

Attachments Booklet

Local Planning Panel Meeting

Thursday 22 March 2018

Contents

SUSTAINABLE AND BALANCED GROWTH

1.	Development Application No.010.2017.00000407.001 24 and 28 Menangle Street, Picton	3
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Report 1 Attachments

1. Application plans for approval (as amended)
2. Statement of Environmental Effects (as amended)
3. Traffic Impact Statement, Aztec Draft & Design
4. Peer Review of Traffic Proposal, TRAFFIX
5. Structural Assessment of front façade, GF Murphy Consulting Pty Ltd
6. Draft consent conditions

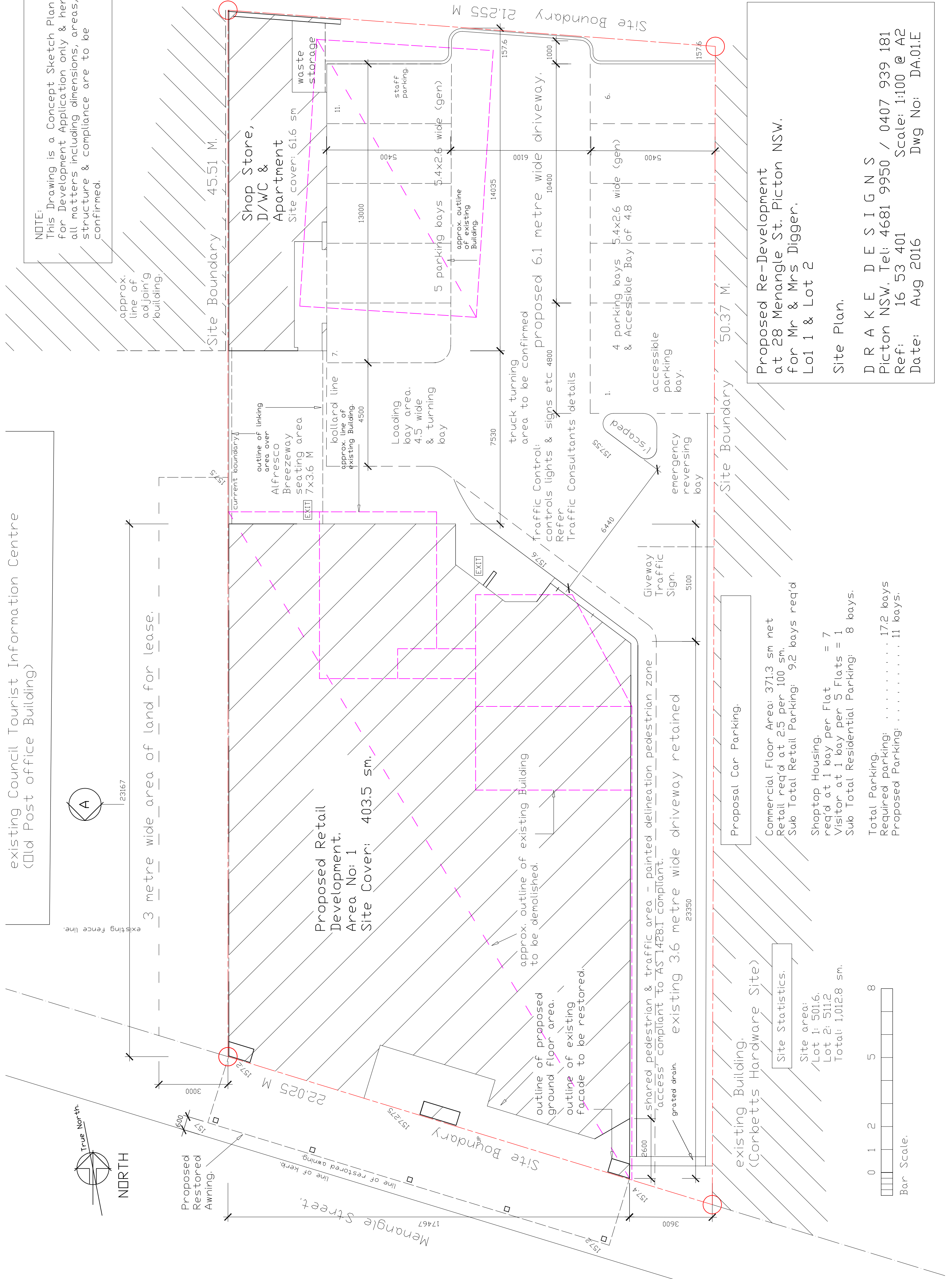
Thursday 22 March 2018

Report 1 – Development Application No
010.2017.00000407.001 – 24 & 28 Menangle St, Picton

existing Council Tourist Information Centre
(Old Post office Building)

NOTES

NOTE:
This Drawing is a Concept Sketch Plan
for Development Application only & hence
all matters including dimensions, areas,
structure & compliance are to be
confirmed.



Proposed Re-Development
at 28 Menangle St, Picton NSW,
for Mr & Mrs Digger,
Lot 1 & Lot 2

Site Plan.

D R A K E D E S I G N S
Picton NSW, Tel: 4681 9950 / 0407 939 181
Ref: 16 53 401 Scale: 1:100 @ A2
Date: Aug 2016 Dwg No: DA.01.E

Site Plan.

D R A K E D E S I G N S
Picton NSW, Tel: 4681 9950 / 0407 939 181
Ref: 16 53 401 Scale: 1:100 @ A2
Date: Aug 2016 Dwg No: DA.01.E

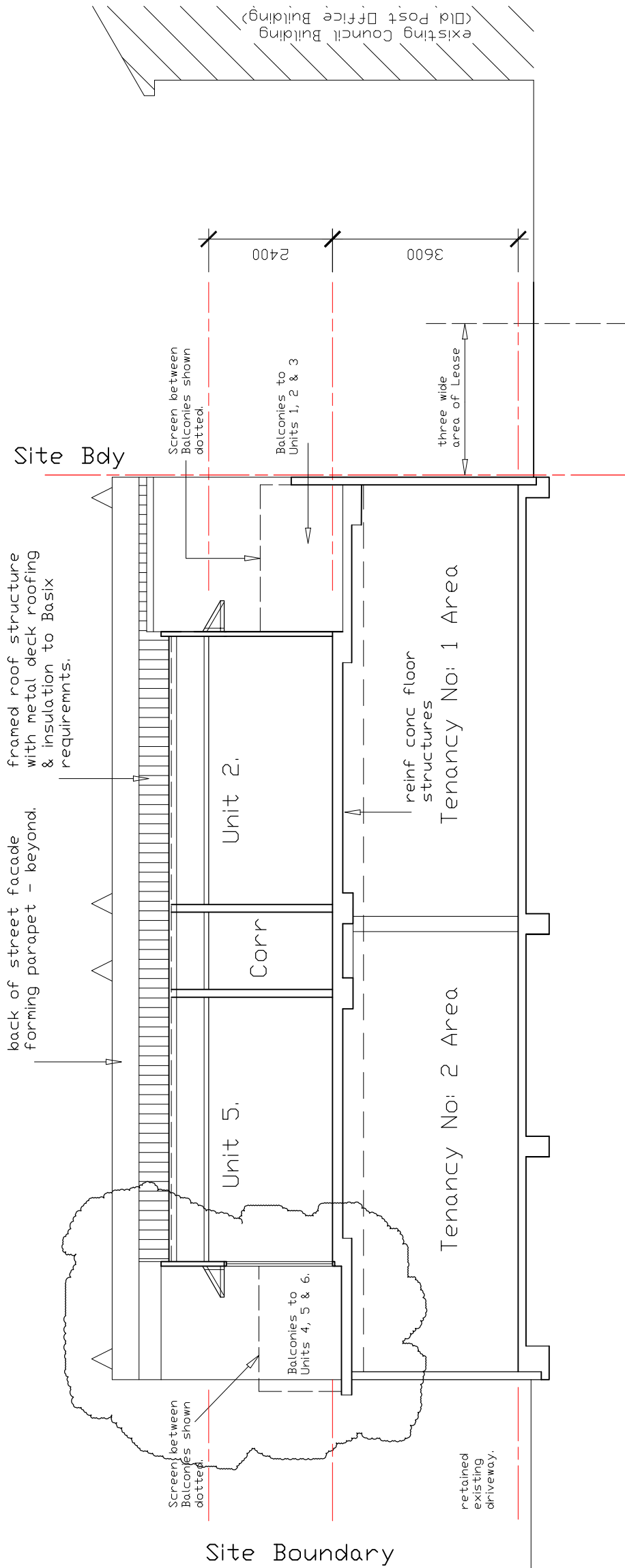
Commercial Floor Area: 3713 sm net
Retail req'd at 2.5 per 100 sm.
Sub Total Retail Parking: 9.2 bays req'd

Shoptop Housing.
req'd at 1 bay per Flat = 7
Visitor at 1 bay per 5 Flats = 1
Sub Total Residential Parking: 8 bays.

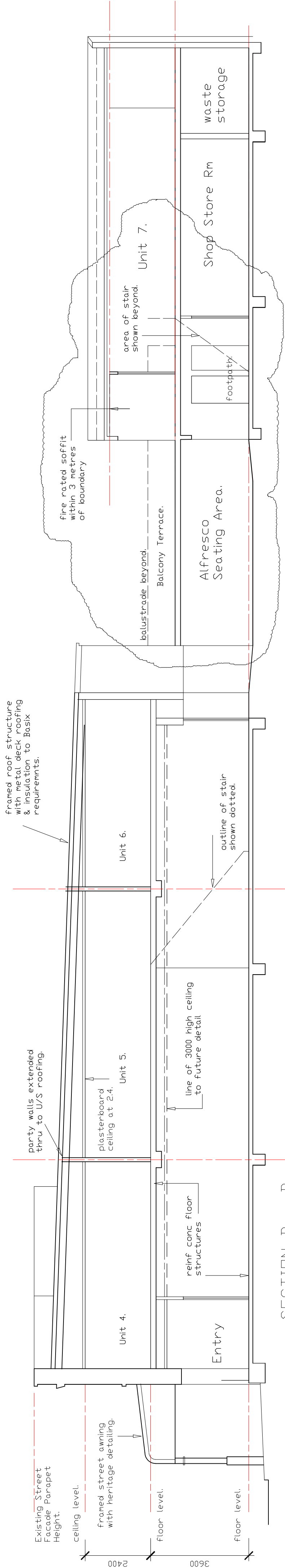
Total Parking: 17.2 bays
Required parking: 11 bays.
Proposed Parking: 11 bays.

[illegible]

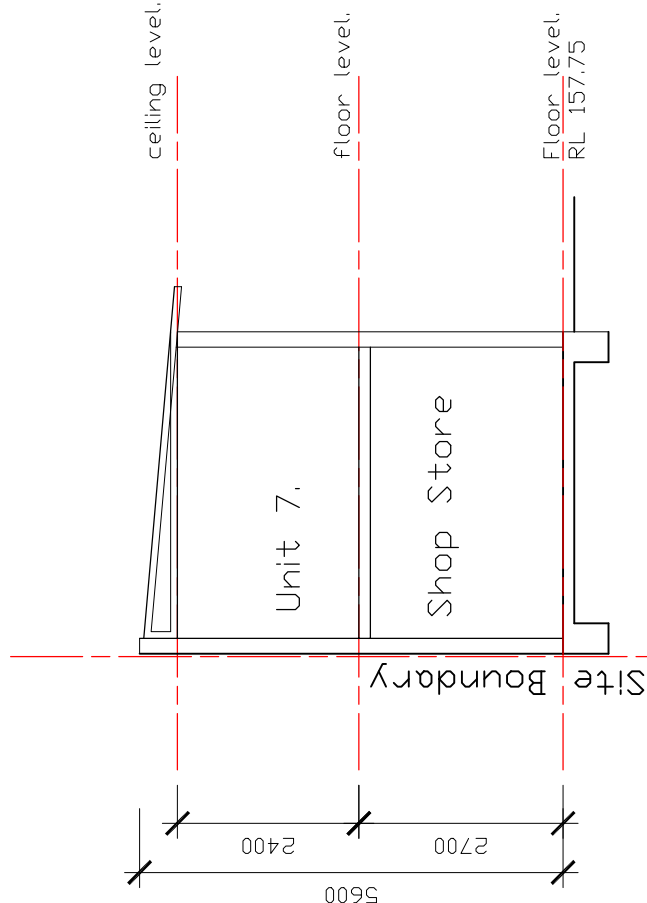
June 2017	BSA Reference: 12151
Building Sustainability Assessments	Ph: (02) 0682 3439
enquiries@buildingsustainability.net.au	www.buildingsustainability.net.au
<p>Important Note</p> <p>The following specification was used to assess thermal performance values indicated on the Assessor's Certificate and takes precedence over any other specification.</p> <p>If different construction elements are applied then the Assessor's Certificate is no longer valid.</p>	
<p>Thermal Performance Specifications (does not apply to garage)</p>	
<p>External Wall Construction</p> <p>Brick Veneer (existing) & Lightweight Concrete + Plasterboard</p>	<p>Added Insulation</p> <p>R2.0 R1.0</p>
<p>Internal Wall Construction</p> <p>Plasterboard on studs & Concrete Plasterboard + Frame + Plasterboard (party walls)</p>	<p>Added Insulation</p> <p>R2.0 to walls adjacent to balconies R2.0 + R2.0</p>
<p>Ceiling Construction</p> <p>Plasterboard</p>	<p>Added Insulation</p> <p>R3.5 to ceilings adjacent to roof space</p>
<p>Roof Construction</p> <p>Metal</p>	<p>Added Insulation</p> <p>Foil + R1.0 blanket</p>
<p>Floor Construction</p> <p>Concrete & Timber</p>	<p>Added Insulation</p> <p>none</p>
<p>Windows</p> <p>Glass and frame type Single Clear in aluminium frames Single Clear in timber frames (existing)</p>	<p>U Value</p> <p>Area sq m</p> <p>As drawn</p> <p>As drawn</p>
<p>Slyghts</p> <p>Glass and frame type</p>	<p>U Value</p> <p>Area sq m</p>
<p>U and SHGC values are according to AFRC. Alternate products may be used if the U value is lower and the SHGC is less than 10% higher or lower than the above figures.</p>	
<p>External Window Shading</p> <p>All shade elements installed as drawn</p>	<p>(eaves, verandahs, pergolas, awnings etc)</p>
<p>Ceiling Penetrations</p> <p>No adjustment has been made for losses to insulation arising from ceiling penetrations.</p>	<p>(downlights, exhaust fans, flues etc)</p>



SECTION A - A-



SECTION B - B-



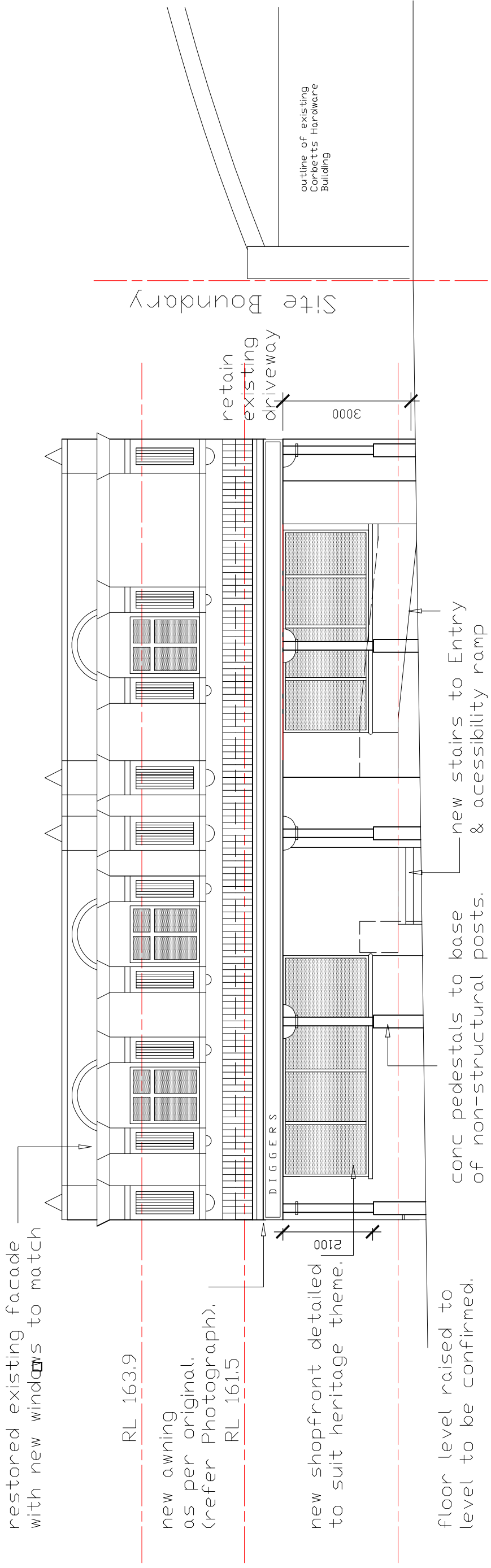
SECTION C - C

Proposed Re-Development
at 28 Menangle St, Picton NSW,
for Mr & Mrs Digger,
Lot 1 & Lot 2

