of 10 September 2021 effectively indicates a bush fire safety authority will not be granted to the proposed development in its current form, and Council does not agree to a prospective amendment of the application having regard to clause 55 (1) of the Environmental Planning and Assessment Regulation 2000. Section 4.47 (4) of the Environmental Planning and Assessment Act 1979 specifies if an integrated development approval body informs the consent authority that it will not grant an approval required in order for the development to be lawfully carried out, the consent authority must refuse consent to the application.

"A report detailing the application's assessment is to be made for the Wingecarribee Local Planning Panel to consider, probably at its in March 2022 meeting. Given the above, the report is likely to recommend the Panel determines the application by refusing consent.

Alternatively, the applicant may request withdrawal of the application at any time prior to its determination.”

Also on 13 January 2022, the RFS confirmed it cannot support the proposed development.

The various correspondence discussed above is chronologically reproduced in **Attachment 6**.

6. Notification

Council notified the application to owners and occupants of surrounding properties, inviting submissions between 16 July and 6 August 2021. Notification attracted 357 submissions, overwhelmingly objecting to the proposed development. The grounds for objection include impact on bush fire hazard, vegetation removal and ecological impact, impacts on watercourses and water quality, visual impacts, heritage impacts, social and cultural impacts, and the public interest. All submissions received in response to Council’s notification of the application are included in **Attachment 7**.

7. Relevant Environmental Planning Instruments

7.1.State Environmental Planning Policy (Infrastructure) 2007

The proposed development has been considered with regard to the Policy’s relevant provisions, as detailed in the following table.

Part 3—Development controls			
Division 5—Electricity transmission or distribution			
Subdivision 2—Development likely to affect an electricity transmission or distribution network			
Provision	Control	Discussion	Compliance
Clause 45—Determination of development applications—other development	Applies to development application for development within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists). Before determining development application, consent authority must— (a) give written notice to the electricity	The land is entirely burdened by a restriction as to user under section 88B of the Conveyancing Act 1919 (registered in 1997), specifying no development shall be carried out on the land without prior written consent of Illawarra Electricity. Council therefore notified the electricity supply authority, Endeavour Energy, of the proposed development. Endeavour Energy responded that there are no easements benefitting Endeavour Energy on the land, and no existing electricity infrastructure on or connected to the land. Endeavour Energy confirms it does not object to the proposed development, subject to various recommendations and comments including: “...the <i>Statement of</i>	Does not comply.

	<p>supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and</p> <p>(b) consider any response to the notice that is received within 21 days after the notice is given.</p>	<p><i>Environmental Effects does not appear to address in detail the suitability of the site for the development in regard to whether electricity services are available and adequate for the development”.</i></p> <p><i>“Applicants should not automatically assume that the presence of electricity infrastructure in the locality and / or nearby similar development means that adequate supply is immediately available to facilitate their proposed development”.</i></p> <p><i>“...the closest existing distribution substation is pole mounted substation no. 30809 located approximately 205 metres to the west on the opposite side of Gladstone Road. Whilst likely to have some spare capacity, it may not be sufficient to facilitate the proposed development. As well as the capacity of distribution substations, other factors such as the size and rating / load on the conductors and voltage drop (which can affect the quality of supply particularly with long conductor runs) etc. Need to be assessed.</i></p> <p><i>“Accordingly an extension and / or augmentation of the existing local network may be required. However the extent of the works will not be determined until the final load assessment is completed. Endeavour Energy’s preference is to alert proponents /applicants (and Council) of the potential matters that may arise as further development of areas continues to occur”.</i></p> <p><i>“...the electricity network</i></p>	
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		<p><i>required to service the proposed development must be fit for purpose and meet the technical specifications, design, construction and commissioning standards based on Endeavour Energy’s risk assessment associated with the implementation and use of the network connection / infrastructure for a bushfire prone site. In assessing bushfire risk, Endeavour Energy has traditionally focused on the likelihood of its network starting a bushfire, which is a function of the condition of the network. Risk control has focused on reducing the likelihood of fire ignition by implementing good design and maintenance practices. However the potential impact of a bushfire on its electricity infrastructure and the safety risks associated with the loss of electricity supply are also considered”.</i></p> <p><i>“The planting of large trees near electricity infrastructure is not supported by Endeavour Energy. Particularly for overhead power lines, ongoing vegetation management / tree trimming is a significant network cost and falling trees and branches during storms are a major cause of power outages.</i></p> <p><i>“Suitable planting needs to be undertaken in proximity of electricity infrastructure (including any new electricity infrastructure required to facilitate the proposed development). Only low growing shrubs not exceeding 3.0 metres in height, ground covers and smaller shrubs, with noninvasive root systems (less than 400 millimetres below ground level)</i></p>	
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		<p><i>are the best plants to use. Larger trees should be planted well away from electricity infrastructure (at least the same distance from overhead power lines as their potential fullgrown height) and even with underground cables, be installed with a root barrier around the root ball of the plant.</i></p> <p><i>“Landscaping that interferes with electricity infrastructure may become a potential safety risk, cause of bush fire, restrict access, reduce light levels from streetlights or result in the interruption of supply. Such landscaping may be subject to Endeavour Energy’s Vegetation Management program and/or the provisions of the Electricity Supply Act 1995 (NSW) Section 48 ‘Interference with electricity works by trees’ by which under certain circumstances the cost of carrying out such work may be recovered</i></p> <p><i>“Endeavour Energy’s recommendation is that existing trees which are of low ecological significance in proximity of overhead power lines be removed and if necessary, replaced by an alternative smaller planting. Any planting needs to ensure appropriate clearances are maintained whilst minimising the need for future pruning”.</i></p> <p>Whilst Endeavour Energy’s comments, recommendations and requirements may be conveyed by conditions of development consent, if granted, they suggest Endeavour Energy is not satisfied by the application and its accompanying information that essential infrastructure for the</p>	
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		supply of electricity is available or that adequate arrangements can be made to make that infrastructure available when it is required.	
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7.2.State Environmental Planning Policy (Koala Habitat Protection) 2021

The proposed development has been considered with regard to the Policy’s relevant provisions, as detailed in the following table.

Provision	Control	Discussion	Compliance
Clause 3—Aim of Policy	The Policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.	<p>A Biodiversity Development Assessment Report (BDAR) accompanying the application refers to a koala assessment report confirming the land is core koala habitat due to the presence of koala feed tree species in a greater than 15% canopy dominance, and recent records within 2.5km of the land. The BDAR submits if the koala assessment report and its recommendations are adhered to, the local koala population may be expected to be suitably safeguarded. However, the application is in fact not accompanied by a koala assessment report.</p> <p>The application is also accompanied by an arboricultural impact assessment report (AIA) that identifies 387 trees (excluding radiata pines) inside the proposed lots’ outer bush fire asset protection zones. It indicates 179 of those are proposed to be removed, including 78 trees of koala use species identified by the Policy in the</p>	Does not comply.

		<p>Wingecarribee local government area:</p> <ul style="list-style-type: none"> • 15 x Eucalyptus sieberi • 37 x Eucalyptus agglomerata • 33 x Eucalyptus viminalis • 8 x Eucalyptus globoidea. <p>The proposed development also includes removal of 70 Eucalyptus fastigata in the proposed lots' outer bush fire asset protection zones. The Policy does not identify Eucalyptus fastigata as a koala use species in the Wingecarribee local government area, but does identify it as a koala use species elsewhere, such as the South Coast koala management area.</p> <p>The AIA does not discuss tree removal that might be necessitated by or result from works associated with the proposed development such as internal road construction and provision of an electricity supply to the proposed lots.</p> <p>The proposed development involves removal of considerable core koala habitat, and may be expected to involve or precipitate more core koala habitat removal than indicated by the application and its</p>	
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		<p>accompanying information. It is therefore considered contrary to the Policy's specified aim "to encourage the conservation and natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline".</p>	
<p>Clause 4— Definitions</p>	<p>core koala habitat means—</p> <p>(a) an area of land which has been assessed by a suitably qualified and experienced person as being highly suitable koala habitat and where koalas are recorded as being present at the time of assessment of the land as highly suitable koala habitat, or</p> <p>(b) an area of land which has been assessed by a suitably qualified and experienced person as being highly suitable koala habitat and where koalas have been recorded as being present in the previous 18 years.</p>	<p>The application is accompanied by a BDAR that refers to a koala assessment report confirming the land is core koala habitat, although the application is in fact not accompanied by a koala assessment report.</p>	<p>Complies.</p>
<p>Clause 11— Development assessment process—no approved koala plan of management for land</p>	<p>Applies to land that has an area of at least 1ha hectare and is not subject to an approved koala plan of management.</p> <p>Before granting consent, Council must assess whether the proposed</p>	<p>The proposed development involves removal of considerable core koala habitat and may involve or precipitate more core koala habitat removal than indicated. It is therefore expected to have significant impacts</p>	<p>Does not comply.</p>

	<p>development is likely to have any impact on koalas or koala habitat.</p> <p>If satisfied that the proposed development is likely to have low or no impact on koalas or koala habitat, Council may grant consent to the development application.</p> <p>If satisfied that the proposed development is likely to have a higher level of impact on koalas or koala habitat, Council must, in deciding whether to grant consent to the development application, take into account a koala assessment report for the proposed development.</p> <p>Despite the above, Council may grant development consent if the applicant provides to Council:</p> <p>(a) Information, prepared by a suitably qualified and experienced person, Council is satisfied demonstrates the land:</p> <p>(i) does not include any trees belonging to the koala use tree species listed in Schedule 2 for the relevant koala management area, or</p> <p>(ii) is not core koala habitat, or</p> <p>(b) information Council is satisfied demonstrates the</p>	<p>on koalas and koala habitat.</p> <p>The BDAR accompanying the application refers to a koala assessment report confirming the land is core koala habitat, but the application is in fact not accompanied by a koala assessment report.</p> <p>The arboricultural impact assessment report accompanying the application confirms the proposed development includes removal of at least 78 trees belonging to koala use tree species listed in Schedule 2 of the Policy for the Wingecarribee local government area, and the BDAR confirms the land is core koala habitat. The arboricultural impact assessment report also indicates all trees proposed to be removed have a diameter at breast height greater than 10cm. None of the vegetation on the land is part of a horticultural or agricultural plantation.</p> <p>Given the above, clause 11 of the Policy does not permit Council to grant consent for the proposed development.</p>	
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	<p>land:</p> <p>(i) does not include any trees with a diameter at breast height over bark of more than 10 centimetres, or</p> <p>(ii) includes only horticultural or agricultural plantations.</p> <p>Koala assessment report means a report prepared by a suitably qualified and experienced person about the likely and potential impacts of the development on koalas or koala habitat and the proposed management of those impacts.</p>		
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7.3.State Environmental Planning Policy No 55—Remediation of Land

The proposed development has been considered with regard to the Policy’s relevant provisions, as detailed in the following table.

Provision	Control	Discussion	Compliance
Clause 2—Object of this Policy	The Policy aims to promote remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.	The land is vacant, largely undisturbed and undeveloped. It is not considered likely to be contaminated, nor to require any remediation to be made suitable for the proposed development. The proposed development is therefore considered satisfactory with respect to the Policy’s particular aim 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.	Complies.
Clause 7—	Council must not	The land is vacant, largely	Complies.

<p>Contamination and remediation to be considered in determining development application</p>	<p>grant consent unless:</p> <p>(a) it has considered whether the land is contaminated</p> <p>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose of the proposed development</p> <p>(c) if the land requires remediation to be made suitable for the purpose of the proposed development, it is satisfied that the land will be remediated before the land is used for that purpose.</p>	<p>undisturbed and undeveloped. It is not considered likely to be contaminated, nor to require any remediation to be made suitable for the proposed development.</p>	
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7.4.State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The proposed development has been considered with regard to the Policy’s relevant provisions, as detailed in the following table.

Provision	Control	Discussion	Compliance
<p>Clause 3—Aims of Policy</p>	<p>The Policy aims to:</p> <ul style="list-style-type: none"> provide for healthy water catchments 	<p>None of the proposed lots is to be connected to a reticulated sewerage</p>	<p>Does not comply.</p>

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	<p>that will deliver high quality water while permitting development that is compatible with that goal</p> <ul style="list-style-type: none"> • 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 • support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment. 	<p>service, so the application was referred to Council's Environmental Health Officer for advice as to the suitability of the land for on site waste water management and disposal.</p> <p>The Environmental Health Officer responded that the wastewater report accompanying the application does not meet the requirements of Water NSW's Current Recommended Practice 'Designing and Installing On-Site Wastewater Systems' 2019.</p> <p>Council requested the applicant provide additional information to address the Environmental Health</p>	
<p>Clause 9— Recommended practices and performance standards of Water NSW</p>	<p>Development should incorporate Water NSW's current recommended practices and standards. If it does not, the development should demonstrate to the satisfaction of Council how the practices and performance standards proposed to be adopted will achieve outcomes not less than those achieved by Water NSW's current recommended practices and standards.</p>	<p>Officer's concerns, but the applicant is taken to have notified Council that the requested additional information will not be provided, pursuant to clause 54 (6) of the Environmental Planning and Assessment Regulation 2000.</p> <p>Given the above, Council cannot be satisfied by the application and its accompanying information that the proposed development is satisfactory with respect to the aims specified by clause 3 of the Policy, nor that the proposed development will achieve outcomes not less than those</p>	<p>Does not comply.</p>

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		achieved by Water NSW's current recommended practices and standards as required by clause 9.	
Clause 10— Development consent cannot be granted unless neutral or beneficial effect on water quality	<p>Consent authority must not consent to development unless satisfied that carrying out proposed development would have neutral or beneficial effect on water quality.</p> <p>For the purposes of determining whether proposed development would have neutral or beneficial effect on water quality, consent authority must undertake assessment using NorBE Tool.</p>	<p>The wastewater report accompanying the application does not meet the requirements of Water NSW's Current Recommended Practice 'Designing and Installing On-Site Wastewater Systems' 2019. Council requested the applicant provide additional information to address this, but the applicant is taken to have notified Council that the requested additional information will not be provided.</p> <p>In the absence of the information requested from the applicant, Council cannot make an informed assessment, using the NorBE Tool, to establish whether the proposed development would have a neutral or beneficial effect on water quality. Consequently, clause 10 of the Policy specifies Council must not grant consent for the proposed development.</p>	Does not comply.
Clause 11— Development that needs concurrence of Regulatory Authority	Consent authority must not grant consent to development except with concurrence of the Regulatory Authority.	Table A1 in Water NSW's Neutral or Beneficial Effect on Water Quality Assessment Guideline (2021) identifies subdivision of land to create three unsewered lots as "Module 2" development. Section	Complies.

		4.5 of the Guideline therefore provides that Council may assume the concurrence of the Regulatory Authority in relation to the proposed development.	
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7.5.State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The proposed development has been considered with regard to the Policy’s relevant provisions, as detailed in the following table.

Provision	Control	Discussion	Compliance
Clause 3— Aims of Policy	The Policy aims: (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.	The proposed development involves and may be expected to precipitate removal of substantial long-established native vegetation that contributes to local fauna habitat as well as the locality’s amenity. It is therefore considered likely to have significant negative biodiversity and amenity impacts in the locality and, in turn, is considered contrary to both of the Policy’s aims.	Does not comply.
Clause 7— Clearing that requires	A person must not clear native vegetation in a non-rural area of the State that exceeds	The BDAR accompanying the application indicates, “The impact imposed by the proposal on native vegetation is above	Complies.

<p>permit or approval</p>	<p>the biodiversity offsets scheme threshold without the authority conferred by an approval granted by the Native Vegetation Panel under Part 4.</p>	<p>the Biodiversity Offset Scheme (BOS) threshold of 0.5 ha of native vegetation”. A recommended deferred commencement condition of consent (if granted) therefore specifies the consent shall not operate unless evidence is provided to Council that the clearing of native vegetation in the proposed development has been authorised by an approval granted by the Native Vegetation Panel under Part 4 of the Policy.</p>	
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7.6. Wingecarribee Local Environmental Plan 2010 (the LEP)

The proposed development has been considered with regard to the LEP's relevant provisions, as detailed in the following table.

Provision	Control	Discussion	Compliance
<p>Clause 1.2— Aims of Plan</p>	<p>Subclause (2) (a), (c), (d), (f), (k), (l), (m) and (p) specify the following particular aims of the LEP:</p> <p>(a) to conserve and enhance, for current and future generations, the ecological integrity, environmental heritage and environmental significance of Wingecarribee,</p> <p>(c) to encourage the efficient use and development of urban land, minimising the spread of urban areas into rural and native vegetation environments, thereby increasing the accessibility of the population to urban facilities and services,</p>	<p>The proposed development involves, and may be expected to precipitate, removal of considerable areas of native vegetation that contribute to local fauna habitat and biodiversity as well as scenic amenity. Additionally, the application was referred to the NSW Rural Fire Service (RFS), which has raised bush fire safety concerns that cannot be addressed without amendments to the</p>	<p>Does not comply.</p>

	<p>(d) to provide opportunities for development and land use activities that—</p> <p>(i) make an effective contribution towards the economic wellbeing of the community in a socially and environmentally responsible manner, and</p> <p>(ii) do not adversely impact on natural systems and processes and the overall quality of Wingecarribee’s natural environment, and</p> <p>(iii) retain the critical natural, rural and built environmental landscape elements that make up the scenic and cultural heritage value of Wingecarribee,</p> <p>(f) to provide for a range of living opportunities that address differing lifestyle needs without compromising the environmental quality of Wingecarribee, and the value of its natural resources such as water, biodiversity and agricultural land,</p> <p>(k) to protect areas of high scenic landscape value,</p> <p>(l) to develop an ecologically sustainable future for Wingecarribee through the conservation, rehabilitation and regeneration of native vegetation (particularly threatened species populations and ecological communities), soil, waterways, riparian land and water quality (surface and groundwater),</p> <p>(m) to prevent loss of life and property by bush fires, by discouraging the establishment of incompatible uses in bush fire prone areas and incorporating as</p>	<p>proposed development that may render it substantially different from currently proposed; that is, the RFS is taken to have notified Council that it does not support the development as proposed. Consequently, the proposed development is considered contrary to the particular aims specified by clause 1.2 (2) (a), (c), (d), (f), (k), (l), (m) and (p).</p>	
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	<p>part of compatible developments protective measures that minimise bush fire risk without unacceptable environmental degradation,</p> <p>(p) to protect and enhance waterways, riparian land and water quality in the drinking water catchments of Wingecarribee.</p>		
Clause 1.4— Definitions	<p>The Dictionary at the end of the LEP defines words and expressions for the purposes of the LEP.</p>	<p>The proposed development comprises subdivision of land and carrying out of works to create three lots for the purpose of <i>dwelling houses</i>, and carrying out of works for the purpose of (internal) <i>roads</i>.</p>	<p>Complies.</p>
Clause 2.3— Zone objectives and Land Use Table	<p>The Land Use Table at the end of this Part specifies for each zone—</p> <p>(a) the objectives for development</p> <p>(b) development that may be carried out without development consent</p> <p>(c) development that may be carried out only with development consent</p> <p>(d) development that is prohibited.</p> <p>Council must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</p>	<p>The land is in Zone C4 (formerly E4) Environmental Living. The Land Use Table at the end of Part 2 of the LEP specifies subdivision of land and carrying out of works to create lots for the purpose of dwelling houses, and carrying out of works for the purpose of roads, are permitted with consent in Zone C4.</p> <p>However, the proposed development involves, and may be expected to precipitate, removal of substantial areas of native vegetation that contribute to local fauna habitat and ecology, as well as to the locality’s cultural heritage and scenic</p>	<p>Does not comply.</p>

		<p>amenity. It is therefore considered contrary to the following C4 zone objectives specified by the Land Use Table:</p> <ul style="list-style-type: none"> • <i>To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.</i> • <i>To ensure that residential development does not have an adverse effect on those values.</i> • <i>To encourage the retention of the remaining evidence of significant historic and social values expressed in existing landscape and land use patterns.</i> • <i>To manage land in a way that minimises impact on its environmental and scenic value from adjacent and nearby development and land use activity.</i> 	
<p>Clause 2.6— Subdivision— consent requirements</p>	<p>Land to which LEP applies may be subdivided, but only with development consent.</p>	<p>The application seeks consent to subdivide the land.</p>	<p>Complies.</p>

<p>Clause 4.1— Minimum subdivision lot size</p>	<p>The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</p>	<p>The minimum size shown on the LEP Lot Size Map in relation to the land is 4.0ha. Proposed Lots 1, 2 and 3 are respectively 4.0ha, 4.07ha and 4.05ha in area. The proposed development thus satisfies clause 4.1, though it is noted that if the proposed development included dedication of public roads instead of private roads in rights of carriageway to give access to the proposed lots, it would be impossible for each of the proposed lots' areas to achieve at least 4.0ha.</p>	<p>Complies.</p>
<p>Clause 5.10— Heritage conservation</p>	<p>Subclause (1) specifies the following heritage conservation objectives:</p> <ul style="list-style-type: none"> (a) to conserve the environmental heritage of Wingecarribee, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance. 	<p>The land adjoins the State significant "Mount Gibraltar and Trachyte Quarries Complex" archaeological sites, located immediately to the west. It also adjoins the locally significant "Rift" house and garden heritage item at 12 Carlisle Street, immediately to the south.</p> <p>The proposed development involves and may be expected to precipitate removal of substantial native vegetation that contributes to local fauna habitat and ecology as well as to</p>	<p>Does not comply.</p>

		<p>the locality's scenic and cultural values. It may also be expected to involve and precipitate extensive disturbance of the land, which has remained essentially undeveloped since European settlement.</p> <p>The statement of environmental effects accompanying the application submits:</p> <p><i>"The subject site is currently undeveloped containing mostly dense native vegetation. An AHIMS search was undertaken where it was identified that there are no known Aboriginal Sites or Places within a 200m buffer around the subject site. An Aboriginal Heritage Impact Permit is not considered to be required.</i></p> <p><i>"If any unexpected archaeological items or items of Indigenous heritage significant sites are found or disturbed during any of the proposed works, then all work must cease immediately. Permission must be sought from the National Parks and Wildlife Service and consultation with Traditional</i></p>	
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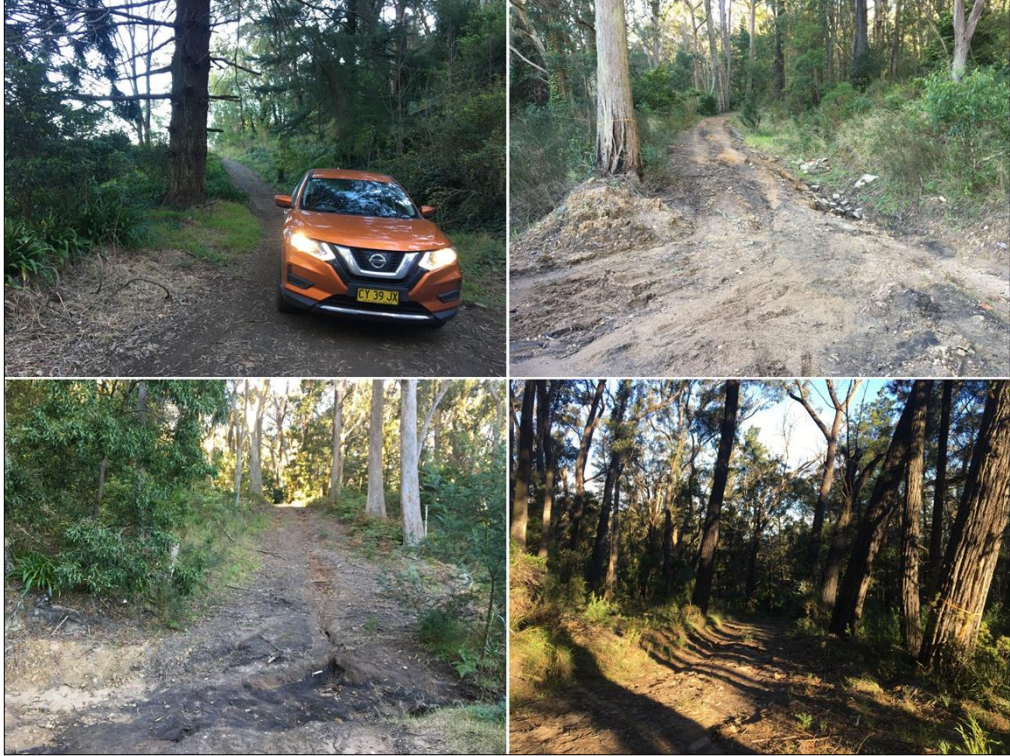
		<p><i>Landowner Groups before work can continue”.</i></p> <p>The application is also accompanied by a heritage impact statement that indicates:</p> <p><i>“No Aboriginal or historical archaeology was carried out on the site”.</i></p> <p>Whilst the information accompanying the application indicates there are no known Aboriginal sites or places on or near the land, no conclusive archaeological study has been carried out to confirm the land does not include any hitherto unknown archaeological site, Aboriginal object or Aboriginal place of heritage significance.</p> <p>Additionally, the application was referred to Council’s Heritage Advisor, who responded:</p> <p><i>“The impact statement is well presented and I am inclined to agree that in normal circumstances there is only a moderate impact on adjoining heritage items.</i></p> <p><i>“But the elephant in the room is the level of tree removal and the impact this will</i></p>	
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		<p><i>have on the appearance and character of this southern slope of the Mt Gibraltar area.</i></p> <p><i>“Gladstone Road which runs to the west contains several houses one block deep into the bush land. These appear to be well knitted into the landscape. But whether this is achievable on this deeper site is another matter.</i></p> <p><i>“I believe that it would be irresponsible to approve this subdivision that will result in substantial native vegetation clearance. If the proposal was a full development proposal i.e. including driveways, house plans, garage plans, detailed landscape plans, then the vegetation clearance and effects on the appearance and character of this southern slope of the Mt Gibraltar area would be able to be assessed.</i></p> <p><i>“As the application stands, I recommend withdrawal”.</i></p> <p>Noting the above, the</p>	
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		application and proposed development are considered unsatisfactory with respect to the heritage conservation objectives specified by clause 5.10 (1) of the LEP.	
Clause 5.16— Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	<p>Clause 5.16 (1), (2) (i), (3) (a) and (4) specifies:</p> <p>5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones</p> <p>(1) <i>The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or environment protection zones concerned (particularly between residential land uses and other rural land uses).</i></p> <p>(2) <i>This clause applies to land in the following zones—</i></p> <p>(i) <i>Zone E4 Environmental Living.</i></p> <p>(3) <i>A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes—</i></p> <p>(a) <i>subdivision of land proposed to be used</i></p>	<p>The land adjoins native bushland in all directions. Properties to the southwest, south and east include low density residential accommodation developments that are separated from the land by bushland. Adjoining land to the north is vacant bushland, and Council’s Mount Gibraltar Reserve adjoins the land’s western boundary.</p> <p>The proposed development may be unlikely to significantly impact on the locality’s preferred and predominant land uses. However, as the proposed development involves and may be expected to precipitate removal of considerable native vegetation that contributes to local fauna habitat and ecology as well as to the locality’s scenic and cultural amenity, it is considered incompatible with nearby existing and approved land uses</p>	Does not comply.

	<p><i>for the purposes of a dwelling,</i></p> <p><i>(4) The following matters are to be taken into account—</i></p> <p><i>(a) the existing uses and approved uses of land in the vicinity of the development,</i></p> <p><i>(b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,</i></p> <p><i>(c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),</i></p> <p><i>(d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).</i></p>	<p>including the Mount Gibraltar Reserve. Furthermore, the proposed development is not considered to incorporate sufficient measures to avoid or minimise that incompatibility. The proposed development is thus considered unsatisfactory with respect to clause 5.16 (4) (c) and (d), and in turn is considered contrary to the objective specified by clause 5.16 (1).</p>	
<p>Clause 7.3— Earthworks</p>	<p>Clause 7.3 (1) and (3) specifies as follows:</p> <p>7.3 Earthworks</p> <p><i>(1) The objectives of this clause are as follows—</i></p> <p><i>(a) to ensure that any earthworks will not have a detrimental impact on environmental functions and processes,</i></p>	<p>The statement of environmental effects accompanying the application indicates no earthworks are proposed. However, the land’s existing internal roads are narrow, unsealed, steep, prone to erosion and in poor condition (see Figure 4 and Attachment 4).</p>	<p>Does not comply.</p>

	<p><i>neighbouring uses or heritage items and features surrounding land,</i></p> <p><i>(b) to allow earthworks of a minor nature without separate development consent.</i></p> <p><i>(3) Before granting development consent for earthworks, the consent authority must consider the following matters—</i></p> <p><i>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</i></p> <p><i>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</i></p> <p><i>(c) the quality of the fill or of the soil to be excavated, or both,</i></p> <p><i>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</i></p> <p><i>(e) the source of any fill material or the destination of any excavated material,</i></p> <p><i>(f) the likelihood of disturbing Aboriginal objects or other relics,</i></p> <p><i>(g) proximity to and potential for adverse</i></p>	<p>It is expected that considerable earthworks will be necessary to make the existing internal roads trafficable for vehicle access to the proposed lots, not only for future residents' vehicles but also for construction, service and emergency vehicles.</p> <p>Given the above, Council cannot be satisfied that the proposed development is satisfactory with respect to the objectives and matters for consideration specified by clause 7.3 (1) and (3) of the LEP.</p>	
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	<p><i>impacts on any watercourse, drinking water catchment or environmentally sensitive area.</i></p>		
<div style="text-align: center;">  <p>Figure 4: Existing internal roads (see also Attachment 4).</p> </div>			
<p>Clause 7.5— Natural resources sensitivity— water</p>	<p>Clause 7.5 (1), (3) and (4) specifies as follows:</p> <p style="text-align: center;">7.5 Natural resources sensitivity—water</p> <p>(1) <i>The objective of this clause is to maintain the hydrological functions of riparian land waterways and aquifers, including—</i></p> <p style="padding-left: 40px;">(a) <i>protecting water quality, and</i></p>	<p>The land is bisected by riparian land (Category 3 - Bank Stability & Water Quality) identified by the LEP Natural Resources Sensitivity Map.</p> <p>The statement of environmental effects accompanying the application indicates the proposed development involves clearing of existing</p>	<p>Does not comply.</p>

	<p>(b) <i>protecting natural water flows, and</i></p> <p>(c) <i>protecting stability of the bed and banks of waterways, and</i></p> <p>(d) <i>protecting groundwater systems.</i></p> <p>(3) <i>Before granting development consent for development on land to which this clause applies, the consent authority must consider any potential adverse impact of the proposed development on the following—</i></p> <p>(a) <i>the natural flow regime,</i></p> <p>(b) <i>the water quality of receiving waters,</i></p> <p>(c) <i>the waterway’s natural flow paths,</i></p> <p>(d) <i>the stability of the waterway’s bed, shore and banks,</i></p> <p>(e) <i>the flow, capacity and quality of groundwater systems.</i></p> <p>(4) <i>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</i></p> <p>(a) <i>the development is designed, sited and managed to avoid any potential adverse environmental</i></p>	<p>vegetation within 40m of the existing watercourse traversing the land. It submits:</p> <p><i>“The proposed development will have no foreseeable detrimental effects on the existing drainage of the site. The watercourse will not be adversely impacted, with the existing riparian environment retained. This proposal is deemed consistent with the requirements of this clause of the WLEP 2010”.</i></p> <p>The statement of environmental effects fails to recognise the likely need for works to be carried out to widen the land’s existing internal roads and make them trafficable, including at the intersection of the internal roads with mapped riparian land. Council therefore cannot be satisfied by the application and its accompanying information that the proposed development is satisfactory with respect to the objective and matters for consideration specified by clause 7.5 (1), (3) and (4) of the LEP.</p>	
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	<p><i>impact, or</i></p> <p><i>(b) if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or</i></p> <p><i>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</i></p>		
<p>Clause 7.10— Public utility infrastructure</p>	<p>Clause 7.10 specifies:</p> <p>7.10 Public utility infrastructure</p> <p><i>(1) This clause applies to land in urban release areas and also to land in Zone RU4 Primary Production Small Lots, R2 Low Density Residential, R5 Large Lot Residential and E4 Environmental Living.</i></p> <p><i>(2) Development consent must not be granted for development on land to which this clause applies unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.</i></p> <p><i>(3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing</i></p>	<p>The LEP defines public utility infrastructure as follows:</p> <p>public utility infrastructure <i>includes infrastructure for any of the following—</i></p> <p><i>(a) the supply of water,</i></p> <p><i>(b) the supply of electricity,</i></p> <p><i>(c) the disposal and management of sewage.</i></p> <p>The statement of environmental effects accompanying the application indicates it is not proposed to provide reticulated water supply services to the proposed lots, and future development of the proposed lots will include domestic potable water storage</p>	<p>Does not comply</p>

	<p><i>any public utility infrastructure.</i></p>	<p>and supply. This is considered acceptable despite reticulated water supply services being available in the land's vicinity, as extension of reticulated water supply services to the proposed lots may be expected to necessitate undesirable disturbance of the land and removal of mature native vegetation.</p> <p>With respect to electricity supply infrastructure, the statement of environmental effects indicates:</p> <p><i>"Electricity infrastructure is connected to the development site, and will be augmented to connect to the created lots".</i></p> <p><i>"Connections to electricity and telecommunications will be made to the appropriate service provider with further details provided at CC Stage".</i></p> <p>The statement of environmental effects is incorrect in indicating a reticulated electricity service is already provided to the land. As discussed earlier, Endeavour</p>	
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		<p>Energy advises there is no existing electricity infrastructure on or connected to the land, and comments:</p> <p><i>“...the Statement of Environmental Effects does not appear to address in detail the suitability of the site for the development in regard to whether electricity services are available and adequate for the development”.</i></p> <p><i>“...the closest existing distribution substation is pole mounted substation no. 30809 located approximately 205 metres to the west on the opposite side of Gladstone Road. Whilst likely to have some spare capacity, it may not be sufficient to facilitate the proposed development...”</i></p> <p><i>“Accordingly an extension and/or augmentation of the existing local network may be required. However the extent of the works will not be determined until the final load assessment is completed”.</i></p> <p>Given the above, and the application’s</p>	
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		<p>reliance on electricity supply service provision being “made to the appropriate service provider with further details provided at [subdivision works certificate] Stage”, Council cannot be satisfied by the application and its accompanying information that electricity supply service infrastructure is available to the proposed development, or that adequate arrangements have been or can be made to make that infrastructure available when it is required. Clause 7.10 (2) of the LEP consequently specifies Council must not grant consent for the proposed development.</p> <p>With respect to sewage management and disposal, the statement of environmental effects accompanying the application indicates no reticulated sewerage service is provided to the land, and, “Onsite wastewater disposal is proposed for the future developments on the created lots”. The application was referred to Council’s</p>	
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		<p>Environmental Health Officer for review and comment regarding the land's suitability for proposed on site effluent management and disposal. The Environmental Protection Officer noted the application is not accompanied by:</p> <ul style="list-style-type: none">• A Wastewater Assessment Report undertaken in accordance with Water NSW's Current Recommended Practice 'Designing and Installing On-Site Wastewater Systems' 2019• Information indicating location of proposed effluent disposal areas at least 100m from the high water level of the intermittent watercourse traversing the land, i.e. 100m horizontal distance shown on proposed development drawings, following overland flowpaths of existing land contours• Details of exploration of effluent disposal options that provide a smaller	
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		<p>footprint to minimise disturbance to trees, subject to land slope and soil conditions (discussed in Water NSW's document entitled Developments in the Sydney Drinking Water Catchment – Water Quality Information Requirements)</p> <ul style="list-style-type: none"> • Drawings indicating the total available effluent disposal area and an example indicative location for disposal and a reserve area (indicative location should be pegged on-site) • Effluent disposal calculations reflecting potential connection of the proposed development to Council's reticulated water supply service • Acknowledgement that any proposed effluent disposal would be subject to obtaining approval for any proposed tree removal. <p>In the absence of the information listed above, Council cannot</p>	
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		<p>be satisfied by the application and its accompanying information that infrastructure for the disposal and management of sewage is available to the proposed development, or that adequate arrangements have been or can be made to make that infrastructure available when it is required.</p> <p>Consequently, clause 7.10 (2) of the LEP specifies Council must not grant consent for the proposed development.</p>	
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8. Development Control Plans and Policies

8.1. Wingecarribee Shire Rural Living Development Control Plan (the DCP)

The proposed development has been considered with regard to the DCP's relevant provisions, as detailed in the following table.

Part A—Managing our rural lands			
Section 3—Ecologically sustainable development			
Provision	Control	Discussion	Compliance
Section A3.2—Development in Sydney's drinking water catchments	<p>The objectives of section A3.2 are:</p> <p>(a) To ensure water catchments deliver high quality water while sustaining diverse and prosperous communities</p> <p>(b) To improve water quality in degraded areas where quality is not suitable for the relevant environmental values</p> <p>(c) To maintain or improve water quality where it is currently suitable for the relevant environmental values.</p> <p>In assessing whether a proposed development has a neutral or</p>	<p>As discussed earlier regarding State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, Council's Environmental Health Officer identified that the wastewater report accompanying the application does not meet the requirements of Water NSW's Current Recommended</p>	Does not comply.

