

## Ordinary Meeting

**Meeting Date:** Monday, 08 April, 2024

**Location:** Council Chambers, City Administrative Building, Bridge Road, Nowra

## Attachments (Under Separate Cover)

### Index

#### 13. Reports

CL24.93	Development Application – DA23/1856 - 408 Bunkers Hill Road BARRENGARRY– Lot 144 DP 751262	
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Address all correspondence to: The Chief Executive Officer,  
PO Box 42, Nowra NSW 2541 Australia

[shoalhaven.nsw.gov.au/contact](http://shoalhaven.nsw.gov.au/contact) | 1300 293 111

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**NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**

Application number	DA23/1856
Applicant	Minto Planning Services Pty Ltd
Description of development	Consolidation of lots, alterations and additions to existing building and use as a dwelling house
Property	408 Bunkers Hill Rd, BARRENGARRY - Lot 144 DP 751262
Determination	Approval
Date of determination	[#Consent Start Date#]
Date from which the consent operates	[#Consent Start Date#]
Date on which the consent lapses	[#Consent End Date#]

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

**Reasons for Grant of Consent**

- a) The development proposal, subject to the recommended conditions is consistent with:
  - i) the objects of the Environmental Planning and Assessment Act, 1979.
  - ii) the aims, objectives and provisions of the applicable environmental planning instruments,
  - iii) the aims, objectives and provisions of applicable development control plans
  - iv) the aims, objectives and provisions of relevant Council policies.
- b) The likely impacts of the proposed development are considered acceptable.
- c) The site is suitable for the proposed development.
- d) Any submissions received during the public notification period have been considered and issues and concerns raised by the community in submissions have been addressed in the assessment.
- e) The proposed development does not conflict with the public interest.

**Right of appeal / review of determination**

If you are dissatisfied with this determination:

**Request a review**

You may request a review of the consent authority’s decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the

date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

**Rights to appeal**

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

**Dictionary**

The Dictionary at the end of this consent defines words and expressions for the purposes of this consent.

Person on behalf of the consent authority

**Terms and Reasons for Conditions**

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS																																																							
CONDITIONS					REASON																																																		
<b>1.</b>	<p><b>Approved plans and supporting documentation</b></p> <p>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="5">Plans</th> </tr> <tr> <th>Plan Number</th> <th>Revision Number</th> <th>Plan Title</th> <th>Drawn by</th> <th>Date of Plan</th> </tr> </thead> <tbody> <tr> <td>21.027.20B</td> <td>B</td> <td>Site Plan</td> <td>Tadgh O Foghlu</td> <td>3/12/2023</td> </tr> <tr> <td>21.027.09A</td> <td>A</td> <td>Ground Floor Plan</td> <td>Tadgh O Foghlu</td> <td>3/12/2023</td> </tr> <tr> <td>21.027.10A</td> <td>A</td> <td>First Floor Plan</td> <td>Tadgh O Foghlu</td> <td>3/12/2023</td> </tr> <tr> <td>21.027.11A</td> <td>A</td> <td>East &amp; West Elevation</td> <td>Tadgh O Foghlu</td> <td>3/12/2023</td> </tr> <tr> <td>21.027.12A</td> <td>A</td> <td>North &amp; South Elevation</td> <td>Tadgh O Foghlu</td> <td>3/12/2023</td> </tr> <tr> <td>21.027.13A</td> <td>-</td> <td>Sections</td> <td>Tadgh O Foghlu</td> <td>3/12/2023</td> </tr> <tr> <td>-</td> <td>-</td> <td>External Finishes</td> <td>-</td> <td>-</td> </tr> <tr> <td>23669-00-L100</td> <td>A</td> <td>Context Plan</td> <td>Realm Studios</td> <td>-</td> </tr> </tbody> </table>				Plans					Plan Number	Revision Number	Plan Title	Drawn by	Date of Plan	21.027.20B	B	Site Plan	Tadgh O Foghlu	3/12/2023	21.027.09A	A	Ground Floor Plan	Tadgh O Foghlu	3/12/2023	21.027.10A	A	First Floor Plan	Tadgh O Foghlu	3/12/2023	21.027.11A	A	East & West Elevation	Tadgh O Foghlu	3/12/2023	21.027.12A	A	North & South Elevation	Tadgh O Foghlu	3/12/2023	21.027.13A	-	Sections	Tadgh O Foghlu	3/12/2023	-	-	External Finishes	-	-	23669-00-L100	A	Context Plan	Realm Studios	-	<p>To ensure compliance with the approved plans and documents.</p>
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20568-C02	-	Stormwater Management Plan	Westlake Punnett	6/7/2023
Documents				
Document title	Version number	Prepared by	Date of document	
Bushfire Hazard Assessment	1.1	Harris Environmental Consulting	5/9/2023	
Soil and Site Assessment for Onsite Wastewater Disposal	1.1	Harris Environmental Consulting	15/8/2023	
Waste Management Plan	-	Gregory Scarf	11/10/2023	
BASIX Certificate	1736720S	Aminga Holdings Pty Ltd	21/2/2024	
In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.				
<b>2.</b>	<p><b>Bushfire - Building works residential</b> New construction must comply with:</p> <ul style="list-style-type: none"> <li>a) the report submitted by Harris Environmental Consulting (Ref: 1.1) dated 5/9/2023</li> <li>b) Planning for Bush Fire Protection 2019</li> <li>c) AS3959 Construction of Buildings in Bushfire Prone Areas</li> <li>d) BAL-12.5, except where modified by Planning for Bush Fire Protection 2019 including all NSW variations</li> </ul>			To ensure compliance with applicable bushfire controls.
<b>3.</b>	<p><b>Existing Infrastructure</b> Any required alterations or damage to infrastructure will be at the developer's expense.</p>			To ensure existing infrastructure is accounted for

	<p><i>Note: It is recommended prior to the issue of a Construction Certificate, all infrastructure, existing and proposed, is to be shown accurately on construction plans with clearances clearly labelled confirming that the proposed works do not affect any existing infrastructure. This will reduce the potential for unexpected costs and expenses.</i></p>	<p>and any damage to infrastructure is suitably repaired.</p>
<p><b>4.</b></p>	<p><b>Other Existing Buildings</b></p> <p>No other existing buildings on site may be used as a dwelling house except where approved by Council in a subsequent development application.</p>	<p>To ensure that only one dwelling house is situated on the subject property.</p>
<p><b>5.</b></p>	<p><b>Prescribed Conditions</b></p> <p>The development must comply with Part 4, Division 2, Subdivision 1, of the <i>Environmental Planning and Assessment Regulation 2021</i>, as applicable.</p>	<p>To ensure compliance with prescribed conditions.</p>
<p><b>DEMOLITION WORK</b></p>		
<p><b>Before Demolition Work Commences</b></p>		
<p>CONDITIONS</p>		<p>REASON</p>
<p><b>6.</b></p>	<p><b>Demolition - Asbestos Removal</b></p> <p>Asbestos removal must be carried out in accordance with AS2601-2 <a href="#">SafeWork NSW – Code of Practice, Demolition Work [ISBN 978-0-642-78415-5]</a> and as applicable, by a person holding the relevant licence issued by SafeWork NSW.</p> <p>A licence is not required to remove less than 10m<sup>2</sup> of non-friable asbestos, provided that the total amount of non-friable asbestos removed from the lot does not exceed 10m<sup>2</sup>.</p> <p>Asbestos must be taken for disposal to the licensed Waste Management Facility identified in the approved Waste Management Plan.</p> <p>Seven days before the commencement of any demolition works involving asbestos, all immediate neighbours must be notified in writing of the intention to carry out asbestos demolition works. Copies of these written notifications should be retained and submitted to Council</p> <p>Post asbestos removal and before further work on the site, the following must be submitted to the Certifier:</p> <p>a) A clearance certificate issued by a licensed asbestos assessor or competent person as required by the Work,</p>	<p>To ensure demolition works are carried out appropriately.</p>

	<p>Health and Safety Regulation 2017 for the specific type of asbestos removal work confirming that the area has been cleaned satisfactorily and is safe to be re-occupied for normal use.</p> <p>b) A clearance certificate is required if the removal work involved any quantity of friable asbestos, or if it involved removal of more than a total of 10 square metres of non-friable asbestos from the lot.</p> <p>c) Documentary evidence of the legitimate disposal of all asbestos in the form of tip receipts from an approved waste management facility.</p>	
<p><b>DEMOLITION WORK</b> <b>During Demolition Work</b></p>		
CONDITIONS		REASON
7.	<p><b>Demolition - Completion of Works</b> Demolition work, once commenced, must be completed within three (3) months.</p>	To ensure demolition works are completed within an acceptable timeframe.
8.	<p><b>Demolition - Standards</b> Demolition work must be carried out in accordance with all applicable Australian Standards and SafeWork Code of Practice.</p>	To ensure demolition works are carried out appropriately.
<p><b>BUILDING WORK</b> <b>Before Issue of a Construction Certificate</b></p>		
CONDITIONS		REASON
9.	<p><b>Council Approvals - Evidence</b> A Construction Certificate / Subdivision Works Certificate must not be issued until the Certifier has received notification from, or evidence of, any Council approval that is required before the commencement of building works.</p>	To ensure all required approvals are obtained.
10.	<p><b>Erosion and Sediment Controls - Erosion and Sediment Control Plan</b></p>	To ensure an appropriate

	<p>Before issue of a Construction Certificate / Subdivision Works Certificate, an Erosion and Sediment Control Plan (ESCP) and specifications must be prepared in accordance with Landcom's publication Managing Urban Stormwater - Soils and Construction (2004) by a suitably qualified person, (as defined in the National Construction Code) to the satisfaction of the Certifier.</p> <p>All plans must include:</p> <ul style="list-style-type: none"> <li>a) Site access location and stabilisation details and restrictions;</li> <li>b) Erosion control locations and types;</li> <li>c) Sediment control locations and types;</li> <li>d) Soil, water and drainage management plans;</li> <li>e) Site rehabilitation details;</li> <li>f) Inspection and maintenance details;</li> <li>g) Identification of existing vegetation and site revegetation to have 70% cover established before plan is decommissioned;</li> <li>h) Existing and final contours (clearly distinguished and adequately annotated);</li> <li>i) Standard construction drawings for proposed soil, water and drainage management measures.</li> <li>j) All implemented measures must ensure that a pollution incident must not occur as defined by the Protection of the Environment Operations Act (POEO).</li> </ul> <p>All implemented measures must:</p> <ul style="list-style-type: none"> <li>a) not cause water pollution as defined by the Protection of the Environment Operations Act (POEO).</li> <li>b) be maintained at all times.</li> <li>c) not be decommissioned until at least 70% revegetation cover has been established.</li> </ul>	<p>Erosion and Sediment Control Plan has been prepared.</p>
<p><b>11. Exterior Materials</b></p>	<p>Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Certifier before the issue of a Construction Certificate.</p>	<p>To ensure colours and materials are appropriate.</p>
<p><b>12. Long Service Levy</b></p>	<p>Before the issue of the relevant Construction Certificate / Subdivision Works Certificate, the long service levy must be</p>	<p>To ensure compliance with</p>

	paid to the Long Service Corporation of Council under the Building and Construction industry <i>Long Service Payments Act 1986</i> , section 34, and evidence of the payment is to be provided to the Certifier.	long service levy requirements.
13.	<p><b>National Construction Code– Clause 64 Upgrade (Total)</b></p> <p>Pursuant to clause 64 of the <i>Environmental Planning and Assessment Regulation 2021</i> it is required that the existing building to be upgraded to total conformity with the Performance Requirements of the National Construction Code (NCC).</p> <p>Prior to the issue of a Construction Certificate, plans and specifications must be provided to the satisfaction of the Certifier, detailing how the existing building will be upgraded to total conformity with the NCC in force at the date of issue of the Construction Certificate.</p>	To ensure compliance with the NCC.
14.	<p><b>Section 68 Application – Solid Fuel Heater</b></p> <p>Before the issue of a Construction Certificate, an application to install a domestic oil or solid fuel heating appliance must be obtained from Council under section 68 of the <i>Local Government Act 1993</i>.</p>	To ensure relevant approvals are obtained.
15.	<p><b>Section 68 Application – Water Supply, Sewerage and Stormwater Drainage / Sewage Management Facility</b></p> <p>Before the issue of a Construction Certificate, an application for water supply, sewerage and stormwater drainage and/or sewage management facility must be approved under section 68 of the <i>Local Government Act 1993</i>.</p>	To ensure relevant approvals are obtained.
16.	<p><b>Stormwater - Alteration to Existing System Design Standards</b></p> <p>Before the issue of a Construction Certificate, stormwater plans must be prepared by a Licensed Plumber or a professional engineer, (as defined in the National Construction Code), and submitted to the Certifier.</p> <p>a) Drainage must be designed and constructed in accordance with:</p> <ul style="list-style-type: none"> <li>i) Generally in accordance with the approved plans</li> <li>ii) the National Construction Code</li> <li>iii) Council's <a href="#">Engineering Design Specifications</a></li> <li>iv) <a href="#">Development Control Plan G2</a></li> </ul> <p>b) Design plans must demonstrate that:</p>	To ensure stormwater infrastructure is designed appropriately.

	<ul style="list-style-type: none"> <li>i) any existing component of the stormwater system to be relied upon has been checked and certified to be in good condition and operating satisfactorily.</li> <li>ii) any component of the existing system not in good condition and /or not operating satisfactorily, will be upgraded and discharged as appropriate for the site conditions.</li> <li>c) Stormwater from proposed new or altered roof areas may be discharged to the existing site drainage system. Disposal of stormwater from minor roof or paved areas that cannot reasonably be drained by gravity to a public road or registered drainage easement may occur on-site, subject to ensuring no concentration of flows or nuisance to other properties.</li> </ul>	
17.	<p><b>Stormwater – Internal Charged Lines Design Standards</b></p> <p>Before the issue of a Construction Certificate, the Certifier must be satisfied that any charged stormwater line on the design plans is to have a flush point installed at the lowest reduced level (RL) into a 450mm x 450mm pit to enable the line to be flushed and prevent blockage.</p>	To ensure stormwater infrastructure is designed appropriately.
18.	<p><b>Stormwater - Rainwater Facility</b></p> <p>Before the issue of a Construction Certificate, details of rainwater tanks must be provided to the Certifier.</p> <p>Water stored in the tank must be plumbed into the dwelling such that it is supplied to each of the fixtures listed in the BASIX Certificate for the property. Plumbing must be in accordance with the current edition of AS 3500.1 Water Services – Section 16.</p> <p>It will be necessary to install, maintain and repair the facility so that it functions in a safe and efficient manner in accordance with the current editions of AS 3500.1 Water Services, the New South Wales Code of Practice Plumbing and Drainage and in accordance with the following:</p> <ul style="list-style-type: none"> <li>a) The tank inlet must be located a minimum of 500mm below the outlet of the eave gutter.</li> <li>b) The tank is to be installed on a firm flat and stable platform in accordance with manufacturer's recommendations. Tanks located over fill material should be placed on a concrete slab.</li> <li>c) Pumps must be located and installed to minimize any potential noise nuisance to surrounding residents, and in the case of a permanent electric pump, must be installed</li> </ul>	To ensure rainwater tanks are appropriately installed where required.