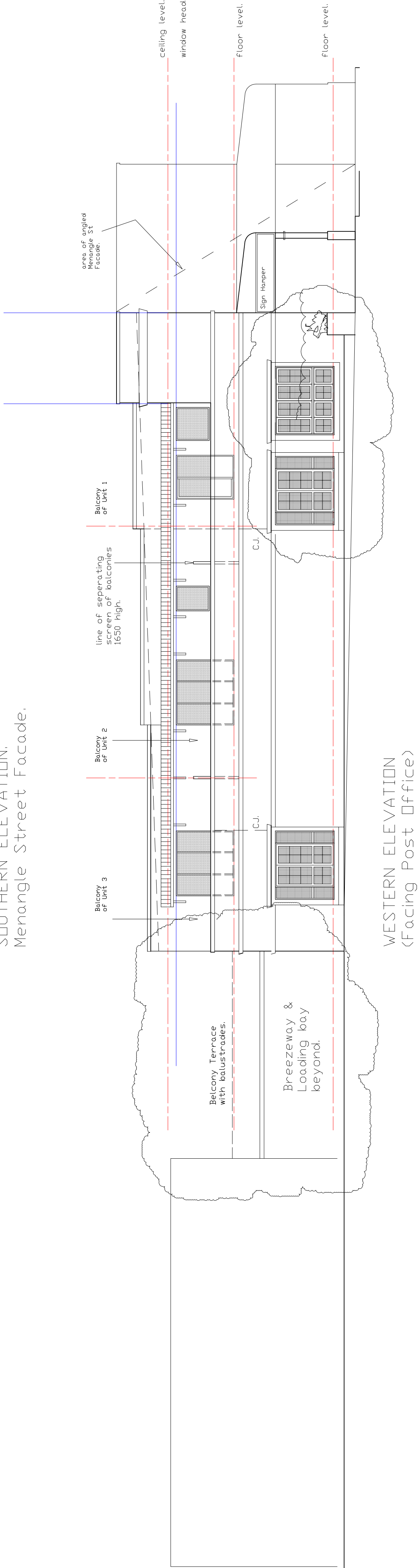
SCHEMATIC SECTIONS:

D R A K E D E S I G N S
Picton NSW, Tel: 4681 9950 / 0407 939 181
Ref: 16 53 401 Scale: 1:100 @ A2
Date: Aug 2016 Dwg No: DA,04.E

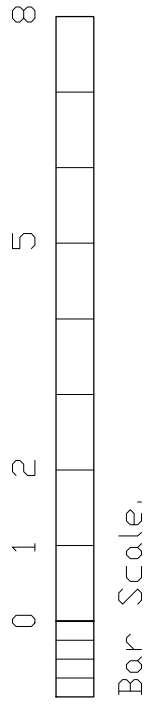
NOTE: This Drawing is a Concept Sketch Plan for Development Application only & hence all matters including dimensions, areas, structure & compliance are to be confirmed.



SOUTHERN ELEVATION,
Menangle Street Facade.



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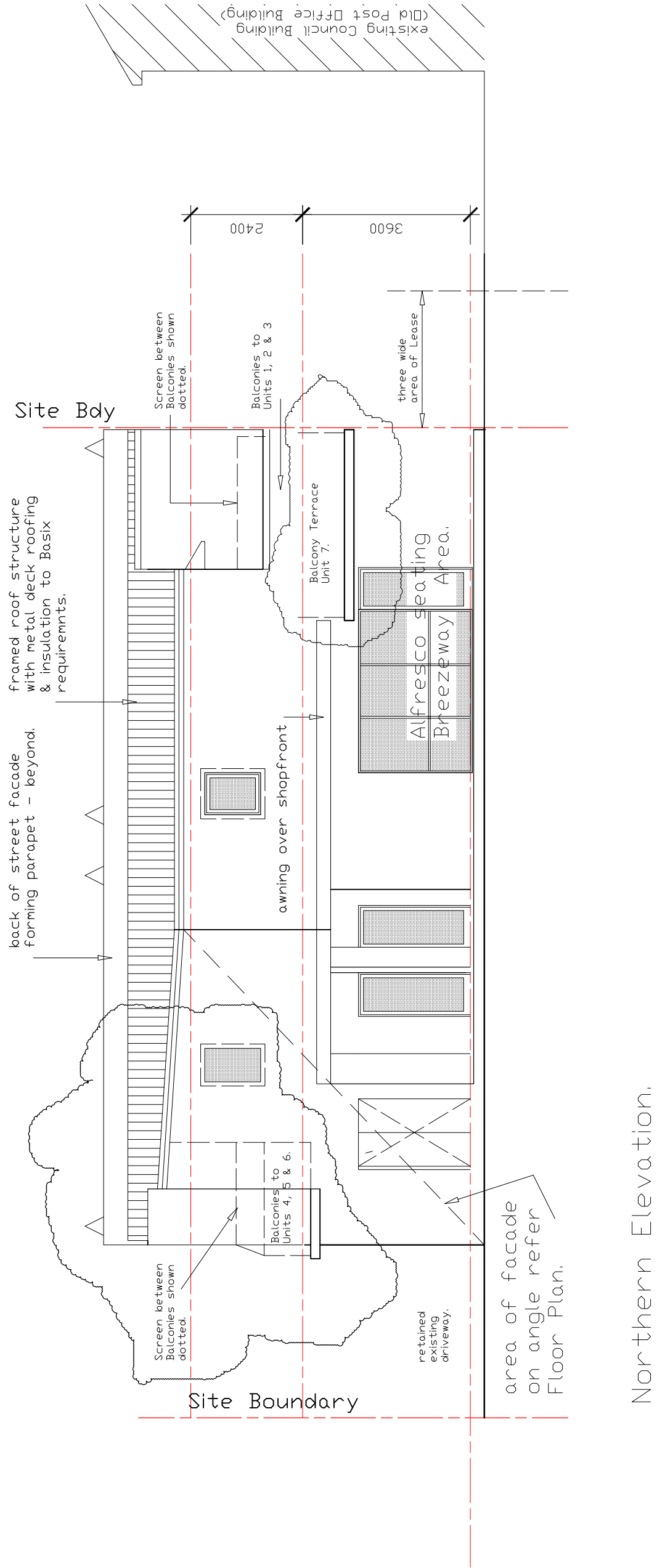
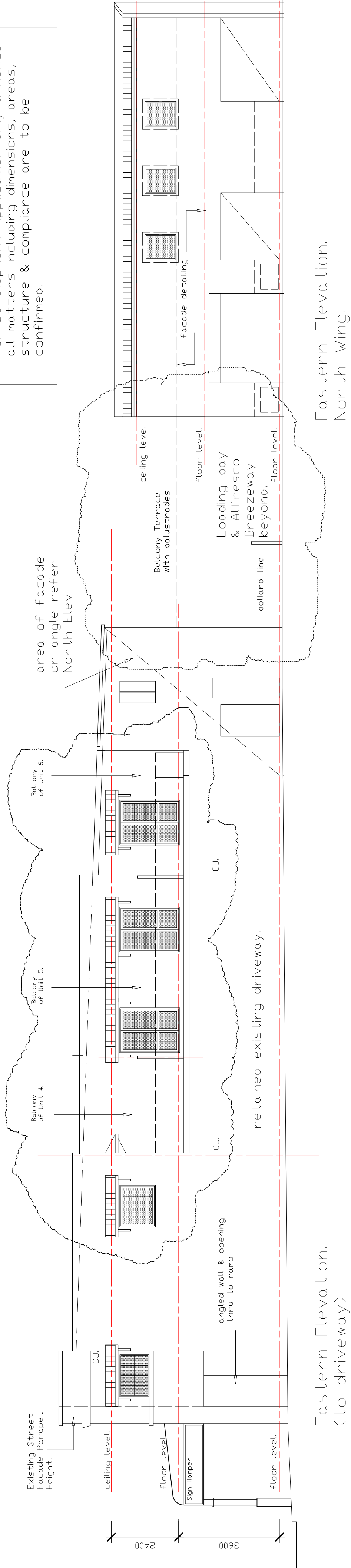


Proposed Re-Development
at 28 Menangle St, Picton NSW,
for Mr & Mrs Digger,
Lot 1 & Lot 2

Elevations - South & West.

D R A K E D E S I G N S
Picton NSW, Tel: 4681 9950 / 0407 939 181
Ref: 16 53 401 Scale: 1:100 @ A2
Date: Aug 2016 Dwg No: DA,05.C

NOTE: Drawing is a Concept Sketch Plan for Development Application only & hence all matters including dimensions, areas, structure & compliance are to be confirmed.



Proposed Re-Development
at 28 Menangle St, Picton NSW.
for Mr & Mrs Digger,
Lot 1 & Lot 2

Elevations - North & East.

D R A K E D E S I G N S
Picton NSW, Tel: 4681 9950 / 0407 939 181
Ref: 16 53 401 Scale: 1:100 @ A2
Date: Aug 2016 Dwg No: DA.06.C

Statement of Environmental Effects: 28 Menangle St, Picton

Redevelopment of existing
commercial premises and
shop-top housing

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January 2018

EXECUTIVE SUMMARY

- The subject site No. 28 Menangle Street, in the commercial centre of Picton.
- The proposed development involves demolition of all building works, except for the existing building façade, and the erection of ground floor commercial / storage space and seven (7) first floor residential units. An attached new structure will also be erected at the rear of the site to accommodate ground floor storage and a first floor 'accessible' dwelling.
- The proposal satisfies Council's relevant planning controls and policies and is satisfactory when considered against the objectives of those controls and policies.
- The subject proposal is consistent with the objectives of the governing land use zone in that it supports and retains the principles which underpin the B2 – Local Centre land use zone, as well as the heritage conservation principles contained in Wollondilly LEP 2011.
- No unreasonable external impacts arise from the proposal.

1. INTRODUCTION

This report provides the following:

- A description of the subject site and the surrounding area.
- A description of the proposed development.
- A summary and description of the relevant planning controls that apply to the land and the proposed development.
- Identification and discussion of the key assessment issues.
- An assessment of the proposal in accordance with Section 79C of the Environmental Planning and Assessment Act, 1979.
- This Statement of Environmental Effects (SOEE) is supported by a:
 - Architectural plans, including floorplan, elevations and section drawings of the existing and proposed structures;
 - Site plan;
 - BASIX and ABSA certificates;
 - Waste Management Plan;
 - Updated Traffic Assessment prepared by 'Aztec Draft & Design', dated 11 January 2018.
 - Access Report prepared by 'Australian Access and Building Solutions, dated January 2018.

2. SITE AND SURROUNDS

2.1 The Subject Site

The details of the site are as follows:

- The subject site is described as Lots 1 and 2 in Deposited Plan 563577 and its street address is given as 28 Menangle Street.



(Extract SIX 150118)

Figure 1 – Plan showing location of subject site

- The subject site is of a slightly irregular, rectangular shape, bounded by Menangle Street to the south, and neighbouring properties to the west, north and east. Lot 1 has a total site area of 501.6sqm and Lot 2 has a site area of 511.2sqm, combining to achieve a total site area of 1012.8sqm.
- The site is a level site and all stormwater is discharged to Menangle Street.
- The site currently supports a single storey masonry commercial building with an extended parapet oriented to Menangle Street, with a skillion roof at the rear. The street elevation parapet comprises a high level of detailing, including pilaster column features, string courses, cornices, copings & lintels while the side & rear walls are of simple brickwork without significant features. The building previously had a street awning over the footpath supported with posts.

It has subsequently been replaced with cantilevered steel awning.

A free standing timber outbuilding with a pitched metal roof is located at the rear of the site adjacent to the NW corner.

The main building is currently operated as a furniture and flooring store by the property owners, and the outbuilding used for storage in association with this operation.

- Vehicle access to the site is provided by a 3.6m wide access driveway adjacent to the eastern boundary. The neighbouring structure to the east comprises a masonry wall built to the boundary of approximate height, 2.2m.
- The site as an item of environmental heritage of local significance ('Furniture Store') and is also within the *Picton Heritage Conservation Area*.
- The site is within the Wilton Mine Subsidence District.
- The site does not support any vegetation of any consequence.

Figure 2 presents an aerial view of the site and other images of the site are presented as Figures 3-7.



(Extract from SIX 15/01/18

Figure 2 – Aerial view of subject site and surrounds



Figure 3 – Front view of existing building



Figure 4 – View south, showing rear of structure and driveway access to Menangle Street



Figure 5 – View west, showing out buildings on RHS.



Figure 6 – View north, showing existing outbuilding at rear of site.



Figure 7 – View north, showing adjacent building and Council owned land in between.

2.2 The Surrounding Area

The site is located in central location near the main intersection of Picton's town centre. As such, surrounding development comprises buildings and activities of a commercial/business, retail or community character. Neighbouring occupancies include a vacant former hardware store ('Corbett's Hardware Store') to the east, Council owned former Tourist Information Centre (former Post Office) to the west, and former National Australia Bank on the opposite side of Menangle Street.

Further to the east of Menangle Street, administrative uses including Picton Library, the School of Arts and Council offices are located, as well as St Anthony's Catholic Primary School.

The site and building contributes to the context of a group of historically important administrative buildings within Picton's town centre, and forms the main eastern entry to the commercial centre.

3. THE PROPOSAL

Following significant structural damage caused by inundation associated with the 'July 2016 Picton Flood', it is proposed to redevelop the site. Key features of the proposed redevelopment are as follows:

- Retention of the existing heritage listed building façade to Menangle Street, including brickwork, entry and window openings and associate architectural detailing, and demolition of the remainder of structural and building works on the site.
- Construction of a new commercial building at ground floor level comprising a total floor area of 403.5sqm. Adaptability is built into the design of the commercial tenancy to allow it be divided into two (2) separate tenancies, subject to future market demand. The floor plan provides for three (3) WC facilities (including 1 x accessible), a cleaners cupboard, external electricity cupboard, and exhaust ducts (for future installation, if required).

A separate semi-detached structure will provide ground floor storage space to the main building, and comprises a floor area of 47.4sqm, and this will be attached to the main building by way of a breeze-way structure. The ground floor to the breezeway (of 25sqm) will be open the east and protected from the car parking and manoeuvring area by the installation of bollards.

A new access ramp will be installed to the eastern side of the main shop entry.

- Two (2) new door openings and one (1) window opening to be installed in the western boundary wall of the proposed reconstructed building, to permit the opportunity for a potential outdoor dining / seating area (subject to future occupant desire and Council approval). Preliminary discussions undertaken with Wollondilly Council (Property Section) in terms of securing a lease for an area 3m wide have been positive. No access to the outdoor area will be provided directly from Menangle Street.
- A new awning (reflecting a more 'traditional' verandah structure) will be installed to the Menangle Street elevation, supported by posts to be installed in the footpath.
- Construction of seven (7) residential units on the first floor to the proposed new commercial building. Details are summarised as follows:
 - Unit 1 – 2 bedrooms – 58.6sqm
 - Unit 2 – 1 bedrooms – 47sqm
 - Unit 3 – 1 bedroom – 48.4sqm
 - Unit 4 – 2 bedrooms – 67.3sqm
 - Unit 5 – 1 bedroom – 51sqm
 - Unit 6 – 1 bedroom – 44.8sqm
 - Unit 7 – studio – 44.3sqm

Each unit is provided with a balcony, all of which are oriented to the west and east. Units 1-6 are sited on the new proposed first floor above the main commercial building and are serviced with

stairwell access within a ground floor entry lobby and first floor common 'corridor', whilst unit 7 will be serviced with an independent stairwell only.

Construction will comprise concrete floors and wall panels, and an external colour scheme will be determined in consultation with heritage advice to be obtained.

- Onsite car parking will be provided for eleven (11) vehicles. Car parking space No. 1 is designed as an "accessible" space. Each space is of minimum dimensions 2.6m x 5.4m.
- A waste storage enclosure will be sited in a recessed enclosure adjacent to the 'accessible' studio apartment / storage building. Waste will be collected by an independent waste collection contractor who have advised that there is sufficient manoeuvring area on site to accommodate a SRV (small rigid vehicle) and waste receptacles can be accessed by a 'tailgate lifter'. Refer separate advice from Waste Contractor.
- Piped stormwater drainage to Menangle Street will be maintained.
- Vehicular access to Menangle Street is provided by way of a driveway access along the site's eastern boundary. The driveway width will be maintained at its current width of 3.6m.
- A signalised vehicle access system is proposed in to manage potential vehicle conflict within the 3.6m wide driveway, and this enables the front façade of the building to be retained largely in its existing form. A splay corner will be removed from the front corner of the building to improve sight distance. Access to the site will be 'left-in' only from Menangle St and access from the site, 'left-out' only.
- Consolidation of the existing two (2) lots, to rectify a lot boundary anomaly as the existing and proposed buildings will otherwise straddle a lot boundary.

4. PLANNING CONTROLS

4.1 Overview

The primary planning control applying to the land and the proposed development is Wollondilly Local Environmental Plan 2011.

Other planning instruments and controls that are relevant to the development proposal, which are discussed in this report, are:

- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55);
- Wollondilly Development Control Plan 2016 – Volume 1 - General;
- Wollondilly Development Control Plan 2016 – Volume 4 – Residential Development; and
- Wollondilly Development Control Plan 2016 – Volume 5 – Commercial and Community Uses.

4.2 State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

Clause 7(1) of SEPP 55 provides that development consent must not be granted by Council, unless:

- (a) It has considered whether the land is contaminated, and*
- (b) If the land is contaminated , it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) If the land requires remediation to be suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The subject site has not been identified as an ‘area of environmental concern’, and accordingly a contamination assessment has not been prepared.

