

Ordinary Meeting Of Council



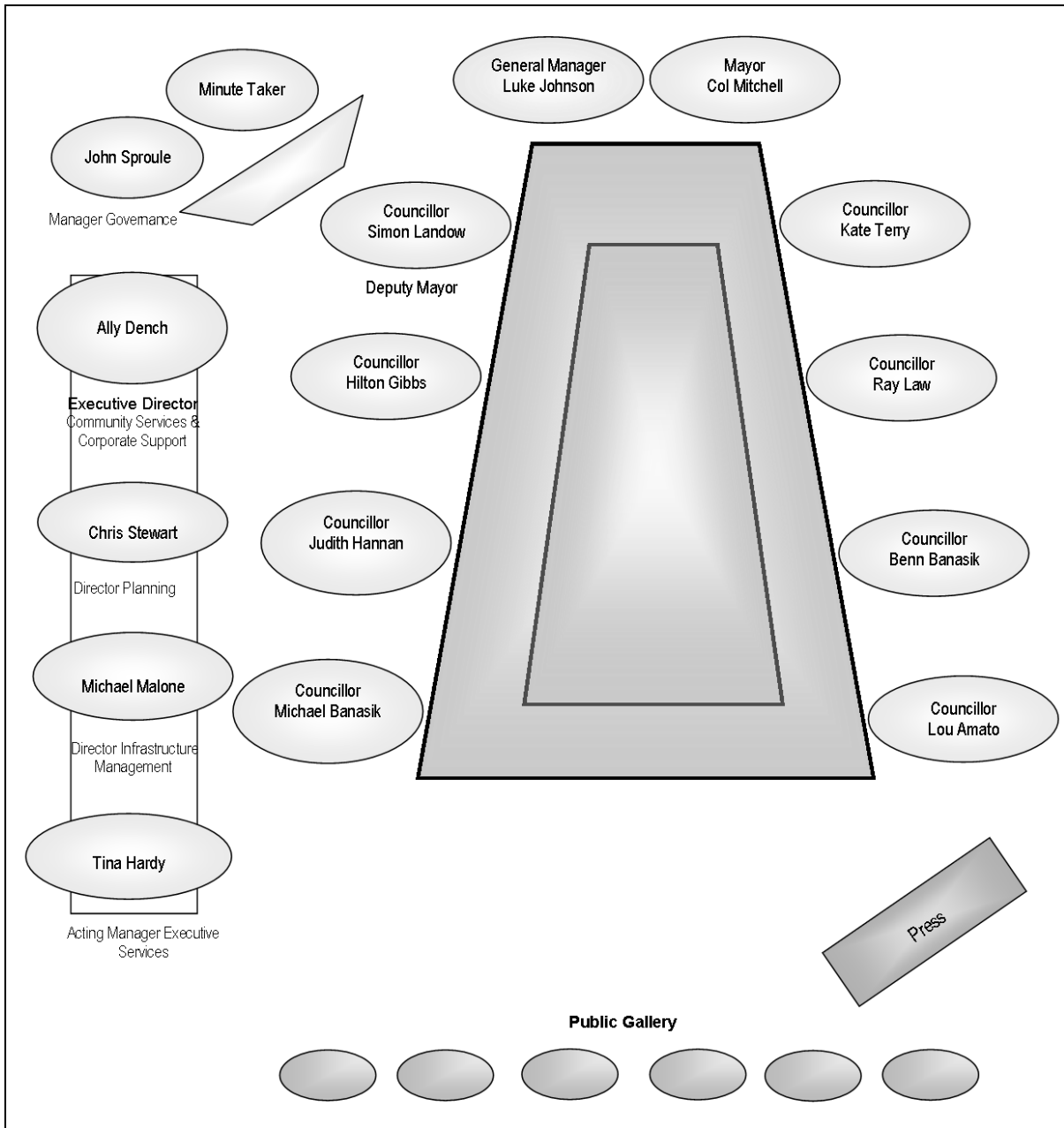
Wollondilly Shire Council

Notice of Meeting & Agenda Monday 16 March 2015

You are invited to attend the next Ordinary Meeting of Council to be held in the Council Chambers, 62-64 Menangle Street Picton on Monday 16 March 2015 commencing at 6.30pm.

Luke Johnson
General Manager

Seating in Council Chambers



EAST WARD

Cr Benn Banasik	0434 832 636	Email: benn.banasik@wollondilly.nsw.gov.au
Cr Ray Law	0427 901 275	Email: ray.law@wollondilly.nsw.gov.au
Cr Kate Terry	0439 665 149	Email: kate.terry@wollondilly.nsw.gov.au

CENTRAL WARD

Cr Lou Amato	0439 451 143	Email: lou.amato@wollondilly.nsw.gov.au
Cr Michael Banasik	0425 798 068	Email: michael.banasik@wollondilly.nsw.gov.au
Cr Colin Mitchell (Mayor)	0418 265 006	Email: col.mitchell@wollondilly.nsw.gov.au

NORTH WARD

Cr Hilton Gibbs	0439 299 749	Email: hilton.gibbs@wollondilly.nsw.gov.au
Cr Judith Hannan	0414 557 799	Email: judith.hannan@wollondilly.nsw.gov.au
Cr Simon Landow (Deputy Mayor)	0415 406 719	Email: simon.landow@wollondilly.nsw.gov.au

Business Papers will be available from Council's Foyer or alternatively on Council's website on the Friday before the Ordinary Council meeting.

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OPENING

RECORDING OF THE MEETING

In accordance with Council's Code of Meeting Practice the electronic recording of the Council Meeting and the use of electronic media during the proceedings is not permitted. This includes devices such as laptops, mobile phones, tape recorders and video cameras.

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- Ordinary Meeting of Council held on 9 February 2015

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Wollondilly Community Strategic Plan 2033

Council's format for reporting to our Ordinary Council Meetings will follow the:

1. Wollondilly Strategic Plan 2033 themes:

Looking after the **Community** | Accountable and Transparent **Governance** | Caring for the **Environment** | Building a strong local **Economy** | Management and Provision of **Infrastructure**

Under each of these themes are **Outcomes** – expressions of what we want to achieve in the long term which will be reflected in our reports.

2. Sustainability Principles (*reference page 10 of the CSP 2033*)

Equity | Precaution | Regeneration | Engagement | Sharing | Access | Participation | Rights | Governance

"Council will build the above principles into all facets of our organisation and everything we do."

1.

Community

Outcomes

1. Access to a range of activities, services and facilities.
2. A connected and supported community.

Strategies

CO1 - Community Building, Well-being and Identity

Deliver a range of community programmes, services, facilities and events which strengthen the capacity, well-being and cultural identity of our community.

CO2 - Working with Others

Work with other agencies and service providers to deliver community programmes, services and facilities which complement and enhance Council's service provision.

CO3 - Social Planning

Undertake strategic social planning and research regarding community needs and issues.

CO4 - Engagement and Communication

Implement excellence in our community engagement by listening to and responding to the needs and concerns of our residents.

Governance

Outcomes

1. Government, community and business talking and working together.
2. A Council that demonstrates good business management and ethical conduct.

Wollondilly Community Strategic Plan 2033

Strategies

- GO1 - Quality Employer
Provide an attractive employment choice for talented people.
- GO2 - Best Practice Governance
Be a leader in best practice local government governance.
- GO3 - Customer Service
Deliver responsive and helpful services to all our customers.
- GO4 - Advocacy
Advocate strongly for the interests of Wollondilly and its community.
- GO5 - Financial Sustainability
Maintain Council in a strong and sustainable financial position.
- GO6 - Resource Efficiency
Be efficient and effective in the use of Council resources and provide value for money in the delivery of services.
- GO7 - Information Management
Ensure best practice approach as to the delivery of quality information and technology services.
- GO8 - Corporate Image
Promote a positive representation of Council's corporate image.

Environment

Outcomes

1. Our local environment that is valued and protected.
2. A community that interacts with and cares for their environment.

Strategies

- EN1 - Biodiversity Resilience
Protect and conserve biodiversity and natural resources, including waterways, riparian lands and groundwater dependent ecosystems.
- EN2 - Growth Management
Apply best practice environmental principles to the management of future growth.
- EN3 - Development Assessment
Apply best practice environmental principles to the assessment of development and planning proposals.
- EN4 - Environmental Responsibility
Educate and promote legislative environmental responsibilities to the community.
- EN5 - Auditing, Monitoring and Enforcement
Undertake auditing, monitoring and regulatory enforcement to protect the environment and the health, safety and well-being of the community.
- EN6 - Waste Management
Improve waste minimisation and recycling practices in homes, workplaces, development sites and public places.
- EN7 - Sustainable Living
Educate, promote and support low consumption, sustainable lifestyles and lowering of the Shire's carbon footprint.

Economy

Outcomes

1. A strong local economy providing employment and other opportunities.

Strategies

EC1 - Economic Development

Enhance economic development in Wollondilly Shire through innovative engagement and ongoing promotion of our strengths.

EC2 - Planning for and Supporting Business

Strengthen and diversify Wollondilly's economic base by attracting and supporting the development of a diverse range of industries.

EC3 - Manage Growth

Encourage and manage growth to ensure that it contributes to economic well-being.

EC4 - Managing Development and Land Use

Manage and regulate land use and development in order to achieve a high quality built environment which contributes to economic well-being.

EC5 - Protect Natural Resources

Protect natural resources so as to contribute to the Shire's economic well-being.

Infrastructure

Outcomes

1. Safe, maintained and effective infrastructure.
2. Access to a range of transport options.

Strategies

IN1 - Maintain Road Network

Ensure that the road network is maintained to a standard that is achievable within the resources available.

IN2 - Manage Road Network

Manage the road network to respond to community needs, growth in the Shire, improving road safety and improving transport choices.

IN3 - Provision of Facilities

Provide a range of recreation and community facilities to meet the needs of the community.

IN4 - Emergency Management

Plan for and assist in the community's response to emergencies such as bushfires and flooding.

IN5 - Advocacy and Lobbying

Represent our community with regard to external services including energy, communications, water, waste management and resource recovery.

2.

Environmental Principles

EQUITY

We uphold the principles of intragenerational and intergenerational equity and fairness in how resources are distributed within this generation and between this and future generations.

PRECAUTION

We adopt the precautionary principle which is that actions that have the potential to harm our environment should not be undertaken if the consequences are uncertain and the science inconclusive.

REGENERATION

We work to protect and restore the earth's ecological integrity, biological diversity and natural processes.

ENGAGEMENT

We recognise that sustainability will happen faster if local communities become champions of sustainability and are involved in the decisions affecting sustainability.

SHARING

We will work with others to share resources and knowledge and to promote sustainability.

Social Justice Principles

EQUITY

We will strive for the fair distribution of resources with a particular emphasis on protecting those people who are considered vulnerable.

ACCESS

We will provide all people with opportunities to use relevant services and facilities regardless of their circumstances.

PARTICIPATION

We will encourage and provide opportunities for people to take part in decision making processes that impact on their quality of life.

RIGHTS

People should not be discriminated against and everyone is entitled to honesty, information and involvement.

GOVERNANCE

People deserve responsible governance and fair and accountable decision making.

Committee/Advisory Group Membership List – 2014-2015

COMMITTEES OF COUNCIL	MEMBERS AND DELEGATES	RESPONSIBLE COUNCIL OFFICER	WHEN HELD AND VENUE
ORDINARY COUNCIL MEETING	Mayor Deputy Mayor Full Council	Manager Governance	Meetings held at 6.30pm, 3rd Monday of each month in the Council Chambers.
COMMUNITY FORUM	Mayor Deputy Mayor Full Council	Manager Governance	Meetings held at 6.30pm, 2nd Monday of each month in the Council Foyer - Administration Building. Community Safety on the Agenda quarterly – February, May, August and November.
AUDIT COMMITTEE	Mayor Cr Gibbs	Manager Governance	Meetings held in office hours at the Council Chambers.
AUSTRALIA DAY COMMITTEE	Mayor Cr Hannan Cr Landow	Manager Community Services	Meetings held at 6.00pm in the Council Boardroom as required.
COMMUNITY LEISURE CENTRE USERS ADVISORY GROUP	Cr Mitchell Cr Amato	Manager Infrastructure Planning	Meetings held at 6.00pm, March & September in the Council Chambers.
COMPANION ANIMALS REFERENCE COMMITTEE	All Crs welcome to attend	Manager Compliance	Meetings held at 7.00pm, 2nd Tuesday of February, April, June, August, October & December in the Council Boardroom.
DISABILITY ACCESS ADVISORY COMMITTEE (DAAC)	All Crs welcome to attend	Manager Community Services	Meetings held at 2.00pm, 2nd Wednesday of February, May, August and November in the Council Chambers.
ECONOMIC DEVELOPMENT ADVISORY COMMITTEE	All Crs welcome to attend	Manager Executive Services (Pending the appointment of a Manager Economic Development)	Meetings held at 4.00pm, 4 th Wednesday of each month in Council's Boardroom.
ENVIRONMENT AND HERITAGE COMMITTEE	All Crs welcome to attend	Manager Environmental Services and Manager Planning	Quarterly.

Committee/Advisory Group Membership List – 2014-2015

COMMITTEES OF COUNCIL	MEMBERS AND DELEGATES	RESPONSIBLE COUNCIL OFFICER	WHEN HELD AND VENUE
LOCAL TRAFFIC COMMITTEE	Mayor Cr Gibbs Cr Amato	Manager Infrastructure Planning	Meetings held at 2.00pm on the third Wednesday monthly, except February, May and August meetings are held on the 4 th Wednesday at 10.00am in the Council Boardroom.
MINERALS AND ENERGY RESOURCES COMMITTEE (NEW)	All Crs welcome to attend	Manager Environmental Services	Quarterly.
PICTON FLOOD PLAIN RISK MANAGEMENT COMMITTEE	Cr Amato	Manager Infrastructure Planning	As required.
ROAD SAFETY GROUP	All Crs welcome to attend	Manager Infrastructure Planning	10.30am, 1st Thursday each month in the Council Chambers..
RURAL INDUSTRY LIAISON COMMITTEE	All Crs welcome to attend	Manager Planning	Meetings held as required in the Council Chambers.
TRANSPORT ADVISORY COMMITTEE	All Crs welcome to attend	Manager Infrastructure Planning	As required.
YOUTH ADVISORY COMMITTEE	All Crs welcome to attend	Manager Community Services	Meetings held quarterly at 6.30pm on the 3rd Tuesday of the months of February, May, August and November in the Council Chambers.

Committee/Advisory Group Membership List – 2014-2015

EXTERNAL COUNCIL COMMITTEES	MEMBERS AND DELEGATES	RESPONSIBLE COUNCIL OFFICER	WHEN HELD AND VENUE
AGL COMMUNITY CONSULTATIVE COMMITTEE	No Councillor member	Manager Environmental Services	As required.
ASSOCIATION OF MINING RELATED COUNCILS COMBINED COUNCILS SOUTHERN MINING LIAISON COMMITTEE	Cr Mitchell Cr M Banasik	Executive Director Community Services & Corporate Support)	Meetings held February, May, August and November at various venues.
BORAL CEMENT – MALDON PLANT – COMMUNITY LIAISON COMMITTEE	Cr Law	Manager Infrastructure Planning	Meetings held quarterly at various locations.
CAMPBELLTOWN ARTS CENTRE CULTURAL PRECINCT ADVISORY GROUP	Cr M Banasik	Manager Community Services	Meetings held quarterly at Campbelltown Arts Centre.
COUNTRY PUBLIC LIBRARIES ASSOCIATION (SOUTH EASTERN ZONE)	No Councillor Member	Manager Community Services	Meetings held quarterly at rotating host Council locations.
GEORGES RIVER COMBINED COUNCIL COMMITTEE INC	Cr M Banasik	Manager Environmental Services	Meetings held at 7.00pm, 4th Thursday of every second month at various venues.
GREATER SYDNEY LOCAL LAND SERVICES LOCAL GOVERNMENT ADVISORY GROUP	Cr Terry	Manager Environmental Services	Quarterly
HAWKESBURY NEPEAN LOCAL GOVERNMENT ADVISORY GROUP	Cr Gibbs	Manager Environmental Services	Meetings held quarterly at various venues usually Penrith.
ILLAWARRA COAL COMMUNITY CONSULTATIVE COMMITTEE	Cr B Banasik	Manager Environmental Services	Meetings held 4.30pm, last Tuesday of every second month.

Committee/Advisory Group Membership List – 2014-2015

EXTERNAL COUNCIL COMMITTEES	MEMBERS AND DELEGATES	RESPONSIBLE COUNCIL OFFICER	WHEN HELD AND VENUE
JOINT REGIONAL PLANNING PANEL	Mayor General Manager	Manager Planning	As decided by the Panel Chair.
LACHLAN REGIONAL TRANSPORT COMMITTEE	Cr Hannan Cr M Banasik (Alternate)	Director Planning	Meetings held quarterly.
LOCAL EMERGENCY MANAGEMENT COMMITTEE	No Councillor member	Manager Works	Meetings held 6 times per year at various venues.
MACARTHUR REGIONAL ORGANISATION OF COUNCILS (MACROC)	Mayor Cr Terry Cr B Banasik Cr Gibbs	General Manager	Meetings held 7.00pm, on Wednesdays quarterly at Campbelltown, Camden & Wollondilly Councils.
MALDON DOMBARTON RAIL LINK FEASIBILITY STUDY - PROJECT REFERENCE GROUP	Cr Hannan	Director Planning	As required.
MG MY GATEWAY	No Councillor Member	General Manager	Meetings held monthly at Centric, Park Central.
QUEEN VICTORIA MEMORIAL HOSPITAL ADVISORY GROUP	Cr Mitchell	Manager Community Services	As required.
SOUTH EAST AUSTRALIAN TRANSPORT STRATEGY INC. (SEATS)	Cr Hannan	Manager Infrastructure Planning	Meetings held quarterly at various locations.
SOUTHERN HIGHLANDS TEAM - BUSH FIRE MANAGEMENT COMMITTEE	Cr Mitchell Cr Law	Manager Environmental Services	Meetings held at 12.30pm, 1 st Wednesday quarterly, Venue Bridge Street, Picton.