	<p>by a licensed electrician. Pump performance must achieve a minimum 300 Kpa output.</p> <p>d) Overflow from the tank must be directed into the approved storm water system.</p> <p>e) Any town water top-up of the tank must be by indirect connection by means of a visible “air gap”, external to the rainwater tank, in accordance with the provisions of the National Plumbing and Drainage Code, AS3500.1 – Minimum air gap requirements.</p> <p>f) Marking and labelling of rainwater services must be in accordance with AS 3500.1 Section 16.</p> <p>g) The charged line to the rainwater tank is to have a flush point installed at the lowest reduced level (RL) into a 450mm x 450mm pit to enable the line to be flushed. This is to prevent the line becoming blocked.</p> <p>h) For partially buried or fully buried rainwater tanks the property owner is required to have a dual check valve with atmospheric port valve installed at the boundary water meter. Zone protection will be required at the tank or cross connection point to be installed in accordance with AS3500.1 – Section 4.</p>	
<b>19.</b>	<p><b>Surrender of Consent</b></p> <p>Before the issue of a Construction Certificate the consent relating to DA17/1157 (as modified) must be surrendered by submitting an application for <a href="#">Surrender of Consent or Existing Use Right – Voluntary Application</a> to Council in accordance with the <i>Environmental Planning and Assessment Regulation 2021</i>.</p>	To ensure the affected development consent is surrendered.
<p><b>BUILDING WORK</b></p> <p><b>Before Building Work Commences</b></p>		
	<p>CONDITIONS</p>	<p>REASON</p>
<b>20.</b>	<p><b>Appointment of Principal Certifier</b></p> <p>Before building/subdivision work commences a Principal Certifier must be appointed.</p>	To ensure a Principal Certifier is appointed where required.
<b>21.</b>	<p><b>Construction Certificate</b></p> <p>A Construction Certificate must be obtained from either Council or a certifier before any building work can commence.</p>	To ensure a appropriate building and

		Subdivision Certificates are obtained.
<b>22. Dilapidation Report (Minor)</b>	<p>Before the commencement of work, the developer must engage a competent person to prepare a dilapidation report in respect of the neighbouring premises and adjacent public infrastructure, including adjacent kerbs, gutters, footpaths (formed or unformed), driveways (formed or unformed), carriageway, reserves and the like to document evidence of any existing damage.</p> <p>The dilapidation report must consider the impact of any excavation work that extends below the level of the base of the footings of any structure within 900mm of the shared boundary.</p> <p>Before works commence, a copy of the dilapidation report must be provided to the Certifier and Council. The dilapidation report will be the benchmark for necessary repairs to damage caused during the development works. All repairs must be completed by the developer at the developer's cost.</p> <p>Not less than seven (7) days before works commence, the developer must notify the owner of any affected property of the intention to carry out approved works. The developer must also furnish the owner with details of the approved work.</p> <p>However, if the occupier or owner of any neighbouring dwelling does not permit reasonable access for the purposes for the preparation of the dilapidation report, written evidence of the efforts taken to secure access may be submitted to the Principal Certifier and the Principal Certifier may waive the requirement in relation to the relevant property.</p> <p><i>Note: A dilapidation report can comprise of video footage and photos of adjacent public infrastructure and relevant structures on adjoining properties.</i></p>	<p>To ensure a suitable dilapidation report is prepared and the status of existing infrastructure and adjoining structures is recorded prior to the commencement of work.</p>
<b>23. Erosion and Sediment Controls – Implementation</b>	<p>Before any site work commences, the Certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any disturbed areas have been restabilised in accordance with Landcom's publication Managing Urban Stormwater - Soils and Construction (2004) and approved plans (as amended from time to time).</p>	<p>To ensure appropriate erosion and sediment control measures are in place.</p>

24.	<p><b>Notice of Commencement</b></p> <p>Notice must be given to Council at least two (2) days before the commencement of building or subdivision work by completing and returning the form '<a href="#">Commencement Notice for Building or Subdivision Work and Appointment of Principal Certifying Authority</a>'.</p>	To ensure appropriate notice is given to Council.					
25.	<p><b>Toilet Facilities – Temporary</b></p> <p>Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:</p> <ul style="list-style-type: none"> <li>a) be a standard flushing toilet connected to a public sewer, or</li> <li>b) have an on-site effluent disposal system approved under the <i>Local Government Act 1993</i>, or</li> <li>c) be a temporary chemical closet approved under the <i>Local Government Act 1993</i>.</li> </ul>	To ensure suitable toilet facilities are provided.					
26.	<p><b>Waste Management Plan – an approved document of this consent</b></p> <p>Before the commencement of site works a waste management plan for the development must be provided to the Certifier for review and approval.</p>	To ensure an appropriate waste management plan is provided.					
<p><b>BUILDING WORK</b> <b>During Building Work</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 70%;">CONDITIONS</th> <th>REASON</th> </tr> </thead> <tbody> <tr> <td data-bbox="304 1317 400 1639">27.</td> <td data-bbox="400 1317 1082 1639"> <p><b>Acid Sulfate Soils - Unexpected Finds</b></p> <p>If acid sulfate soils are encountered during excavation and/or construction works, all work must cease, and Shoalhaven City Council notified immediately. The extent of acid sulfate soil must be evaluated by a qualified environmental consultant with experience in the assessment of acid sulfate soils and a preliminary assessment provided to Council. Council will determine an appropriate response, including if an Acid Sulfate Soils Management Plan is required to be prepared and implemented, before works can recommence.</p> </td> <td data-bbox="1082 1317 1289 1639">To ensure acid sulfate soils are appropriately managed.</td> </tr> </tbody> </table>			CONDITIONS	REASON	27.	<p><b>Acid Sulfate Soils - Unexpected Finds</b></p> <p>If acid sulfate soils are encountered during excavation and/or construction works, all work must cease, and Shoalhaven City Council notified immediately. The extent of acid sulfate soil must be evaluated by a qualified environmental consultant with experience in the assessment of acid sulfate soils and a preliminary assessment provided to Council. Council will determine an appropriate response, including if an Acid Sulfate Soils Management Plan is required to be prepared and implemented, before works can recommence.</p>	To ensure acid sulfate soils are appropriately managed.
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<p><b>28.</b></p>	<p><b>Discovery of relics and Aboriginal objects</b></p> <p>While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:</p> <ul style="list-style-type: none"> <li>a) the work in the area of the discovery must cease immediately.</li> <li>b) the following must be notified for a relic – the Heritage Council; or</li> <li>c) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.</li> </ul> <p>Site work may recommence at a time confirmed in writing by:</p> <ul style="list-style-type: none"> <li>a) for a relic – the Heritage Council; or for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.</li> </ul>	<p>To ensure the protection of objects of potential significance during works.</p>
<p><b>29.</b></p>	<p><b>Earthworks - Cut, Fill and Grading</b></p> <p>The maximum grading of cut or fill must be 2H:1V where there is no retaining wall or no other method of stabilising cut or fill during construction. Earthworks and retaining walls must be constructed as per the approved plans.</p>	<p>To ensure earthworks are appropriately retained.</p>
<p><b>30.</b></p>	<p><b>Potentially Contaminated Land - Unexpected Finds</b></p> <p>If unexpected, contaminated soil and/or groundwater is encountered during any works:</p> <ul style="list-style-type: none"> <li>a) all work must cease, and the situation must be promptly evaluated by an appropriately qualified environmental consultant.</li> <li>b) the contaminated soil and/or groundwater must be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) Guidelines.</li> </ul> <p>If unexpected, contaminated soil, or groundwater is treated and/or managed on-site an appropriately qualified environmental consultant must verify that the situation was appropriately managed in accordance with relevant NSW EPA guidelines before recommencement of works. The verification documentation must be provided to the satisfaction of the Certifier and Shoalhaven City Council before the recommencement of any works.</p>	<p>To ensure any detected contaminants are appropriately managed.</p>

	<p>If contaminated soil or groundwater is to be removed from the site, it must be transported to an appropriately licensed waste facility by an NSW EPA licensed waste contractor in accordance with relevant NSW EPA guidelines including the Waste Classification Guidelines (2014).</p> <p><i>Note: An appropriately qualified environmental consultant will have qualifications equivalent to CEnvP "Site Contamination" (SC) Specialist - by Certified Environmental Practitioner or 'Certified Professional Soil Scientist' (CPSS CSAM) by Soil Science Australia (SSA).</i></p>	
31.	<p><b>Site Management - Hours for Construction</b></p> <p>Construction may only be carried out between 7.00am and 5.00pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday. Proposed changes to hours of construction must be approved by Council in writing.</p>	<p>To ensure site work occurs within appropriate construction hours.</p>
32.	<p><b>Site Management - Maintenance of Site and Surrounds</b></p> <p>During works, the following maintenance requirements must be complied with:</p> <ol style="list-style-type: none"> <li>a) All materials and equipment must be stored and delivered wholly within the work site unless an approval to store them elsewhere is held.</li> <li>b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.</li> <li>c) Where tree or vegetation protection measures are in place, the protected area must be kept clear of materials and / or machinery.</li> <li>d) The developer must maintain the approved soil water management / erosion and sediment control measures to the satisfaction of the Certifier for the life of the construction period and until runoff catchments are stabilised.</li> <li>e) During construction:             <ol style="list-style-type: none"> <li>i) all vehicles entering or leaving the site must have their loads covered, and</li> <li>ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.</li> </ol> </li> <li>f) At the completion of the works, the work site must be left clear of waste and debris.</li> </ol>	<p>To ensure the site is maintained in a safe and secure manner.</p>

<p><b>33.</b></p>	<p><b>Site Management - Noise</b></p> <p>The noise from all site work, demolition and construction activities associated with the approved development must comply with the work practices as outlined in the NSW Department of Environment &amp; Climate Change Interim Construction Noise Guideline. The LA10 level measured over a period of not less than 15 minutes during works must not exceed the background (LA90) noise level by more than 10dB(A) when assessed at any sensitive noise receiver.</p>	<p>To protect the amenity of neighbouring properties.</p>
<p><b>34.</b></p>	<p><b>Stormwater - Overland Flow, Redirecting and/or Concentrating Stormwater</b></p> <p>All excavation, backfilling and landscaping works must not result in:</p> <p>a) any change to the overland stormwater flow path on your property and or a neighbouring property. If any change to the overland flow path occurs on a property, the stormwater runoff must be collected and directed to a legal point of discharge.</p> <p>b) the redirection and/or concentration of stormwater flows onto neighbouring properties.</p>	<p>To ensure stormwater is appropriately managed.</p>
<p><b>35.</b></p>	<p><b>Soil Management</b></p> <p>While site work is being carried out, the Certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:</p> <p>a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the Certifier</p> <p>b) All fill material imported to the site must be:</p> <p>i) Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997, or</p> <p>ii) a material identified as being subject to a resource recovery exemption by the NSW EPA, or</p> <p>iii) a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 and a material identified as being subject to a resource recovery exemption by the NSW EPA.</p>	<p>To ensure excavated material is appropriately disposed of and all fill material is appropriate for usage on site.</p>

<b>BUILDING WORK</b>		
<b>Before Issue of an Occupation Certificate</b>		
CONDITIONS		REASON
<b>36. BASIX Certificate – Evidence of Completion</b>	Before the issue of an Occupation Certificate, documentary evidence prepared by a suitably qualified person must be submitted to the Certifier confirming that all commitments listed in the BASIX Certificate(s) are fulfilled in accordance with Clause 97A of the <i>Environmental Planning and Assessment Regulation 2021</i> .	To ensure compliance with the approved BASIX Certificate.
<b>37. Building Information Certificate</b>	Before the issue of an Occupation Certificate, a Building Information Certificate must be obtained for the unauthorised already constructed works to the building (the subject of this Development Application). Evidence of the Building Information Certificate must be provided to the Certifier.	To ensure a Building Information Certificate is obtained where it is required.
<b>38. Completion of Public Utility Services</b>	Before the issue of the relevant Occupation Certificate / Subdivision Certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier.	To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.
<b>39. Colours and Materials</b>	The development must be constructed in accordance with the approved schedule of colours and building materials and finishes.	To ensure colours and materials are appropriate.
<b>40. Dilapidation Report (Minor) – Evidence of Completion</b>	Before the issue of an Occupation Certificate, the developer must provide the Certifier and Council with evidence that any damage to neighbouring premises or adjacent public infrastructure, not previously identified as existing damage in	To ensure any damage not previously identified in the Dilapidation

	the Dilapidation Report, has been repaired by the developer to the satisfaction of Council.	Report is suitably repaired.
<b>41. Driveway – Evidence of completion</b>	Before the issue of a full Occupation Certificate, all driveway works internal to the site as shown on the approved plans must be completed.	To ensure the completion of the driveway in a timely manner.
<b>42. Plumbing - Yard Gully</b>	Must be installed as per AS3500.2 – Section 4. A minimum height of 150mm must be maintained between the top of the overflow yard gully riser and the lowest fixture connected to the drain. The height must be measured vertically from the overflow level of the gully riser, or from the invert level of the overflow pipe, to the appropriate point given in National Construction Code. The minimum height between the top of the overflow yard gully riser, or the invert of the overflow pipe, and the surrounding ground surface level must be 75mm, except where the gully riser is located in a path or a paved area where it must be finished at a level so as to prevent the ponding and ingress of water into the drainage system.	To ensure compliance with relevant plumbing controls.
<b>43. Section 68 Approvals – Evidence of Completion</b>	All the conditions under the approval of section 68 of the <i>Local Government Act 1993</i> are to be complied with before the issue of an Occupation Certificate.	To ensure compliance with section 68 approval.
<b>44. Stormwater - Works as Executed</b>	Before the issue of an Occupation Certificate / Subdivision Certificate, a Works as Executed Plans and certification must be submitted to the Council by a licenced plumber/ registered surveyor / professional engineer (as defined in the National Construction Code) certifying compliance of all drainage works with the approved design plans and the National Construction Code.  The Works as Executed be shown in red on a copy of the approved plans. This plan must verify locations & sizes of all pipelines.  Where the system includes an underground tank, a certificate of structural adequacy must be prepared and provided by a professional engineer (as defined in the National Construction Code).	To ensure works as executed plans are prepared and provided.
<b>BUILDING WORK</b>		

Occupation and Ongoing use	
CONDITIONS	REASON
<p><b>45. Bushfire – Asset Protection Zone (Nominated APZ Area)</b></p> <p>Asset Protection Zones (APZ) must be managed in accordance with Appendix 4 – Asset Protection Zone Standards of Planning for Bush Fire Protection 2019 and the NSW Rural Fire Service Standards for Asset Protection Zones as nominated:</p> <p>a) As per the asset protection zones identified in the report submitted by Harris Environmental Consulting (Ref: 1.1) dated 5/9/2023.</p>	<p>To ensure asset protection zones are maintained.</p>
<p><b>46. Landscaping – Noxious and Environmental Weeds</b></p> <p>The planting of plant species listed in the South East Regional Strategic Weed Management Plan 2017 – 2022 is prohibited for the life of the development. No exotic perennial grasses listed on the 'Final Determination of the NSW Scientific Committee for the key threatening process Invasion of native plant communities by exotic perennial grasses' must be sown within the outer protection area or the asset protection zone for the life of the development. Native grasses must be sown in these areas, as this is the interface between disturbed areas and the remaining native vegetation for the life of the development.</p>	<p>To protect biodiversity values.</p>
<p><b>47. Occupation – Satisfaction of Conditions of Consent</b></p> <p>The development must not be occupied or used before an Occupation Certificate has been issued by the Principal Certifier.</p> <p>If an Occupation Certificate is not required, the use must not commence until all conditions of development consent have been met or other satisfactory agreements have been made with Council (i.e., a security).</p>	<p>To ensure conditions of consent are complied with or other satisfactory arrangement made.</p>
<p><b>48. Stormwater- Maintenance of Stormwater Infrastructure</b></p> <p>The approved stormwater design and any associated on-site detention must be maintained for the life of the development in accordance with the approved documents and maintenance programs.</p>	<p>To ensure stormwater infrastructure is maintained for the life of the development.</p>

49.	<b>Use of Building as a Single Dwelling</b> The building must operate as a single dwelling house. Each wing of the building (as shown on the approved plans) shall not be fully self-contained or used for any separate occupation.	To ensure the building operates as a single dwelling.
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### General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation, and other legislation. Some of these additional obligations are set out in the Conditions of development consent: advisory notes. The consent should be read together with the Conditions of development consent: advisory notes to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a Construction Certificate or Subdivision Works Certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

### Dictionary

The following terms have the following meanings for the purpose of this consent (except where the context clearly indicates otherwise):

**Approved plans and documents** means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

**AS** means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

**Building work** means any physical activity involved in the erection of a building.

**Certifier** means a council or a person that is registered to carry out certification work under the Building and Development Certifiers Act 2018.

**Construction Certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

**Council** means Shoalhaven City Council.

**Court** means the NSW Land and Environment Court.

**EPA** means the NSW Environment Protection Authority.

**EP&A Act** means the Environmental Planning and Assessment Act 1979.

**EP&A Regulation** means the Environmental Planning and Assessment Regulation 2021.

**Independent Planning Commission** means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

**Occupation Certificate** means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

**Principal certifier** means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

**Site work** means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

**Stormwater drainage system** means all works and facilities relating to:

- the collection of stormwater
- the reuse of stormwater
- the detention of stormwater
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

**Strata Certificate** means a certificate in the approved form issued under Part 4 of the Strata Schemes Development Act 2015 that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

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	<b>Section 4.15 Assessment Report</b> <i>Environmental Planning &amp; Assessment Act 1979</i>
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<b>Conflict of interest declaration</b>			
<p>I have considered the potential for a conflict of interest under the Code of Conduct and to the best of my knowledge no pecuniary and/or significant non-pecuniary conflict of interest exists.</p> <p><i>Note: If you determine that a non-pecuniary conflict of interest is less than significant and does not require further action, you must provide a written explanation of why you consider that the conflict does not require further action in the circumstances. This statement should then be countersigned by the Manager.</i></p>			
Assessing Officer	Peter Woodworth	15/11/2023	
Affiliations and Pecuniary Interests	<p>Have any affiliations or pecuniary interests been identified by the Applicant in the Portal lodgement form?</p> <p><i>Note: Where a pecuniary interest is identified ensure appropriate actions are taken (e.g. blocking access to TRIM folder for affected staff)</i></p> <p><i>Note: For applications lodged by Council staff, Councillors and Council refer to POL22/149. A conflict of interest management statement may be required.</i></p>		<b>No</b>
Councillor Representations	<i>Councillor</i>	<i>Date</i>	<i>TRIM Reference</i>
Delegation Level Required	Assessing Officer		

Report Recommendation	Approval		
Development Description	Consolidation of lots, alterations and additions to existing building and use as a dwelling house		
Variations Proposed	<input type="checkbox"/> DCP departure		
	<input type="checkbox"/> Clause 4.6 exception		
	Clause number		
	Percentage variation		
	Brief justification for the variation		
	Concurring authority for the approved variation		
	Determination date		
<p><i>Note: Where a clause 4.6 exception has been approved the assessing officer must ensure this is recorded in the quarterly variation report (see quarterly variation reports in TRIM Reference 41544E)</i></p>			

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DA Number	DA23/1856
PAN	PAN-375875
Property Address	408 Bunkers Hill Rd, BARRENGARRY - Lot 144 DP 751262 Bunkers Hill Rd BARRENGARRY - Lot 145 DP 751262 Bunkers Hill Rd BARRENGARRY - Lot 1 DP1263250
Applicant(s)	Minto Planning Services Pty Ltd
Owner(s)	<a href="#">Gregory Charles Scarf</a>
Owner's consent provided?	Yes
Date Lodged	27-Oct-2023
Date of site inspection	24/11/2023
Date clock stopped	16/11/2023
Date clock started	24/11/2023
Related Application in NSW Planning Portal?	<input type="checkbox"/> Concurrence and/or external agency referral <input type="checkbox"/> Section 68 <input type="checkbox"/> Section 138 <input type="checkbox"/> Construction Certificate <i>Note: s138 and CC applications will not be incorporated into the Development Consent and will be determined separately.</i>
Number of submissions	5 <i>Note: where submissions are received Council must give notice of the determination decision to all submitters.</i>

### 1. Detailed Proposal

The proposal includes:

- Alterations and additions to existing building and use as a dwelling house
  - Associated onsite sewage management system
  - Associated landscaping
- Consolidation of Lots 144 and 145 DP 751262, Lot 1 DP1263250

*Note: Lot 4 DP 41685 as noted on Council's GIS system is an error the NSW state DCDB and this lot is wholly contained within Lot 1 DP 1263250 (see correspondence from Crown Land in D24/40365).*

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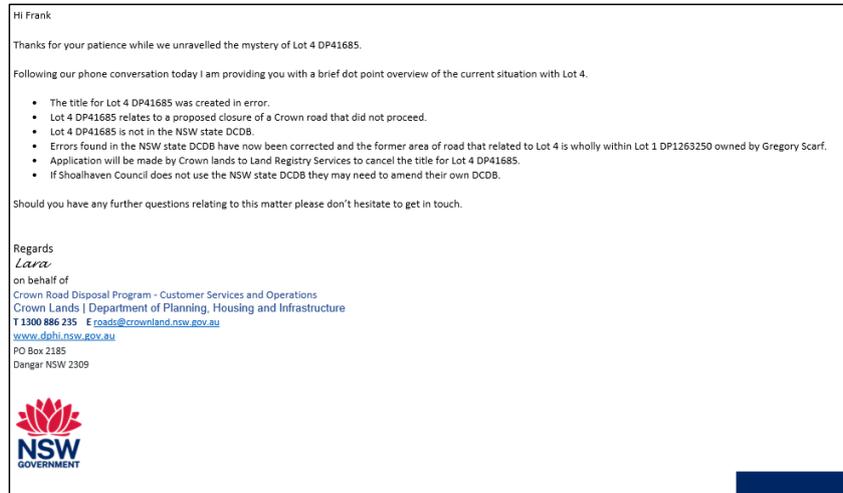


Figure 1: Extract from email from Crown Land in D24/40365 confirming that that Lot 4 DP 41685 is an error and is wholly contained in Lot 1 DP 1263250.

