

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA24/0212

Development: Torrens title subdivision of 1 existing lot into 2 lots; demolition and earthworks; construction and operation of a two-storey shopping centre comprising a supermarket, speciality retail and commercial tenancies, a carwash, outdoor dining area and playground; construction of an at-grade carpark containing 242 spaces, loading docks and business identification signage; landscaping, stormwater and civil works; construction of an access road; and road and intersection upgrades at Argyle Street, Valetta Street and Hoskins Street, and associated works.

Site: Lot 11 DP 1192264 (231 Argyle Street, Moss Vale, NSW, 2577), Lot 1 DP 1192022 (233 Argyle Street, Moss Vale, NSW, 2577), Lot 2 DP 1192022 (2 Dalys Way, Moss Vale NSW 2577), Lots 1 and 2 DP 1070183 (Argyle Street, Moss Vale, NSW 2577) and Lot 2 DP 773382 (229 Argyle Street, Moss Vale).

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 28 July 2026

Date from which consent takes effect: Date of determination.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as Lot 11 DP 1192264 (231 Argyle Street, Moss Vale, NSW, 2577), Lot 1 DP 1192022 (233 Argyle Street, Moss Vale, NSW, 2577), Lot 2 DP 1192022 (2 Dalys Way, Moss Vale NSW 2577), Lots 1 and 2 DP 1070183 (Argyle Street, Moss Vale, NSW 2577) and Lot 2 DP 773382 (229 Argyle Street, Moss Vale).

The conditions of consent are as follows:

PART 1: CONDITIONS OF DEFERRED COMMENCEMENT CONSENT THAT MUST BE SATISFIED BEFORE THE CONSENT CAN OPERATE

Pursuant to subsection 4.16(3) of the *Environmental Planning and Assessment Act 1979* (NSW), the consent does not operate and may not be acted upon, until the applicant satisfies the consent authority of the following matters:

1. Access Arrangements for Lot 11 DP 1192264

The Applicant is to make arrangements to facilitate lawful access over, and the carrying out of all works proposed within, Lot 11 DP 1192264 to facilitate vehicular and pedestrian access to that part of the proposed development on Lot 1 DP 1192022.

Reason: To ensure an appropriate means of lawful access is provided to the development.

Evidence demonstrating compliance with the above deferred commencement condition must be produced to the consent authority for approval within two (2) years of the date of determination, unless an extension to the lapsing period has been granted by the consent authority. If sufficient evidence demonstrating compliance with the above deferred commencement matter is not provided to the satisfaction of, and approved by, the consent authority within two (2) years of the date of determination of this deferred commencement consent, the consent will lapse, pursuant to section 4.53 of the *Environmental Planning and Assessment Act 1979* (NSW).

Subclause 76(3) of the *Environmental Planning and Assessment Regulation 2021* (NSW) enables a consent authority to specify the period within which the applicant must produce evidence to the consent authority sufficient enough to enable it to be satisfied as to the matter(s) that it requires before a deferred commencement consent can operate.

Where the applicant produces evidence of the relevant matters in accordance with subsection 76(4) of the *Environmental Planning and Assessment Regulation 2021* (NSW), the consent authority must notify the applicant whether or not it is satisfied as to the relevant matter(s). If the consent authority has not notified the applicant within twenty-eight (28) days after receiving the applicant's evidence, the consent authority is taken to have notified the applicant that it is not satisfied about the relevant matter(s) on the date on which that period expires, for the purposes of section 8.7 of the *Environmental Planning and Assessment Act 1979* (NSW) (see subsections 76(4), (5) and (6) of the *Environmental Planning and Assessment Regulation 2021* (NSW)).

The consent authority will notify you in writing if the matters above have been satisfied and the date from which this consent operates.

The conditions of development consent in Part 2 apply from the date that this consent operates.

PART 2: CONDITIONS OF DEVELOPMENT CONSENT

ADMINISTRATION CONDITIONS

1. Development Description

Development consent has been granted in accordance with this notice of determination for the following:

- The subdivision of Lot 1 in DP 1192022 into 2 lots. Proposed Lot 1 will have an area of 2.295ha (**Lot 1**). Proposed Lot 2 will have an area of 1.116ha (**Lot 2**).
- The construction of a two-storey shopping centre on Lot 1 with a gross floor area (**GFA**) of 7,248.9m², comprising:
 - a supermarket with a gross leasable area (**GLA**) of 4,354.9m², comprising the Woolworths supermarket itself with a GFA of 3,775m², and “Direct to Boot” (**DTB**) and “Home Delivery” storage areas and cool rooms with a combined GFA of 579.7m² (**Woolworths**),
 - 6 speciality retail shops, including a BWS packaged liquor store (194m²) and a kiosk (20m²) with a combined GFA of 1,208m²,
 - a first-floor commercial tenancy with a GFA 842m²,
 - a mall and lobby with a combined GFA of 257m²,
 - amenities (including, end of trip facilities, male and female bathrooms and a parents’ room) and a central managers office with a combined GFA of 168m²,
 - a carwash, an alfresco dining area and outdoor playground,
 - landscaping as shown on LDA-01-LD-08,
 - the erection of business signage as shown on DA061-DA062, and
 - an associated carpark with 242 spaces, comprising 234 onsite carparking spaces and 8 DTB spaces.
- The Woolworths, speciality retail shops and commercial tenancy will operate from 7:00am to 10:00 pm Monday to Sunday. The loading dock will only operate from 5:00am to 10:00pm Monday to Sunday.
- The construction of an access road over Lot 11 in DP 1192264.
- The carrying out of works to upgrade the intersection at the corner of Argyle Street and Valetta Street, including the installation of traffic signals, at the intersection of Argyle Street and Valetta Street.
- The carrying out of works to upgrade the road on Hoskins Street.

Reason: To confirm the use of the approved development.

2. Development in Accordance with Plans and Documents

The development shall be implemented in accordance with the approved plans and supporting documents set out in the following table, except where modified by any conditions of development consent.

Plan Title / Supporting Document	Reference / Version	Prepared By	Dated
Architectural Plans			
DA002 – Site Plan	Rev 21	Nettleton Tribe	19 May 2026
DA003 – Site Plan – Roof	Rev 2	Nettleton Tribe	19 May 2026
DA011 – Ground Floor Plan	Rev 18	Nettleton Tribe	19 May 2026
DA012 – Level 1 Plan	Rev 15	Nettleton Tribe	20 August 2024
DA013 – Roof Plan	Rev 17	Nettleton Tribe	19 May 2026
DA021 – Elevations – Sheet 1	Rev 8	Nettleton Tribe	12 May 2026
DA022 – Elevations –	Rev 8	Nettleton Tribe	12 May 2026

Sheet 2			
DA031 – Sections	Rev 9	Nettleton Tribe	12 May 2026
DA032 – Boundary Sections	Rev 1	Nettleton Tribe	19 May 2026
DA061 – Signage Plan	Rev 8	Nettleton Tribe	12 May 2026
DA062 – Signage Elevations	Rev 8	Nettleton Tribe	20 May 2026
Subdivision Plan			
Plan of Proposed Subdivision of Lot 1 in DP 1192022	-	LTS	21 May 2026
Civil Plans			
22T73_EX_C000 – Cover Sheet, Drawing Schedule, Notes and Locality Sketch	Rev 01	Henry & Hymas	17 October 2024
22T73_EX_C100 – General Arrangement Plan	Rev 04	Henry & Hymas	31 May 2023
22T73_EX_C101 – Detail Plan Sheet 1 of 3	Rev 07	Henry & Hymas	28 November 2025
22T73_EX_C102 – Detail Plan Sheet 2 of 3	Rev 11	Henry & Hymas	28 November 2025
22T73_EX_C103 – Detail Plan Sheet 3 of 3	Rev 08	Henry & Hymas	28 November 2025
22T73_EX_C201 – OSD Plan, Sections and Details Sheet 1 of 2	Rev 04	Henry & Hymas	13 December 2023
22T73_EX_C202 – OSD Plan, Sections and Details Sheet 2 of 2	Rev 05	Henry & Hymas	28 November 2025
22T73_EX_C720 – Intersection Stormwater Misc Details and Pit Lid Schedule	Rev 04	Henry & Hymas	17 October 2024
22T73_EX_C725 – Intersection of Argyle & Valetta St – General Arrangement Plan	Rev 09	Henry & Hymas	12 May 2026
22T73_EX_C730 – Intersection Plan, Intersection of Argyle & Valetta St	Rev 19	Henry & Hymas	20 May 2026
22T73_EX_C740 – Intersection of Argyle & Valetta St, Linemarking and Signposting Plan	Rev 09	Henry & Hymas	12 May 2026
22T73_EX_C760 – Intersection Plan: Driveway Longitudinal Section	Rev 05	Henry & Hymas	17 October 2024
22T73_EX_C761 – Minimum Gap Sight Distance Longitudinal Section	Rev 03	Henry & Hymas	17 October 2024
22T73_EX_C810 – Detail Plan Hoskins Street	Rev 09	Henry & Hymas	12 May 2026
22T73_EX_C815 –	Rev 05	Henry & Hymas	28 November 2025