4.4 Wollondilly Local Environmental Plan 2011 (WLEP 2011)

Under the provisions of WLEP 2011, the land is zoned **B2 Local Centre**.

The objectives of the *Zone B2 Local Centre* zone are listed in Wollondilly LEP 2011 as:-

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*

- *To maximise public transport patronage and encourage walking and cycling.*
- *To provide for appropriate residential development in the form of shop top housing to support the vitality of the local area.*

The proposed development is consistent with these objectives as:

1. The proposal will provide an adaptable commercial space that will be highly attractive to potential tenants given the location of the site at the core of Picton's commercial centre.
2. The proposal contributes to employment opportunities in a core town centre location which is highly accessible.
3. The site is well located to bus connections located in Menangle Street, and Picton rail way station.

As such, it can be seen that the proposed development is entirely consistent with, and does not offend any of the objectives of the B2 land use zone.

WLEP 2011 provides the following definitions for **commercial premises** and **residential accommodation**:

commercial premises means any of the following:

- (a) *business premises,*
- (b) *office premises,*
- (c) *retail premises.*

We note that ***food and drink premises*** and ***restaurant and café*** are defined as ***retail premises*** as referenced by the definition for ***commercial premises***, above.

At this stage, the proposal seeks consent for a generic form of 'commercial premises' only. Subject to future occupant arrangements, separate development consent may be sought for the operation of a 'restaurant / café' if suitable tenants can be secured.

residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following:

- (a) *attached dwellings,*
- (b) *boarding houses,*
- (c) *dual occupancies,*
- (d) *dwelling houses,*
- (e) *group homes,*
- (f) *hostels,*
- (g) *multi dwelling housing,*

- (h) residential flat buildings,
 - (i) rural workers' dwellings,
 - (j) secondary dwellings,
 - (k) semi-detached dwellings,
 - (l) seniors housing,
 - (m) shop top housing,
- but does not include tourist and visitor accommodation or caravan parks.

We note that the definition for **residential accommodation** includes 'shop-top housing'.

Other clauses of relevance to the proposed development, contained in Wollondilly LEP 2011, include:

Clause 4.3 Height of buildings provides that the height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#). The maximum building height for the subject site is given as 9.0m. The proposed development will achieve a maximum building height of 8.3m being the existing street elevation parapet wall, with a roof height of 7.7m behind the parapet wall. The proposal therefore complies.

Clause 5.10 Heritage Conservation provides that development consent is required for the demolition of any heritage item or, any building, work or tree within a heritage conservation area. The following relevant listings appear in Schedule 5 – Environmental Heritage, to Wollondilly LEP 2011:

Picton	Furniture store	28 Menangle Street	Lots 1 and 2, DP 563577	Local	I186
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Picton	Picton Conservation Area	Area shown by diagonal red hatching on the Heritage Map	C2
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Heritage Inventory listing sheets have been obtained for the subject site and it is noted that the building was constructed in 1902 by E Sheil for Mr C.H.Pichard who opened it as a general store. It was one of a chain of six stores at Thirlmere, The Oaks, Bargo, and Bowral. It was closed as a general store after a supermarket opened in the town in 1950. It was also known as 'Pickards Store', 'Oakmans Store', and 'Digger Store'.

Its physical description is described as:

"unusual asymmetrical street fronting elevation with 3 windows divided into 2 unequal bays by crudely detailed, truncated pilasters. Windows are single pane casements with square fanlights. Original shop functions recorded in raised render work lettering to parapet".

The Furniture Store is significant within the local community as evidence of the towns' regional importance during the late 19th-early 20th century period reflected in the development of its

commercial and government enterprises/ facilities. The building also has local aesthetic significance as a component of the group of early commercial and institutional buildings in the centre of Picton (this significance being enhanced by the extent to which the building has retained its somewhat eccentric original features and fabric and compromised by unsympathetic alterations especially below awning level) (Statement of Significance, Wollondilly Heritage Study by JRC Planning Services, 1992).

Picton Conservation Area is shown in the following extract of Councils heritage map. The subject site (28 Menangle Street) is identified as Item 186 (I186).

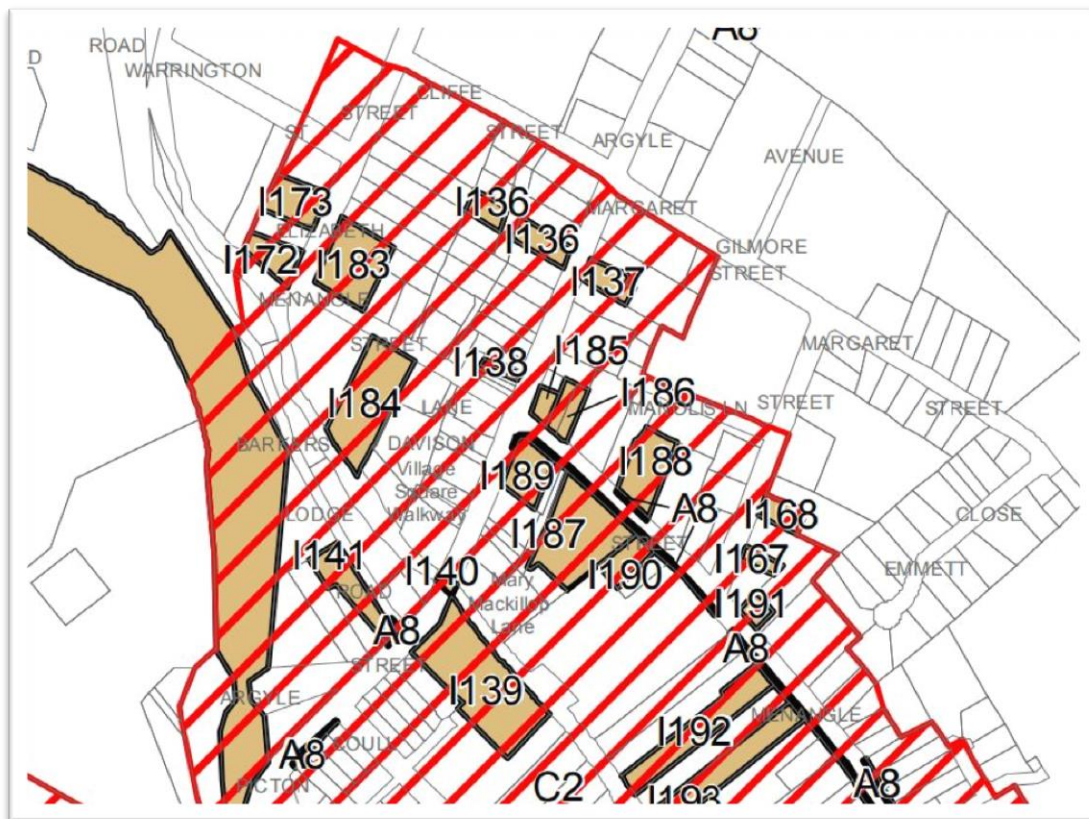


Figure 8 – Extract of Wollondilly LEP 2011 (heritage map)

The Statement of Significance for Picton Conservation Area is summarised as follows:

"The town centre is an excellent and highly intact mid to late 19th century streetscape. It represents the residential development of Picton as a township from the mid 19th century through to the early 20th century, but is Second Empire Victorian in character, reflecting the boom years of Picton's development. Although largely residential nature, Menangle Street contains a number of commercial and former commercial buildings, most notably the Imperial Hotel and the former Great Southern Hotel, Post Office, Bank and Shire Hall, reflecting the period in which the commercial focus of Picton was Menangle Street, not Argyle Street. The street contains many fine buildings that have significance individually and collectively and the entire streetscape is an essential component of the historic cultural landscape of Picton. Picton township is significant through its historical links with the development of the Great Southern Railway and the important role assumed by Picton in the operation of the railway and its

associated functions. Important evidence of this role is found not only in the extant railway structures but also in the residential and commercial buildings which served those workers constructing, and later operating, the railway. Such a range of evidence in such close proximity is not found in other areas of the State.

The area also has associations with the Antill family who initiated the original subdivision. Part of this area is recognised by the National Trust as having aesthetic significance as an excellent, relatively intact, example of a Victorian-era rural town area with its dramatic natural setting of the Stonequarry Gorge and the surrounding wooded hills". (Statement of Significance 21 March 2010)

Sub-clause (4) Effect of proposed development on heritage significance provides that the consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.

This application proposes the retention of a building façade listed as a locally significant item of environmental heritage, which includes original building fabric. The retention of both fabric and aesthetic, and incorporation within a new commercial / residential development will result in an intact streetscape in this part of Menangle Street and within Picton Conservation Area. As detailed in the above 'Statement of Significance', Menangle Street developed as the main commercial area of Picton until the commercial focus moved to Argyle Street around the turn of the 19th Century, whereupon it adopted a more 'administrative' and 'residential focus' further away from the main town intersection.

By retaining the existing building façade, legibility and respect to adjacent heritage items and the streetscape is maintained and conserved. In addition we would argue that the value of the Picton Conservation Area is enhanced by the protection of original heritage fabric within this key grouping of buildings.

4.5 Wollondilly Development Control Plan 2016 – Volume 1 - General

Wollondilly DCP 2016 (Volume 1 – General) applies to the site and to the development proposal and aims to make detailed local provisions for all land in Wollondilly Shire. Relevant provisions are discussed as follows:

Part 5 – Colonial Heritage

The subject site contains an item of environmental heritage and is also within the Picton Conservation Area. In terms of consistency with the NSW Guidelines for Development in Conservation Areas 'Design in Context', we consider that retention of the front building façade is integral. The relevant aspects of design, including height and scale, view corridors, architectural style and form, retention of original building materials and detailing, siting, and streetscape cohesiveness are all supported.

1. Advertising and Signage

Subject to future occupation of commercial tenancies, any advertising signage will be confined to the existing veranda fascia panels.

2. Additions, Alterations and Ancillary Development

The scale proportions, window and door openings will all be sensitive to the scale and character of the original building and the site context. There will be negligible modification to the street elevation and facade; however there will be some exposure to the new eastern elevation of the building from Menangle Street. This elevation will consist of a first floor balcony and balustrading, with window and door openings. This detailing will be consistent and complementary to the style and character of the building façade.

3. Demolition of Heritage Items

Whilst there has been support for complete demolition of the building, it is the owners' desire to retain the existing building façade, to maintain the physical interpretation and historical associations with the building and the site for the benefit of the broader community and future generations.

4. Subdivision of land containing a heritage item and/or land within a heritage conservation area or a Landscape Conservation Area.

There is no proposal to subdivide in a manner which will compromise the established historic layout. Lot consolidation will not adversely affect the historic street pattern.

5. Colours and built form on sites containing heritage items and within heritage conservation areas or a Landscape Conservation Area

External finishes will be in keeping with existing finishes reflected by the façade, or as per recommended "Heritage Colours 1820-1940". All new detailing (windows, doors, gutters and roofing) will reflect period proportions and materials, where applicable. Car parking and vehicle access is compliant with the DCP guidelines, in that they remain "behind the main building alignment" and "should be visually discreet and must be accessed via a rear lane where available".

5.4 Adaptive Re-use

Reconstruction of the ground floor commercial area permits the interpretation of the buildings original use(s) to be maintained and understood, as it will be a large open floorplan and will provide opportunities for interpretive material to be displayed.

Overall, we propose that the retention of the building facade represents an authentic attempt to retain original built fabric as well as building context, given that otherwise demolition of the building would be necessary as a result of irreparable damage caused by stormwater inundation. In this way, we contend that the sites' setting and context is also preserved within the curtilage of Picton Conservation Area.

Part 6 – Heritage (Specific Locations)

6.4 Heritage Conservation Area – Picton (Commercial Centre)

The objectives which frame the character description for the Commercial Centre Precinct as listed as:

- (a) To ensure development is sympathetic to the heritage character of the Commercial Centre Precinct,*
- (b) To ensure that the design and materials used in new buildings, restoration and renovation of existing buildings is appropriate in scale and form to the character of the Commercial Centre Precinct,*
- (c) To encourage the removal or upgrading of non-contributory elements in the area so as to enhance the setting of contributory elements,*
- (d) To encourage the retention of significant shop fronts,*
- (e) To promote the retention and reinstatement of original and characteristic shop front elements, and*
- (f) To ensure that alteration, additions and the construction of new buildings do not compromise the integrity and consistency of the commercial centre.*

We consider that the proposed development is consistent with these objectives, particularly those that relate to the retention of existing shop fronts and shop front elements. With respect to objective (f), we do not consider that the proposed vehicle access arrangements jeopardise the integrity of the commercial centre. Incorporation of the proposed vehicle ingress and egress arrangements will ameliorate any vehicle / pedestrian conflicts.

4.6 Wollondilly Development Control Plan 2016 – Volume 4 – Residential development

Wollondilly DCP 2016 (Volume 4 – Residential Development) applies to the site and to the development proposal.

The purpose of WDCP 2016 V4 is to provide controls for the development for the purposes of residential accommodation and other related land uses and any development ancillary to those uses. **Part 3.21 Shop Top Housing** applies to developments for shop top housing in the Wollondilly Shire.

Wollondilly DCP 2016 Vol 4 Part 3.21 – Shop Top Housing Details of Control	28 Menangle Street, Picton Details of Proposal	Complies (Y/N)
1. The first floor of the development shall be constructed as a commercial	The first floor (ground floor?) will be constructed and utilised as commercial floor space.	Y

development in accordance with the relevant provisions of V5 of this plan.		
2. The front façade of each floor of shop top housing shall be provided with at least one habitable room with a window looking out onto the public road.	Complies. The existing window proportions and locations in the Menangle St elevation are maintained. Each of the 3 windows will be contained within bedrooms to Units 1 & 4.	Y
3. Shop top housing developments must not: <ul style="list-style-type: none"> • Be mirror reversed; • Have a repeated façade; nor • Present an excessively bulky front façade. 	Complies. Each unit has been designed to sit within an existing building footprint.	Y
4. If more than 10 shop top housing units are proposed then at least one dwelling per five dwellings (rounded down) provided shall be an accessible dwellings complying with relevant Commonwealth Standards for disabilities access.	Not applicable	N/A
5. Shop top housing must not exceed the building footprint of the ground floor commercial part of the building.	Complies.	Y
6. Shop top housing must only be provided within 400m of an area of eligible public open space. In this clause, eligible public open spaces means an area of public park with an area no less than 3,000m ² and with children's play equipment and restrooms. Nothing in this control prevents an applicant from proposing works to enhance a public park to make it an eligible public open space.	Complies. The RSL Memorial Park (near Picton Bowling Club) is located 341m along Menangle and Argyle Streets.	Y
7. A balcony or verandah which provides a minimum principal area of private open space must be provided for each dwelling with the following characteristics: <p>a. Width no less than 2.5m</p>	Complies.	Y

<p>b. Must be directly accessible from, & adjacent to, a habitable room, other than a bedroom</p> <p>c. Have an area no less than 8sqm</p> <p>d. Must not be located in the front building setback of the ground floor</p> <p>e. Not be used for garbage storage</p>		
<p>8. A minimum of 1 car parking space shall be provided for each dwelling and 1 visitor parking space shall be provided for every 5 dwellings (rounded up). Where this parking is located within a parking lot used by commercial development suitable measures shall be provided to ensure they are reserved for residential use to the satisfaction of the consent authority.</p>	<p>Complies. Seven (7) residential spaces are provided, together with 2 visitor spaces.</p>	<p>Y</p>
<p>9. Sunlight is to be available to at least 50% of the dedicated private open space area of each dwelling for at least 3 hrs between 9am & 3pm on June 21.</p>	<p>Complies. Each unit is provided with a balcony oriented respectively to east or west.</p>	<p>Y</p>
<p>10. Wherever possible, the living areas within dwellings shall be given a northern orientation to maximise solar access.</p>	<p>The living areas to units 3 & 6 have a N orientation. Every other unit has either a W or E orientation to their balcony.</p>	<p>Y</p>
<p>11. The development must not result in unreasonable overlooking into the private open space or windows of habitable rooms in the vicinity.</p>	<p>Complies.</p>	<p>Y</p>
<p>12. 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.</p>	<p>Complies.</p>	<p>Y</p>
<p>13. The development shall be provided with onsite waste management facilities to allow for:</p> <p>a)the storage of the waste out of sight of any publically accessible</p>	<p>Complies.</p>	<p>Y</p>

place, dwelling window, area of private open space and area of common open space; and b) The collection of domestic waste from the development by waste collection vehicles.		
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4.6 Wollondilly Development Control Plan 2016 – Volume 5 – Commercial and Community Uses

Wollondilly DCP 2016 (Volume 5 – Commercial and Community Uses) applies to the site and to the development proposal.

The objective is to ensure commercial and community development achieves the aims of Wollondilly Local Environmental Plan, 2011 by promoting economic activity and local job creation while ensuring developments achieve excellent planning outcomes.

We consider that the proposed development is consistent with the intent of this objective as the proposed development provides opportunity for the site to be redeveloped with contemporary and safe building infrastructure that also a development yield that maximises economic activity and local employment opportunities.

Wollondilly DCP 2016 Volume 5, Part 2 provides general requirements for all commercial uses and Part 4.5 provides specific controls for Picton.