The plans and information referred to are as follows:

Plans				
Plan Number	Revision Number	Plan Title	Drawn by	Date of Plan
21.027.20B	B	Site Plan	Tadhg O Foghlu	3/12/2023
21.027.09A	A	Ground Floor Plan	Tadhg O Foghlu	3/12/2023
21.027.10A	A	First Floor Plan	Tadhg O Foghlu	3/12/2023
21.027.11A	A	East & West Elevation	Tadhg O Foghlu	3/12/2023
21.027.12A	A	North & South Elevation	Tadhg O Foghlu	3/12/2023
21.027.13A	-	Sections	Tadhg O Foghlu	3/12/2023
-	-	External Finishes	-	-
23669-00-L100	A	Context Plan	Realm Studios	-
20568-C02	-	Stormwater Management Plan	Westlake Punnett	6/7/2023

Documents
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Document title	Version number	Prepared by	Date of document
Bushfire Hazard Assessment	1.1	Harris Environmental Consulting	5/9/2023
Soil and Site Assessment for Onsite Wastewater Disposal	1.1	Harris Environmental Consulting	15/8/2023
Waste Management Plan	-	Gregory Scarf	11/10/2023
BASIX Certificate	1736720S	Aminga Holdings Pty Ltd	21/2/2024

## 2. Subject Site and Surrounds

### Site Description



Figure 2: Aerial imagery of subject site

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Figure 3: Zoomed in aerial imagery of development site

The subject site has a frontage to Bunkers Hill Road. The site contains a number of existing buildings and the site benefits from a development consent for tourist and visitor accommodation and also an animal boarding and training facility (equine education centre) and temporary function centre.

It is noted that the buildings across the site may not have been constructed in accordance with DA14/1117(as modified) and are subject to various building information certificates. A summary of the compliance and development history is included in D23/456271.

DA14/1117 (as modified) approved “*regularisation / continued use oof 3 existing buildings as tourist cabins and manager’s residence and approval for two new tourist cabins*”. The approved uses as per DA14/1117 (as modified) are as follows:

- WB Cottage Metal Roof “Banksia” = Tourist Cabin
- WB Cottage Metal Roof “Jacaranda” = Tourist Cabin
- WB Cottage Metal Roof “Willow” = Tourist Cabin
- WB Cottage Metal Roof “Ferndale” = Tourist Cabin
- Metal Building Metal Roof “Caretaker’s Cottage” = Caretakers Cottage

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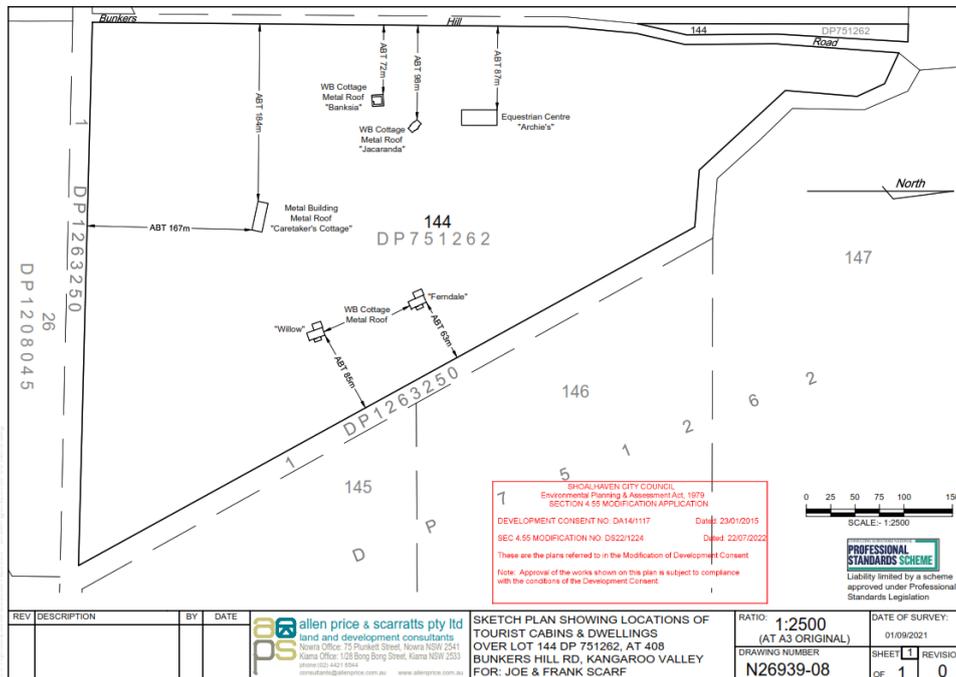


Figure 4: Approved site plan from DS22/1224.

The Equestrian Centre “Archie’s” as noted on the approved site plan from DS22/1224 has approval for use as an animal boarding and training establishment (equine education centre) and the temporary use of the building as a function centre under DA17/1157 (as modified). This building is the subject of the current DA23/1856 in which it is proposed to be used as a dwelling house.

As raised in the email received from a submitter (D24/29948), if the use of WB Cottage Metal Roof “Banksia” aka “Misty Glen” as a tourist cabin under DA14/1117 (as modified) has not been established, and the use of this original cottage as a dwelling persists, then the approval of DA23/1856 for a dwelling house would result in two dwellings being situated on the property i.e. a dual occupancy (detached) which is not a permissible use within the RU1 Primary Production zone. The applicant has confirmed that “Banksia” aka “Misty Glen” has not been used as a dwelling house for at least the last 12 months. In Council’s opinion, the use of WB Cottage Metal Roof “Banksia” aka “Misty Glen” as a dwelling house would have been abandoned under the provisions of 4.66 (4) of the Environmental Planning and Assessment Act 1979 as there is evidence that the building and use as a dwelling house has ceased and has not been used for that purpose for a period greater than 12 months.

4.66 Continuance of and limitations on existing use (cf previous s 107)

- (1) Except where expressly provided in this Act, nothing in this Act or an environmental planning instrument prevents the continuance of an existing use.
- (2) Nothing in subsection (1) authorises—
  - (a) any alteration or extension to or rebuilding of a building or work, or
  - (b) any increase in the area of the use made of a building, work or land from the area actually physically and lawfully used immediately before the coming into operation of the instrument therein mentioned, or
  - (c) without affecting paragraph (a) or (b), any enlargement or expansion or intensification of an existing use, or
  - (d) the continuance of the use therein mentioned in breach of any consent in force under this Act in relation to that use or any condition imposed or applicable to that consent or in breach of any condition referred to in section 4.17(1)(b), or
  - (e) the continuance of the use therein mentioned where that use is abandoned.
- (3) Without limiting the generality of subsection (2)(e), a use is to be presumed, unless the contrary is established, to be abandoned if it ceases to be actually so used for a continuous period of 12 months.
- (4) During the period commencing on 25 March 2020 and ending on 25 March 2022, the reference to 12 months in subsection (3) is taken to be a reference to 3 years.

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To confirm the permissibility of the current proposal (DA23/1856) a condition of consent will be included to specify that *"no other existing buildings on site may be used as a dwelling house except where approved by Council in a subsequent development application"*.

DA17/1157 (as modified) approved an animal boarding and training establishment (equine education centre) and the temporary use of the building as a function centre. The uses approved by DA17/1157 (as modified) are not compatible with the current proposed use of the existing building as a dwelling house as it proposes to change the use of the building previously approved as the "equine centre hall" which was for used as a temporary function centre as per condition 4 of DA17/1157 (as modified). Conditions of consent will require the surrender of DA17/1157 (as modified) prior to the issue of a Construction Certificate.

**Limited Consent**

4. The temporary use of the building as a Function Centre is limited for a period of three years **as measured from the issue of an Occupation Certificate. (modified by DS19/1196)**
5. Should the use of the building for the purpose of an Animal Boarding and Training Establishment cease to operate, then the temporary use of the building as a Function Centre must also cease.

**Notes**

- a) Application may be made to extend the consent under Section 96(1A) of the Environmental Planning & Assessment Act, 1979.
- b) If the applicant under S96 is not the original applicant, the written consent of the owner of the land must first be obtained.
- c) An application to extend the consent should be made at least 28 days **before** the consent will cease to operate.
- d) In deciding whether to extend the consent, Council will take into account any relevant policy amendments made since the consent was issued.

Conditions 4 & 5 from Consolidated Consent DA17/1157 (incorporating DS19/1196) (D19/281880)



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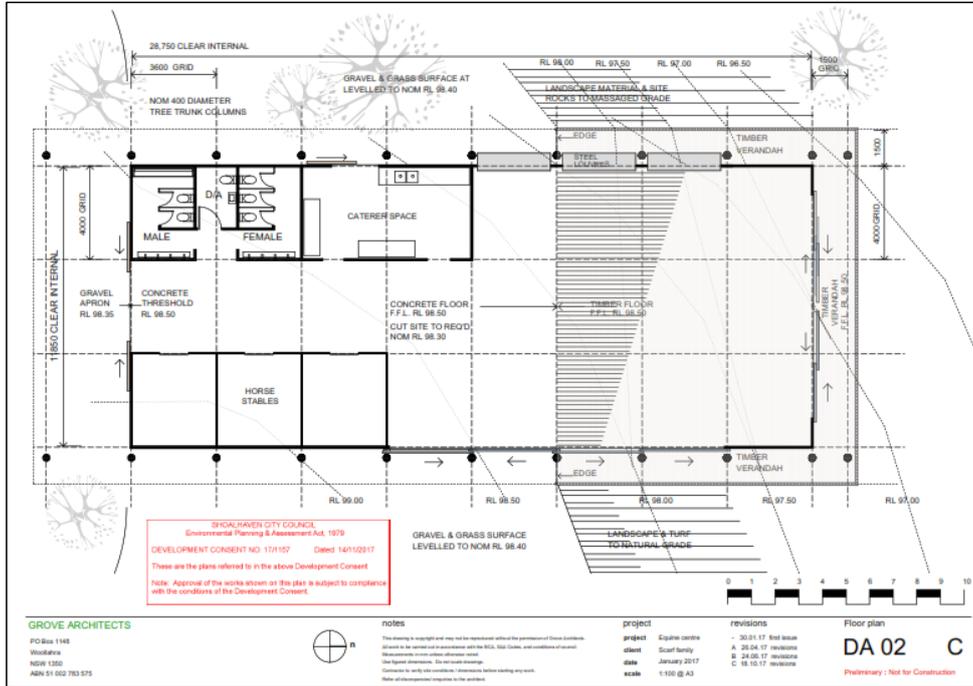


Figure 6: Approved floor plan of Equine Centre from DA17/1157

It is noted that the constructed “equine centre” building is not consistent with that approved in DA17/1157. As such the existing building that is proposed to be used for a dwelling under this application (DA23/1856) is subject to a Building Information Certificate. The timing of obtaining the BIC has been discussed with Luke Freeman – Lead – Compliance and conditions of consent will require a BIC be obtained prior to the issue of an Occupation Certificate for the dwelling.

The surrounding area is rural in character and the site is adjoined by rural residential development to the north and south and bushland area to the east and west.

It is also noted that according to Council’s GIS, Part Lot 147 DP 751262 (highlighted in blue below) appears to include two small sections isolated from the main part of the lot by Lot 1 DP 1263250 (highlighted in yellow below). Part Lot 147 DP751262 is in separate ownership and does not form part of the application. This irregularity in lot shape does not compromise or impact on the current application DA23/1856.

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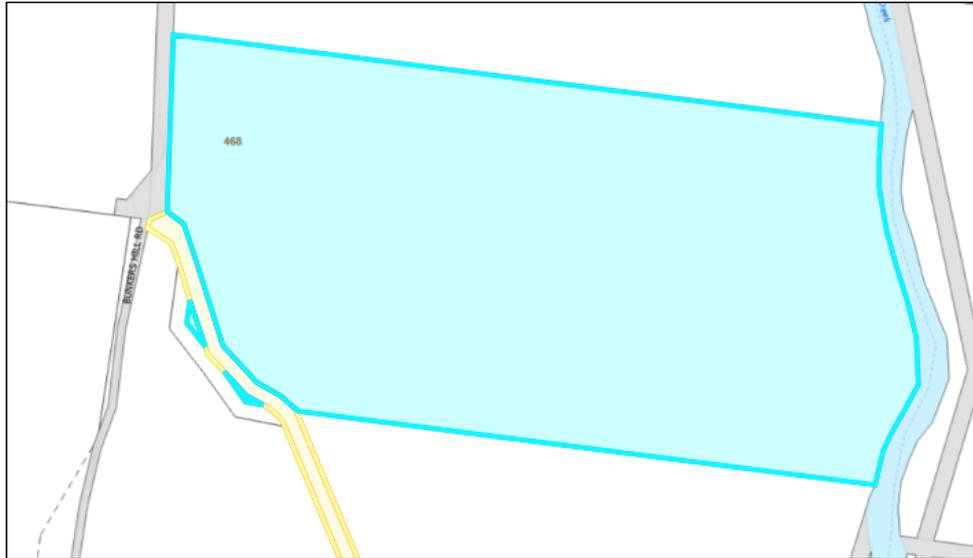


Figure 7: Council's GIS image highlighting Part Lot 147 DP 751262 in blue and Lot 1 DP 1263250 in yellow

Summary of Site and Constraints

GIS Map Layer		
	Lot Area	<p>The application proposes the consolidation of the following lots (*lot areas according to Council's GIS data):</p> <ul style="list-style-type: none"> <li>• Lot 144 DP 751262 = 25.19ha</li> <li>• Lot 145 DP 751262 = 18.62ha</li> <li>• Lot 1 DP 1263250 = 2.099ha</li> </ul> <p><b>TOTAL = 45.909ha</b></p> <p>It is noted that SF8305 (as modified) approved Lots 31,32 and 33 as concessional allotments on Lot 145 DP 751262. According to the approved subdivision plans in DS14/1275, the approved lot sizes are as follows:</p> <ul style="list-style-type: none"> <li>• Lot 31 = 1.45ha</li> <li>• Lot 32 = 1.59ha</li> <li>• Lot 33 = 1.63ha</li> </ul> <p><b>TOTAL = 4.67ha</b></p> <p>Therefore, considering the proposed lot consolidation and the approved lots under SF8305</p>

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(if the subdivision is realised), the land will have a total area of 41.239ha.