	<p>beneficial effect on water quality, Council must be satisfied that:</p> <ul style="list-style-type: none"> (i) the development has no identifiable potential impact on water quality; or (ii) will contain any such impact on the site of the development and prevent it from reaching any watercourse, water body or drainage depression on the site; or (iii) will transfer any such impact outside the site by treatment in a facility to the required standard and disposal approved by the consent authority; and (iii) the development incorporates the SCA's current recommended practices (or equivalent standards and practices) which represent best industry or development practice in terms of maintaining water quality. 	<p>Practice 'Designing and Installing On-Site Wastewater Systems' 2019.</p> <p>Council requested the applicant provide additional information to address the Environmental Health Officer's concerns, but the applicant is taken to have notified Council that the requested additional information will not be provided, pursuant to clause 54 (6) of the Environmental Planning and Assessment Regulation 2000.</p> <p>Given the above, Council cannot be satisfied by the application and its accompanying information that the proposed development is satisfactory with respect to the objectives and controls specified by section A3.2 of the DCP.</p>	
<p>Section A3.3— Protection of watercourses and riparian lands</p>	<p>Refers to clause 7.5 of Wingecarribee Local Environmental Plan 2010, discussed earlier.</p>	<p>As discussed, Council cannot be satisfied by the application and its accompanying information that the proposed development is satisfactory with respect to the objective and matters for consideration specified by clause 7.5 (1), (3) and (4) of the</p>	<p>Does not comply.</p>

		Wingecarribee Local Environmental Plan 2010. The application is therefore considered unsatisfactory with respect to section A3.3 of the DCP.	
Section A3.6— Subdivision of land	Applicants are directed to the minimum lot size maps under Wingecarribee Local Environmental Plan 2010.	As discussed regarding clause 4.1 of Wingecarribee Local Environmental Plan 2010, the minimum size shown on the LEP Lot Size Map in relation to the land is 4.0ha. Proposed Lots 1, 2 and 3 are respectively 4.0ha, 4.07ha and 4.05ha in area. The proposed development thus satisfies clause 4.1, though it is noted that if the proposed development included dedication of public roads instead of private roads in rights of carriageway to give access to the proposed lots, it would be impossible for each of the proposed lots' areas to achieve at least 4.0ha.	Complies.
Section A3.7—Cut and fill	The objectives of section A3.7 are to: (a) Encourage stepping of buildings in response to existing topography (b) Minimise disturbance to existing landforms and soil profile (c) Minimise use of retaining walls.	As discussed, the statement of environmental effects accompanying the application indicates no earthworks are proposed. However,	Does not comply.

	<p>Where the cut and fill objectives cannot be met, the development must be stepped in order to accommodate the contours of the site.</p> <p>Any cut and fill required shall comply with the maximum controls set out in Clause 7.3 (Earthworks) of Wingecarribee Local Environmental Plan 2010.</p>	<p>it is expected that considerable earthworks will be necessary to make existing internal roads trafficable for vehicle access to the proposed lots.</p> <p>Council cannot be satisfied by the application and its accompanying information that the proposed development is satisfactory with respect to the objectives and controls specified by section A3.7 of the DCP.</p>	
Section 4—Vegetation management			
Provision	Control	Discussion	Compliance
<p>Section A4.5— Landform and vegetation modification</p>	<p>All new development shall:</p> <p>(a) seek to use the existing natural topography of the site.</p> <p>(b) not require the clearing of native vegetation or established cultural plantings if this results in an increase in the prominence or visibility of the building from a public place or Heritage Conservation Zone.</p> <p>(c) where cut and fill of the area of the building footprint is required, that a limit of 750mm cut and 750mm fill apply.</p>	<p>The proposed development involves and may be expected to precipitate removal of considerable areas of largely undisturbed mature native vegetation that contributes to local fauna habitat and ecology, as well as to the locality’s scenic amenity. The land is visually prominent, being 12.14ha in area and located on the lower southeastern slope of Mount Gibraltar. It adjoins and is visible from the Mount Gibraltar Trachyte Quarries Complex archaeological area, as well as from several</p>	<p>Does not comply.</p>

		kilometres to the southeast. The proposed development is therefore considered unsatisfactory with respect to the landform and vegetation modification objective specified by section A4.5.1 (b) of the DCP.	
Section A4.6— Earthworks	<p>Section A4.6.1 (d) specifies any excavation works must take into consideration:</p> <ul style="list-style-type: none"> (i) possible wildlife habitat, (ii) The need and purpose of the excavation (iii) The scenic impact (both on and off site) (iv) Erosion mitigation measures. 	<p>As discussed, Council cannot be satisfied by the application and its accompanying information that the proposed development is satisfactory with respect to the objectives and matters for consideration specified by clause 7.3 (1) and (3) of Wingecarribee Local Environmental Plan 2010 regarding earthworks. The application is therefore considered unsatisfactory with respect to the earth works controls specified by section A4.6.1 (d) of the DCP.</p>	Does not comply.
Section A4.7— Protection of Trees, Bushland and Vegetation during Construction and Development	<p>Sections A4.7.1 (a) and (b) and A4.7.2 (c) and (e) specify the following objectives and controls:</p> <p style="text-align: center;">A4.7.1 Objectives</p> <ul style="list-style-type: none"> (a) To ensure that any development is designed and sited to provide for the protection of Trees and Bushland through 	<p>The proposed development, including associated provision of trafficable vehicular access and public utility infrastructure such as electricity supply services, involves and may be expected to precipitate removal of substantial areas of</p>	Does not comply.

	<p>construction and development.</p> <p>(b) To ensure that development does not compromise the integrity and viability of existing native vegetation, flora and fauna habitat and riparian zones.</p> <p>A4.7.2 Controls</p> <p>(c) Best practice methodologies must be employed in the design and installation of any services to the site to ensure the long term viability of trees, vegetation and bush land. This needs to include no interruption to flow paths of surface water.</p> <p>(e) No clearing of vegetation on land with slopes of 18 degrees or greater.</p>	<p>largely undisturbed native vegetation – including riparian vegetation – that contribute to local fauna habitat and ecology as well as to the locality’s scenic amenity. Some areas of proposed and expected vegetation removal are considered likely to slope at greater than 18°. The proposed development is therefore considered unsatisfactory with respect to the objectives and controls specified by sections A4.7.1 (a) and (b) and A4.7.2 (c) and (e) of the DCP.</p>	
<p>Section A4.11— Preservation of trees and other vegetation</p>	<p>Sections A4.11.1 (a) and A4.11.7 (a), (c), (d), (e) and (l) (ii), (iii) and (iv) specify the following objective and assessment considerations:</p> <p>A4.11.1 Objectives</p> <p>The objectives of this Section of the Plan are to:</p> <p>(a) preserve the amenity, biodiversity and ecology of the Rural Living areas through the preservation of trees and other vegetation...</p> <p>A4.11.7 Assessment Considerations</p> <p>...Council’s considerations will include, but not be limited to, the following:</p> <p>(a) Whether the community</p>	<p>The proposed development, including associated provision of trafficable vehicular access and public utility infrastructure such as electricity supply services, involves and may be expected to precipitate removal of substantial areas of largely undisturbed native vegetation – including riparian vegetation – that contribute to local fauna habitat and ecology as well as to the locality’s scenic amenity. The proposed development is considered</p>	<p>Does not comply.</p>

	<p>interest has been taken into account. Priority for preservation will be given to trees which have significant amenity or aesthetic value, are noteworthy in the land or streetscape or from a botanical or heritage viewpoint.</p> <p>(c) Whether the enjoyment of neighbouring land will be detrimentally affected. If so, notice may have to be given to persons owning or occupying adjoining land.</p> <p>(d) Whether replacement planting is proposed. All Council approvals to remove trees or other vegetation shall contain appropriate requirements for offset planting to ensure no net loss of vegetation.</p> <p>(e) Implications for biodiversity. It will be essential to determine the conservation status of the tree/vegetation. Priority will be given to trees which are rare or endangered, are ecologically significant in the local or regional context, form part of a naturally occurring remnant, are self-sown from locally indigenous stock or provide habitat for wildlife. It may be necessary for a flora and fauna survey and assessment of ecological values to be carried out. If a survey and assessment have been done they should be reviewed to ensure that they have been adequately completed under appropriate seasonal conditions.</p> <p>(l) Whether adverse impacts of the proposal have been adequately identified and will be satisfactorily mitigated. Measures will need to address the following matters where appropriate:-</p> <p>(ii) Soil erosion or siltation.</p> <p>(iii) Protection of retained trees</p>	<p>unsatisfactory with respect to the objective and assessment considerations for preservation of trees and other vegetation specified by sections A4.11.1 (a) and A4.11.7 (a), (c), (d), (e) and (l) (ii), (iii) and (iv) of the DCP.</p>	
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	and vegetation. (iv) Protection of affected wildlife.		
Section 5—Water management			
Provision	Control	Discussion	Compliance
Section A5.2— Development within Sydney’s drinking water catchments	<p>The objectives of section A5.2 are:</p> <p>(a) To ensure water catchments deliver high quality water while sustaining diverse and prosperous communities</p> <p>(b) To improve water quality in degraded areas where quality is not suitable for the relevant environmental values</p> <p>(c) To maintain or improve water quality where it is currently suitable for the relevant environmental values.</p> <p>Council cannot grant consent for proposed development unless satisfied it will have a neutral or beneficial effect on water quality. Council must be satisfied that:</p> <p>(i) the development has no identifiable potential impact on water quality; or</p> <p>(ii) will contain any such impact on the site of the development and prevent it from reaching any watercourse, water body or drainage depression on the site; or</p> <p>(iii) will transfer any such impact outside the site by treatment in a facility to the required standard and disposal approved by the consent authority; and</p> <p>(iv) the development incorporates the SCA’s current recommended practices (or equivalent standards and practices) which represent best industry or development practice in terms of maintaining water quality.</p>	<p>Council’s Environmental Health Officer identified that the wastewater report accompanying the application does not meet the requirements of Water NSW’s Current Recommended Practice ‘Designing and Installing On-Site Wastewater Systems’ 2019.</p> <p>Council requested the applicant provide additional information to address the Environmental Health Officer’s concerns, but the applicant is taken to have notified Council that the requested additional information will not be provided, pursuant to clause 54 (6) of the Environmental Planning and Assessment Regulation 2000.</p> <p>Given the above, Council cannot be satisfied by the application and its accompanying information that the proposed development is satisfactory with respect to the objectives and controls specified by</p>	Does not comply.

		section A5.2 of the DCP.	
Section A5.3—Water sensitive design	Development should not occur within riparian buffer zones outlined in Wingecarribee Shire Council Local Environment Plan 2010 (Clause 7.5 Natural Resource Sensitivity – Water and related maps) and vegetation within the riparian buffer distances is to be maintained and intact.	The proposed development, including associated works for provision of trafficable vehicle access and public utility infrastructure such as electricity supply services, is expected to involve and precipitate disturbance of mapped riparian land and removal of riparian vegetation. The proposed development is therefore considered unsatisfactory with respect to section A5.3.3.	Does not comply.
Section A5.3—Water sensitive design	Water sensitive design objective 2 of the DCP, specified by section A5.3.3, is “Protection of natural ecosystems and waterways”. The objective is underpinned by the following control, also specified by section A5.3.3: <i>Development should not occur within riparian buffer zones outlined in Wingecarribee Shire Council Local Environment Plan 2010 (Clause 7.5 Natural Resource Sensitivity – Water and related maps) and vegetation within the riparian buffer distances is to be maintained and intact.</i>	The proposed development, including associated works for provision of trafficable vehicle access and public utility infrastructure such as electricity supply services, is expected to involve and precipitate disturbance of mapped riparian land and removal of riparian vegetation. The proposed development is therefore considered unsatisfactory with respect to the specified control underpinning objective 2 in section A5.3.3.	Does not comply.
Section	On-site Waste Water Disposal Plans	None of the proposed	Does not

<p>A5.4—On-site Waste Water Disposal (OSWD) systems</p>	<p>and their specified systems on unsewered land must meet or exceed the Neutral or Beneficial Effect (NorBE) test and the water quality objectives contained in State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011.</p>	<p>lots is connected to Council’s reticulated sewerage service.</p> <p>The application is not accompanied by:</p> <ul style="list-style-type: none"> • A Wastewater Assessment Report undertaken in accordance with Water NSW’s Current Recommended Practice ‘Designing and Installing On-Site Wastewater Systems’ 2019 • Information indicating locations of proposed effluent disposal areas at least 100m from the high water level of the intermittent watercourse traversing the land, i.e. 100m horizontal distance shown on proposed development drawings, following overland flowpaths of existing land contours • Details of exploration of effluent disposal options that provide a smaller footprint to minimise disturbance to trees, subject to 	<p>comply.</p>
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		<p>land slope and soil conditions (discussed in Water NSW's document entitled Developments in the Sydney Drinking Water Catchment – Water Quality Information Requirements)</p> <ul style="list-style-type: none"> • Drawings indicating the total available effluent disposal area and an example indicative location for disposal and a reserve area (indicative location should be pegged on-site) • Effluent disposal calculations reflecting potential connection of the proposed development to Council's reticulated water supply service • Acknowledgement that any proposed effluent disposal would be subject to obtaining approval for any proposed tree removal. <p>Council requested the applicant provide additional information to address the above omissions, but takes the applicant to have</p>	
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		<p>notified Council that the requested additional information will not be provided.</p> <p>Given the above, Council cannot be satisfied that the proposed development satisfies section A5.4 of the DCP.</p>	
<p>Section A5.5— Stormwater management plans</p>	<p>Stormwater Management Plan report required for development that will result in:</p> <p>(a) An increase in the impervious area of the site, or</p> <p>(b) A change in the direction of overland flow.</p> <p>The Stormwater Management Plan is to demonstrate that ‘post development’ overland water flows will not exceed ‘pre-development’ flows in terms of:</p> <p>(a) Volume,</p> <p>(b) Quality (including nutrient content)</p> <p>(c) Direction</p> <p>The Stormwater Management Plan must be prepared in accordance with Council’s Engineering Design and Construction Specifications.</p>	<p>The proposed development includes construction of private roads, which is considered likely to increase the land’s impervious area. However, the application is not accompanied by a stormwater management plan.</p> <p>The application was referred to Council’s Development Engineer who, despite the above, raises no objection to the proposed development subject to recommended conditions of consent detailing stormwater drainage requirements.</p>	<p>Does not comply.</p>
<p>Section A5.6—Erosion and sediment control plans</p>	<p>Where building or earthworks are proposed, Council may request an Erosion and Sediment Control Plan, which must be prepared in accordance with Council’s Engineering Design and Construction Specifications.</p>	<p>The statement of environmental effects accompanying the application indicates:</p> <p><i>“There is no construction or earthworks proposed. Sediment and erosion controls can be conditioned with the consent if</i></p>	<p>Complies.</p>

		<p><i>deemed necessary.”</i></p> <p>The proposed development includes construction of private access roads and is expected to precipitate earthworks associated with provision of public utility services such as electricity supply infrastructure. The land is susceptible to erosion and is traversed by a watercourse.</p> <p>Conditions of consent (if granted) could specify no subdivision works certificate shall be granted for any subdivision work in the development unless an erosion and sediment control plan has been submitted to and approved by Council.</p>	
<p>Section A5.7— Protection of Watercourses, Water bodies and Riparian Lands</p>	<p>Sections A5.7.5 and A5.7.6 (f) specify the following objectives and controls:</p> <p>A5.7.5 Objectives</p> <p>The purpose of providing controls for the protection of watercourses, waterbodies and riparian lands is to:</p> <p>(a) ensure that proposed development in or adjoining natural water bodies and riparian land takes into account impacts on the environment including natural water bodies, riparian lands and all associated habitats.</p> <p>(b) protect and enhance water quality and aquatic ecosystems, including natural wetlands maintain and, where possible, enhance the ecological and water quality functions of riparian</p>	<p>The statement of environmental effects accompanying the application indicates the proposed development involves clearing of existing vegetation within 40m of the existing watercourse traversing the land, but fails to recognise the likely need for works to be carried out to widen the land’s existing internal roads and make them trafficable, including at the intersection of the internal roads</p>	<p>Does not comply.</p>

	<p>vegetation (both instream and beside stream)</p> <p>(c) protect, restore and maintain ecological processes, natural systems and biodiversity within wetlands and waterways.</p> <p>(d) provide stream bed and bank stability, protect water quality, maintain viability of riparian vegetation and provide continuity and connectivity for riparian habitat (both instream and beside stream)</p> <p>(e) maintain the relative stability of the bed and banks of natural water bodies and riparian land; to minimise sedimentation and pollution of wetlands and waterways and riparian lands.</p> <p>(f) protect the scenic and cultural heritage values of natural water bodies and riparian land, to restore degraded wetlands, wetland buffer areas, waterways and riparian zones.</p> <p>A5.7.6 Controls</p> <p>In meeting the above objectives, Council requires applicants to comply with the following controls.</p> <p>(f) As a part of a land use application for land adjoining or in close proximity to known riparian land, a system of replanting and/or revegetation with native species endemic to the region is to be undertaken in consultation with relevant Council staff.</p>	<p>with mapped riparian land. Consequently, the application is considered unsatisfactory with respect to the objectives and control specified by sections A5.7.5 and A5.7.6 (f) of the DCP.</p>	
Section 6—Additional controls			
Provision	Control	Discussion	Compliance
Section A6.2— Bushfire prone land	<p>All rural development must comply with the requirements of the Building Code of Australia and associated Australian Standards.</p> <p>Council may consult with the NSW Rural Fire Service to determine</p>	<p>The proposed development is integrated development requiring NSW Rural Fire Service (RFS)</p>	<p>Does not comply.</p>

	<p>bushfire safety requirements. In some instances a bush fire safety analysis may be required to be prepared by a suitable qualified person, and submitted with the land use application.</p> <p>Compliance is required with the most recent version of the document Planning for Bushfire Protection produced by the NSW Rural Fire Service.</p>	<p>authorisation under section 100B of Rural Fires Act 1997 in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes. Accordingly, Council requested the RFS advise the general terms of any approval it might grant in relation to the development.</p> <p>The RFS' response identified various inadequacies in the proposed development and the information accompanying the application. The RFS indicated, "An updated bush fire report addressing the above concerns along with an updated subdivision plan must be provided for further assessment of the proposal".</p> <p>Council took the RFS to have informed Council that it would not grant its approval to the development as proposed, and noting the Environmental Planning and Assessment Act 1979 and subordinate legislation do not provide for a consent authority to request or require amendment of a development</p>	
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		<p>application (as opposed to requesting additional information to inform assessment), Council did not make any such request.</p> <p>The RFS subsequently confirmed it cannot support the proposed development.</p> <p>Noting the above, the proposed development is considered unsatisfactory with respect to the matters specified by section A6.2 of the DCP.</p>	
<p>Section A6.11— Construction of private roads</p>	<p>“All road construction should aim to obtain the most environmentally sustainable option”.</p>	<p>The statement of environmental effects accompanying the application indicates:</p> <p><i>“The subdivision does not require the addition of any new roads as the existing fire trail network will be used for arterial access”.</i></p> <p><i>“The subject site is identified as bushfire prone land and as such a Bushfire Assessment Report has been prepared by SET Consultants and submitted as part of this application. The following section has been extracted from the Recommendation and Conclusion sections of the Bushfire Assessment Report:</i></p> <ul style="list-style-type: none"> • <i>“...Property</i> 	<p>Does not comply.</p>

		<p><i>access roads shall be upgraded/constructed to comply with the following requirements:</i></p> <ul style="list-style-type: none"> ○ <i>“a minimum carriageway width of four metres; o a minimum vertical clearance of four metres to any overhanging obstructions, including tree branches;</i> ○ <i>“internal roads for rural properties provide a loop road around any dwelling or incorporate a turning circle with a minimum 12 metre outer radius;</i> ○ <i>“curves have a minimum inner radius of six metres and are minimal in number to allow for rapid access and egress; o the minimum distance between inner and outer curves is six metres.</i> ○ <i>“the crossfall is not more than 10 degrees; and</i> ○ <i>“maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads”.</i> <p><i>“The proposed subdivision will utilise the existing access tracks currently established onsite.</i></p>	
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		<p><i>The existing tracks will be upgraded where required to ensure compliance. Using the existing tracks will reduce the impact of the development on the natural environment”.</i></p> <p>The carrying out of works to provide adequate access to the proposed lots – including emergency services vehicle access – is expected to necessitate disturbance and removal of substantial areas of land and mature native vegetation, including riparian land and riparian vegetation, that contribute to local fauna habitat and ecology as well as to the locality’s scenic amenity. The proposed development is considered unsatisfactory with respect to the provision of section A6.11 of the DCP that all road construction should aim to obtain the most environmentally sustainable option.</p>	
Section 8—Heritage and landscape conservation			
Provision	Control	Discussion	Compliance
Section A8.2—General objectives	Section A8.2 (a), (c) and (e) of the DCP specifies the following objectives for heritage and landscape conservation:	The land adjoins the State significant “Mount Gibraltar and Trachyte Quarries	Does not comply.

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	<p>(a) Preserve and protect buildings, areas and vistas of heritage and cultural value.</p> <p>(c) To encourage increased community awareness of the intrinsic heritage, visual and environmental qualities of the heritage and landscape conservation areas within the rural zones and the need for conservation measures. In particular, the need to ensure that owners are aware of the responsibilities associated with the ownership and maintenance of heritage listed properties.</p> <p>(e) Ensure that redevelopment within or immediately adjacent to conservation areas reflects the high heritage value and visual setting of the area and contributes to that value.</p>	<p>Complex” archaeological sites as well as the locally significant “Rift” house and garden heritage item at 12 Carlisle Street.</p> <p>The proposed development involves and may be expected to precipitate removal of substantial native vegetation that contributes to local fauna habitat and ecology as well as to the locality’s scenic and cultural values. It may also be expected to involve and precipitate extensive disturbance of the land, which has remained essentially undeveloped since European settlement.</p> <p>Council’s Heritage Advisor does not support the proposed development given “the level of tree removal and the impact this will have on the appearance and character of this southern slope of the Mt Gibraltar area”.</p> <p>Noting the above, the application and proposed development are considered unsatisfactory with respect to the general objectives specified by section A8.2 (a), (c) and (e) of the DCP.</p>	
Section	Section A8.4.1 and A8.4.2 (b) and (d)	The proposed	Does not

<p>A8.4— Development in the vicinity of Heritage Items</p>	<p>specify the following objective and controls for development near heritage items:</p> <p>A8.4.1 Objective</p> <p><i>To retain heritage values of listed heritage items and draft heritage items by ensuring that development in the vicinity is sympathetic with the heritage values of individual items and to any applicable heritage conservation area.</i></p> <p>A8.4.2 Controls</p> <p>(b) <i>Development applications adjoining or in the vicinity of a property on the NSW State Heritage Register or National Heritage Register shall be referred to the NSW Heritage Council for comment prior to lodgement of the development application. Details of any comments provided shall be included in the statement of environmental effects submitted with the development application to Council.</i></p> <p>(d) <i>Development applications on properties in the vicinity of any heritage listed item or draft heritage item, including within sight of and adjacent to any heritage item or draft heritage item, should be referred to Council's Heritage Adviser for comment. Note: Development applications adjoining or in the vicinity of a property on the NSW State Heritage Register or National Heritage Register items should be referred to the NSW Heritage Council for comment prior to lodgement of the Development Application.</i></p>	<p>development includes, and may be expected to precipitate, disturbance of land and removal of significant areas of mature native vegetation that have remained substantially undisturbed since European settlement and contribute to local fauna habitat and ecology as well as to the locality's scenic and cultural values. It is considered unsympathetic to adjoining archaeological sites of State significance as well as adjoining locally significant heritage items, and there is no evidence accompanying the application that any State authority was consulted regarding the proposed development's impact on the State significant Mount Gibraltar and Trachyte Quarries Complex before the application was made.</p> <p>Noting the above, the application is considered unsatisfactory with respect to the objective and controls specified by section A8.4.1 and A8.4.2 (b) and (d) of the DCP.</p>	<p>comply.</p>
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9. Environmental Assessment

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The site has been inspected (15 July 2021) and the application has been assessed having regard to Section 4.15 (1) of the Environmental Planning and Assessment Act, 1979.

Section 4.15 'Matters for Consideration	Comments
Section 4.15 (1)(a)(i) – The provisions of any environmental planning instrument that apply to the land.	See discussion in section 7 and key issues below.
Section 4.15 (1)(a)(ii) – The provisions of any proposed instrument that apply to the land.	No proposed instrument is specifically applicable to the land.
Section 4.15 (1)(a)(iii) – The provisions of any development control plan that apply to the land.	See discussion in section 8 and key issues below.
Section 4.15 (1)(a)(iiia) – The provisions of any planning agreement or draft planning agreement that has been entered into or offered that apply to the land.	No planning agreement or draft planning agreement has been entered into or offered regarding the land.
Section 4.15 (1)(a)(iv) – The provisions of the regulations (to the extent that they prescribe matters for the purposes of section 4.15) that apply to the land.	No provisions of Division 8 of Part 6 of the Environmental Planning and Assessment Regulation 2000 are relevant to the proposed development.
Section 4.15 (1)(b) – The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.	<p>The proposed development includes and may be expected to precipitate considerable removal of vegetation that significantly contributes to local fauna habitat and ecology as well as to the locality's scenic and cultural amenity.</p> <p>Additionally, the statement of environmental effects accompanying the application incorrectly indicates a reticulated electricity service is already provided to the land. Endeavour Energy has confirmed there is no existing electricity infrastructure on or connected to the land, and does not consider the statement of environmental effects to satisfactorily address the suitability of the site for the development in regard to whether electricity services are available and adequate for the development.</p> <p>Furthermore, information accompanying the application does not demonstrate that infrastructure for the disposal and management of sewage is available to the proposed development, or that adequate arrangements have been or can be made to make that infrastructure available when it is required.</p> <p>The land adjoins the State significant "Mount Gibraltar and Trachyte Quarries Complex" archaeological sites, located</p>

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Section 4.15 'Matters for Consideration	Comments
	<p>immediately to the west. It also adjoins the locally significant "Rift" house and garden heritage item at 12 Carlisle Street, immediately to the south.</p> <p>Information accompanying the application indicates there are no known Aboriginal sites or places on or near the land, but does not address the question of whether the land includes any hitherto unknown archaeological site, Aboriginal object or Aboriginal place of heritage significance. Additionally, Council's Heritage Advisor opposes the proposed development's "level of tree removal and the impact this will have on the appearance and character of this southern slope of the Mt Gibraltar area".</p> <p>The proposed development is integrated development requiring RFS authorisation under section 100B of Rural Fires Act 1997. The RFS effectively responded that it will not grant its bush fire safety authority to the development as proposed.</p> <p>Given the above, the proposed development is expected to have significant negative environmental and social impacts with respect to:</p> <ul style="list-style-type: none"> • Context and setting • Utilities • Heritage • Flora and fauna • Natural hazards.
<p>Section 4.15 (1)(c) – The suitability of the site for the development.</p>	<p>The land and its immediate locality are characterised by large areas of substantially undisturbed mature native vegetation, including the Mount Gibraltar Reserve immediately to the land's west. The proposed development includes and may be expected to precipitate removal of significant areas of mature native vegetation that contribute to local fauna habitat and ecology as well as to the locality's scenic and cultural amenity. It is therefore considered incompatible with the locality's existing and desired character and amenity.</p> <p>The land is bush fire prone land and the RFS has effectively expressed its opposition to the development as proposed.</p> <p>The land is almost entirely occupied by mature native vegetation that contributes to local fauna habitat and ecology as well as to the locality's scenic and cultural amenity. It has remained substantially undisturbed since European settlement. The proposed development</p>

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Section 4.15 'Matters for Consideration	Comments
	<p>necessarily involves and may be expected to precipitate removal of significant areas of vegetation and disturbance of significant areas of the land.</p> <p>The land's attributes are considered to render it unsuitable for the proposed development.</p>
Section 4.15 (1)(d) – Any submissions made in accordance with the Act or Regulation.	See discussion in section 6.
Section 4.15 (1)(e) – The public interest.	There is not considered to be any overriding public interest in support of granting consent for the proposed development.

10. Discussion of Key issues.

The proposed development involves and is considered likely to necessitate and/or precipitate earthworks and extensive removal of vegetation, which are expected to compromise local ecology as well as the scenic, cultural heritage and social amenity of the locality.

The information accompanying the application indicates the land includes core koala habitat, and the proposed development is considered likely to significantly compromise that habitat.

The land is bush fire prone land, and the NSW Rural Fire Service has confirmed it cannot support the proposed development.

Council cannot be satisfied by the application and its accompanying information that the proposed development will not have or precipitate significant negative impacts on water quality in the Sydney drinking water catchment.

Council cannot be satisfied by the application and its accompanying information that satisfactory essential public utility infrastructure – particularly infrastructure for the supply of electricity to the proposed lots – is available or that adequate arrangements have been made to make it available.

Council requested the applicant provide additional information to address various matters; the applicant failed to provide any of the requested information by the end of the extended period specified by Council, so Council has taken the applicant to have notified Council that the requested additional information will not be provided.

Council has notified the applicant and their consultant of the likelihood that the application will be determined by refusal of consent, and has suggested the applicant withdraw the application prior to its determination. Council has not received any request from the applicant for withdrawal of the application.

11. Conclusion

The application has been considered with regard to section 4.15 (1) of the Environmental Planning and Assessment Act 1979, and is considered unsatisfactory with respect to the matters specified section 4.15 (1) (a) (i) & (iii), (b), (c), (d) and (e):

4.15 Evaluation

(1) **Matters for consideration—general** In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—

(a) the provisions of—

(i) any environmental planning instrument, and

(iii) any development control plan...

that apply to the land to which the development application relates,

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

Further, the proposed development is integrated development requiring authorisation under section 100B of the Rural Fires Act 1997 in respect of bush fire safety of subdivision of land that could lawfully be used for residential, and the NSW Rural Fire Service has confirmed it cannot grant its approval for the proposed development. Consequently, section 4.47 (4) of the Environmental Planning and Assessment Act 1979 specifies Council must refuse consent to the application.

Noting the above, it is recommended that the Wingecarribee Local Planning Panel determines the application by refusing consent for the reasons specified in **Attachment 1**.

ATTACHMENTS

1. 21-2058 Att 1 Draft reasons for refusal [6.2.1 - 15 pages]
2. 21-2058 Att 2 Locality Map [6.2.2 - 1 page]
3. 21-2058 Att 3 Aerial Image [6.2.3 - 1 page]
4. 21-2058 Att 4 Site Inspection Photos [6.2.4 - 14 pages]
5. 21-2058 Att 5 Extract from Proposed Development Drawings [6.2.5 - 1 page]
6. 21-2058 Att 6 Background Correspondence [6.2.6 - 13 pages]
7. CONFIDENTIAL REDACTED - 21-2058 Att 7 Submissions [6.2.7 - 1220 pages]

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**DEVELOPMENT APPLICATION 21/2058
DRAFT REASONS FOR REFUSAL**

1. Public utility infrastructure: Electricity supply

The land is entirely burdened by a restriction as to user under section 88B of the Conveyancing Act 1919, specifying no development shall be carried out on the land without prior written consent of Illawarra Electricity. Council therefore notified the electricity supply authority, Endeavour Energy, of the proposed development.

Endeavour Energy advises there is no existing electricity infrastructure on or connected to the land, and that the statement of environmental effects accompanying the development application does not address in detail the suitability of the site for the development with respect to whether electricity services are available and adequate for the proposed development.

Consequently:

- a. Council considers the proposed development unsatisfactory with respect to clause 45 (2) of State Environmental Planning Policy (Infrastructure) 2011:

45 Determination of development applications—other development

(2) *Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must—*

- (a) *give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and*
- (b) *take into consideration any response to the notice that is received within 21 days after the notice is given.*

- b. Council considers the proposed development unsatisfactory with respect to clause 7.10 (2) of Wingecarribee Local Environmental Plan 2010:

7.10 Public utility infrastructure

(2) *Development consent must not be granted for development on land to which this clause applies unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.*

- c. Council considers the proposed development may have significant negative environmental impacts in the locality with particular regard to utility services.
- d. Council is not satisfied by the application and its accompanying information that the land is suitable for the proposed development.
- e. Council is not satisfied by the application and its accompanying information that the proposed development is in the public interest.

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2. Koala habitat impact

The Arboricultural Impact Assessment Report (AIA) accompanying the application indicates the proposed removal of 78 trees of koala use species identified by State Environmental Planning Policy (Koala Habitat Protection) 2021 in the Wingecarribee local government area, as well as 70 trees of koala use species identified by the Policy in other koala management areas. The AIA does not discuss additional tree removal that might be necessitated by or result from works associated with the proposed development, such as internal road construction and provision of electricity supply services.

The Biodiversity Development Assessment Report accompanying the application refers to a koala assessment report confirming the land is core koala habitat, but the application is not accompanied by a koala assessment report.

The proposed development thus involves removal of considerable core koala habitat and may be expected to involve or precipitate more core koala habitat removal than indicated by the application and its accompanying information.

Consequently:

- a. Council considers the application contrary to the aim specified by clause 3 of State Environmental Planning Policy (Koala Habitat Protection) 2021:

3 Aim of Policy

This Policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

- b. Clause 11 of State Environmental Planning Policy (Koala Habitat Protection) 2021 does not permit Council to determine the application by granting consent:

11 Development assessment process—no approved koala plan of management for land

- (1) *This clause applies to land to which this Policy applies if the land—*
 - (a) *has an area of at least 1 hectare (including adjoining land within the same ownership), and*
 - (b) *does not have an approved koala plan of management applying to the land.*
- (2) *Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess whether the development is likely to have any impact on koalas or koala habitat.*
- (3) *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.*
- (4) *If the council is satisfied that the development is likely to have a higher level of impact on koalas or koala habitat, the council*

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must, in deciding whether to grant consent to the development application, take into account a koala assessment report for the development.

(5) *However, despite subclauses (3) and (4), the council may grant development consent if the applicant provides to the council—*

(a) *information, prepared by a suitably qualified and experienced person, the council is satisfied demonstrates that the land subject of the development application—*

(i) *does not include any trees belonging to the koala use tree species listed in Schedule 2 for the relevant koala management area, or*

(ii) *is not core koala habitat, or*

(b) *information the council is satisfied demonstrates that the land subject of the development application—*

(i) *does not include any trees with a diameter at breast height over bark of more than 10 centimetres, or*

(ii) *includes only horticultural or agricultural plantations.*

(6) *In this clause—*

***koala assessment report**, for development, means a report prepared by a suitably qualified and experienced person about the likely and potential impacts of the development on koalas or koala habitat and the proposed management of those impacts.*

c. Council considers the proposed development likely to have significant negative environmental impacts with particular respect to flora and fauna.

d. Council considers the land unsuitable for the proposed development.

3. Public utility infrastructure: sewage management

The proposed lots are not connected to any reticulated sewerage service, and Council is not satisfied by the application and its accompanying information that the proposed development incorporates Water NSW's current recommended practices and standards, nor that the carrying out of the proposed development would have a neutral or beneficial effect on water quality.

Consequently:

a. Council is not satisfied that the proposed development is consistent with the aims specified by clause 3 of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011:

3 Aims of Policy

The aims of this Policy are:

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- (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.*

- b. Council considers the proposed development contrary to clause 9 (1) and (2) of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011:

9 Recommended practices and performance standards of Water NSW

- (1) *Any development or activity proposed to be carried out on land to which this Policy applies should incorporate Water NSW's current recommended practices and standards.*
- (2) *If any development or activity does not incorporate Water NSW'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 Water NSW's current recommended practices and standards.*

- c. Clause 10 (1) of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 specifies Council must not grant consent for the proposed development:

10 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.*

- d. Council is not satisfied by the application and its accompanying information that the proposed development is satisfactory with respect to the objective and matters specified by clause 7.5 (1) and (4) of Wingecarribee Local Environmental Plan 2010:

7.5 Natural resources sensitivity—water

- (1) *The objective of this clause is to maintain the hydrological functions of riparian land waterways and aquifers, including—*
 - (a) *protecting water quality, and*
 - (b) *protecting natural water flows, and*

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- (c) *protecting stability of the bed and banks of waterways, and*
 - (d) *protecting groundwater systems.*
 - (4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—*
 - (a) *the development is designed, sited and managed to avoid any potential adverse environmental impact, or*
 - (b) *if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*
 - e. Council considers the proposed development unsatisfactory with respect to clause 7.10 (2) of Wingecarribee Local Environmental Plan 2010:

7.10 Public utility infrastructure

- (2) *Development consent must not be granted for development on land to which this clause applies unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.*
 - f. Council considers the application unsatisfactory with respect to the objectives and controls specified by sections A3.2 and A5.2 of the Wingecarribee Rural Living Development Control Plan regarding development in Sydney's drinking water catchments.
 - g. Council considers the application unsatisfactory with respect to the provisions of section A5.4 of the Wingecarribee Rural Living Development Control Plan regarding on-site waste water disposal systems.
 - h. Council is not satisfied by the application and its accompanying information that the land is suitable for the proposed development.
 - i. Council is not satisfied by the application and its accompanying information that the proposed development is in the public interest.

4. Vegetation removal

The proposed development involves, and Council considers the proposed development likely to precipitate, removal of substantial mature native vegetation, including riparian vegetation, that contributes to local fauna habitat, ecology and biodiversity as well as the locality's scenic, cultural heritage and social amenity.