Wollondilly DCP 2016 Vol 5 Part 2 – General Requirements for all Commercial and Community uses Details of Control	28 Menangle Street, Picton Details of Proposal	Complies (Y/N)
2.1 Sustainability		
1. Timber sourced from old growth forests may not be used in development subject to this volume.	Noted. Please condition	Y
2. Impacts to groundwater must be minimised by: a) Ensuring no contaminated runoff enters the groundwater system; and b) Retaining and protecting significant stands of native vegetation; and c) Minimising cut and fill; and d) Maximising landscaped areas	Noted. Negligible impact to groundwater anticipated.	Y

that are deep soil and are hydraulically connected to the natural soil and groundwater system.		
3. All development resulting in more than 200sqm of new GFA must provide rainwater collection tank(s) to collect rainfall and runoff from roof areas. The minimum volume of the tank(s) shall be 1,000 litres per 100m ² (rounded down to the nearest 100m ²) of new GFA. Such tank(s) must have their overflows connected to a point for suitable integration with the natural or constructed stormwater drainage system.	Existing commercial GFA of 403.5sqm and proposed GFA of 425.3sqm, therefore rainwater tanks not required.	Y
4. Water from rainwater collection tank(s) must be used for at least one of the following: a) Irrigation and maintenance of landscaped areas; b) Cleaning and maintenance of built development; c) Toilet flushing; d) Laundry purposes; or e) Car washing.	Collected water will be used for external irrigation and cleaning / maintenance. Please condition.	Y
5. All plumbing fittings connected to potable water supply must be Triple A or higher rated devices.	Noted. Please condition.	Y
6. Connection to recycled water is required if serviced by a dual reticulation system. Such water shall be used for all of the purposes listed above at control 4. The requirement to provide water tank(s) does not apply if the development is connected to a recycled water system.	Not applicable. Dual system not available at this time.	N/A
7. Commercial developments where the capital investment value are more than \$500,000 and that result in more than 100m ² of new GFA must install a photovoltaic system to	Not applicable. New GFA of 21.8sqm proposed and cost of \$420 000 (for commercial component only, excluding stabilisation and restoration works associated with the	N/A

complement consumption of electricity from the grid system. The capacity of the system must be no less than 5kW per 100m ² of new GFA. Details of the system shall be provided to the consent authority prior to the granting of any development consent.	building facade).	
2.2 Setbacks		
1. The following setbacks apply for development under this volume: B2 - 0m front, side and rear setback	Complies. Existing zero set back to street boundary and western boundary to be maintained. New building at rear of site will be sited on a zero setback to the west and northern boundaries.	Y
2. The creation of alcoves, recesses or other narrow spaces are not permitted.	Existing alcoves and recesses in the front façade will be retained as these form part of the heritage fabric of the building.	N
2.3 Building Design		
1. Buildings on sites adjoining public open space must not cast a shadow onto more than one third of that open space between the hours of 10am and 2pm during the winter solstice (measured at ground level).	Noted. No adjoining public space.	N/A
2. Colourbond materials shall not be used in the external construction of buildings within the Business (B) Zones unless they account for less than 25% of each front elevation.	Noted. Masonry façade to be retained.	Y
3. External materials used for newly constructed or extended commercial buildings within the business (B) zones shall be consistent with the materials used in adjoining commercial development or shall have a superior quality external finish.	Noted. External finishes are proposed to be masonry.	Y
4. Shipping containers shall not be used for storage within developments for commercial or community purposes.	Noted. Not proposed.	Y
5. Building designs must ensure	Noted. Entry points are legible.	Y

that main entry and exit points are readily identifiable to intending patrons.		
6. All building facades visible from a public place must be designed to reduce bulk and enhance the appearance of the building using appropriate architectural features, articulation and finishes.	Building façade to Menangle St is largely retained in its current form.	Y
7. Commercial developments must have active frontages for the majority of the total frontage of the development to public spaces including roads and reserves. An active frontage must have a minimum of 50% glazing area which must be transparent.	Active frontage for entire length of site with Menangle St.	Y
8. All facades must be designed in accordance with the Crime Prevention through Environmental Design (CPTED) Guidelines including allowance for casual surveillance of streets and other public places.	The proposed development maximises passive surveillance of public space (Menangle St environs) as well as the rear parking area of the proposed development, by way of careful placement of first floor windows.	Y
9. There must be a universally accessible and continuous path of travel to connect the public footpath to all car parking areas and the main public entry and exit point of a building.	All of the rear parking / manoeuvring area will be paved with a hard surface, and will facilitate access to the rear entry of the building.	Y
10. Other uses within a basement car parking area (like switch rooms and waste storage areas) must be physically separated from vehicle and pedestrian movement.	Basement parking not proposed.	N/A
11. The applicant for any proposal for mixed use development shall demonstrate, to the satisfaction of the Consent Authority, that the development provides adequate amenity to any proposed and/or existing residential use.	Each dwelling unit is provided with POS by way of a balcony (inc privacy screens).	Y
12. Building services, fittings and	Noted. Please condition.	Y

utilities (including, without limitation, downpipes, conduits and vents and air conditioning units and components) must be integrated with the features of any facade fronting public open space or a public street.		
13. Building lights shall illuminate buildings and signs from the top-down rather than the bottom-up to reduce light spill into the night sky.	Noted. Please condition.	Y
14. Lift towers and overruns, satellite dishes, motor rooms and service plants, air conditioning units, antennae, telecommunications devices, vent pipes and the like must not be visible from any publically accessible place.	Retention of building 'façade' to Menangle St will help to ensure that these items are concealed from public viewing. PLs condition accordingly.	Y
15. Security shutters and roller doors on primary facades to a public street are not permitted unless they are open form or transparent. Security devices must be integrated within the design of the shop front structure.	Not proposed.	Y
16. The design and siting of Automatic teller machines (ATM's) must allow for queuing of users without obstructing the free movement of pedestrians and others within the public footpath and must be structurally protected to prevent ram-raid opportunities.	No ATM proposed.	N/A
17. Commercial and community buildings constructed within a rural or residential zone must be designed to complement the character of the established built form of the locality. Building and infrastructure that contrast with the established built forms in the locality shall not be used in any rural or residential zone.	Not in rural / residential zone.	N/A

18. Commercial and community building developments that will result in a floor area greater than 400m ² shall provide amenities for the changing of infants and shall accommodate for both male and female parents/guardians undertaking this activity.	Changing facilities will be located in the main 'Disabled WC'. Please condition accordingly.	Y
2.4 Open Space		
1. Communal Open Space must be provided for developments exceeding the thresholds tabulated below at the rate provided in the table: > 900sqm retail premises (4sqm pre 100sqm of GFA);	Ground floor area of 425sqm. Threshold not exceeded for retail premises.	N/A
2. Communal open space for residential development on the same or adjoining land cannot be counted towards open space required by this clause. Public open space on land immediately adjoining the commercial development site may be considered as an offset to the provision of Communal Open Space within a development site providing it is suitably embellished.	Noted.	N/A
3. Communal Open space shall not be narrower than 3m in each and every direction.	Noted.	N/A
4. Communal Open space must be located and designed to be compatible with any nearby residential uses. There must be no direct line of sight to residential private open spaces and windows.	Noted.	N/A
5. Communal open space must be suitably embellished for outdoor eating and must be provided with waste management facilities.	N/A	N/A
6. Communal open space must be sited and designed to achieve	N/A	N/A

a min of 3 hrs of solar access (measured at ground level) to at least 50% of its area between the hours of 9am - 3pm on the winter solstice.		
2.5 Outdoor eating and seating		
1. A minimum 1.8m wide linear, unobstructed pedestrian movement pathway must be maintained through the public footpath at all times.	Not applicable. No seating proposed in footpath zone.	N/A
2. Outdoor seating and eating areas operating outside daylight hours must be provided with lighting to the relevant Australian Standard.	Noted.	Y
3. Portable heating devices that are gas powered must be fitted with safety devices that automatically shut down the device when tilted.	Noted. Not proposed at this stage.	N/A
2.6 Landscaping		
1. Landscaping around the external perimeter of new commercial buildings with a GFA greater than 1,000m ² must be provided at the rate of at least 20m ² of consolidated / continuous planted area for every 500m ² GFA and address the street frontages.	New GFA does not exceed 1000sqm.	N/A
2. Landscaping for new commercial developments shall be in the form of garden beds and achieve the following: a) Use at least 50% native vegetation; b) Use only low maintenance vegetation; c) Reduce or eliminate the need for fencing; d) Use only vegetation that will not damage infrastructure; and e) Provide adequate landscaped area for plants when fully grown.	Noted. Please condition.	Y
3. All plant species in landscaping must be non-toxic	Noted. Please condition.	Y

and low-allergen.		
4. Contiguous landscaping areas with an area greater than 50m ² shall be provided with and automatic irrigation system(s).	Not more than 50sqm proposed.	N/A
2.7 External Storage		
1. There shall be no storage of goods or waste in areas that are visible to the public or patrons of facilities.	Noted. All waste (awaiting collection) will be stored at the rear of the premises.	Y
2.8 Public realm		
1. All works within the public domain must comply with Council's adopted Design and Construction Specification, Plans of Management and any other strategy adopted by Council for public spaces.	Noted. Please condition.	Y
2. Where a driveway crosses a public road frontage and is 5 metres or wider the vehicle lanes on the driveway must be separated to provide a pedestrian refuge within the footpath.	Not applicable. Driveway is 3.6m wide.	N/A
3. Where on street parking is not already provided (including paved shoulder and kerb and guttering) along the full frontages of the site it shall be installed prior to the occupation of any development subject to this volume.	Noted. Street frontage is constructed of kerb and gutter.	Y
2.9 Access and Traffic Generation		
1. Service and delivery vehicles must have a separate access for developments with a GFA greater than 500m ² . This access may not be shared with the access to be used by patrons of the development.	Commercial GFA does not exceed 500sqm.	N/A
2. Commercial premises must be provided with a minimum of one (1) loading / unloading space with sufficient capacity for the site.	A loading bay of 6m x 4.5m is provided.	Y

3. Forward entry/exit onto the street from the loading/unloading space must be provided.	Complies.	Y
4. Premises exceeding the thresholds provided below must provide secured storage areas.	Threshold not exceeded.	N/A
5. Premises exceeding the threshold in control (4) above must provide showering amenities and personal storage lockers for staff for the storage of clothing and other personal items.	Threshold not exceeded.	N/A
6. Where secured storage areas are required the minimum dimensions shall be 2 metres wide in each and every direction.	Complies.	Y
7. Sites located on a shared pathway route adopted by Council must construct the section of the pathway within the appropriate frontage(s) of the site and connect to the existing pathway network where required by the Consent Authority.	N/A	N/A
8. Bicycle racks shall be provided for any retail development subject to this plan with a GFA greater than 500m ² . Bike racks shall be provided at the rate of 1 bicycle "space" per 100m ² of retail GFA.	Commercial GFA does not exceed 500sqm.	N/A
9. Where new public roads are created street lighting shall be provided in accordance with relevant Australian Standards.	No new public roads to be created.	N/A
10. Where existing public roads adjoining commercial developments are not provided with adequate street lighting, additional lighting shall be provided in accordance with relevant Australian Standards.	Menangle St in vicinity of site is well illuminated.	Y
2.10 Parking and Manoeuvring		
1. The construction of vehicle	Noted. Please condition.	Y

parking and manoeuvring areas must comply with Council's adopted Design and Construction Specifications.		
2. Vehicle parking that is located within the front setback must be physically separated by permanent safety structures from road pavement and must not detract from the aesthetics of the streetscape.	No parking in front setback.	N/A
3. Where security doors or gates are proposed to control access to vehicle parking an intercom system must be provided to facilitate access. Such doors and gates must also be positioned to ensure vehicles stand clear of the public footpath and any specified pedestrian access while the doors and gates are opening.	No security proposed to parking areas.	Y
4. All above ground parking areas with more than 12 parking spaces must be landscaped including shade trees provided at the rate of one (1) canopy tree for every four (4) car parking spaces of part thereof. Shade trees must be located to provide shade to parked vehicles.	Eleven (11) at grade spaces are provided. There is some potential for landscaping bays to be installed within the car parking area.	N/A
5. Manoeuvring space must be sufficient to permit all vehicles to enter and leave a site in a forward direction in accordance with relevant Australian Standards.	All entry / exit movements will be in a forward direction.	Y
6. Parking areas must be linked via a pedestrian path with the nearest public footpath.	Onsite parking is primarily for residential component of development and staff in association with the commercial operations. The driveway will operate as a pedestrian share way with 300mm 'kerbs' to accommodate pedestrian connectivity to Menangle Street.	Y
7. Parking spaces adjoining pedestrian accesses must be	Bollards are installed adjacent to pedestrian areas.	Y

provided with wheel stops or upright kerbs to protect the safety of pedestrians.		
8. Parking areas for developments that operate outside of daylight hours must be lit in accordance with relevant Australian Standards.	No proposal for night time operation at this stage.	N/A
9. Multi-unit complexes must provide a consolidated car parking area for patrons. No more than 50% of the total parking spaces on site shall be allocated to a single unit.	Noted. Onsite car parking is attributed to 7 residential units and 4 space to the commercial operation.	Y
10. Parking must be provided at the rate tabulated below. The number of spaces shall be rounded up to the nearest whole number of spaces. Retail / Office and business premises – 2.5 car parking space per 100m ² of GFA	11 spaces (rounded up from 10.6) are required for the ground floor commercial / retail component.	N (Refer comment in “Key Assessment Issues” below)
11. Car parking areas shall be designed, embellished and located to minimise adverse visual impacts in the locality.	All car parking is located at the rear of the site and is not immediately visible to any public space.	Y
12. Large developments for retail (or mixed use including retail) that give rise to a need for 200 or more car parking spaces shall provide one (1) space for Seniors and one (1) for parents with prams for each 100 spaces (rounded down) required by this volume.	Does not require more than 200 spaces.	N/A
2.11 Waste Management		
1. A completed Site Waste Minimisation and Management Plan (SWMMMP) complying with the template in Appendix A of the NSW Office of Environment and Heritage’s Model Waste must accompany an application for commercial buildings greater than 500m ² in GFA or any commercial development that is	Proposed GFA does not exceed 500sqm.	N/A

likely to produce hazardous waste products.		
2. There must be convenient access from each tenancy and/or larger waste producing area of the development to the waste/recycling storage room(s) or area(s). There must be step-free access between the point at which bins are collected/emptied and the waste/recycling storage room(s) or area(s).	A shared waste storage enclosure is located at the rear of the site.	Y
3. Every development must include adequate waste/recycling storage area(s) to accommodate all relevant waste management processes and storage.	Provided.	Y
4. Special arrangements for storage, collection and disposal of medical and hazardous waste must be detailed in the Site Waste Minimisation and Management Plan (SWMMP).	No medical or hazardous waste proposed at this stage.	N/A
5. Waste/recycling storage areas must not be visible from outside of the building or by patrons.	Waste storage area is contained in an enclosure at rear of site.	Y
2.12 On-site waste water and stormwater management		
1. On sites without reticulated sewer, provision shall be made for the disposal of treated effluent in a manner that minimises the risk to the natural environment & to human health.	Site is serviced with reticulated sewer.	Y
2. All stormwater management systems shall comply with Council's Design & Construction Specification.	Noted. Please condition.	Y
3. For developments providing more than 1000m ² of new GFA, a detailed stormwater treatment assessment shall be provided detailing how the development will result in improved stormwater quality and will achieve the principals of Water	Proposal does not exceed 1000sqm.	N/A

Sensitive Urban Design.		
Wollondilly DCP 2016 Vol 5 Part 4 – Controls for Specific Locations Details of Control	28 Menangle Street, Picton Details of Proposal	Complies (Y/N)
4.5 Picton		
1. Commercial buildings within the Picton Commercial Precinct shown in Map 4.1.4 shall be sited with a setback no greater than 1m from any boundary of the site with Margaret, Colden, Menangle and/or Argyle Streets.	Complies.	Y
2. Commercial buildings referred to in Control 1 shall provide an awning from the façade of any building to Margaret, Colden, Menangle and/or Argyle Streets that shall extend from the building façade to a point 0.8 metres from the edge of the road pavement.	Complies. New awning of traditional design to be installed to front elevation of building.	Y
3. Commercial buildings within the Margaret Street Intersection Key Site.	Site not within Margaret Street.	N/A
4. Commercial buildings within the Menangle Street Intersection Key Site shown in Map 4.1.4 shall be designed with due regard to its visual impacts on both items of heritage significance located at the intersection.	The site is a heritage item and is within an urban conservation zone. The primary objective of this development proposal is to retain the façade of the existing building as a minimum.	Y
5. Council has an adopted strategy to deliver more public car parking in Picton. Proponents may, in lieu of providing some or all of the car parking in accordance with Part 2 of this volume, make contribution towards the provision of such parking through dedication of particular lands and through financial contributions as part of a Voluntary Planning Agreement.	Noted. Complies. There is a proposed shortfall of 8 car parking spaces and it is accordingly proposed that monetary contribution be made to off-site provision of car parking for part of the 'commercial' component of the proposed development.	Y

5. KEY ASSESSMENT ISSUES

5.1 Overview

The proposed development is located in a key location in Picton's town centre. The key assessment issues are primarily connected with an inability to accommodate all required car parking on-site and the retention of the existing driveway access. These matters are addressed below.