Figure 8: Approved subdivision plan from DS14/1275

Zone RU1 Primary Production

CL24.93 - Attachment 2

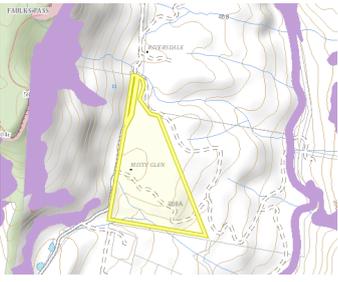
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	<p>Does the land have a dwelling entitlement? <i>Note: for rural land refer to <a href="#">clause 4.2D</a> of Shoalhaven LEP 2014.</i></p>	Yes – Consolidated allotment will have a lot size >40ha. See commentary above.
Topographic Layer	Fall direction of land	Undulating
	Slope of land >20%?	No
Site Inspection	Works within proximity to electricity infrastructure?	No
	Is the development adjacent to a <a href="#">classified road</a> ?	No
	Is the development <a href="#">adjacent to a rail corridor</a> ?	No
Utility Network	Access to reticulated sewer?	No
	<p>Does the proposal require a new connection to a pressure sewer main (i.e. a new dwelling connection)?</p> <p><input checked="" type="checkbox"/> Sewer Pressure Mains &gt;</p> <ul style="list-style-type: none"> <li><span style="color: red;">—</span> Rising Main</li> <li><span style="color: red;">- -</span> Surcharge Main</li> <li><span style="color: red;">- - -</span> Low Pressure Sewer Main</li> <li><span style="color: green;">—</span> Under Construction</li> </ul>	No
	<p>Building over sewer policy applicable?</p> <p><i>Note: Zones of influence can differ based on soil type (e.g., sandy soils vs clay soils). If unsure discuss with Shoalhaven Water.</i></p>	No
	Access to reticulated water?	No
	Does the proposal impact on any critical water or sewer infrastructure (e.g. REMS, water, sewer layers)?	No
	Does the proposal increase dwelling density and demand on water or sewer services (e.g. secondary dwelling, dual occupancy, multi dwelling housing, subdivision)?	No
Environmental Layers	Aboriginal Cultural Heritage	Yes
	Bush Fire	Yes
	Coastal Hazard Lines (applies to location of proposed development)	No
	Coastal Hazard Area	No

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	Potentially Contaminated Land	No
	<p>Flood</p> <p><i>Note: There are several catchments that have not have flood studies conducted. Sites outside of the flood study area may still be subject to flooding. Refer to advisory note on p.3 of <a href="#">Chapter G9</a> of Shoalhaven DCP 2014.</i></p> <p><input checked="" type="checkbox"/> Flood Data</p> <p><input checked="" type="checkbox"/> <input checked="" type="checkbox"/> Flood Studies</p>	No
Planning Layers	Development within 40m of a watercourse	No
	Development Control Plan - <a href="#">Area Specific Chapters</a>	No
	Draft Exhibited Planning Proposal	No
	<a href="#">Shoalhaven LEP (Jerberra Estate) 2014</a>	No
	<a href="#">Acid Sulfate Soils</a>	No
	Buffers	No
	<a href="#">Terrestrial Biodiversity</a>	No – development area not mapped
		
	Local Clauses	No
	<a href="#">Coastal Risk Planning</a>	No
<a href="#">Heritage</a>	No	
<a href="#">Scenic Protection</a>	No	
<p>Sydney Drinking Water Catchment area (e.g. NorBE)</p> <p><i>Note: NorBE Assessments submitted to Council can be viewed from the "Lodged" tab in the NorBE online assessment tool shown below.</i></p>	Yes - The applicaiton is for a Module 2 category. A NorBE assessment should be completed by a suitably qualified consultant and lodged with Council via the NorBE online assessment tool.	

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	<p><i>SEPP (Resilience and Hazards) 2021 – Chapter 2 Coastal Management</i></p>	<p>No</p>
	<p><u><a href="#">Marine Park Estate</a></u></p>	<p>No</p>
<p><u><a href="#">BV Map</a></u></p>	<p><i>Biodiversity Values Map</i></p>	

Site Inspection Observations

Refer to site inspection report.

Deposited Plan and 88B Instrument

There are no identified restrictions on the use of the land that would limit or prohibit the proposed development.

**3. Background**

Pre-Lodgement Information

N/A

Post-Lodgement Information

Reference Number	Milestone	Date
1	Application submitted	26/09/2023
2	Additional Information was requested	10/10/2023
3	Additional Information was requested	17/10/2023
4	Additional Information was provided	18/10/2023
5	Additional Information was requested	19/10/2023
6	Additional Information was provided	19/10/2023
7	Additional Information was requested	19/10/2023
8	Additional Information was provided	25/10/2023
9	Additional Information was provided	26/10/2023
10	Application lodged	27/10/2023
11	Additional Information was requested	16/11/2023
12	Additional Information was provided	04/12/2023



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**Site History and Previous Approvals**

Darts - since 1st July 2005

Application	Appl. Date	Application Type	Proposal	Status	Completed	
<a href="#">DA23/1856</a>	27/10/2023	Development Application	Rural Dwelling Additions - The proposal seeks to regularise an unauthorised structure via a BIC Application as well as approval for prospective works to the structure and its use as a dwelling house	Incomplete		<a href="#">Show Properties</a>
<a href="#">DS22/1224</a>	21/08/2022	Section 96 Amendment	S4.55(1A) - Modification to Design of Tourist Cabin	Approved	22/07/2022	<a href="#">Show Properties</a>
<a href="#">BC22/1028</a>	17/05/2022	Building Information Certificate		Incomplete		<a href="#">Show Properties</a>
<a href="#">BC21/1050</a>	28/05/2021	Building Information Certificate	Building Information Certificate - Footprint, Location & Appearance Of Building	Withdrawn	28/09/2023	<a href="#">Show Properties</a>
<a href="#">DS20/1397</a>	28/08/2020	Section 96 Amendment	S4.55(1A) - Modification to the design of the approved Animal Boarding and Training Establishment (equine education centre)	Refused	01/08/2021	<a href="#">Show Properties</a>
<a href="#">CC20/1605</a>	25/08/2020	Construction Certificate	Equine Education Centre & Occasional Use of Land for Functions associated with Primary Use	Approved	15/08/2020	<a href="#">Show Properties</a>
<a href="#">DS19/1198</a>	09/05/2019	Section 96 Amendment	S4.55(1A) - Modification to Condition 4 of Consent	Approved	19/08/2019	<a href="#">Show Properties</a>
<a href="#">DR18/1951</a>	03/10/2018	SMF Application	Equine Education Centre & Occasional Use of Land for Functions associated with Primary Use	Approved	30/10/2018	<a href="#">Show Properties</a>
<a href="#">DR18/1264</a>	21/03/2018	SMF Application	SMF Application	Approved	01/05/2018	<a href="#">Show Properties</a>
<a href="#">DS17/1126</a>	04/04/2017	Section 96 Amendment	Miscellaneous - continued use of existing buildings as tourist cabins/managers residence & construction of 2 additional cabins	Approved	18/05/2017	<a href="#">Show Properties</a>
<a href="#">DA17/1157</a>	15/02/2017	Development Application	Equine Education Centre & Occasional Use of Land for Functions associated with Primary Use	Approved	14/11/2017	<a href="#">Show Properties</a>
<a href="#">DA14/1117</a>	10/02/2014	Development Application	Miscellaneous - continued use of existing buildings as tourist cabins/managers residence & construction of 2 additional cabins	Approved	23/01/2015	<a href="#">Show Properties</a>
<a href="#">SF10321</a>	09/01/2013	Subdivision Application	Three Lot Rural Subdivision	Approved	07/05/2013	<a href="#">Show Properties</a>
<a href="#">SC09/1080</a>	23/12/2009	Subdivision Certificate	Stage 1A linen release rural residential subdivision	Approved	12/08/2010	<a href="#">Show Properties</a>
<a href="#">DS09/1309</a>	25/08/2009	Section 96 Amendment	Rural (S) - Section 96 to modify condition 17	Approved	07/09/2009	<a href="#">Show Properties</a>

Plain Sailing - since 2nd September 1996

Application	Appl. Date	Proposal	Status	Status Date
<a href="#">DR00-1608</a>	11/04/2000	Septic Tank Application	Approved (P)	27/04/2000

Old Applications prior to 2nd Sept 1996

Application	Proposal	Decision	Owner	
BA86/0949	Concrete Block Dairy	Approved	Coleman WJ&EE	<a href="#">Show Properties</a>

**4. Consultation and Referrals**

**Internal Referrals – N/A**

External Referrals	
Referral	Comments
Local Aboriginal Land Council	No response received within referral timeframe. The proposal is considered acceptable.

**5. Other Approvals**

**Integrated Development – N/A**

**6. Statutory Considerations**

**Environmental Planning and Assessment Act 1979**

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

<p><i>Is the development site mapped as bush fire prone land?</i></p>	<p>Yes - Complete below table and assessment against Planning for Bush Fire Protection</p>
<p><i>Is there vegetation within 100m of the proposed development that would form a bush fire hazard as identified in Planning for Bush Fire Protection?</i></p> <p><i>Note: The bush fire mapping cannot be relied upon solely for identifying bush fire hazards.</i></p>	<p>Yes - Complete below table and assessment against Planning for Bush Fire Protection</p>
<p><i>Is the development subject to a performance based solution or a BAL-FZ?</i></p> <p><i>Note: As per <a href="#">Appendix 2</a> of PBP 2019, performance based solutions should be undertaken and fully justified by a qualified consultant BPAD practitioner.</i></p> <p><i>Note: The NSW variation of <a href="#">H7D4</a> in NCC 2022 Volume 2 specifies that AS3959 and the NASH Standard can only be used as a deemed-to-satisfy provision where an appropriate condition of consent has been imposed <u>in consultation with NSW RFS</u>.</i></p>	<p>No</p>
<p>The application has been supported by a bush fire assessment report that provides the following assessment:</p>	

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CL24.93 - Attachment 2

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**Table 3 APZ and BAL Determination**

	NORTH	EAST	SOUTH EAST	WEST
<b>Vegetation</b>	Grassland	Grassland	Grassland	Grassland
<b>Gradient</b>	5-10° Downslope	0-5° Downslope	5-10° Downslope	5-10° Downslope
<b>Distance between façade and hazard</b>	28 m	25 m	30 m	28 m
<b>Table A1.2.5 PBP BAL 12.5 required APZ</b>	28 -< 50 m	25 -< 50 m	28 -< 50 m	28 -< 50 m
<b>BAL Required</b>	<b>BAL 12.5</b>	<b>BAL 12.5</b>	<b>BAL 12.5</b>	<b>BAL 12.5</b>

Figure 11 Asset Protection Zone



The bush fire assessment report identifies that the proposed development conforms to the relevant specification and requirements of [Planning for Bush Fire Protection 2019](#) and has been prepared by a suitably qualified consultant.

Recommended conditions of consent will require the proposed building/s to be built to BAL-12.5 and APZs (as required) as above.

**Biodiversity Conservation Act 1979**

Does the application include works or vegetation removal within the <a href="#">Biodiversity Values mapped area</a> ?	No
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<p><i>Does the application involve clearing of native vegetation above the area clearing threshold?</i></p> <div style="border: 1px solid black; padding: 5px;"> <p><b>Area clearing threshold</b></p> <p>The area threshold varies depending on the minimum lot size (shown in the Lot Size Maps made under the relevant Local Environmental Plan (LEP)), or actual lot size (where there is no minimum lot size provided for the relevant land under the LEP).</p> <table border="1" data-bbox="327 481 901 660"> <thead> <tr> <th>Minimum lot size associated with the property</th> <th>Threshold for clearing, above which the BAM and offsets scheme apply</th> </tr> </thead> <tbody> <tr> <td>Less than 1 ha</td> <td>0.25 ha or more</td> </tr> <tr> <td>1 ha to less than 40 ha</td> <td>0.5 ha or more</td> </tr> <tr> <td>40 ha to less than 1000 ha</td> <td>1 ha or more</td> </tr> <tr> <td>1000 ha or more</td> <td>2 ha or more</td> </tr> </tbody> </table> <p>The area threshold applies to all proposed native vegetation clearing associated with a proposal, regardless of whether this clearing is across multiple lots. In the case of a subdivision, the proposed clearing must include all future clearing likely to be required for the intended use of the land after it is subdivided.</p> <p>If the land on which the proposed development is located has different minimum lot sizes the smaller or smallest of those minimum lot sizes is used to determine the area clearing threshold.</p> </div>	Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply	Less than 1 ha	0.25 ha or more	1 ha to less than 40 ha	0.5 ha or more	40 ha to less than 1000 ha	1 ha or more	1000 ha or more	2 ha or more	No
Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply										
Less than 1 ha	0.25 ha or more										
1 ha to less than 40 ha	0.5 ha or more										
40 ha to less than 1000 ha	1 ha or more										
1000 ha or more	2 ha or more										
<p><i>Will the proposed development have a significant impact on threatened species or ecological communities, or their habitats, according to the test in <a href="#">section 7.3</a> of the Biodiversity Conservation Act 2016 (i.e. 'test of significance')?</i></p> <p><i>Note: Consideration should be given to the site's proximity to NPWS land (see <a href="#">guidelines</a>) and other natural areas, as well as any area that may contain threatened species, vulnerable or endangered ecological communities or other vulnerable habitats.</i></p>	No										
<p><i>If the application exceeds the Biodiversity Offsets Scheme Threshold (i.e. if yes to <b>any</b> of the above), has the application been supported by a Biodiversity Development Assessment Report (BDAR)?</i></p>	N/A										

**Fisheries Management Act 1994**

The proposed development would not have a significant impact on the matters for consideration under [Part 7A of the Fisheries Management Act 1994](#).

**Local Government Act 1993**

<p><i>Do the proposed works require approval under <a href="#">Section 68</a> of the Local Government Act 1993?</i></p>	Yes - see s68 type nominated below
<p><input checked="" type="checkbox"/> Water supply, sewerage and/or stormwater works</p> <p><input checked="" type="checkbox"/> Operation of a system of sewage management (i.e. on-site sewage management system)</p> <p><input type="checkbox"/> Installation of a manufactured home</p> <p><input checked="" type="checkbox"/> Installation of a domestic oil or solid fuel heating appliance, other than a portable appliance (i.e. a fire place)?</p>	
<p><i>Has a <a href="#">Section 68</a> application been applied for as a related case in the Portal? / is there a related DR file in TRIM?</i></p>	No

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<b>Solid Fuel Heater Requirements</b>	
<i>Has the location of the solid fuel heater been accurately shown on the architectural plans?</i>	Yes
<i>Has the application been supported by appropriate specifications for the solid fuel heater?</i>	No - Conditions of consent will require a s68 approval be obtained.
<i>Is the chimney (flue) 1m above any structure within a 15m horizontal radius?</i>	Yes
<i>Does the chimney (flue) have a height less than 2m above the roof cladding?</i>	Yes

**Marine Estate Management Act 2014**

<i>Does the application include any works within the marine park or aquatic reserve?</i>	No
<i>Is the development site within the locality (100m buffer) of a marine park or aquatic reserve?</i>	No
<i>Is the proposed development consistent with the objects of the Marine Estate Management Act 2014 and consistent with the permissible uses of the area as identified in the regulations and management rules for the <a href="#">Marine Estate</a>, as well as any Ministerial advice?</i>	No
<i>Is the proposed development likely to have an effect on the plants or animals within the marine park or aquatic reserve?</i>	No

**7. Statement of Compliance/Assessment**

The following provides an assessment of the submitted application against the matters for consideration under [Section 4.15](#) of the Environmental Planning and Assessment Act 1979.

**(a) Any planning instrument, draft instrument, DCP and regulations that apply to the land**

**(i) Environmental planning instrument**

This report assesses the proposed development/use against relevant State, Regional and Local Environmental Planning Instruments and policies in accordance with Section 4.15 (1) of the *Environmental Planning and Assessment Act 1979*. The following planning instruments and controls apply to the proposed development:

<b>Environmental Planning Instrument</b>
<a href="#">Shoalhaven Local Environmental Plan 2014</a>
<a href="#">State Environmental Planning Policy (Biodiversity and Conservation) 2021</a>
<a href="#">State Environmental Planning Policy (Resilience and Hazards) 2021</a>

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<b>Environmental Planning Instrument</b>
<a href="#">State Environmental Planning Policy (Sustainable Buildings) 2022</a>

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

**Chapter 3 Koala habitat protection 2020**

Question	Yes		No	
1. Does the subject site have a site area >1ha or does the site form part of a landholding >1ha in area?	<input checked="" type="checkbox"/>	Proceed to Question 2	<input type="checkbox"/>	Assessment under SEPP not required.
2. Is the land 'potential koala habitat'? <i>Note: 'potential koala habitat' are areas of native vegetation where trees of the types listed in Schedule 2 of the SEPP (feed tree species) constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.</i>	<input checked="" type="checkbox"/>	Proceed to Question 3	<input type="checkbox"/>	Proposal satisfactory under SEPP.
3. Is the land 'core koala habitat'? <i>Note: 'core koala habitat' is an area of land with a resident population of koalas, evidenced by attributes such as breeding females, being females with young, and recent sightings of and historical records of a population.</i>	<input type="checkbox"/>	Proceed to Question 4	<input checked="" type="checkbox"/>	Proposal satisfactory under SEPP.

**Chapter 4 Koala habitat protection 2021**

Question	Yes		No	
1. Is there an approved koala plan of management for the subject land?	<input type="checkbox"/>	Proceed to Question 2	<input checked="" type="checkbox"/>	Proceed to Question 3
2. Is the proposed development consistent with the approved koala plan of management that applies to the land?	<input type="checkbox"/>	Proposal satisfactory under SEPP.	<input type="checkbox"/>	Application cannot be supported.
3. Has information been provided to Council by a suitably qualified consultant that demonstrates that the land the subject of the development application: a) Does not include any trees belonging to the koala use tree species listed in Schedule 2 of the SEPP for the relevant koala management area, or b) Is not core koala habitat, or c) There are no trees with a diameter at breast height over bark of more than 10cm, or	<input type="checkbox"/>	Proposal satisfactory under SEPP as (a), (b), (c) or (d) is satisfied.	<input checked="" type="checkbox"/>	Proceed to Question 4

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Question	Yes		No	
d) The land only includes horticultural or agricultural plantations				
4. Is the proposed development likely to have an impact on koalas or koala habitat?	<input type="checkbox"/>	Proceed to Question 5	<input checked="" type="checkbox"/>	Proposal satisfactory under SEPP.

**Chapter 6 Water catchments**

The subject site is mapped within the Sydney Drinking Water Catchment area. A NorBE assessment has been undertaken using the online NorBE tool which returned a satisfactory outcome.

The proposed development is a Module 2 (Single Dwellings & Ancillary Development - Unsewered) development type and therefore Council can assume concurrence under the Clause 64 Notice, dated February 2015.