Consequently:

- a. Council considers the proposed development likely to compromise the biodiversity values of trees and other vegetation on the land and in the locality, and likely to jeopardise the

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locality's amenity, contrary to the aims specified by clause 3 of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017:

3 Aims of Policy

The aims of this Policy are—

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

- b. Council considers the proposed development contrary to the particular aims specified by clause 1.2 (2) (a), (c), (d), (f), (j)-(l) and (p) of Wingecarribee Local Environmental Plan 2010:

1.2 Aims of Plan

(2) The particular aims of this Plan are as follows—

- (a) to conserve and enhance, for current and future generations, the ecological integrity, environmental heritage and environmental significance of Wingecarribee,*
- (c) to encourage the efficient use and development of urban land, minimising the spread of urban areas into rural and native vegetation environments, thereby increasing the accessibility of the population to urban facilities and services,*
- (d) to provide opportunities for development and land use activities that—*
 - (i) make an effective contribution towards the economic wellbeing of the community in a socially and environmentally responsible manner, and*
 - (ii) do not adversely impact on natural systems and processes and the overall quality of Wingecarribee's natural environment, and*
 - (iii) retain the critical natural, rural and built environmental landscape elements that make up the scenic and cultural heritage value of Wingecarribee,*
- (f) to provide for a range of living opportunities that address differing lifestyle needs without compromising the environmental quality of Wingecarribee, and the value of its natural resources such as water, biodiversity and agricultural land,*
- (j) to conserve the Aboriginal and European cultural and environmental heritage of Wingecarribee,*

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- (k) *to protect areas of high scenic landscape value,*
 - (l) *to develop an ecologically sustainable future for Wingecarribee through the conservation, rehabilitation and regeneration of native vegetation (particularly threatened species populations and ecological communities), soil, waterways, riparian land and water quality (surface and groundwater),*
 - (p) *to protect and enhance waterways, riparian land and water quality in the drinking water catchments of Wingecarribee.*
- c. Council considers the proposed development contrary to the following aims of Zone C4 Environmental Living specified by the Land Use Table at the end of Part 2 of Wingecarribee Local Environmental Plan 2010:
 - *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
 - *To ensure that residential development does not have an adverse effect on those values.*
 - *To encourage the retention of the remaining evidence of significant historic and social values expressed in existing landscape and land use patterns.*
 - *To manage land in a way that minimises impact on its environmental and scenic value from adjacent and nearby development and land use activity.*
- d. Council considers the proposed development contrary to the heritage conservation objectives specified by clause 5.10 (1) of Wingecarribee Local Environmental Plan 2010:

5.10 Heritage conservation

- (1) **Objectives** *The objectives of this clause are as follows—*
 - (a) *to conserve the environmental heritage of Wingecarribee,*
 - (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
 - (c) *to conserve archaeological sites,*
 - (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*
- e. Council considers the proposed development unsatisfactory with respect to the objective and matters for consideration specified by clause 5.16 (1) and (4) of Wingecarribee Local Environmental Plan 2010:

5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones

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- (1) *The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or conservation zones concerned (particularly between residential land uses and other rural land uses).*
 - (4) *The following matters are to be taken into account—*
 - (a) *the existing uses and approved uses of land in the vicinity of the development,*
 - (b) *whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,*
 - (c) *whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),*
 - (d) *any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).*
- f. Council is not satisfied by the application and its accompanying information that the proposed development is satisfactory with respect to the objective and matters for consideration specified by clause 7.5 (1), (3) and (4) of Wingecarribee Local Environmental Plan 2010:

7.5 Natural resources sensitivity—water

- (1) *The objective of this clause is to maintain the hydrological functions of riparian land waterways and aquifers, including—*
 - (a) *protecting water quality, and*
 - (b) *protecting natural water flows, and*
 - (c) *protecting stability of the bed and banks of waterways, and*
 - (d) *protecting groundwater systems.*
- (3) *Before granting development consent for development on land to which this clause applies, the consent authority must consider any potential adverse impact of the proposed development on the following—*
 - (a) *the natural flow regime,*
 - (b) *the water quality of receiving waters,*
 - (c) *the waterway's natural flow paths,*
 - (d) *the stability of the waterway's bed, shore and banks,*
 - (e) *the flow, capacity and quality of groundwater systems.*

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- (4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—*
- (a) *the development is designed, sited and managed to avoid any potential adverse environmental impact, or*
 - (b) *if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*
- g. Council considers the application unsatisfactory with respect to section A3.3 of the Wingecarribee Rural Living Development Control Plan regarding protection of watercourses and riparian lands.
- h. Council considers the proposed development contrary to the objective for landform and vegetation modification specified by section A4.5.1 (b) of the Wingecarribee Rural Living Development Control Plan:

All new development shall:

- (b) *not require the clearing of native vegetation or established cultural plantings if this results in an increase in the prominence or visibility of the building from a public place or Heritage Conservation Zone.*
- i. Council considers the proposed development unsatisfactory with respect to the objectives and controls specified by sections A4.7.1 (a) and (b) and A4.7.2 (c) and (e) of the Wingecarribee Rural Living Development Control Plan regarding protection of trees, bushland and vegetation during construction and development:

A4.7 Protection of Trees, Bushland and Vegetation during Construction and Development

A4.7.1 Objectives

- (a) *To ensure that any development is designed and sited to provide for the protection of Trees and Bushland through construction and development.*
- (b) *To ensure that development does not compromise the integrity and viability of existing native vegetation, flora and fauna habitat and riparian zones.*

A4.7.2 Controls

- (c) *Best practice methodologies must be employed in the design and installation of any services to the site to ensure the long term viability of trees, vegetation and bush land. This needs to include no interruption to flow paths of surface water.*

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- (e) *No clearing of vegetation on land with slopes of 18 degrees or greater.*
- j. Council considers the application unsatisfactory with respect to the objective and assessment considerations for preservation of trees and other vegetation specified by sections A4.11.1 (a) and A4.11.7 (a), (c), (d), (e) and (l) (ii), (iii) and (iv) of the Wingecarribee Rural Living Development Control Plan:

A4.11.1 Objectives

The objectives of this Section of the Plan are to:

- (a) *preserve the amenity, biodiversity and ecology of the Rural Living areas through the preservation of trees and other vegetation...*

A4.11.7 Assessment Considerations

In assessing applications for Council consent...Council's considerations will include, but not be limited to, the following:

- (a) *Whether the community interest has been taken into account. Priority for preservation will be given to trees which have significant amenity or aesthetic value, are noteworthy in the land or streetscape or from a botanical or heritage viewpoint.*
- (c) *Whether the enjoyment of neighbouring land will be detrimentally affected. If so, notice may have to be given to persons owning or occupying adjoining land.*
- (d) *Whether replacement planting is proposed. All Council approvals to remove trees or other vegetation shall contain appropriate requirements for offset planting to ensure no net loss of vegetation.*
- (e) *Implications for biodiversity. It will be essential to determine the conservation status of the tree/vegetation. Priority will be given to trees which are rare or endangered, are ecologically significant in the local or regional context, form part of a naturally occurring remnant, are self-sown from locally indigenous stock or provide habitat for wildlife. It may be necessary for a flora and fauna survey and assessment of ecological values to be carried out. If a survey and assessment have been done they should be reviewed to ensure that they have been adequately completed under appropriate seasonal conditions.*
- (l) *Whether adverse impacts of the proposal have been adequately identified and will be satisfactorily mitigated. Measures will need to address the following matters where appropriate:-*
 - (ii) *Soil erosion or siltation.*

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(iii) *Protection of retained trees and vegetation.*

(iv) *Protection of affected wildlife.*

- k. Council considers the proposed development unsatisfactory with respect to the provisions of section A5.3 of the Wingecarribee Rural Living Development Control Plan regarding water sensitive design.
- l. Council considers the application unsatisfactory with respect to the objectives and controls specified by sections A5.7.5 and A5.7.6 (f) of the Wingecarribee Rural Living Development Control Plan regarding protection of watercourses, water bodies and riparian lands:

A5.7.5 Objectives

The purpose of providing controls for the protection of watercourses, waterbodies and riparian lands is to:

- (a) *ensure that proposed development in or adjoining natural water bodies and riparian land takes into account impacts on the environment including natural water bodies, riparian lands and all associated habitats.*
- (b) *protect and enhance water quality and aquatic ecosystems, including natural wetlands maintain and, where possible, enhance the ecological and water quality functions of riparian vegetation (both instream and beside stream)*
- (c) *protect, restore and maintain ecological processes, natural systems and biodiversity within wetlands and waterways.*
- (d) *provide stream bed and bank stability, protect water quality, maintain viability of riparian vegetation and provide continuity and connectivity for riparian habitat (both instream and beside stream)*
- (e) *maintain the relative stability of the bed and banks of natural water bodies and riparian land; to minimise sedimentation and pollution of wetlands and waterways and riparian lands.*
- (f) *protect the scenic and cultural heritage values of natural water bodies and riparian land, to restore degraded wetlands, wetland buffer areas, waterways and riparian zones.*

A5.7.6 Controls

In meeting the above objectives, Council requires applicants to comply with the following controls.

- (f) *As a part of a land use application for land adjoining or in close proximity to known riparian land, a system of replanting and/or revegetation with native species*

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endemic to the region is to be undertaken in consultation with relevant Council staff.

- m. Council considers the proposed development contrary to the general objectives for heritage and landscape conservation specified by section A8.2 (a), (c) and (e) of the Wingecarribee Rural Living Development Control Plan:

Council is committed to ensuring that all future development on heritage items and within conservation areas is appropriate with regard to the following objectives:

- (a) Preserve and protect buildings, areas and vistas of heritage and cultural value.*
 - (c) To encourage increased community awareness of the intrinsic heritage, visual and environmental qualities of the heritage and landscape conservation areas within the rural zones and the need for conservation measures. In particular, the need to ensure that owners are aware of the responsibilities associated with the ownership and maintenance of heritage listed properties.*
 - (e) Ensure that redevelopment within or immediately adjacent to conservation areas reflects the high heritage value and visual setting of the area and contributes to that value.*
- n. Council considers the application unsatisfactory with respect to the objective and controls specified by sections A8.4.1 and A8.4.2 (b) and (d) of the Wingecarribee Rural Living Development Control Plan regarding development in the vicinity of heritage items:

A8.4.1 Objective

To retain heritage values of listed heritage items and draft heritage items by ensuring that development in the vicinity is sympathetic with the heritage values of individual items and to any applicable heritage conservation area.

A8.4.2 Controls

- (b) Development applications adjoining or in the vicinity of a property on the NSW State Heritage Register or National Heritage Register shall be referred to the NSW Heritage Council for comment prior to lodgement of the development application. Details of any comments provided shall be included in the statement of environmental effects submitted with the development application to Council.*
- (d) Development applications on properties in the vicinity of any heritage listed item or draft heritage item, including within sight of and adjacent to any heritage item or draft heritage item, should be referred to Council's Heritage Adviser for comment. Note: Development applications adjoining or in the vicinity of a property on the NSW State Heritage Register or National Heritage Register items should be referred to the NSW Heritage Council*

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for comment prior to lodgement of the Development Application.

- o. Council considers the proposed development likely to have significant negative environmental and social impacts in the locality, with particular regard to context and setting, heritage and flora and fauna considerations.
- p. Council considers the land unsuitable for the proposed development.
- q. Council considers the proposed development contrary to the public interest.

5. Bush fire hazard

The proposed development is integrated development requiring authorisation under section 100B of the Rural Fires Act 1997 in respect of bush fire safety of subdivision of land that could lawfully be used for residential purposes. Council accordingly requested the general terms of any approval proposed to be granted by the NSW Rural Fire Service (RFS) in relation to the proposed development. The RFS responded that the proposed development contravenes the provisions of *Planning for Bush Fire Protection 2019*, and that it could not grant its approval in relation to the proposed development.

Consequently:

- a. Section 4.47 (4) of the Environmental Planning and Assessment Act 1979 specifies Council must refuse consent to the application:

4.47 Development that is integrated development

- (4) *If the approval body informs the consent authority that it will not grant an approval that is required in order for the development to be lawfully carried out, the consent authority must refuse consent to the application.*

- b. Council considers the proposed development contrary to the particular aim specified by clause 1.2 (2) (m) of Wingecarribee Local Environmental Plan 2010:

1.2 Aims of Plan

- (2) *The particular aims of this Plan are as follows—*

- (m) *to prevent loss of life and property by bush fires, by discouraging the establishment of incompatible uses in bush fire prone areas and incorporating as part of compatible developments protective measures that minimise bush fire risk without unacceptable environmental degradation*

- c. Council considers the proposed development unsatisfactory with respect to the matters specified by section A6.2 of the Wingecarribee Rural Living Development Control Plan regarding bush fire prone land.
- d. Council considers the proposed development likely to have significant negative environmental impacts with regard to natural hazards.
- e. Council considers the land unsuitable for the proposed development.

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- f. Council considers the proposed development contrary to the public interest.

6. Earthworks

The land's existing internal roads are narrow, unsealed, steep, prone to erosion and in poor condition. Council expects considerable earthworks will be necessary to provide satisfactory vehicle access to the proposed lots for residents as well as construction, service and emergency vehicles. The statement of environmental effects accompanying the application indicates no earthworks are proposed.

Noting the above:

- a. Council is not satisfied by the application and its accompanying information that the proposed development is satisfactory with regard to the objectives and matters for consideration specified by clause 7.3 (1) and (2) of Wingecarribee Local Environmental Plan 2010:

7.3 Earthworks

(1) *The objectives of this clause are as follows—*

- (a) *to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land,*
- (b) *to allow earthworks of a minor nature without separate development consent.*

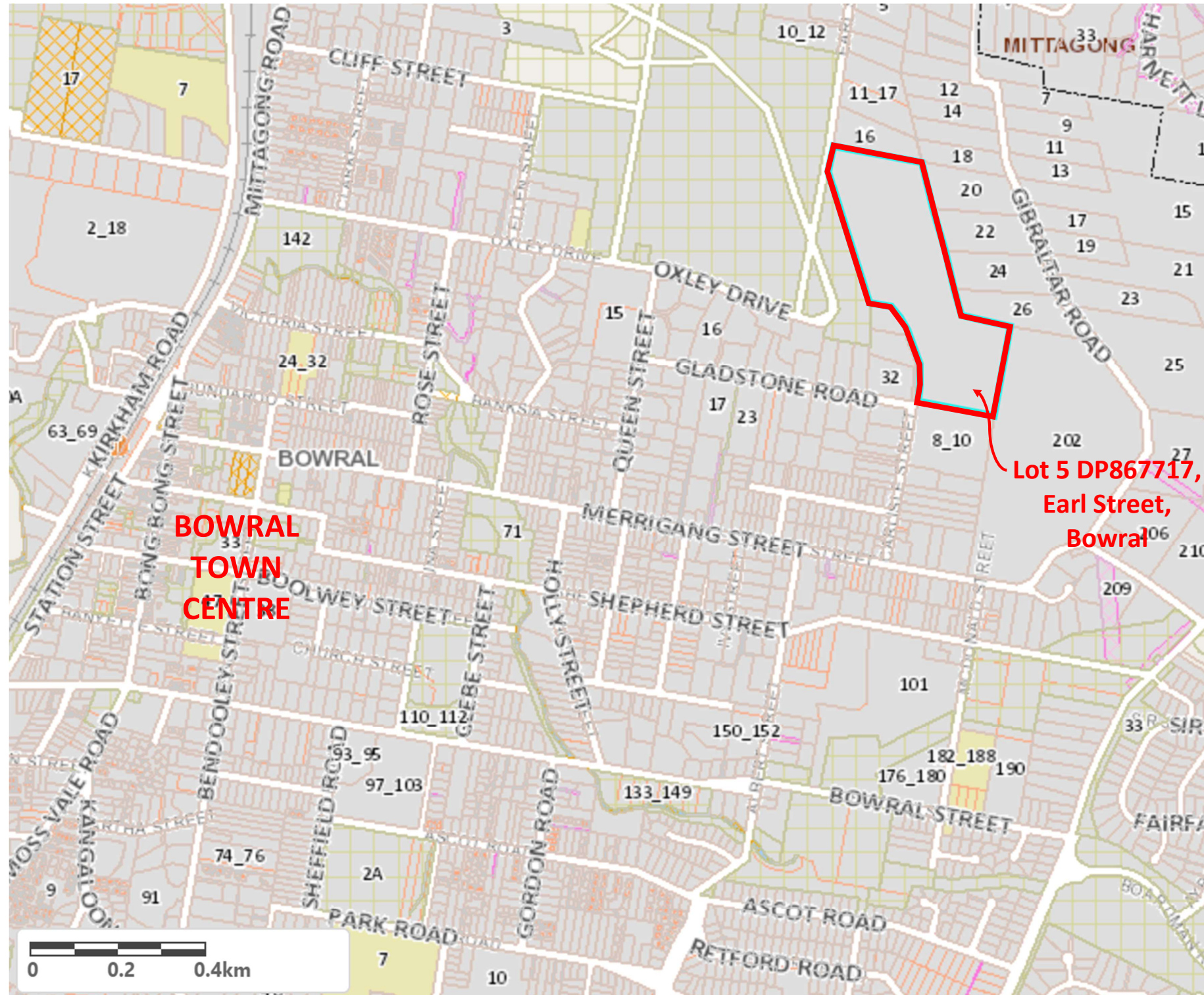
(3) *Before granting development consent for earthworks, the consent authority must consider the following matters—*

- (a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
- (b) *the effect of the proposed development on the likely future use or redevelopment of the land,*
- (c) *the quality of the fill or of the soil to be excavated, or both,*
- (d) *the effect of the proposed development on the existing and likely amenity of adjoining properties,*
- (e) *the source of any fill material or the destination of any excavated material,*
- (f) *the likelihood of disturbing Aboriginal objects or other relics,*
- (g) *proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

- b. Council considers the application unsatisfactory with respect to the provisions of section A3.7 of the Wingecarribee Rural Living Development Control Plan regarding cut and fill.

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- c. Council considers the application unsatisfactory with respect to the earthworks controls specified by section A4.6.1 (d) of the Wingecarribee Rural Living Development Control Plan:
 - (d) *Any excavation works must take into consideration the following:*
 - (i) *possible wildlife habitat,*
 - (ii) *The need and purpose of the excavation*
 - (iii) *The scenic impact (both on and off site)*
 - (iv) *Erosion mitigation measures.*
- d. Council considers the application unsatisfactory with respect to the provision of section A6.11 of the Wingecarribee Rural Living Development Control Plan, regarding construction of private roads, that road construction should aim to obtain the most environmentally sustainable option.
- e. Council is not satisfied by the application and its accompanying information the land is suitable for the proposed development.



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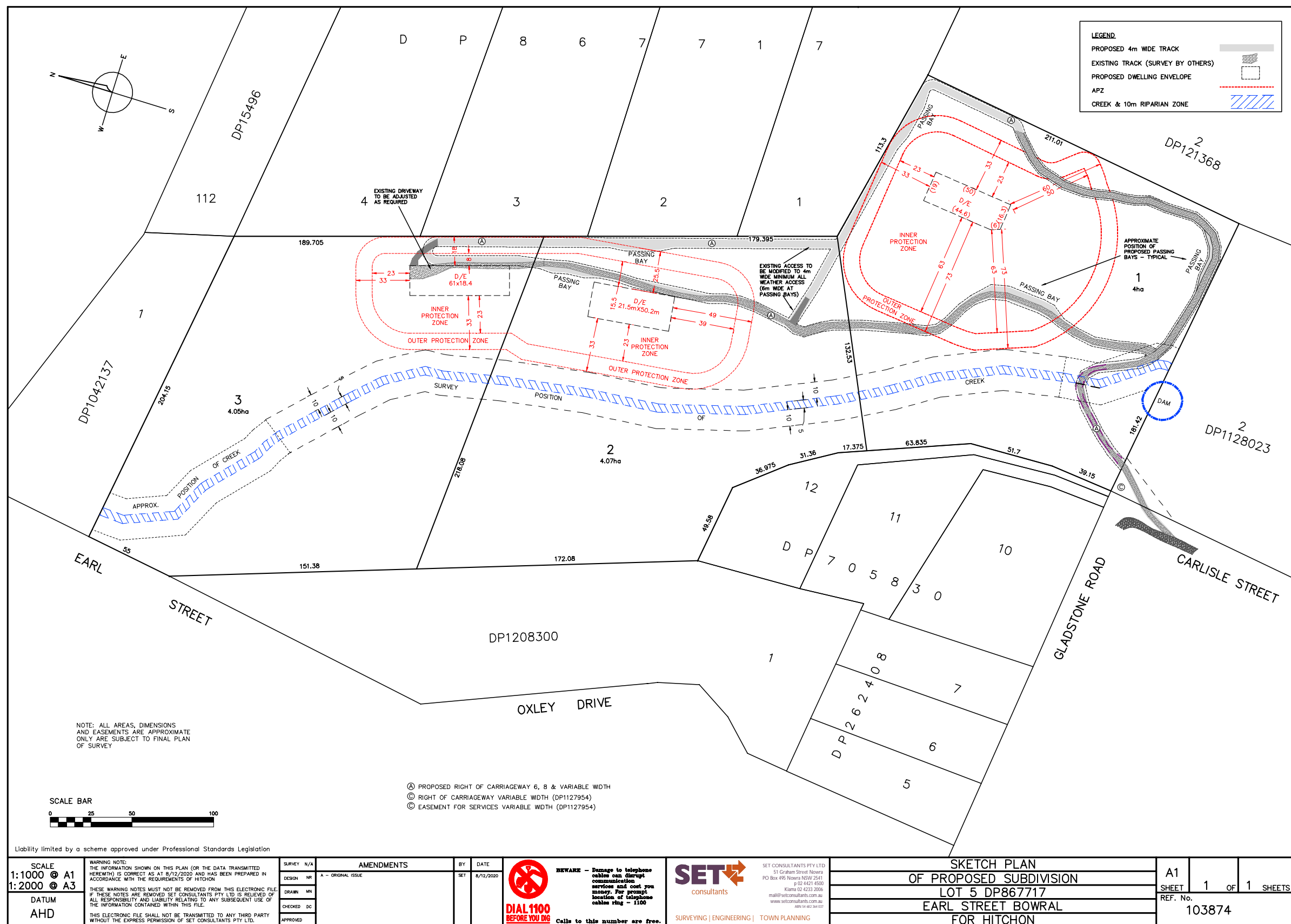


**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 6 APRIL 2022**



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WEDNESDAY 6 APRIL 2022**





**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 6 APRIL 2022**

[A. Written request of 8 July 2021 for additional information](#)

Our Ref: 21/2058
Contact: Roland Wong



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

08 July 2021

BEN HITCHON
C/- SET CONSULTANTS PTY LTD
PO BOX 495
NOWRA NSW 2541

ALSO BY E-MAIL: mail@setconsultants.com.au

Dear Mr Hitchon

**REQUEST FOR ADDITIONAL INFORMATION: DEVELOPMENT APPLICATION 21/2058 –
SUBDIVISION OF LAND AND CARRYING OUT OF WORKS TO CREATE THREE LOTS AND
CARRYING OUT OF WORKS FOR THE PURPOSE OF ROADS, LOT 5 DP867717, EARL
STREET, BOWRAL**

Preliminary review has identified the following to be addressed to allow Council's informed determination of your above application.

1. The application is not accompanied by a report detailing the findings of an Aboriginal heritage assessment of the land, requested by Council's attached prelodgement advice letter 4 September 2020.

Please provide additional information to address the above no later than **4:30pm on 5 August 2021**. If you fail to provide any requested additional information by the end of the period specified, Council will take you to have notified it that the outstanding information will not be provided, and will deal with the application accordingly.

Pursuant to clause 109 of the Environmental Planning and Assessment Regulation 2000, the statutory period for determination of the development application has been suspended pending the requested information being submitted to Council.

Please contact Council's assessing officer Roland Wong on 02 4868 0759 if you need more information.

Yours faithfully

Roland Wong
Senior Development Assessment Planner
Planning Development and Regulatory Services

Working with you

WSC.NSW.GOV.AU

WINGECARRIBEE - A COAL MINING FREE SHIRE

Our Ref: 21/2058
Contact: Roland Wong



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

04 August 2021

BEN HITCHON
C/- SET CONSULTANTS PTY LTD
PO BOX 495
NOWRA NSW 2541

ALSO BY E-MAIL: mail@setconsultants.com.au

Dear Mr Hitchon

**REQUEST FOR ADDITIONAL INFORMATION: DEVELOPMENT APPLICATION 21/2058 –
SUBDIVISION OF LAND AND CARRYING OUT OF WORKS TO CREATE THREE LOTS AND
CARRYING OUT OF WORKS FOR THE PURPOSE OF ROADS, LOT 5 DP867717, EARL
STREET, BOWRAL**

Further to Council's written request of 8 July 2021 for additional information, internal referrals have identified the following to also be addressed to allow Council's informed determination of your above application.

1. The application is not accompanied by:
 - a. A Wastewater Assessment Report undertaken in accordance with Water NSW's Current Recommended Practice 'Designing and Installing On-Site Wastewater Systems' 2019
 - b. Information indicating location of proposed effluent disposal areas at least 100m from the high water level of the intermittent watercourse traversing the land, i.e. 100m horizontal distance shown on proposed development drawings, following overland flowpaths of existing land contours
 - c. Details of exploration of effluent disposal options that provide a smaller footprint to minimise disturbance to trees, subject to land slope and soil conditions (see Water NSW's document entitled *Developments in the Sydney Drinking Water Catchment – Water Quality Information Requirements*)
 - d. Drawings indicating the total available effluent disposal area and an example indicative location for disposal and a reserve area (indicative location should be pegged on-site)
 - e. Effluent disposal calculations reflecting potential connection of the proposed development to Council's reticulated water supply service
 - f. Acknowledgement that any proposed effluent disposal would be subject to obtaining approval for any proposed tree removal.

Please provide additional information to address the above matters, and the matters identified by Council's written request of 8 July 2021 for additional information, no later than **4:30pm on 2**

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WINGECARRIBEE - A COAL MINING FREE SHIRE

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 6 APRIL 2022**

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September 2021. This represents a 28 day extension of the period specified for your provision of additional information to address the matters identified by Council's written request of 8 July 2021.

If you fail to provide any requested additional information by the end of the period specified, Council will take you to have notified it that the outstanding information will not be provided, and will deal with the application accordingly.

Pursuant to clause 109 of the Environmental Planning and Assessment Regulation 2000, the statutory period for determination of the development application remains suspended pending the requested information being submitted to Council.

Please contact Council's assessing officer Roland Wong on 02 4868 0888 if you need more information.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Roland Wong', written in a cursive style.

Roland Wong
Senior Development Assessment Planner
Planning Development and Regulatory Services

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 6 APRIL 2022**

C. Written request of 26 August 2021
for additional information

Our Ref: 21/2058
Contact: Roland Wong



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

26 August 2021

BEN HITCHON
C/- SET CONSULTANTS PTY LTD
PO BOX 495
NOWRA NSW 2541

ALSO BY E-MAIL: mail@setconsultants.com.au

Dear Mr Hitchon

**REQUEST FOR ADDITIONAL INFORMATION: DEVELOPMENT APPLICATION 21/2058 –
SUBDIVISION OF LAND AND CARRYING OUT OF WORKS TO CREATE THREE LOTS AND
CARRYING OUT OF WORKS FOR THE PURPOSE OF ROADS, LOT 5 DP867717, EARL
STREET, BOWRAL**

Further to Council's written requests of 8 July and 4 August 2021 for additional information, referral to Council's Ecology Consultant has identified various matters, specified by the attached correspondence of 13 August 2021, to be addressed to allow Council's informed determination of your above application.

Please provide additional information to address the matters identified by Council's Ecology Consultant's attached correspondence, and the matters identified by Council's written requests of 8 July and 4 August 2021 for additional information, no later than **4:30pm on 30 September 2021**. This represents a 28 day extension of the period specified for your provision of additional information to address the matters identified by Council's written requests of 8 July and 4 August 2021.

If you fail to provide any requested additional information by the end of the period specified, Council will take you to have notified it that the outstanding information will not be provided, and will deal with the application accordingly.

Pursuant to clause 109 of the Environmental Planning and Assessment Regulation 2000, the statutory period for determination of the development application remains suspended pending the requested information being submitted to Council.

Please contact Council's assessing officer Roland Wong on 02 4868 0888 if you need more information.

Yours faithfully

Roland Wong
**Senior Development Assessment Planner
Planning Development and Regulatory Services**

Working with you

WSC.NSW.GOV.AU

WINGECARRIBEE - A COAL MINING FREE SHIRE

AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 6 APRIL 2022

- 2 -



Suite 3B
668-672 Old Princes Highway
Sutherland NSW 2232
t: (02) 8536 8600

13 August 2021

Our ref: 21SUT-18061

Wingecarribee Shire Council
PO Box 141
Moss Vale NSW 2577

Attention: Roland Wong

Dear Roland,

Ecological review – Lot 5 DP867717 Earl St Bowral

Eco Logical Australia (ELA) has been engaged by Council to review the adequacy of the Biodiversity Development Assessment Report (BDAR) for a proposed 3-lot subdivision at Lot 5 DP867717 Earl St, Bowral. The BDAR prepared by Lodge Environmental (June 2021) aims to address ecological assessment requirements.

Our review of the BDAR identified matters that need further consideration. Issues, comments and recommendations are shown in Table 1.

Table 1: Issues, comments and recommendations from ELA's review of the Flora and Fauna Assessment

Section	Issue	Comments/ Recommendations
Section 1: Location Map	The location map needs to show IBRA regions and subregions	Update relevant map to include IBRA regions and subregions.
Section 3.2.2 APZ Impacts and 5.2.3	<p>The BDAR includes Asset Protection Zone (APZ) treatment for grass:</p> <ul style="list-style-type: none">grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); andleaves and vegetation debris should be removed. <p>It states that areas were entered into the BAM calculator based on:</p> <ul style="list-style-type: none">Zone composition – maintenance in species composition across all stratum.Zone structure – approximately 15% and 10% for structure within the tree and shrub layer, with ground cover	<p>How will weeds, native grasses and woody debris be managed so that the composition and function are maintained as described in the BDAR? We recommend that a VMP is developed for the riparian zone and APZ to demonstrate how this will be achieved.</p>

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Section	Issue	Comments/ Recommendations
	<p>structure maintaining existing condition.</p> <ul style="list-style-type: none"> Zone function – maintenance of existing function. <p>The BDAR states there will be a VMP. It refers to weed management within the APZs; however, the VMP only appears to be applied within the Vegetated Riparian Zone.</p>	
Section 4.2 and 4.3	<p>The BDAR excluded species credit species based on habitat condition and 10 km BioNet search and likelihood of occurrence was then made based on habitat condition, years since sighting of any nearby records, number and proximity of nearby records, review of species habitat requirements and experience. Survey was in accordance with 2004 Department of Environment and Conservation (DEC) draft NSW Threatened Species Survey and Assessment Guidelines, and several Australian Guidelines (for threatened birds, threatened frogs, threatened mammals, and profiles. It has not referenced the use of recent NSW Department of Planning Industry and Environment (DPIE) BAM guidelines, databases and important area maps.</p>	<p>The BDAR needs to demonstrate the use of recent DPIE databases, maps and BAM Guidelines:</p> <ul style="list-style-type: none"> Threatened Biodiversity Database Collection Important Area Maps for Swift Parrot 2020 DPIE Surveying threatened plants and their habitats NSW survey guide for the BAM 2020 DPIE NSW Survey Guide for Threatened Frogs - A guide for the survey of threatened frogs and their habitats for the BAM 2018 OFH Species credit' threatened bats and their habitats - NSW survey guide for the BAM
Section 5.1, 5.2.3 and 6.2	<p><i>Pinus radiata</i> (Monterey Pine) is referred to as noxious. The <i>NSW Noxious Weeds Act 1993</i> has been superseded by the <i>NSW Biosecurity Act 2015</i>, and <i>Pinus radiata</i> is not listed under the current legislation.</p> <p>Several weeds are referenced, however, the BDAR does not include the classification of the weed's listing status or legal requirements. <i>Rubus fruticosus</i> aggregate (Blackberry) is included however the BDAR does not reference it as being a Weed of National Significance (WoNS) and State Priority Weed under the <i>NSW Biosecurity Act</i>.</p>	<p>The BDAR should refer to <i>Pinus radiata</i> as an environmental weed and <i>Rubus fruticosus</i> aggregate as a WoNS and a State Priority Weed.</p> <p>References to weeds should indicate if each species is:</p> <ul style="list-style-type: none"> a WoNS, a priority weed listed under the South East Regional Strategic Weed Management Plan 2017 – 2022, or an environmental weed listed on Council's website.
Section 5.4.4	<p>The BDAR has addressed the Koala Habitat Protection SEPP (2020), however this has been superseded</p>	<p>The BDAR needs to address the Koala Habitat Protection SEPP (2021) which commenced in March 2021</p>
Appendix A	<p>Vegetation plot data has summarised cover and abundance, and a separate flora species list, and has not provided field data sheets required in Table 24 of the BAM.</p>	<p>The BDAR should provide field data sheets or a table that details each species recorded with details including cover, abundance, growth form and high threat exotic (HTE) required under the BAM.</p>

**AGENDA OF THE LOCAL PLANNING PANEL
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- 4 -

Please contact me if you require further information.

Regards,



Diane Campbell
Principal Ecologist Accredited BAM Assessor



NSW RURAL FIRE SERVICE

Wingecarribee Shire Council
PO Box 141
MOSS VALE NSW 2577

Your reference: 21/2058 (CNR-25442)
Our reference: DA20210802003186-Original-1

ATTENTION: Roland Wong

Date: Friday 10 September 2021

Dear Sir/Madam,

**Integrated Development Application
s100B – Subdivision – Subdivision
Earl Street Bowral NSW 2576, 5//DP867717**

I refer to your correspondence dated 29/07/2021 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the information provided and advises the following:

Preliminary assessment of the site has identified following concerns in relation to the proposed development and associated bush fire protection measures proposed in the bush fire report prepared by SET Consultants (dated 17/06/2021 and referenced: L103874):

1. A preliminary review of the referral identified a number of non-compliances with the access provisions of Table 5.3b of *Planning for Bush Fire Protection (PBP) 2019*. Whilst it has been indicated that a performance based solution has been prepared for the proposed access arrangements, no justification has been provided regarding the unique features of the subject site that would prevent or preclude the proposed subdivision from achieving compliance with the acceptable solutions of Table 5.3b in *PBP 2019*. Given that the proposal increases the density of the subject site, thereby potentially increasing bush fire risk for the future occupants as well as the fire fighting personnel, and the proposed non-compliances, the performance based solution must provide adequate justification regarding the following matters:

- The lack of the required perimeter road as required in Table 5.3b of *PBP 2019* requires a perimeter road where 3 or more lots are proposed;
- The lack of secondary access required for subdivisions of 3 or more allotments and dwellings located over 200m from the public road in accordance with table 5.3b of *PBP 2019*;
- The proposed development is accessed through an easement over the adjoining lot to the south, however, where the development contains 3 or more dwellings, the access must be through dedication of a road and not right of way;
- The proposed access road does not provide access to the hazard to the north of the proposed dwelling envelope 3 and along the riparian land.

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 6 APRIL 2022

2. Where performance based solution is proposed for the provision of asset protection zones (APZ) to demonstrate compliance with 29kW/m² or less radiant heat threshold or to propose additional bush fire protection measures to address the non compliant access, the following concerns must be addressed:

- Proposed Dwelling Envelope (DE) 1:
 - The effective slopes to the east of the proposed DE is assessed as downward slope in the 0-5 degrees range, as such appropriate APZ in accordance with A1.12.5 of *PBP 2019* must be provided.

- Proposed Dwelling Envelope (DE) 2:
 - The modelling of the radiant heat undertaken demonstrates that up slopes in excess of 10 degrees have been applied by the consultant. It should be noted that up slope modelling is capped at 10 degrees. Further, the effective slope to the east is assessed as up slope in the 0-5 degrees range. As such, appropriate APZ using correct parameters must be proposed to achieve 19 kW radiant heat to justify the proposed performance based solution.
 - In relation to the western hazard the preliminary assessment has shown that down slopes of 10-15 range here are present. New information must be provided by the consultant that addresses these slopes and demonstrates how the proposed APZs meet the relevant performance criteria of *PBP 2019*.

- Proposed Dwelling Envelope (DE) 3:
 - As stated above, the modelling of the radiant heat undertaken demonstrates that up slopes in excess of 10 degrees have been applied by the consultant. As such, appropriate APZ using correct parameters must be proposed to achieve 19 kW radiant heat to justify the proposed performance based solution.
 - Where modelling is undertaken using appropriate parameters as above, the proposed DE might be required to be relocated towards the west to achieve 19 kW radiant heat, as such revised APZs in the west direction must also be considered.
 - In relation to the western hazard the preliminary assessment has shown that down slopes of 10-15 range here are present. New information must be provided by the consultant that addresses these slopes and demonstrates how the proposed APZs meet the relevant performance criteria of *PBP 2019*.

An updated bush fire report addressing the above concerns along with an updated subdivision plan must be provided for further assessment of the proposal.

If additional information is not received within 100 days the application will be refused on the basis of Requested Information not provided. A formal request for re-assessment would be required after this time.

For any queries regarding this correspondence, please contact Surbhi Chhabra on 1300 NSW RFS.

Yours sincerely,

Kalpana Varghese
**Supervisor Development Assessment & Plan
Built & Natural Environment**

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 6 APRIL 2022**

E. E-mail message of 1 October 2021 to applicant, confirming Council assumes requested additional information will not be provided

From: Roland Wong
Sent: Fri, 1 Oct 2021 11:40:10 +1000
To: mail@setconsultants.com.au
Bcc: Nancy Sample;Malcolm Ryan
Subject: RE: Attention Ben Hitchon re: DA 21/1058 - 3 lot subdivision, Earl Street, Bowral
Attachments: 2021-08-26 Letter to applicant requesting additional information.pdf, 2021-07-08 Letter to applicant requesting additional information.pdf, 2021-08-04 Letter to applicant requesting additional information.pdf

Good morning Mr Hitchon

Council has not received any of the additional information requested by Council's attached letters of 8 July, 4 August and 26 August 2021, which was due to be provided to Council no later than 4:30pm on 30 September 2021. Accordingly, Council takes you to have notified it that the requested additional information will not be provided, and will deal with the application accordingly.

Please contact me on 02 4868 0888 if you need more information.

Yours faithfully

Roland Wong Senior Development Assessment Planner

Wingecarribee Shire Council

e. Roland.Wong@wsc.nsw.gov.au

t. **(02) 4868 0759**

Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

From: Roland Wong
Sent: Thursday, 26 August 2021 11:30 AM
To: mail@setconsultants.com.au
Subject: RE: Attention Ben Hitchon re: DA 21/1058 - 3 lot subdivision, Earl Street, Bowral

Good morning Mr Hitchon, please see attached Council's written request of today's date for additional information to accompany your above application, further to Council's letters of 8 July and 4 August 2021 (also attached). The original document will be forwarded by post.

Please contact me on 02 4868 0888 if you need more information.

Yours faithfully

Roland Wong Senior Development Assessment Planner

Wingecarribee Shire Council

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 6 APRIL 2022**

F. E-mail message of 5 October 2021 to applicant's consultant, confirming Council assumes requested additional information will not be provided

From: Roland Wong
Sent: Tue, 5 Oct 2021 08:49:22 +1100
To: Nick Reddy
Cc: mail@setconsultants.com.au
Bcc: Nancy Sample;Malcolm Ryan
Subject: RE: SET Ref: L103874 - Attention Ben Hitchon re: DA 21/1058 - 3 lot subdivision, Earl Street, Bowral

Good morning Mr Reddy, thanks for your message of 1 October 2021. As indicated by Council, in the absence of any requested additional information having been received by 4:30pm on 30 September 2021, Council has taken the applicant to have notified Council that none of the requested additional information will be provided, and will deal with the application on that basis pursuant to clause 54 (6) of the Environmental Planning and Assessment Regulation 2000 (the Regulation). Alternatively, the applicant may withdraw the application at any time prior to its determination by lodging notice of the withdrawal on the NSW planning portal, pursuant to clause 52 of the Regulation.