5.2 Car-parking Provision

The proposed development attracts the following car parking requirement in accordance with Wollondilly DCP 20416 (Volumes 4 and 5).

- Shop top housing (1 space per dwelling + 1 space for every 5 dwellings) = 8.4 spaces; and
- Retail Premises / Office and Business premises (2.5 car parking space per 100m² of GFA) = 10.6 spaces

Accordingly, we note that 19 car parking spaces are required in accordance with Wollondilly DCP 2016, reflecting a shortfall of eight (8) spaces.

As detailed on accompanying plans, eleven (11) car parking spaces will be accommodated on site, seven (7) as designated resident parking spaces, two (2) as residential visitor spaces, and two (2) as employee spaces associated with the ground floor commercial/retail use.

We note that Wollondilly DCP (Volume 5), in respect of 'Part 4 - Controls for Specific Locations', Section 4.5 Picton, provides:

5. Council has an adopted strategy to deliver more public car parking in Picton. Proponents may, in lieu of providing some or all of the car parking in accordance with Part 2 of this volume, make contribution towards the provision of such parking through dedication of particular lands and through financial contributions as part of a Voluntary Planning Agreement.

In accordance with this provision, it is our proposal that the development proposal utilise a VPA to make financial contribution to off-site parking for the shortfall of 8 spaces. Given the relative merits of the case, we consider that sufficient merit exists to support this:

- The site is conveniently located near the centre of Picton's town centre. It is likely that patrons to the proposed 'commercial/retail premises' will combine their town centre 'tasks', given the proximity of the site to core town centre activities, including banks, legal and financial service providers, Shire library and Councils administration centre.

- The proposal contributes to the supply and availability of ‘affordable’ housing, in the form of one (1) and two (2) bedroom self-contained dwellings. The first floor location of these allow efficiency of development to occur, as well as contributes to the (night time and weekend) vitality of Picton’s town centre, as well as provides opportunities for passive surveillance of Menangle Street and adjacent areas.
- The development proposes the retention of original fabric and an authentic building façade, which reinforces the value and importance of the site itself and its context within Picton’s Conservation Area, and adjacent heritage items. Structural works associated with retaining the building façade can only occur at considerable cost to the land owner, particularly during the demolition and reconstruction phases. We consider that there is an overall benefit to the community for built heritage to be supported and retained and the site developed to a financially viable level to facilitate this.
- There are a number of ‘public’ car parks in close proximity to the site, and VPA funding can assist with the embellishment of these and/or the acquisition of further land to accommodate additional off-site town centre car parking.

5.3 Driveway Access

It is proposed that the existing driveway access, being 3.6m wide (modified by the inclusion of a splay at the street front corner of the building) be retained to serve the proposed re-development.

Advice has been obtained from Aztec Draft and Design (Traffic Consultant) who supports the installation of a signalised vehicle entry system in order to help avoid vehicle conflict when entering and exiting the site from Menangle Street. Their advice is produced as follows:

The development proposes to use the existing driveway but improves the situation by reducing the number of potential vehicles, providing a splay for sight vision adjacent to the footpath looking west and introducing a sign warning of approaching vehicles. Vehicles entering the site (left turn only) will have good sight vision to pedestrians and if a vehicle is in the driveway leaving the site, the warning sign will be activated. Menangle Street is 5.4m wide at this location with ‘No Parking’ and hence there is room for the vehicle to stop and still allow for through traffic. Vehicles exiting the site will activate the sign to warn approaching vehicles of their existence. It is noted that a maximum of 4 vehicles per hour will utilise the driveway at peak times. The driveway width includes 0.3m wide kerb on either side and is sign posted as a pedestrian share-way. With the driveway being utilised by residences and not retail patrons, the timing of vehicles will be distributed over a full day and not concentrated during retail hours.

6. ENVIRONMENTAL ASSESSMENT

This section of the Statement of Environmental Effects provides an assessment of the proposed development operation in accordance with the heads of consideration under Section 79C(1) of the Environmental Planning and Assessment Act.

6.1. Planning Considerations - Section 79C (1) (a)

Environmental Planning Instruments

- State Environmental Planning Policy No. 55 – Remediation of Land applies to the proposed development. Given the nature of past land use activities, it is not considered that a contamination risk report is necessary at this time.
- The subject site is zoned B2 under the provisions of Wollondilly LEP 2011. Commercial premises and dwellings are both permitted in the zone with Council's consent.

Draft Environmental Planning Instruments

There are no draft planning instruments which apply to the land at the current time.

Development Control Plans

The development proposal has been considered against the planning objectives and provisions of:

- Wollondilly Development Control Plan 2016 – Volume 1 - General; and
- Wollondilly Development Control Plan 2016 – Volume 4 – Residential Development; and
- Wollondilly Development Control Plan 2016 – Volume 5 – Commercial and Community Uses,

and we believe that matters of concern are identified and addressed.

Matters Prescribed by the Regulations

There are no matters prescribed by the Regulations affecting the development proposal.

6.2 Likely Impacts of the Development - 79C (1) (b)

Natural Environment

The proposed development will have minimal impact on the existing natural environment and any anticipated impacts can be ameliorated. Roof water will be collected to supplement on site use and overflows will be directed to the street network.

Built Environment

The retention of the building façade will contribute to the value of the heritage precinct within which the site is located, and provides visual and physical interpretation for the benefit of the broader community.

Social Impacts

No adverse social impacts are anticipated as a result of the proposed development. The proposed development will continue to contribute to local employment, as well as contribute to the availability of residential accommodation which is conveniently located to Picton's town centre, local services and public transport opportunities. This also has the benefit of improving the vitality of Picton's town centre outside of traditional business hours and providing passive surveillance opportunities. The proposal importantly, reinforces the relationship between the community and the original built fabric and the associated historical importance of Diggers Furniture Store.

Economic Impacts

The proposed development will contribute to the diversity and availability of commercial space in the Picton town-ship, in turn strengthening the local economy, providing employment and positively contributing to associated local multiplier effects. Building construction will provide local employment and contribute to desirable multiplier effects by increasing population density in the town centre.

6.3 Suitability of the Site - 79C (1) (c)

The proposed development makes use of an existing site provided with an appropriate level of suitable infrastructure and services. Site characteristics (topography and location) are suitable for the developments and proposed site works are not inconsistent with the building works as proposed.

6.4 Public Submissions - 79C (1) (d)

Any public submissions received in response to the development proposal are required to be considered in the light of Section 79C of the Environmental Planning and Assessment Act, 1979, having regard to:-

- The stated and underlying objectives of the relevant planning controls;
- The specific merits and circumstances that apply to the proposed development and the site;
- The acceptable nature of the likely impacts of the proposal;
- The suitability of the site in accommodating the proposed development; and
- The acceptable nature of the proposal when considering the wider public interest.

6.5 The public interest - 79C (1) (e)

The proposal will result in additional affordable housing opportunities in Picton's town centre, along with providing structurally sound and 'internally contemporary' commercial infrastructure. Both of these will contribute the vitality and viability of the town centre in a manner which retains a sympathetic style of traditional building design, and importantly retain a level of historic connectivity to the site and community.

Having regard to the contents of this report, it is considered there are no matters that warrant refusal of the proposal on grounds of it being contrary to the public interest.

7. CONCLUSION and RECOMMENDATION

The proposed development has been assessed against the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979. On balance, it is concluded the development is satisfactory and warrants development consent, given the following:

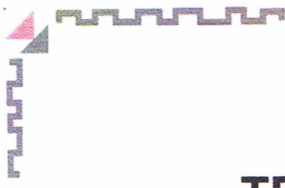
- The proposal is consistent with the relevant objectives and controls of Wollondilly LEP 2011, specifically those which relate to heritage conservation and the promotion of sustainable commercial activity in the local area. Proposed uses are permissible with consent.
- The proposal is consistent with the relevant objectives and controls of Wollondilly DCP 2016, Volumes 1, 4 and 5.
- No unreasonable external impacts will result from the development proposal.
- The proposal is on an existing site, in a convenient and well serviced location to accommodate the proposed development, and is compatible with the character of the locality.
- The proposal will provide economic benefits and employment opportunities to the local community.
- It is considered there are no matters that warrant refusal of the proposal on grounds of it being contrary to the public interest.

As such, the proposal is considered worthy of merit and will contribute to the diversity of opportunities and the economic viability of Picton town centre. Accordingly, it is recommended that Wollondilly Council support and approve this development application.

Joanne Tapp
Consultant Town Planner

Disclaimer This report is believed to be true and correct at the time of writing. It is based on the information provided by the client and other relevant organisations during preparation. Joanne Tapp Town Planning Consultants does not accept any contractual, tortious or other form of liability for any consequences arising from its use. People using the information in the report should apply and rely on their own skill and judgment to a particular issue they are considering.

This report shall be used solely for the purpose of this proposal and shall not be replicated or altered.



TRAFFIC IMPACT STATEMENT

FOR

PROPOSED MIXED USE DEVELOPMENT

AT

**28 MENANGLE STREET,
PICTON**

**NOVEMBER 2017
T114**

AZTEC
Draft & Design.
P.O. Box 357
CORRIMAL. 2518
Mob 0428 685 573
Email aztecdraft@gmail.com

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1.0 INTRODUCTION

Aztec Draft & Design has been commissioned by Drake Design Architects on behalf of Mr & Mrs P Digger to undertake a Traffic Impact Statement for a proposed mixed use development at 28 Menangle Street, Picton.

The aim of the study is to:

- Investigate the existing traffic and parking conditions in the area
- Assess the required car parking & service vehicle requirements & there compliance to AS2890.1
- Review the potential traffic impacts of the proposal and recommend methods to reduce this impact if required.

The existing building which will be refurbished is heritage listed and is within the Menangle Street intersection key site area in accordance with councils DCP 2016, volume 5 figure 4.1.4. The building is surrounded by other heritage listed buildings.

A meeting was held with Wollondilly Shire Council on 11th October 2017 to discuss the site access and car parking requirements. This report takes these discussions into account.

2.0 LOCATION OF DEVELOPMENT SITE

The site is located in the centre of Picton town ship CBD and is described as 28 Menangle Street, Picton. The site has a total site area of 1,012m². It is currently occupied by a heritage listed building which is currently utilized for commercial/retail purposes.

For site location sketch refer SK01 attached.



Photo – Existing Site

The site is bounded by :

- To the north - Commercial/retail development, car parking.
- To the east - Commercial/retail development
- To the south - Menangle Street, car parking.
- To the west – Old Post Office (tourist information centre)

picton

Write a description for your map.

Legend

Caldwell Martin & Cox
CBA Branch (Picton)

Feature 1

Feature 2

Feature 3

Feature 4

Feature 5

Flight Centre Picton

Picton Professional Golf Shop

Quintessential Coffee Shoppe

St Anthony's Church And School Menangle Rd

The Picton Hotel

Uniting Care Aging Macarthur Community Care

Wollondilly Library & Information Service

Wollondilly Visitor Information Centre

SITE LOCATION PLAN
PROPOSED MIXED USE DEVELOPMENT
28 MENANGLE STREET
PICKTON

AZTEC
Draft & Design.

P.O. Box 357
CORRIMAL, 2518
Mob 0428 685 573
Email aztecdraft@gmail.com

T 141 SK 01

3.0 EXISTING TRAFFIC CONDITIONS

Entry to the site is from Menangle Street 37.6m east of the intersection of Menangle Street and Argyle Street (Old Princes Highway).

Menangle Street has a pavement width of 13m with kerb & gutter both sides and fully paved footpath verges adjacent to the site. A painted median strip exists in the centre of the road leading to the intersection with Argyle Street which is controlled by a STOP sign. There is NO parking in front of the site with NO STOPPING signs leading up to the intersection to the west. Menangle Street would be classified as a major collector road. For plan of adjacent road infrastructure refer T141 sht1 appendix B.

A brief traffic count indicated an AADT of between 2,000 to 3,000 v.p.d. The posted speed limit is 60km/h with this reducing to 40km/h during school hours. Vehicles entering Menangle Street from Argyle Street were observed doing less than 60km/h adjacent to the site.



Photo – Argyle Street / Menangle Street Intersection.

Car parking utilization in the area during the survey period 9am to 10am (Thursday) was approximately 50%.

Picton railway station is 1,250m walking distance from the site. A local taxi service is available in the area with Buslines (Picton) operating bus services to Campbelltown and other local Villages with a bus stop 120m from the site.

The existing site is utilized as a commercial (retail) build with GFA of approx. 400 sqm. Based on the RMS Guide to Traffic Generation Developments the current traffic generation rate would be 10/100sqm per day or 2/100sqm per peak hour. Based on the above rates the current traffic generation would be 40 vehicles per day or 8 vehicles per peak hour.

Currently informal car parking is available behind the building with access to Menangle Street being provided by a driveway 3.6m wide entering onto Menangle Street.

4.0 DESCRIPTION OF PROPOSED DEVELOPMENT

The existing building is heritage listed with the front façade to be restored to co-inside with the surrounding buildings.

It is proposed to retain the existing driveway and provide car parking for 10 vehicles (including one disabled space) and loading/turning area at the rear. The ground floor of the existing building will retain its current usage as a retail development with a further small store to the rear of the site. The first floor will consist of two (2) studio apartments, three (3) one bedroom apartments and two (2) two bedroom apartments totalling 7 units.

For architectural plans of the proposed development refer plans by Drake Design Architects, copy for review only - Appendix A.

5.0 CAR PARKING/SERVICING REQUIREMENTS

The car parking requirements have been reviewed using Wollondilly Shire Councils Development Control Plan 2016 – DCP 2016, volumes 4 & 5. In accordance with the DCP table 1 below sets out the number required.

Table 1
Car Parking Requirements

Usage	Area/ Number	Requirements	Number Required	Number Provided
Residential Units	7	1.0/unit	7	7
Visitors	7 Units	1.0/5 units	2	2
Commercial	371sqm	2.5/100sqm	9.2	1
Totals			18.2	10

It is proposed to provide all the residential car parking (7 spaces & 2 visitors) on site at the rear of the development (refer plan T141 Sht1 appendix B). An additional commercial space has been provided for the manager. Car parking sizes (2.6m x 5.4m) have been provided in accordance with the DCP, these spaces are larger than the AS 2890.1 requirements for residential user class 1a. The car parking layout dimensions comply to the standard.

It is proposed to enter into a voluntary planning agreement to provide the remainder of the commercial car spaces in accordance with Councils DCP 2016-Vol5 section 4.5. by providing financial contributions towards the provision of eight (8) additional car spaces.

The commercial / retail area is less than 500 sqm. The development has been designed to be serviced by a small rigid vehicle (6.4m x 2.3m) with a clearance height of 3.5m. This vehicle can enter and leave the site in a forward direction with a turning area / loading bay being provided at the rear of the building. For turning details refer plan T141 Sht2 – appendix B.

Waste services have been investigated and will be provided by G & W Liquid waste services. Their vehicle complies to the above criteria (refer letter appendix D)

6.0 TRAFFIC GENERATION IMPACT – SITE ACCESS

The on site car parking allows for residential car parking only, a VPA (voluntary planning agreement) will be required to provide for the commercial/retail car parking.

The predicted traffic generation from the residential development has been calculated using the RMS Guide to Traffic Generating Developments. The predicted traffic generation is based on a rate of 4.5 vehicles per day per unit or 0.5 vehicles per unit per peak hour. (7 x 1 - 2 bedroom units). The predicted traffic generation is 32 vehicles per day or a peak hour rate of 4 vehicles per hour. This traffic generation is less than the current commercial / retail generation discussed in section 3 and hence reduces the number of vehicles utilizing the driveway.

The access driveway category is 1 based on a car park of less than 25 vehicles having access onto a arterial road (refer AS2890.1 – table 3.1). This category requires an entry/exit width between 3.0m and 5.5m. Ideally it would be desirable to provide a driveway width of 5.5m to allow for two vehicles to pass at the entry. Due to the heritage building constraints this is not possible and an entry/exit driveway of 3.0m with 0.3m wide kerbs is proposed. A splay corner has been provided to give sight vision to pedestrians for vehicles leaving the site. Right turn into and out of the site is prevented by the centre median in Menangle Street. Menangle Street has an east bound lane width of 5.4m with NO parking restrictions in front of the site. This width would allow for through vehicles when standard size vehicles are entering the site.

In order to improve the safety of the existing situation it is proposed to provide warning signs facing the oncoming traffic and pedestrians at the driveway entry to warn of approaching vehicles (refer plan T141 Sht1 – appendix B for details). The signs will be activated when a vehicle leaving the site enters the driveway at the northern end to warn potential entering vehicles and pedestrians of its approach. The sign will be orange LED and will remain illuminated until the vehicle has passed the front boundary. Similar warning systems have been used in built up areas of Sydney where similar situations exist (refer photos appendix D). It is proposed to use LED signage instead of flashing lights as these are more descriptive and informative to local drivers and pedestrians.

Once a vehicle exits the site , sight distance of 40m is available to Argyle Street which is equal to an approach sight distance for 40km/h. Vehicles entering Menangle Street from Argyle Street would be doing less than this speed.

Photo – Sight distance from driveway exit



7.0 CONCLUSION

It is proposed to re-develop an existing heritage building in the centre of Picton and retain its street appearance. The building is within the Wollondilly Shire Council Menangle Street intersection key site area in accordance with Council's DCP.