NorBE Assessment



State Environmental Planning Policy (Resilience and Hazards) 2021

**Chapter 4 Remediation of land**

Question	Yes		No	
1. Does the proposal result in a new land use being a residential, educational, recreational, hospital, childcare or other use that may result in exposure to contaminated land?	<input checked="" type="checkbox"/>	Proceed to Question 2	<input type="checkbox"/>	Assessment under SEPP 55 and DCP not required.
2. Are there any previous investigations about contamination on the land?	<input type="checkbox"/>	Detailed investigation required.	<input checked="" type="checkbox"/>	Proceed to Question 3
3. Was the site previously used or is the site currently used for an activity listed in Table 1 of the Managing Land Contamination Planning Guidelines?	<input type="checkbox"/>	Detailed investigation required.	<input checked="" type="checkbox"/>	Proceed to Question 4
4. Are there any land use restrictions on the land relating to possible contamination (e.g. notices issued by EPA or other regulatory authority)?	<input type="checkbox"/>	Detailed investigation required.	<input checked="" type="checkbox"/>	Proceed to Question 5
5. Did the site inspection suggest that the site may have been associated with any activities listed in Table 1 of the Managing Land Contamination Planning Guidelines or were any potential	<input type="checkbox"/>	Detailed investigation required.	<input checked="" type="checkbox"/>	Proceed to Question 6

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Question	Yes		No	
sources of contamination observed on site?				
6. Are there any identified sources of contamination on land immediately adjoining the subject site which could affect the subject land?	<input type="checkbox"/>	Detailed investigation required.	<input checked="" type="checkbox"/>	Proceed to Question 7
7. Does Council have sufficient information to be satisfied that the proposed land use will not expose contaminants that might be present in soil or groundwater?	<input checked="" type="checkbox"/>	Proposal satisfactory with regard to SEPP55 and DCP requirements	<input type="checkbox"/>	Detailed investigation required.

State Environmental Planning Policy (Sustainable Buildings) 2022

A valid BASIX certificate has been submitted as part of the application. The certificate demonstrates compliance with the provisions of the SEPP and is consistent with commitments identified in the application documentation.

Shoalhaven Local Environmental Plan Local Environmental Plan 2014

**Land Zoning**

The land is zoned RU1 Primary Production under the *Shoalhaven Local Environmental Plan 2014*.

**Characterisation and Permissibility**

The proposal is best characterised as a dwelling house under *Shoalhaven Local Environmental Plan 2014*. The proposal is permitted within the zone with the consent of Council.

**Zone objectives**

Objective	Comment
To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.	The proposal is consistent with the objectives of the zone.
To encourage diversity in primary industry enterprises and systems appropriate for the area.	
To minimise the fragmentation and alienation of resource lands.	
To minimise conflict between land uses within this zone and land uses within adjoining zones.	
To conserve and maintain productive prime crop and pasture land.	
To conserve and maintain the economic potential of the land within this zone for extractive industries.	

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**Applicable Clauses**

Clause	Comments	Complies/ Consistent
<b>Part 4 Principal development standards</b>		
<a href="#">4.2D</a>	The application includes the consolidation of Lot 144 DP751262 (25.19ha) and Lot 145 DP 751262 (18.62ha). The combined area of these lots is 43.81ha and therefore the erection of a dwelling is permitted under clause 4.2D(3)(a) as the consolidated lot will have an area of at least 40ha which is the minimum lot size for the area.	Complies
<a href="#">4.3</a>	There is no height limit set by the Height of Buildings Map and therefore the height of any building on the land must not exceed a maximum height of 11 metres as per sub-clause (2A).  The proposed development has a peak height of 7.33m. and does not exceed the building height limit.	Complies
<b>Part 5 Miscellaneous provisions</b>		
<a href="#">5.10</a>	The subject site is identified as aboriginal cultural heritage. The application has been referred to the Local Aboriginal Land Council with no response or objection being received. The proposal is considered suitable with regard to clause 5.10.	Complies
<a href="#">5.16</a>	The proposed development involves the erection of a dwelling on land zoned RU1 Primary Production. Council has considered existing and approved uses on adjoining land and the proposed development is compatible with these adjoining land uses.	Complies
<b>Part 7 Additional local provision</b>		
<a href="#">7.5</a>	Part of the property is mapped as “biodiversity – habitat corridor” . The proposed development does not involve the removal of any significant vegetation and would not have a significant negative impact on terrestrial biodiversity.	Complies
<a href="#">7.11</a>	Reticulated electricity is available to the site.  Potable water will be provided to the development via rainwater tanks. Recommended conditions of consent will be imposed accordingly.  Effluent will be managed on site. The application has been reviewed by Council’s Plumbing and Drainage Officer who raised no objections subject to recommended conditions of consent. It is considered that there is suitable area on site for the required effluent management areas.	Complies

**ii) Draft Environmental Planning Instrument**

The proposal is not inconsistent with any [draft environmental planning instruments](#).

**iii) Any Development Control Plan**

[Shoalhaven Development Control Plan 2014](#)

<b>Generic DCP Chapter</b>	<b>Relevant</b>
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<b>G1: Site Analysis, Sustainable Design and Building Materials</b>		
A suitable site analysis plan and schedule of proposed materials has been submitted as part of the application and is deemed acceptable.		
<b>G2: Sustainable Stormwater Management and Erosion/Sediment Control</b>		
Has the application been supported by appropriate erosion and sediment control details?	Yes	
Does the development require on site detention (OSD) to be provided? <i>Note: OSD may not be suitable in instances where a development appropriately relies on a charged drainage line to the street as it may compromise the effectiveness of the drainage system.</i>	No - Large rural allotment. OSD is not required.	
Has the application been supported appropriate stormwater drainage details?	Yes - See commentary below	
Question	Yes	No
1. Is the application for alterations and additions attached to an existing building?	<input type="checkbox"/>	Complies - Recommended conditions will require stormwater be directed into the existing stormwater system.
2. Is the proposed development on a large rural allotment where it is appropriate to disperse stormwater on site?	<input checked="" type="checkbox"/>	Complies - Recommended conditions will require stormwater be directed to a level spreader.
		<input checked="" type="checkbox"/> Proceed to Question 2
		<input type="checkbox"/> Proceed to Question 3
<b>G3: Landscaping Design Guidelines</b>		
Existing/proposed landscaping is appropriate.		
<b>G4: Tree and Vegetation Management</b>		
Have any trees proposed to be removed been clearly shown on the site plan (where required)?	Yes	
<b>G5: Biodiversity Impact Assessment</b>		
Is the proposal biodiversity compliant development?	Yes	
<b>G7: Waste Minimisation and Management Controls</b>		

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Has the application been supported by an appropriate waste minimisation and management plan?	Yes				
<b>G8: Onsite Sewage Management</b>					
Has the application been supported by an appropriate on-site sewage management report (where required)?	Yes - See Chapter G8 assessment in Appendix.				
<b>G12: Dwelling Houses and Other Low Density Residential Development</b>					
See Appendix A					
<b>G21: Car Parking and Traffic</b>					
<table border="1"> <thead> <tr> <th>Number of on-site car parking spaces required by <a href="#">Section 5.1 of Chapter G21</a></th> <th>Number of car parking spaces provided</th> </tr> </thead> <tbody> <tr> <td>2</td> <td>&gt;2</td> </tr> </tbody> </table>		Number of on-site car parking spaces required by <a href="#">Section 5.1 of Chapter G21</a>	Number of car parking spaces provided	2	>2
Number of on-site car parking spaces required by <a href="#">Section 5.1 of Chapter G21</a>	Number of car parking spaces provided				
2	>2				
The proposed development does not impact on parking provided for other tourist and visitor accommodation land uses on the site. There is adequate parking available on site.					
Have car parking spaces been clearly shown on the site plan?	Yes				
Are parking spaces and garage dimensions sufficient? <i>Note: AS2890.1 requires 3m x 5.4m for a single garage and 5.4m x 5.4m for a double garage. Note: Where tandem / stacked parking is proposed, a front setback of 5.4m must be provided to accommodate the vehicle wholly within the site.</i>	Yes				
Is the slope of any tandem / stacked parking spaces suitable? <i>Note: Tandem / stacked parking spaces should have a maximum longitudinal grade of 5% and a maximum crossfall of 6.25%.</i>	N/A				
Is vehicle manoeuvring for the site adequate?	Yes				
Is a new driveway access proposed/required?	No				
Is the slope of any driveway access suitable? <i>Note: The Maximum and Minimum Garage Floor Levels tool (D20/329669) can be used to calculate if the slope of a driveway access is suitable. Note: The tool calculator will only calculate the required minimum and maximum garage floor levels. Driveway slope to be as per the gradients shown on the longitudinal section diagrams.</i>	No				
Does the proposed development require the provision of kerb and gutter? <i>Note: Table 3 in Chapter G21 requires that kerb and gutter be provided for dual occupancy and medium density development. There is no kerb and gutter</i>	No - Development is low density and does not require kerb and gutter				

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<i>requirement for low density residential development (e.g. alterations and additions, single dwellings, secondary dwellings)</i>	
<b>G26: Acid Sulphate Soils and Geotechnical (Site Stability) Guidelines</b>	
<i>Is the development suitable with regard to acid sulfate soils?</i>	Yes
<i>Does the application involve the erection of any buildings or structures on land with a slope &gt;20% or on land with stability problems?</i>	No

**Area Specific DCP Chapter – N/A**

**iiia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4**

There are no planning agreements applying to this application.

**iv) Environmental Planning and Assessment Regulation 2021**

<a href="#">Clause 62</a>	<i>Does the application result in a change of use of an existing building but does not propose any building works?</i>	No
<a href="#">Clause 64</a> <i>Partial Upgrade</i>	<i>Does the application involve alterations or additions to an existing building?</i>	The proposal is for use of an existing unauthorised building (building was constructed differently to that approved in DA14/1117). As such the existing building is subject to a BIC. Conditions of consent will require a BIC be obtained prior to the issue of an OC.
<a href="#">Clause 64</a> <i>Total Upgrade</i>	<i>Does the application involve building works and result in conversion of a building or part of a building from non-habitable to a habitable use?</i>	No

The proposal ensures compliance with the applicable requirements within the Regulations subject to recommended conditions of consent.

**Any coastal zone management plan**

The proposed development is consistent with the applicable [coastal zone management plans / coastal management programs](#).

**Other Shoalhaven Council Policies**

[Shoalhaven Contribution Plan 2019 & Section 64 Contributions](#)

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Is the development site an “ <a href="#">old subdivision property</a> ” identified in Shoalhaven Contributions Plan 2019?	No
Is the proposed development considered to increase the demand for community facilities in accordance with the <a href="#">Shoalhaven Contributions Plan 2019</a> ?	No
Is the proposed development considered to increase the demand for on water and sewer services (i.e. s64 Contributions)	No

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

Head of Consideration	Comment
Natural Environment	The proposed development will not have a significant adverse impact on the natural environment.
Built Environment	The proposed development will not have a significant adverse impact on the built environment.
Social Impacts	The proposed development will not have a negative social impact in the locality.
Economic Impacts	The proposed development will not have a negative economic impact in the locality.

**(c) Suitability of the site for the development**

The site is suitable for the proposed development.

- The development is permissible with Council consent within the zone.
- The proposal supports the local zoning objectives.
- The proposal is consistent with the objectives and requirements of the *Shoalhaven Local Environmental Plan 2014*.
- The proposal is consistent with the objectives and requirements of the *Shoalhaven Development Control Plan 2014*.
- The intended use is compatible with surrounding/adjoining land uses

**(d) Submissions made in accordance with the Act or the regulations**

The DA was notified in accordance with Council’s Community Consultation Policy for Development Applications. Submissions have been received from 5 different persons/groups objecting to the proposal. The concerns raised are outlined below:

Summary of Public Submissions	
Submission 1 – (D23/495275, D23/522174, D24/29948, D24/33735 & D24/33742)	
Objection Raised	Reasons for Determination

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<p>Characterisation of use and misrepresentation of the intended purpose of the development.</p>	<p>DA23/1856 is for the use of an existing building as a dwelling house and prospective alterations and additions, as well as the consolidation of lots. A dwelling house is a permissible land use within the RU1 primary production zone and Council is satisfied that the proposal can be characterised as such. Council must assess the application that is before it and for the purpose of which the application, it is not appropriate to assume the land will be used for any other use outside of what has been applied for.</p> <p>It is further noted that DA17/1157 already approves the use as an animal boarding and training establishment (equine education centre) and the temporary use of the building as a function centre. If DA23/1856 for use of the building as a dwelling is approved, conditions of consent will require the surrender of the animal boarding and training establishment use and temporary function centre.</p>
<p>Property access</p>	<p>DA23/1856 for use of an existing building as a dwelling house. This is a low intensity use and access to the property for this purpose is not considered unreasonable.</p>
<p>“Breezeway” and two kitchens</p>	<p>Council has reviewed the site plan and is satisfied that the dwelling will operate as a single domicile. The different compartments within the dwelling are isolated, however they rely on components within other parts of the building to function as a dwelling, for example the southern ground floor wing includes a kitchen, but no laundry. The northern ground floor wing includes a laundry, but no kitchen. The ground floor alfresco breezeway includes an alfresco BBQ kitchen, however the layout of the building does not lend itself to a separate dwelling house occupancy, with entry to the southern ground floor wing either via bedrooms or through the alfresco area. Similarly, the upstairs wings do not include any kitchen or laundry facilities and require access through the alfresco area.</p> <p>Council is satisfied that the proposed dwelling house will operate as a single domicile.</p>
<p>Non-compliance with DCP controls</p>	<p>Council has assessed the application against the relevant controls and the proposal is considered acceptable with regard to the DCP controls and performance criteria.</p>
<p>Misleading, erroneous and missing documentation</p>	<p><u>BASIX</u></p> <p>The application has been supported by a revised single dwelling BASIX certificate and this is considered satisfactory.</p> <p>Council was advised that the reference to the dams in the BASIX certificate was in error and the application has been supported by a revised single dwelling BASIX certificate amended accordingly.</p> <p><u>Fire</u></p>

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	<p>The application has been supported by a Bushfire Hazard Assessment Report prepared by a BPAD accredited consultant. The application is considered satisfactory with regard to s4.14 of the Environmental Planning and Assessment Act 1979 and if approved, the building must comply with the requirements of Planning for Bushfire Protection and the requirements of the Bushfire Hazard Assessment Report</p> <p><u>BIC</u></p> <p>DA23/1856 is for prospective works and use. If approved conditions of consent will require a BIC be obtained for any retrospective works relating to the dwelling house.</p>
Development history of site and permissibility of current application	<p>DA23/1856 is for the use of an existing building as a dwelling house and prospective alterations and additions, as well as the consolidation of lots. A dwelling house is a permissible land use within the RU1 primary production zone and Council is satisfied that the proposal can be characterised as such.</p> <p>Council is satisfied that the proposal will not result in more than one dwelling house on site as the approved land uses have changed the use of any existing dwelling to tourist accommodation, or the use of any building has been abandoned under the provisions of 4.66 (4) of the Environmental Planning and Assessment Act 1979</p> <p>To confirm the permissibility of the current proposal a condition of consent will be included to specify that <i>“no other existing buildings on site may be used as a dwelling house except where approved by Council in a subsequent development application”</i>.</p>
<b>Submission 2 – (D23/522168)</b>	
<b>Objection Raised</b>	<b>Reasons for Determination</b>
Misrepresentation of the intended purpose of the development.	<p>DA23/1856 is for the use of an existing building as a dwelling house and prospective alterations and additions, as well as the consolidation of lots. A dwelling house is a permissible land use within the RU1 primary production zone and Council is satisfied that the proposal can be characterised as such. Council must assess the application that is before it and for the purpose of which the application, it is not appropriate to assume the land will be used for any other use outside of what has been applied for.</p> <p>It is further noted that DA17/1157 already approves the use as an animal boarding and training establishment (equine education centre) and the temporary use of the building as a function centre. If DA23/1856 for use of the building as a dwelling is approved, conditions of consent will require the surrender of the animal boarding and training establishment use and temporary function centre.</p>
<b>Submission 3 – (D23/522189)</b>	

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Objection Raised	Reasons for Determination
Misrepresentation of the intended purpose of the development.	<p>DA23/1856 is for the use of an existing building as a dwelling house and prospective alterations and additions, as well as the consolidation of lots. A dwelling house is a permissible land use within the RU1 primary production zone and Council is satisfied that the proposal can be characterised as such. Council must assess the application that is before it and for the purpose of which the application, it is not appropriate to assume the land will be used for any other use outside of what has been applied for.</p> <p>It is further noted that DA17/1157 already approves the use as an animal boarding and training establishment (equine education centre) and the temporary use of the building as a function centre. If DA23/1856 for use of the building as a dwelling is approved, conditions of consent will require the surrender of the animal boarding and training establishment use and temporary function centre.</p>
<b>Submission 4 – (D24/4236, D24/5910)</b>	
Objection Raised	Reasons for Determination
Misrepresentation of the intended purpose of the development.	<p>DA23/1856 is for the use of an existing building as a dwelling house and prospective alterations and additions, as well as the consolidation of lots. A dwelling house is a permissible land use within the RU1 primary production zone and Council is satisfied that the proposal can be characterised as such. Council must assess the application that is before it and for the purpose of which the application, it is not appropriate to assume the land will be used for any other use outside of what has been applied for.</p> <p>Internal detail of residential development is not made publicly viewable on DA tracking for privacy reasons in accordance with Council's Community Consultation Policy for Development Applications (Including Subdivision).</p> <p>It is further noted that DA17/1157 already approves the use as an animal boarding and training establishment (equine education centre) and the temporary use of the building as a function centre. If DA23/1856 for use of the building as a dwelling is approved, conditions of consent will require the surrender of the animal boarding and training establishment use and temporary function centre.</p>
Previous approvals SF8305 and SF1032	<p>The current DA23/1856 is for a use of an existing building as a dwelling house. The proposal is not incompatible with previous subdivision approvals for the property.</p> <p>The status of previous subdivision approvals and associated certificates is not pertinent to the current application.</p>
Environmental impact	Council has considered the proposals impact on visual amenity, scenic values, native fauna, water quality, traffic

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	and safety and is satisfied that the proposal will not have a significant adverse environmental impact.
On site sewage management system	The application has been supported by an appropriate soil and site assessment for onsite wastewater disposal which demonstrates effluent can be appropriately managed and disposed of on site. The proposal is considered appropriate with regard to effluent management.
BASIX Certificate	The application has been supported by a revised single dwelling BASIX certificate and this is considered satisfactory.
Zoning	The application is for use of an existing building as a dwelling house which is permissible in the RU1 zone under Shoalhaven LEP 2014.
Planning for Bushfire Protection	The application has been supported by a Bushfire Hazard Assessment Report prepared by an appropriately qualified BPAD consultant
Contaminated land	Council is satisfied that the land is fit for residential use.
Shoalhaven LEP	The proposed development complies with the requirements of Shoalhaven LEP 2014 and is acceptable in this regard.
Shoalhaven DCP	Council has considered the proposed development against the controls set out in Shoalhaven DCP 2014 and the proposal is considered acceptable in this regard.
Plan of consolidation	<p>This application relates to the consolidation of Lots 144 and 145 DP 751262, Lot 1 DP1263250 and the use of an existing building as a dwelling house. The proposal benefits from coincidental legal and practical access and is appropriate.</p> <p>The proposal for consolidation of land and use of an existing building as a dwelling house is not contrary to any identified easements or restrictions on the title of the land.</p> <p>The consolidation of Lots 144 and 145 DP 751262, Lot 1 DP1263250 is not inappropriate, and this application does not create landlocked parcels of land, rather, landlocked parcels of land are preexisting. Access arrangements to other parcels of land is not pertinent to this development application. Access arrangements identified in the submission are civil matters between individual land holders.</p> <p>It is also noted that the consolidation of lots can be undertaken without development consent.</p>
Environmental planning instruments, Impacts of development and Site suitability	The proposal has been considered by Council under s4.15 of the Environmental Planning and Assessment Act 1979 and is considered suitable.