Committee/Advisory Group Membership List – 2014-2015

EXTERNAL COUNCIL COMMITTEES	MEMBERS AND DELEGATES	RESPONSIBLE COUNCIL OFFICER	WHEN HELD AND VENUE
SOUTHERN TABLELANDS REGIONAL ARTS ADVISORY GROUP	Cr M Banasik	Manager Community Services	Meetings held quarterly at Goulburn Council offices.
SOUTH WEST SYDNEY ACADEMY OF SPORT ADVISORY GROUP	Cr Hannan	Manager Infrastructure Planning	Board Meetings held quarterly in Wollondilly, Campbelltown, Camden & Liverpool. Finance Meetings - Bi-monthly UWS.
SOUTH WEST REGIONAL WEEDS COMMITTEE	Cr Law	Manager Environmental Services	Meetings held at 9.00am, 1st Wednesday of March, June, September and December. Various locations South West Sydney.
SYDNEY CATCHMENT AUTHORITY LOCAL GOVERNMENT REFERENCE PANEL	Mayor	Manager Environmental Services	Meetings held at 12.00pm, 1st Monday quarterly.
TAHMOOR COLLIERY COMMUNITY CONSULTATIVE COMMITTEE	Cr Mitchell Staff representative	Manager Environmental Services	Meets quarterly as required at Tahmoor Colliery.
WOLLONDILLY DISTRICT LIAISON COMMITTEE (SLA WITH RFS)	Mayor	Manager Works	Quarterly.
YERRANDERIE MANAGEMENT COMMITTEE	Cr Law	Manager Environmental Services	Meetings held at 6.30pm, 1st Thursday March, June, September and December at The Heritage Centre, The Oaks. 1st Saturday of alternate months - all day Yerranderie.

Planning & Economy

Matters for Consideration – General Under Section 79C(1) of the Environmental Planning & Assessment Act 1979 (EP&A)

“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*
 - (ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and*
 - (iii) any development control plan, and*
 - (iiia) any planning agreement that has been entered into under Section 93F or any draft planning agreement that a developer has offered to enter into under Section 93F, and*
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

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.*

Relevance to Community Strategic Plan

RELEVANCE TO COMMUNITY STRATEGIC PLAN – PLANNING AND ECONOMY

The reports contained within this section of the agenda outline actions and activities that contribute to the achievement of the outcomes as outlined in your Community Strategic Plan 2033.

PE1 – Modification to continued use of Animal Boarding and Training Establishment.

PLANNING & ECONOMY

PE1

Development Application No. 010.2013.00000085.002 - Modification of Consent relating to the continued use of an Animal Boarding and Training Establishment at 45 Hilton Park Road, Tahmoor

1006

010.2013.00000085.002

Applicant: C Anderson
Owner: CV and AG Anderson

EXECUTIVE SUMMARY

- An application to modify the consent for the animal boarding and training establishment at 45 Hilton Park Road, Tahmoor has been received by Council.
- This report is being referred to Council for determination as directed by the General Manager.
- Eight submissions were received by Council. Seven (7) objected to the proposed changes while one (1) was in support.
- There have not been any disclosures of political donations made in regard to this application.
- It is recommended that the application be approved, however not in the manner requested by the applicant and subject to conditions.

BACKGROUND

At the May 2014 Council Meeting, Council resolved to approve Development Application 010.2013.00000085.001 that sought consent for the continued use of an animal boarding and training establishment at 45 Hilton Park Road, Tahmoor.

The consent allowed for the establishment to continue to operate for a period of five (5) years only and by attrition, reduce the number of breeding dogs to six (6) from ten (10). The noise attenuation controls proposed in the noise impact assessment report were not required as part of the development on the basis the development cease operation by 19 May 2019.

REPORT

CONSULTATION

Title	Comment
Development Engineering	No objection. No comments

PE1 – Modification to continued use of Animal Boarding and Training Establishment.

ASSESSMENT

On 19 November 2014, an Application to Modify Development Consent was received by Council. The applicant proposes to make changes to a number of conditions in the consent.

Below is an assessment of the proposed changes sought by the applicant:

a) Compliance Condition 1(3)

The condition states the following:

- (3) *This consent is only valid for a period of 5 years from the date of the decision of Wollondilly Shire Council to approve the application. This consent to use the land for an animal boarding or training establishment is therefore only valid until 19 May, 2019. After 19 May, 2019 no further use of the land for an animal boarding or training establishment is permitted. Note: the keeping of dogs for personal companion animals will still be permitted after this date.*

Applicant Comments: it is requested Condition 1(3) is amended to read:

"At the expiration of 5 years from the date of this consent the number of adult dogs shall be reduced to no more than 8 in total and produce no more than two (2) litters per year."

Applicant's reason: this will allow the present occupants to reduce numbers to sustain a hobby of dog breeding.

Assessing Officer Comments: advice has been sought regarding what constitutes an animal boarding and training establishment and what is generally a hobby operation for the keeping of dogs on land. An application was lodged with Council in 2013 where a landowner sought consent to keep four (4) greyhounds on a property in Thirlmere. These dogs were not being used for breeding purposes but they did compete in greyhound races.

The assessment for the Thirlmere development provided the following:

"After a site inspection it has been assessed that the characterisation of the development does not warrant "Animal Boarding and Training Establishment" due to the minor nature in regard to the keeping of 4 racing greyhounds and 1 domestic dog, "scale and degree" factor. The main use of the site still remains the "residential use". This has also been identified in the Statement Of Environmental Effects submitted as part of this application."

PE1 – Modification to continued use of Animal Boarding and Training Establishment.

Due to the low number of dogs, and that there was no training of dogs onsite this was considered to be a hobby operation and consent for an animal boarding and training establishment was not required.

The difference with this application and the one mentioned above, is consent has been granted for the commercial breeding and training of ten (10) German Shepherd dogs with a reduction to six (6) by attrition (Condition 10(13)). This current establishment is not considered a hobby operation. The existing condition is time limited to 5 years and its alteration to enable the development to continue for an unlimited period reflects a significant quantitative change to the proposal and is not considered to be a change permissible under S.96(2) of the Act as the development would not be substantially the same as that approved.

It is recommended that this condition not be changed. As noted in the condition, the keeping of dogs on the land for personal companion purposes is not prevented by this consent.

A number of submissions were received during the assessment of the original application with a substantial number of those objecting due to the noise and amenity impacts. A detailed noise assessment report was submitted providing a range of measures to reduce those impacts upon adjoining landowners.

At the Council Meeting, it was resolved to permit the development without the establishment of the noise attenuation measures. Given the merits of the case and advice provided with similar animal boarding and

b) Compliance Condition 1(5)

The condition states the following:

- (5) *A Building Certificate issued under Section 149A of the Environmental Planning & Assessment Act 1979 shall be provided to Council within six (6) months of the date of this consent for all structures on the property except for the dwelling.*

Applicant Comments: a six (6) month extension is requested to comply with this condition.

Assessing Officer Comments: development consent was issued on 19 May 2014. More than eight (8) months have passed since the date of the approval. The applicant has not provided any details of why there have been any delays for the submission of a Building Certificate application or provided a schedule of work statement to provide surety that all necessary works will be completed with the timeframe that is proposed.

PE1 – Modification to continued use of Animal Boarding and Training Establishment.

Given the consent requires works to be undertaken, an extension is considered warranted. A three (3) month extension from the date of the determination of this application is considered reasonable.

It is recommended the condition be amended to only permit a three (3) month extension from the approval of this application to modify the consent.

c) Compliance Condition 1(7)

The condition states the following:

(7) *No dogs are permitted to use the area of land between the quarantine kennel/dwelling house and the front property boundary unless an internal fence 1.5 metres in height has been installed five (5) metres in from the external fence along the Hilton Park Road frontage of the exercise yard.*

Such fence shall either be post and rail or post and wire in construction and shall be dog proof with bottom wiring buried to prevent digging under the fence.

Applicant Comments: it is requested the internal fence be permitted to be constructed two (2) metres inside the Hilton Park Road frontage.

Applicant's reason: this will allow a more acceptable use of the paddock for livestock.

Assessing Officer Comments: Court Orders issued for DA010.2013.00000035.001 for an animal boarding and training establishment at 275 Bargo Road, Bargo required a fence to be erected five (5) metres inside the property from the front property boundary. The reason behind this distance was in response to objections received from adjoining landowners feeling threatened when walking past the site by the dogs.

The landscaping requirement for this development is for the establishment of a continuous row of plants, shrubs or the like. The conditions also require landscaping to be two (2) metres in height when mature.

Based on the merits of the case, it is recommended the fence be permitted to be constructed closer to the front boundary but no less than three (3) metres. This will allow for the required landscaping to grow unimpeded and maintain a suitable visual buffer while maintaining a buffer to ensure dogs cannot charge pedestrians walking along the road.

PE1 – Modification to continued use of Animal Boarding and Training Establishment.

There also appears to be some ambiguity as to what areas the dogs are permitted to use onsite. To remove any uncertainty, it is recommended the condition be amended to read as follows:

- (7) *No dogs are permitted to use the area of land between the quarantine kennel/dwelling house and the front property boundary (the front yard area forward of the dwelling) unless an internal fence 1.5 metres in height has been installed and is no less than three (3) metres in from the external fence along the Hilton Park Road frontage of the exercise yard.*

Such fence shall either be post and rail or post and wire in construction and shall be dog proof with bottom wiring buried to prevent digging under the fence.

The fence shall be constructed prior to the issue of the Building Certificate (subject of condition 1(5) of this consent).

- d) Construction General Condition 3(1)

The condition states the following:

- (1) *No additional kennels, dog runs or other structures associated with the animal boarding and training establishment may be constructed on the land. All use of the land for an animal boarding and training establishment must be restricted to the existing kennels, exercise yards, day pens and training yards as shown on the submitted site plan approved by this consent.*

Applicant Comments: we are requesting to have this condition deleted as dogs require free running and training around livestock in accordance with guidelines of the RSPCA, Animal Welfare League and Department of Local Government.

Assessing Officer Comments: this portion of the site did not form part of the original development application. It only came to light during the submission of the noise impact assessment report and during the Councillor and Executive site inspection prior to the Council Meeting (the assessing officer was not present at this inspection). During the original site inspection with the assessing officer, the applicant did not mention the use of this part of the site and the plans of development did not provide any reference to it forming part of the development.

PE1 – Modification to continued use of Animal Boarding and Training Establishment.

The noise impact assessment report detailed there were “*goat runs and if used by dogs, will also require acoustic fence in order to comply with Environmental Protection Agency criteria*” (at page 27 of 48). However, the report only recommended the western part of the rear boundary to be acoustically treated. The report did not detail any acoustic treatments to the eastern boundary, where an adjoining dwelling house is located.

The consent permits approximately 3,200m² of land to be used for the development. The inclusion of the rear part of the site results in an additional 6,000m² (approximation) will be used for the development.

In the context of whether the development will be substantially the same development as that approved by the provisions of Section 96 of the Environmental Planning and Assessment Act 1979, an assessment is reliant on the judgments between *Tipalea Watson Pty Ltd v Ku-ring-gai Council (2003) 129 LGERA 351*; *Kerford Developments Pty Limited v Albury City Council [2012] NSWLEC 1020* and *Moto Projects (No 2) Pty Ltd v North Sydney Council (1999) 106 LGERA 298*.

In essence, the task of the assessment is to compare the proposed modified development against what was approved and that assessment “...involves an appreciation, qualitative, as well as quantitative, of the developments being compared in their proper contexts (including the circumstances in which the development consent was granted)” as highlighted in the judgement between *Moto Projects (No 2) Pty Ltd v North Sydney Council (1999) 106 LGERA 298*.

The addition of 6,000m² to the development area equates to an increase of 287.5%. This is considered substantially different to the development as approved when considering the qualitative and quantitative tests referred above. Therefore, as the inclusion of the area of land rearward of the approved training yard is beyond the scope of what is permitted by Section 96 of Environmental Planning and Assessment Act 1979.

It is recommended that Council refuse this amendment proposed by the applicant. A new development application will need to be submitted to Council for assessment in accordance with Section 97C of the Environmental Planning and Assessment Act 1979 if the applicant wishes to include the area of land as proposed.

PE1 – Modification to continued use of Animal Boarding and Training Establishment.

e) Drainage/Stormwater Condition 4(3)

The condition states the following:

- (3) *All stormwater and rainwater runoff from the roof of each structure shall be integrated into the existing stormwater system and/or to a rainwater collection tank.*

Downpipes, gutters and/or any overflow pipes shall be provided to ensure that such water does not scour the earth. Dissipation devices shall be installed so that water is not directly disposed of onto the earth.

All works subject of this condition shall be completed within six (6) months of the date of this consent to the satisfaction of Council/Principal Certifying Authority.

Applicant Comments: the stormwater and rainwater runoff from the four northern structures to be connected to storm water tanks. We request a twelve (12) month extension from the date of the approval to comply.

Assessing Officer Comments: Court Orders issued in the appeal relating to the similar matter in Bargo provided the following conditions regarding drainage:

- (1) *Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.*

All stormwater is carried to the dam via the swale running thru the property it is appropriately managed and does not cause nuisance, damage or hazards during storm events.

- (2) *Any drainage works shall be carried out in accordance with the Plumbing and Drainage Act 2011 and AS3500 except where otherwise provided in the Local Government Act 1993, or the Local Government (General) Regulation, 2005.*

In relation to any approval for the installation of drainage works associated with this development under Section 68 of the Local Government Act 1993, the following works shall be inspected by Wollondilly Shire Council prior to backfilling of drainage lines or the tank: external drainage before backfilling.

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The similar animal boarding and training establishment in Bargo had the ability to convey stormwater and runoff to an existing drainage swale connected to a large earth dam at the rear of the site. The primary concern is water flowing from the roofs of the structures directly on to the ground and then onto adjoining properties.

The applicant is requesting only four (4) of the kennels/structures to be connected to rainwater tanks. However, based on the concerns noted in the original assessment and the conditions provided in the judgement for the similar Bargo development, it is recommended Council amend the condition to read as follows:

- (3) *All stormwater and rainwater runoff from the roof of each structure shall be integrated into the existing stormwater system and/or to a rainwater collection tank.*

Downpipes, gutters and/or any overflow pipes shall be provided to ensure that such water does not scour the earth. Dissipation devices shall be installed so that water is not directly disposed of onto the earth, reducing erosion and sedimentation concerns.

All works subject of this condition shall be completed prior to the issue of the Building Certificate.

- f) Drainage/Stormwater Condition 4(4)

The condition states the following:

- (4) *A drainage collection gutter shall be located at the base of the concrete slab of all structures subject to this development consent to capture all water used to wash out the kennels/enclosures, etc, to prevent any overflow from being washed directly onto the ground. Such water is to be conveyed to an onsite sewage management system for onsite disposal. All works subject of this condition including the installation of the sewage management system shall be completed prior to the issue of the Building Certificate.*

Details of the proposed onsite sewage management system and the method and location of all disposal areas shall be submitted to Council for assessment within two (2) months of the date of this approval.

Applicant Comments: we are requesting to have this condition deleted and replaced with a plumbers report to certify the adequacy of the current water drainage system.

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Applicant's reason: the current system has been in use for over 11 years and has been adequate thus far. There is no intensification of use, therefore the current system is sufficient.

Assessing Officer Comments: It is agreed the plumbers report is sufficient. The Court Orders issued for the Bargo application resulted in a similar condition being deleted. It is recommended the condition be deleted from the consent. To reflect this change conditions 9(3) and 9(4) must also be deleted and condition 9(5) modified so that it only refers to stormwater

g) Public Access Conditions 5(1) and (2)

The conditions state the following:

- (1) *The access driveway shall be upgraded from the edge of bitumen seal to the concrete strips with compacted road base and/or sandstone and in accordance with the Wollondilly Shire Council's adopted Design and Construction Specification.*

Prior to the driveway works, a property entrance application form shall be submitted to Council's Infrastructure section for approval.

- (2) *The upgrade of the access shall be undertaken within twelve (12) months from the date of this approval.*

Applicant Comments: we are requesting a further twelve (12) months to comply with this condition.

Assessing Officer Comments: consent was issued by Council on 19 May 2014. Given the number of vehicles visiting the site as mentioned in the original application and the current issues with drainage and the like, the driveway upgrade is considered to be required sooner rather than later.

Insufficient information has been provided to justify why an extension should be permitted.

It is recommended that the condition remain but altered to clarify that works shall be completed by 19 May 2015. This will emphasise the works having to be completed within the 12 month timeframe as originally approved by Council.

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h) Occupation and Use Condition 10(7)

The condition states the following:

- (7) *Dogs are to be confined to their kennels and adjoining exercise yards or day pens at all times, except when using the exercise and training yard identified on the approved plan or when in transit.*

Applicant Comments: we are seeking to have the condition deleted as all dogs are required to have adequate exercise area.

Assessing Officer Comments: approval has been granted for the use of approximately 3,200m² of land for the commercial activity.

Dogs are able to be exercised by the persons having the benefit of the consent during the day within the exercise yard (as highlighted in white in Attachment B to this report).

The confinement of the dogs is an effective way to assist in controlling noise generation. Allowing a number of dogs as part of the commercial activity to move around the site is not conducive for effective noise abatement and does not provide surety to objectors.

It is recommended Council not delete this condition as proposed by the applicant.

i) Occupation and Use Condition 10(11)

The condition states the following:

- (11) *All servicing, deliveries, pickups/drop offs and the like shall be undertaken only between 7am to 5pm, Monday to Friday, between 8am to 1pm, Saturdays. Such activities on Sundays and/or Public Holidays are not permitted.*

Applicant Comments: Hours of operation should be 7am-5pm weekdays and 8am-5pm weekends and public holidays.

Applicant's reason: our development produces a small number of puppies, most of the pickups occur on weekends as the puppies go to residential homes.

Assessing Officer Comments: Control 3 from Section 2.3.5 Transport and Access from Wollondilly Development Control Plan 2011 Volume 2 Primary Agricultural and Rural Uses states the following:

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3. The timing and manner of transport activities associated with the development including the frequency, times, routes and number of animal deliveries and pick-ups, feed deliveries and clean-outs must take into consideration the impact on adjoining neighbours.

The original report to Council detailed traffic to and from the site is minimal and dogs are dispatched after sale by courier van. There was no mention in the original application of direct sale of dogs to the public.

However, given the small scale and the nature of the development, it is recommended the hours of operation be consistent with construction hours to allow for increased but limited pickups and deliveries on weekends.

The Court Orders for the similar Bargo application permitted such activities between 7am to 5pm, Monday to Saturdays and no servicing and/or sales permitted on Sundays and/or Public Holidays. It is recommended the condition be amended to be consistent with the Court Orders in the similar application

j) Occupation and Use Condition 10(13)

The condition states the following:

(13) *The number of adult dogs on the land shall be reduced by natural attrition during the course of this consent until the number is 6 or less.*

Applicant Comments: the total number of dogs should be reduced to no more than eight (8) adult dogs and allow no more than two (2) litters per year at the expiration of five (5) years.

Assessing Officer Comments: There are no details explaining the rationale for six (6) being the number of adult dogs in this condition. The consent does permit up to 10 dogs. The proposed change is considered reasonable.