It is proposed to retail/modify the current ground floor retail area and add seven (7) units to the first floor. Vehicle access to the site is by a 3.6m wide driveway. Residential car parking will be on site. In order to reduce the current traffic generation utilizing the driveway it is proposed to enter into a VPA with Wollondilly Shire Council in accordance with their DCP to provide the commercial car parking spaces off site. Service vehicles however can enter and leave the site in a forward direction with on site loading area provided.

A system of Warning lights is proposed at the driveway exit to improve pedestrian and on coming vehicle safety.

Report by

A handwritten signature in blue ink, appearing to read 'D. Dowey', is written over a horizontal dotted line.

D. Dowey

M.I.T.P.M

Aztec Draft & Design

Civil & Traffic Solutions

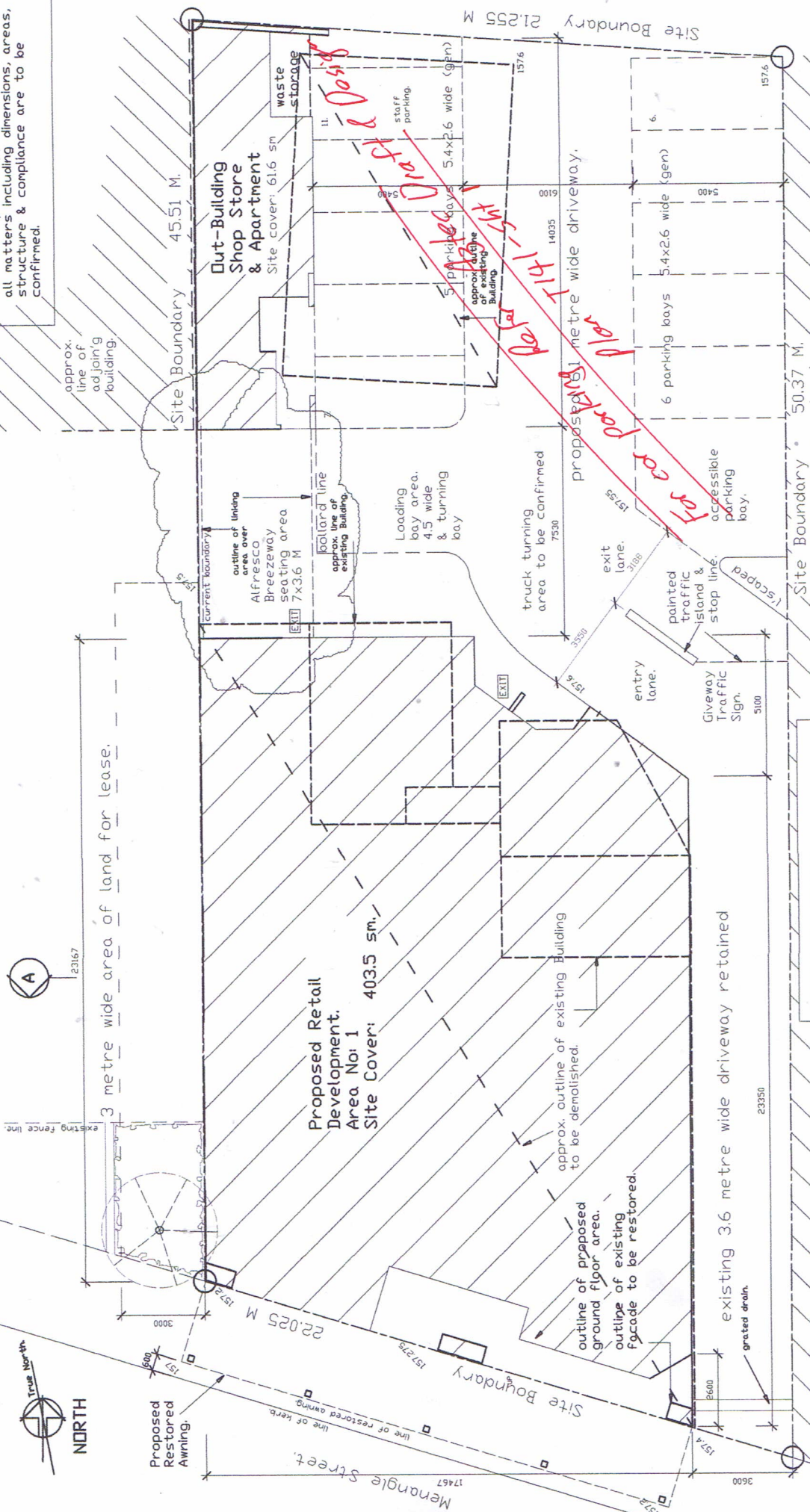
APPENDIX A

ARCHITECTURAL PLANS BY DRAKE DESIGN

existing Council Tourist Information Centre
(Old Post office Building)

NOTE:

This Drawing is a Concept Sketch Plan
for Development Application only & hence
all matters including dimensions, areas,
structure & compliance are to be
confirmed.



Proposed Re-Development
at 28 Menangle St, Picton NSW.
for Mr & Mrs Digger.
Lot 1 & Lot 2

Site Plan.

D R A K E D E S I G N S

Picton NSW, Tel: 4681 9950 / 0407 939 181

Ref: 16 53 401

Date: Aug 2016

Scale: 1:100 @ A2
Dwg No: DA.01.C

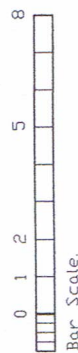
Commercial Floor Area: 371.3 sqm net
Retail req'd at 25 per 100 sqm.
Sub Total Retail Parking: 92 bays req'd

Shoptop Housing.
req'd at 1 bay per Flat = 7
Visitor at 1 bay per 5 Flats = 1
Sub Total Residential Parking: 8 bays.

Total Parking.
Required parking: 17.2 bays
Proposed Parking: 11 bays.

Site Statistics.

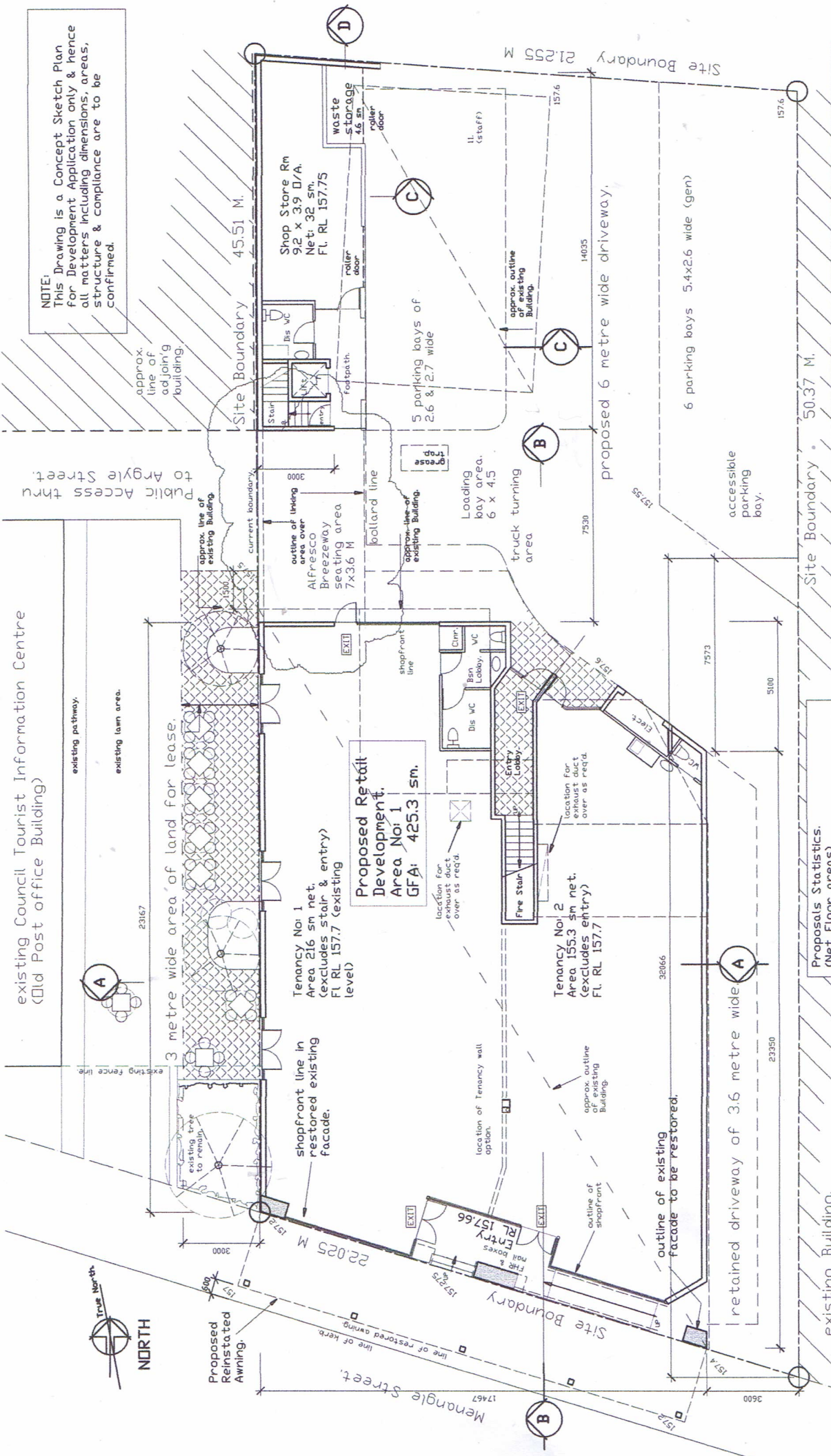
Site area:
Lot 1: 501.6
Lot 2: 511.2
Total: 1,012.8 sqm.



Bar Scale.

existing Council Tourist Information Centre
(Old Post office Building)

NOTE: Drawing is a Concept Sketch Plan
for Development Application only & hence
all matters including dimensions, areas,
structure & compliance are to be
confirmed.



Proposed Re-Development
at 28 Menangle St. Picton NSW.
for Mr & Mrs Digger.
Lot 1 & Lot 2

Ground Floor Plan.

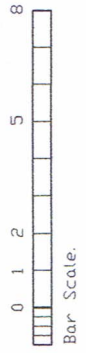
D R A K E D E S I G N S
Picton NSW, Tel: 4681 9950 / 0407 939 181
Ref: 16 53 401 Scale: 1:100 @ A2
Date: Aug 2016 Dwg No: DA:02M

Proposals Statistics.
(Net Floor areas)

Retail Floor Area:	371.3 sm.
Apartment:	319.6 sm.
Studio Apartment:	23.2 sm.
Units 1 to 6:	425.3 sm.
Storage Area:	47.4 sm.
Site Cover (Gross)	472.7 sm.
Building 1 - Retail	
Northern Wing	
(Store & Amenities)	
Total Site cover	

Site Statistics.

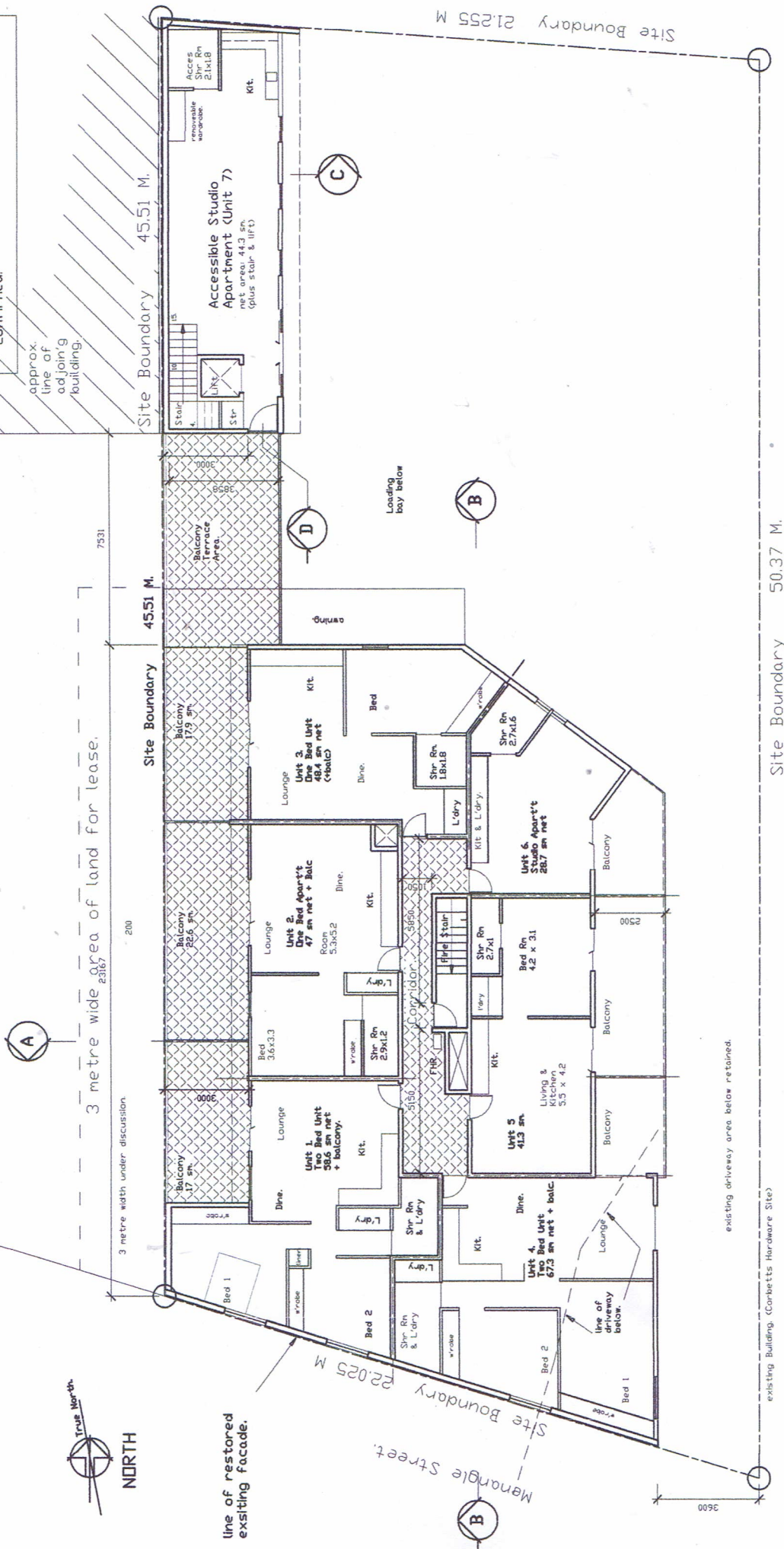
Site area:
Lot 1: 501.6
Lot 2: 511.2
Total: 1,012.8 sm.



existing Council Tourist Information Centre
(Old Post office Building)



line of restored
existing facade.



NOTE: Drawing is a Concept Sketch Plan
For Development Application only & hence
all matters including dimensions, areas,
structure & compliance are to be
confirmed.

approx.
line of
adjoin'g
building.

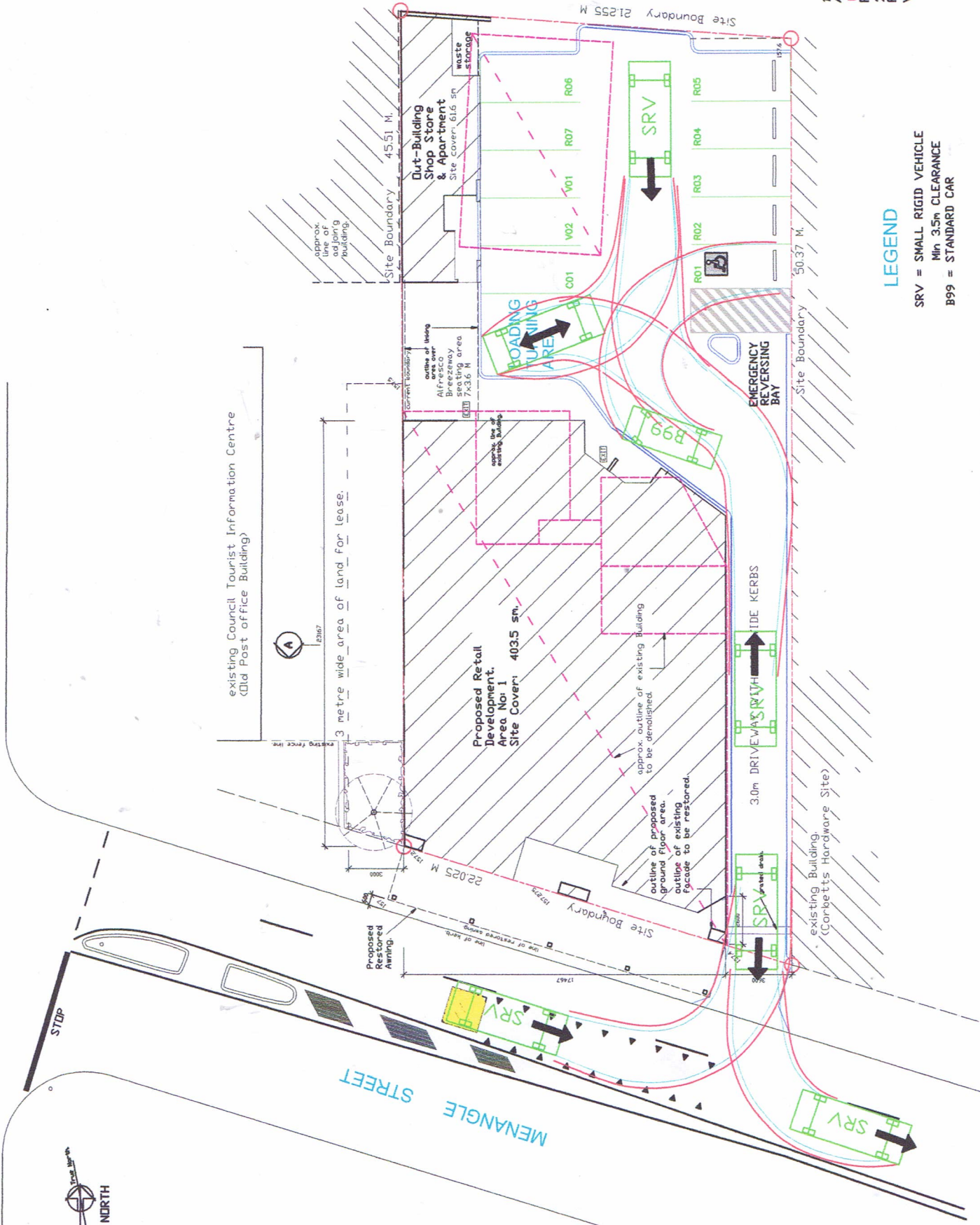
Proposed Re-Development
at 28 Menangle St. Picton NSW.
for Mr & Mrs Digger.
Lot 1 DP 5016 & Lot 2 DP 5112.