The NSW Rural Fire Service has effectively notified Council that it will not grant its bush fire safety authority unless the proposed development is substantially amended. Having regard to clause 55 (1) of the Regulation, Council does not agree to the prospective amendment of the application.

Please convey this advice to the applicant and contact me on 02 4868 0888 if you need more information.

Yours faithfully

Roland Wong Senior Development Assessment Planner

Wingecarribee Shire Council

e. Roland.Wong@wsc.nsw.gov.au

t. **(02) 4868 0759**

Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

From: Nick Reddy <nick@setconsultants.com.au>
Sent: Friday, 1 October 2021 1:50 PM
To: Roland Wong <Roland.Wong@wsc.nsw.gov.au>
Subject: RE: SET Ref: L103874 - Attention Ben Hitchon re: DA 21/1058 - 3 lot subdivision, Earl Street, Bowral

External Email:This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Hi Roland,

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 6 APRIL 2022**

[G. E-mail message of 13 January 2022 to applicant's consultant, reiterating Council assumes requested additional information will not be provided](#)

From: "Roland Wong"
Sent: Thu, 13 Jan 2022 09:47:36 +1100
To: "Nick Reddy" <nick@setconsultants.com.au>
Subject: RE: DA 21/2058 - 3 lot subdivision, Earl Street, Bowral

Good morning Nick, happy new year; I hope you spent the season happily and healthily.

Council notified development application 21/2058 to owners and occupants of surrounding properties, inviting submissions between 16 July and 6 August 2021. Notification attracted 357 submissions that overwhelmingly object to the proposed development.

On 8 July, 4 August and 26 August 2021, Council requested the applicant provide various additional information to accompany the application. All requested additional information was due to be provided to Council by 30 September 2021. On 1 October 2021, Council notified the applicant that in the absence of any of the requested additional information having been provided to Council, Council had taken the applicant to have notified Council that none of the requested information would be provided, and Council would deal with the application accordingly.

The application was referred to various relevant Council officers for specialist advice, as well as to external parties including the NSW Rural Fire Service (RFS) and Natural Resources Access Regulator (NRAR), each of whom is an integrated development approval body. Of particular note, the RFS' response of 10 September 2021 effectively indicates a bush fire safety authority will not be granted to the proposed development in its current form, and Council does not agree to a prospective amendment of the application having regard to clause 55 (1) of the Environmental Planning and Assessment Regulation 2000. Section 4.47 (4) of the Environmental Planning and Assessment Act 1979 specifies if an integrated development approval body informs the consent authority that it will not grant an approval required in order for the development to be lawfully carried out, the consent authority must refuse consent to the application.

A report detailing the application's assessment is to be made for the Wingecarribee Local Planning Panel to consider, probably at its in March 2022 meeting. Given the above, the report is likely to recommend the Panel determines the application by refusing consent. Alternatively, the applicant may request withdrawal of the application at any time prior to its determination.

Please contact me on 02 4868 0888 if you need more information.

Yours faithfully

Roland Wong Senior Development Assessment Planner

Wingecarribee Shire Council

e. Roland.Wong@wsc.nsw.gov.au

t. **(02) 4868 0759**

Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 6 APRIL 2022**

H. NSW RFS written confirmation of 13 January
2021 that it will not approve proposed
development



NSW RURAL FIRE SERVICE

Wingecarribee Shire Council
PO Box 141
MOSS VALE NSW 2577

Your reference: 21/2058 (CNR-25442)
Our reference: DA20210802003186-Original-1

ATTENTION: Roland Wong

Date: Thursday 13 January 2022

Dear Sir/Madam,

**Integrated Development Application
s100B - Subdivision - Subdivision
Earl Street Bowral NSW 2576, 5//DP867717**

I refer to your correspondence dated 29/07/2021 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) cannot support the proposed development. Previously requested information was not received within the legislative timeframe to allow for assessment of the application against the Aims and Objectives of *Planning for Bush Fire Protection (2019)*.

For any queries regarding this correspondence, please contact Surbhi Chhabra on 1300 NSW RFS.

Yours sincerely,

Kalpana Varghese
**Manager Planning & Environment Services
Built & Natural Environment**

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
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6.3 Development Application 22/1184 - Residential Alterations and Additions - Deck, Extensions, Internal and Carport. Lot14 DP 1992, 3 Crown Street, Burrawang

Report Author: Accredited Certifier
Authoriser: Director Communities and Place

PURPOSE

The purpose of this report is to consider Development Application 22/1184, for residential alterations and additions at Lot 14 DP1992, No 3 Crown Street Burrawang for the Panel's consideration and recommends determination by APPROVAL of consent for the reasons specified in **Attachment 1**.

Applicant	JULIANNE MAREE BILLINGTON
Landowner	R BILLINGTON & JM BILLINGTON
Zoning	R2 Low Density Residential under Wingecarribee LEP 2010
Estimated Cost of Development	\$150,000
Notification Period	Neighbour notification not required under Council's Community Participation Plan
Number of submissions	Not applicable – DA not notified to neighbours
Political Donations	None declared
Reason for Referral to Panel	The applicant/landowner is a member of Wingecarribee Shire Council staff – referred to Local Planning Panel under Section 3.15 of Council's Code of Conduct.

OFFICER'S RECOMMENDATION

THAT the Independent Advisory Planning Assessment Panel determines development application DA22/1184 for Lot 14 Dep 1992, 3 Crown Street, Burrawang by APPROVAL of consent for the reasons specified in Attachment 1 to this report.

EXECUTIVE SUMMARY

1. Executive summary

Development Application (DA) 22/1184 seeks development consent for residential alterations and additions – consisting of extensions to the rear of the dwelling, a rear deck, various internal alterations to the dwelling (including demolition of internal walls and the like, and removal of the existing front entrance), and construction of a new front entrance to the eastern side. The proposal also includes construction of a new double carport to the western side of the dwelling, behind the building line.

The subject site is located in the Burrawang village, and is within the Burrawang Conservation Area.

The proposal has been assessed against the controls in Wingecarribee LEP 2010, and the Burrawang DCP – and generally complies with these controls.

The DA was not required to be notified to neighbours under Council’s Community Participation Plan, and therefore no neighbour submissions were received in relation to the DA.

The DA was referred to Council’s Heritage Advisor for consideration given the site’s location in the Burrawang Conservation Area. No objections were raised and appropriate conditions of consent have been provided.

The development is generally satisfactory when assessed in terms of the heads of consideration under s4.15 of the Environmental Planning & Assessment Act 1979 and is recommended for approval subject to conditions.

2. Site Description and Locality.

The subject site is legally described as Lot 14 DP 1992, with a street address of No 3 Crown Street Burrawang. It is located on the western side of Crown Street, between Huddle Street and Dale Street in the Burrawang Village, which is approx. 14km south-east of Moss Vale railway station.

The site contains a single storey dwelling house and detached shed. The site contains no significant vegetation, only some small shrubs. Surrounding development is also residential in nature, with predominantly single storey dwelling houses.

The site is in the Burrawang village, and this particular location of Burrawang is a Heritage Conservation Area. A visual description of the site is provided in the locality map and aerial photo below.

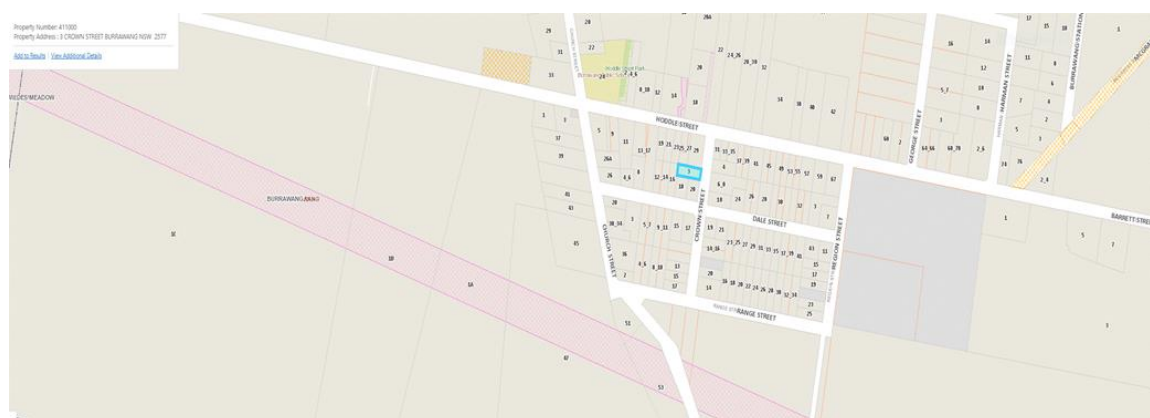


Figure 1: Locality Map



Figure 1: Aerial Image

1. Proposed Development

The development proposes construction of residential alterations and additions, consisting of extensions to the rear of the dwelling, a rear deck, various internal alterations to the dwelling (including demolition of internal walls and the like, and removal of the existing front entrance), and construction of a new front entrance to the eastern side. The proposal also includes construction of a new double carport to the western side of the dwelling, behind the building line.

The proposed development is depicted in the following plan (site plan):

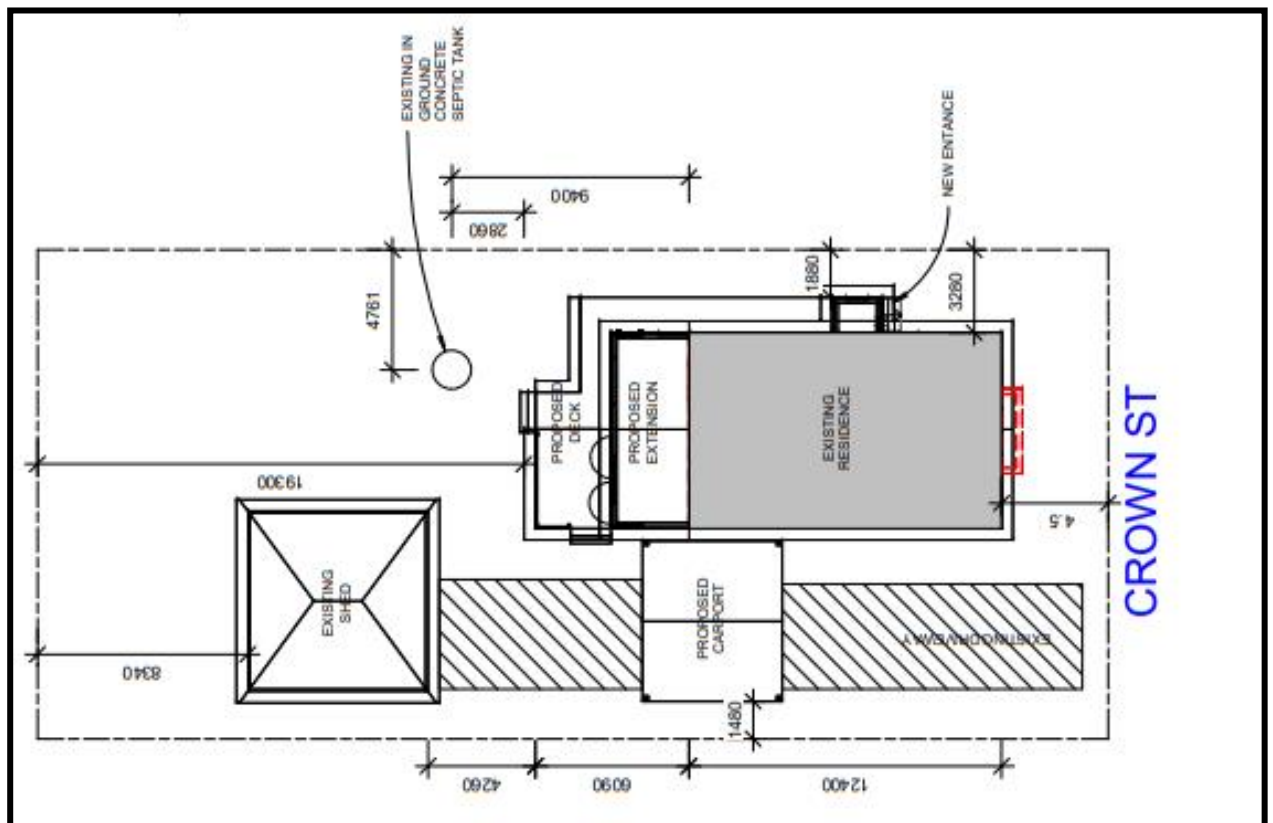


Figure 3 – DA Site Plan

2. Notification

Neighbour notification of this DA was not required under Council's Community Participation Plan. Therefore, there were no neighbour submissions to this DA.

3. Relevant Environmental Planning Instruments

State Environmental Planning Policies

It is noted that as of 1 March 2022, most SEPPs were repealed, and a number of consolidated SEPPs commenced operation.

However, it is noted that most of the new SEPPs contain Savings provisions to the effect that for DAs lodged before the commencement of the new SEPPs – the DA should be assessed as if the new SEPP had not commenced.

As such, consideration is required in terms of the previous SEPPs – and such consideration is provided below.

6.1 State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The catchment SEPP aims:

- (a) to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal.
- (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.
- (c) to support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.

The development was previously assessed as a Module 1 under the NorBE Guidelines, and Council assumed concurrence to consider and determine matters relating to water quality. In accordance with clause 10 of the Drinking Water Catchment SEPP, the proposed development would have a neutral or beneficial effect on water quality.

6.2 State Environmental Planning Policy No 55 – Remediation of Land

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 it was subdivided (in 1887), and this DA seeks to continue this land use through the proposed alterations and additions. 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.

6.3 Wingecarribee Local Environmental plan 2010 (WLEP 2010)

The land is in Zone R2 Low Density Residential. The Land Use Table at the end of Part 2 of the LEP specifies developments (including subdivision of land to create lots) for the purpose of *dwelling houses* is permitted with consent in Zone R2.

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The proposal is consistent with the specific objectives of the zone in that the proposed activity increase the available land stock within the subdivision.

The following development standards in the WLEP 2010 apply to the proposal:

Clause	Development Standard	Proposal	Compliance
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<p>CI 2.3 Zone objectives and land use table</p>	<p>Requires consideration in terms of the zone objectives and the permissible/prohibited uses as identified land use table</p>	<p>The subject site is zoned R2 Low Density Residential under the provisions of WLEP 2010.</p> <p>The proposal is permissible with consent.</p> <p>The following are the zone objectives for the R2 zone, and it is considered that the proposal is consistent with these objectives:</p> <ul style="list-style-type: none"> • <i>To provide for the housing needs of the community within a low density residential environment.</i> • <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> 	<p>Yes</p>
<p>CI 4.1: Minimum subdivision lot size</p>	<p>The minimum size shown on the LEP Lot Size Map in relation to the land is 2000m².</p>	<p>The subject site is an existing lot and no subdivision is involved.</p>	<p>Yes</p>

<p>CI 5.10 - Heritage Conservation</p>	<p>This clause provides a range of controls relating to heritage items and for properties within Heritage Conservation Areas</p>	<p>The subject site is within the Burrawang Conservation Area and is located close to a number of individual heritage items in Burrawang.</p> <p>The proposal is acceptable in terms of the heritage considerations in clause 5.10.</p> <p>The DA has been referred to Council's Heritage Advisor who has raised no objections to the proposal and provided appropriate conditions of consent.</p>	<p>Yes</p>
<p>CI 7.10: Public utility infrastructure</p>	<p>Public utility infrastructure is available to the land</p>	<p>Provided all consent conditions are complied with, the proposed development will have access to water supply, electricity supply and sewerage infrastructure.</p>	<p>Yes</p>

4. Development Control Plans and Policies

4.1 Burrawang Development Control Plan (DCP)

The Burrawang DCP provisions are structured into two components: objectives and controls. The objectives provide the framework for assessment under each requirement and outline key outcomes that a development is expected to achieve. The controls contain both numerical standards and qualitative provisions. Any proposed variations from the controls may be considered only where the applicant successfully demonstrates that an alternative solution could result in a more desirable planning and urban design outcome.

The relevant provisions of the Burrawang DCP are below.

Burrawang DCP.

The Burrawang DCP provisions are structured into two components: objectives and controls. The objectives provide the framework for assessment under each requirement and outline key outcomes that a development is expected to achieve. The controls contain both numerical standards and qualitative provisions. Any proposed variations from the controls may be considered only where the applicant successfully demonstrates that an alternative solution could result in a more desirable planning and urban design outcome.

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Burrawang Town Development Control Plan

Control	Complies	Departure	Explanation
Building Materials	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Existing roof and cladding exterior. Colour scheme complies.
Development Density and Scale	<input checked="" type="checkbox"/>	<input type="checkbox"/>	FSR 0:34:1
Dwelling Orientation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Dwelling addresses the street and the front door is visible from the street. Main living areas and ppos will receive a minimum of 3 hours sunshine on 21 June. Shadow diagrams not required.
Front Setbacks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Existing 4.5m to main building façade, Noarticulation zone
Secondary Front Setback	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
Side Setbacks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1.88m and 1.48m
Rear Setbacks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8.34m
Building Height	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4m as existing
Roof Forms	<input checked="" type="checkbox"/>	<input type="checkbox"/>	25 degrees and eaves are proportionate.
Dwellings on Corner Allotments	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
Garaging and Driveways	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Double garage setback 26.2m from front boundary and 1.48m behind the side boundary. Double carport 1.48m from side boundary and 16.5m from front boundary
Landscaped Open Space	<input checked="" type="checkbox"/>	<input type="checkbox"/>	54% of lot is landscaped area. Landscape plan complies; three trees are shown. In excess of 25m ² ppos provided and has a minimum width of 3m. Landscape plan provided
Fencing, gates, letterboxes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Fencing to be conditioned on consent, timber as shown on the landscape plan.

5. 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.

Section 4.15 'Matters for Consideration	Comments
Section 4.15 (1)(a)(i) – Provision of any environmental planning instrument	See discussion above

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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 generally satisfies the objectives and controls of the Burrawang DCP. See table in Appendix 3 and the discussion below.
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 proposed development is consistent with the dominant character in the locality.</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.	There are no constraints which would render the site as unsuitable for the development. Therefore, the site is considered suitable for the proposed development.
Section 4.15 (1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation.	The DA was not required to be notified to neighbours, therefore there were no neighbour submissions.
Section 4.15 (1)(e) – The public interest.	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

6. Referral Comments:

Heritage Advisor: The DA was referred to Council's Heritage Advisor, who has provided the following comments:

Thank you for sending the amended plans. The photos are a help because the plans are very sketchy and do not communicate the proposal clearly. It is difficult to read on the drawings what is existing and what is new. Assuming roofs are to be replaced, the recommended heritage condition of consent is: new roofs, gutters and any metal fascia covers to be galvanised finish (not plastic or CB). If roofs are not to be replaced,

then all additional roofing and gutters should match existing (no plastic). Regarding landscaping, the recommended heritage condition of consent is that landscape screening be extended along all lot boundaries by a hedge (acceptable plants include Photinia robusta or Murraya paniculata @ 1.5m centres).

Comment: The conditions recommended by Council's Heritage Advisor have been included in the draft conditions of consent.

7. Conclusion

The proposal has been assessed using the heads of consideration listed in Section 4.15(1) of the Environmental Planning & Assessment Act 1979 and is satisfactory.

The proposal is for relatively minor alterations and additions to an existing dwelling. The site is located in the Burrawang Conservation Area and therefore the proposal has been referred to Council's Heritage Advisor who has raised no objections.

The development is satisfactory for approval subject to appropriate conditions of consent.

ATTACHMENTS

Nil

6.4 Development Application 18/0308 - Demolition of Existing Structures and Construction of a Boarding House at Lot 22 DP 529628, 116 Mittagong Road, Bowral

Report Author: Development Officer - Planning (Contractor)
Authoriser: Director Communities and Place

PURPOSE

The purpose of this report is to consider a Development Application 21/0308 which seeks development consent for the demolition of existing structures and construction of a boarding house and associated works at Lot 22 DP 529628, 116 Mittagong Road, Bowral.

Consultants:	Scott Lee - LEP Planning Ian Jones – Ian Jones Design Austripe Engineers Dean Brodie – Positive Traffic Orion Consulting
Applicant:	Ian Jones Design
Land owner:	Sarah & Susan Hoffman
Land zoning:	R3 Medium Density Residential
Applicant’s estimated cost of proposed development:	1.6 Million
Notification period:	9 April – 25 May 2018
Number of submissions:	19 Submissions received objecting to the proposed development
Political donations:	None identified
Reason for referral to Panel:	More than 10 Submissions received

OFFICER’S RECOMMENDATION

THAT the Local Planning Panel determines DA18/0308 – Proposed demolition of existing structures and construction of a boarding house and associated works at Lot 22 DP 529628, 116 Mittagong Road, Bowral by APPROVAL, subject to the conditions specified in Attachment 1 to the report.

EXECUTIVE SUMMARY

1. Executive summary

The original application was lodged on 21 March 2018, at which time the Development Application was notified from 9 April 2018 – 25 May 2018 and external referrals to both Water NSW and Transport for NSW (TfNSW) were undertaken.

The Development Application has been the subject of a number of requests for additional information and the application has been amended during the DA assessment to respond to both issues raised by objectors and comments received by TfNSW.

The Development Application was amended, which included flipping the development in order to place the driveway of the southern side of the site to resolve access issues.

Other changes included:

- o Increasing the number of car parking spaces to comply with planning requirements.
- o Increased privacy screens.
- o Consequential changes to setbacks.

The amended DA was not re-notified as it was not required under Council's Community Participation Plan.

The issues raised in submissions can be summarised as:

- Traffic and Parking.
- Out of character with the local area.
- Amenity impacts including privacy

In respect of traffic and parking, the DA has been amended to comply with the minimum car parking numbers under the SEPP and therefore cannot be used as a reason to refuse the DA and TfNSW have provided their concurrence subject to conditions in respect of access to the site from the classified road.

In respect of character of the area, the subject site is zoned R3 Medium Density. Residential flat buildings and multi-dwelling housing are permissible in the zone. In addition, the proposed development satisfies the minimum FSR 0.5:1 contained within Council's DCP, and the proposed development provides a generous front setback complying with the DCP.

In respect of amenity impacts in particular privacy, the application has been amended and now includes privacy screens to upper-level balconies. These balconies are also setback more than the required setback requirements in the DCP.

The amended DA has been assessed against both the Affordable Rental Housing SEPP, newly gazetted Housing SEPP, Council's LEP and DCP and is considered acceptable.

The DA has been assessed under section 4.15 of the Environmental Planning and Assessment Act 1979 and is considered acceptable subject to conditions.

2. Site Description and Locality.

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The subject site (**the site**) is legally described as Lot 22 DP 529628, and known as 116 Mittagong Road, Bowral.

The site is a 1907m² residential lot on the eastern side of Mittagong Road in Bowral. Vehicular access to the site is provided from Mittagong Road.

The site is bounded by residential dwellings to the north and adjoins a lot to the north and east which has recently obtained development consent for a multi-dwelling housing development containing ten (10) townhouses at 118 Mittagong Road, Bowral. (DA18/0530)

Surrounding properties are occupied by a mix of detached dwellings and medium density residential development.

The site is zoned R3 Medium Density Residential under the provisions of the Wingecarribee Local Environmental Plan (LEP) 2010.

The lot has a frontage to Mittagong Road of approximately 20m wide, and a lot depth of 94m. The lot is regular in shape.

The site currently contains an existing dwelling located toward the front of the site. A detached garage with access from Mittagong Road at the rear make up the remainder of development within the site.

The site slopes gently from the northeast corner to the southwest corner with a lower gradient in the front and rear portions of the site. The site drains to the street frontage.

The section of Mittagong Road fronting the site is a classified road.

Figures 1 and 2 illustrate the site's location and context. Figure 3 is a photo with subject site and adjoining properties as viewed from Mittagong Road.

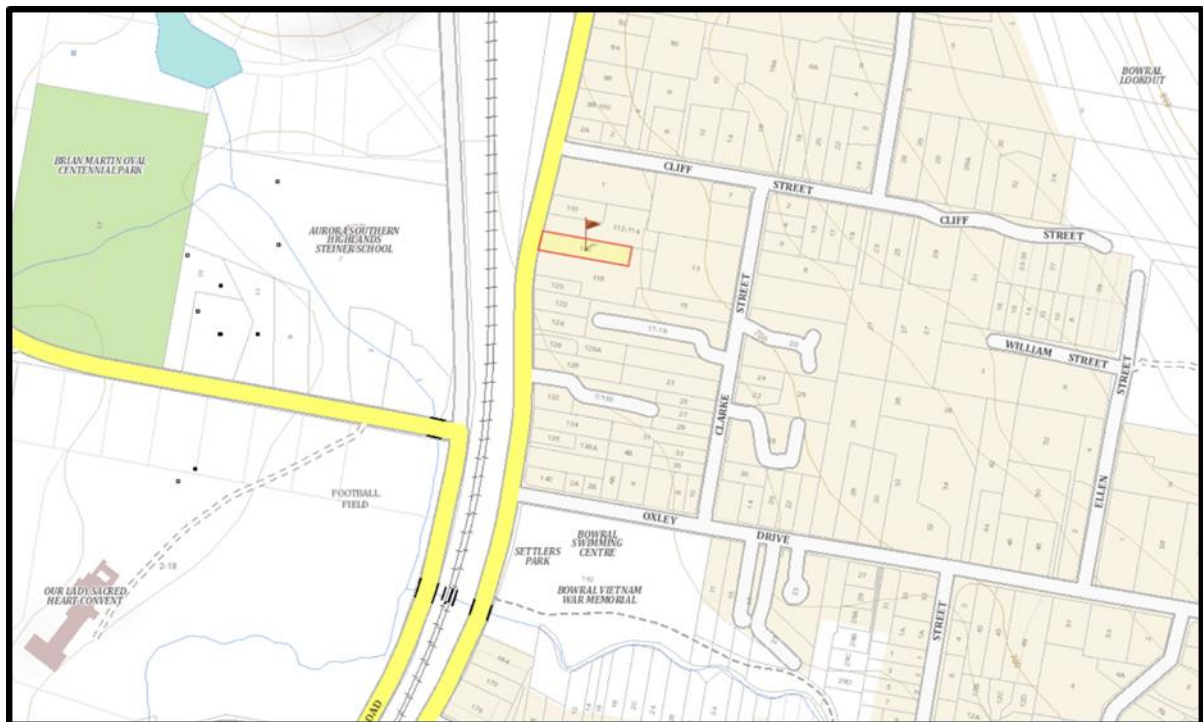


Figure 1: Locality Map (Source: Six Maps)

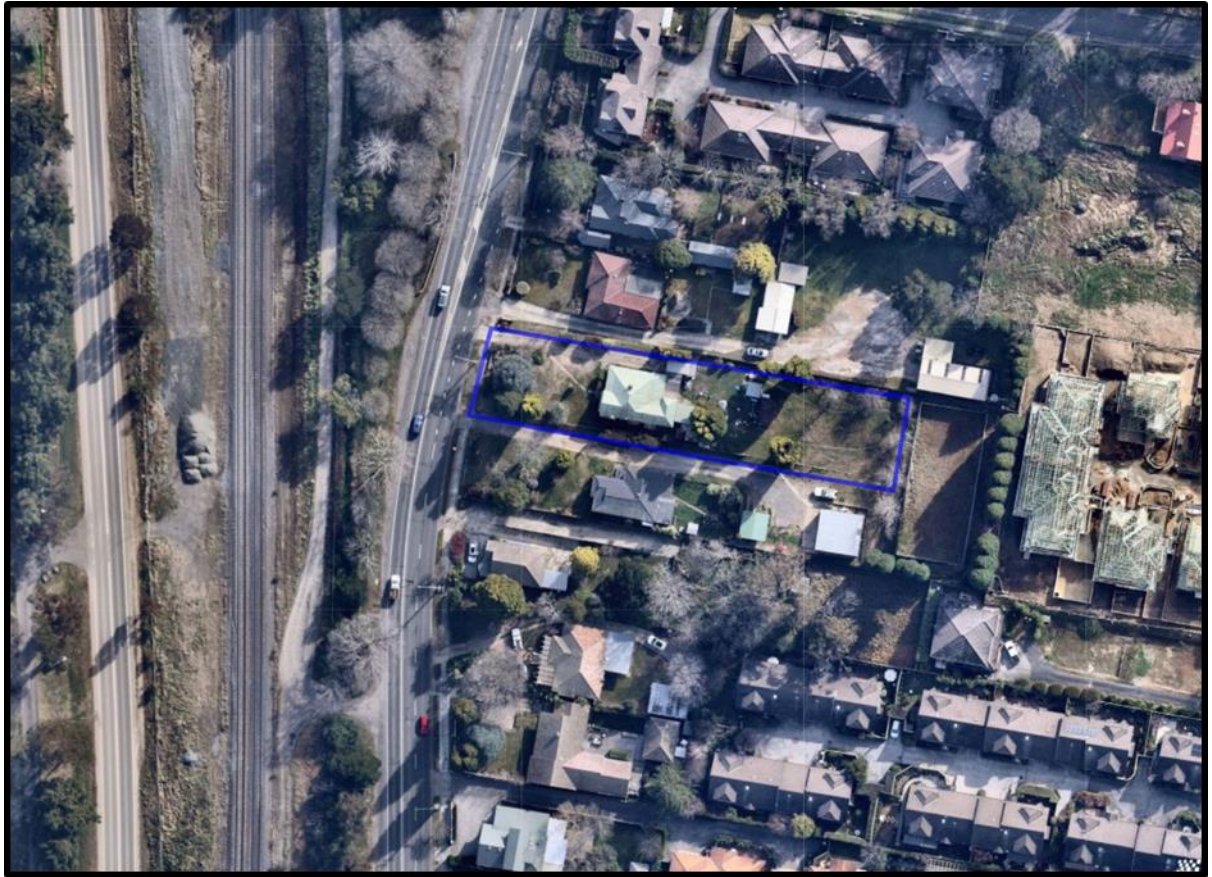


Figure 2: Aerial Photo of Subject Site (Source: Nearmap)



Figure 3: Photo of Subject Site & Adjoining Properties from Mittagong Rd (Source: Google Street view)

3. Description of Proposed Development

The development application as amended seeks consent for the demolition of existing structures and construction of a boarding house and associated works at 116 Mittagong Road, Bowral.

Specifically, the works consist of the following:

- Demolition of all existing structures;
- Removal of twelve (12) existing trees and retention of eleven (11) existing trees;
- Driveway on the southern boundary;
- Construction of a boarding housing development consisting of two (2) blocks containing twenty-two (22) individual boarding rooms and a Managers Residence in the following configuration:

Block	Level	Units	GFA
One	Ground	4 Units & Management and Common Room	225.5 m ²
	One	6 Units	202 m ²
Two	Ground	6 Units	229.6 m ²
	One	6 Units	216 m ²
Total = 2 Blocks	Total = 22 Units		Total GFA = 873.1 m ²
Total Car Parking Spaces Proposed = 10 Spaces			

- Provision of landscaping and associated site works.

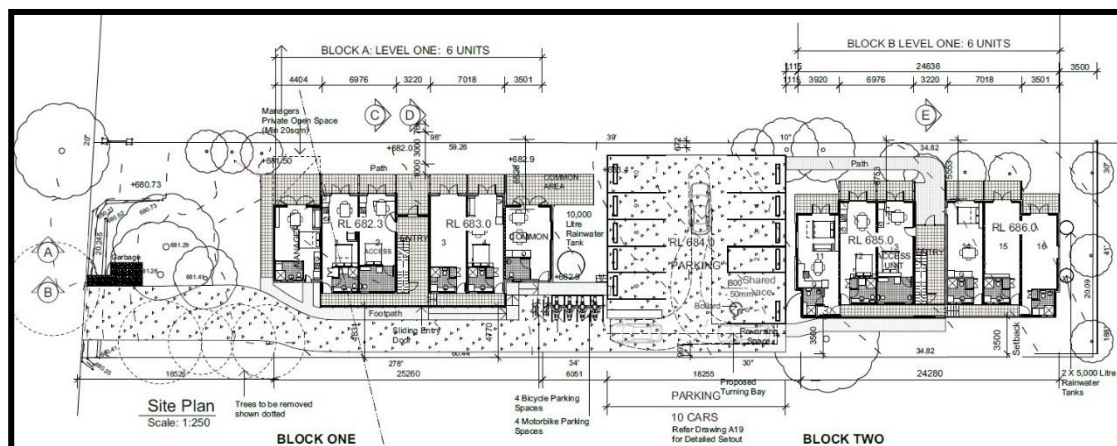


Figure 4 – Proposed Site Plan

4. History of Development Application

Below is a chronology of the DA:

- DA was lodged on 21 March 2018.
- DA was notified between 9 April 2018 and 25 May 2018.
- A number of requests for additional information were made to the applicant on 2 May 2018, 12 June 2018 and 27 September 2018.
- Additional information was received by Council on 4 July 2019, 26 March 2020 and 23 August 2021
- TfNSW raised concerns in respect of the proposed access arrangement to Mittagong Road on 1 December 2020.
- The applicant amended their DA on 26 March 2020 pursuant to Clause 55 of the Environmental Planning and Assessment Regulation with the changes flipping the development in order to place the driveway of the southern side of the site to resolve access issues. Other changes included:
 - Increasing the number of car parking spaces to comply with planning requirements;
 - Increased privacy screens;
 - Consequential changes to setbacks.

The amended DA was not re-notified as it was not deemed to be required under Council's Community Participation Plan.

- TfNSW provided support for the proposed development on 15 September 2021 subject to conditions of consent.

5. Assessment

The application has been considered with regard to the matters for consideration specified by section 4.15 (1) of the Environmental Planning and Assessment Act 1979, as detailed below.

Section 4.15 (1) (a) (i)—The provisions of any environmental planning instrument that apply to the land

State Environmental Planning Policy (Infrastructure) 2007

Clause 100 requires that development with a capital investment value greater than \$185,000 to be referred to TfNSW for their concurrence.

The application was referred to TfNSW, initially they raised concerns with the proposed development. The application was amended to respond to the issues raised. On 15 September 2021 concurrence was received subject to detailed conditions of consent.

State Environmental Planning Policy No 55—Remediation of Land

Clause 7 of SEPP 55 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.

There is no record of the development history of the site including potentially contaminating or contaminating activities. There is no evidence of contamination on the ground surface of the site. The existing buildings may contain potentially contaminating materials and conditions are recommended for an audit of all building materials and appropriate management and disposal plans for any potentially contaminated materials prior to the demolition of the existing buildings.

Subject to this recommended condition Council is satisfied that the land is not a site of possible contamination, and the proposed works will not cause a threat to human health or the health of the environment. Subject to these requirements the proposal is consistent with the requirements of SEPP 55.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The catchment SEPP aims:

- (a) to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal.
- (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.
- (c) to support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.

The application was referred to Water NSW who have concurred with Council granting consent to the application subject to conditions as detailed in their letter dated 31 August 2018.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

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The SEPP aims to encourage sustainable development and requires DA's for such development to be accompanied by a list of BASIX commitments as to the manner in which the development will be carried out.

A BASIX certificate was prepared with the original development and forms part of the approved conditions of consent which satisfies the SEPP.

State Environmental Planning Policy (Affordable Rental Housing) 2009

SEPP (Affordable Rental Housing) 2009 was repealed on 26 November 2021. This policy was repealed by Section 10(1)(a) of the State Environmental Planning Policy (Housing) 2021.

The Housing SEPP includes savings provisions which were considered in a recent judgement of the NSW Land & Environment Court (*Emag Apartments Pty Limited v Inner West Council NSWLEC 1042*).

Like the *Emag* decision, there is no inconsistency with the development. The Affordable Rental Housing SEPP defines boarding houses, where in the Housing SEPP is best defined as "Co-Living Housing".

An assessment of the proposed development against both SEPPS is provided below, starting with the Affordable Rental Housing SEPP:

Clause	Control	Discussion	Compliance
26 – Land to which Division applies	This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones— (a) Zone R1 General Residential, (b) Zone R2 Low Density Residential, (c) Zone R3 Medium Density Residential, (d) Zone R4 High Density Residential, (e) Zone B1 Neighbourhood Centre, (f) Zone B2 Local Centre, (g) Zone B4 Mixed Use.	The site is located within the R3 Medium Density Residential zone.	Yes
27 – Development to which Division applies	(1) This Division applies to development, on land to which this Division applies, for the purposes of boarding houses. (2) Despite subclause (1), clauses 29, 30 and 30A do not apply to development on land within Zone R2 Low Density Residential or within a	The subject site is not within the Greater Sydney Region. N/A. Site is zoned R3 Medium Density.	N/A

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	<p>land use zone that is equivalent to that zone in the Greater Sydney region unless the land is within an accessible area.</p> <p>(3) Despite subclause (1), clauses 29, 30 and 30A do not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone that is not in the Greater Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use or within a land use zone that is equivalent to any of those zones.</p>	<p>N/A. Site is zoned R3 Medium Density</p>	
<p>29 – Standards that cannot be used to refuse consent</p>	<p>(1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than—</p> <p>(a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or</p> <p>(b) if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land, or</p> <p>(c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus—</p> <p>(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or</p>	<p>The LEP does not contain an FSR, however the DCP has an FSR of 0.5:1 as the site is zoned R3. The proposed FSR is 0.46:1.</p>	<p>Yes</p>

	<p>(ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.</p> <p>(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds—</p> <p>(a) building height</p> <p>if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,</p> <p>(b) landscaped area</p> <p>if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,</p> <p>(c) solar access</p> <p>where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</p> <p>(d) private open space</p> <p>if at least the following private open space areas are provided (other than the front setback area)—</p> <p>one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,</p> <p>if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,</p> <p>(e) parking</p> <p>if—</p>	<p>N/A</p> <p>The Landscape treatment is considered compatible with large front setback.</p> <p>The proposed communal living room is orientated to the north and receives the required sunlight.</p> <p>Private open space is provided as required which meets the minimum require area.</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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	<p>(i) in the case of development in an accessible area - at least 0.2 parking spaces are provided for each boarding room, and</p> <p>(ii) in the case of development not in an accessible area —at least 0.4 parking spaces are provided for each boarding room, and</p> <p>(iii) in the case of any development – not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site.</p> <p>(f) accommodation size</p> <p>if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least—</p> <p>(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or</p> <p>(ii) 16 square metres in any other case.</p> <p>(3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.</p> <p>(4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).</p>	<p>A minimum of 0.4 spaces per boarding room is required, and 1 space for the on-site manager. A total of 9.9 spaces is required. A total of 10 spaces is provided which complies with the minimum requirement.</p> <p>A minimum 16m2 gross floor area (excluding kitchen and bathroom facilities) is provided.</p> <p>Noted, all boarding house rooms have kitchen and bathroom facilities.</p> <p>Noted</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>30 – Standards for boarding houses</p>	<p>A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following—</p> <p>(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,</p> <p>(b) no boarding room will have a gross</p>	<p>A communal living room is provided.</p> <p>No boarding room will have a gross floor area (minus exclusions) of more than 25m2.</p>	<p>Yes</p> <p>Yes</p>

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	<p>floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,</p> <p>(c) no boarding room will be occupied by more than 2 adult lodgers,</p> <p>(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,</p> <p>(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,</p> <p>(f) (Repealed)</p> <p>(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,</p> <p>(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.</p> <p>(2) Subclause (1) does not apply to development for the purposes of minor alterations or additions to an existing boarding house.</p>	<p>A condition is included limiting the number of lodgers.</p> <p>Adequate bathroom and kitchen facilities are provided.</p> <p>A boarding house manager is provided for.</p> <p>N/A</p> <p>N/A</p> <p>4 bicycle and 4 motorcycle spaces are provided.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p> <p>No but considered acceptable given only rounding.</p>
30AA – Boarding Houses in Zone R2 Low Density Residential	<p>A consent authority must not grant development consent to a boarding house on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone unless it is satisfied that the boarding house has no more than 12 boarding rooms.</p>	<p>The applicant does not respond to this clause. It is noted that a small portion of the basement is located within the R2 zone, however given the boarding rooms are located in the R3 land, it is considered acceptable.</p>	<p>Yes</p>
30A – Character of local area	<p>A consent authority must not consent to development to which this Division</p>	<p>The boarding house is located on R3 zoned</p>	<p>NA</p>

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	<p>applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.</p>	<p>land where the locality is undergoing transition.</p> <p>Town house developments have been approved and built within the locality. The proposed development retains the large front setback and is considered to be compatible with the local area.</p>	
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State Environmental Planning Policy (Housing) 2021

The Housing SEPP came into force on 26 November 2021. As detailed above, an assessment of the proposed development against the Housing SEPP is provided below, specifically against the Co-living housing provisions because under the Housing SEPP, a Boarding House requires the boarding house to be managed by a registered housing provider, which is not the case in this application.