It is recommended the condition be amended as follows:

10(13) The number of adult dogs on the land shall be reduced by natural attrition during the course of this consent until the number is eight (8) or less.

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k) Occupation and Use Condition 10(17)

The condition states the following:

- (17) *Only those areas shown on the approved plans of development as a kennel, day pen, exercise yard and/or training yard or quarantine pen shall be used for animal boarding and training. At no time shall the area of land between the southern exercise and training yard and Myrtle Creek be used.*

Applicant Comments: it is requested the condition to be deleted and replaced with the following:

'The land from the southern exercise/training yard to the dog proof fence approx. 100 metres from Myrtle Creek may be used for exercise and training of dogs'.

Applicant's reason: the noise study included this area and found it to be adequate for the intended use.

Assessing Officer Comments: The inclusion of the rear portion of the site is beyond the parameters of what can be modified by the provisions of S96 of the Environmental Planning and Assessment Act 1979. The additional 6,000m² of land is a 287.5% increase to the development footprint and is substantially different than what was approved.

It is recommended this amendment not be supported. A new development application will need to be submitted to Council for assessment in accordance with Section 97C of the Environmental Planning and Assessment Act 1979 if the applicant wishes to include the area of land as proposed.

l) Landscaping Condition 13(2)

The condition states the following:

- (2) *Landscaping shall achieve the following:*

- (a) *Continuous rows of landscaping shall be established along the following:*
- (i) *the entire northern boundary and the Hilton Park Road frontage,*
 - (ii) *along the common property boundary of the subject land and Lots 17 and 18 DP 746882 (also known as 109 and 115 Brundah Road), and*
 - (iii) *along the common property boundary of the subject land with Lot 11 DP 792784 (also known as 35 Hilton Park Road).*

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- (b) *The area between the internal fence and the existing boundary fence referred to in Condition 1(7) is to be suitably landscaped.*
- (c) *A 1 metre setback shall be provided to the front boundary fence and the exercise yard fence to allow for maintenance of the fencing.*
- (d) *Any sheet metal, colourbond and/or corrugated iron used for fencing along the property boundaries shall be removed in order for landscaping to be established and to improve the rural landscape character of the area.*

Applicant Comments: generally this condition will not be feasible to comply with. It is proposed to landscape around the dog breeding area to all sides. An amended Landscape Plan is submitted for Council's approval.

(The plan forms **Attachment 2** to this report)

Assessing Officer Comments: the proposed landscape plan was submitted to Council on 21 October 2014. Council's Environmental Services Section advised they were content with species listed the plan. However, the planting proposed by the applicant did not comply with the conditions of consent and as such, the plan was not approved.

The proposed amendment to this condition is generally supported with the addition of landscaping along the Hilton Park Road frontage. The requirements of the condition are similar to other requirements imposed with other animal boarding and training establishments. Landscaping will reduce the visual impact of the development and improve onsite infiltration of water runoff.

It is also recommended that the time limit for landscaping in conditions 13(1) be amended to reflect the changed circumstances and condition 13(2) be amended.

SUBMISSIONS

Those who made a submission during the assessment of the original application were notified of the proposed changes sought by the applicant. The notification period commenced 26 November 2014 and closed 11 December 2014.

Eight (8) submissions were received. Seven (7) objected to and one (1) supported the proposal.

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Below is a summary of the comments brought to Council's attention:

Submitter Comment	Assessor Comment
Can council please call to a halt these modifications and continue with the original conditions of consent	The application and amendments to the conditions subject of this application will be considered on merit. Council cannot refuse to accept applications such as submitted.
I can still hear dogs barking, possibly because the owners have not complied with any conditions of consent. The barking noise still has not been reduced. It seems the applicant has done little to control the noise issues of barking dogs. The landowners/operators are not getting any younger and won't be able to manage the dogs	The consent is for five (5) years. There are existing conditions related to noise abatement.
The applicant has failed to raise new or additional points to justify any further consideration of these matters	The applicant has provided limited justification regarding the application. A telephone conversation was undertaken with the applicant to address some of the shortfalls in the application and this has provided the information required to proceed with the assessment.
It appears that the application is applying stalling tactics to avoid meeting the original conditions...in order to continue to operate as usual for as long as possible. The time frames imposed by council have already passed	While the applicant is entitled to lodge applications to modify the consent, the conditions are legally binding and will need to be complied with. The person having the benefit of the consent has not complied with a number of conditions and enforcement action has been suspended pending the outcome of this application to modify the consent. Nonetheless, the assessment recommends new timeframes for compliance to provide certainty for compliance.
Condition 3 – up to 6 dogs is more than enough for one household to own as companion animals. Condition 3 to remain as approved	The consent currently allows 10 adult dogs with a reduction down to 6 over the five (5) year period. It is recommended this be altered to eight (8). At the end of the five (5) year period this consent will be complete.

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Submitter Comment	Assessor Comment
<p>Condition 11 – the hours allowing pick up between 8am to 1pm is more than sufficient for dog pick up.</p>	<p>It is recommended the hours of operation be consistent with construction hours to allow for increased pickups and deliveries on weekends, between 7am to 5pm, Monday to Saturday which is in line with construction hours of operation. It was mentioned in the original application pickups were done by couriers and there was to be no direct sales to the public.</p>
<p>I can still hear the dogs barking from my bedroom and I wish the owners would have better control over this issue. I would have preferred the kennels were not allowed to continue for 5 years and certainly do not want them to continue after this time.</p>	<p>There is no proposed change to the time period for the consent.</p>
<p>Stormwater and runoff is critical and should be addressed.</p>	<p>Conditions are recommended in this regard. It is considered the conditions are adequate to control any stormwater issues.</p>
<p>The applicant has not complied with the conditions of consent and now wants extensions. Is this a tactic to water down the consent conditions?</p>	<p>The application is being assessed on merits. New timeframes are recommended where applicable.</p>
<p>No onsite sewer management system has been provided within the 6 months' timeframe. We continue to have water runoff wash onto our land from their land</p>	<p>A judgment from the Land Environment Court (LEC) resulted in another similar development not having to install an onsite sewer management system. This condition is recommended to be deleted. It is considered there will be no adverse impacts to the natural and/or built environment if the condition is deleted.</p> <p>It is unlikely there is any adverse impacts being caused by the operation but conditions for the driveway upgrade will remain and be required prior to 19 May 2015 as originally approved. It is likely water runoff from the road is causing more impact than the development.</p>

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Submitter Comment	Assessor Comment
Has a detailed landscaping plan been submitted? Why are the landscaping conditions not practical to comply with?	A landscaping plan was submitted however an amended plan will need to be submitted within 4 weeks of the date of this determination and comply with the amended conditions of consent.
The removal of the conditions relating to water runoff collection will cause more faecal matter to runoff into the creek and into our land, and eventually into Bargo River.	The area of land to be used in association with the development is confined and will be reiterated by conditions of consent. The operation of the development will not have any adverse impacts on the nearby watercourse. The limited number of dogs is not likely to cause a significant amount of faecal matter to cause any adverse environmental harm
The entrance into their land is dangerous and needs to be relocated.	No objections were raised by the engineers during the original assessment and the review of conditions during this application
We object to condition 7 being altered. Approval means more dog barking from other parts of the land.	The use of the rear portion of land is not supported as it results in approximately 287.5% increase in area over what was originally approved This is beyond the scope of Section 96 from Environmental Planning and Assessment Act 1979 .
This is not a hobby development. It is a commercial enterprise. When does a hobby become a 7 day/week enterprise?	It is agreed that the development is not a hobby, as detailed in the LEC judgment for a similar development of an animal boarding and training establishment in Bargo (Development Application 010.2013.00000035.001).
The applicant wants the number of dogs reduced by 2 after the 5 years limit/ how long do they want to have the 8 dogs for? We thought after 5 years the development will cease and kennels removed. It appears they wish to have the activities continue after the 5 year period.	The consent is limited to a five (5) year period. This does not prevent the land being used for the keeping of companion animals after this period.
The vegetation screen is not effective for noise control.	Noted. Consent has already been issued.
Are the dogs permitted to use the paddock near the road?	Yes. The condition is recommended to be amended to remove any ambiguity.

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Submitter Comment	Assessor Comment
The fence forward of the house needs to be addressed as the dogs are aggressive and the dogs can easily get under the fence or gate onto the road.	The conditions require a dog proof fence to be installed.
Who has been monitoring the compliance with conditions of development consent?	Any breaches of consent will need to be reported to Council and if substantiated, appropriate action will be taken. Timeframes are recommended for all outstanding conditions to be completed in a reasonable period to provide certainty to council and objectors. Inspections of the property have been undertaken by Council's Rangers

The submission supporting the application to modify the consent is a character reference and the author states they support the entire modification application presented to Council.

FINANCIAL IMPLICATIONS

There will be no impacts on Councils adapted budget or forward estimates.

ATTACHMENTS:

1. Figure 2-6 from the noise impact assessment report.
2. Proposed Landscape Plan.

RECOMMENDATION

That Application to Modify Development Consent 010.2013.00000085.002 for the continued use of an animal boarding and training establishment at Lot 10 DP 792784 / No. 45 Hilton Park Road, Tahmoor be approved (in part) and the consent be amended as follows:

- a) The description of the development is amended to read as follows:

“Proposed Development: Continued Use of an animal boarding and training establishment – the breeding and training of dogs”.
- b) The amendments to Conditions 1(3), 1(5), 3(1), 5(2), 10(7), 10(17) and 13(2) are not supported for the following reasons:

Condition 1(3) – The existing condition does not prevent the land being used for companion animals beyond the five (5) year time limit, it only prevents further use for commercial purposes.

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Condition 1(5) – Insufficient information has been submitted to Council, such as a schedule of works or any justification as to why the condition has not been satisfied. A revised time limit is recommended of three (3) months from the determination of the modification.

Condition 3(1) – the inclusion of the portion of the land rearward of the existing training yard, approximately 6,000m² is beyond the scope permitted by the provisions of Section 96 of Environmental Planning and Assessment Act 1979. The inclusion will result in the expansion of the use of the site permitted by Development Consent 010.2013.00000085.001 by 287.5%.

Further, the noise impact assessment report did not fully assess the potential noise impacts on the adjoining and nearby landowners and as no additional information and/or noise mitigation controls have been proposed to demonstrate there will be no adverse impacts.

Condition 5(2) - insufficient information was provided to Council to justify an extension of time. While the Development Engineering Section has not raised any issue with the proposed extension of time, they have raised concerns with the vehicle crossover and to address the deficiencies in the vehicular access. The extension to hours of operation and allowing the public to buy dogs directly from the site will exacerbate the problems currently experienced. Due to these issues, the works are required to be completed within twelve (12) months of the date of the determination of the original application, being 19 May 2015 to prevent any further erosion, sedimentation and impacts on the public road.

Condition 10(7) – the amendment to this condition be refused as the confinement of the dogs will aid in reducing noise impacts upon adjoining and nearby landowners and occupiers. The recommended amended consent will allow for the continuation of the development beyond five (5) years and for eight (8) dogs to remain onsite thereafter in association with the animal boarding and training establishment (in addition to any companion animals) and as such, operation controls are recommended to provide surety to Council and any concerned parties to address noise generation issues.

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Condition 10(17) – the inclusion of the portion of the land rearward of the existing training yard, approximately 6,000m² is beyond the scope permitted by the provisions of Section 96 of Environmental Planning and Assessment Act 1979. The inclusion will result in the expansion of the use of the site permitted by Development Consent 010.2013.00000085.001 by 287.5%. Further, the noise impact assessment report did not fully assess the potential noise impacts on the adjoining and nearby landowners and as no additional information and/or noise mitigation controls have been proposed to demonstrate there will be no adverse impacts.

Condition 13(2) – insufficient evidence has been provided to Council detailing why compliance with the conditions of consent are not feasible. The amendment to the condition is not supported on the basis the original conditions of consent were imposed to aid in noise reduction, increase onsite infiltration for water runoff and to aid in reducing the visual impact of the development from adjoining properties and from public places.

- c) Condition 4(3)(a) is inserted to ensure drainage connection is undertaken in accordance with the relevant Australian Standards.
- d) The consent be amended to read as follows:

1. COMPLIANCE

These conditions are imposed to ensure that the development is carried out in accordance with the conditions of consent and the approved plans to Council's satisfaction.

- (1) Development Consent is granted for the continued use of an animal boarding and training establishment – the breeding and training of dogs at Lot 10 DP 792784, 45 Hilton Park Road, Tahmoor.
- (2) Development shall take place in accordance with the plans submitted in respect of Development Application No. 010.2013.00000085.001, except where varied by Application to Modify Development Consent 010.2013.00000085.002 received by Council on 19 November 2014 and where varied by the following conditions:

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- (3) This consent is only valid for a period of five (5) years from the date of the decision of Wollondilly Shire Council to approve the application. This consent to use the land for an animal boarding or training establishment is therefore only valid until 19 May, 2019. After 19 May, 2019 no further use of the land for an animal boarding or training establishment is permitted. Note: the keeping of dogs for personal companion animals will still be permitted after this date.
- (4) By 19 May, 2019 all kennels in excess of those required for personal companion animals shall be removed from the site.
- (5) A Building Certificate issued under Section 149A of the Environmental Planning & Assessment Act 1979 shall be provided to Council within three (3) months of the date of the determination of Application to Modify Development Consent 010.2013.00000085.002 for all structures on the property except for the dwelling.
- (6) This consent permits the keeping, breeding and training of dogs on the site.

The commercial boarding of dogs not owned by the occupant of the land is not implied and/or approved as part of this Development Consent.

Further development consent is required prior to any commercial boarding of animals.

- (7) No dogs are permitted to use the area of land between the quarantine kennel/dwelling house and the front property boundary (the front yard area forward of the dwelling) unless an internal fence 1.5 metres in height has been installed and is no less than three (3) metres in from the external fence along the Hilton Park Road frontage of the exercise yard.

Such fence shall either be post and rail or post and wire in construction and shall be dog proof with bottom wiring buried to prevent digging under the fence.

The fence shall be constructed prior to the issue of the Building Certificate subject of Condition 1(5) of this consent.

- (8) All dogs on the premises shall be micro chipped.
- (9) Only dogs in the ownership of the residents of the land may be housed on the land.

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- (10) Unless permitted by another condition of this consent, there shall be no tree clearing unless the vegetation is:
- (a) Within the footprint of an approved building, access driveway or other structure; or
 - (b) Within three (3) metres of the footprint of an approved building; or
 - (c) preventing the achievement of the minimum asset protection zone requirements under the relevant planning for bushfire protection guidelines.

In this condition Tree Clearing has meaning as described in Clause 5.9(3) of Wollondilly Local Environmental Plan, 2011.

2. NOISE

These conditions have been imposed to ensure the proposal complies with the relevant provisions of the Industrial Noise Policy of the NSW Department of Environment and Climate Change and the Protection of the Environment Operations Act, 1997.

- (1) The use of land for an animal boarding and training establishment must not cause any 'offensive noise' as defined by the provisions of the Protection of the Environment Operations Act 1997.

Offensive noise means noise:

- a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
- b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

3. CONSTRUCTION GENERAL

These conditions have been imposed to ensure that all construction work is undertaken to an approved standard and related approvals.

- (1) No additional kennels, dog runs or other structures associated with the animal boarding and training establishment may be constructed on the land.

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All use of the land for an animal boarding and training establishment must be restricted to the existing kennels, exercise yards, day pens and training yards as shown on the submitted site plan approved by Development Consent 010.2013.00000085.001.

- (2) Any damage to the Council footway, road or other land shall be restored in accordance with Council's specifications prior to the issue of the Building Certificate required by this consent.

4. DRAINAGE/STORMWATER

These conditions have been imposed to ensure drainage/stormwater is appropriately managed.

- (1) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.
- (2) All drainage works shall be carried out in accordance with the Plumbing and Drainage Act 2011 and relevant Australian Standards except where otherwise provided in the Local Government Act 1993, or the Local Government (General) Regulation, 2005.

In relation to any approval for the installation of drainage works associated with this development under Section 68 of the Local Government Act 1993, the works shall be inspected by Wollondilly Shire Council prior to backfilling of drainage lines or the tanks.

- (3) *All stormwater and rainwater runoff from the roof of each structure shall be integrated into the existing stormwater system and/or to a rainwater collection tank.*

Downpipes, gutters and/or any overflow pipes shall be provided to ensure that such water does not scour the earth. Dissipation devices shall be installed so that water is not directly disposed of onto the earth, reducing erosion and sedimentation concerns.

All works subject of this condition shall be completed prior to the issue of the Building Certificate.

- (4) *Deleted.*

PE1 – Modification to continued use of Animal Boarding and Training Establishment.

5. PUBLIC ROADS

These conditions have been imposed to ensure all public road works required by the development are provided to an adequate standard.

- (1) The access driveway shall be upgraded from the edge of bitumen seal to the concrete strips with compacted road base and/or sandstone and in accordance with the Wollondilly Shire Council's adopted Design and Construction Specification.

Prior to the driveway works, a property entrance application form shall be submitted to Council's Infrastructure section for approval.

- (2) *The upgrade of the access shall be completed by 19 May 2015.*

6. EROSION AND SEDIMENT CONTROL

These conditions have been imposed to minimise the impact of the Development on the environment and on adjoining properties.

- (1) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (2) Erosion and sediment control devices are to be installed where necessary to prevent sediment laden run off leaving the site. These devices are to be maintained during all works and beyond this period where necessary.

7. INSPECTIONS

These conditions have been imposed to ensure that construction works are undertaken to an approved standard.

- (1) The engineering works shall be inspected by the Principal Certifying Authority at the following stages of construction to ensure they comply with Council's Construction Specification and associated approvals:
 - Prior to commencement of any construction work on the site, after erosion and sediment control and traffic control measures are implemented.
 - At completion of works.

Note: It is the responsibility of the applicant or contractor to notify the Principal Certifying Authority when inspections are required. Failure to notify may lead to additional work being required prior to issue of inspection certificates. A minimum of 24 hours' notice is required for inspections where Council is the Principal Certifying Authority.

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8. WASTE MANAGEMENT

These conditions have been imposed to ensure that wastes are correctly stored, disposed of and controlled at all times to prevent accidents and to maintain clean and tidy premises:

- (1) All waste and refuse shall be collected on a daily basis and stored in a manner in which it does not create any odour nuisance, pose an environmental risk and/or threat, or have any detrimental impact upon the amenity of the surrounding area.

9. SERVICES

These conditions have been imposed to ensure that an adequate level of services are provided for the development:

- (1) Prior to the commencement of any plumbing and/or drainage work where Wollondilly Shire Council is the appropriate regulatory authority, separate approval must be obtained under Section 68 of the Local Government Act 1993.
- (2) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of the Building Certificate.