First Floor Plan.

D R A K E D E S I G N S
Picton NSW. Tel: 4681 9950 / 0407 939 181
Ref: 16 53 401 Scale: 1:100 @ A2
Date: Aug 2016 Dwg No: DA.03.M

APPENDIX B

AZTEC DRAFT & DESIGN PLANS T141-SHT1 & SHT2



LEGEND

- SRV = SMALL RIGID VEHICLE
- Min 3.5m CLEARANCE
- B99 = STANDARD CAR

scale 1:200
date November, 2017
drawing number T 141
sheet 2
project Proposed Mixed Use Development
28 Menangle Street
Picton
Vehicle Turning

AZTEC
Draft & Design.
P.O. Box 357
Corrimal 2518
Ph. 0428 685 573
Email aztecdraft@gmail.com

APPENDIX C

WASTE VEHICLE DETAILS

Telephone: 02 4681 8208
Mobile: 0447 224 977
After Hours: 02 4683 0649
Fax: 02 4683 3802
Email: gwliquidwaste@hotmail.com

31 Remembrance Drive
TAHMOOR NSW 2573

G & W LIQUID WASTE SERVICES

Proprietors: G.R. & G.T. TWIST
A.B.N. 26 490 725 941

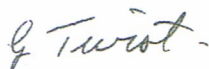
9th November 2017

To Whom It May Concern,

We refer to our previous letter to you in regards to the proposal for Waste and Recycling removal from your premises in Menangle Street, Picton.

The vehicle we will be using is a 1 Tonne Holden Ute with a Tailgate Lifter for the service of the 1.1 metre SULO bins. The dimensions of the ute are 1.88 metres wide, 5.60 metres long and 1.65 metres high.

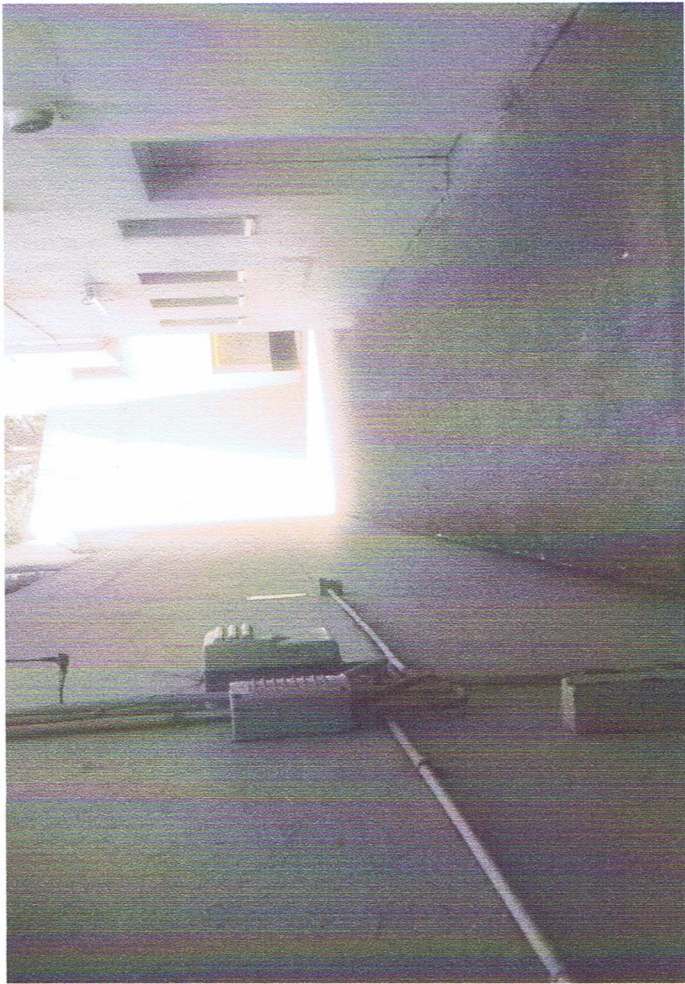
Yours faithfully,



George Twist

APPENDIX D

PHOTOS OF SIMILAR DRIVEWAY EXIT





G.F.Murphy Consulting Pty. Ltd.

ACN:060 686 053

ABN:63060 686 053

Civil and Structural Engineering, Project Management

9 Centennial Lane

Camden, NSW 2570

Phone/Fax: 02 46551410

E-mail: gfm-consulting@iinet.net.au

20 March 2017

Ref: 17014-2

Manager
Drake Designs
104 Kent Road
PICTON NSW 2571

Dear Sir,

RE: 28 Menangle Street, Picton - Structural Assessment.

I refer to discussion regarding a request for a statement regarding the structural adequacy of the existing building facade with respect to construction and behaviour during a rare flooding event.

The following is offered;

1. I consider front façade can be satisfactorily repaired and restored.
2. The façade can be integrated with proposed staged demolition and reconstruction behind.
3. The reconstructed façade will be adequate to withstand impacts from flooding.
4. The façade will be structurally stable and hence its structural stability will not inhibit people from exiting existing and evacuation of the premise in times of flooding events.

I trust this is satisfactory. Should you require any further information, please contact me.

Sincerely



Gary Murphy B.E.

(Director)

**NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION
LOCAL DEVELOPMENT CONSENT 010.2017.00000407.001
Environmental Planning and Assessment Act, 1979**

TO:

Mr P L Digger
15 Shelleys Lane
THIRLMERE NSW 2572

Being the applicant(s) for Development Application 010.2017.00000407.001 relating to:

Lot: 2 DP: 563577, Lot: 1 DP: 563577, 28 Menangle Street and Lot 11 DP 856694, 24 Menangle Street, PICTON.

APPROVED DEVELOPMENT:

Commercial Development with Shoptop Housing.

DETERMINATION DATE: -

LAPSE DATE: 5 years

Pursuant to the Section 81 of the Act, notice is hereby given that the above application has been determined by granting **DEFERRED COMMENCEMENT CONSENT**, subject to the conditions attached.

Notes:

- (1) Except where a condition specifies a limit to the duration of the consent, this approval will expire if the development is not commenced within five (5) years of the determination date appearing above.
- (2) Development Consent does not lapse if the approved use has actually commenced or the proposed work is physically commenced before the lapse date.
- (3) Where construction work is proposed, the granting of development consent is the first step in the process. Before construction work may commence, a Construction Certificate must be obtained from Council or an accredited certifier.
- (4) Should you feel aggrieved by Council's decision in this matter, or object to the conditions imposed, you are entitled to
 - (a) lodge, in accordance with Section 97(1) of the Act, an appeal with the Land and Environment Court of NSW within six (6) months of the date appearing above. Forms for such are obtainable from the Local Court at your request.
 - (b) request a Council review of the determination under Section 82A of the Act.
- (5) This application has not been considered by the Planning Assessment Commission.

Should you require further information regarding the above matter, please contact Tony Blue, Senior Planner Contractor on phone (02) 4677 1100 or email council@wollondilly.nsw.gov.au. Please quote File No. 010.2017.00000407.001.

Yours faithfully

Michael Buckley
**TEAM LEADER DEVELOPMENT SERVICES
DEVELOPMENT SERVICES**

DEFERRED COMMENCEMENT CONSENT has been granted to the Application in accordance with the provisions of Section 80(3) of the Environmental Planning and Assessment Act 1979 (as Amended).

THIS CONSENT WILL BECOME VALID AND MAY BE ACTED UPON SUBJECT TO MEETING THE FOLLOWING REQUIREMENTS.

- 1) Submission of and approval by Council of:
 - a) Structural bracing details for the retention of the front façade during the demolition process, certified by a structural engineer, and
 - b) A copy of the approval under Section 15 of the Mines Subsidence Compensation Act 1961 from Subsidence Advisory NSW that relates to the approved plans, and
 - c) A Heritage Management Report, prepared by a qualified heritage consultant/architect that provides accurate detailing of the existing façade, the proposed verandah posts and associated details, joinery, materials, profiles, colour selection and shopfront detailing, and the provision of double glazing of first floor windows. The Heritage Management Report shall also review the structural bracing details and provide recommendations for the proper management of the demolition, keying into the new structure, and the restoration of, the façade following removal of the bracing, and

NOTE:

- 1. Nothing in this Deferred Commencement Consent permits the commencement of any works or development as proposed in this application until the receipt of confirmation of valid development consent from Council.**
- 2. This Deferred Commencement Consent will lapse if the above requirement has not been satisfied within twelve (12) months of the date of the Deferred Commencement Consent.**
- 3. Following compliance with the above conditions of Deferred Commencement Consent, written confirmation of Consent will be forwarded to you from Council.**
- 4. Once the consent is valid, the development will be subject to the following conditions outlined below.**

1. COMPLIANCE

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

- (1) Development Consent is granted for Lot 1 and 2 DP: 563577, being No. 28 Menangle Street, and Lot 11 DP 856694 being 24 Menangle Street, PICTON, for:
 - a. Demolition of an existing heritage item, except for the façade,
 - b. Construction of a two storey building containing ground floor commercial premises and first floor shop top housing, and associated car parking and loading facilities,
 - c. Use of the ground floor commercial premises for business premises, office premises or shop purposes (not food and drink premises).
- (2) Development shall take place in accordance with the following endorsed plans, submitted in respect of Development Application No. 010.2017.00000407.001, except where varied by the following conditions:

Plans Prepared by Drake Designs

Plan Title	Dwg No.	Sheet	Rev	Date
Site Plan	DA.01.E			Aug 2016
Ground Floor Plan	DA.02.0			Aug 2016
First Floor Plan	DA.03.N			Aug 2016
Schematic Sections	DA.04.E			Aug 2016
Elevations - South and West	DA.05.C			Aug 2016
Elevations - North and East	DA.06.C			Aug 2016

- (3) In the event of an inconsistency of detail between the relevant plans and elevations the details shown in the *elevations* shall take precedent.
- (4) Development shall take place in accordance with the recommendations of the following reports:
 - **Statement of Environmental Effects** prepared by **Joanne Tapp Town Planning** dated January 2018,
 - **BASIX Certificate number: 805620M** dated 29 June 2017,
 - **Assessor Certificate 0001649540** dated 29 June 2017,
 - **Access Report No.17012** prepared by **Australian Access & Building Solutions**,
 - **Traffic Impact Statement** by **Aztec Draft & Design** dated November 2017,
 - **Peer Review of Traffic Proposal** by **Traffix Traffic & Transport Planners** dated 17 January 2018,
 - **Draft Performance Solution Report** prepared by **BFSC – Building and Fire Surveying Consultants Pty Ltd**, document number 12/2017-1, prepared by Russel Grove - C10 Fire Safety Engineer BPB0149, dated 3 April 2017,
 - Approved structural bracing details for the retention of the front façade during the demolition process, and
 - Approved Heritage Management Report.
- (5) This consent does not approve the use of the outdoor area on 24 Menangle Street or the area shown as “alfresco breezeway seating area”

on the approved plans. A separate application shall be lodged for the use of this area, and shall be assessed for any additional requirements for car parking.

- (6) 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.
- (7) Construction shall not commence on the site, including the placement of temporary buildings, site excavation, filling, removal of trees or other site preparation works (with the exception of site survey work), prior to the issue of a Construction Certificate by Council or a nominated Accredited Certifier.
- (8) All building work must be carried out in accordance with the provisions of the Building Code of Australia. This condition does not apply to the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning & Assessment Regulations, 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4).
- (9) Lots 1 and 2 DP: 563577 shall be consolidated into one lot and written notification as to the registration of such consolidation at Land and Property Information is to be submitted to Council prior to release of the Construction Certificate.

2. INTEGRATED DEVELOPMENT

These conditions have been imposed to ensure that the development is carried out in accordance with the requirements of other Approval Authorities:

- (1) Prior to issue of any Occupation Certificate, certification shall be submitted to the PCA that the building has been constructed in accordance with any requirements of the approval of Subsidence Advisory NSW under section 22 of the Coal Mine Subsidence Compensation Act 2017.

3. CONTRIBUTIONS

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

- (1) Payment of a Contribution for 7 dwellings in accordance with the Wollondilly Section 94 Contribution Plan 2011, the cost of which will be determined and payable at the time of, and prior to, the release of the Construction Certificate.

The current (December 2017) amount payable is:

Facility	Amount
Open Space, Sport & Recreation (Shire)	\$1,134

Open Space, Sport & Recreation (Precinct)	\$46,347
Library & Community Facilities (Shire)	\$5,348
Library & Community Facilities (Precinct)	\$6,902
Transport & Traffic (Roads & Intersections)	\$33,082
Transport & Traffic (Cycleways)	\$280
Bushfire Protection	\$133
	\$93,226
Admin	\$4,662
Total	\$97,888

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.

- (2) A Section 94A Development Contribution of \$8,460 shall be paid to Council. This contribution is calculated from Wollondilly Section 94 Contributions Plan, 2011 based on a 1% levy for non-residential development with a value exceeding \$200,000 and an estimated construction cost of \$846,000 for the non-residential component of the development.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Wollondilly Development Contributions Plan 2011. The contribution is to be paid prior to the release of the Construction Certificate.

4. VOLUNTARY PLANNING AGREEMENT

This condition has been imposed to ensure that prior to the issue of any construction certificate, the persons having the benefit of this consent undertake the necessary legal requirements for the creation of a planning agreement for the payment of money to Council.

- (1) Prior to the issue of any Construction Certificate, the person(s) having the benefit of this consent shall provide a draft planning agreement pursuant to Section 93F of the Environmental Planning and Assessment Act 1979, reflecting the applicant's letter of offer dated 23 February 2018, and which is consistent with Council's Planning Agreements Policy.
- (2) The draft planning agreement will be provided to Council in a form suitable for public exhibition (together with any applicable exhibition fees) subject to Council obtaining its own legal advice on the content of the Voluntary Planning Agreement.
- (3) The applicant and Council will use their best endeavours to ensure that the planning agreement is executed within ninety (90) days of the date of this consent.
- (4) The planning agreement shall make provision for payment of money made under the planning agreement prior to the issue of a Construction Certificate.

5. 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) The applicant is to commission an experienced conservation/heritage consultant to work with the demolition and construction contractors throughout the demolition and construction process, to oversee completion of the project in accordance with the approved Heritage Management Plan. The conservation/heritage consultant shall certify that works have been completed in accordance with the Heritage Management Plan prior to the issue of any Occupation Certificate.
- (2) The applicant is to commission experienced tradespersons that are skilled in traditional building and engineering trades to carry out the works that affect the retained heritage façade.

6. DEMOLITION

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

- (1) Demolition shall not commence until:
 - a. Any preparatory works required by the approved Heritage Management Report are completed, and
 - b. The structural bracing of the front façade has been installed in accordance with the approved structural bracing details and the approved Heritage Management Report.
- (2) Demolition works shall be undertaken under the instruction of the structural engineer who prepared the approved structural bracing details, and in accordance with any recommendations of the approved Heritage Management Report.
- (3) All demolition works that proposed to demolish (or partially demolish) any building, structure or installation that:
 - Is over 15 metres in height
 - Is a chemical installation
 - Involves a tower crane on site
 - Involves a mobile crane with a rated capacity of more than 100 tonnes
 - Has structural components that are pre-tensioned or post-tensioned
 - Involved floor popping
 - Involves explosives
 - Is between four metres and 15 metres in height involving mechanical demolition such as using excavators, bulldozers or cranes
 - Is between 10 metres and 15 metres in height and affects its structural integrity involves the use of load shifting machinery on suspended floors

shall be undertaken by a licensed demolisher who is registered with SafeWork NSW (formerly WorkCover Authority of NSW). Details shall be submitted to Council or the nominated Accredited Certifier prior to the commencement of demolition works.