Clause	Control	Discussion	Compliance
<p>67 – Co-living housing may be carried out on certain land with consent</p>	<p>Development for the purposes of co-living housing may be carried out with consent on land in a zone in which development for the purposes of co-living, residential flat buildings or shop top housing is permitted under another environmental planning instrument.</p>	<p>The site is zoned R3 Medium Density Residential and both Residential Flat buildings and shop-top housing is permissible in the zone.</p>	<p>Yes</p>
<p>68 – Non-discretionary development standards-the Act, S4.15</p>	<p>(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of co-living housing that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</p> <p>(2) The following are non-</p>	<p>Noted.</p>	

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	<p>discretionary development standards in relation to development for the purposes of co-living housing—</p> <p>(a) for development in a zone in which residential flat buildings are permitted—a floor space ratio that is not more than—</p> <p>(i) the maximum permissible floor space ratio for residential accommodation on the land, and</p> <p>(ii) an additional 10% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of co-living housing,</p> <p>(b) for co-living housing containing 6 private rooms—</p> <p>(i) a total of at least 30m² of communal living area, and</p> <p>(ii) minimum dimensions of 3m for each communal living area,</p> <p>(c) for co-living housing containing more than 6 private rooms—</p> <p>(i) a total of at least 30m² of communal living area plus at least a further 2m² for each private room in excess of 6 private rooms, and</p> <p>(ii) minimum dimensions of 3m for each communal living area,</p> <p>(d) communal open spaces—</p> <p>(i) with a total area of at least 20% of the site area, and</p> <p>(ii) each with minimum dimensions of 3m,</p> <p>(e) unless a relevant planning instrument specifies a lower number—</p> <p>(i) for development on land in an accessible area—0.2 parking spaces for each private room, or</p> <p>(ii) otherwise—0.5 parking spaces for each private room,</p>	<p>The R3 zone does not have an FSR in the LEP however an FSR of 0.5:1 applies in the DCP. The proposed FSR for the boarding house component is 0.46:1.</p> <p>NA, boarding house contains more than 6 rooms</p> <p>The boarding house has 22 rooms, which would require a communal living area of 62m². The communal living room area for the development is 20.5m².</p> <p>At least 20% of the site area is communal open space.</p> <p>A minimum of 0.5 spaces per boarding room is required, and 1 space for the on-site manager. A total of 25 spaces is provided which complies with the minimum requirement.</p>	<p>Yes</p> <p>N/A</p> <p>No. but considered acceptable as each room as a patio or balcony facing north.</p> <p>Yes</p> <p>No. but complies with Affordable Rental Housing SEPP.</p>
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	<p>(f) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum landscaping requirements for multi dwelling housing under a relevant planning instrument,</p> <p>(g) for development on land in Zone R4 High Density Residential—the minimum landscaping requirements for residential flat buildings under a relevant planning instrument.</p>	N/A	N/A
		N/A	N/A
69 – Standards for co-living housing	<p>(1) Development consent must not be granted for development for the purposes of co-living housing unless the consent authority is satisfied that—</p> <p>(a) each private room has a floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, that is not more than 25m² and not less than—</p> <p>(i) for a private room intended to be used by a single occupant—12m², or</p> <p>(ii) otherwise—16m², and</p> <p>(b) the minimum lot size for the co-living housing is not less than—</p> <p>(i) for development on land in Zone R2 Low Density Residential—the lesser of the minimum lot size requirements for manor houses under a relevant planning instrument, or 600m²,</p> <p>(ii) for development on land in Zone R3 Medium Density Residential—the minimum lot size requirements for multi dwelling housing under a relevant planning instrument,</p> <p>(iii) for development on other land—the minimum lot size requirements for</p>	<p>No boarding room will have a gross floor area (minus exclusions) of more than 25m².</p> <p>Yes, a minimum 16m² gross floor area (excluding kitchen and bathroom facilities) is provided</p> <p>NA</p> <p>No minimum lot size applies.</p> <p>N/A</p>	<p>Yes</p> <p>Yes</p> <p>NA</p> <p>N/A</p>

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	<p>residential flat buildings under a relevant planning instrument, and</p> <p>(c) for development on land in Zone R2 Low Density Residential or an equivalent land use zone, the co-living housing—</p> <p>(i) will not contain more than 12 private rooms, and</p> <p>(ii) will be in an accessible area, and</p> <p>(d) the co-living housing will contain an appropriate workspace for the manager, either within the communal living area or in a separate space, and</p> <p>(e) for co-living housing on land in a business zone—no part of the ground floor of the co-living housing that fronts a street will be used for residential purposes unless another environmental planning instrument permits the use, and</p> <p>(f) adequate bathroom, laundry and kitchen facilities will be available within the co-living housing for the use of each occupant, and</p> <p>(g) each private room will be used by no more than 2 occupants.</p> <p>(2) Development consent must not be granted for development for the purposes of co-living housing unless the consent authority considers whether—</p> <p>(a) the front, side and rear setbacks for the co-living housing are not less than—</p> <p>(i) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum setback requirements for multi dwelling housing under a relevant planning instrument, or</p> <p>(ii) for development on land in Zone R4 High Density Residential—the minimum setback requirements for residential flat buildings under a relevant planning instrument, and</p>	<p>N/A</p> <p>Appropriate space is provided</p> <p>N/A</p> <p>Appropriate facilities are provided</p> <p>Can be conditioned</p> <p>Appropriate setbacks are provided.</p> <p>N/A</p> <p>N/A</p>	<p>N/A</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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	<p>(b) if the co-living housing has at least 3 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide, and</p> <p>(c) at least 3 hours of direct solar access will be provided between 9am and 3pm at mid-winter in at least 1 communal living area, and</p> <p>(d) at least 1 bicycle parking space will be provided for each private room, and</p> <p>(e) at least 1 motorcycle parking space will be provided for every 5 private rooms, and</p> <p>(f) the design of the building will be compatible with—</p> <p>(i) the desirable elements of the character of the local area, or</p> <p>(ii) for precincts undergoing transition—the desired future character of the precinct.</p> <p>(3) Subsection (1) does not apply to development for the purposes of minor alterations or additions to existing co-living housing.</p>	<p>N/A</p> <p>At least 3 hours is received to the communal living area.</p> <p>4 spaces are provided</p> <p>4 spaces are provided</p> <p>Yes the proposed development is considered compatible, see discussion under Affordable housing SEPP table.</p>	<p>Yes</p> <p>No, but considered acceptable, see Affordable Rental Housing SEPP.</p> <p>No, but considered acceptable, see Affordable Rental Housing SEPP.</p> <p>Yes</p>
70 – No subdivision	Development consent must not be granted for the subdivision of co-living housing into separate lots.	No subdivision is proposed of the boarding house / co-living component of the development.	Yes

Wingecarribee Local Environmental Plan 2010 (the LEP)

The relevant provisions of the LEP are addressed in the table below.

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Clause	Control	Discussion	Compliance
2.3 – Zone objectives and Land Use Table	<p>The land is zoned R3 Medium Density Residential</p> <p>The objectives of the R3 zone are:</p> <p><i>To provide for the housing needs of the community within a medium density residential environment.</i></p> <p><i>To provide a variety of housing types within a medium density residential environment.</i></p> <p><i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i></p>	Boarding houses were permissible under the LEP in force at time of lodgement.	Yes

Section 4.15 (1) (a) (ii)—The provisions of any proposed instrument that apply to the land

No draft instrument is relevant to the proposed development.

Section 4.15 (1) (a) (iii)—The provisions of any development control plan that apply to the land

The Bowral Township DCP is the applicable DCP with the relevant provisions of the DCP are addressed in the table below:

Clause	Control	Discussion	Compliance
Part C Residential Zoned Land			
C1.5 - Height of Buildings	<p>For single (1) storey development, six (6) metres.</p> <p>For two (2) storey development, nine (9) metres</p> <p>For three (3) storey development, twelve (12) metres.</p>	2-storey developments are to be 9 m in height. The maximum building height is 8.47m.	Yes
C1.6 – Building Materials	A detailed exterior colour scheme must be presented to allow Council to	The applicant has identified the colours	Yes.

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	assess the proposed colours against the existing streetscape.	and materials on the elevations which details they will be compatible.	
Section 3 Medium Density Development			
C3.4 – Density and Site Coverage	0.5: 1 Floor space ratio	An FSR of 0.46:1 is proposed	Yes
C3.6 – Front Setbacks	Consistent with buildings immediately adjacent to the site and in the immediate vicinity.	Appropriate front setbacks are provided	Yes
C3.7 – Side Setbacks	3.5m where development is more than 3m in height	At least 3.5m setback is provided	Yes
C3.8 – Rear setbacks	Generally consistent with those of existing adjacent development	Consistent	Yes
C3.13 - Privacy	Windows are to be designed and located so as to reduce direct overlooking	Windows are designed to prevent overlooking. Privacy screens are proposed on 1 st floor level.	Yes
Section 4 – Other Forms of Residential Development			
C4.3 – Controls for Boarding Houses	<p>(a) The proposed development shall comply with all relevant design controls contained in previous section of Part C of this Plan.</p> <p>(b) A Landscape Plan shall be provided for all development other than detached dwellings.</p> <p>(c) On-site private open space shall be provided to improve the</p>	<p>Noted.</p> <p>A landscape plan has been provided.</p> <p>On site private open space has been provided but is not well</p>	<p>See assessment above.</p> <p>Yes.</p> <p>Yes.</p>

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	residential amenity of the development.	connected to the communal living room.	
	(d) Access to the subject site shall be located to ensure adequate vehicular and pedestrian safety.	Access to the site is provided.	Yes.
Section 15 – Northern Entrance Medium Density Precinct			
C15.2 Preferred Outcomes	As this Precinct forms the northern entry to the town it is important that redevelopment, especially that facing Mittagong Road, present a view which reflects the scale and style of development found elsewhere in the town. In particular, Council seeks to: (a) achieve a sensitive approach that reflects the architectural form and scale of surrounding existing development. (b) maintain the mature landscape character so distinctive of Bundanoon including both street trees and private gardens	Front setback from Mittagong Road is in keeping with surrounding development and is considered acceptable. The proposed development reflects surrounding developments and is regarded as compatible in relation to bulk, scale and style.	Yes Yes

Section 4.15 (1) (a) (iv)—The provisions of any planning agreement that apply to the land

No planning agreement or draft planning agreement applies to the land.

Section 4.15 (1) (a) (v)—The provisions of the regulations (to the extent that they prescribe matters for the purposes of this paragraph) that apply to the land

No provisions of Division 8 of Part 6 of the Environmental Planning and Assessment Regulation 2000 are relevant to the proposed development.

Section 4.15 (1) (b)—The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The impacts of the proposed development have been discussed above, with the proposed development being compatible with the R3 Medium Density Residential zone which is undergoing transition.

Section 4.15 (1) (c)—The suitability of the site for the development

The proposed development is suitable for the R3 Medium Density Residential zone and satisfies both the State and local planning controls for the proposed development.

Section 4.15 (1) (d)—Any submissions made in accordance with the Act or the regulations

Notification of the review of determination was undertaken in accordance with Council’s Community Engagement Strategy. Refer to the consultation section of this report for discussion on both internal and external submissions received.

Section 4.15 (1) (e)—The public interest

The public interest is considered in the consultation section of this report below:

1. Internal and External Communication and Consultation

Internal Referrals

Engineering including Traffic & Sewer & Water	The amended proposal is considered acceptable subject to detailed conditions, included from TfNSW. In addition, the sewer will need to be augmented and suitable conditions have been included requiring a Section 68 Approval from Council for those works.
Tree and Vegetation	The amended proposal is considered acceptable subject to conditions.

External Referrals

Water NSW	The application was referred to Water NSW who have concurred with Council granting consent to the application subject to conditions which are included in the recommended conditions of consent.
Transport for NSW	The application was referred to Transport for NSW who provided their concurrence following detailed discussions between the Applicant and TfNSW. TfNSW have provided their concurrence subject to conditions which are included in the recommended conditions of consent.

6. Notification

The review of determination was publicly notified in accordance with Council's Community Participation Plan from 9 April 2018 to 25 May 2018. Council received 19 submissions, objecting to the proposed development.

The application has been amended during the assessment of the DA. Changes have included flipping the development in order to place the driveway of the southern side of the site to resolve access issues. Other changes included:

- Increasing the number of car parking spaces to comply with planning requirements;
- Increased privacy screens;
- Consequential changes to setbacks.

The amended DA was not re-notified as it was not deemed to be required under Council's Community Participation Plan.

The issues raised in the submissions have been summarised and considered below:

Issues	Response
The proposed development will increase traffic problems for the local area.	The proposed development satisfies the SEPP in respect of minimum car parking requirements and parking cannot be used to refuse the DA. In addition, as the site is accessed from a classified road the DA was referred to TfNSW for their concurrence. The application was amended to address their concerns and concurrence received subject to conditions of consent.

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<p>Developers are exploiting planning laws to make profits.</p>	<p>The applicant has lodged the DA under a State Planning Control, which seeks to provide Boarding Houses in suitable locations subject to meeting detailed planning controls.</p> <p>The subject site is zoned R3 medium density residential where both residential flat buildings and multi-dwelling housing is permissible.</p>
<p>The proposed development will result in the overdevelopment of the local area.</p>	<p>The subject site is zoned R3 medium density residential where both residential flat buildings and multi-dwelling housing is permissible.</p> <p>The proposed development complies with Council's DCP Floor Space Ratio control of 0.5:1 and includes a large front setback which preserves its presentation to Mittagong Road and is considered not to be an overdevelopment of the site.</p>
<p>Privacy will be impacted with units overlooking residential homes</p>	<p>This issue was raised early with the applicant, in response the applicant now proposes privacy screens to the 1st floor balconies. These balconies also comply with the applicable setbacks to boundaries.</p> <p>It is therefore considered that privacy has been suitably addressed by the applicant.</p>
<p>The proposed development will be out of character with the local area.</p>	<p>The proposed development will not be out of character with the local area.</p> <p>The subject site is zoned R3 medium density residential where both residential flat buildings and multi-dwelling housing is permissible.</p> <p>The proposed development complies with Council's DCP Floor Space Ratio control of 0.5:1 and includes a large front setback which preserves its presentation to Mittagong Road.</p>
<p>Emergency vehicles will find it difficult to enter the site.</p>	<p>Both Council's engineers and TfNSW have considered access to the site and considered that the amended plans address access to the site subject to conditions which have been included in the draft conditions.</p>
<p>The proposed development will cause unnecessary stress on the inadequate sewer and water services.</p>	<p>Council's engineers considered both water and sewer capacity. In respect of water there is capacity, in respect of sewer, a sewer augmentation is required which will require the applicant to obtain a Section 68 approval under the Local Government Act before the issue of a Construction Certificate.</p>

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The car parking is unacceptable. The development proposes minimal car parking which will push people to park on the street.	The proposed development complies with the minimum car parking requirements and cannot be used to refuse the DA.
The proposed development does not comply with the applicable building codes.	Suitable conditions have been recommended requiring compliance with the BCA, which is a requirement prior to the issue of a Construction Certificate.
Individuals living in the boarding house will not fit within the well-established family area.	Boarding Houses are permissible within the R3 Medium Density Residential zone. A draft condition of consent has been included requiring the provision of a Plan of Management prior to the issue of a Construction Certificate.

7. Conclusion

DA18/0308 for the demolition of existing structures and construction of a boarding house development and associated works at 116 Mittagong Road, Bowral is considered satisfactory with respect to the matters for consideration specified by section 4.15 of the Environmental Planning and Assessment Act 1979. It is recommended that the proposal be approved subject to draft conditions of consent specified in Attachment 1.

ATTACHMENTS

1. Attachment 1 Draft Conditions 116 Mittagong Rd [6.4.1 - 41 pages]
2. Attachment 2 - Proposed Plans [6.4.2 - 14 pages]
3. Attachment 3 - SEE & Addendum SEE [6.4.3 - 29 pages]

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Attachment 1 – Draft Conditions

SCHEDULE 1 CONDITIONS OF DEVELOPMENT CONSENT

ADMINISTRATION CONDITIONS

1. Development Description

Development consent has been granted in accordance with this notice of determination for the purposes of demolition of existing structures, and construction of a boarding house containing 22 boarding house rooms and a managers unit and associated works.

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	A03(L) A04 (L) A05 (K) A06 (L) A07 (L) A08 (L) A09 (L) A10 (K) A11 (L) A12 (L) A13 (K) A14 (K) A19 (M)	Ian Jones Designs	25/03/2020
BASIX Certificate	900488M	Efficiency Assessments Pty Ltd	22/02/2018

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).*

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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. 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 certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (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 certifying authority (PCA) for the development to which the work relates (not being the council) has given the council written notice of the updated

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information.

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

7. Home Warranty Insurance

No residential building work within the meaning of the Home Building Act 1989 may commence until:

- (a) A contract of insurance in accordance with Part 6 of the Home Building Act 1989 is entered into and in force, where such a contract is required under that Act (this is a prescribed condition of consent pursuant to clause 98 1(b) Environmental Planning and Assessment Regulation 2000;
- (b) The PCA is satisfied that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the Home Building Act 1989 (unless the work is to be carried out by an owner-builder);
- (c) If the work is to be carried out by an owner builder, that the owner builder is the holder of any owner builder permit required under the Home Building Act 1989;
- (d) Written notice of the following information has been provided to Council (this is a prescribed condition of consent pursuant to clause 98B of the Environmental Planning and Assessment Regulation 2000):
 - (i) In the case of work for which a principal contractor is required to be appointed:
 - The name and licence number of the principal contractor, and
 - The name of the insurer by which the work is insured under Part 6 of the Home Building Act 1989,
 - (ii) In the case of work to be done by an owner-builder:
 - The name of the owner-builder, and
 - If the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989, the number of the owner-builder permits.

Where Council is not the PCA, the PCA is responsible for notifying Council of the above matters.

Where arrangements for doing residential building work change while the work is in progress so that the above information becomes out of date, the PCA (where not the Council) must provide Council with written notice of the updated information.

Reason: *Statutory requirement in accordance with Home Building Act 1989.*

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*

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cannot be viewed as unlawful under the Disability Discrimination Act 1992.

9. 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.*

10. Asbestos Removal – Demolition of Buildings

Advice: *These conditions of development consent are to be applied to work that may involve asbestos, in particular demolition and renovation or recladding or brick veneering works of buildings erected prior to 1987. Evidence acceptable to Council may be required to establish the construction date of a building or part of a building:*

- (a) *Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - The demolition of structures.*

Note: *Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.*

- (b) *The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site five (5) working days prior to demolition. Such notification shall state the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site. Demolition must not commence prior to the date stated in the notification.*
- (c) *Five (5) working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Wingecarribee Shire Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must not commence prior to the commencement date nominated in the written notice.*

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- (d) *On the first day of demolition, work is not to commence until the Principal Certifying Authority (PCA) has inspected the site. Should the building to be demolished be deemed likely to contain asbestos, approval to commence demolition will not be granted until the PCA is satisfied that all measures are in place so as to comply with WorkCover's document 'Your Guide to Working with Asbestos'.*
- (e) *On demolition sites where buildings to be demolished are likely to contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.*
- (f) *Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".*
- (g) *Demolition is to be completed within five (5) days of commencement at which time the applicant shall notify the Certifying Authority.*
- (h) *Demolition works are restricted to Monday to Friday between the hours of 7.00am to 6.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.*
- (i) *Protective fencing is to be installed to prevent public access to the site.*
- (j) *All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a facility licensed by the NSW Environmental Protection Authority (EPA) to accept such waste provided to Council.*

Note: *The person responsible for disposing of the above asbestos waste is to telephone the EPA on 131 555 or Council's Customer Service Department on (02) 4868 0888 to determine the location of a waste facility licensed to receive asbestos. Within 14 days of the completion of demolition works, the applicant must lodge with Council, all original weighbridge receipts issued by the receiving licensed waste facility as evidence of proper disposal.*

- (k) *After completion, the applicant shall notify the Principal Certifying Authority within seven (7) days to assess the site and ensure compliance with Australian Standard AS2601 2001 - The Demolition of Structures.*
- (l) *Within 14 days of completion of demolition, the applicant shall submit to Council:*
 - (i) *an asbestos clearance certificate prepared by a WorkCover licensed asbestos assessor; and*
 - (ii) *a signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.*

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Reason: *To ensure that asbestos is disposed of to a licensed waste facility and is removed in accordance with safe work practices.*

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

11. 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.*

12. Appointment of Principal Certifying Authority

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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 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.*

13. Section 68 Local Government Act 1993 Approvals

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

- Carry out water supply work
- Carry out sewerage work
- Carry out sanitary drainage
- Carry out stormwater drainage work

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

14. Section 7.11 Contributions (Formerly Section 94)

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

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

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

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

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

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

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

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

15. Water Management Act – Certificate of Compliance

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

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

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

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- Water Supply Development Servicing Plan;
- Sewerage Development Servicing Plan; and
- Stormwater Development Servicing Plan.

A developer Charges - Notice of Payment is attached to the back of this consent and outlines monetary contributions and unit rates applicable at the time of issue of this consent.

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

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

The Water and Sewerage Development Servicing Plans (DSP's) were adopted by Council on 22 November 2006 and came into effect on 15 September 2007. The Stormwater DSP was adopted on 9 November 2010 and came into effect on 8 December 2010.

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

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

Compliance Certificate

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

Water \$250.00 + Sewer \$250.00 + Stormwater \$250.00 = \$750.00

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

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

In the case of other forms of development, the Construction Certificate will not be issued until the Water Management Act 2000 charges have been paid and/or secured and the approval of Council has been obtained.

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

16. Demolition Requirements

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The existing structures shall be demolished in accordance with the requirements of AS2601-2001 "The Demolition of Structures".

Amongst others, precautions to be taken shall include compliance with the requirements of the SafeWork NSW and Council's Water and Sewer Asset Protection, including:-

- (a) Protection of site workers and the general public.
- (b) Erection of hoardings where appropriate.
- (c) Asbestos removal handling and disposal where applicable by licensed contractors.
- (d) Ensuring only licensed demolition contractors are used as required pursuant to Occupational Health and Safety Legislation.
- (e) Appropriate precautions are taken in regard to lead based paints.
- (f) Water and Sewer Asset Protection

All water and sewer assets on the site or on adjacent road reserve or lands that may be affected by the demolition works are to be clearly identified on site and protected from damage. Those water and sewer protection measures are to be shown on the site plan and are to be approved by Council's Water and Sewer Planning and Development Engineer before any demolition works can commence.

- (g) Sewer Assets Temporary Disconnection or Closure

The site sanitary drainage is to be temporarily disconnected or closed off by a suitably qualified Plumber from any of Council's sewer sidelines, sewer junctions and or boundary traps that are to be retained and reused to prevent ingress contaminants into Council's sewer mains. This work shall be sited and approved by Council's Water and Sewer Development Engineer before demolition works can commence.

- (h) Removal of Redundant Council Sewer Assets and Water Services

The site sanitary drainage is to be temporarily disconnected or closed off by a suitably qualified Plumber from any of Council's sewer sidelines, sewer junctions and or boundary traps that are to be disconnected by Council to prevent ingress of contaminants into Council's sewer mains. This work shall be sited and approved by Council's Water and Sewer Development Engineer before demolition works can commence.

Make application and pay fees for the removal of redundant sewer assets and or water services. These fees shall be paid before any demolition works can commence.

Redundant water meter shall not be removed to allow for final readings and removal by Council staff.

- (i) Temporary Use of Council Sewer Junctions and Water Services

During demolition or building works Council may permit temporary use of sewer junctions and water services. Details of the proposed use shall be shown on the site plan and are to be approved by the Water and Sewer Planning and Development Engineer before any demolition works can commence.

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Water services that are to be temporarily retained shall not have the water meter disconnected or removed. An approved backflow prevention device shall be installed. Details shall be shown on the site plan and are to be approved by the Water and Sewer Planning and Development Engineer before any demolition works can commence.

The disposal of refuse is to occur at an approved location. Council will require documentary proof of destination for hazardous materials such as asbestos and contaminated soils and may request evidence on disposal of other demolition materials - refer approved Waste Management Plan.

Reason: *Statutory Requirement*

17. Building Materials and Colour Scheme

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

Roof and wall materials are to be of a dark tone, non-reflective materials enabling the building to be less obtrusive on the surrounding landscape.

New external building materials are to match those of the existing streetscape in colour, texture, or substance.

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

18. 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.*

19. Structural Engineer's Details

Structural engineering plans are to be prepared by an experienced professional chartered practising Structural Engineer for the following work shall be lodged with the Principal Certifying Authority and approved prior to commencing the works in accordance with a Construction Certificate:

(a) retaining walls.

Advice: *The name, address and qualifications of the practising Structural Engineer certifying the design shall be clearly indicated on the plans and any*

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accompanying documentation. Such engineer is to hold qualifications appropriate to the project as defined in the Building Code of Australia. The design shall relate to the particular site.

Advice: *Any such Certificate is to set forth the extent to which the Engineer has relied on relevant Specifications, Rules, Codes of Practice or Publications in respect of the construction.*

Reason: *To ensure the structural integrity of the building is achieved.*

20. Geotechnical Survey

The applicant shall submit a Geotechnical Survey report prepared by a suitably professional chartered experienced qualified Geotechnical Engineer certifying the structural adequacy of the site for the proposed development.

Reason: *To certify the structural adequacy of the site for the proposed development.*

21. 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;

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- (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*

22. Provision of Works and Service

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

Specific design requirements for this development application are:

Stormwater Drainage Design

- (a) Water quality management to be in accordance with Council's DCP requirements.
- (b) Developments greater than 2500m² will require a Stormwater Management Plan as per 'Blue Book' guidelines. Clean water diversion drains or mounding is to be provided for undisturbed upstream catchments.
- (c) A stormwater maintenance management plan is to be provided with the detailed design.
- (d) Stormwater siphon outlets will not be accepted by Council. Namely outlets from rainwater tank overflow to raingarden. Surface outlets are recommended (grate, concrete dish drain etc.)
- (e) Submerged outlets will not be accepted without smaller relief drains - so that the system remains dry.
- (f) Drainage infrastructure to be located in easily accessible locations and not under buildings.
- (g) Ensure stormwater overland flow paths are provided for larger storm events.
- (h) Drainage to rear backyards must be provided in accordance with Council drainage requirements.
- (i) Drainage system levels and capacity to be confirmed by providing stormwater longitudinal sections.
- (j) Bio-retention basins/rain-gardens - a minimum 100mm coarse sand layer is required between the filter media and gravel drainage layers.
- (k) The comparison between pre and post development stormwater flows up to the 100-year ARI is to be provided as part of the final documentation.

Structural Design

- (a) Structural details and supporting calculations must be provided for retaining walls. Certification will be required by a suitably qualified engineer,

Geometric Road Design

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- (a) Design surface grading plans and levels including pavement edge/kerb details are to be provided as part of the final documentation.
- (b) Vehicle turning paths, including service vehicles must be provided as part of the final documentation. Vehicles must be able to access the site front in front out. Visitor parking to be located so that there is minimal reversing to exit the site.
- (c) Driveway access from Mittagong Road must conform to RMS requirements and also provide for a garbage truck access entry/exit (if access to internal rubbish bin storage is required).

Pavement Design

- (a) Pavement details to be provided for the detailed design documentation.

Sewerage and Water System

- (a) Sewer and water modelling are required to confirm the exiting capacity.

Reason: *Statutory Requirement.*

23. 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.*

24. 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.*

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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.*

25. Tree Retention – Road Design and Construction

The proposed road design and construction shall preserve and retain existing vegetation within the road reserve. Any trees proposed to be removed within the road reserve must be approved by Council and are to be clearly identified by survey and shown on submitted Construction Certificate plans.

All trees shown on approved engineering plans as being retained are to be appropriately marked and protected during construction works.

Reason: *To ensure preservation of as many existing trees as possible.*

26. Water and Sewer Assets Identification and Location

The site plan as per the water or sewer engineering design shall include the detailed locations, materials, sizes and depths of any water mains or water services, rising mains private or Council owned, or sewer mains, manholes, sewer sidelines, sewer junctions and or boundary traps. The site plans that include these water and sewer assets are to be approved by the Council's Group Manager Planning, Development and Regulatory Services before any demolition works can commence.

Reason: *Ensure appropriate servicing of sewer and water reticulation.*

27. Water and Sewer Authority Conditions

Prior to issue of a Construction Certificate, the developer shall obtain approval from Council (as the Water Supply Authority and/or as required under section 68 of the *Local Government Act 1993*) for the works to be undertaken by submitting adequate documentation including plans, calculations and specifications which justify that the required works are in accordance with all Council's standards and all other relevant codes and guidelines.

Reason: *To ensure water and sewer reticulation are in accordance with Council's standards.*

28. High Pressure Gas Main Requirements

The Developer prior to release of a Construction Certificate shall submit to Council documentary evidence from the owner operator of the high-pressure gas pipeline located in the vicinity of your development that the requirements of that provider have been obtained. The requirements of the Provider will need to be met prior to the issue of the Final Occupation Certificate or Subdivision Certificate.

Note: *Providers either APA Group or Jemena.*

Reason: *To protect public infrastructure and to ensure work, health, and safety.*

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29. 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.*

30. 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.*

31. 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.*

32. 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

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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.*

33. 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.*

34. 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/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).

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

35. 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:
- (h) Performance requirements that the alternative solution intends to meet.
- (i) 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
- (j) 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*

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of a Construction Certificate.

36. TfNSW Referral Conditions

- (a) Enter into a Works Authorisation Deed (WAD) with the TfNSW, or other suitable arrangement as agreed to by TfNSW, to progress the delivery of all works on Mittagong Road as generally shown in Attachment 1, of TfNSW Concurrence, provided at the rear of this consent..

Notes:

- A WAD is a legally binding contract between TfNSW and Council, authorising Council to undertake works on a state road.
 - To progress the WAD, the developer needs to email a copy of the conditions of development consent to development.southern@rms.nsw.gov.au. TfNSW will then appoint a project manager who will coordinate TfNSW's involvement in the delivery of the works.
 - All roadworks and traffic control facilities must be undertaken by a pre-qualified contractor. A copy of pre-qualified contractors can be found on the RMS website at: www.rms.nsw.gov.au/businessindustry/partners-suppliers/tenders-contracts/prequalified-contractors.html
 - Any new services or modifications to existing services associated with this development application that involve works on, over or under Mittagong Road must be incorporated into, and managed under, the Works Authorisation Deed for the project. It is the developer's responsibility to identify these works to the TfNSW project manager.
 - More information on WADs can be found at: www.rms.nsw.gov.au/documents/projects/factsheet-development-process.pdf
- (b) Ensure the detailed design plans submitted as part of the WAD comply with the comments detailed in Attachment 3 to TfNSW Concurrence, provided at the rear of this consent.
- (c) Amend the DA plans to:
- show the driveway for the development is relocated to the southern boundary and is a minimum of 5.5m wide from the kerb line to 6m past the property boundary to allow for the simultaneous entry and exit of a car.
 - ensure all ongoing weekly waste collection can be undertaken within the development site (i.e. no kerbside pickup allowed). The developments plans are to be updated to demonstrate that a waste collection vehicle can enter the site, pick up the required waste bins and leave in a forward direction without adversely impacting upon the safety and efficiency of Mittagong Road (e.g. can enter and exit the driveway in a forward direction without crossing the centre line of Mittagong Road).

37. WaterNSW Referral Conditions

Stormwater

- a) All stormwater management measures as specified in the Discharge and Water Quality Control Report and hand annotated in Figures 1 and 2 of the report prepared by Aistrophe Engineers (dated 18 May 2018) shall be incorporated in the final stormwater drainage plan to the satisfaction of Water NSW and to be approved by Council. The approved stormwater drainage plan shall be implemented and shall as a minimum include:

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- pits, pipes and inlet filters
 - rainwater tanks
 - stormwater filtration system, and
 - detention basin
- b) No changes to stormwater treatment and management that will impact on water quality, shall be permitted without the agreement of Water NSW.

Reason: *To ensure that the stormwater quality management measures and structures for the proposed development have a sustainable neutral or beneficial impact on water quality over the longer term.*

Construction Activities

- a) An Erosion and Sediment Control Plan shall be prepared for all works proposed or 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 - the "Blue Book". The Plan shall be prepared prior to the issuance of a Construction Certificate and shall be to the satisfaction of Council.
- b) The Erosion and Sediment Control Plan shall be implemented and no works shall commence until effective erosion and sediment controls have been installed including earthworks for site establishment. The controls shall prevent sediment or polluted water leaving the construction site or entering any natural drainage lines or stormwater drain and shall be regularly maintained and retained until works have been completed and groundcover established.

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

38. Landscape Plan

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

The plan shall include the following information:

- Location of all existing and proposed landscape features including materials to be used;
- Delineate and identify all trees to be retained, removed or transplanted;
- Existing and proposed finished ground levels;
- Top and bottom wall levels for both existing and proposed retaining and free standing walls and
- Detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated

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size at maturity.

- Pot size at planting outstage
- Soil treatment prior to planting out, fertilizing and water maintenance schedule.

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

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

39. Plan of Management

A Plan of Management is required to be prepared prior to the issue of a Construction certificate for the approval of Council which includes but not limited to the following information:

- (a) The boarding house shall be limited to a maximum of two (2) persons per room.

Reason: To control the intensity of the development.

- (b) The manager/Managing Agent shall ensure that a notice is placed near the entrance to the property in a visible position to the public advising of his name and contact number.

Reason: To ensure proper management of the premises.

(c) **Guest Safety and Security Information**

Each room shall be supplied with an information folder containing the Manager/Managing Agent details and contact number, emergency contact numbers for essential services such as fire, police and utilities such as gas, electricity, plumbing and installation of perimeter lighting.

Reason: To ensure safety and amenity for occupants.

(d) **Accommodation Register and Boarder Identification.**

- All guests will be registered in an electronic register. This system provides details of the lodger, proposed length of stay and room rate and payment details;
- The Manager/Managing Agent requires photo ID (e.g, typically either passport or driver's licence). Where the person is an Australian Citizen and does not hold a driver's licence then alternative ID which may not hold a photo can be accepted;
- All residents in the boarding house are to sign a lease or licence agreeing to comply with the House Rules, with the length of the lease to be determined by the management on the explicit understanding that accommodation is not to be

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- provided on a temporary basis to persons on recreational pursuits. The length of lease or licencing agreement shall be no less than a term of 3 months; and
- iv. All such records made shall be submitted to Wingecarribee Shire Council on an annual basis.

Reason: *To ensure that proper records are kept.*

- (e) The boarding house shall include a complaint register and the contact details of the manager provided to adjoining properties in the event they have a complaint.

Reason: *To ensure that local residents have a point of contact for complaints.*

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

40. 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.

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

41. 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.*

42. 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.*

43. 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:

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- 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.*

44. 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*

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of the Roads Act 1993.

Reason: *Statutory requirement.*

45. Relocation of Existing Services

Where existing services including drainage, sewerage and water may be required to be relocated as a result of the development, a plumber's permit is required from Council prior to commencing work. Inspection of these works by Council as the Water Supply Authority is required.

Reason: *Statutory requirement.*

46. 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.*

47. 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.*

48. 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.*

49. Erosion and Sediment Control

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

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

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

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CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

50. 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.*

51. 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.*

52. 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.*

53. 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) Sewer / water main extensions (Technical Services).

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.*

54.

55. 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.*

56. 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.*

57. 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*

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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.*

58. 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.*

59. 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.*

60. 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.*

61. Dust Control

Major Works

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

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- (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.*

62. 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.*

63. Approved hours of Construction

Construction 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.*

64. 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.*

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65. 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.*

66. 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.*

67. 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.*

68. 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.*

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69. Support for Neighbouring Buildings

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- (a) must preserve and protect the building from damage, and
- (b) if necessary, must underpin and support the building in an approved manner (under guidance / instruction of a structural engineer), and
- (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work to be carried out for the purposes of this clause, whether carried out on the allotment of land.