- (3) *Deleted*
- (4) *Deleted*
- (5) No stormwater shall be disposed of within forty (40) metres of any gully, drainage swale/depression and/or intermittent watercourse.
- (6) Any wastewater generated by the development shall not reduce, compromise or adversely impact upon the existing sewage management facility for the existing dwelling or any associated effluent disposal areas.

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10. OCCUPATION & USE

These conditions have been imposed to ensure the development and associated activities/operation are acceptable in terms of the amenity of the neighbourhood and the public interest whilst maintaining its operation:

- (1) The kennels shall not be occupied as a residence or domicile.
- (2) The premises shall be maintained in a clean and tidy state at all times.
- (3) The footpaths shall be kept clear of signs, fixtures and goods at all times.
- (4) The premises shall be constructed and operated in such a manner so as not to interfere with the amenity of the neighbourhood by reason of the emission or discharge of noise, fumes, vapour, steam, soot, ash, dust, waste water, waste water products, grit, oil or other harmful products of the industry.
- (5) The premises shall be operated so that it shall not give rise to an “offensive odour” as defined in the Protection of the Environment Operations Act, 1997.

Offensive odour means an odour:

- (a) that, by reason of its strength, nature, duration, character or quality, or the time at which it is emitted, or any other circumstances:
 - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
 - (b) that is of a strength, nature, duration, character or quality prescribed by the regulations or that is emitted at a time, or in other circumstances, prescribed by the regulations.
- (6) All feed and odorous materials shall be stored in sealed containers.
 - (7) Dogs are to be confined to their kennels and adjoining exercise yards or day pens at all times, except when using the exercise and training yard identified on the approved plan or when in transit.
 - (8) When dogs are being moved on site they shall be suitably restrained or contained to prevent escape from the site.

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- (9) A phone number shall be provided, and placed on a sign at the front of the property, for concerned residents to contact the premises at any time should issues arise in regard to the impacts of the development.

This phone number shall be monitored continuously.

The sign shall have an area no greater than 0.5m² and shall be located between 1 (one) and three (3) metres measured from the front property boundary.

The sign shall be designed, located and constructed in a manner that ensures it is legible from Hilton Park Road.

- (10) Only biodegradable chemicals are permitted to be used for cleaning out of any structure approved by this development consent.

- (11) All servicing, deliveries, pickups/drop offs and the like shall be undertaken only between 7am to 5pm, Monday to Saturdays.

Such activities on Sundays and/or Public Holidays are not permitted.

- (12) The maximum number of dogs permitted to be kept onsite at any one time for breeding and training is ten (10) except where varied by Condition 10(13).

This does not include dogs kept for the purposes of companion animals or puppies under six (6) months of age.

- (13) *The number of adult dogs on the land shall be reduced by natural attrition during the course of this consent until the number is eight (8) or less.*

- (14) A maximum of four (4) litters of puppies may be bred/produced on the land during any one year. Puppies produced from other sources are not permitted to be housed on the land.

- (15) A maximum of two (2) dogs are permitted to use any exercise yard at any one time.

- (16) Any lighting used in association with the animal boarding and training establishment shall be shielded and directed so as to not cause any annoyance to adjoining and nearby landowners/occupiers or to passing motorists on adjoining or nearby roads.

- (17) Only those areas shown on the approved plans of development as a kennel, day pen, exercise yard and/or training yard or quarantine pen shall be used for animal boarding and training.

PE1 – Modification to continued use of Animal Boarding and Training Establishment.

At no time shall the area of land between the southern exercise and training yard and Myrtle Creek be used.

11. SIGNS

These conditions have been imposed to ensure that signs are properly designed, located and maintained so as not to impact upon the existing streetscape.

- (1) An application under the provisions of the Environmental Planning & Assessment Act 1979 shall be submitted to and approved by Council prior to the erection and/or display of any advertising signs unless the sign is exempt development as defined by that Act.
- (2) No advertising flags or banners or the like are to be erected on or attached to Council's footpaths, street lights or telegraph poles.

12. HERITAGE

These conditions have been imposed to ensure that development is carried out in a manner sensitive to the heritage values in the locality.

- (1) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 146 of the Heritage Act 1977.
- (2) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service (NPWS) should be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

13. LANDSCAPING

These conditions have been imposed to reduce the impact of any development activity on the landscape/scenic quality through vegetation works and maintenance.

- (1) *Within four (4) weeks of the date of the determination of Application to Modify Development Consent 010.2013.00000085.002, a revised landscape plan, drawn to scale by a person with horticultural qualifications or similar (such qualifications must be endorsed on the plans) shall be submitted to and approved by Council. This plan shall generally be in accordance as shown on the landscape plan prepared by Joy Hafey (Drawing No. 1), with the addition of landscaping along the Hilton Park Road frontage between the two (2) fences identified in condition 1(7) of this consent.*

PE1 – Modification to continued use of Animal Boarding and Training Establishment.

NOTE: By resolution of Council on 19 July 2010 all plants used in landscaping must be native species endemic to the area and the planting of conifers is not permitted. For more information on acceptable species for the locality, please refer to Table 1: Recommended Groundcover and Small Shrub Species (under 1 metre) for the Shire, Table 2: Recommended Shrub Species (1 to 5 metres) for the Shire and Table 5: Southern Area: Bargo, Buxton, Tahmoor and Thirlmere from Section 2.4 Landscaping from the Wollondilly Development Control Plan 2011 Volume 1 – General.

- (2) Prior to the issue of the Building Certificate, any sheet metal, colourbond and/or corrugated iron used for fencing along the property boundaries shall be removed in order for landscaping to be established and to improve the rural landscape character of the area.
- (3) At maturity, the landscaping shall form a non-penetrative visual screen and the trees and/or shrubs shall have a maturity height no less than two (2) metres in accordance with Control 3, Section 2.3.6 Landscaping from the Wollondilly Development Control Plan 2011 Volume 2 Primary Agricultural and Rural Uses.
- (4) Landscaping established as part of this consent shall not impact upon any areas used and to be used for onsite sewage management.
- (5) All landscaping shall be installed in accordance with the approved Landscape Plan prior to the issue of the Building Certificate.

The landscaping must be maintained in accordance with the details provided on that Plan at all times throughout the life of the development.

14. PRESCRIBED CONDITIONS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979.

These conditions are imposed as they are mandatory under the Act.

SIGNS TO BE ERECTED ON BUILDING, SUBDIVISION AND DEMOLITION SITES

- (1) In accordance with Section 80A (11) of the Environmental Planning & Assessment Act, 1979, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition 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

PE1 – Modification to continued use of Animal Boarding and Training Establishment.

- (c) Stating that unauthorised entry to the work site is prohibited.
- (2) 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.
- (3) This Clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

15. ADVICES

- (1) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc. that require alterations shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.
- (2) The following service providers should be contacted before commencement of construction to establish their requirements:
 - Dial before you dig (various services) 1100
 - Telstra (telephone) 1 800 810 443
 - Endeavour Energy (electricity) 131 081
 - AGL (gas) 131 245
 - Sydney Water (water & sewer) 132 092.
- (3) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
- (4) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
 - Motor Vehicle Insurance (comprehensive or property damage) for all self-propelled plant, as well as valid registration or RTA permit (Including CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.
 - Workers Compensation Insurance.
 - Twenty Million Dollar Public Liability Insurance.
- (5) The land is subject to the provisions of Clause 5.9 of Wollondilly Local Environmental Plan, 2011 and Section 2.3 of Volume 1 of Wollondilly Development Control Plan 2011 with regard to the preservation of trees and vegetation.

PE1 – Modification to continued use of Animal Boarding and Training Establishment.

Under these plans consent may be required for tree clearing beyond the limits set by this consent. If you intend to remove any vegetation you should make yourself familiar with the provisions of both plans.

The plans may be viewed on Council's website at www.wollondilly.nsw.gov.au or at Council's offices at 62-64 Menangle St, Picton.

PE1 – Modification to continued use of Animal Boarding and Training Establishment.

ATTACHMENT 1 – 010.2013.0000085.002 – 16 MARCH 2015

Ref: 2501/D02b

Hobby Dog Breeding, Tahmoor

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Figure 6-2 Suggested Extent of Acoustic Fencing

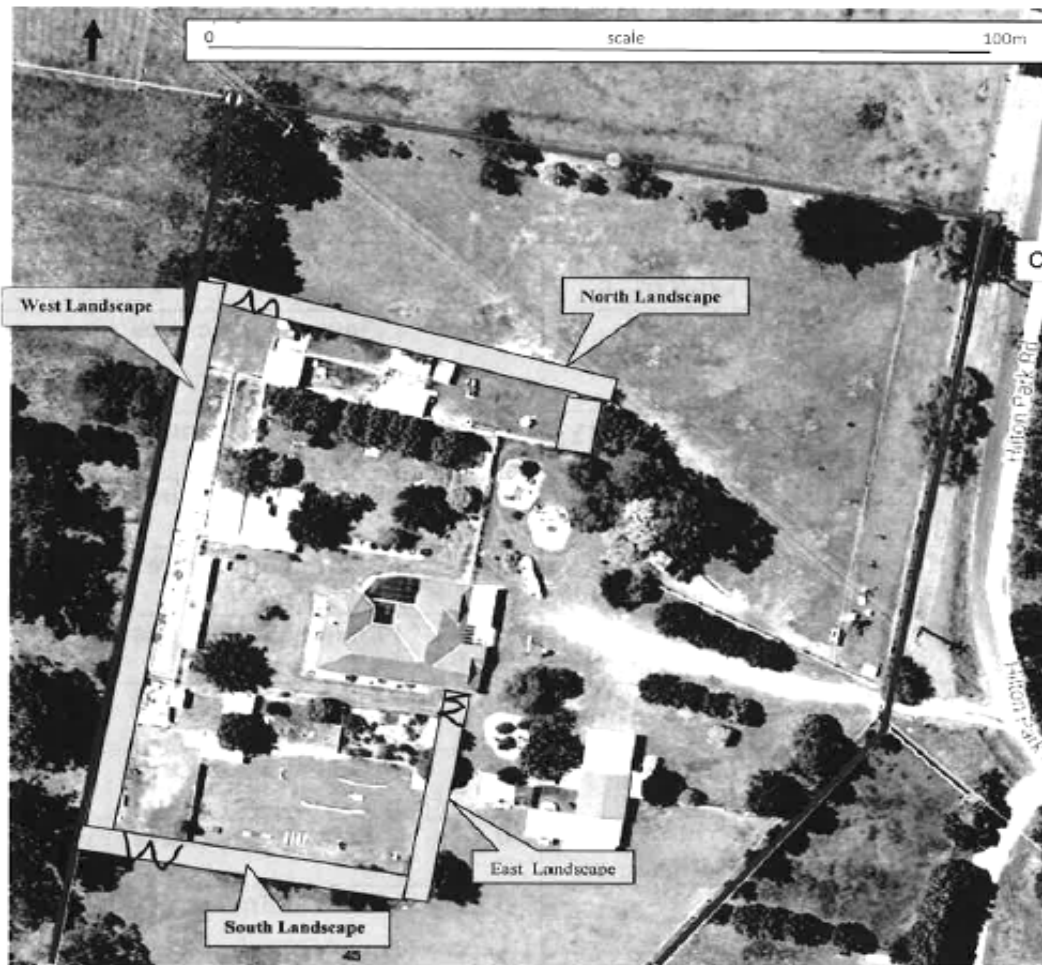


Note that the goat runs, if used by dogs, will also require Acoustic Fence in order to comply with the EPA criteria

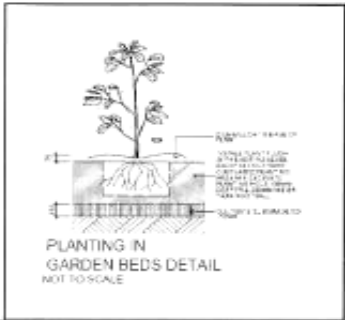
PE1 – Modification to continued use of Animal Boarding and Training Establishment.

ATTACHMENT 2 – 010.2013.00000085.002 – 16 MARCH 2015

Figure 1 Landscape Plan: Kennels and runs are located on the perimeter of an internal courtyard. Metal fencing has been erected on the outside of these facilities. Linear landscaping is to be constructed adjacent to this fencing. The residence lies directly to the west of the driveway.



45 HILTON PARK ROAD TAHMOOR
COUNCIL :WOLLONDILLY SHIRE
SITE AREA: 2.5 HA
SCALE : 1:1000
DRAWING NUMBER 01 Joy Hafey PO 5
DATE 20/10/2014 Tahmoor



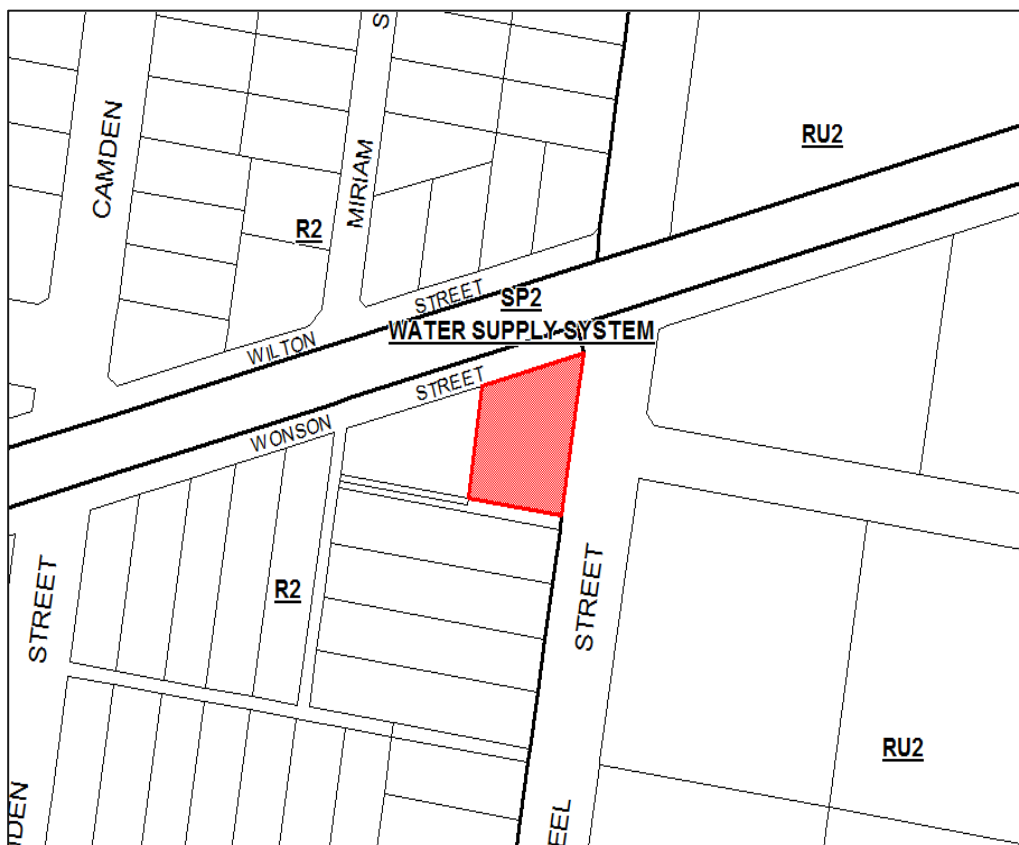
PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

PE2

Development Application No. 010.2014.00000502.001 - Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

265155

010.2014.00000502.001



LOCATION MAP N

(Showing zoning of subject property and zoning of adjoining lands/area)

DEVELOPMENT INFORMATION

Development Application No:	010.2014.00000502.001
Property Address:	2 Wonson Street, WILTON Lot: 15 Sec: 4 DP: 759094
Applicant:	Rein Warry & Co Pty Ltd
Owner:	Kallaroo Properties Pty Ltd
Proposal Details:	three (3) stage residential subdivision and dual occupancy development, creating an additional three (3) Torrens title lots and three (3) dwellings each on a separate allotment, landscaping, and demolition of a shed and slab of a shed.
Zone:	R2 Low Density Residential

Planning & Economy

PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

EXECUTIVE SUMMARY

- Council is in receipt of an application seeking consent for a three (3) stage residential subdivision and dual occupancy development, creating an additional three (3) dwellings each on a separate allotment, (four (4) lots in total) landscaping, and demolition of a shed and slab of a shed.
- The application was ‘called up’ by Council on 14 October 2014.
- Six (6) submissions were received.
- There are aspects of the application that do not comply with Wollondilly Local Environmental Plan 2011 (WLEP 2011). Variations are sought by the applicant and based on the merits of the development, the departures are considered justified in the circumstances of the case.
- There have not been any disclosures of political donations made in regard to this application.
- It is recommended that the application be approved subject to conditions.

REPORT

BACKGROUND

On 20 August 2014, Council received Development Application No. 010.2014.00000502.001, for development described on the Application Form as *"Three (3) stage development for dual occupancy construction, subdivision, demolition of existing slab of shed, landscaping and associated works."*

CONSULTATION

Referral	Outcome
Development Engineer	No concerns subject to conditions of consent.
Mine Subsidence Board	Approval provided.

1.1 DESCRIPTION OF SITE AND SURROUNDING AREA

The subject site is known as No. 2 Wonson Street, Wilton (Lot 15, Section 4, DP 759094). The site is located on the southern side of Wonson Street and forms the south-western corner allotment of the intersection of Wonson and Peel Streets. The subject site has dimensions of 44.12m to the Wonson street frontage and 60.45m to the Peel Street frontage. The site has an area of 2,070m².

PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

Existing on the subject site is a single storey residential dwelling house, garage, and associated outbuilding. The site is landscaped with shrubs and matures trees scattered across the site and to the boundary with Peel and Wonson Street. The subject site is mapped on Council's Geographic Information system as containing Shale Sandstone Transition Forest (Low Sandstone Influence) vegetation community.

Access to the subject site is provided by a driveway off Peel Street. Peel and Wonson Streets are fully sealed. There is no kerb or guttering to the Wonson or Peel Street frontages.

The subject site slopes slightly from the south-east to the north-west corner of the site. The subject site drains to the existing swale drain on Wonson Street.

The land is located in the proclaimed Wilton Mine Subsidence District.

The property is located in the village of Wilton which consists of predominantly low density residential and rural residential development.

Adjoining the subject site to the north, west and south is low density residential development consisting of single and two (2) storey dwellings with their associated structures and uses. To the west, the premises are adjoined by Peel Street and vacant rural land on the eastern side of Peel Street.