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Submission 5 – (D24/34029)	
Objection Raised	Reasons for Determination
Misrepresentation of the intended purpose of the development.	DA23/1856 is for the use of an existing building as a dwelling house and prospective alterations and additions, as well as the consolidation of lots. A dwelling house is a permissible land use within the RU1 primary production zone and Council is satisfied that the proposal can be characterised as such. Council must assess the application that is before it and for the purpose of which the application, it is not appropriate to assume the land will be used for any other use outside of what has been applied for.  It is further noted that DA17/1157 already approves the use as an animal boarding and training establishment (equine education centre) and the temporary use of the building as a function centre. If DA23/1856 for use of the building as a dwelling is approved, conditions of consent will require the surrender of the animal boarding and training establishment use and temporary function centre.
Request for a working group with local residents	DA23/1856 for use of an existing building as a dwelling house, which is a permitted use within the zone, is not a type of development warranting a local resident working group. The application has been called in to Council for determination for reasons of public interest.
Property access	DA23/1856 for use of an existing building as a dwelling house. This is a low intensity use and access to the property for this purpose is not considered unreasonable.
Building Information Certificate	DA23/1856 is for the use of an existing building as a dwelling house and prospective alterations and additions. DA23/1856 considers prospective works and uses, and if these are considered appropriate, conditions of consent will require a Building Information Certificate be obtained for any retrospective works.

**(e) The Public Interest**

The public interest has been taken into consideration, including assessment of the application with consideration of relevant policies and process. The proposal is considered to be in the public interest.

**Delegations**

Are any clause 4.6 exceptions proposed?	No
Are any DCP performance-based solutions proposed?	No

**Guidelines for use of Delegated Authority**

*Note: Ensure that all delegations in D21/472049 and officer's instrument of delegation are complied with.*

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Variations to Development Standards					
Level of Delegation	Assessing Officer	Team Supervisor/ Senior Planner	Lead	Manager/ Director	Elected Council
Extent of clause 4.6 exception	Nil	<2%	<5%	<10%	>10%  OR  non-numerical development standard
DCP Performance Based Solutions					
Level of Delegation	Assessing Officer	Team Supervisor	Lead	Manager	
Extent of DCP performance-based solutions	≤25%	≤50%	≤75%	100%	

**Cost Limits for use of Delegated Authority**

Level of Delegation	Assessing Officer	Team Supervisor	Lead	Manager	Director
Cost of Development / Works Proposed	≤\$1.5 million	≤\$5 million	≤\$7.5 million	≤\$10 million	≤\$30 million

The Guidelines for use of Delegated Authority have been reviewed and the assessing officer has the Delegated Authority to determine the Development Application.

**Recommendation**

This application has been assessed having regard for Section 4.15 (Matters for consideration) under the *Environmental Planning and Assessment Act 1979*. As such, it is recommended that the application be approved subject to appropriate conditions of consent for the following reasons:

Reasons for Grant of Consent	
1)	The proposed development is consistent with the objects of the Environmental Planning and Assessment Act 1979.

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2)	The proposed development complies with the development standards and is consistent with the aims, objectives and provisions of the applicable environmental planning instruments.
3)	The proposed development complies with the performance criteria and is consistent with the aims, objectives and provisions of Shoalhaven Development Control Plan 2014.
4)	The proposed development is consistent with the aims, objectives and provisions of relevant Council policies.
5)	The likely impacts of the proposed development are considered acceptable.
6)	The site is suitable for the proposed development.
7)	Any submissions received during the public notification period have been considered and issues and concerns raised by the community in submissions have been addressed in the assessment.
8)	The proposed development does not conflict with the public interest.



**Peter Woodworth**  
Lead - Development Assessment  
City Development  
1/03/2024

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**Appendix A – Assessment Checklist: Chapter G12: Dwelling Houses and Other Low Density Residential Development**

<b>Objectives of Chapter G12</b>
<p>The objectives of are to:</p> <ul style="list-style-type: none"> <li>i. Ensure a comprehensive design-oriented approach to housing resulting in high quality urban design, development and residential amenity.</li> <li>ii. Maintain and enhance the amenity of existing and future residential areas.</li> <li>iii. Ensure development is compatible with the bulk, scale and character of the area, including scenic, landscape, pastoral or environmental qualities.</li> <li>iv. Set appropriate environmental criteria for energy efficiency, solar access, privacy, noise, vehicular access, parking, landscaping and open space.</li> <li>v. Ensure that development has due regard and is sympathetic to the physical constraints of the site.</li> <li>vi. Allow for efficient use of existing services and facilities, including utility services transport systems and community facilities.</li> <li>vii. Promote wider and more affordable housing choice in Shoalhaven. Implement agreed strategic directions and respond to demographic needs.</li> </ul>
<b>5 General Controls</b>
<b>5.1 Building Envelope</b>
<p>The proposed development wholly contained within the building envelope.</p>
<b>5.2 Orientation and Siting</b>
<p>The proposed development responds to the constraints and opportunities of the site.</p>
<b>5.3 Local Character and Context</b>
<p>The proposed development is compatible with the character of the surrounding area and would not result in any significant loss of views from neighbouring properties or from the public domain.</p>

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<b>5.4 Building Form, Design and Materials</b>
The proposed building is appropriately design and articulated and is sympathetic to the existing rural character of the area The application has been supported by a material and colour schedule which are appropriate for the locality.
<b>5.5 Visual and Acoustic Privacy</b>
Appropriate privacy is maintained to adjoining properties.
<b>5.6 Solar and Daylight Access</b>
The proposed development will maintain at least 3 hours of direct sunlight between 9am and 3pm on June 21 <sup>st</sup> to at least 10m <sup>2</sup> of private open space and 50% of windows and glazed doors of north facing living areas, and also north facing roofs and existing solar collectors of adjoining dwellings. The application has been supported by an appropriate BASIX certificate which details thermal and energy efficiency. The proposed dwelling has been appropriately designed to take advantage of passive solar
<b>5.7 Vehicle and Pedestrian Access</b>
The proposed development does not compromise vehicle or pedestrian access.
<b>5.8 Trees and Vegetation</b>
The proposal does not include any tree removal and proposed landscaping is appropriate.
<b>5.9 Servicing</b>
All essential services are available to the site.
<b>5.10 Water Management and Conservation</b>
The application has been supported by an appropriate BASIX certificate which details water efficiency. The proposed dwelling has been designed with appropriate water conservation measures. Stormwater from the building roof and hardstand areas, and overflow from rainwater tanks/on-site detention systems will be dispersed on site Recommended conditions of consent will ensure stormwater is not directed onto adjoining properties.

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<b>5.11 Waste Management – Demolition and Construction</b>		
The application has been supported by an appropriate waste minimisation and management plan. Where applicable, recommended conditions of consent will require all demolition work be carried out in accordance with relevant standards and requirements.		
<b>6 Dwelling Houses, Rural Worker’s Dwellings and Associated Development</b>		
<b>6.1 Principal Controls</b>		
<b>6.1.1 Density</b>		
The scale of the development is compatible with the surrounding area.		
<b>6.1.2 Height and Setbacks</b>		
<b>Zone</b>	RU1 Primary Production	
<b>Lot size</b>	Lot 144 = 25.19ha Lot 145 = 18.62ha <b>Total Area = 43.81ha</b>	
	<b>Acceptable Solution</b>	<b>Proposed</b>
<b>Building height (peak building height)</b>	11m	7.33m

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<b>Front setback</b>	<b>Front setback (to verandahs, awnings and patios)</b>	30m	<b>Front setback (to verandahs, awnings and patios)</b>	87m
	<b>Front setback (to dwellings)</b>	30m	<b>Front setback (to dwellings)</b>	87m
<b>Predominant building line setback</b>	-		-	
<b>Secondary road frontage</b>	50% of front setback		-	
<b>Parallel road frontage setback</b>	3m		-	
<b>Side setback (s)</b>	10m		>10m	
<b>Rear setback</b>	7.5m		>7.5m	
<b>Rear / side setback to foreshore reserve</b>	7.5m		-	

The proposed development complies with the acceptable solutions and performance criteria. It is considered that the proposal has been appropriately designed and the bulk and scale of the building is compatible with adjoining development and the surrounding area.

**6.2 Amenity**

**6.2.1 Landscaping**

<b>Minimum Landscaped Area</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
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<p><b>Note:</b> The landscaped area excludes any encroachments (i.e. any part of a building or structure), hardstand areas and any areas used for storage, clothes drying, and water tanks.</p> <p><b>Table 3: Minimum landscaped area</b></p> <table border="1"> <thead> <tr> <th>Lot Area</th> <th>Minimum Landscaped Area (of lot area)</th> </tr> </thead> <tbody> <tr> <td>200m<sup>2</sup>–300m<sup>2</sup></td> <td>10%</td> </tr> <tr> <td>&gt;300m<sup>2</sup>–450m<sup>2</sup></td> <td>15%</td> </tr> <tr> <td>&gt;450m<sup>2</sup>–600m<sup>2</sup></td> <td>20%</td> </tr> <tr> <td>&gt;600m<sup>2</sup>–900m<sup>2</sup></td> <td>30%</td> </tr> <tr> <td>&gt;900m<sup>2</sup>–1,500m<sup>2</sup></td> <td>40%</td> </tr> <tr> <td>&gt;1,500m<sup>2</sup></td> <td>45%</td> </tr> </tbody> </table>	Lot Area	Minimum Landscaped Area (of lot area)	200m <sup>2</sup> –300m <sup>2</sup>	10%	>300m <sup>2</sup> –450m <sup>2</sup>	15%	>450m <sup>2</sup> –600m <sup>2</sup>	20%	>600m <sup>2</sup> –900m <sup>2</sup>	30%	>900m <sup>2</sup> –1,500m <sup>2</sup>	40%	>1,500m <sup>2</sup>	45%	<p>45%</p>	<p>&gt;45%</p>
Lot Area	Minimum Landscaped Area (of lot area)															
200m <sup>2</sup> –300m <sup>2</sup>	10%															
>300m <sup>2</sup> –450m <sup>2</sup>	15%															
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>900m <sup>2</sup> –1,500m <sup>2</sup>	40%															
>1,500m <sup>2</sup>	45%															
<p><b>6.2.2 Private Open Space</b></p>																
<p>At least 50m<sup>2</sup> of accessible and useable private open space is provided on site.</p>																
<p><b>6.2.3 Storage and Laundry Facilities</b></p>																
<p>The proposed dwelling/s include appropriate laundry and clothes drying facilities as well as appropriate storage areas.</p>																
<p><b>6.2.4 Car Parking</b></p>																
<p>Appropriate car parking is provided on site.</p>																
<p><b>6.3 Configuration and Design</b></p>																
<p><b>6.3.1 Building Form, Design and Materials</b></p>																
<p>Garage dominated architecture is avoided.</p>																
<p><b>6.3.2 Detached Habitable Rooms and Studios</b></p>																

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N/A – the application does not include the construction of a detached habitable room/studio.
<b>6.3.3 Relocation of Second-Hand Dwellings</b>
N/A – the application does not include relocation of a second-hand dwelling
<b>6.3.4 Fences and Walls</b>
N/A – the application does not include the erection of any front boundary fencing.
<b>6.3.5 Universal Design</b>
N/A – Principles of universal design are not applicable to the proposed development
<b>6.3.6 Waste Management – Bin Storage, Presentation and Collection</b>
Appropriate areas available for bin storage and kerbside collection.
<b>7 Secondary Dwellings</b>
N/A – the application does not include the construction of a secondary dwelling.
<b>8 Ancillary Structures and Non-Habitable Structures on Vacant Land</b>
N/A – The application is for a new dwelling / alterations and additions to an existing dwelling and does not propose the construction of a any ancillary structures.

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**Appendix B – Assessment Checklist: Chapter G8 – Onsite Sewage Management**

Proposed and Existing Onsite Sewage Management (OSSM) System									
Does the application include installation of a new or alteration to an existing onsite sewage management (OSSM) system?	Yes - Installation of new OSSM system								
If the proposal relies on the capacity of the existing OSSM system, has the application been supported by suitable information demonstrating that the system has capacity for any increased loading?	N/A								
Does the proposal require decommissioning of an existing OSSM system?	No								
Is the subject site located within the Sydney Drinking Water Catchment area?	Yes - NorBE assessment required using NorBE online assessment tool								
What is the type of proposed effluent treatment? <i>Note: If "other" specify the type of treatment proposed.</i>	Septic Tank								
What is the type of proposed effluent disposal? <i>Note: If "other" specify the type of disposal proposed.</i>	Absorption system								
What is the proposed effluent loading? <i>Note: Equivalent population (EP) means the number of persons deemed to be accommodated on the property (i.e. number of bedrooms or rooms capable of being used as bedrooms).</i> <i>Note: Council generally accepts a loading rate of 150L – 200L per person per day*. Where a proposal is outside this range, loading rates should be discussed with Council's Plumbing and Drainage Team of Environmental Health Officer.</i> <i>*Note: For development within the Sydney Drinking Catchment area, wastewater loading rates are <a href="#">Sydney Drinking Water Catchment Guidelines</a>.</i>	<table border="1"> <thead> <tr> <th>Proposed EP (i.e. number of bedrooms)</th> <th>Proposed Loading (liters/person/day)</th> <th>Proposed Total Loading (liters/day)</th> <th>Is proposed loading acceptable?</th> </tr> </thead> <tbody> <tr> <td>8</td> <td>120 L/person/day</td> <td>1500 L/day</td> <td>Yes</td> </tr> </tbody> </table>	Proposed EP (i.e. number of bedrooms)	Proposed Loading (liters/person/day)	Proposed Total Loading (liters/day)	Is proposed loading acceptable?	8	120 L/person/day	1500 L/day	Yes
Proposed EP (i.e. number of bedrooms)	Proposed Loading (liters/person/day)	Proposed Total Loading (liters/day)	Is proposed loading acceptable?						
8	120 L/person/day	1500 L/day	Yes						

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	1-2 bedrooms	3 bedrooms	4 bedrooms	5 or more bedrooms
Tank water supply	400 L/day	600 L/day	800 L/day	800L/d plus 100L/d for each additional bedroom
Reticulated / bore supply	600 L/day	900 L/day	1,200 L/day	1,200L/d plus 150L for each additional bedroom
<i>Does the application involve a complex or novel OSSM system?</i>	(SIMPLE) 1 - 10 equivalent population (EP). Assessment to be carried out by Assessing Officer.			
<i>Does the OSSM system provide suitable disinfection of wastewater?</i> <i>Note: wastewater that has not been disinfected must not be applied to the ground surface.</i>	Yes			
<i>Are effluent application areas appropriately sized to cater for proposed loading?</i>	Yes			
<i>Does the application nominate a suitable secondary reserve area of 100% of the designed effluent application area which is available for future use?</i>	Yes - Appropriate secondary reserve area is nominated on the plans			
<i>Are effluent application areas suitably signposted?</i>	Yes - Recommended conditions of consent to be imposed accordingly			
<i>Are separate OSSM systems provided for each occupancy/dwelling?</i> <i>Note: Separate OSSM systems and effluent application areas must be provided for each dwelling, secondary dwelling or dwelling within a dual occupancy.</i>	Yes			
<i>For subdivisions, do allotments have a minimum lot size &gt; 2500m<sup>2</sup></i>	N/A			
<i>For subdivisions, can more than one type of OSSM system be achieved on site?</i>	N/A			
<b>Buffer Distances</b> <i>Note: buffer distances are measured as a ground surface flow line and are not based on the closest measured distance. For example, the inclusion of bund walls or diversion drains may be used to increase buffer distances.</i>				