In this case, allotment of land includes a public road and any other public place.

Reason: *To preserve and protect neighbouring buildings.*

70. 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*

71. 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:

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- (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.*

72. 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.*

73. 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.*

74. 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.*

75. 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

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- (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*

76. Residential Driveway

A standard concrete vehicular gutter layback and concrete footpath crossing (one main access) minimum 6 metres wide at the property boundary and across the road reserve, shall be constructed at the driveway entrance in accordance with Council's Plan Nos SD107 and SD123 prior to issue of the Interim or Final Occupation Certificate.

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

77. 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.*

78. 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.*

79. Guarantee for Civil Works

Prior to allowing occupation of the building/completion of subdivision works a cash bond or irrevocable bank guarantee in favour of Council is to be lodged for a period of 12 months for a sum equal to 5% of the engineering works or a minimum of \$1,000 that are to become the property of Council to ensure the effective performance of these works.

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

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80. Asset Management

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

The assets to be identified include:

- (a) Roadways length and width and type of surface
- (b) Drainage systems length and size of pipes, number of pits, total area (m²)
- (c) Sewer Water
- (d) Open Space and total area being dedicated (m²)

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

81. Existing Services – Reticulation

An easement of not less than (WHAT) metres wide (Section 88B of the Conveyancing Act 1919) shall be created in favour of Lot (WHAT) and with the existing (WHAT) located centrally within that easement.

Details of registration of the above easement shall be submitted to Council prior to the issue of the Occupation Certificate.

Note: *Common or joint service connections will not be approved.*

Reason: *To protect infrastructure.*

82. Control of Water Quality

Provision of adequate infrastructure (gross pollutant traps / trash racks / water quality ponds) shall be provided prior to issue of the Occupation Certificate to guarantee satisfactory discharge quality from the site.

Reason: *To ensure appropriately water quality*

83. 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.*

84. Stormwater Facilities Alterations

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

Reason: *To provide appropriate stormwater management.*

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85. Stormwater Facilities Maintenance

A "Positive Covenant" shall be included on the plan of subdivision and title of the proposed development and requiring that the proposed storm water facilities be maintained in a safe and functional manner. In addition, the Section 88B Instrument (*Conveyancing Act 1919*) shall make provision for Council to conduct maintenance on the subject storm water facilities at the owner's expense if the storm water facilities are not maintained to the agreed standard. Details shall be provided for the approval of Council prior to issue of the Occupation Certificate.

Reason: *To provide appropriate stormwater management.*

86. Provision of Services

A separate sewer connection, storm water drainage connection, water service and electricity supply shall be provided to each dwelling at the applicants expense prior to the issue of the Occupation Certificate.

All dwelling services shall be located within the development so that they serve in accordance with Councils Engineering Standards. The applicant shall provide to Council written confirmation of compliance.

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

87. Construction of Driveway

Driveway to be constructed of asphaltic concrete, brick paving or reinforced concrete and shall be completed prior to the issue of the Occupation Certificate.

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

88. Retaining Walls and Drainage

If the soil conditions require it:

- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided, and
- (b) adequate provision shall be made for drainage.
- (c) any retaining walls which do not comply with the exempt development standards outlined in the State Environmental Planning Policy (Exempt and Complying Codes) 2008, are subject to a separate approval prior to the construction of the retaining wall.

Reason: *To ensure that soil is appropriate retained.*

89. TfNSW Referral Conditions

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

- (a) Obtain Section 138 consent under the *Roads Act 1993* from TfNSW for the works associated with the WAD.

AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 6 APRIL 2022

DA18/0308 - Lot 22 DP 529628

Notes:

- TfNSW will be exercising its powers under Section 64 of the Roads Act, 1993 to become the roads authority for works associated with the WAD and therefore responsible for issuing the Section 138 consent for those specific works.
- Preliminary comments to be addressed as part of the detailed design/Section 138 consent are contained in Attachment 3.

- (b) Develop and implement a community information strategy in relation to the works, in consultation with, and to the satisfaction of TfNSW.
- (c) Apply for, and obtain a Road Occupancy Licence (ROL) from the TfNSW Traffic Operations Unit (TOU) prior to commencing roadworks on Mittagong Road or any other works that impact a travel lane of the Mittagong Road.

Notes:

- For information on the ROL process and to lodge an ROL application, please visit <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
- The applicant will need to create an account (this may take a few days to register), prior to submitting the ROL application. The applicant must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon TfNSW receiving an accurate and compliant TMP
- The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU.
- An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by TfNSW Project Manager.

AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 6 APRIL 2022

DA18/0308 - Lot 22 DP 529628

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

90. 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.*

91. BASIX Commitments

Under clause 97A of the *Environmental Planning & Assessment Regulation 2000*, 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 96 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 2000.

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

AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 6 APRIL 2022

DA18/0308 - Lot 22 DP 529628

92. 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.*

93. 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.*

94. Sewer Augmentation

The sewer augmentation as per UWS Mittagong Road Development Block Development Assessment Report dated 10/08/2018 shall be constructed and handed over to Council to facilitate downstream capacity of sewerage services prior to Occupation Certificate.

95. House Numbering

A street house number being 75mm on house and no less than 42mm on mailbox or rural address number (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.*

96. Final Arborist Report

The arborist engaged to ensure the proper protection and management of the tree required to be retained is to provide a final report to Council prior to the issue an Occupation Certificate, concerning the health and condition of the tree and if necessary any remedial works required. Any remedial works required shall be carried out and completed prior to the issuing of the Occupation Certificate, and included in the final report. The report shall also provide documentary evidence in the form of site notes and photographs that the tree protection conditions were complied with throughout all construction phases and any approved pruning works, root pruning, and remedial works were carried out as per AS4973 and AS4970. If Council is not the PCA, a copy of the certification is to be provided to Council with the lodgement of the Occupation Certificate.

Reason: *To ensure the proper protection and management of any trees required to be retained.*

97. Landscape Certification

Certification is to be provided to the Principal Certifying Authority (PCA) from the designer of the landscape plan that all tree planting/landscape works have been carried out in accordance with the Council endorsed landscape plan. If Council is the PCA, the certification is to be submitted to Council prior to or at the final landscape inspection. If Council is not the PCA, a copy of the certification is to be provided to Council with the lodgement of the Occupation Certificate.

Reason: *To ensure that the landscaping has been carried out in accordance with the*

AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 6 APRIL 2022

DA18/0308 - Lot 22 DP 529628

Council endorsed landscape plan.

98. Irrigation

Certification is to be provided to the Principal Certifying Authority from a suitably qualified and licensed contractor that the specified fully automatic commercial grade irrigation system has been designed and installed to all common planted areas in accordance with the requirements of the current relevant Australian Standards, any relevant water authority regulations and current best practices. If Council is not the PCA, a copy of the certification is to be provided to Council with the Occupational Certificate.

Reason: *To ensure that an appropriate irrigation system has been installed.*

99. TfNSW Referral Conditions

- (a) Have completed the works within the Mittagong Road road reserve to the satisfaction of TfNSW, generally in accordance with the plans approved as part of the Section 138 Consent issued, Austroads Guide to Road Design and other relevant standards. Written confirmation must be obtained from TfNSW to confirm that above.

Notes:

- *All works need to be completed at no cost to TfNSW.*

- (b) Physically close any other existing access points to/from Lot 22 DP 529628 to Mittagong Road (i.e. adjacent to the northern boundary) by reinstating the kerb and gutter and removal of the disused driveway in the road reserve with the reinstatement of the footpath, etc.

100. WaterNSW Referral Conditions

Waste Water Management

The recommendations in the Sewer Capacity Assessment of the Mittagong Road Development Block Development Assessment Report prepared by Urban Water Solutions (dated 10 August 2018) shall be implemented prior to the issuance of any Occupation Certificate.

Reason: *To ensure that the design and operation of the sewerage infrastructure is undertaken in a way that minimises the risk of sewage overflows so as to ensure a sustainable neutral or beneficial effect on water quality over the longer term.*

Stormwater Management

- (a) A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and Council prior to the issuance of any Occupation Certificate that all stormwater management structures have been installed as per the approved stormwater drainage plan referred in Condition 3 above and are in a functional state.
- (b) An Operational Environmental Management Plan (OEMP) for the development shall be prepared in consultation with Water NSW by a person with knowledge and experience in the preparation of such plans. The OEMP shall be prepared prior to the issuance of any Occupation Certificate, and shall include but not be limited to:
- details on the location, description and function of stormwater management structures such as pits, pipes, stormwater filtration system, detention basin, rainwater collection

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 6 APRIL 2022**

DA18/0308 - Lot 22 DP 529628

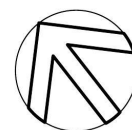
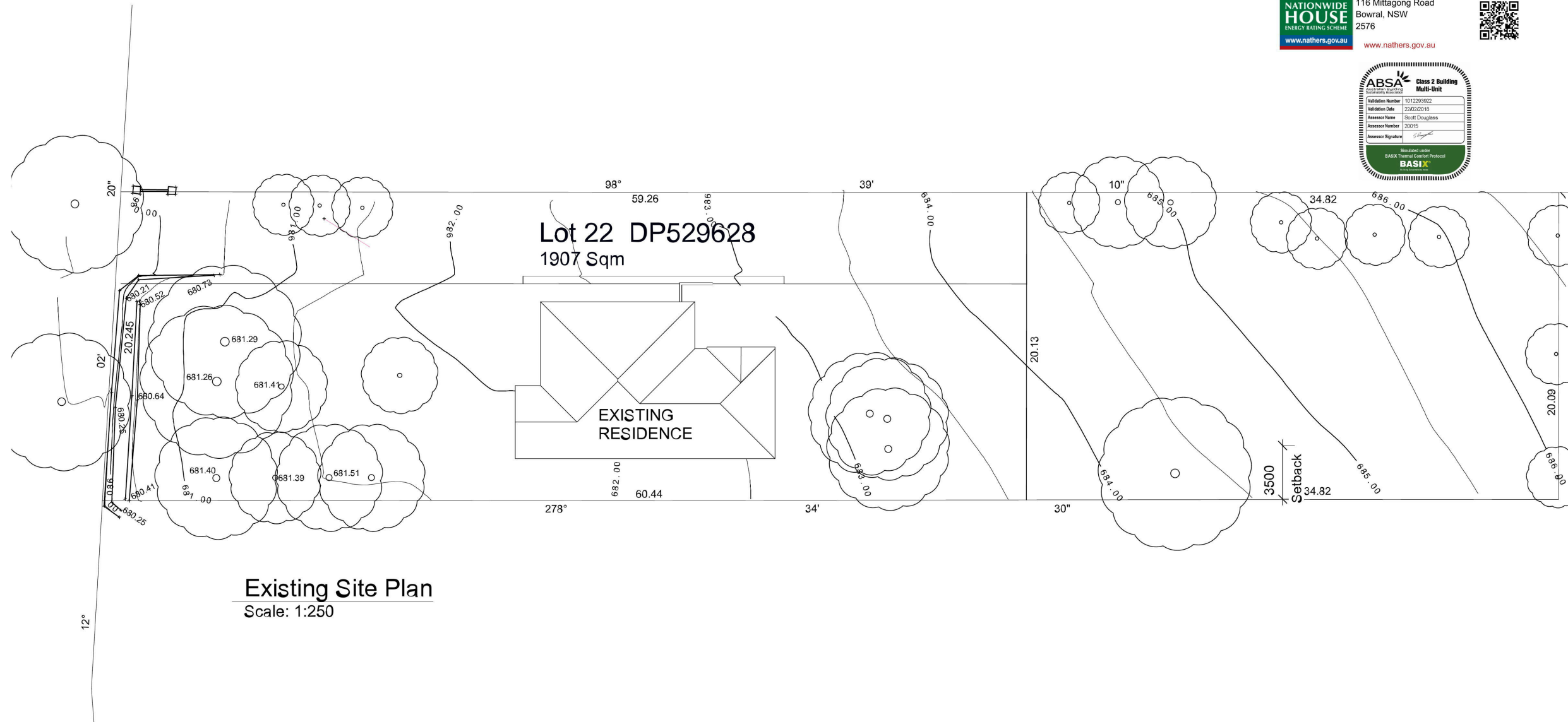
- and re-use system, and any other stormwater structures and drainage works
 - an identification of the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, including the frequency of such activities
 - the identification of the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and
 - checklists for recording inspections and maintenance activities.
- (c) All stormwater treatment devices shall be monitored, maintained and managed as per the Operational Environmental Management Plan referred in Condition (b) above.

Reason: *To ensure that the stormwater quality management measures and structures for the proposed development have a sustainable neutral or beneficial impact on water quality over the longer term.*

END OF CONDITIONS


 Certificate no.: 0002484070
 Assessor Name: Scott Douglass
 Accreditation no.: 20015
 Certificate date: 22 February 2018
 Dwelling Address: 116 Mittagong Road, Bowral, NSW 2576
www.nathers.gov.au

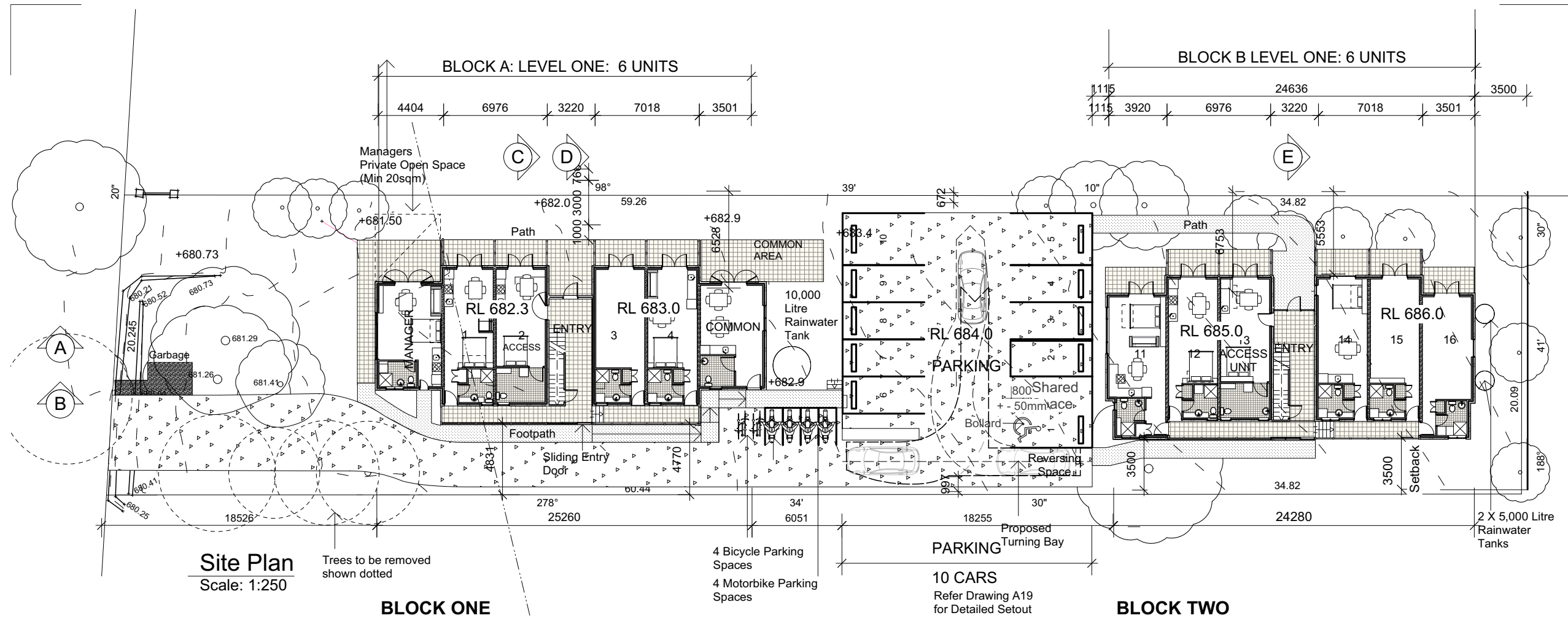

 Validation Number: 1012303022
 Validation Date: 22/02/2018
 Assessor Name: Scott Douglass
 Assessor Number: 20015
 Assessor Signature: *[Signature]*
 Standard used: BASIX Thermal Control Protocol

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14/2/18		DA Council Submission	
ISSUE	DATE	REVISION	
PROJECT	Hampshire Court, 116 Mittagong Rd Bowral		PROJECT # 728
CLIENT	Sue & Sarah Hoffman	DATE # 20.12.16	DWG # A02
DWG	Site Plan: Existing	SCALE @ AS 1:100	
		DRAWN ??	
		CHKD ??	REVISION 1

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 PO Box 454 Moss Vale NSW 2577 Australia T: 61 0422 417 063
 W: www.ianjonesdesign.com.au
 E: ian@ianjones.com.au



Site Plan
Scale: 1:250

NOTES: BASIX REQUIREMENTS

WATER

- 1 Minimum 10,000 LITRE common rainwater tank collecting 100% of roof water with connections to toilets (Block A)
- 2 Minimum 10,000 LITRE common rainwater tank collecting 100% of roof water with connections to toilets (Block B)
- 3 3 Star rated showerheads (>7.5 but <=9 L/min)
- 4 4 Star rated toilets & taps

THERMAL COMFORT

- 5 Minimum R2.5 insulation to external walls
- 6 Brick veneer with R2.5 insulation to walls between units & Entry/Stairwells
- 7 R3.5 insulation to ceilings (to Upper floors only)
- 8 Sarking to underside of roof
- 9 Medium wall & Medium roof colours
- 10 Weatherseals to all external windows & doors
- 11 Default floor coverings used in NATHERS rating
- 12 Insulation must be installed in accordance with NCC and relevant Australian Standards
- 13 No recessed downlights have been included in the NATHERS rating
- 14 All windows & glazed doors to be single glazed clear with aluminium frame (Less than U6.70, within 10% of SHGC 0.70/0.57)
- 15 Covered patio and balcony with 100% shaded to Manager & Unit 17
- 16 Minimum 1.8 High & 2.1 wide window to Unit 5 north west elevation

ENERGY

- 17 Gas instantaneous 5 Star HWS
- 18 No Permanent active heating or heating systems to be installed
- 19 Recirculating rangehood to kitchen with manual on/off switch
- 20 Ducted exhaust fan to bathroom with manual on/off switch
- 21 Gas cooktop & electric oven
- 22 Well ventilated fridge space

SITE INFORMATION

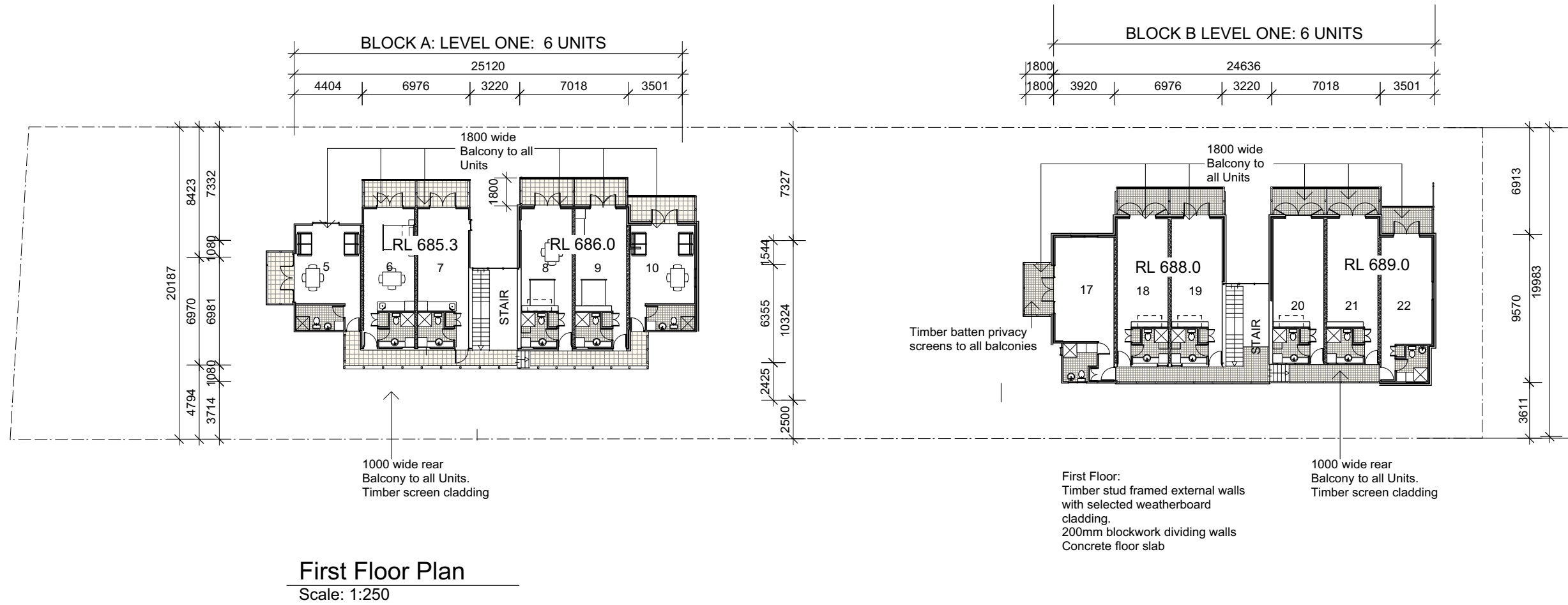
Total Site Area		1907.0 Sqm
GROSS FLOOR AREA		
BLOCK ONE Ground Floor	4 Units + Manager + Common	225.5 Sqm
First Floor	6 Units	202.0 Sqm
BLOCK TWO: Ground Floor	6 Units	229.6 Sqm
First Floor	6 Units	216.0 Sqm
TOTAL GROSS FLOOR AREA		873.1 Sqm
DCP Allowable Development 0.5:1	0.5 : 1907 Sqm	953.5 Sqm
PARKING REQUIREMENTS	0.4 Spaces / Room 21 Units + Manager	10 Spaces (9 + 1)

L 25/3/20 DA Amendments: Driveway Reversed to Southern Boundary

ISSUE	DATE	REVISION	PROJECT #
PROJECT	Hampshire Court, 116 Mittagong Rd Bowral		728
CLIENT	Sue & Sarah Hoffman		DATE # 25.03.20 DWG #
DWG	Site Plan, Ground Floor Plan 1:200		SCALE @ A3 1:100 A03
		DRAWN ??	CHKD ?? REVISION L

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NOTES: BASIX REQUIREMENTS

WATER

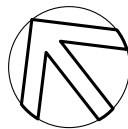
- 1 Minimum 10,000 LITRE common rainwater tank collecting 100% of roof water with connections to toilets (Block A)
- 2 Minimum 10,000 LITRE common rainwater tank collecting 100% of roof water with connections to toilets (Block B)
- 3 3 Star rated showerheads (>7.5 but <=9 L/min)
- 4 4 Star rated toilets & taps

THERMAL COMFORT

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- 16 Minimum 1.8 High & 2.1 wide window to Unit 5 north west elevation

ENERGY

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- 20 Ducted exhaust fan to bathroom with manual on/off switch
- 21 Gas cooktop & electric oven
- 22 Well ventilated fridge space



SITE INFORMATION

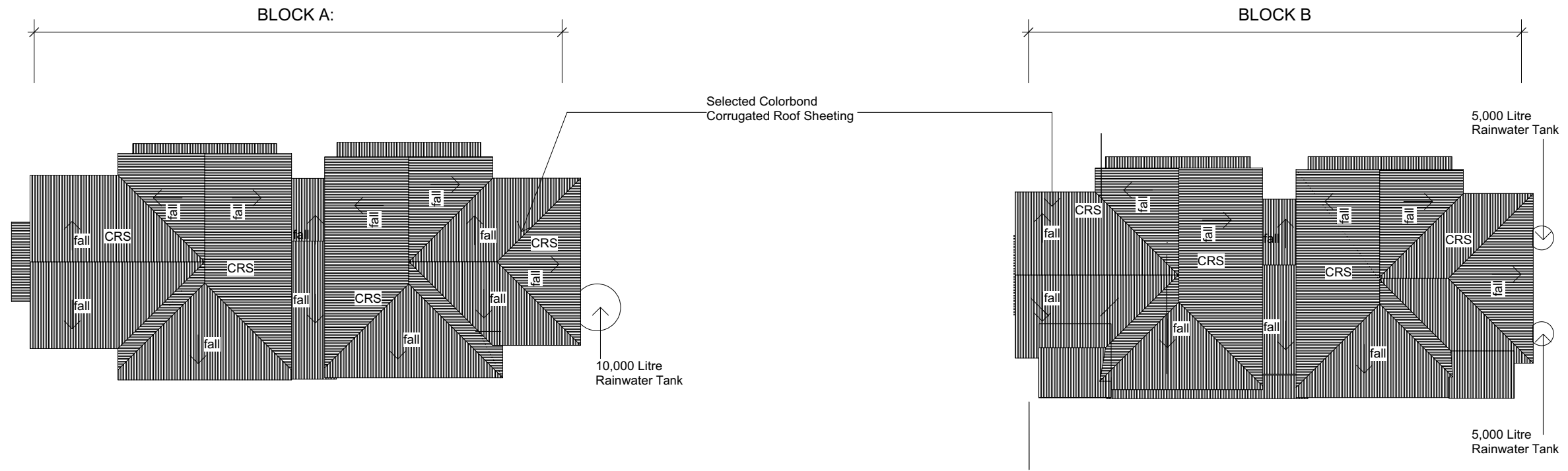
Total Site Area		1907.0 Sqm
GROSS FLOOR AREA		
BLOCK ONE Ground Floor	4 Units + Manager + Common	225.5 Sqm
First Floor	6 Units	202.0 Sqm
BLOCK TWO: Ground Floor	6 Units	229.6 Sqm
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TOTAL GROSS FLOOR AREA		873.1 Sqm
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PARKING REQUIREMENTS	0.4 Spaces / Room 21 Units + Manager	10 Spaces (9 + 1)

L 25/3/20 DA Amendments: Driveway Reversed to Southern Boundary

ISSUE	DATE	REVISION	PROJECT #
			728
PROJECT	Hampshire Court, 116 Mittagong Rd Bowral		
CLIENT	Sue & Sarah Hoffman	DATE # 25.03.20	DWG # A04
DWG	Site Plan, First Floor Plan 1:200	SCALE @ A3 1:100	
		DRAWN ??	
		CHKD ??	REVISION L

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Roof Plan
Scale: 1:200

NOTES: BASIX REQUIREMENTS

WATER

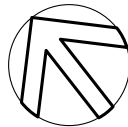
- 1 Minimum 10,000 LITRE common rainwater tank collecting 100% of roof water with connections to toilets (Block A)
- 2 Minimum 10,000 LITRE common rainwater tank collecting 100% of roof water with connections to toilets (Block B)
- 3 3 Star rated showerheads (>7.5 but <=9 L/min)
- 4 4 Star rated toilets & taps

THERMAL COMFORT

- 5 Minimum R2.5 insulation to external walls
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- 15 Covered patio and balcony with 100% shaded to Manager & Unit 17
- 16 Minimum 1.8 High & 2.1 wide window to Unit 5 north west elevation

ENERGY

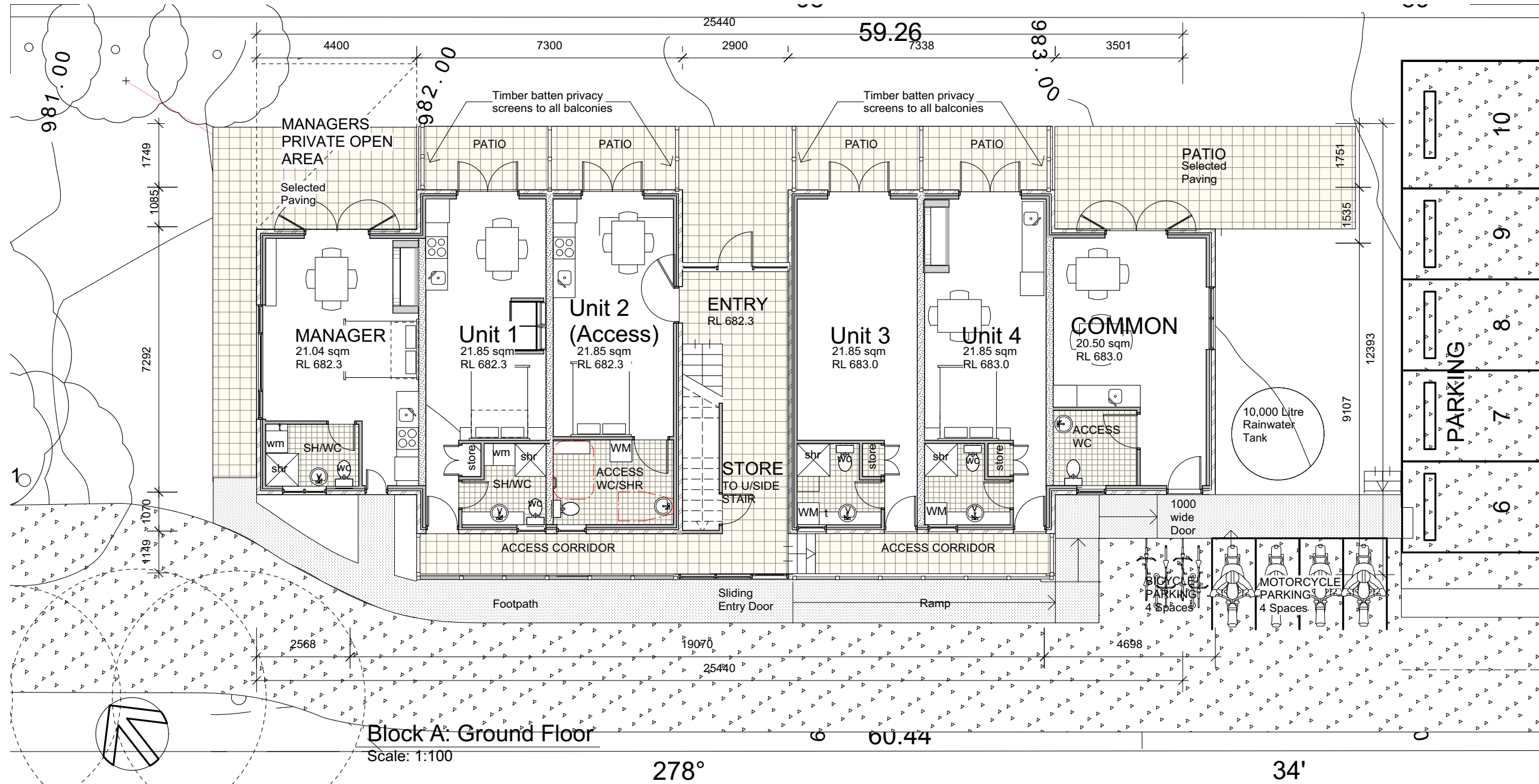
- 17 Gas instantaneous 5 Star HWS
- 18 No Permanent active heating or heating systems to be installed
- 19 Recirculating rangehood to kitchen with manual on/off switch
- 20 Ducted exhaust fan to bathroom with manual on/off switch
- 21 Gas cooktop & electric oven
- 22 Well ventilated fridge space



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K		25/3/20	DA Amendments: Driveway Reversed to Southern Boundary	
ISSUE	DATE	REVISION		PROJECT #
PROJECT			Hampshire Court, 116 Mittagong Rd Bowral	728
CLIENT	Sue & Sarah Hoffman	DATE #	25.03.20	DWG #
		SCALE @ A3	1:100	A05
DWG	Roof Plan 1:200	DRAWN	??	CHKD
		REVISION	??	K

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Block A: Ground Floor

Scale: 1:100

278°

60.44

34'

NOTES: BASIX REQUIREMENTS

- WATER**
- 1 Minimum 10,000 LITRE common rainwater tank collecting 100% of roof water with connections to toilets (Block A)
 - 2 Minimum 10,000 LITRE common rainwater tank collecting 100% of roof water with connections to toilets (Block B)
 - 3 3 Star rated showerheads (>7.5 but <=9 L/min)
 - 4 4 Star rated toilets & taps
- THERMAL COMFORT**
- 5 Minimum R2.5 insulation to external walls
 - 6 Brick veneer with R2.5 insulation to walls between units & Entry/Stairwells
 - 7 R3.5 insulation to ceilings (to Upper floors only)
 - 8 Sarking to underside of roof
 - 9 Medium wall & Medium roof colours
 - 10 Weatherseals to all external windows & doors
 - 11 Default floor coverings used in NATHERS rating

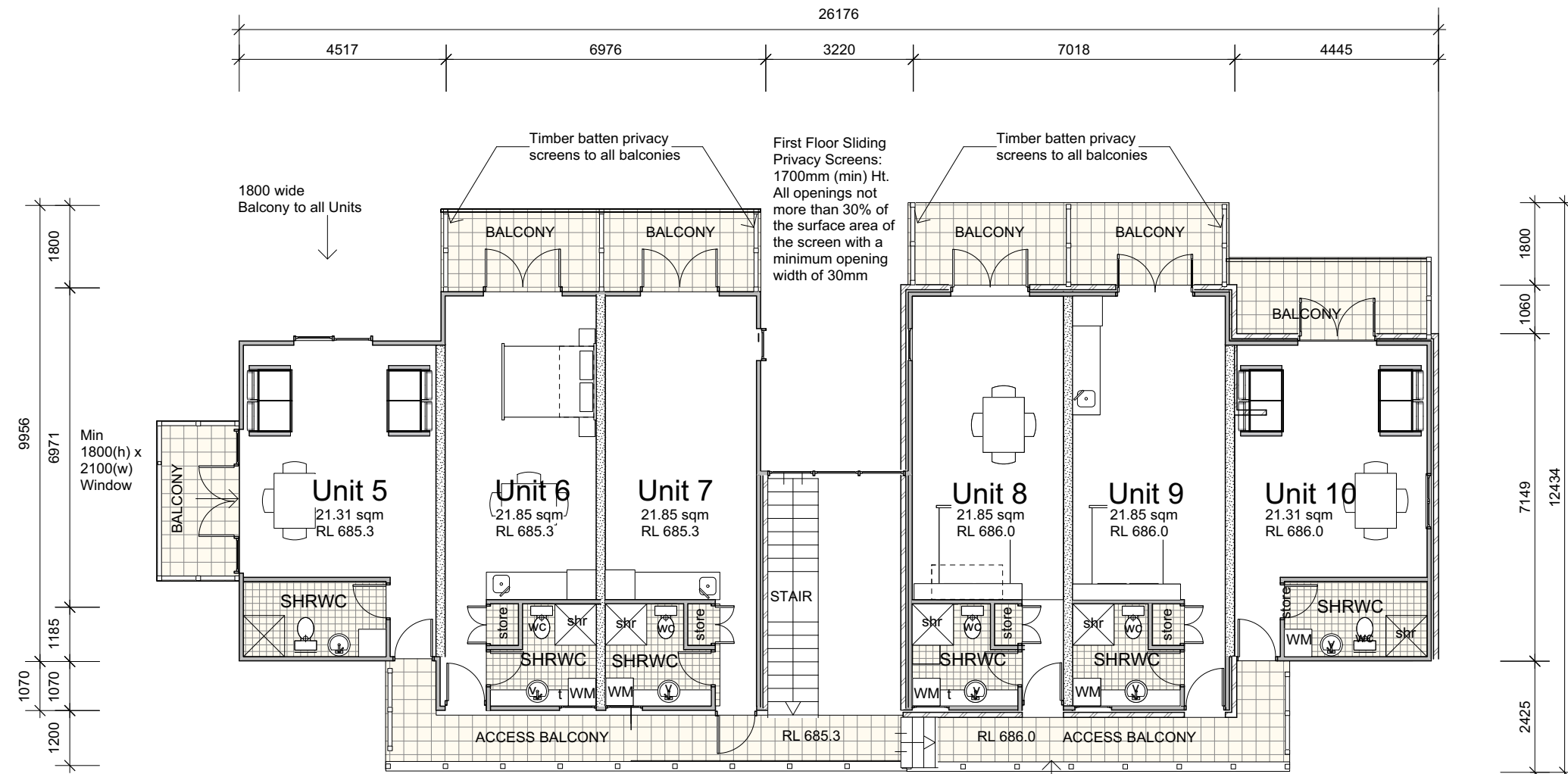
- THERMAL COMFORT (Continued)**
- 12 Insulation must be installed in accordance with NCC and relevant Australian Standards
 - 13 No recessed downlights have been included in the NATHERS rating
 - 14 All windows & glazed doors to be single glazed clear with aluminium frame (Less than U6.70, within 10% of SHGC 0.70/0.57)
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 - 22 Well ventilated fridge space

Ground Floor:
Brick Veneer external walls.
200mm blockwork dividing walls
Concrete floor slab

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L	25/3/20	DA Amendments: Driveway Reversed to Southern Boundary
ISSUE	DATE	REVISION
PROJECT	Hampshire Court, 116 Mittagong Rd Bowral	
CLIENT	Sue & Sarah Hoffman	PROJECT # 728
DWG	Block A; Ground Floor 1:100	DWG # A06
DATE #	25.03.20	SCALE @ A3 1:100
DRAWN	??	CHKD ??
REVISION	L	

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Block A: First Floor
Scale: 1:100

First Floor:
Timber stud framed external walls with selected weatherboard cladding.
200mm blockwork dividing walls
Concrete floor slab