1.2 DESCRIPTION OF DEVELOPMENT

Consent is sought for the following:

Stage	Proposal
1	Two (2) lot Torres title subdivision of Lot 15 in DP 759094. Associated works, including kerb, gutter and driveway construction and demolition of existing slab of structure.
2	Construct dual occupancy on Lot 151 (one new dwelling, one existing). Two (2) lot Torrens title subdivision of Lot 151. Associated works, including: tree removal, landscaping, and driveway construction to new dwellings proposed as part of Stage 2.
3	Construct dual occupancy on Lot 152. Two (2) lot Torrens title subdivision of Lot 152. Associated works, including: demolition of existing shed, tree removal, landscaping and construction of driveways to dwellings proposed in Stage 3.

PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

The applicant has detailed the following regarding proposed lot sizes:

Lot	Lot Size	Lot Width	Lot Depth
153	540.55m ²	12.00m	42.35m
154	562.70m ²	19.93m	28.23m
155	458.59m ²	14.70m	27.82m
156	508.23m ²	13.53m	34.58m

1.3 SECTION 79C ASSESSMENT

1.3.1 PROVISIONS OF RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (BASIX)

Satisfactory Basix certificates have been provided.

State Environmental Planning Policy No. 55 – Remediation of Land

Question	Yes	No
1. Is the proposal for residential subdivision or a listed purpose (the list provided in Table 1 of the contaminated land assessment guidelines)?	X	Proceed to Question 3
2. Does the proposal result in a change of use (that is the establishment of a new use)?		Proceed to Question 3
3. Does the application propose a new: Child care facility Educational use Recreational use Health care use Place of public worship Residential use in a commercial or industrial zone.		X

PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

Question	Yes	No	
4. Review the property file and conduct a site inspection of the site and surrounding lands. Is there any evidence that the land had been used for a listed purpose.		Proceed to Question 5	Proposal satisfactory under SEPP 55 and DCP
5. Is the proposed land use likely to have any exposure path to contaminants that might be present in soil or groundwater		Request contaminated site assessment	Proposal Satisfactory under SEPP 55 and DCP

Planning & Economy

Comment

A review of the property file and a site visit did not identify any potential historical uses or sources of contamination which warrant further investigation or the requirement for the submission of a Stage 1 – Preliminary Investigation of contamination.

Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River

Relevant Provisions	Comment
3. Aims of the Plan	The proposal is considered to be consistent with the aims of the plan as the development is able to be carried out with minimal impact on the quality of the river.
6. Planning Policies and Recommended Strategies	
(3) Water quality	Minimal impact on water quality is anticipated subject to conditions. The development area would not occur in close proximity to any watercourse.
(4) Water quantity	The impact of the development on drainage and flow characteristics has been assessed by Council's Development Engineer and found satisfactory. A condition is recommended requiring stormwater runoff from all impervious surfaces to be conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A further condition is recommended requiring the submission of a Soil and Water Management Plan prior to the release of a Construction Certificate by Council or the nominated Accredited Certifier.

PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

Relevant Provisions	Comment
(6) Flora and Fauna	The proposal includes the removal of existing vegetation on the subject site. Although the site is mapped as containing Shale Sandstone Transition Forest (Low Sandstone Influence) vegetation community, the sites dominate vegetation type is non-indigenous shrubs and trees with low biological value to the identified vegetation community.
(10) Urban development	Each allotment would be serviced by Sydney Water reticulated sewer system. It is considered that the development would not be contrary to the aims and the objectives of the plan given that the subdivision is of a minor nature and would direct stormwater to the on-street network in Wonson Street.

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State Environmental Planning Policy No 44 - Koala Habitat Protection (SEPP 44)

The subject land is not identified under SEPP 44 as being a 'potential habitat'. Therefore, Council is not prevented from granting consent to the proposal under the provisions of the Policy.

Wollondilly Local Environmental Plan, 2011

Objective	Comment
(a) to provide for the management of natural resources and the protection of the natural landscape character,	(a) Subject to conditions, it is anticipated that the effects of the development upon natural resources and landscape character is satisfactory.
(b) to protect, conserve and enhance the built, landscape and Aboriginal cultural heritage,	(b) The subject land does not contain a heritage item; nor is it located adjacent to a heritage item. It is anticipated that the development will not impact adversely upon the heritage value of the area.
(c) to protect water quality in land that is situated within water supply catchments,	(c) Not applicable.
(d) to encourage development that provides for an integrated transport and infrastructure system and adequate facilities and service provision for future growth,	(d) The proposal will not impede future growth, the provision of integrated transport and infrastructure system or adequate facilities and services for future growth.

PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

Objective	Comment
(e) to recognise, manage and protect rural resource lands for sustainable agriculture and extractive industry practices,	(e) The development will not impact upon rural resource lands.
(f) to maintain the separation between towns and villages to retain their unique character and rural and natural settings.	(f) The proposal will be located in an established residential area at the edge of Wilton. Hence, the development will not significantly fragment the rural setting and the separation between urban and rural areas is maintained.

Characterisation: Demolition, Dual Occupancy and Torrens Title Subdivision

Zone of land: R2 Low Density Residential

Permissibility: With Consent

Zone objectives:

Objective	Comment
R2	
<ul style="list-style-type: none"> To provide for the housing needs of the community within a low density residential environment. 	The proposed development provides further housing for the community in a low density residential environment.
<ul style="list-style-type: none"> To enable other land uses that provide facilities or services to meet the day to day needs of residents. 	This objective is not applicable to the proposed development. The proposed development is a residential land use.

Clause	Comment
Part 2 Permitted or prohibited development	
2.6 Subdivision— consent requirements	Development consent has been sought. Complies.
Part 4 Principal development standards	
4.1 Minimum subdivision lot size	N/A. Clause 4.1A applies.
4.1A Minimum lot size for dual occupancies in residential zones	The proposed dual occupancy (detached) and Torrens title subdivision of Lot 152 as part of Stage 3 will subdivide proposed Lot 152 (966.85m ²), resulting in two lots (Lot 155 and Lot 156). The proposal does not comply with Clause 4.1A. The proposal is supported by a Clause 4.6 variation application.
4.3 Height of buildings	Height of the proposed dwellings does not exceed the maximum 9m height limitation identified under the Height of Building Map for the subject site.
4.6 Exceptions to development	Dual occupancy (detached) is permitted in the R2 Low Density Residential zone on a lot with an area

PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

Clause	Comment
Standards	<p>of 975m² in accordance with Clause 4.1A. The proposed dual occupancy (detached) development in Stage 3 is to be located on a lot (Lot 152) with an area of 966.3m².</p> <p>The variation in the lot size required for a dual occupancy (detached) and the proposed area of Lot 152 is 8.7m² or 0.89%. It is considered that strict compliance with the standard is unreasonable and unnecessary. It is considered that variation be supported for the following reasons:</p> <ol style="list-style-type: none"> 1) the variation is considered minor and a numerical non-compliance; 2) the proposal is consistent with the objective of the R2 zone; 3) the proposal has shown that a residential dwelling can be effectively located on the resulting lots; and 4) not limiting the non-compliance with the standard, complies with the relevant provisions on the Wollondilly Development Control Plan 2011. <p>The proposed variation satisfies the requirements of Clause 4.6(4)(a)&(b) for the following reasons:</p> <ol style="list-style-type: none"> 1) the applicant's written request has adequately addressed the matters required to be demonstrated; and 2) The proposal will be in the public interest because it is consistent with the objectives of Clause 4.1A <p>(no objectives prescribed) and the objectives for development within the R2 Low Density Residential zone.</p>
Part 5 Miscellaneous provisions	
5.9 Preservation of trees or vegetation	<p>Vegetation is proposed to be removed in order to accommodate the proposed dwellings and access to the lots. The removal of the isolated stands of vegetation will be satisfactory if compensatory landscaping is established. Conditions are recommended in this regard.</p>

Planning & Economy

PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

Clause	Comment
Part 7 Additional local provisions	
7.1 Essential services	The subject site is serviced with reticulated water, underground telephone and overhead electricity. The subject site is not serviced by a reticulated sewerage connection, however Wilton is currently being connected under the Priority Sewerage Program. The development is recommended to be conditioned to be connected to reticulated sewerage prior to an Occupation Certificate being granted by the Principal Certifying Authority.
7.2 Biodiversity	Not applicable (the site is not in the mapped biodiversity layer under Wollondilly LEP2011).
7.3 Water protection	Not applicable. No works are proposed within an area identified as water protection.
7.4 Flood planning	Not applicable. The subject site is not identified as flood prone.
7.5 Earthworks	Minimal cut and fill is proposed and only material excavated from the site will be used for the purpose of site levelling.

1.3.2 PROVISIONS OF RELEVANT DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No draft environmental planning instruments are relevant to the development proposal.

1.3.3 PROVISIONS OF RELEVANT DEVELOPMENT CONTROL PLANS

Wollondilly Development Control Plan 2011 (WDCP 2011) Volume 1 – General

Relevant Provisions	Comment
1.2 Aims of Plan	The proposal is consistent with the aims of the plan.
2.1 Advertising and Notification of Development Proposals	The proposal was notified in accordance with the requirements of the control. Six (6) submissions have been received.
2.3 Tree and vegetation provisions	The proposal includes the removal of vegetation on the subject site. The tree removal includes the removal of non-indigenous trees and shrubs.
2.4 Landscaping	Landscaping on the site is subject to conditions.
2.5 Biodiversity	Not applicable. Clause 7.2 under WLEP 2011 does not apply.

PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

Relevant Provisions	Comment
2.6 Water	Not applicable. Clause 7.3 under WLEP 2011 does not apply.
2.7 Flood affected land	Not applicable.
2.8 Bushfire prone land	Not applicable.
2.9 Contaminated land and Land filling	The site is satisfactory as discussed under SEPP 55.
2.10 Land slip and subsidence	The land is identified as being within a mine subsidence area. The MSB has provided their approval.
2.11 Development in Sydney's Drinking Water Catchments	Not applicable.
2.12 Site waste minimisation and management	Waste Management Plan (WMP) provided. The proposal is recommended to be conditioned to comply with the WMP.
2.13 Salinity	No assessment provided, subject to recommended conditions.
2.14 Water Management	Not applicable.
2.15 Transport and Movement	Conditions are recommended.
2.16 Landscape & Scenic Quality	Conditions are recommended. Landscaping to be used to reduce any visual impacts.

Volume 3 – Residential Development

4.14 Dual Occupancy in Zones other than R3 Medium Density Residential

Relevant Provision	Comment
Lot Size	
1 Dual Occupancy development shall not be undertaken on Town Centre Residential Lots, Residential Small Lots nor Residential Large Lots.	The proposed Torrens title subdivision is not proposed on a Town Centre Residential Lot, Residential Small Lot nor Residential Large Lot.
Building Design	
2.The maximum site coverage shall be 50%.	Lot 153 = 40% Lot 154 = 41% Lot 155 = 40% Lot 156 = 40%
3. Filling of land shall not increase the natural ground level by more than 1.0m.	Minor levelling of the subject site will be required. No fill will be required. Complies.

PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

Relevant Provision	Comment
4. Cut shall be limited to 2.0 metres below natural ground level	Minor cutting will be required to level the subject site. Complies.
5. Each frontage of the lot to a public road must be addressed by a dwelling. A dwelling is taken to address a frontage if the façade of the dwelling visible from that frontage meets the front façade requirements of this volume.	Each of the proposed dwellings with frontage to a public road meets the front façade requirements of this volume as outlined below. Complies.
6. Any front façade must feature a personal access door.	A personal access door is provided to each façade facing a public road. Complies.
7. Any front façade must have no stretch of blank wall greater than 5.0m in length	Each front façade of the proposed dwellings has no stretch of blank wall greater than 5.0m in length. Complies.
8. A side or rear façade must have no stretch of blank wall greater than 12.0 metres.	Each side and rear facade of the proposed dwellings has no stretch of blank wall greater than 12.0m in length. Complies.
9. No more than 50% of the front façade shall be garage doors.	Each dwelling has no more than 50% of the front façade occupied by garage doors. Complies.
10. The number of garage doors visible to the street shall be limited to 3. In this control a double garage door shall be counted as 2 doors.	A single garage is proposed for each of the dwellings (including the existing dwelling). Complies.
11. The front façade shall be provided with at least one habitable room with a window looking out onto the public road.	A habitable room with a window looking out on Wonson or Peel Street is provided on the front façade of each dwelling. Complies.
12. Dual occupancy developments must not: Be mirror reversed; Have a repeated façade; Locate garages at the centre of the building's front façade; nor present an excessively bulky front façade.	The dual occupancy development does not incorporate mirror reversed, repeated facades, centre located garages or excessively bulk front facades. Complies.
13. Where there is a dwelling on each adjoining lot, the setback for the dwelling from any primary road shall be the average setback of the	Not applicable.

PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

Relevant Provision	Comment
existing adjoining dwellings plus or minus 10%. Such a setback shall be no less than 4.5m.	
14. Where there is a dwelling on one adjoining lot the front setback for the dwelling shall be plus or minus 10% of the setback of the adjoining dwelling. Such a setback shall be no less than 4.5m.	The adjoining dwelling located on No. 4 Wonson Street, Wilton is setback 5.7m from Wonson street. The proposal will provide the following setbacks: Lot 153 = 6.50m Lot 155 = 5.90m Lot 156 = 7.70m Complies.
15. Where there is no dwelling on an adjoining lot the front setback shall be 4.5m.	Not applicable.
16. For corner or irregular allotments with multiple road frontages the setback from any secondary road shall be 2m for a lot with an area less than 900m ² and 3m for other residential lots.	Proposed Lot 156 it setback 1.75m from the side boundary with Peel Street (including awning and terrace). Refer to control 21 below. Complies.
17. The minimum side setback shall be 0.9m.	All dwelling achieve a minimum side setback of 0.9m. Complies.
18. The minimum rear setback shall be 8.0m for a two (2) storey dwelling and 3.0m for a single storey dwelling or a single storey part of a two (2) storey dwelling.	All dwellings are single storey and achieve a minimum rear setback of 3m. Complies.
19. The methods for determining primary and secondary roads and setbacks prescribed by State Environmental Planning Policy (Exempt and Complying Development Codes), 2008, are adopted by this volume.	Noted.
20. No part of any garage shall be located within 5.5 metres of a frontage of the site to a public road.	No proposed attached garage is located within 5.5m of a public road. Complies.

PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

Relevant Provision	Comment
21. Awnings and other building features that do not form a wall of a room may be located between the building setback to a primary and/or secondary road but shall not extend more than 1.5m in front of that building setback.	The dwelling located on proposed Lot 156 includes a terrace to the southern elevation. The terrace is located between the building setback and secondary road (Peel Street), the terrace extends 1.2m in front of that building setback. Complies.
22. Eaves and other building features that do not form a wall of a room may be located within the side and rear building setbacks but shall not extend more than 450mm into that building setback.	Proposal Complies.
Private Open Space	
23. A minimum principal area of private open space must be provided for each dwelling with the following characteristics: <ul style="list-style-type: none"> a. Gradient no steeper than 1:20 (Rise:Run) b. Width no less than 3 metres in any direction c. Must be directly accessible from, and adjacent to, a habitable room, other than a bedroom d. Have an area no less than 24 square-metres. e. Must not be located in the front building setback nor the setback from a secondary frontage f. Not be used for clothes drying, effluent disposal or garbage storage 	The proposed private open space (POS) to each dwelling complies with the design, location and use requirements of this control. Complies.
Parking, Access and Vehicular Safety	
24. A minimum of one parking space must be provided wholly on the site for each dwelling. Such a space or spaces may be an open hard stand space or a carport or garage, whether	One (1) car parking is provided to each dwelling in the form of a secured attached garage. Complies.

Planning & Economy

PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

Relevant Provision	Comment
attached to or detached from the dwelling house.	
25. An open hard stand car parking space must measure at least 2.6m wide and 5.4m long.	Noted.
Privacy	
26. Dwellings must not result in unreasonable overlooking into the private open space or windows of habitable rooms in the vicinity.	The proposed dwellings will not result in unreasonable overlooking into the private open space or windows of habitable rooms in the vicinity or dwellings which form part of the development itself. Complies.
27. A window that has a sill height of 1.7m or more above the floor level within the room shall be taken to have no potential for overlooking.	Noted.
28. The rear dwelling of a battle-axe style dual occupancy development shall be single storey.	Not applicable.
Stormwater	
29. Stormwater from new buildings must be gravity fed to a constructed or natural stormwater system. The use of charged lines is not permitted for storm water connections except for connections conveying roof water to tanks within the property.	The proposal is supported by a stormwater drainage concept plan which identifies that the stormwater from the new dwellings will be conveyed to the street. The plan has been designed to conform to Council's design requirements. Complies.
Waste Management	
30. Each dwelling shall be provided with a bin storage area in a location clear of private open space.	Each dwelling is provided with a bin storage area clear of the identified Private Open Space. Complies.
Attached Dual Occupancy in Environmental Living (E4) Zones	
31. Attached dual occupancy developments in the E4 Zone.	Not applicable.

PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

Wollondilly Development Control Plan 2011 Volume 10 – Subdivision of Land

The proposal meets the definition of “minor subdivision” as defined in this Volume, see below:

Any subdivision that:

- Does not create any additional dwelling opportunities (excluding an additional opportunity for a secondary dwelling); and
- Does not, by its scale and nature, have any plausible adverse social, environmental or economic impacts; and
- Does not involve any allotment on which an item of environmental heritage is situated; and
- Does not involve any allotment located within a heritage conservation area; and
- Does not result in more than 4 new allotments.

This definition is not intended to be applied to the interpretation of exempt or complying development provisions.”