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<p><i>Note: <b>Primary treatment</b> means the separation of suspended material from wastewater by settlement and/or flotation in septic tanks, primary settling chamber, anaerobic process of treatment, prior to effluent discharge to either a secondary treatment process, or to a land-application system.</i></p> <p><i>Note: <b>Secondary treatment</b> means anaerobic and aerobic biological processing and settling or filtering of effluent received from a primary treatment unit.</i></p>	
<p><i>Effluent application areas must not be used as primary recreation areas for the property.</i></p>	<p>Complies</p>
<p><i>Where surface spray irrigation is proposed, the effluent application area must be suitably isolated (i.e. fenced off or delineated by a garden bed) and must not be used for recreation purposes.</i></p> <p><i>Note: Effluent application areas must not be used to grow vegetables for human consumption</i></p> <p><i>Note: The use of effluent for fruit trees shall comply with AS1547</i></p>	<p>N/A</p>
<p><i>Are effluent application areas sited &gt;100m from any perennial (permanent) watercourse, waterbody (i.e. permanent rivers, streams or lakes)?</i></p>	<p>Yes</p>
<p><i>Are effluent application areas sited &gt;100m from any groundwater bores?</i></p>	<p>Yes</p>
<p><i>Are effluent application areas sited &gt;40m from any intermittent waterways, farm dams or street drainage systems (e.g. gutters, swales, table drains and drainage channels or drainage depressions)?</i></p>	<p>Yes</p>
<p><i>Are effluent application areas setback &gt;1m from the dripline of trees and vegetation?</i></p>	<p>Yes</p>

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<p><u>Absorption system</u> What are the proposed buffer distances for the absorption system?</p>			
	<i>Feature</i>	<i>Required Buffer</i>	<i>Proposed Buffer</i>
	Downstream dwellings	6m	N/A
	Upstream dwellings	3m	16m
	Downstream swimming pools	6m	N/A
	Upstream swimming pools	3m	N/A
	Downstream non-habitable buildings	6m	N/A
	Upstream non-habitable buildings	3m	>3m
	Downstream driveways	6m	N/A
	Upstream driveways	3m	>3m
	Downstream property boundaries	12m	138m
	Upstream property boundaries	6m	>6m
<b>Site Constraints</b>			

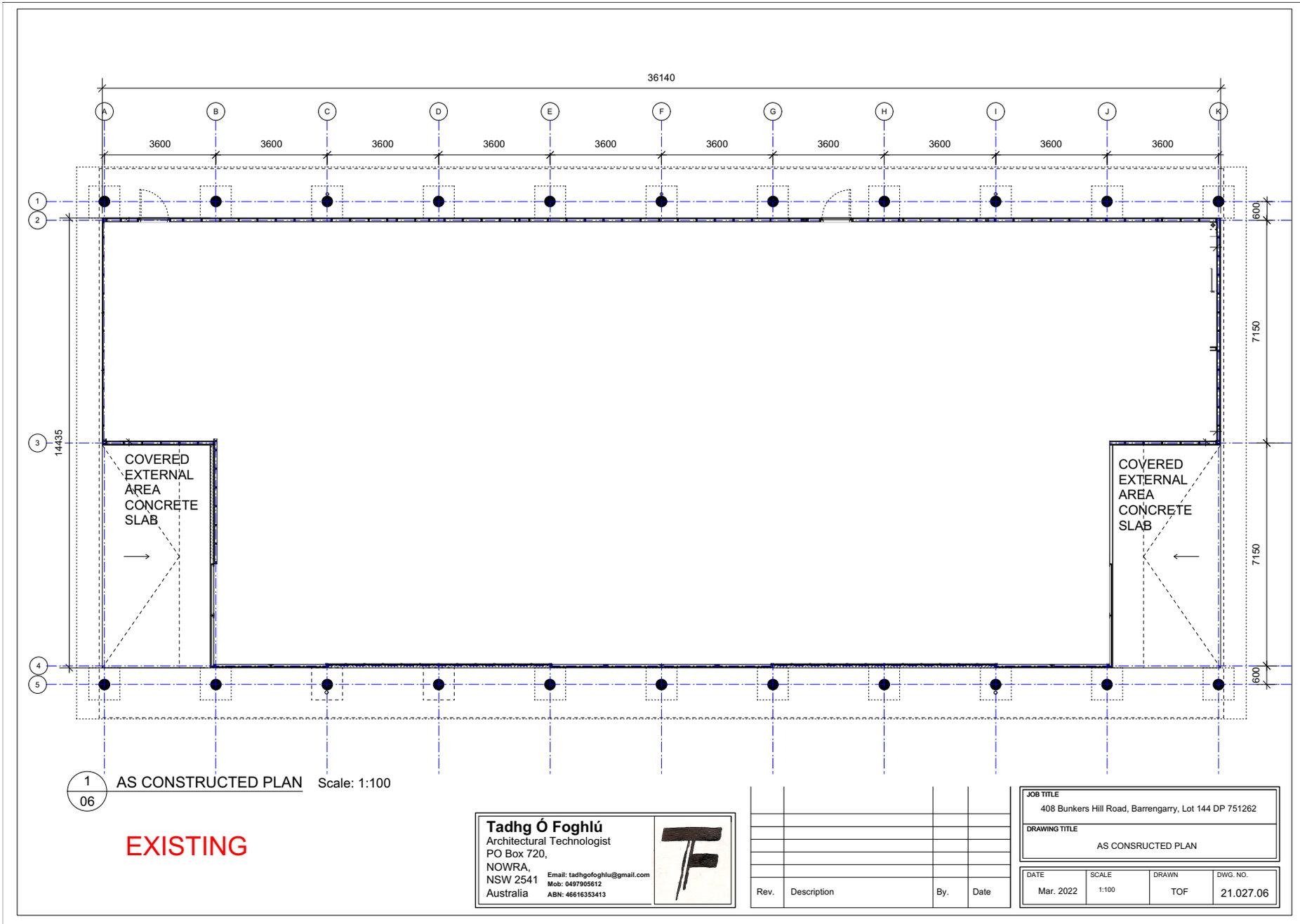
Section 4.15 Assessment Report - DA23/1856

<p><i>Does the effluent application area provide adequate depth to groundwater in accordance with Australian Standard AS1547:2012?</i></p>	<table border="1"> <thead> <tr> <th><b>System</b></th> <th><b>Required Groundwater Depth</b></th> <th><b>Groundwater Depth</b></th> </tr> </thead> <tbody> <tr> <td>Absorption system</td> <td>1.2m</td> <td>&gt;1m – minor limitation. Considered suitable.</td> </tr> <tr> <td>Secondary treated effluent (i.e. disinfection on higher) system measured from the base of the mound system</td> <td>0.6m</td> <td>N/A</td> </tr> </tbody> </table>	<b>System</b>	<b>Required Groundwater Depth</b>	<b>Groundwater Depth</b>	Absorption system	1.2m	>1m – minor limitation. Considered suitable.	Secondary treated effluent (i.e. disinfection on higher) system measured from the base of the mound system	0.6m	N/A
	<b>System</b>	<b>Required Groundwater Depth</b>	<b>Groundwater Depth</b>							
	Absorption system	1.2m	>1m – minor limitation. Considered suitable.							
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<b>System</b>	<b>Required Bedrock Depth</b>	<b>Bedrock Depth</b>								
Absorption system	1.2m	>1m – minor limitation. Considered suitable.								
Secondary treated effluent (i.e. disinfection on higher) system measured from the base of the mound system	0.5m	N/A								
<p><i>Is the effluent application area and wastewater treatment system located above the 5% AEP flood level?</i></p> <p><i>Note: Check the Flood Planning Certificate for 5% AEP levels.</i></p>	<p>Yes</p>									
<p><i>Are all electrical components located above the 1% AEP flood level?</i></p> <p><i>Note: sealed submerged plumbing facilities may be located below the 1% AEP flood level with appropriate flood protection.</i></p>	<p>Yes</p>									
<p><i>Is the slope under effluent application areas appropriate?</i></p>	<p>Yes - The application proposes subsurface irrigation which will not compromise site stability and will not likely result in the surfacing of effluent</p>									

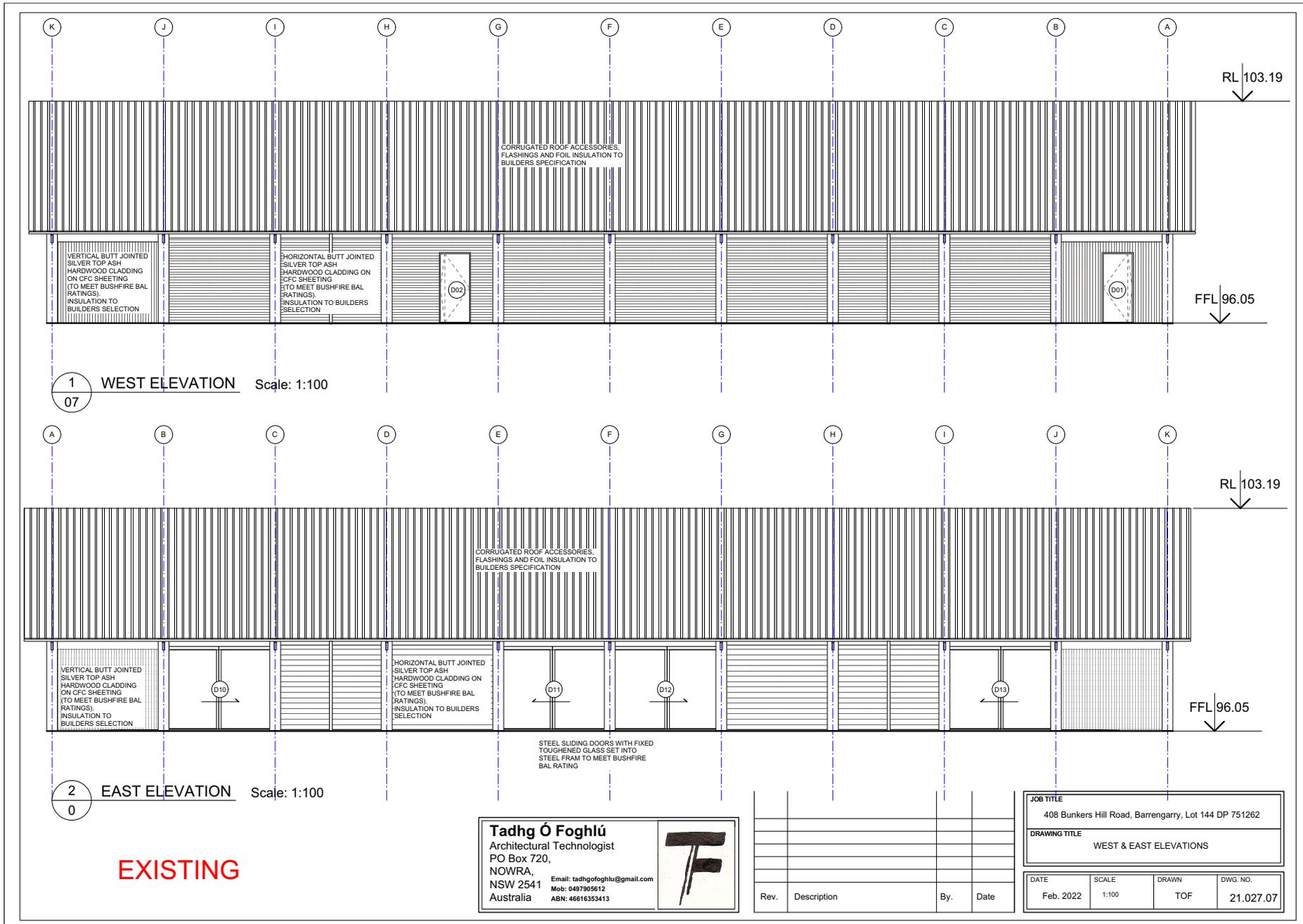
Section 4.15 Assessment Report - DA23/1856

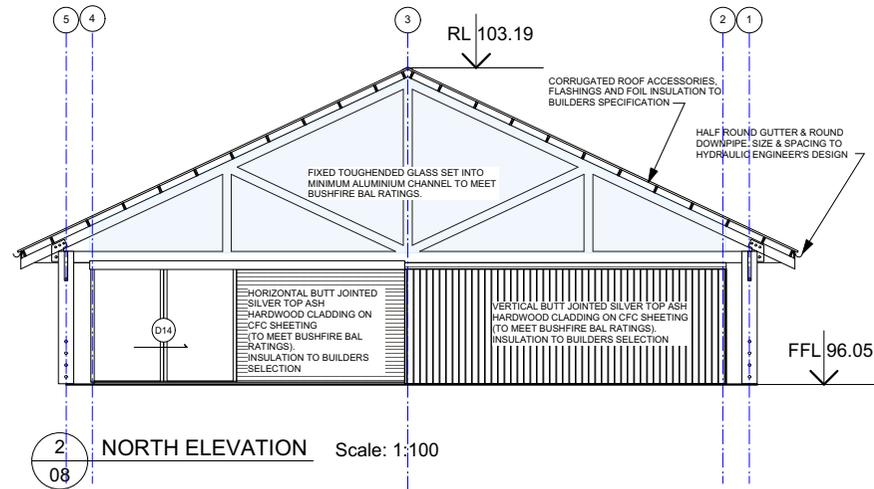
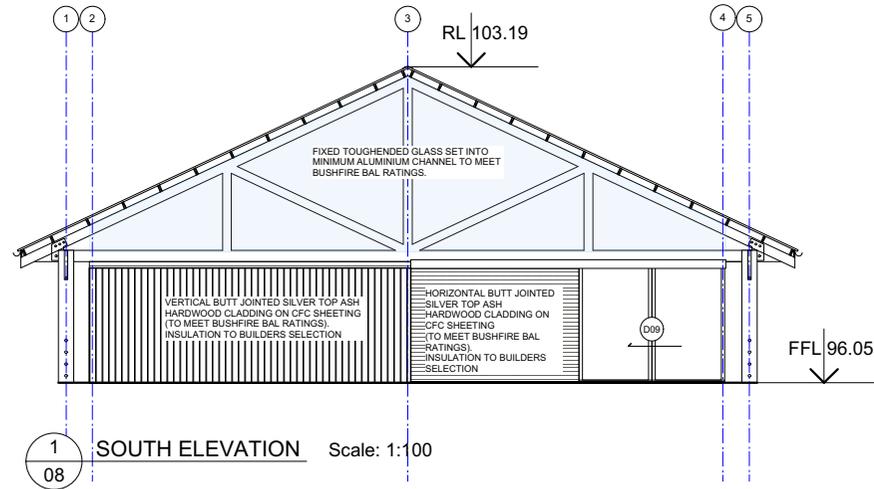
<p><i>Note: surface spray irrigation should be located on slopes &lt;12%. Where slopes exceed 12% subsurface irrigations should be utilised in areas where site stability is not compromised and surfacing of effluent is not likely to occur.</i></p>	
<p><i>Is stormwater runoff and surface flows directed away from effluent application areas?</i></p>	<p>Yes</p>
<p><i>Will the onsite sewage management system and effluent application areas be installed in accordance with the relevant Australian Standards?</i></p>	<p>Yes - Recommended conditions of consent to be imposed accordingly</p>
<p><i>Does the onsite sewage management system avoid groundwater pollution?</i></p> <p><i>Note: where soils exhibit a high permeability (greater than 3.5m/day), the application needs to demonstrate through further investigation that pollution of groundwater will not occur.</i></p>	<p>Yes - The application has demonstrated that pollution of groundwater is unlikely to occur</p>
<p><i>Is the land capable of disposing of effluent during times of wet weather?</i></p>	<p>Yes - The land applicaiton area is not considered to become saturated on a frequent basis.</p>