- (4) Any demolition works involving asbestos removal must comply with all legislative requirements including the publication *How to Safely Remove Asbestos – Code of Practice (December 2011- WorkCover NSW & Safe Work Australia)*, SafeWork NSW and NSW Environment Protection Agency (EPA) requirements.
- (5) Any work involving lead paint removal must not cause lead contamination of air or ground.
- (6) All demolition material shall be disposed of in accordance with a waste management plan to be submitted and approved by Wollondilly Shire Council prior to the commencement of the demolition work.
- (7) Demolition works shall not create general nuisance by reason of inadequate dust, noise or environmental controls.
- (8) 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>).
- (9) 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.
- (10) Demolition shall be carried out to Australian Standard AS2601-2001 – 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.
- (11) Fire fighting services onsite shall be maintained at all times during demolition works.
- (12) The demolition by induced collapse, the use of explosives or onsite burning is not permitted.
- (13) During demolition works all materials and equipment shall be kept entirely within the site and not on adjoining property, footpaths and roads.
- (14) All demolition work shall be restricted to between the hours of 7.00am and 6.00pm Mondays to Fridays (inclusive), 8.00am to 1.00pm Saturdays, and prohibited on Sundays and Public Holidays.

- (15) 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 prior to the issue of any Construction Certificate.

7. 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.

- (1) All materials and colours to be used in the external construction of the proposed building shall be in accordance with the Heritage Management Report.
- (2) All first floor windows in the street frontage and the windows in the eastern elevation for Unit 4 shall be designed for weighted sound reduction index values for Category 5 noise control treatment (Openable Double Glazing with separate panes: 5mm monolithic glass, 100mm air gap, 5mm monolithic glass with full perimeter acoustic seals). Details shall be provided with the Construction Certificate application.
- (3) The building shall comply with:
- a. Disability (Access to Premises – Buildings) Standards 2010,
 - b. AS1428.1:2009 – Design for access and mobility,
 - c. AS 2890.6 – 2009 Parking facilities – Off street parking for people with disabilities.

Prior to the issue of any Construction Certificate a certificate certifying compliance with this condition prepared by a suitably qualified person must be provided to Council or the nominated Accredited Certifier.

- (4) The plans shall provide within the commercial development amenities for the changing of infants and shall accommodate for both male and female parents/guardians undertaking this activity.

8. BASIX CERTIFICATES

These conditions have been imposed to ensure that the BASIX affected development fulfils the commitments listed in each relevant BASIX Certificate issued for the development.

- (1) In accordance with clause 97A(2) of the Environmental Planning and Assessment Regulation, 2000, it is a condition of this development consent that all the commitments shown in the BASIX Certificate, referred to in condition 1.(4), are fulfilled.
- (2) The builder shall certify that all BASIX commitments have been fulfilled, prior to the issue of the Occupation Certificate.

9. STREET ADDRESSING

These conditions are imposed in order to ensure the development complies with the requirements of the New South Wales Address Policy as published by the Geographical Names Board of New South Wales.

- (1) Prior to the issue of a Construction Certificate for the development an application for street addresses shall be submitted to Council for each individual dwelling and commercial tenancy within the development in accordance with Section 5.2 of the NSW Address Policy.

10. CONSTRUCTION GENERAL

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

- (1) Prior to the issue of any construction certificate, sufficient information must be forwarded to Council or the nominated Accredited Certifier illustrating compliance with the relevant provisions of the National Construction Code (Building Code of Australia). Where Council is to be the nominated Accredited Certifier Council's Building Services Section may be contacted on 02 4677 1100 if further clarification is required.
- (2) The landowner must enter into a suitable long term lease over that part of Lot 11 DP 856694 shown in the approved plans prior to the issue of the Construction Certificate.
- (3) A certificate from a structural engineer shall be provided to Council or the nominated Accredited Certifier prior to the release of the Construction Certificate certifying that the existing structure is capable of withstanding the forces of the proposed addition and actions as determined in accordance with AS/NZS 1170 Structural design actions.
- (4) All construction and building work shall be restricted to between 7:00am and 6:00pm Mondays to Fridays (inclusive), 8.00am and 1.00pm Saturdays and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.
- (5) Excavated area/s adjacent to the building shall be retained and drained to prevent the subsidence of the excavation and/or entry of surface water to the building. Where the retaining wall exceeds 600mm in height, plans and specifications of the retaining wall shall be submitted to Council or a nominated Accredited Certifier and approved before the issue of the Construction Certificate. Where the height exceeds 1m in height, a certificate prepared by a suitably qualified Structural Engineer shall be submitted with the plans and specifications.
- (6) 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.

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*.

- (7) Construction shall not commence until a Construction Certificate has been obtained from Council or a nominated Accredited Certifier.
- (8) An appropriate fence preventing public access to the site shall be erected for the duration of construction works.
- (9) A hoarding or fence must be erected between the work site and the public street. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
- (10) Dust shall be controlled so that it will not leave the construction site.
- (11) The building shall be upgraded in accordance with Clause 94 of the Environmental Planning and Assessment Regulation 2011 so the building complies with Parts C, D and E of the Building Code of Australia.

11. FLOOD PRONE AREAS

These conditions have been imposed to reduce the risk and implications of flooding for development works that are carried out in flood affected areas within the Shire.

- (1) The development site has been identified as being liable to inundation by flooding or overland stormwater flows and as such has been allocated a Flood Planning Level (FPL) of 158.5m Australian Height Datum (AHD) and a Designated Flood Level of 158.0m AHD. The proposed buildings shall minimise the impact of flooding by giving due consideration to the flood damages associated with over floor flooding.

Note:

Council has commenced a revision of the Floodplain Management Plan (now called a Floodplain Risk Management Plan) and commissioned a new and expanded flood study. The new flood study uses a different

method of modelling flood behaviour and the predicted flood level varies from the currently adopted levels as stated above. In addition, the study includes consideration of climate change impacts on flood levels and a Probable Maximum Flood Level. The study is still in draft form but the relevant level information, including a possible new Flood Planning Level, is provided below for guidance purposes:

- New Draft 1% AEP Flood level 158.3m AHD
 - New Draft 1% AEP with allowance for climate change impacts 158.6m AHD
 - Possible New Flood Planning Level 159.1m AHD
 - New Draft PMF (Probable Maximum Flood) Level 165.1 m AHD
- (2) Any parts of the building and car park below the Designated Flood Level shall be constructed of flood compatible (flood damage resistant) materials.
- (3) Prior to issue of the **Construction Certificate**, adequate certification by a suitably qualified and experienced engineer shall be provided to the nominated Accredited Certifier that the proposed building can withstand the likely conditions experienced during the Designated Flood without suffering significant damage.
- (4) Prior to issue of the **Construction Certificate**, adequate certification by a suitably qualified and experienced engineer shall be provided to the nominated Accredited Certifier that the proposed building can withstand the likely conditions experienced during the Probable Maximum Flood without suffering structural failure.
- (5) Prior to issue of the **Construction Certificate**, the applicant must demonstrate to the nominated Accredited Certifier, that permanent maintenance free measures are incorporated into the development to ensure the timely, orderly and safe evacuation of people in the event of a flood.
- (6) All fencing must be compatible with the nature of flooding and be designed to pass flood flows during events up to the Designated Flood Level.

12. SERVICES

These conditions have been imposed to ensure that an adequate level of services and infrastructure are provided for this development.

- (1) Electricity supply is to be made available to the development 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 Occupation Certificate for that stage.
- (2) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

Application must be made through an authorised Water Servicing Coordinator. 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 Subdivision Certificate for the development.

- (3) Prior to the issue of the Construction Certificate, the developer is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:
 - (i) the installation of fibre-ready facilities to all individual premises so as to enable fibre to be readily connected. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose, and
 - (ii) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier. (Note real estate development project has the meanings given in section 372Q of the Telecommunications Act).
- (4) All of the letter boxes for the development shall be contained in the one structure which shall be constructed from materials that are complementary to those used in the buildings on the site. The letter box structure shall be to the satisfaction of Australia Post and shall be positioned so that it does not obstruct sight lines for vehicles entering or leaving the site or adjoining land. Details of the location of the letterbox structure, materials and finishes are to be submitted with the Construction Certificate application, and endorsed as suitable by the conservation/heritage consultant required by condition 5.(1).
- (5) Only one roof top antenna is permitted for the whole of the development. This shall be used to service each dwelling.
- (6) The development shall be connected to the reticulated sewage scheme prior to the issue of any Occupation Certificate for the development.

13. WASTE MANAGEMENT

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

- (1) A Waste Management Plan is to be submitted to the Council for approval prior to the issue of any Construction Certificate. The Waste Management Plan is to be in accordance with the provisions of Council’s Waste Minimisation and Management Guidelines and is to include both the construction and post-construction phases of the development.
- (2) The plans submitted with the Construction Certificate application are to identify an area for shared garbage and recycling containers for residents of the shop top housing, with such area being screened from view and easily accessible to dwelling occupiers. Access to the area for garbage collection vehicles is to be available without obstruction to the car parking spaces provided on site.
- (3) Prior to the issue of any Construction Certificate the applicant shall submit to Council or a nominated Accredited Certifier details for the

collection and disposal of internal waste generated by the occupants to be arranged through a licensed authorised contractor.

- (4) Collection of waste generated by the occupants shall be undertaken at all times by the licenced authorised contractor. Kerbside collection of individual wheelie bins is not to be undertaken.
- (5) During the construction stage all waste streams are to be stored separately and to include:
 - Material to be recycled.
 - Material to be transferred to Landfill.
 - Material to be reused on the site.
- (6) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed. This receptacle must have a tight fitting lid and be suitable for the reception of food scraps, papers, etc.
- (7) A demolition/construction waste storage area (bins or bays) must be provided. This area shall separate demolition/construction waste into categories such as hard waste (e.g. bricks, concrete, tiles), soft waste (e.g. timber, gyprock, metal, glass) and light waste (e.g. paper, plastic, pods). The light waste storage area must be enclosed so as to prevent the material from escaping the enclosure.
- (8) There shall be no burning of builders rubble, felled trees or other material on site.

14. 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.

- (1) All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specifications.
- (2) Engineering design plans for driveway, carparking, footpath crossing and stormwater drainage shall be submitted to Council or the nominated Accredited Certifier. The plans must be approved **prior to the issue of a Building Construction Certificate** for any works associated with this development. All levels are to be reduced to Australian Height Datum. Design parameters shall comply with the requirements of Council's Design Specifications.
- (3) The Engineering Design Plans for the Civil Works must be approved prior to the issue of a Building Construction Certificate with the approved plans of the Civil Engineering Works also incorporated into the Building Plans.
- (4) All works to be carried out within the footpath and access laneway must be approved by Council under Section 138 of the Roads Act. Engineering plan checking and inspection fees will be advised for payment prior to the issue of the approved plans.
- (5) 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 with the Engineering Plans. The measures shall be in accordance with Council's Construction Specification and the Department of Housing's "Blue Book".

- (6) Prior to any occupation of the development or the issue of any Occupation Certificate, an Engineer's Certification shall be provided to the nominated Accredited Certifier for all civil works (driveway, carparking, drainage etc.) carried out within the private property.
- (7) Prior to any occupation of the development or the issue of Occupation Certificate, a Certificate of Practical Completion for all works carried out within the road and footway shall be obtained from Council.
- (8) A "Traffic Management Plan" that details suitable safety measures (for vehicles and pedestrians) that will be implemented whenever work is being undertaken in the public road reserve shall be submitted to Council with a 138 Consent application. The safety precautions are to be in accordance with the requirements of the "Traffic Control at Work Sites" manual (as published by the RTA). The plan is to be prepared and endorsed by a person with current NSW Roads and Maritime Services (RMS) certification.

15. 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) 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. A detailed drainage design shall be provided on the Engineering design plans.
- (3) The applicant shall provide a detailed drainage plan for the car park, access and manoeuvring area. Stormwater discharge to the kerb in Menangle Street is not to exceed 25lt/sec. Details shall be included on the engineering plans for approval by Council or the nominated Accredited Certifier prior to issue of the Building Construction Certificate.

16. CARPARKING/ACCESS

These conditions have been imposed to:

- (a) **Ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development.**
- (b) **Ensure that adequate manoeuvring space is provided for parking areas, loading bays and entry to facilities.**

- (1) Provision shall be made for vehicles to access and leave the site in a forward direction. A suitable manoeuvring area within the site shall be provided. Details, including turning paths shall be shown on the Engineering design plans for approval.
- (2) The development is to be provided with ten (10) carparking spaces generally as shown on the plans by AZTEC Draft & Design drawing No. T 141 dated November 2017. Such spaces are to measure not less than 2.6m x 5.5m and marked in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.
- (3) One (1) car parking space shall be reserved for people with mobility impairment in accordance with Australian Standard AS/NZS 2890.6. – Parking facilities – Off-street parking for people with disabilities. These spaces shall have dimensions as required by AS/NZS 2890.1 – Parking facilities – Off-street car parking and shall be appropriately signposted and marked on the pavement. Car parking design details including pavement and linemarking shall be provided on the Engineering design plans.
- (4) Installation of the warning lights, signage and other controls, in accordance with the recommendations of the Traffic Impact Statement and the Peer Review of Traffic Proposal referred to in condition 1.(4), prior to issue of any Occupation Certificate.
- (5) Parking spaces shall be allocated such that each dwelling unit and each commercial tenancy unit has one car parking space. No visitor parking shall be provided on site.

17. PUBLIC ROADS

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

- (1) Provision of vehicular access through the construction of a heavy duty concrete vehicle footway crossing, where any alteration is required to the existing access, to Council's Design Specification. Details shall be shown on the Engineering design plans for approval.
Note: Any adjustment to services shall be at the expense of the applicant
- (2) Engineering plans for the required work within the public road must be prepared by a suitably qualified professional in accordance with Council's Design and Construction Specifications. These plans shall include the recommendations of any pedestrian and traffic safety audit carried for this vicinity. The plans must be submitted to Council with the 138 Application for approval prior to the issue of a Building Construction Certificate. Engineering plan checking and inspection fees will be advised for payment prior to the issue of the approved plans and 138 Construction Certificate.
- (3) The person having the benefit of this consent shall undertake all reasonable efforts to protect the public road pavement from damage during the course of construction work. Restoration of any damaged road or footway shall be at the applicant's expense.

- (4) The existing footpath fronting this site shall be replaced and coloured to be consistent with the existing colours. Details shall be included on the engineering plans for approval.
- (5) The proposed non-structural veranda posts shall be located 600mm from the face of the road kerb and the post shown next to the access shall be relocated clear of the access. Details shall be included on the engineering plans for approval.
- (6) The person having the benefit of this consent shall undertake all reasonable efforts to protect the public road pavement from damage during the course of construction work. Restoration of any damaged road or footway shall be at the applicant's expense.

18. EROSION AND SEDIMENT CONTROL

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

- (1) Run-off and erosion controls must be maintained in accordance with the approved Soil and Water Management Plan throughout the construction period.
- (2) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (3) 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.
- (4) 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.
- (5) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.

19. INSPECTIONS

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

- (1) Building works shall be inspected by the Principal Certifying Authority at critical stages of construction to ensure they comply with the National Construction Code (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.
 - Structural steel work before covering.
 - 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.

- (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 PCA.
- (3) 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.
 - At completion of pavement shaping,
 - 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 vehicle crossing slabs, when formwork and steel is in place.
 - Prior to pouring concrete to driveway/car park slabs, when formwork and steel is in place.
 - At practical 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.

20. 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.

- (1) The disturbed areas surrounding the building work shall be reinstated to the satisfaction of the Principal Certifying Authority upon completion of the work.
- (2) The building shall not be occupied or used until an Occupation Certificate is issued by the Principal Certifying Authority.
- (3) Building lights shall illuminate buildings and signs from the top-down rather than the bottom-up to reduce light spill into the night sky.
- (4) The premises shall be maintained in a clean and tidy state at all times.
- (5) The footpath shall be kept clear of signs, fixtures and goods at all times.
- (6) 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 of discharge of noise, fumes, vapour, steam, soot, ash, dust,

waste water, waste water products, grit, oil or other harmful products of the industry.

- (7) The specific use of each ground floor tenancy shall be the subject of a separate development application to Council unless permitted as Exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, having regard to the approved uses specified in condition 1.(1).

21. 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, 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 and in accordance with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or Schedule 2 of Wollondilly Local Environmental Plan 2011.

22. PRESCRIBED CONDITIONS

(1) Compliance With Building Code Of Australia And Insurance Requirements Under The Home Building Act 1989

The following conditions are prescribed in relation to a development consent for development that involves any building work:

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

(2) Erection of Signs

The following conditions are prescribed in relation to a development consent for development that involves any building work:

- a) A sign must be erected in a prominent position while building work or remediation 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.
- b) Any such sign is to be maintained while the remediation work and building work, is being carried out, but must be removed when the work has been completed.

(3) Notification Of Home Building Act 1989 Requirements

The following conditions are prescribed in relation to a Development Consent for development that involves any residential building work within the meaning of the Home Building Act 1989.

- a) 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.
- b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under sub-condition (b) 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.

23. ADVICES

- (1) The land is subject to flooding and the building may be inundated by flood waters from time to time. The applicant has selected a floor level below the flood planning level and submitted evidence of an assessment of the flood damages associated with over floor flooding.
- (2) 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.
- (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 RMS 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) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.
- (6) 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

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.

Should you require further information regarding the above matter, please contact Mr T Blue, Senior Planner Contractor on phone (02) 4677 1100 or email council@wollondilly.nsw.gov.au. Please quote File No. 010.2017.00000407.001