PART 2 - GENERAL CONSIDERATIONS FOR ALL DEVELOPMENT	Comment
1. The consent authority must not grant consent to a development application for development subject to this volume unless it is satisfied that the following risks to public safety are suitably mitigated: a) Road and traffic hazards; b) Bushfire; c) Flood; d) Noise, vibration, pollution, odour, radiation or waste from surrounding land uses; e) Exposure to electricity transmission systems; and f) Exposure to radiation from telecommunications infrastructure.	The proposal has provided sufficient information to enable the assessing officer to be satisfied that, the risks identified under this control are suitably mitigated and do not present a risk to public safety for the proposed development. Satisfied.
2. The consent authority must not grant consent to a development application subject to this volume unless it is satisfied that the road network in the vicinity: a) has adequate capacity to support the development; and	The proposal has provided sufficient information to enable the assessing officer to be satisfied that, the proposed development has adequate capacity to support the development; and will have an adequate level of amenity once the

PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

PART 2 - GENERAL CONSIDERATIONS FOR ALL DEVELOPMENT	Comment
b) will have an adequate level of amenity once the development is operating.	development is operating. Satisfied.
3. The consent authority must not grant consent to a development application for development subject to this volume unless it is satisfied that emergency services vehicles will have adequate access to service the proposal.	The proposal has provided sufficient information to enable the assessing officer to be satisfied that, emergency services vehicles will have adequate access to service the proposal. Satisfied.
4. The consent authority must not grant consent to a development application for development within a proclaimed mine subsidence area without the concurrence of the Mine Subsidence Board.	The MSB has provided their concurrence to the proposal prior to determination.
5. The consent authority must not grant consent to a development application for development subject to this volume unless it is satisfied that adequate measures will be provided to prevent the release of wastes, hazardous or offensive materials into the natural environment..	The proposal has provided sufficient information to enable the assessing officer to be satisfied that, adequate measures will be provided to prevent the release of wastes, hazardous or offensive materials into the natural environment. Satisfied.
6. The consent authority must not grant consent to a development application for development subject to this volume unless it is satisfied that adequate measures will be provided to prevent hazard from wastes, hazardous or offensive materials to human health	The proposal has provided sufficient information to enable the assessing officer to be satisfied that, adequate measures will be provided to prevent hazard from wastes, hazardous or offensive materials to human health. Satisfied.
PART 3 - GENERAL REQUIREMENTS FOR ALL DEVELOPMENT	Comment
3.1 Traffic and Transport	
6. Road infrastructure enhancement shall be provided to existing roads in accordance with the following table unless the improvements are already present for small subdivisions (< 10 lots) Road shoulder, kerb and gutter for	The proposed subdivision is defined as a "minor subdivision". Not limiting the definition of the proposed subdivision under the clause 1.3 of WDCP 2011, Council's development engineers have recommended as a condition of development consent - Road shoulder, kerb and gutter for

PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

PART 2 - GENERAL CONSIDERATIONS FOR ALL DEVELOPMENT	Comment
all frontages. Remove redundant laybacks. Install street lighting. Install pedestrian footpaths as required in Council's design specifications to all road frontages of the site	all frontages. Remove redundant laybacks. Install street lighting. Install pedestrian footpaths as required in Council's design specifications to all road frontages of the site.
10 Splay corners shall be provided for newly created corner lots with the following sizes - Residential Zones 4m by 4m	4m by 4m splay provided to proposed Lot 156. Complies.
3.2 Wastewater	
1. The controls in this clause 3.1 do not apply to strata subdivisions of existing buildings that do not propose new wastewater treatment arrangements.	Noted.
2. All lots created must have access to one or more of the following: a. A reticulated sewage scheme operated by the relevant statutory sewage authority; or b. A private reticulated sewage scheme operated by person licensed under relevant legislation; or c. Sufficient land with the correct physical and chemical characteristics to allow for the wastewater to be treated and disposed of within the boundaries of the lot.	The proposed development (including the existing dwelling) is recommended to be conditioned to connect the Sydney Water System prior to the release of any Occupation Certificate by the Principal Certifying Authority for the relevant stage of the development.
3. A "pump out" system shall only be considered as a satisfactory method of wastewater disposal for the purposes of Control 2 in the following zones under Wollondilly Local Environmental Plan, 2011: a. B1 Neighbourhood Centre b. B2 Local Centre c. IN1 General Industrial d. IN2 Light Industrial e. IN3 Heavy Industrial f. RE1 Public Recreation g. RE2 Private Recreation	Not applicable.

PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

PART 2 - GENERAL CONSIDERATIONS FOR ALL DEVELOPMENT	Comment																				
3.3 Stormwater																					
1. All subdivisions must demonstrate stormwater management arrangements to allow for drainage to either a natural water body or a constructed stormwater management system without causing significant environmental harm or risks to human health and safety	The proposal is supported by a stormwater drainage concept plan which identifies that the stormwater from the new dwellings will be conveyed to the street. The plan has been designed to conform to Council's design requirements. Complies.																				
2. Medium and Large subdivisions must include provision of integrated stormwater management systems to achieve Water Sensitive Urban Design outcomes. These shall be detailed in an assessment report to be submitted with the development application which must include modelling of both water quantity and quality.	Not applicable.																				
3. All stormwater infrastructure to be dedicated to Council must be low maintenance.	All stormwater infrastructure is to be dedicated to Council is to be low maintenance. Complies.																				
3.4 Lot Shape																					
2. Lots in residential zones shall have the following minimum dimensions: Lots between 450m ² and 650m ² (inclusive) Min Lot Width = 13m Min Lot Width (Corner Lot) = 15m Min Lot Depth = 20m																					
	<table border="1"> <thead> <tr> <th>Lot</th> <th>Lot Size</th> <th>Lot Width</th> <th>Lot Depth</th> </tr> </thead> <tbody> <tr> <td>153</td> <td>540.55m²</td> <td>12.00m</td> <td>42.35</td> </tr> <tr> <td>154</td> <td>562.70m²</td> <td>19.93m</td> <td>28.23</td> </tr> <tr> <td>155</td> <td>458.59m²</td> <td>14.70m</td> <td>27.82</td> </tr> <tr> <td>156 (Corner)</td> <td>508.23m²</td> <td>13.53m</td> <td>34.58</td> </tr> </tbody> </table>	Lot	Lot Size	Lot Width	Lot Depth	153	540.55m ²	12.00m	42.35	154	562.70m ²	19.93m	28.23	155	458.59m ²	14.70m	27.82	156 (Corner)	508.23m ²	13.53m	34.58
	Lot	Lot Size	Lot Width	Lot Depth																	
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156 (Corner)	508.23m ²	13.53m	34.58																		
Lot 153 and Lot 156 do not comply with the minimum lot width as they relate to standard allotments and corner allotments, however this is satisfactory under the plan as explained at point 3 below.																					

PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

PART 2 - GENERAL CONSIDERATIONS FOR ALL DEVELOPMENT	Comment
<p>3. These controls do not apply to subdivision that places each dwelling on its own allotment in the following cases:</p> <ul style="list-style-type: none"> a. The subdivision of a dual occupancy or medium density development that is existing and lawful; or b. The subdivision of a proposed dual occupancy or medium density development that complies with all other relevant controls in Wollondilly Development Control Plan, 2011. c. The subdivision of dwellings approved under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 or an equivalent State Environmental Planning Policy. 	<p>The provisions of control 2 of Clause 3.4 above, do not apply to the proposed development by virtue of the proposed dual occupancy complying with all other relevant controls in WDCP 2011.</p>
<p>4. These controls do not apply to land to be dedicated to Council for roads, environmental reserves or for public open space.</p>	<p>Not applicable.</p>
<p>3.5 Landscape and Character</p>	<p>No Applicable Controls</p>
<p>3.7 Corner Allotments</p>	
<p>1. Corner allotments in residential zones shall be provided with a building envelope to identify the primary and secondary setbacks.</p>	<p>Full house plans are provided for the proposed corner lot identified as proposed Lot 156. These plans detail that the proposed dwelling complies with the required primary and secondary setbacks.</p>
<p>2. Corner allotments in residential zones shall nominate a vehicular access point to allow the safety of the access point to be assessed with reference to any nearby intersection.</p>	<p>Access driveways are identified on the plans submitted with the development application. Complies.</p>
<p>3. These controls do not apply to proposed corner allotments on which a dwelling is already constructed.</p>	<p>Not Applicable. No dwelling exists on proposed corner Lot 156.</p>

PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

PART 2 - GENERAL CONSIDERATIONS FOR ALL DEVELOPMENT	Comment
3.8 Building Envelopes	No Applicable Controls
3.9 Environmental Protection	No Applicable Controls
3.10 Aboriginal Heritage	No Applicable Controls
3.11 Noise Amenity	No Applicable Controls

1.3.4 DRAFT AND/OR PLANNING AGREEMENTS ENTERED OR OFFERED TO ENTER INTO

None applicable.

1.4 IMPACT OF THE DEVELOPMENT

Head of Consideration	Comment
Natural Environment	Subject to conditions of consent it is considered that the development would not have any unreasonable adverse impacts if the application is approved.
Built Environment	Subject to conditions of consent, it is considered that on the built environment if the application is approved would be satisfactory impacts
Social Impacts	Subject to conditions of consent, it is considered that there would be acceptable social impacts if the application is approved.
Economic Impacts	It is considered that there would be neutral or beneficial economic impact if the application is approved.

1.5 SUITABILITY OF THE SITE

It is considered that the site is suitable for the development. Issues that have been brought to the applicant's attention from Council have been considered and amendments have been made. Not limiting the numerical non-compliance with Clause 4.1A of WLEP 2011, the proposed development is considered to be suitable for the site subject to recommended conditions of consent.

1.6 SUBMISSIONS

The application was notified for a period of 15 days commencing 16 September 2014. Following the submission of amended plans the application was re-notified to persons who lodged a submission to the initial notification of the application. Six (6) submissions were received.

PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

Below is an assessment of the submissions received relevant to this application:

Concern	Comment
<p>The atmosphere of old Wilton will be destroyed by this type of medium density development which is not reflective of the existing tranquillity, quality housing and character.</p>	<p>The proposed development is considered to be a form of low density development that is consistent with the objectives of the R2 Low Density Residential zone. The proposed development will provide additional housing opportunities in a residential area. The proposed dwellings are considered to be consistent with the existing built form and streetscape character of Wonson and Peel Streets.</p> <p>It should be noted that dual occupancy development has been permitted within residential zones in Wollondilly since the early 1980's.</p>
<p>By allowing development of blocks less than a quarter acre in a locality where there are no other medium or high density development.</p>	<p>The proposed development is considered to be a form of low density residential development. The proposed staged development for a four (4) lot subdivision and the construction and subdivision of 2 dual occupancies (4 dwellings) is permissible with consent in the R2 Low Density Residential zone. While it is acknowledged that the lot sizes proposed are less than a quarter acre the density of development is consistent with the WLEP 2011 and the WDCP 2011.</p>
<p>Council would be going against one of its stated aims - "Rural Living".</p>	<p>General Policy P2 of the Council's Growth Management Strategy (GMS) states that <i>"all land use proposals need to be compatible with the concept and vision of "Rural Living"</i>.</p> <p>Despite the identification of P2 as a Key Policy Direction within the GMS, Council goes on to state on page 11 that, <i>"Although Council believes that we can accommodate natural growth levels without compromising the vision of rural living, any scenario which involves Wollondilly accommodating Sydney's urban expansion would be unlikely to maintain that vision, at least for significant parts of the Shire."</i></p>

PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

Concern	Comment
	<p>Council has identified that the Shire is shifting its emphasis away from rural-residential and towards more consolidated housing forms in and around our existing settlements. The subject site is located on the edge of the existing village of Wilton on the boundary of the existing residential zoned land. The proposed development, located within the R2 Low Density Residential zone of Wilton is considered to be compatible with Council's Key Policy Direction P2 contained within the GMS.</p>
<p>The proposed block sizes resulting from the subdivision of the subject site are too small and not in keeping with the existing lot sizes on Wonson, Wilton or Peel Streets.</p>	<p>Not limiting the non-compliance with Clause 4.1A of the WLEP 2011 as it relates to the subdivision of proposed Lot 152, the proposal was supported by a Clause 4.6 application to vary a development standard. The variation is supported for the following reasons: the variation is considered minor; the proposal is consistent with the objectives of the R2 zone; the proposal has shown that a residential dwelling can be effectively located on the resulting lots; and the development complies with the relevant provisions on WDCP 2011.</p> <p>While the proposed lot sizes are not consistent with existing lot sizes on Wonson and Peel Street (which consist of a mix of lot sizes ranging from 980m² to 3670m²), the proposed lot sizes must be considered in view of the desired future subdivision pattern and lot size.</p> <p>Furthermore, the proposed lots provide for the future development of these lots for the purpose of residential dwellings which comply with the relevant controls of WDCP 2011.</p>
<p>Approval of this development by Council will set a dangerous precedent for block sizes in the area and future development will be approved by Council on this basis.</p>	<p>Each development application is assessed on its merits. The proposed development is consistent with WLEP 2011 (not limiting the non-compliance with Clause 4.1A), WDCP 2011 and all relevant environmental planning instruments which relate to the land. Council must take into account the</p>

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PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

Concern	Comment
	<p>precedent which may be established by allowing departures from development standards and controls and their possible cumulative effects on the area. However, where the departures are of such a minor nature that strict compliance with the standard would be unreasonable and unnecessary, Council should not be deterred from approving this development on the basis of setting a dangerous precedent.</p>
<p>Parking associated with the development is insufficient. While an attached garage is provided to each dwelling this will be insufficient to meet the parking demands of the development and will result in parking in the road way or footpath, blocking access for pedestrians.</p>	<p>Each dwelling (including the existing dwelling) is provided with a minimum of one secured car parking space (Lot 155 is provided with two (2) secured spaces) and a hard stand area in front of the garage for the parking of an additional vehicle. The proposed car parking arrangements are consistent with the requirements for car parking as outlined under the WDCP 2011. Council must balance the provision of onsite car parking with the design requirements of reducing the visual dominance that garages have on the design of dwellings. To require the development to provide double garages would not result in a desirable building design outcome.</p> <p>It is acknowledged that there is the potential for additional on-street parking on Wonson and Peel Street by vehicles associated with the proposed development, such parking demands are not considered to be excessive. Conditions of consent are recommended to provide kerb and guttering on Peel and Wonson Street to the full length of the development. Such road upgrades will allow for appropriate vehicle parking which would potentially reduce the need to park on the foot path - blocking access to pedestrians.</p>
<p>The existing drainage on Wonson and Peel Streets is completely inadequate and the proposal to construct an additional three (3) dwellings</p>	<p>The proposed development has been assessed by Council's Engineers. Conditions of consent are recommended that will include the design and construction of street drainage, 150mm</p>

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PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

Concern	Comment
<p>will exasperate the issue. Water currently in front of 4 Wonson Street and the subject site for weeks following heavy rain, attract mosquitos and is unsightly. There is also identified localised flooding of the property on the opposite side of Peel Street adjacent to the subject site due to the drain at the front of the property becoming overloaded.</p>	<p>barrier profile kerb and gutter to the full length of the subject site. It is intended that the drainage works will alleviate many of the drainage issues which have the potential to exacerbate by the proposed development.</p> <p>Council is to investigate the localised flooding on the opposite side of Peel Street resulting from the overloading of the drain on Peel Street.</p>
<p>The SCA owns land that adjoins the proposed development site on Wonson Street. All works should be undertaken within the proposed development site and no construction activities should occur from within the SCA land.</p>	<p>It is recommended that standard condition of development consent be placed on the proposed development, requiring that the development take place wholly on the subject site.</p>

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1.7 THE PUBLIC INTEREST

While there has been opposition to the proposed development and not limiting the non-compliance with Clause 4.1A of WLEP 2010, the proposed development is broadly consistent with the WDCP 2011. Subject to conditions of consent, the development is not expected to have any negative impacts on the environment or the amenity of the locality as detailed throughout this report.

It is considered appropriate having regard to the zoning and the character of the area and is therefore considered to be in the public interest.

FINANCIAL IMPLICATIONS

This matter has no financial impact on Council's adopted budgeted or forward estimates.

The developer contributions payable are \$37,160.00. Calculated in accordance with the Wollondilly Development Contribution Plan 2011 on the basis of one (1) additional lot and two (2) additional dwellings.

ATTACHMENTS:

1. Plans of proposed development.

PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

RECOMMENDATION

That Development Application 010.2014.00000502.001 for a three (3) stage residential subdivision and dual occupancy development, creating an additional three (3) dwellings each on a separate allotment (four (4) lots in total), landscaping and demolition of a shed and slab of a shed at Lot 15 Section 4 DP 759094, at 2 Wonson Street, Wilton be approved subject to the following conditions:

1. COMPLIANCE

These conditions are imposed to ensure that the development is carried out in accordance with the conditions of consent and the approved plans to Council's satisfaction.

All Stages

- (1) Development Consent is granted for development being undertaken in three (3) stages, being: demolition of outbuildings, construction of two (2) dual occupancies, four (4) lot Torrens title subdivision of and associated works and landscaping at Lot: 15 Sec: 4 DP: 759094, No. 2 Wonson Street WILTON.
- (2) The applicant is informed that this approval shall be regarded as being otherwise in accordance with the endorsed plans prepared by Urban Simplicity, Job No. 14-070, dated 22 January 2015, Sheets 1-23, Issue B, lodged as part of Development Application No. 010.2014.00000502.001 received on 20/08/2014 except where varied by the following conditions of consent.
- (3) The development shall be undertaken in the following stages:

Stage 1:

Two (2) lot Torres title subdivision of Lot 15 in DP 759094 in accordance with the Stage 1 Subdivision Plan, prepared by Urban Simplicity, Job No. 14-070, Sheet 03-23, Issue B, dated 22/01/2015.

Associated works, including: kerb, gutter and driveway construction and demolition of existing slab of outbuilding.

Stage 2

Construct dual occupancy on Lot 151.

PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

Two (2) lot Torrens title subdivision of Lot 151 in accordance with the Stage 2 Subdivision Plan (Subdivision of Lot 151 created in Stage 1), prepared by Urban Simplicity, Job No. 14-070, Sheet 04-23, Issue B, dated 22/01/2015.

Associated works, including: tree removal, landscaping, and driveway construction to new dwelling constructed as part of Stage 2.

Stage 3

Construct dual occupancy on Lot 152.

Two (2) lot Torrens title subdivision of Lot 152, in accordance with the Stage 3 Subdivision Plan (Subdivision of Lot 152 created in Stage 1), prepared by Urban Simplicity, Job No. 14-070, Sheet 05-23, Issue B, dated 22/01/2015.

Associated works, including: demolition of existing slab of outbuilding, tree removal, landscaping and constriction of driveways to dwellings proposed in Stage 3.

- (4) Stage 1 shall be completed and the subdivision registered prior to the release of any construction certificate for Stage 2.
- (5) The construction of the dwelling in Stage 2 must be completed and Occupation Certificates issued for the dwelling prior to the release of any Subdivision Certificate for the corresponding sub stage of Stage 3.
- (6) Unless permitted by another condition of this consent, there shall be no tree clearing unless the vegetation is:
 - (a) Within the footprint of an approved building, access driveway or other structure; or
 - (b) Within three (3) metres of the footprint of an approved building; or
 - (c) preventing the achievement of the minimum asset protection zone requirements under the relevant planning for bushfire protection guidelines.

In this condition **Tree Clearing** has meaning as described in Clause 5.9(3) of Wollondilly Local Environmental Plan 2011.

PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

- (7) Where any work associated with this consent has the potential to disturb neighbours through the generation of noise, dust, odour, vibration or through deliveries to the site the person with control over the works shall advise the occupants of all adjoining and potentially affected properties of the timing and duration of such works. The land owner has the ultimate responsibility for ensuring that anybody undertaking works under this development consent on their behalf is aware of this requirement and completes the task required by this condition.