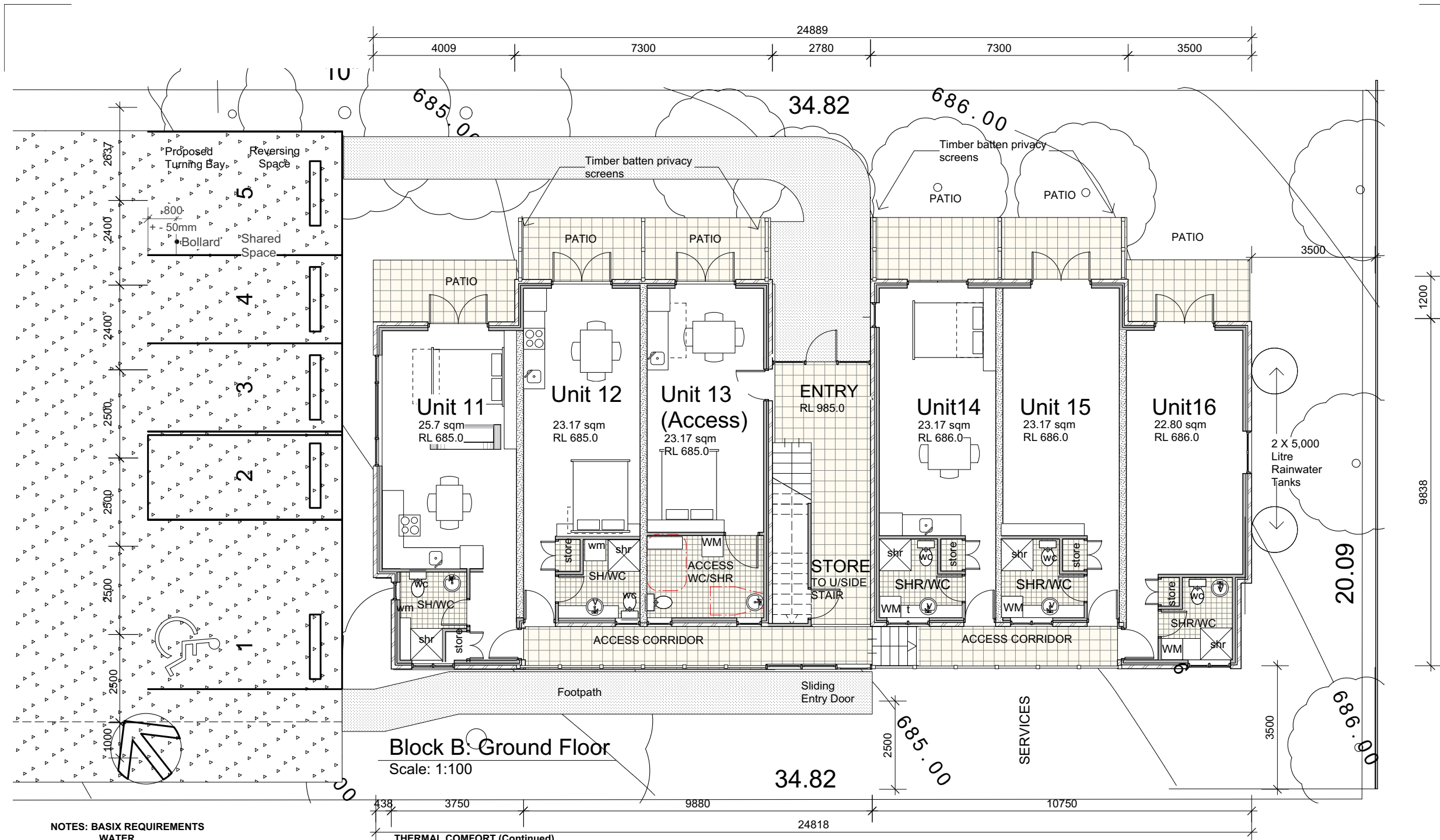
NOTES: BASIX REQUIREMENTS

- | | | | |
|------------------------|--|------------------------------------|---|
| WATER | | THERMAL COMFORT (Continued) | |
| 1 | Minimum 10,000 LITRE common rainwater tank collecting 100% of roof water with connections to toilets (Block A) | 12 | Insulation must be installed in accordance with NCC and relevant Australian Standards |
| 2 | Minimum 10,000 LITRE common rainwater tank collecting 100% of roof water with connections to toilets (Block B) | 13 | No recessed downlights have been included in the NatHERS rating |
| 3 | 3 Star rated showerheads (>7.5 but <=9 L/min) | 14 | All windows & glazed doors to be single glazed clear with aluminium frame (Less than U6.70, within 10% of SHGC 0.70/0.57) |
| 4 | 4 Star rated toilets & taps | 15 | Covered patio and balcony with 100% shaded to Manager & Unit 17 |
| THERMAL COMFORT | | 16 | Minimum 1.8 High & 2.1 wide window to Unit 5 north west elevation |
| 5 | Minimum R2.5 insulation to external walls | ENERGY | |
| 6 | Brick veneer with R2.5 insulation to walls between units & Entry/Stairwells | 17 | Gas instantaneous 5 Star HWS |
| 7 | R3.5 insulation to ceilings (to Upper floors only) | 18 | No Permanent active heating or heating systems to be installed |
| 8 | Sarking to underside of roof | 19 | Recirculating rangehood to kitchen with manual on/off switch |
| 9 | Medium wall & Medium roof colours | 20 | Ducted exhaust fan to bathroom with manual on/off switch |
| 10 | Weatherseals to all external windows & doors | 21 | Gas cooktop & electric oven |
| 11 | Default floor coverings used in NATHERS rating | 22 | Well ventilated fridge space |

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L	25/3/20	DA Amendments: Driveway Reversed to Southern Boundary	
ISSUE	DATE	REVISION	
PROJECT	Hampshire Court, 116 Mittagong Rd Bowral		PROJECT # 728
CLIENT	Sue & Sarah Hoffman		DATE # 25.03.20
DWG	Block A; First Floor 1:100		SCALE @ A3 1:100
			DWG # A07
			DRAWN ??
			CHKD ??
			REVISION L

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NOTES: BASIX REQUIREMENTS

- WATER**
- 1 Minimum 10,000 LITRE common rainwater tank collecting 100% of roof water with connections to toilets (Block A)
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 - 4 4 Star rated toilets & taps
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 - 10 Weatherseals to all external windows & doors
 - 11 Default floor coverings used in NATHERS rating

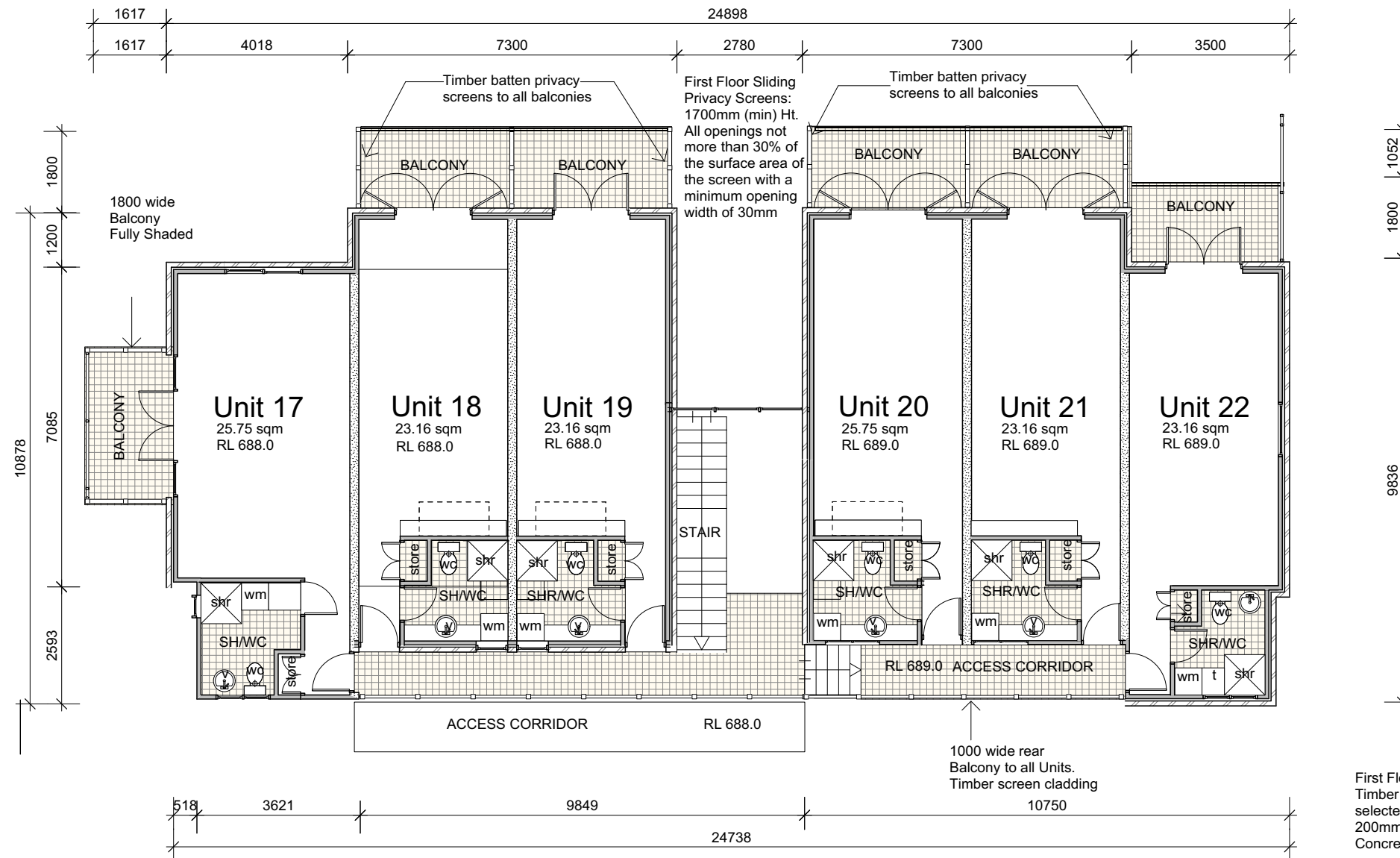
THERMAL COMFORT (Continued)

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L	25/3/20	DA Amendments: Driveway Reversed to Southern Boundary
ISSUE	DATE	REVISION
PROJECT	Hampshire Court, 116 Mittagong Rd Bowral	
CLIENT	Sue & Sarah Hoffman	PROJECT # 728
DWG	Block B; Ground Floor 1:100	DWG # A08
DATE #	25.03.20	SCALE @ A3 1:100
DRAWN	??	CHKD ??
REVISION	L	

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First Floor:
Timber stud framed external walls with selected weatherboard cladding.
200mm blockwork dividing walls
Concrete floor slab

Block B: First Floor
Scale: 1:100

NOTES: BASIX REQUIREMENTS

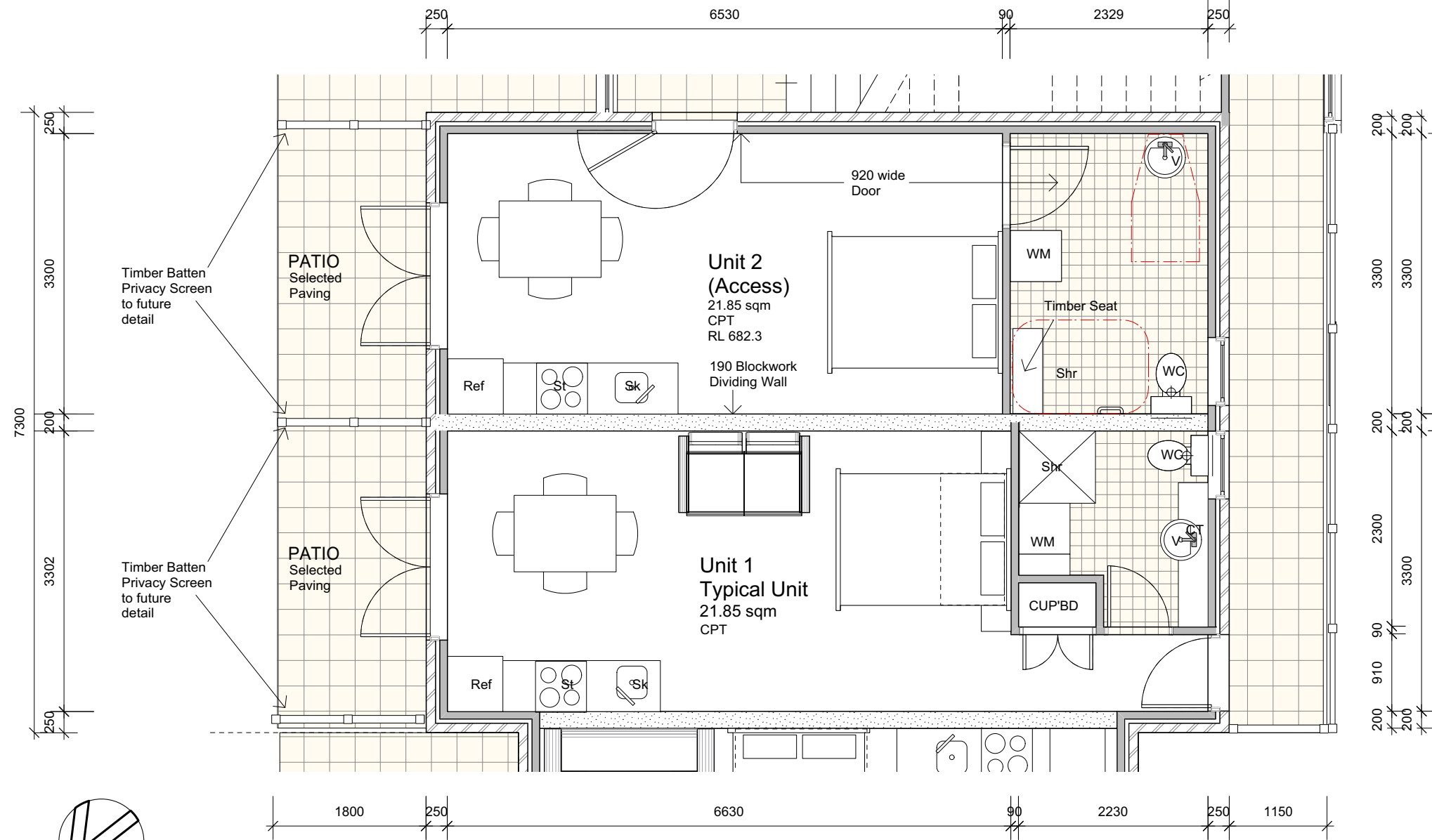
- WATER**
- Minimum 10,000 LITRE common rainwater tank collecting 100% of roof water with connections to toilets (Block A)
 - Minimum 10,000 LITRE common rainwater tank collecting 100% of roof water with connections to toilets (Block B)
 - 3 Star rated showerheads (>7.5 but <=9 L/min)
 - 4 Star rated toilets & taps
- THERMAL COMFORT**
- Minimum R2.5 insulation to external walls
 - Brick veneer with R2.5 insulation to walls between units & Entry/Stairwells
 - R3.5 insulation to ceilings (to Upper floors only)
 - Sarking to underside of roof
 - Medium wall & Medium roof colours
 - Weatherseals to all external windows & doors
 - Default floor coverings used in NATHERS rating

- THERMAL COMFORT (Continued)**
- Insulation must be installed in accordance with NCC and relevant Australian Standards
 - No recessed downlights have been included in the NatHERS rating
 - All windows & glazed doors to be single glazed clear with aluminium frame (Less than U6.70, within 10% of SHGC 0.70/0.57)
 - Covered patio and balcony with 100% shaded to Manager & Unit 17
 - Minimum 1.8 High & 2.1 wide window to Unit 5 north west elevation
- ENERGY**
- Gas instantaneous 5 Star HWS
 - No Permanent active heating or heating systems to be installed
 - Recirculating rangehood to kitchen with manual on/off switch
 - Ducted exhaust fan to bathroom with manual on/off switch
 - Gas cooktop & electric oven
 - Well ventilated fridge space

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L	25/3/20	DA Amendments: Driveway Reversed to Southern Boundary	
ISSUE	DATE	REVISION	
PROJECT	Hampshire Court, 116 Mittagong Rd Bowral		PROJECT # 728
CLIENT	Sue & Sarah Hoffman	DATE # 25.03.20	DWG # A09
DWG	Block B; First Floor 1:100	SCALE @ A3 1:100	DRAWN ??
		CHKD ??	REVISION L

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Typical Unit Plans
Scale: 1:50

NOTES: BASIX REQUIREMENTS

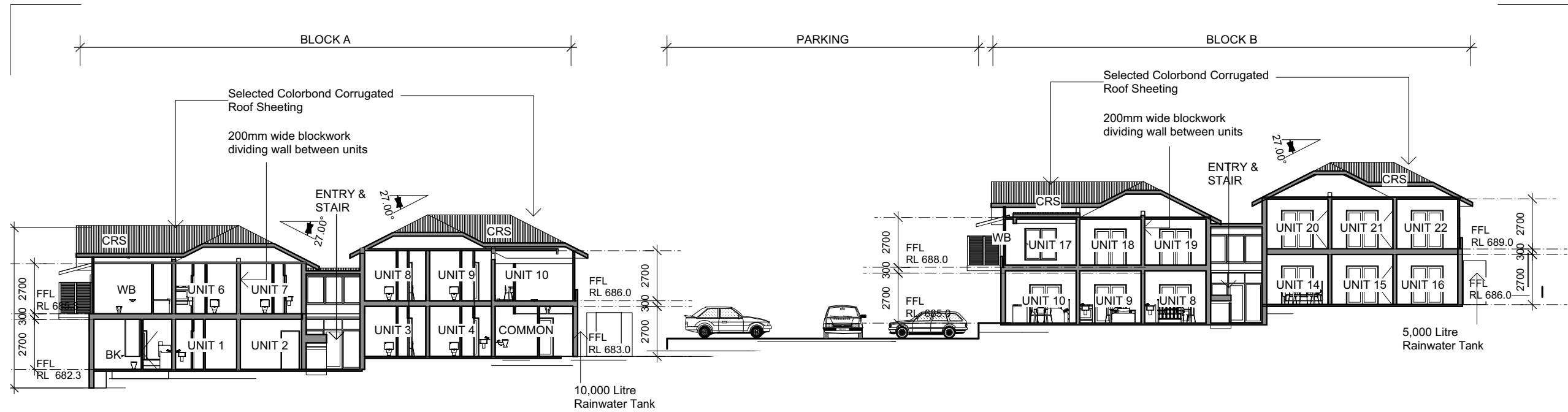
- WATER**
- 1 Minimum 10,000 LITRE common rainwater tank collecting 100% of roof water with connections to toilets (Block A)
 - 2 Minimum 10,000 LITRE common rainwater tank collecting 100% of roof water with connections to toilets (Block B)
 - 3 3 Star rated showerheads (>7.5 but <=9 L/min)
 - 4 4 Star rated toilets & taps
- THERMAL COMFORT**
- 5 Minimum R2.5 insulation to external walls
 - 6 Brick veneer with R2.5 insulation to walls between units & Entry/Stairwells
 - 7 R3.5 insulation to ceilings (to Upper floors only)
 - 8 Sarking to underside of roof
 - 9 Medium wall & Medium roof colours
 - 10 Weatherseals to all external windows & doors
 - 11 Default floor coverings used in NATHERS rating

- THERMAL COMFORT (Continued)**
- 12 Insulation must be installed in accordance with NCC and relevant Australian Standards
 - 13 No recessed downlights have been included in the NatHERS rating
 - 14 All windows & glazed doors to be single glazed clear with aluminium frame (Less than U6.70, within 10% of SHGC 0.70/0.57)
 - 15 Covered patio and balcony with 100% shaded to Manager & Unit 17
 - 16 Minimum 1.8 High & 2.1 wide window to Unit 5 north west elevation
- ENERGY**
- 17 Gas instantaneous 5 Star HWS
 - 18 No Permanent active heating or heating systems to be installed
 - 19 Recirculating rangehood to kitchen with manual on/off switch
 - 20 Ducted exhaust fan to bathroom with manual on/off switch
 - 21 Gas cooktop & electric oven
 - 22 Well ventilated fridge space

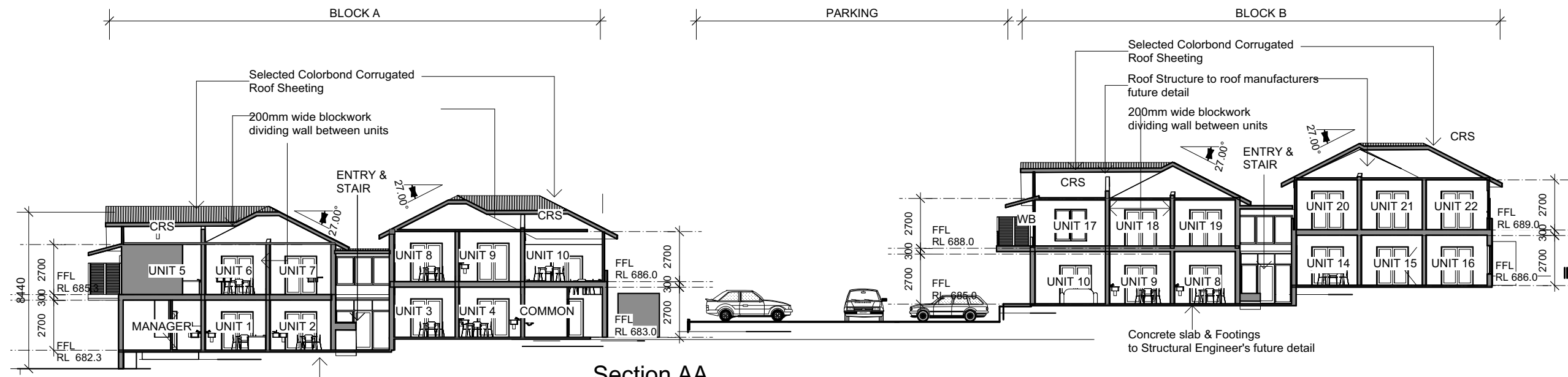
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K	25/3/20	DA Amendments: Driveway Reversed to Southern Boundary
ISSUE	DATE	REVISION
PROJECT	Hampshire Court, 116 Mittagong Rd Bowral	
CLIENT	Sue & Sarah Hoffman	PROJECT # 728
DWG	Typical Unit Plans	DWG # A10
DATE #	25.03.20	SCALE @ A3 1:100
DRAWN	??	CHKD ??
REVISION		K

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Section BB
Scale: 1:200



Section AA
Scale: 1:200

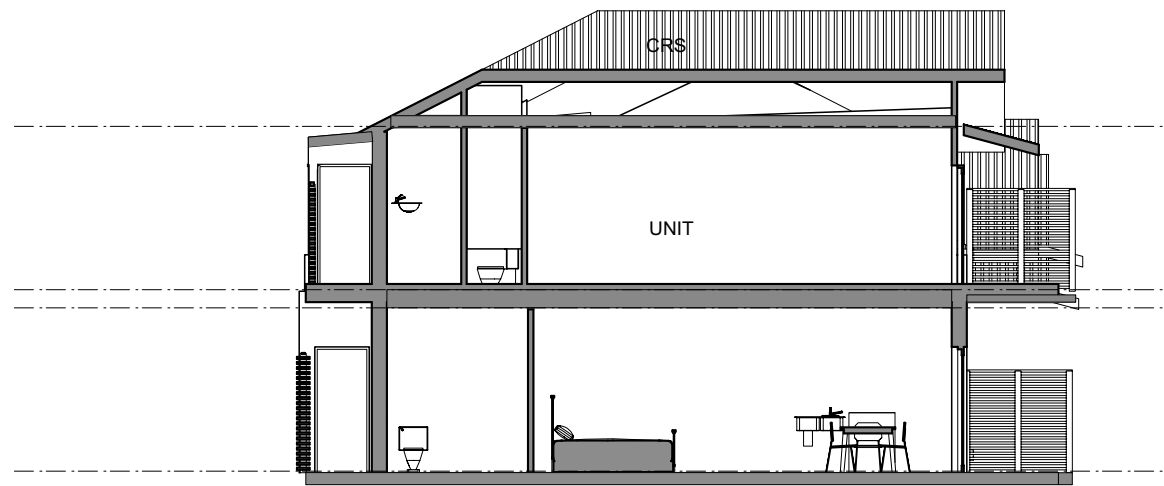
NOTES: BASIX REQUIREMENTS

- | | | | |
|------------------------|--|------------------------------------|---|
| WATER | | THERMAL COMFORT (Continued) | |
| 1 | Minimum 10,000 LITRE common rainwater tank collecting 100% of roof water with connections to toilets (Block A) | 12 | Insulation must be installed in accordance with NCC and relevant Australian Standards |
| 2 | Minimum 10,000 LITRE common rainwater tank collecting 100% of roof water with connections to toilets (Block B) | 13 | No recessed downlights have been included in the NatHERS rating |
| 3 | 3 Star rated showerheads (>7.5 but <=9 L/min) | 14 | All windows & glazed doors to be single glazed clear with aluminium frame (Less than U6.70, within 10% of SHGC 0.70/0.57) |
| 4 | 4 Star rated toilets & taps | 15 | Covered patio and balcony with 100% shaded to Manager & Unit 17 |
| THERMAL COMFORT | | 16 | Minimum 1.8 High & 2.1 wide window to Unit 5 north west elevation |
| 5 | Minimum R2.5 insulation to external walls | ENERGY | |
| 6 | Brick veneer with R2.5 insulation to walls between units & Entry/Stairwells | 17 | Gas instantaneous 5 Star HWS |
| 7 | R3.5 insulation to ceilings (to Upper floors only) | 18 | No Permanent active heating or heating systems to be installed |
| 8 | Sarking to underside of roof | 19 | Recirculating rangehood to kitchen with manual on/off switch |
| 9 | Medium wall & Medium roof colours | 20 | Ducted exhaust fan to bathroom with manual on/off switch |
| 10 | Weatherseals to all external windows & doors | 21 | Gas cooktop & electric oven |
| 11 | Default floor coverings used in NATHERS rating | 22 | Well ventilated fridge space |

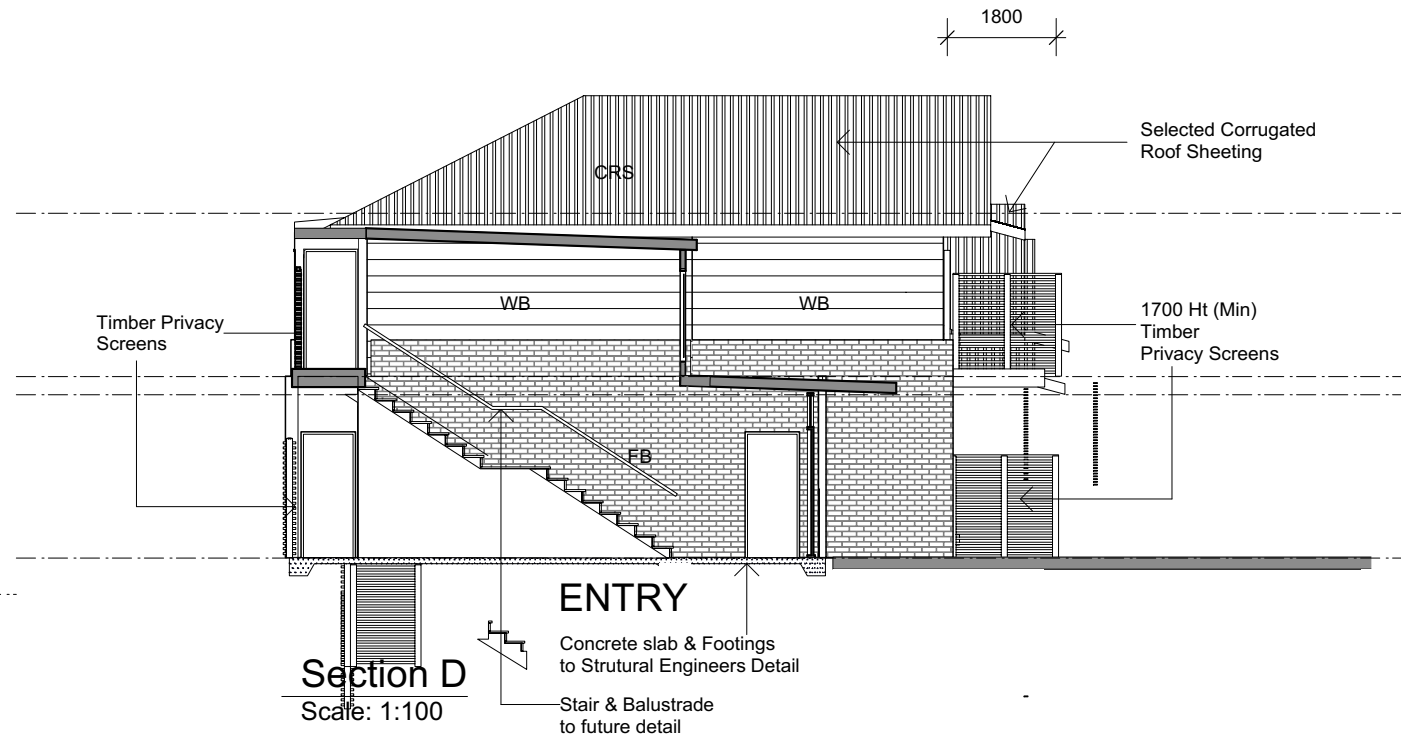
L	25/3/20	DA Amendments: Driveway Reversed to Southern Boundary	
ISSUE	DATE	REVISION	
PROJECT	Hampshire Court, 116 Mittagong Rd Bowral		PROJECT # 728
CLIENT	Sue & Sarah Hoffman		DATE # 25.03.20
DWG	Sections 1:200		SCALE @ A3 1:100
			DRAWN ??
			CHKD ??
			REVISION L

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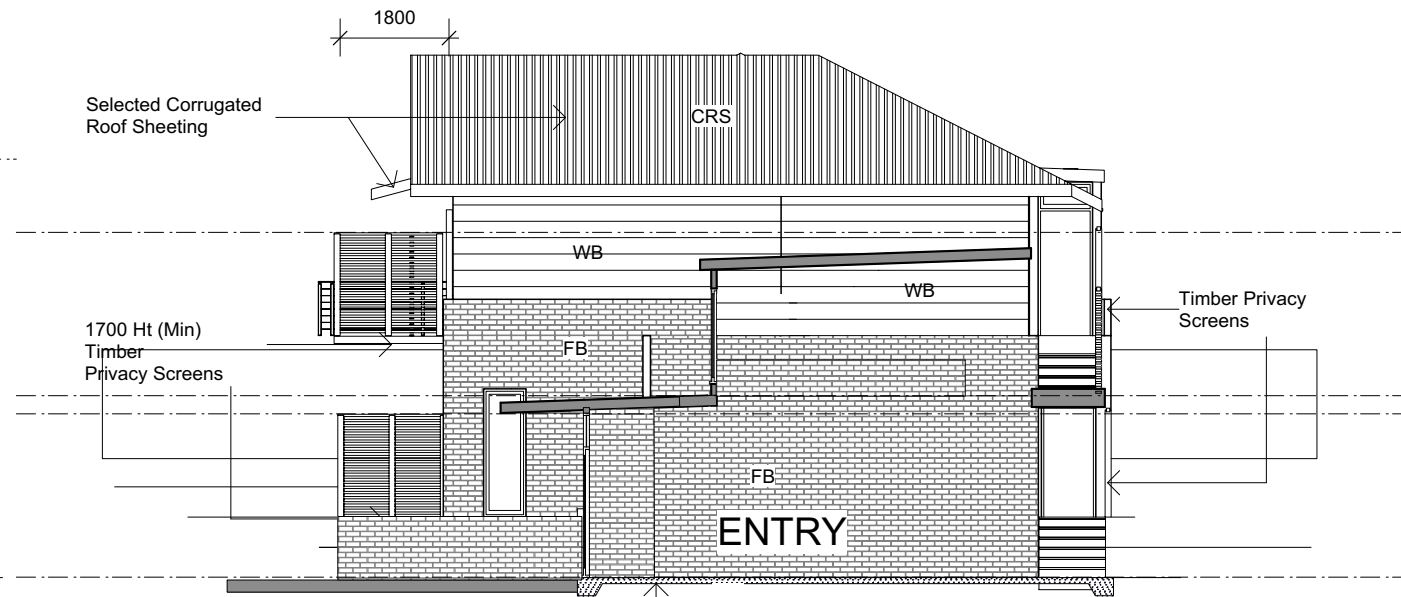
ianjonesdesign



Section C
Scale: 1:100



Section D
Scale: 1:100



Section E
Scale: 1:100

NOTES: BASIX REQUIREMENTS

WATER

- 1 Minimum 10,000 LITRE common rainwater tank collecting 100% of roof water with connections to toilets (Block A)
- 2 Minimum 10,000 LITRE common rainwater tank collecting 100% of roof water with connections to toilets (Block B)
- 3 3 Star rated showerheads (>7.5 but <=9 L/min)
- 4 4 Star rated toilets & taps

THERMAL COMFORT

- 5 Minimum R2.5 insulation to external walls
- 6 Brick veneer with R2.5 insulation to walls between units & Entry/Stairwells
- 7 R3.5 insulation to ceilings (to Upper floors only)
- 8 Sarking to underside of roof
- 9 Medium wall & Medium roof colours
- 10 Weatherseals to all external windows & doors
- 11 Default floor coverings used in NATHERS rating

THERMAL COMFORT (Continued)

- 12 Insulation must be installed in accordance with NCC and relevant Australian Standards
- 13 No recessed downlights have been included in the NatHERS rating
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- 17 **ENERGY**
- 18 Gas instantaneous 5 Star HWS
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- 21 Ducted exhaust fan to bathroom with manual on/off switch
- 22 Gas cooktop & electric oven
- 23 Well ventilated fridge space

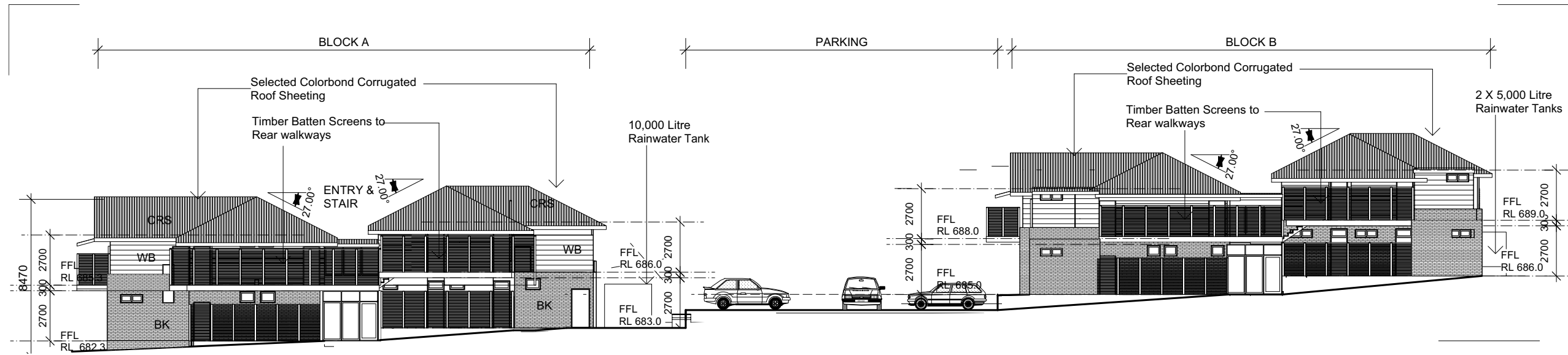
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L 25/3/20 DA Amendments: Driveway Reversed to Southern Boundary

ISSUE	DATE	REVISION	PROJECT #
PROJECT Hampshire Court, 116 Mittagong Rd Bowral			728
CLIENT Sue & Sarah Hoffman	DATE # 25.03.20	DWG #	A12
DWG Sections 1:200	SCALE @ A3 1:100	DRAWN ??	
	CHKD ??	REVISION	L

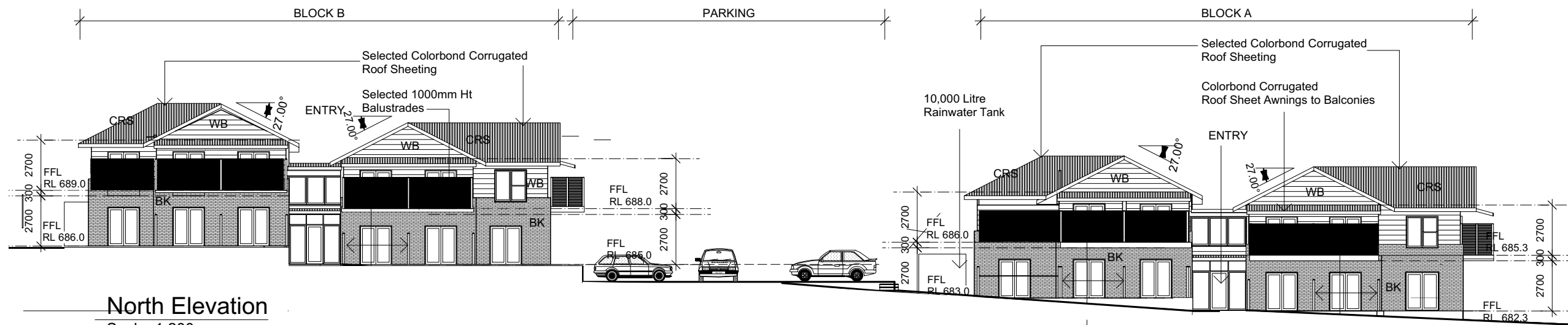
Ian Jones Design 471 Argyle Street, Moss Vale
PO Box 454 Moss Vale NSW 2577 Australia T: 61 0422 417 063

W: www.ianjonesdesign.com.au
E: ian@ianjones.com.au



South Elevation
Scale: 1:200

Timber stud framed external walls with selected weatherboard cladding. 600 mm Ht brick apron.



North Elevation
Scale: 1:200

External Walls
Ground Floor:
Face Brick
First Floor:
Timber stud framed external walls with selected weatherboard cladding. 600 mm Ht brick apron.