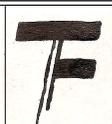
CL24.93 - Attachment 3





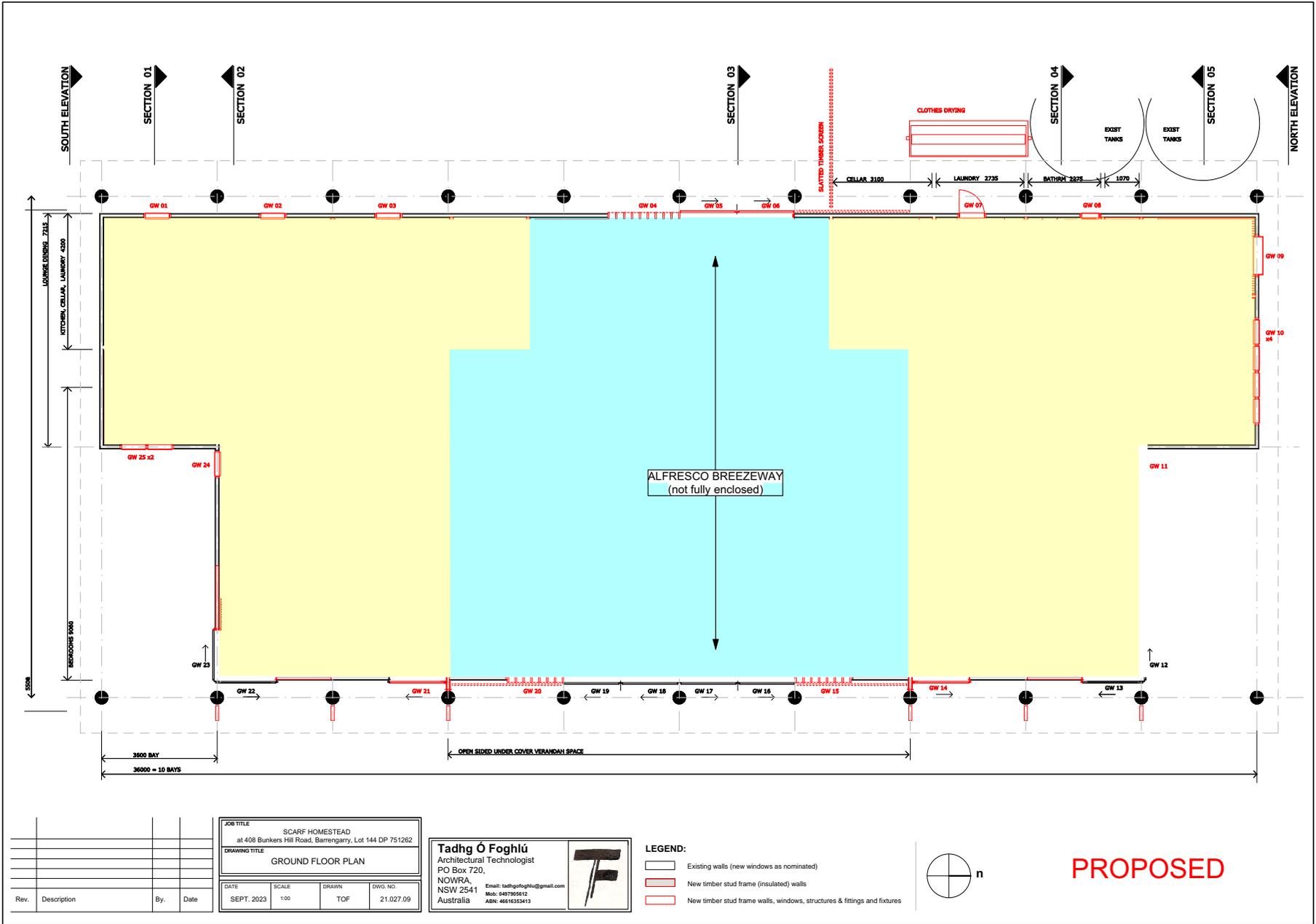
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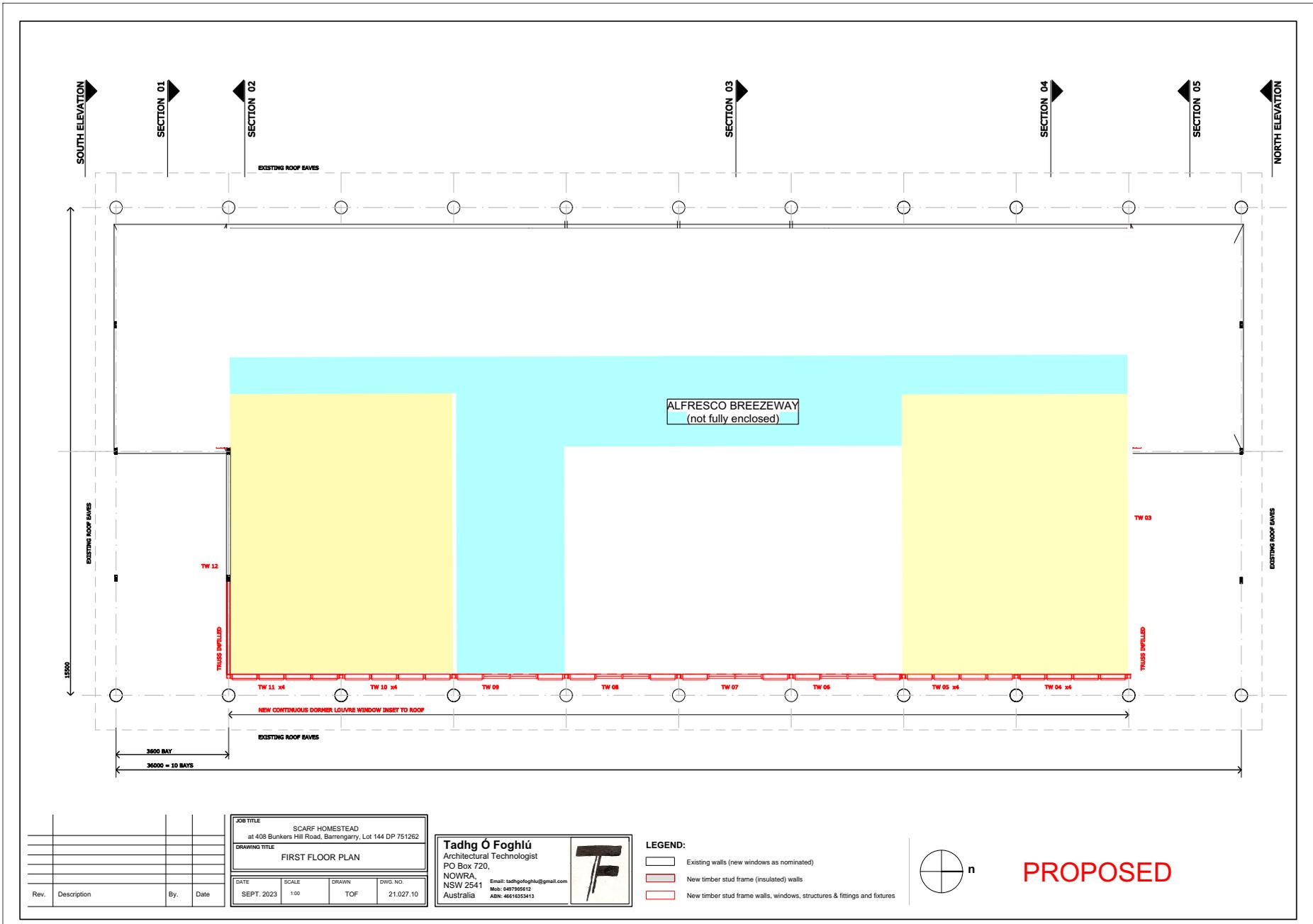
**Tadhg Ó Foghlú**  
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ABN: 46816353413



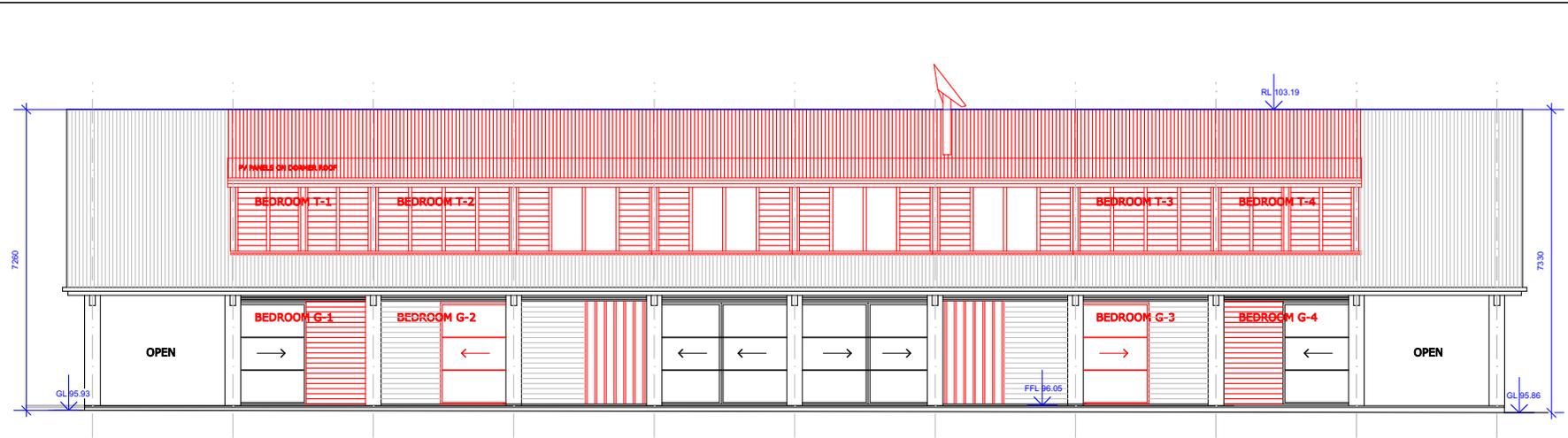
Rev.	Description	By.	Date

JOB TITLE 408 Bunkers Hill Road, Barrangarry, Lot 144 DP 751262			
DRAWING TITLE SOUTH & NORTH ELEVATIONS			
DATE Feb. 2022	SCALE 1:100	DRAWN TOF	DWG. NO. 21.027.08





CL24.93 - Attachment 3



EAST ELEVATION



WEST ELEVATION

- External finishes**
- Seasoned hardwood timber posts for structure
  - Seasoned hardwood trusses
  - Existing corrugated roof sheets
  - Existing silver top ash hardwood cladding to external building
  - Fixed toughened glass
  - Hardwood timber window boxes with aluminium louvers (toughened glass)
- Internal finishes**
- Engineered timber floorboards to entire building
  - Seasoned hardwood trusses
  - False plaster ceiling to conditioned areas
  - Plaster / painted walls throughout
  - Form ply ceiling to all unconditioned breezeway areas
  - Tiled bathroom floors and bed/micro-cement walls
  - Hardwood timber bench in alfresco BBQ kitchen
  - Steel structure for stairs and first floor corridor
  - Hardwood joinery in kitchen and bathrooms

Rev.	Description	By.	Date

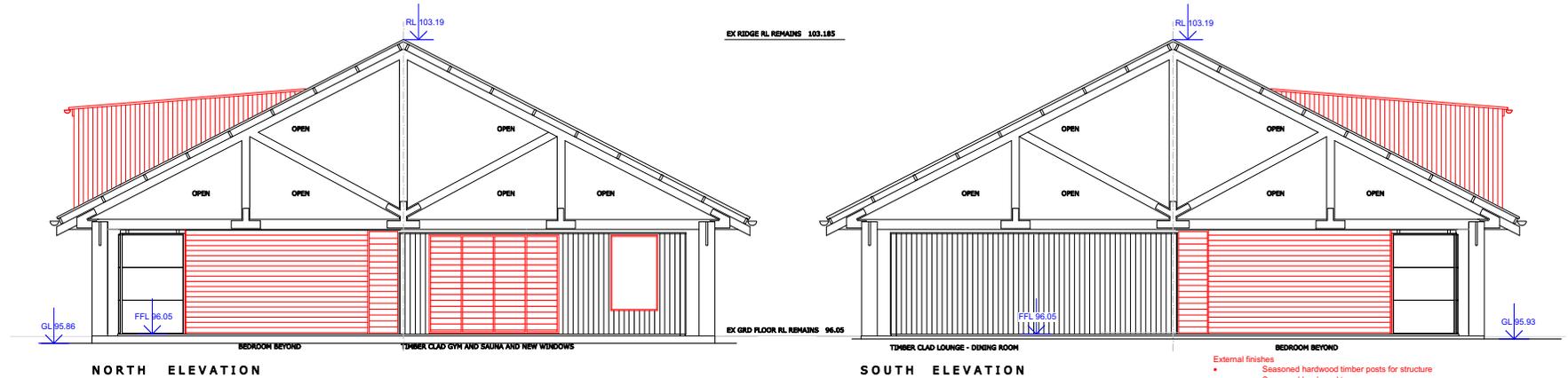
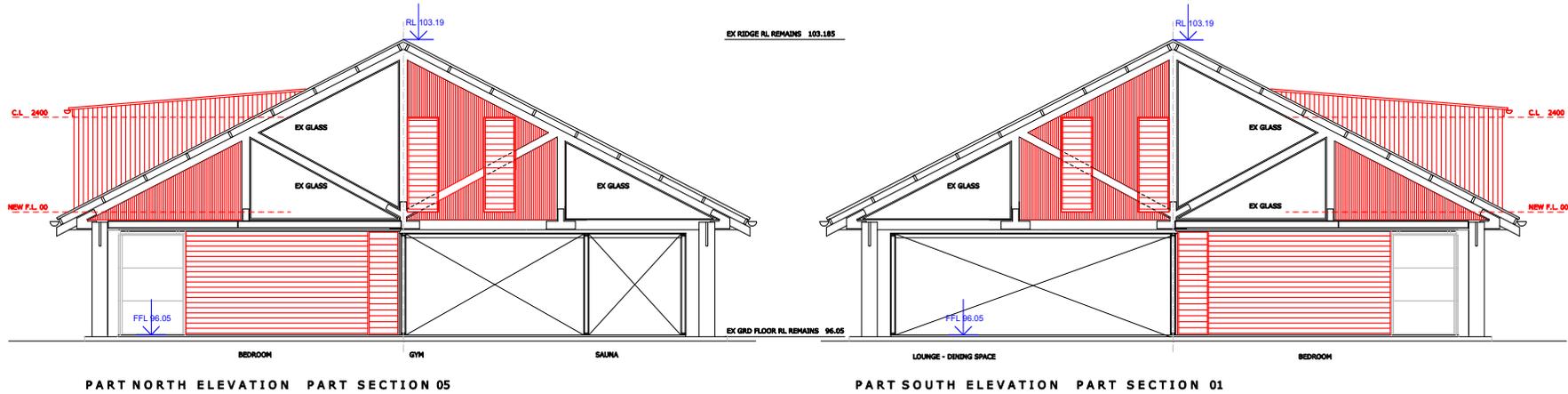
<b>JOB TITLE</b>			
SCARF HOMESTEAD at 408 Bunkers Hill Road, Barrangary, Lot 144 DP 751262			
<b>DRAWING TITLE</b>			
EAST & WEST ELEVATION			
<b>DATE</b>	<b>SCALE</b>	<b>DRAWN</b>	<b>DWG. NO.</b>
SEPT. 2023	1:00	TOF	21.027.11

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ABN: 4661633412

- LEGEND:**
- Existing walls (new windows as nominated)
  - New timber stud frame (insulated) walls
  - New timber stud frame walls, windows, structures & fittings and fixtures



**PROPOSED**



Rev.	Description	By.	Date

<b>JOB TITLE</b>			
SCARF HOMESTEAD at 408 Bunkers Hill Road, Barrangary, Lot 144 DP 751262			
<b>DRAWING TITLE</b>			
NORTH & SOUTH ELEVATION			
<b>DATE</b>	<b>SCALE</b>	<b>DRAWN</b>	<b>DWG. NO.</b>
SEPT. 2023	1:00	TOF	21.027.12

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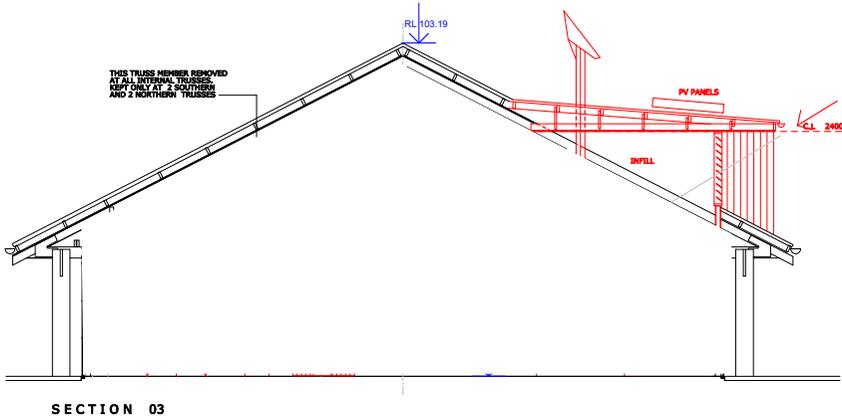
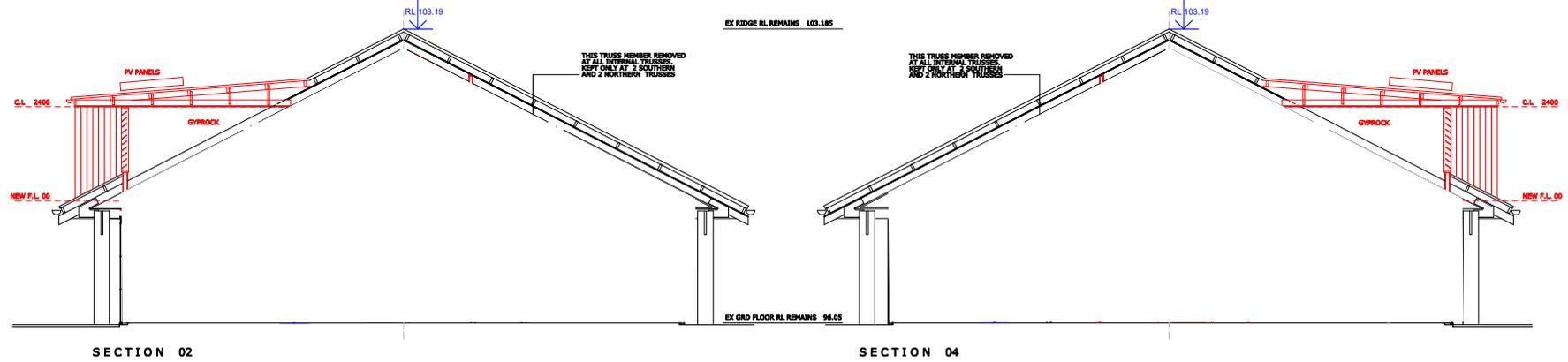
Email: tadhgofo@ghlu@gmail.com  
Mob: 0497895612  
ABN: 4661635413

- LEGEND:**
- Existing walls (new windows as nominated)
  - New timber stud frame (insulated) walls
  - New timber stud frame walls, windows, structures & fittings and fixtures



- External finishes:**
- Seasoned hardwood timber posts for structure
  - Seasoned hardwood trusses
  - Existing corrugated roof sheets
  - Existing silver top ash hardwood cladding to external building
  - Fixed toughened glass
  - Hardwood timber window boxes with aluminium louvers (toughened glass)
- Internal finishes:**
- Engineered timber floorboards to entire building
  - Seasoned hardwood trusses
  - False plaster ceiling to conditioned areas
  - Plaster / painted walls throughout
  - Form ply ceiling to all unconditioned breezeway areas
  - Tiled bathroom floors and tiled/micro-cement walls
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**PROPOSED**



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Rev.	Description	By.	Date

<b>JOB TITLE</b>			
SCARF HOMESTEAD at 408 Bunkers Hill Road, Barengarry, Lot 144 DP 751262			
<b>DRAWING TITLE</b>			
SECTIONS			
<b>DATE</b>	<b>SCALE</b>	<b>DRAWN</b>	<b>DWG. NO.</b>
SEPT. 2023	1:50	TOF	21.027.13

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- LEGEND:**
- Existing walls (new windows as nominated)
  - New timber stud frame (insulated) walls
  - New timber stud frame walls, windows, structures & fittings and fixtures



**PROPOSED**