2. CONSTRUCTION GENERAL

These conditions have been imposed to ensure that all construction work is undertaken to an approved standard and related approvals.

All Stages

- (1) Construction shall not commence, nor any earthworks or placement of site sheds, prior to the issue of a Construction Certificate by Council or a nominated Accredited Certifier.
- (2) Prior to the issue of any construction certificate, sufficient information must be forwarded to Council or a nominated Accredited Certifier illustrating compliance with the relevant provisions of the Building Code of Australia. Where Council is to be the PCA, Council's Development Services Section may be contacted between 8:00am and 10:00am Monday to Friday on 02 4677 1100 if further clarification is required.
- (3) All construction and building work shall be restricted to between 7:00am and 5:00pm Mondays to Saturdays (inclusive) and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.
- (4) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. These facilities are to be provided prior to the commencement of any works and:
- (a) Must be a standard flushing toilet; and
 - (b) Must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

In this condition:

Accredited sewage management facility means a sewage management facility to which Division 4 of Part 2 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

Approved by the Council means the subject of an approval in force under Division 4 of Part 2 of the *Local Government (General) Regulation 2005*.

Sewage Management Facility has the same meaning as it has in the *Local Government (General) Regulation 2005*.

- (5) Any damage to the Council footway, road or other land shall be restored in accordance with Council's specifications prior to the issue of any Subdivision Certificate for the development.
- (6) An appropriate fence preventing public access to the site shall be erected for the duration of construction works.
- (7) There shall be no burning of builders rubble, felled trees or other material on site.
- (8) All excavation and backfilling associated with the development must be executed safely and in accordance with appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

3. DEMOLITION

These conditions have been imposed to ensure that the demolition of buildings is carried out with regard to public and environmental safety.

All Stages

- (1) All demolition works shall be undertaken by a licensed demolisher who is registered with Work Cover NSW. Details shall be submitted to Council or a nominated Accredited Certifier prior to the commencement of demolition works.

PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

- (2) Any demolition works involving asbestos removal must comply with all legislative requirements including the *How to Safely Remove Asbestos – Code of Practice (December 2011- WorkCover NSW & Safe Work Australia)*, WorkCover Authority of NSW and NSW Environment Protection Agency (EPA) requirements.
- (3) Any work involving lead paint removal must not cause lead contamination of air or ground.
- (4) All demolition material shall be disposed of in accordance with the Waste Management Plan prepared by Rein Warry and Co Pty Ltd submitted with the Development Application, approved by the Principal Certifying Authority in response to a condition of this consent.
- (5) Demolition works shall not create general nuisance by reason of inadequate dust, noise or environmental controls.
- (6) All demolition works should be carried out in a way that ensures that waste is managed in a manner consistent with the “NSW Waste Avoidance and Resource Recovery Strategy 2014-21” (copies can be obtained from the EPA website at <http://www.epa.nsw.gov.au/warr/index.htm>).
- (7) Care should be taken when demolishing building structures likely to have been treated with pesticides to avoid contact with the top 10-20mm of soil. The top layer of soil should not be left exposed where children or other sensitive individuals may come into contact with it.
- (8) Demolition shall be carried out to Australian Standard AS2601 – The Demolition of Structures and the WorkCover Authority of NSW publication “*Demolition work code of practice July 2014*” including provision for:
 - Appropriate security fence or builders hoarding shall be installed to prevent public access to the demolition works
 - Induction training for onsite personnel
 - Management of asbestos, contamination and other hazardous materials
 - Dust control
 - Disconnection of gas and electrical supply
 - The demolition shall not hinder pedestrian or vehicle mobility in the locality
 - Control of water pollution and leachate, including the cleaning of vehicle tyres in accordance with the Protection of the Environment Operations Act, 1997.

PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

- (9) Fire fighting services onsite shall be maintained at all times during demolition works.
- (10) The demolition by induced collapse, the use of explosives or onsite burning is not permitted.
- (11) During demolition works all materials and equipment shall be kept entirely within the site and not on adjoining property, footpaths and roads.
- (12) All demolition work shall be restricted to between the hours of 7:00am and 5:00pm Mondays to Saturdays (inclusive) and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.
- (13) Certification is to be provided by the Demolition Contractor that the demolition work has been carried out in accordance with the above conditions. Such certification is to be provided to Council or the nominated Accredited Certifier within fourteen (14) days of the completion of demolition.

4. BUILDING DESIGN

These conditions have been imposed to ensure that the appearance/construction of building works complies with the aims and objectives of Council's relevant Development Control Plans, Policies and relevant Statutory Regulations.

All Stages

- (1) All materials and colours to be used in the external construction of the proposed dwellings shall be consistent throughout the total development and/or match those of the existing development.
- (2) The dwellings shall incorporate earthy colours. Pale or patterned brickwork, or multi-coloured or bright reflective roofs shall not be used.
- (3) Highly contrasting coloured brickwork and finishes shall only be used on sills, window heads, string courses etc.
- (4) Any above ground water storage tanks shall be coloured or painted in earthy tones to blend with the natural environment or building immediately adjoining the water tank to reduce their visual impact.

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5. ENGINEERING & CONSTRUCTION SPECIFICATIONS

These conditions have been imposed to ensure that developments within the Shire are of a standard which is both safe and acceptable to Council and members of the public:

All Stages

- (1) All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.
- (2) Engineering Design Plans for the kerb and gutter, road shoulder, drainage and vehicle footway crossing are to be submitted to and approved by Council or the nominated Accredited Certifier. The plans must be approved prior to the issue of a Construction Certificate for any works associated with this development. All levels are to be reduced to Australian Height Datum.
- (3) Prior to the commencement of any work, a Construction Certificate shall be issued by Council or a nominated Accredited Certifier for the development.
- (4) Where Council's Construction Specification require that density tests, beam tests or CBR tests be undertaken, the results shall be forwarded to Principal Certifying Authority within 7 days. A NATA registered laboratory shall carry out the tests. When testing for density, the Standard Compaction testing method is to be used.

Failure to submit test results may result in Council refusing to issue completion certificates and hence may result in additional works being required.

- (5) A defects liability period of twelve (12) months will apply from the date of the issue of the certificate of practical completion by Council or, in the case of a public road, twelve (12) month from the registration of the road as a public road. A 10% maintenance bond or a minimum of \$1,000, whichever is greater, is to be lodged in accordance with Council's construction specification for work that is to become the property of Council.
- (6) A certified "Works as Executed" plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted to Principal Certifying Authority before the final inspection for the Certificate of Practical Completion. The "Works as Executed" plan must certify that the works have been constructed in accordance with the approved drawings and to the levels specified.

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- (7) A “Soil and Water Management Plan” (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction shall be submitted to Council or a nominated Accredited Certifier. The measures shall be in accordance with Council’s Construction specification and the Department of Housing’s “Blue Book”. The plan is to be approved by Council or a nominated Accredited Certifier with the Engineering Plans.
- (8) A “Traffic Management Plan” that details suitable safety measures that will be implemented whenever work is being undertaken in the public road reserve shall be submitted to Council or a nominated Accredited Certifier. The safety precautions are to be in accordance with the requirements of the RMS’s “Traffic Control at Work Sites” manual. The plan is to be prepared and endorsed by a person with current RMS certification and provided to the Council or a nominated Accredited Certifier before the issue of a Construction Certificate for development. Where it is proposed to restrict speeds, the RMS requires that all applications for Directions to Restrict Speed (DTR) for work on any Council road by developers and their contractors be submitted to the RMS.
- (9) This consent authorises both engineering and building works to be undertaken. A separate Construction Certificate shall be issued for each category of works, that is, a separate Engineering Construction Certificate (for any on-site detention, inter-allotment drainage, public road works, etc) and a separate Building Construction Certificate (for all works relating to the erection and fit-out of a structure).

A CONSTRUCTION CERTIFICATE FOR THE CIVIL WORKS MUST BE ISSUED PRIOR TO THE ISSUE OF A BUILDING CONSTRUCTION CERTIFICATE WITH THE CERTIFIED PLANS OF THE CIVIL ENGINEERING WORKS ALSO INCORPORATED INTO THE BUILDING PLANS.

6. DRAINAGE/STORMWATER

These conditions have been imposed to ensure drainage/stormwater is appropriately managed.

All Stages

- (1) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.

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- (2) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 10% AEP. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP. Design details shall be shown on the engineering plans for approval by Council or the nominated Accredited Certifier prior to the issue of Construction Certificate.
- (3) Where it is necessary to convey collected stormwater runoff from one lot through another in order to facilitate suitable disposal, an interallotment drainage easement not less than 1.5m wide is to be acquired that confers appropriate drainage rights.

Stage 1

- (4) The applicant shall design and construct street drainage as generally shown in the concept plans by Rein Warry and Co. File No 7234, Edition A dated 14/08/14 prior to the release of any subdivision certificates for Stage 1. Design details shall be shown on the engineering plans for approval by Council or the nominated Accredited prior to the issue of Construction Certificate.
- (5) The applicant shall ensure that all existing adjacent drainage structures such as table drains and pipe culvert crossings discharge into the new piped drainage system. Adjustments to the structures shall be undertaken by the applicant at no cost to Council.

7. PUBLIC ROADS

These conditions have been imposed to ensure all public road works required by the development are provided to an adequate standard.

All Stages

- (1) Provision of Vehicular Access to the site through the construction of 3.0m wide concrete vehicle footpath crossing at all locations where vehicles cross the footway. Design details shall be shown on the engineering plans for approval by Council or a nominated Accredited prior to the issue of Construction Certificate.

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Note: Any adjustment to services shall be at the expense of the applicant and is additional to the contributions required by Council. Prior to the construction of the crossing, approval shall be obtained from Council's Works Section. A property entrance application shall be submitted to Council with payment of the current fees for the access construction.

- (2) In accordance with Section 138 of the *Roads Act 1993* a 138 Consent Certificate must be obtained from Council's Infrastructure Planning Section a minimum 7 days prior to commencement of work. A fee is payable for issue of this Consent Certificate.

Stage 1

- (3) The applicant shall provide 150mm barrier profile kerb and gutter and sealed road from the edge of existing bitumen to the lip of the gutter along the full frontage of the proposed development in Wonson Street and Peel Street, including associated drainage works prior to the release of the subdivision certificate for Stage 1.
- (4) The Kerb and Gutter alignment in Wonson Street shall provide for a 6.0 metre verge with a minimum 6.5 metre carriageway. Peel Street alignment shall provide for an 8.8 metre verge with a minimum 6.5 metre half road width prior to the release of the subdivision certificate for Stage 1.
- (5) Provision of vehicular access to the site through the construction of vehicular crossings within the new kerb and gutter at all locations adjacent to proposed concrete footpath crossings. Design details shall be shown on the engineering plans for approval by Council or a nominated Accredited Certifier prior to the issue of the Construction Certificate.
- (6) A street light shall be placed on the existing power pole at the intersection of Peel Street and Wonson Street adjacent to the proposed development prior to the release of the subdivision certificate for Stage 1.
- (7) The street lighting identified in Condition 8(6) above shall be provided using LED LIGHTING to comply with the current Australian Standard and certified by an Endeavour Energy approved design consultant.

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8. EROSION AND SEDIMENT CONTROL

These conditions have been imposed to minimise the impact of the Development on the environment and on adjoining properties.

All Stages

- (1) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (2) Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.
- (3) Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (4) The installation of the erosion and sediment control devices identified on the Soil and Water Management Plan shall be completed prior to any construction taking place on the site. These devices are to be maintained so as to prevent the discharge of silt into adjoining bays, rivers, creeks, streams, gutters or drains.
- (5) Kikuyu will not be permitted to be used for turfing of any disturbed area.
- (6) The installation of the erosion and sediment control devices identified in the Soil and Water Management Plan as per Condition 6(7) shall be completed prior to any construction taking place on the site.
- (7) The installation of the erosion and sediment control devices identified in the Soil and Water Management Plan shall be completed prior to any construction taking place on the site.

These devices are to be maintained so as to prevent the discharge of silt into adjoining bays, rivers, creeks, streams, gutters or drains.

- (8) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.

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9. EARTH FILL

These conditions have been imposed to ensure the safe disposal of fill:

All Stages

- (1) All filling on the site, including footpath areas, shall be compacted to not less than 95% Standard Compaction.
- (2) There shall be no encroachment onto adjoining lands by fill placed near boundaries.
- (3) There shall be no loss of support or encroachment of fill onto adjoining lands as a result of excavation or filling within the site.
- (4) Notice shall be provided to Council one or two business days prior to the commencement of land filling works and within two business days of the completion of such works.
- (5) Surface stormwater shall be controlled in such a manner that no significant alterations to existing flows onto adjoining properties occur.

10. INSPECTIONS

These conditions have been imposed to ensure that construction works are undertaken to an approved standard.

All Stages

- (1) The engineering works shall be inspected by the Principal Certifying Authority at the following stages of construction to ensure they comply with Council's Construction Specification and associated approvals:
 - Prior to commencement of any construction work on the site, after erosion and sediment control and traffic control measures are implemented
 - When drainage lines have been laid, jointed and bedded, prior to backfilling
 - Prior to pouring of the drainage pits, when the formwork and steel is in place
 - Prior to pouring of the road drainage culverts, when the formwork and steel is in place
 - When roadworks have been excavated to subgrade, prior to placing of pavement
 - When subsoil drainage lines have been excavated and drainage pipe laid prior to placing filter material

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- After shaping and prior to topsoil/turf placement of overland flow paths
- During the roller test, which is to be carried out using a three point roller or approved equivalent
- At sealing
- At completion of the preparation of kerb and guttering subgrade
- At completion of the preparation of all concrete layback gutter crossing subgrade
- Prior to pouring concrete to driveway/car park slabs, when formwork and steel is in place
- At practical completion of works
- At final completion of works (minimum of 12 months after date of issue of practical completion certificate).

Note: It is the responsibility of the applicant or contractor to notify the Principal Certifying Authority when inspections are required. Failure to notify may lead to additional work being required prior to issue of inspection certificates. A minimum of 24 hours' notice is required for inspections.

- (2) If the Principal Certifying Authority notifies the site manager or other contractor that a work or works are unsatisfactory for any reason all works on the site shall cease until the matter is resolved to the satisfaction of the Principal Certifying Authority.

Stage 2 and 3

- (3) Building works shall be inspected by the Principal Certifying Authority at critical stages of construction to ensure they comply with the Building Code of Australia and associated approvals. Where Wollondilly Shire Council is nominated as the Principal Certifying Authority these inspections shall include:

- Footings
- Pier holes before pouring of concrete
- Steel reinforcing before pouring of concrete
- Wet area damp proofing and flashing before lining
- Stormwater drainage before backfilling
- Bearers and joist inspection before flooring is fixed
- Frame work before internal cladding or lining is fixed
- Completion of the building work before occupation or use.

- (4) Prior to the issue of any construction certificate for this development, the following is to be paid to Wollondilly Shire Council, if not paid at Development Application stage:

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- (i) Payment of Road Damage Inspection Fee (if development cost >\$5,000).
- (ii) Payment of a Road Opening Fee.

The amount to be paid shall be in accordance with Wollondilly Shire Council's adopted fees and charges at the time of payment.

11. SERVICES

These conditions have been imposed to ensure that an adequate level of services are provided for the development:

All Stages

- (1) Electricity supply is to be made available to all proposed lots in accordance with the requirements of Endeavour Energy. In this regard, written confirmation from Endeavour Energy that suitable arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.
- (2) Provision is to be made for the supply of telephone services to all proposed lots in accordance with the requirements of Telstra. In this regard, written confirmation from Telstra Australia that arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.
- (3) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate for the development.

- (4) All power and services within the site shall be underground.
- (5) Every dwelling (existing and new) approved in this consent must be connected to the reticulated sewerage system prior to the release of the Occupation Certificate.
- (6) Letter boxes shall be provided to each dwelling to the satisfaction of Australia Post prior to the release of any Occupation Certificate.

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- (7) Clothes lines shall be provided for each dwelling at the rate of 12 lineal metres of line and shall not be visible from a public place. The clothes line shall be installed prior to the release of any Occupation Certificate.

12. WASTE MANAGEMENT

These conditions have been imposed to ensure that wastes are correctly stored, disposed of and controlled at all times to prevent accidents and to maintain clean and tidy premises:

All Stages

- (1) Disposal of demolition, construction and building waste material shall be undertaken in accordance with the Waste Management Plan prepared by Rein Warry and Co Pty Ltd submitted with the Development Application, approved by the Principal Certifying Authority in response to a condition of this consent.
- (2) Disposal of construction and building waste material shall be undertaken in accordance with the Waste Management Plan approved by the Principal Certifying Authority in response to a condition of this consent.

13. HERITAGE

These conditions have been imposed to ensure that development is carried out in a manner sensitive to the heritage values in the locality.

All Stages

- (1) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 146 of the *Heritage Act 1977*.
- (2) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service (NPWS) should be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*.

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14. TREE REMOVAL

These conditions are imposed to ensure that the removal of trees is undertaken in a safe and environmentally sensitive manner.

All Stages

- (1) Any vegetation to be felled as part of this consent shall be mulched and reused onsite. The burning of the felled vegetation is not permitted. Trees that are to be retained must not be impacted by stockpiled material.

15. FENCING

These conditions are imposed to ensure that any fencing has a minimal effect on the landscape/streetscape/environment of the locality:

Stage 2

- (1) Fencing is to be installed to the boundary of proposed Lot 153 and to the full length of the northern side boundary of proposed Lot 154. The proposed fencing is to be lapped and capped 1.8m high in accordance with the approved plans. The fencing shall be installed prior to the release of any Occupation Certificate for the dwellings proposed on the Lots 153 and Lot 154.

Stage 3

- (2) Fencing is to be installed to the full length of the eastern side boundary of proposed Lot 155 and to the full length of the eastern side boundary of proposed Lot 156. The proposed fencing is to be lapped and capped, 1.8m high in accordance with the approved plans. The fencing shall be installed prior to the release of any Occupation Certificate for the dwellings proposed on the Lots 155 and Lot 156.

16. LANDSCAPING

These conditions have been imposed to reduce the impact of any development activity on the landscape/scenic quality through vegetation works and maintenance.

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Stage 2

- (1) Landscaping is to be installed in accordance with the approved Landscape Plan (Stage 2), prepared by Urban Simplicity, Job No. 14-070, Sheet 19-23, Issue B, dated 22/01/2015 lodged in relation to DA010.2014.00000502.001 prior to the release of the Occupation Certificate for each dwelling proposed in Stage 2. The landscaping must be maintained in accordance with the details provided on the Landscape Plan at all times.