1800 (Min) Ht Privacy Screens on Unit Balconies to future detail

1800 (Min) Ht Privacy Screens on Unit Balconies to future detail

NOTES: BASIX REQUIREMENTS

- WATER**
- Minimum 10,000 LITRE common rainwater tank collecting 100% of roof water with connections to toilets (Block A)
 - Minimum 10,000 LITRE common rainwater tank collecting 100% of roof water with connections to toilets (Block B)
 - 3 Star rated showerheads (>7.5 but <=9 L/min)
 - 4 Star rated toilets & taps
- THERMAL COMFORT**
- Minimum R2.5 insulation to external walls
 - Brick veneer with R2.5 insulation to walls between units & Entry/Stairwells
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- THERMAL COMFORT (Continued)**
- Insulation must be installed in accordance with NCC and relevant Australian Standards
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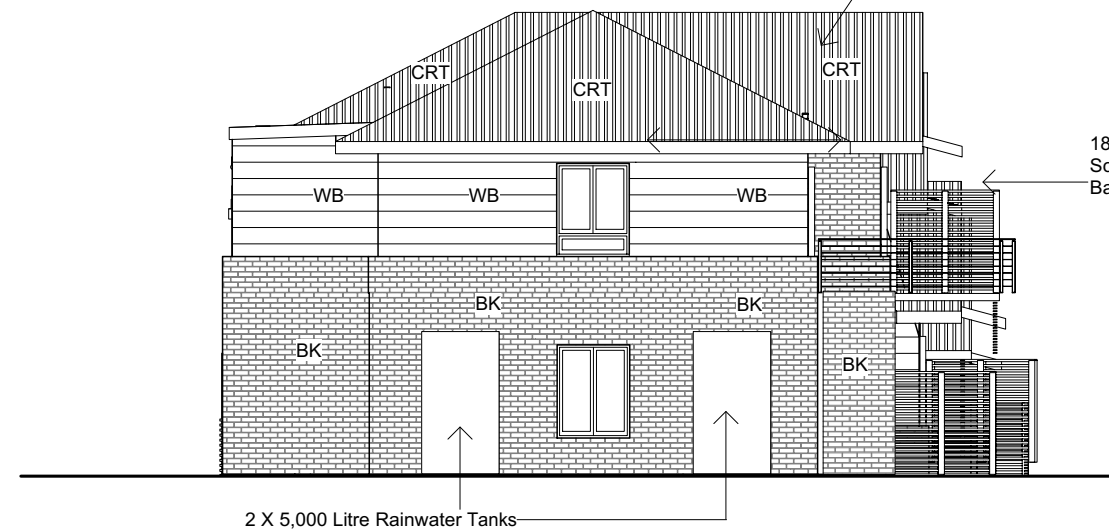
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K	25/3/20	DA Amendments: Driveway Reversed to Southern Boundary	
ISSUE	DATE	REVISION	
PROJECT	Hampshire Court, 116 Mittagong Rd Bowral		PROJECT # 728
CLIENT	Sue & Sarah Hoffman		DATE # 25.03.20
DWG	Elevations 1:200		SCALE @ A3 1:100
			DWG # A13
			DRAWN ??
			CHKD ??
			REVISION K

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North Elevation Block B
Scale: 1:100



South East Elevation
Scale: 1:100

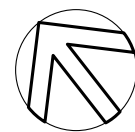
2 X 5,000 Litre Rainwater Tanks

Selected Colorbond Corrugated
Roof Sheetting

1800 (Min) Ht Privacy
Screens on Unit
Balconies to future detail



North West Elevation (Mittagong Rd)
Scale: 1:100



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K	25/3/20	DA Amendments: Driveway Reversed to Southern Boundary		
ISSUE	DATE	REVISION		
PROJECT	Hampshire Court, 116 Mittagong Rd Bowral		PROJECT #	728
CLIENT	Sue & Sarah Hoffman		DATE #	25.03.20
DWG	Elevations 1:200		SCALE @ A3	1:100
			DRAWN	??
			CHKD	??
			REVISION	K
			DWG #	A14

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Statement of Environmental Effects
for
Proposed boarding house development
at
Lot 22 DP529628
116 Mittagong Road
Bowral

December 2017

prepared by



Scott Lee BTP UNSW
P 0408 473 857
E lep.planning@gmail.com
W www.leppanning.com.au
A 33 Holly Street, Bowral NSW 2576

Introduction

This Statement of Environmental Effects has been prepared at the request of the owners of the subject land to support the lodgement of a Development Application for the construction of a boarding house on the site.

The application has been made pursuant to Section 78A of the *Environmental Planning and Assessment Act 1979*. The development is of a local scale, it is not state significant, designated or integrated development. Wingecarribee Shire Council is the consent authority.

In addition to this Statement, the Development Application is supported by:

- Architectural plans of the proposed boarding house prepared by Ian Jones Design
- Hydrology and Site Drainage Report prepared by Aistrophe Engineers
- Access Report prepared by Australian Access & Building Solutions
- Landscape plan prepared by Nicholas Bray Landscapes
- NatHers Assessment and Basix Certificate prepared by Efficiency Assessments

This Statement has considered all relevant issues pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 including the proposed developments permissibility under the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009. Although the development type is also permissible under the provisions of the Wingecarribee Local Environmental Plan 2010, approval is sought under the Affordable Housing SEPP.

Relevant matters under the Bowral Town Plan Development Control Plan have also been considered.

The site is suitable for the proposed development, there are no adverse impacts arising from the proposal and support for the development is requested.

Subject site

The site is legally described as Lot 22 DP529628.

It is commonly known as 116 Mittagong Road, Bowral.

The location is a medium density residential precinct with good access to the Bowral town centre which is approximately 800 metres to the south of the site. The locality is characterised by a range of single and two storey townhouse and villa house development with a scattering of single detached housing that is slowly making way for multi dwelling developments.

The site is orientated east west, with a frontage to Mittagong Road of approximately 21 metres, with north and south side boundaries of approximately 94 metres.

The total site area is approximately 1907square metres.

Currently situated upon the site, setback approximately 25 metres from the Mittagong Road frontage, is a modest single storey weatherboard home with a single detached garage accessed off the driveway onto Mittagong Road.

The front setback area is heavily landscaped with various trees and shrubs providing an effective visual screen from Mittagong Road. The rear yard contains a small garden shed and is mainly grass with a scattering of trees, none of which are considered to be significant.

The site has a slight but consistent rise from the street to the rear.

Immediately to the north and south are similar sized properties with single dwelling houses, both with large detached sheds to the rear. In close proximity in both directions are established medium density developments

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 6 APRIL 2022**

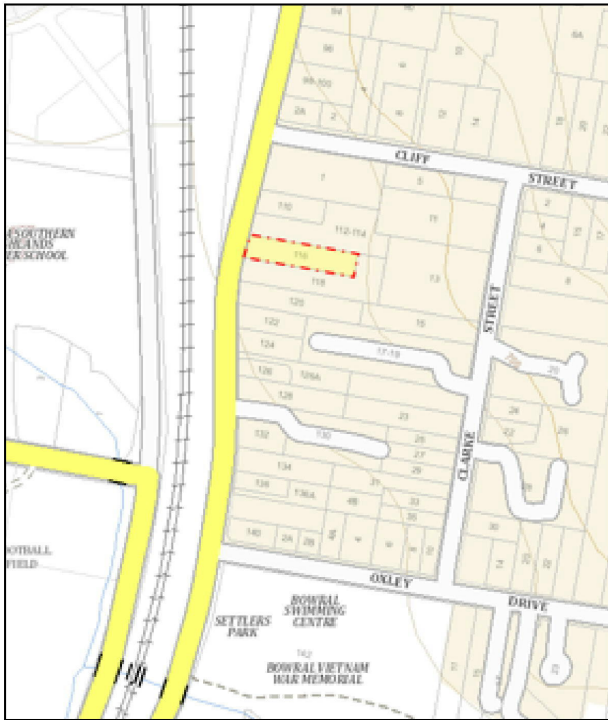


Figure 1: Site locality map (Source Sixmaps)



Figure 2: Aerial view of site showing its context with surrounding development (Source: Sixmaps)

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 6 APRIL 2022**



Figure 3: View of site from Mittagong Road

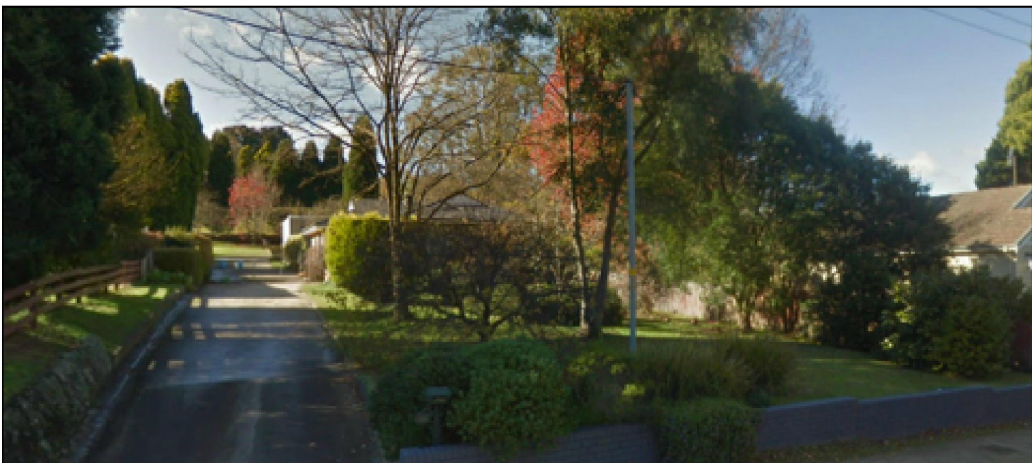


Figure 4: View of adjoining site to the south showing extensive side boundary setback between existing house and the subject site

Description of Proposed Development

The proposed development the subject of this Development Application is to construct a boarding house development containing a total of twenty two (22) individual studio style accommodation units suitable for single boarders, plus one site managers apartment. There is a communal lounge and courtyard area and on site parking.

The proposed development is described on the plans prepared by Ian Jones Design and submitted with the Development Application.

The development takes the form of two separate buildings, each of two storeys. Each building takes on the appearance of a set of townhouses.

Block A is towards the front of the site but maintains a very generous 18 metre front setback to Mittagong Road. This enables the retention of the existing landscaped area at the front of the site which is a feature of the streetscape. Block A contains ten (10) resident apartments, plus the managers apartment located on ground floor at the front of the building, plus one communal lounge located on the first floor, also with north facing balcony. Apartment 2 is an accessible apartment.

Block B sits behind and contains twelve (12) resident apartments. Apartment 13 on the ground floor is an accessible apartment.

Separating the two Blocks are eight (8) car parking spaces, one of which is accessible width. There is on more car space at the front of the site adjacent to the managers apartment that will be dedicated for the Manager. There is also a dedicated motor bike parking space and bicycle parking rack.

Each apartment will be approximately 21 square metres in floor area, designed as studio apartments and contain a combined living sleeping area with small kitchenette and a separate bathroom. Each apartment has a small cupboard laundry. Additional amenity for each resident is provided by a small north facing balcony or ground level terrace off each apartment.

**AGENDA OF THE LOCAL PLANNING PANEL
WEDNESDAY 6 APRIL 2022**

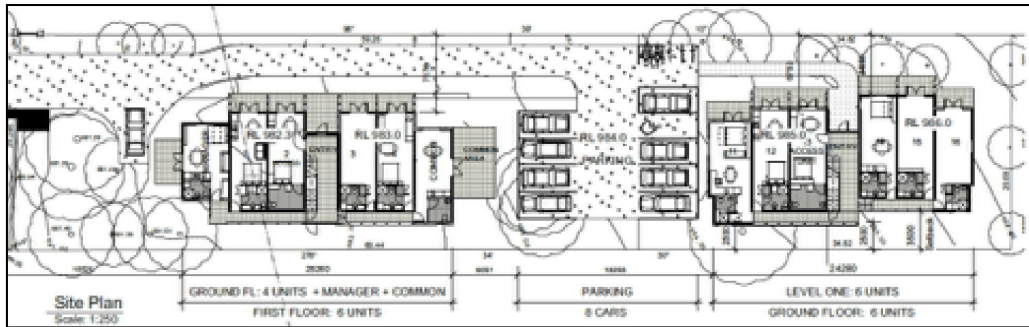


Figure 5: Site plan

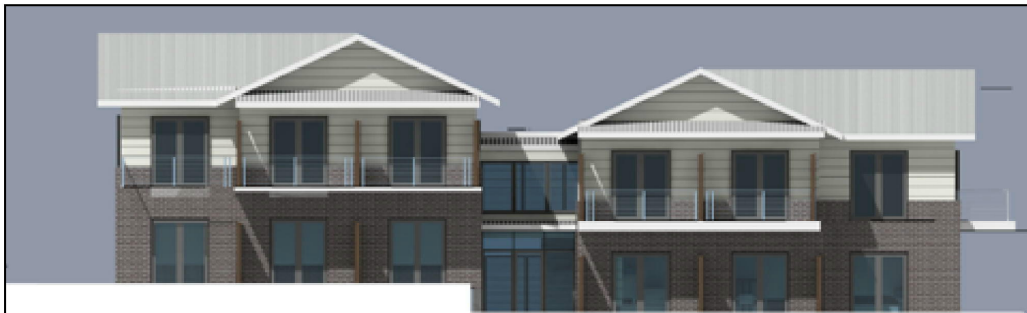


Figure 6: Architects impression showing built form and materials

Assessment of Environmental Impacts

Every Development Application is subject to assessment under the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979*. In relation to the matters that are of relevance to this particular development application, the following comments are provided:

the provisions of any environmental planning instrument

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 was considered. It requires the consent authority to be satisfied that the development would have a neutral or beneficial impact on water quality. With reference to the Neutral or Beneficial Effect on Water Quality Assessment Guideline 2015, the proposed development would fall within Module 5. There are no particular site risks because the land does not have slope greater than 20%, the site is not within a flood zone, and there are no particular constraints to development.

The Guidelines state that:

It is safe to assume that a development will have no identifiable potential impact on water quality if the development is unlikely to result in:

- a concentration of flow of water
- the impedance of flow of water
- discharge of effluent, dust pollutants or stormwater, and
- other matters considered to result in a water quality impact, such as the potential for contamination.

Council should be satisfied that the development will have no identifiable impact on water quality. Relevant information in relation to stormwater management has been provided by the Hydrology and Site Drainage Report prepared by Aistrope Engineers.

In brief, the proposed development will have a neutral or beneficial effect on water quality.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The proposed development seeks to utilise the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009. This State policy provides specific planning controls for the development of boarding houses.

An assessment of the proposed development against the relevant State policy provisions is set out below.

Division 3 Boarding houses

Cl 26 describes the land to which Division 3 applies. It confirms that the SEPP applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones :

- (a) Zone R1 General Residential,*
- (b) Zone R2 Low Density Residential,*
- (c) Zone R3 Medium Density Residential,*
- (d) Zone R4 High Density Residential,*
- (e) Zone R5 Large Lot Residential.*

The site is within a R3 Medium Density Residential zone and therefore Division 3 of the SEPP applies.

Clause 27 excludes some land within the R2 Low Density zones unless that land is within prescribed distances of accessible areas. Because the site is not land within the R2 Low Density Residential zone, this particular Clause is not relevant.

Clause 28 confirms that development under Division 3 can be carried out with consent.

Clause 29 sets out a number of standards, that if satisfied, cannot be used as a reason to refuse a Development Application for a boarding house. Commentary on these standards follows:

29 Standards that cannot be used to refuse consent

(1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:

- (a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land;*
- (b) if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land, or*
- (c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:*
 - (i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or*
 - (ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.*

The site is not subject to a maximum floor space ratio under the WLEP2010.

The proposed development results in a FSR of 0.46:1 resulting from a site area of 1907 square metres and a gross floor area of 873 square metres. This floor space ratio is a very modest return for development within a dedicated medium density zone.

Residential flat buildings are permissible within the R3 Medium Density zone and therefore the 'bonus' FSR available under Clause 29 (1)(c)(i) can be considered. The Bowral DCP purports to restrict the FSR for any form of residential development in this locality to 0.5:1, although it must be acknowledged that this is not a development standard. However, if this was considered to be the base line FSR for the purposes of calculating the potential bonus FSR allowable under the SEPP, then the SEPP would allow 0.5:1 on top of 0.5:1, resulting in an allowance of 1:1.

As noted, the actual FSR for the development is only 0.46:1 and therefore is well below the maximum allowable under the SEPP as well as being below the allowable FSR under the Bowral DCP. Therefore it is reasonable to assume that density and scale of development cannot be used as a reason to refuse the development.

- (2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:*
 - (a) **building height** if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,*

The site is not subject to a maximum building height under the WLEP2010.

Similarly to the question of FSR, with no development standard within the WLEP2010 some reference can be made to the provisions of the DCP to gauge the suitability of the building height. Section C1.5 allows a maximum height of 9 metres for a two storey development. The maximum building height of the proposed development is 8.4 metres. Refer to the architectural drawings from Ian Jones Design Sections AA Sheet A11. Therefore building height cannot be used as a reason to refuse the development.

*(b) **landscaped area** if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,*

The landscape treatment of the development within the front setback area is not incompatible with the streetscape. In fact the design of the development has taken into account importance of the existing landscaped setback to Mittagong Road and maintained a very generous setback of 18 metres. With reference to other existing development upon adjoining sites, this could easily have been reduced to 10 -15 metres and still retained some consistency with neighbours. The extended setback allows full retention of the established landscaped area and this is considered to be the most compatible outcome with the streetscape.

The proposed development has the majority of its car parking area between the two blocks and therefore out of sight from any passing traffic. There is one space at the front of the building provided for the Managers apartment. This one space will not upset the balance of the landscape are addressing the street. It still maintains a setback of 10 metres which is considered to be appropriate.

Overall the landscape presentation of the development to the street will be superior to any other existing property along this stretch of Mittagong Road and will therefore enhance the landscape presentation in the street. Therefore it is considered that landscaped area cannot be used as a reason to refuse the development.

*(c) **solar access** where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,*

Refer to drawings prepared by Ian Jones Design. The proposed communal living room has a northerly aspect, designed with large north facing windows and glass sliding doors onto a outdoor common area that will also have a northerly aspect.

Therefore it is considered that a lack of solar access to communal rooms cannot be used as a reason to refuse the development.

(d) private open space if at least the following private open space areas are provided (other than the front setback area):

- (i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,*
- (ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,*

The development provides two open space areas. One is at ground adjacent to the common lounge and outdoor terrace. The second is towards the rear of the site in the north eastern corner of the site. Both are level, facing north and provide a total area of approximately 50 square metres and maintains the minimum dimension of 3 metres. It can be used by all lodgers. There is also an area immediately in front of the managers apartment within the landscaped front yard.

This space is usable and well located in tandem with the ground level terrace provided for this apartment.

Therefore it is not considered that a lack of private open space can be used as a reason to refuse the development. Further private recreation opportunity is provided for each apartment by way of a small balcony off each room, with the ground floor apartments having the benefit of small private terraces.

(e) parking if:

- (i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and*
- (ii) in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and*
- (iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,*

The site is not within an accessible area as defined within the SEPP. This definition is set out below.

accessible area means land that is within:

- (a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or*
- (b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or*
- (c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.*

Therefore the proposed development is subject to the minimum requirement of 0.4 spaces per boarding room. This equates to a requirement of 8.8 spaces for the 22 boarding apartments. There is no minimum requirement for a resident staff member. The proposed development will provide a total of eight (8) spaces on site, one of which is an accessible space plus the one dedicated space for the manager.

Therefore the development is 0.8 spaces deficient of the minimum requirement and Council could in theory use parking as a reason for refusal. It is considered that sustaining that argument may be difficult given that motorcycle and bicycle spaces are also provided on site for residents and the site is well located to public transport including a bus stop serviced by three bus routes immediately outside. Car parking is considered to be appropriate for the a development of this scale within this location.

(f) accommodation size if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:

- (i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or*
- (ii) 16 square metres in any other case.*
- (3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.*

The development will provide rooms of a minimum gross floor area of approximately 21 square metres. Each has a small kitchenette and a separate bathroom. All are designed for single lodgers.

Therefore the development is compliant and it is considered that accommodation size cannot be used as a reason to refuse the development.

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Clause 30 of the Affordable Housing SEPP then provides some additional standards for boarding houses. These are commented upon below.

(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,

A large ground floor communal room, with access to a north facing open courtyard has been provided within Block One at the front of the site. The room is of generous proportions with good solar access and close to the Managers office to ensure an appropriate level of supervision.

(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,

All boarding rooms are well within the maximum floor area allowance.

(c) no boarding room will be occupied by more than 2 adult lodgers,

All rooms are designed to be suitable for single lodgers. They are in the 'studio apartment' mode, being a combined living/sleeping space, with a separate bathroom.

(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,

Each boarding house is designed to allow lodgers to be self sufficient with their own kitchenette and bathroom.

(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,

There will be a boarding house manager apartment which is situated at ground level at the front of Block One. This location is considered to be an ideal location to provide an appropriate balance between supervision and privacy.

(f) (Repealed)

No comment required

(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,

The zoning of the site is R3 Medium Density Residential and therefore is not land zoned primarily for commercial purposes.

(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.

As part of the car parking area, there are 5 motorcycle spaces provided in compliance with this standard. There is a dedicated space to accommodate a bicycle rack that can accommodate a minimum of 5 bicycles in compliance with this standard.

Clause 30A deals with Character of the Area and requires Council to take into consideration the design of the development and its compatibility with the character of the area.

In this case, the character of the area is a combination of townhouse and villa medium density with single dwelling houses on larger lots that will be eventually either subdivided for developed for additional medium density. It is in transition from its historical development pattern.

Council's relevant planning controls for this area are encouraging a change in character, not a retention of it. This change can nonetheless be managed without undue impacts upon any adjoining developments or upon the streetscape in general and this is borne out through an analysis of this developments compliance with all of the relevant standards ranging from height, FSR, landscape area and setbacks.

It is considered that the proposed development is also consistent with the character of the area when judged from a land use point of view. The higher density residential use is consistent with the intent of the R3 zone and offers an ideal transition between the lower density areas to the north and the commercial activity to the south. It is not considered that the development is inconsistent with the character of the area and there is no reason why, subject to the provisions of Clause 30A, Council could not support the proposed development.

Wingecarribee Local Environmental Plan 2010 (WLEP2010).

The relevant planning instrument is the Wingecarribee Local Environmental Plan 2010 (WLEP2010).

Part 2 Permitted or prohibited development

Within the WLEP2010, the site is zoned R3 Medium Density Residential.

The objectives of the R3 Medium Density Residential zone are:

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

The proposed development does not offend any of these objectives. It will provide an alternative housing type that is compatible with the medium density nature of the locality. It is of a suitable scale and style to ensure the character and amenity of the locality is not compromised.

Boarding houses are a permissible use within the R3 Medium Density Residential zone. They are a type of residential accommodation and are defined as follows:

boarding house means a building that:

- (a) *is wholly or partly let in lodgings, and*
- (b) *provides lodgers with a principal place of residence for 3 months or more, and*
- (c) *may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
- (d) *has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.*

The proposed development satisfies the definition. Each of the small individual rooms will provide suitable lodgings for an individual occupant. In this case, the rooms have private kitchens and bathrooms, but there are two communal lounge areas to provide additional amenity and socialising opportunities for the residents.

Part 4 Principal development standards

Clause 4.3 Height of Buildings is not relevant. The site is not within an area identified as having a maximum building height.

Clause 4.4 Floor space ratio is not relevant. The site is not within an area identified as having a maximum floor space ratio. Refer also to previous discussion in relation to the Affordable Housing SEPP.

Part 5 Miscellaneous provisions

The site is not an item of heritage listed within Schedule 5 of WLEP2010, nor is it in any defined conservation area. It is in the vicinity of a listed item, being I338, Hazleton House at 132 Mittagong Road. This site is six properties and 150 metres distant from the subject site. It is considered that the proposed development will have no impact upon any heritage item or area.

Part 7 Additional local provisions

The site is not affected by any natural resources sensitivity - biodiversity (Clause 7.4) or natural resources sensitivity water (Clause 7.5).

The site is not flood prone (Clause 7.9).

There are no other provisions of the WLEP2010 that are relevant to this Development Application.

the provisions of any development control plan

The site is within the area where the Bowral Town Plan Development Control Plan (the DCP) applies.

Part A is applicable to all land and sets out general requirements for development.

The proposal satisfies the economic function objectives under A2.2.1 given that the proposal will:

- Strengthen the economic role of Bowral by providing employment opportunities to contract cleaners, maintenance personnel and property managers;
- Enhance the role of Bowral by providing for the housing needs of its community and surrounding community;

The site layout and orientation of the building achieves its purpose - a desirable medium density development suitable for single purpose households in close proximity to services. Landscaping of the site provides a sound planning outcome that balances the development with surrounding residential amenity. The on site parking provided is a sound response to ensuring a suitable traffic management outcome as well as an appropriate built form.

In relation to Part A of the DCP, Section 3 deals with Ecologically Sustainable Development.

The proposed building incorporates ESD principles by requiring the construction of 'energy smart' buildings which meet required standards for water and air quality, noise and energy. The building design ensures positive solar access for occupants of the building.

Section 4 deals with Flood Liable Land. The site is not flood liable.

Section 5 deals with Vegetation Management and Landscaping. A detailed landscape scheme for the development has been provided.

Section 6 deals with Subdivision, Demolition, Siting and Design. The building design ensures a scale and form that is compatible with the residential scale of development in the vicinity of the site. The site layout is conscious of its neighbours and has provided adequate setbacks.

Section 10 deals with Outdoor Lighting. A detailed plan has not been provided at this stage. Outdoor lighting AS4282-1997 *Control of the obtrusive effects of outdoor lighting*, has been under review since June 2013 with anticipated completion date of December 2017. This issue is acknowledged but the appropriate management of the outcome is through a condition of consent that requires the detailed Construction Certificate drawings to provide evidence of satisfaction with the relevant Australian Standard. Development Application drawings are not sufficiently detailed to provide the relevant information on the lighting plan and design suffice to say that pathways and certain garden areas will be lit at night for safety reasons. It is not anticipated that outdoor areas will be frequented to any degree during night hours.

There are no other elements of Part A of the BDCP that are relevant to this application.

Part C deals with residential zoned land. It should be noted however that the DCP cannot override the requirements of the State Planning Policy and therefore it is not necessary to undertake a detailed assessment of the proposal against all of the controls to be found within Part C of the DCP.

The objectives of this Section of the DCP are:

- (a) Conservation of the unique characteristics of the residential areas of Bowral, particularly in the case of the identified Conservation Areas,*
- (b) New residential development which is sympathetic with existing streetscapes and neighbourhood character,*
- (c) New residential development that is energy efficient, provides good amenity, and is safe and attractive.*
- (d) Residential development which meets the needs of a range of community and demographic types, including smaller households, older people, people with a disability or people requiring group accommodation.*

The proposed development does not offend these objectives. It supports them by providing an alternative housing type that will be an affordable choice for more people, in particular single person households. It is located in close proximity to local business services and transport options. It is of a scale and style that is compatible with that existing in the locality and which is promoted by the relevant planning controls. The architectural merit of the development is superior to the existing built form on the site and in this sense it will improve the streetscape.

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Section C1.5 deal with height of buildings. For a two storey building a maximum height of 9 metres is allowed. The maximum height of the building in this development proposal is 8.4 metres.

Part C Section 3 provides objectives and controls for medium density development. Although the development is for a boarding house, which is a completely distinct form of development, it is acknowledged that the style of the development is typical of many medium density developments. It is therefore reasonable to assess the development proposal against the criteria set out in Section 3. This is set out in the Table on the following pages.

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DCP Compliance Table - Section 3 Medium Density Development	
3.2 Site amalgamation - 25 metre frontage	The site is 20 metres wide but has demonstrated its compliance in key planning controls. Properties either side of the site are of similar width and are not constrained. There is no preferred amalgamation pattern in place. Council cannot enforce a pattern.
3.3 Site analysis	See architectural plans
3.4 Density and site coverage - maximum FSR of 0.5:1	The proposed development has a FSR of 0.46:1. By taking advantage of the bonus FSR in the Affordable Housing SEPP a FSR of 1:1 is possible. The development is a very low density outcome.
3.5 Street presentation - respect streetscape with appropriate dwelling orientation	Building A presents to the street and the pattern of the built form is respectful of the rhythm of the development within the street.
3.6 Dwelling mix - provide a range of dwelling types and sizes	Not relevant to this development which is specifically designed to provide for single occupant households.
3.7 Building Height - maximum 2 storeys at 9m building height	The development is two storey with a maximum building height of 8.4 metres
3.8 Front setbacks - consistency with streetscape	The development offers a generous street setback of 18 metres to Building A, in excess of most other sites within this length of Mittagong Road.
3.9 Side setbacks - minimum 3.5 metres	The development provides setbacks to the northern boundary ranging from 7 metres for Building A to a minimum 5.5 metres for Building B at the rear. This provides generous open space areas with good solar access for residents. Setbacks to the southern boundary are at a minimum 2.5 metres for parts of both buildings, but are staggered, increasing to 3.5 metres for parts of the building. The southern elevation provides the access corridor to the apartments with this corridor screened with privacy timber screening to avoid any overlooking of the adjoining property. There are no windows to the southern elevation. The property to the south has a driveway along its northern boundary resulting in the existing dwelling being setback approximately 7 metres from the boundary which reduces the impact of privacy and shadow. When developed, the site will similarly seek to maximise setback to the north to provide private open spaces with good solar access, thereby maintaining the spatial relationship with the proposed development.
3.10 Rear Setbacks - no set requirement	The rear setback is set at 3.5 metres which is comparable to any other medium density development in this locality

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DCP Compliance Table - Section 3 Medium Density Development	
3.11 Dwelling Orientation - solar access	All proposed apartments have a northerly aspect and receive more than the required 3 hours of sunlight. The development does not reduce the solar access of the property to the south below the required solar access. Shadow will be cast mainly upon the driveway.
3.12 Design Guidelines	Apartments are orientated to the north.
3.13 Private Open Space	See previous comments. There is communal open space for residents and each apartment has a private balcony/terrace.
3.14 Landscaping and communal open space	See comments above
3.15 Privacy	There are no windows on the southern elevation to avoid overlooking. The access corridors to the apartments are to be fitted with timber privacy screens.
3.16 Materials and Colours	Appropriate and compatible with the locality
3.17 Car parking, garaging and driveways	The DCP rates are not relevant to this development
3.18 Pedestrian access	The pedestrian access to the apartments is clear and well defined.
3.19 Waste Collection	Waste collection will be through standard kerb side pick up. Because these are single occupancy households, there will be shared bins, the number of which will be equivalent to a 6 dwelling medium density development.

Section 6 deals specifically with other forms of residential development, including boarding houses and applicants are instructed to refer to the *'relevant sign controls contained in previous section of Part C'* .

This is unclear in its intent, but in this case, with this style of development, it is reasonable to consider the DCP provisions as they relate to medium density development as has been done, bearing in mind that the DCP cannot override the prevailing State Policy in any event.

The specific objectives of Section 6 are as follows:

- (i) *To provide a range of housing types throughout Bowral.*
- (ii) *To provide a greater range of affordable housing options.*

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- (iii) To ensure the location of affordable accommodation is close to transport, shops and services.*
- (iv) To integrate new development into established areas by maintaining streetscape and building quality.*
- (v) To ensure new development preserves the quality of the built environment for all existing and future residents.*
- (vi) To encourage development of a high standard of architectural merit and design.*
- (vii) To ensure that new residential development provides appropriate private open space for residents.*

The proposed development clearly supports these objectives, in particular those of housing diversity and affordability.

The specific controls within Section 6 are as follows:

- (a) The proposed development shall comply with all relevant design controls contained in previous section of Part C of this Plan.*
- (b) A Landscape Plan shall be provided for all development other than detached dwellings.*
- (c) On-site private open space shall be provided to improve the residential amenity of the development.*
- (d) Access to the subject site shall be located to ensure adequate vehicular and pedestrian safety.*

Finally, Part C Section 17 deals specifically with the Northern Entrance Medium Density Precinct which covers the area zoned R3 Medium Density Residential north of the Mittagong Rivulet. The preferred outcomes for the Precinct are development that is respectful of the form and scale of existing development, especially facing Mittagong Road.

The specific controls for development contained within this Section are:

- (a) ensure that the layout of future development complies with the objectives and guidelines set out within the Site Analysis section in Part A of this Plan.*
- (b) ensure that the extent, scale and configuration of new residential development reflects a discrete and unobtrusive architectural outcome, to remain compatible with the established spatial pattern of development within the precinct.*

(c) ensure that the visual prominence, landscape setting and public vistas to and within the precinct are maintained.

(d) retain existing buildings, structures and landscape features that contribute positively to streetscape quality and the overall garden character of the neighbourhood.

(e) avoid large and unarticulated massing of walls and roofs.

(f) incorporate architectural features, (including, but not limited to, roof forms, window positioning and proportioning, verandah treatment, fencing, and building proportions) that are reflective of any existing development, to be retained on the land or compatible with other existing architecture (including heritage and other contributory buildings) occupying adjoining or nearby land.

(g) incorporate simple architectural design treatments, materials, colours and finishes that result in a harmonious relationship with existing development on adjoining and nearby land.

The proposed development is consistent with these controls.

The architectural outcome is compatible with the character of existing development within the locality. The spatial arrangement of the built form on the site is compatible with that of other existing medium density development.

By having two separate buildings, the mass of the development is broken into smaller articulated forms with smaller roof scale.

By providing a large front setback, the buildings can sit behind a green shield thus avoiding a dominant impact upon the streetscape.

the likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality

There are no significant impacts arising as a result of the proposed development.

From an environmental perspective, the site is not sensitive and the development impacts are benign. There is no native vegetation, no natural watercourses, no significant view corridors or any other environmental concerns that would restrict or prohibit development upon the site.

The land use, a higher density form of residential development, is appropriate to its context and will not be the cause of any adverse impacts upon any neighbouring properties. Conversely, it is not likely to be impacted upon by the types of existing commercial developments surrounding the site.

The design, bulk, scale and siting of the development are an appropriate response to the fundamental development controls that are contained within the relevant State Planning Policy. Once these controls are satisfied, Council cannot use them as reasons for refusal.

Council has also controls introduced to guide development within this precinct that are contained within the Bowral DCP. The development has responded well to these and the result is a development, that sits comfortably in its context, both in terms of land use but also form. It is not an excessive development and remains well within the overall density of development that could be achieved.

Because of the nature of the residential use, traffic implications are minimal. The boarding house type of residential accommodation is recognised as having much lower traffic generation rates and this is a good site for this use being in close proximity to services, including transport.

From a social perspective, the proposed development should be supported strongly as it will provide much needed variety in housing type at a much more affordable price point for more of the community. Council's strategic planning for the Shire has identified housing affordability as a serious issue and developments such as this will play an important role in addressing the current situation.

From an economic perspective the development represents an investment into the Shire that will result in the latent potential of the land being realised. In the short term the development will stimulate opportunity in the construction industry and in the longer term ongoing property maintenance and management.

the suitability of the site for the development

The site is suitable for the proposed use. Its location within a medium density precinct, within easy walking distance of the town centre, is ideal for higher density residential development, especially one with a lower than average dependency upon individual cars.

Although the site is not perfectly flat, the topography is not challenging and therefore the site can easily accommodate the proposed development. Its lack of any particular or specific environmental constraint is further evidence of the sites suitability for development.

The scale of the development is commensurate with the capacity of the site, as evidenced by the very low floor space ratio and the generous side boundary setbacks and compliance in all other key areas of both the State Planning Policy and the Council's own Bowral DCP.

The site has access to the full range of urban infrastructure and services and access to all community facilities and services.

any submissions made in accordance with this Act or the regulations

It is understood that the Development Application may be placed on public notification and adjoining property owners notified. Any issues raised in submissions received can be responded to as part of the assessment process.

the public interest

The proposed development is not of a kind to give rise to particular issues of public interest. However, it is a development that has responded directly to the planning regime that has been put in place. If it is accepted that planning controls reflect the general view of the community in terms of what their places should be, then development that responds positively should be viewed as being in the public interest.

Conclusion

The proposed development is for a 22 room boarding house.

It is located within a medium density residential zone, in close proximity to the Bowral town centre, where both the State and local planning instruments have made such development permissible. This is in recognition of the compatibility of this form of housing with the characteristics of the medium density zone.

The proposed development has responded in a positive and compliant manner to the range of planning controls within the Affordable Housing SEPP, to the extent that Council cannot use the issues of height, density (FSR), car parking, landscape, solar access or dwelling size as reasons to refuse the application.

Not only does the development proposal satisfy the Affordable Housing SEPP, it properly addresses the relevant local controls of the WLEP2010 and the Bowral DCP.

The proposed development should be viewed favourably and accordingly granted approval.



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Wingecarribee Shire Council
PO Box 141
Moss Vale NSW 2577
Attention: Nancy Sample

Dear Nancy,

**RE: Development Application 18/0308 – 116 Mittagong Road, Bowral
Boarding house**

I refer to the above Development Application. This letter is in support of amended plans prepared by Ian Jones Design that have been lodged with Council pursuant to Clauses 54 and 55 of the *Environmental Planning and Assessment Regulation 2000*.

As you are aware, this Development Application was initially lodged with Council in March 2018 and the applicant has worked diligently and patiently with the Council through the lengthy assessment process.

The most critical issue has been that of vehicular access onto Mittagong Road and work within Mittagong Road. To this end, Council has produced a design of work that both it and the RMS believe is appropriate in the circumstances.

The latest correspondence from Council in relation to this matter was from Nick Wilton, Group Manager Planning Development and Regulatory Services in an email to me dated 28 February, stating:

Providing all other onsite assessment matters have been resolved I can't see why the proposal cannot be conditioned to enable the access location to be re-positioned and the BAR to Council and the RMS satisfaction be applied as a condition of consent. Obviously this will be appropriately detailed by survey etc prior to CC and the RMS will need to sign off on this.

The amended plans from Ian Jones Design have 'flipped' the development in order to place the driveway to the southern boundary of the site in order to accommodate the proposed works on Mittagong Road as shown in Council's preliminary design.

In previous feedback from Council and its planning contractors, it has been confirmed that all other land use and building design related matters were satisfactory. The revised plans continue to exhibit full compliance with all relevant assessment criteria.

Providing a range of Planning and Development services including:

· Planning Proposals · Statement of Environmental Effects · Strategic Planning and Development advice · Advocacy and problem solving
· Land and Environment Court · Local Government specialist

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Therefore we request that Council now expedite an approval for DA18/0308 with a condition of development consent as described in the response from Nick Wilton as set out above.

I would of course be available to discuss any matter that you believe may still be outstanding.

Yours Faithfully,

Scott Lee

26 March 2020

Providing a range of Planning and Development services including:

· Planning Proposals · Statement of Environmental Effects · Strategic Planning and Development advice · Advocacy and problem solving
· Land and Environment Court · Local Government specialist

7 MEETING CLOSURE