Stage 3

- (2) Landscaping is to be installed in accordance with the approved Landscape Plan (Stage 3), prepared by Urban Simplicity, Job No. 14-070, Sheet 20-23, Issue B, dated 22/01/2015 lodged in relation to DA010.2014.00000502.001 prior to the release of the Occupation Certificate for each dwelling in Stage 3. The landscaping must be maintained in accordance with the details provided on that Landscape Plan at all times.

17. SALINITY MANAGEMENT

These conditions have been imposed in response to the NSW State Governments' best management practices for the management of urban salinity.

Stage 2 and 3

- (1) The concrete slab for each new dwelling proposed shall be constructed using Class 32 mpa (N32) concrete or a sulphate resisting type SR cement with a water to cement ratio of 0.5. Salt resistant concrete which has been mixed, laid and cured is less permeable to water and therefore salt. Details verifying compliance with this condition shall be submitted to the Principal Certifying Authority after placement of the concrete and prior to any further building work.

18. OCCUPATION & USE

These conditions have been imposed to ensure the development and associated activities/operation are acceptable in terms of the amenity of the neighbourhood and the public interest whilst maintaining its functional operation:

All Stages

- (1) The proposed new dwellings shall not be occupied until an Occupation Certificate has been issued by the Principal Certifying Authority.

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- (2) Under clause 97A(2) of the Environmental Planning and Assessment Regulation, 2000, it is a condition of this development consent that all the commitments listed in the relevant BASIX Certificate are fulfilled.

In this condition:

- a) **relevant BASIX Certificate** means
 - i) a BASIX Certificate that was applicable to the development when this consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development consent when this 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 the term in the Environmental Planning and Assessment Regulation, 2000.

19. SECTION 94 CONTRIBUTIONS

These conditions have been imposed to ensure the adequate provision of public facilities required as a result of the development.

Stage 1

- (1) Payment of a Contribution for one (1) additional lot in accordance with the Wollondilly Section 94 Contribution Plan 2011, the cost of which will be determined and payable at the time of the release of the Subdivision Certificate.

The current amount payable is:

(i) Open Space, Sport & Recreation (Shire)	\$ 275
(ii) Open Space, Sport & Recreation (Precinct)	\$6,534
(iii) Library & Community Facilities (Shire)	\$1,301
(iv) Library & Community Facilities (Precinct)	\$1,716
(v) Transport & Traffic (Roads & Intersections)	\$4,668
(vi) Transport & Traffic (Cycleways)	\$ 365
(vii) Bushfire Protection	\$ 33
(x) Plan Administration	\$ 745
TOTAL	\$14,892

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Stage 2

- (2) Payment of a Contribution for one (1) additional dwelling in accordance with the Wollondilly Section 94 Contribution Plan 2011, the cost of which will be determined and payable at the time of the release of the Subdivision Certificate.

The current amount payable is:

(i)	Open Space, Sport & Recreation (Shire)	\$ 160
(ii)	Open Space, Sport & Recreation (Precinct)	\$3,794
(iii)	Library & Community Facilities (Shire)	\$ 755
(iv)	Library & Community Facilities (Precinct)	\$ 996
(v)	Transport & Traffic (Roads & Intersections)	\$4,668
(vi)	Transport & Traffic (Cycleways)	\$ 212
(vii)	Bushfire Protection	\$ 19
(x)	Plan Administration	\$ 530
	TOTAL	\$11,134

Stage 3

- (3) Payment of a Contribution for one (1) additional dwelling in accordance with the Wollondilly Section 94 Contribution Plan 2011, the cost of which will be determined and payable at the time of the release of the Subdivision Certificate.

The current amount payable is:

(i)	Open Space, Sport & Recreation (Shire)	\$ 160
(ii)	Open Space, Sport & Recreation (Precinct)	\$3,794
(iii)	Library & Community Facilities (Shire)	\$ 755
(iv)	Library & Community Facilities (Precinct)	\$ 996
(v)	Transport & Traffic (Roads & Intersections)	\$4,668
(vi)	Transport & Traffic (Cycleways)	\$ 212
(vii)	Bushfire Protection	\$ 19
(x)	Plan Administration	\$ 530
	TOTAL	\$11,134

These figures are reviewed quarterly in accordance with the provisions of the Contributions Plan and an updated figure must be obtained from Council at the time of payment.

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20. SUBDIVISION PLANS

These conditions have been imposed to ensure to outline the minimum development standards and provide design guidelines for the subdivision of land in the Shire.

All Stages

- (1) A letter from a Registered Surveyor shall be submitted to Council certifying that no services of Public Utility or waste water disposal presently connected to existing buildings straddle proposed boundaries after subdivision.
- (2) Submission to Council of the Linen Plan of Subdivision together with nine (9) copies suitable for certification by the General Manager and lodgement at the Lands Titles Office. A fee for the release of the Subdivision Certificate applies.
- (3) The development shall be completed in accordance with the relevant plans and conditions of consent prior to the release of the Subdivision Certificate.

Stage 2

- (4) The subdivision certificate for Stage 2 shall not be released until after the Occupation Certificate has been issued for the new dwelling.

Stage 3

- (5) The subdivision certificate for Stage 3 shall not be released until after the occupation certificate has been issued for both new dwellings.

21. PRESCRIBED CONDITIONS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979.

These conditions are imposed as they are mandatory under the Act.

- (1) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA AND INSURANCE REQUIREMENTS UNDER THE HOME BUILDING ACT 1989
 - (a) For the purposes of section 80A(11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (i) that the work must be carried out in accordance with the requirements of the *Building Code of Australia*.

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- (ii) 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.
- (b) For the purposes of *section 80A(11)* of *the Act*, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the *Building Code of Australia*.
- (c) This clause does not apply:
 - (i) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187(6) or 188(4), or
 - (ii) to the erection of a temporary building, other than a temporary structure to which subclause (1)(b) applies.
- (d) In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application is made for the relevant:
 - (i) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (ii) construction certificate, in every other case.

Note: There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

(2) SIGNS TO BE ERECTED ON BUILDING, SUBDIVISION AND DEMOLITION SITES

- (a) In accordance with Section 80A (11) of the Environmental Planning & Assessment Act, 1979, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) Showing the name, address and telephone number of the Principal Certifying Authority for the work; and
 - (ii) 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
 - (iii) Stating that unauthorised entry to the work site is prohibited.

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- (b) 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.
- (c) This Clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

(3) NOTIFICATION OF HOME BUILDING ACT 1989 REQUIRMENTS

- (a) For the purposes of Section 80A (11) of the Act, the requirements of this condition are prescribed as conditions of a Development Consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
- (b) 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:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - (aa) the name and licence number of the principal contractor; and
 - (ab) the name of the insurer by which the work is insured under Part 6 of that Act.
 - (ii) in the case of work to be done by an owner-builder:
 - (aa) the name of the owner-builder; and
 - (ab) if the owner-builder is required to hold an owner-builder permit under the Act, the number of the owner-builder permit.
- (c) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under sub-condition (2) becomes out of date, further work 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 updated information.

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- (4) Under clause 97A(2) of the Environmental Planning and Assessment Regulation, 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. 609842S_02, 609875S_02 and 6098757S_02 are fulfilled. If a replacement BASIX Certificate accompanies any subsequent application for a Construction or Occupation Certificate, the replacement BASIX Certificate shall apply.

22. ADVICES

- (1) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc., that require alterations shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.
- (2) The following service providers should be contacted before commencement of construction to establish their requirements:
- Telstra (telephone) 1 800 768 396
 - Endeavour Energy (electricity) 131 081
 - AGL (gas) 131 245
 - Sydney Water (water & sewer) 132 092.
- (3) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
- (4) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
- Motor Vehicle Insurance (comprehensive or property damage) for all self-propelled plant, as well as valid registration or RTA permit (Including CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.
 - Workers Compensation Insurance.
 - Ten Million Dollar Public Liability Insurance.

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- (5) The land is subject to the provisions of Clause 5.9 of Wollondilly Local Environmental Plan, 2011 and Section 2.3 of Volume 1 of Wollondilly Development Control Plan 2010 with regard to the preservation of trees and vegetation. Under these plans consent may be required for tree clearing beyond the limits set by this consent. If you intend to remove any vegetation you should make yourself familiar with the provisions of both plans. The plans may be viewed on Council's website at www.wollondilly.nsw.gov.au or at Council's offices at 62-64 Menangle St, Picton.
- (6) This Consent does not permit the commencement of construction unless a Construction Certificate has been issued. For details about obtaining a Construction Certificate contact Council's Development Services Section.
- (7) The applicant is advised that Council reserves the right to restrict the days and hours of operation if considered necessary to prevent the emission of "offensive noise" as defined in the *Protection of the Environment Operations Act, 1997*.
- (8) The applicant is advised that Council reserves the right to restrict the days and hours of operation if considered necessary to prevent the emission of "offensive noise" as defined in the *Protection of the Environment Operations Act, 1997*.

Offensive noise means noise:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
 - (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.
- (9) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.

PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

- (10) A Road Opening Permit must be obtained from Council before trenching or other excavation work is undertaken within the public road reserve. It is the responsibility of each contractor and/or subcontractor to obtain such a permit. The permit must be held on site and produced when requested by a Council Officer.

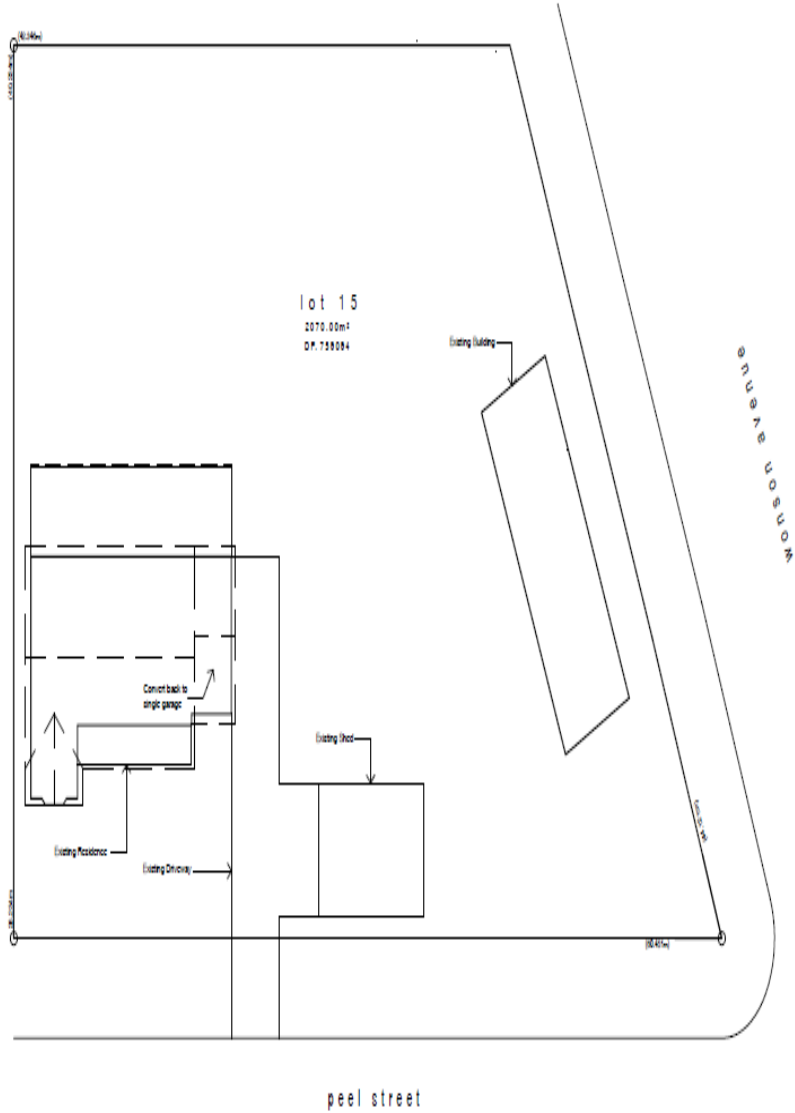
This Consent does not permit the commencement of construction unless a Construction Certificate has been issued. For details about obtaining a Construction Certificate contact Council's Development Services Section.

PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

ATTACHMENT 1 – 010.2014.00000502.001 – 16 MARCH 2015

Planning & Economy

- DRAWING NOTES**
1. All construction shall comply with the provisions of the Building Code of Australia (BCA) and the provisions of the Building Regulations 2001. Earthquake suspension for existing (ERS) shall be provided for all existing structures.
 2. DO NOT SCALE FROM DRAWING. TO CONFIRM MEASUREMENTS, please contact the Author for verification.
 3. All dimensions are provided in metres to the nearest millimetre, rounded by the Author.
 4. Structures shall be constructed in accordance with the provisions of the Building Code of Australia (BCA) and the provisions of the Building Regulations 2001.
 5. Wherever indicated by the Author, the structure shall be constructed in accordance with the provisions of the Building Code of Australia (BCA) and the provisions of the Building Regulations 2001. The Author shall not be responsible for any construction or any other work not shown on this drawing.
 6. Wherever indicated by the Author, the structure shall be constructed in accordance with the provisions of the Building Code of Australia (BCA) and the provisions of the Building Regulations 2001. The Author shall not be responsible for any construction or any other work not shown on this drawing.
 7. All dimensions are provided in metres to the nearest millimetre, rounded by the Author.
 8. Structures shall be constructed in accordance with the provisions of the Building Code of Australia (BCA) and the provisions of the Building Regulations 2001.



client approved:

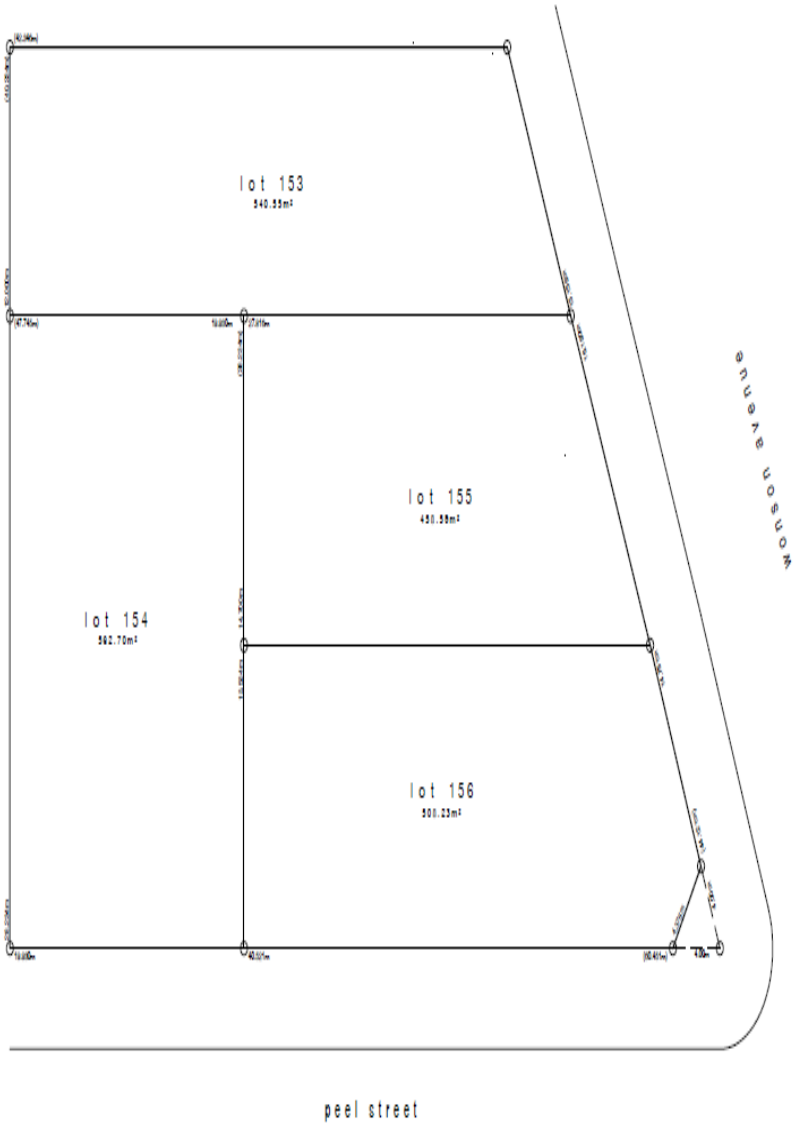


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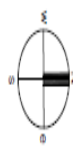
PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

ATTACHMENT 2 – 010.2014.00000502.001 – 16 MARCH 2015

- NOTES:**
1. THIS PLAN IS THE PROPERTY OF URBAN SIMPLICITY. IT IS TO BE USED FOR THE PURPOSES OF THE PROJECT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF URBAN SIMPLICITY.
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final subdivision plan-all stages
scale 1:250



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PE2 – Demolition and the Construction and Subdivision of 2 Dual Occupancies (three new dwellings)

ATTACHMENT 3 – 010.2014.00000502.001 – 16 MARCH 2015

Planning & Economy

1. All excavations to be clear away from drains, gutters, pedestrian & roadway.

2. Minimise disturbance of areas on site & nearby.

3. Connect all drainage to existing & they water stormwater system as soon as practical.

4. Install security fence to front boundary. It maintain until completion of project, prior to commencement of any form of activities.

SEDIMENT FILTER FENCE NOTES

1. Locate posts along the length of the proposed fence in the positions shown on the site plan. (Space posts a maximum of 3m apart and drive them at least 0.6m into the ground. If extra-strength or self-supporting fabric is used without the wire support fence posts spacing must not exceed 1.0m. Posts for sediment fences can be either 0.1m diameter wood or equivalent 100mm steel with a minimum length of 1.2m. (fence posts must have projections to which the wire is fastened).

2. Excavate a trench (approximately) 0.1m wide and 0.2m deep along the line of posts and upslope from the barrier.

3. Fasten wire mesh securely to the upslope side of fence. Use heavy-duty wire staples at least 7.5cm long and tie wire. Extend the wire mesh 0.15m into the trench wire fence reinforcement for sediment fences must be a minimum of 14 gauge & have a maximum mesh spacing of 0.15m.

4. Fasten the filter fabric to the uphill side of the fence posts. It extend 0.15m into the trench. The height of the fence should not exceed 0.6m. Do not staple fabric onto trees. Cut the filter fabric from a continuous roll to avoid the use of joints. When joints are necessary, splice the filter cloth at a support post, with a minimum 0.15m overlap. It securely fasten both ends to the post.

5. Back fill the trench over the top of the fabric & compact soil.

6. Inspect & repair fence after each rain event for undercutting, sagging and overtopping.

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