Cross Sections Hoskins Street			
22T73_EX_C820 – Stormwater Misc Details and Pit Lid Schedule	Rev 02	Henry & Hymas	22 May 2023
22T73_EX_C830 – Signage and Linemarking Plan Hoskins Street	Rev 06	Henry & Hymas	28 November 2025
22T73_EX_C860 – Hoskins Street Civil Works	Rev 03	Henry & Hymas	22 May 2026
Landscape Plans			
LDA-01 – Landscape Cover Sheet	I	Ground Ink	18 May 2026
LDA-02 – Landscape Masterplan	I	Ground Ink	18 May 2026
LDA-03 – Tree Planting Strategy	I	Ground Ink	18 May 2026
LDA-04 – Detailed Plan 1	B	Ground Ink	1 June 2023
LDA-04 – Detailed Plan 2	B	Ground Ink	1 June 2023
LDA-04 – Detailed Plan 3	B	Ground Ink	1 June 2023
LDA-07 – Plant Palette	I	Ground Ink	18 May 2026
LDA-08 – Landscape Details	I	Ground Ink	18 May 2026
Specialist Reports			
Stormwater Operations & Maintenance Manual	-	Henry Hymas	-
Arboricultural Impact Appraisal and Method Statement	-	Naturally Trees (Andrew Scales)	20 April 2023
Acoustic Report	R3	Acoustic Logic	19 April 2024
BCA and Fire Safety Assessment Report	R1.1	Hontas Hatzi & Co	29 May 2023
Accessibility Design Assessment Report	R1.1	Hontas Hatzi & Co	29 May 2023
Geotechnical Report	V01	Geo-Logix Pty Ltd	19 April 2023
Detailed Site Investigation Report	V01	Geo-Logix Pty Ltd	22 May 2023
Detailed Site Investigation Addendum	-	Geo-Logix Pty Ltd	24 October 2024
Operational Waste Management Plan	C	Elephants Foot	31 May 2023

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

3. Inconsistency between Documents

In the event of any inconsistency between the conditions of this consent and the drawings/documents referred to above, the conditions of this consent shall prevail to the extent of the inconsistency.

Reason: To ensure that the development is undertaken in accordance with the submitted plans and documents (as amended).

4. Concurrence – WaterNSW

Concurrence has been granted by WaterNSW for the development, pursuant to Chapter 6 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (NSW). The concurrence conditions provided by WaterNSW are included as **Attachment 3** and form a part of this consent. The concurrence conditions are identified under the following reference:

- Ref: DAR 23104-a3, Dated: 20 December 2024.

Reason: *To ensure the development is undertaken in accordance with the requirements of the regulatory authority.*

5. Concurrence – Transport for NSW

Concurrence has been granted by Transport for NSW for the development. The concurrence conditions provided by Transport for NSW are included as **Attachment 4** and form a part of this consent. The concurrence conditions are identified under the following reference:

- CNR-61209 (A-73547) (Ref: STH24/00374/007, Dated: 2 April 2025).

Reason: *To ensure the development is undertaken in accordance with the requirements of the roads authority.*

6. Conditions – Endeavour Energy

Conditions have been recommended by Endeavour Energy for the development, pursuant to s 2.48 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (NSW). The conditions provided by Endeavour Energy (dated 15 May 2026) are included as **Attachment 5** and form a part of this consent. Please refer to the balance of the Endeavour Energy NSW Planning Portal Concurrence and Referral dated 15 May 2026 for associated guidance.

Reason: *To ensure the development is undertaken in accordance with the requirements of the electricity supply authority.*

7. Impact of Remediation Activities

Remediation works approved under this consent shall not cause any environmental harm outside of the area nominated for remediation in the approved RAP.

Note: *Environment means components of the earth, including:*
a. land, air and water, and
b. any layer of the atmosphere, and
c. any organic or inorganic matter and any living organism, and
d. human-made or modified structures and areas.

Reason: *To protect the environment and environmental health.*

PRESCRIBED CONDITIONS

8. Compliance with Building Code of Australia and Insurance Requirements under the Home Building Act 1989 (NSW)

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

This section does not apply:

- To the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* (NSW), or
- To the erection of a temporary building, other than a temporary structure to which subsection (3) of applies.

Reason: *The condition is prescribed under section 69 of the Environmental Planning and Assessment Regulation 2021 (NSW).*

9. Erection of Signs

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

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

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

Note: *This condition does not apply where:*

- *Building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or*
- *Crown building work certified to comply with the Building Code of Australia under Part 6 of the Environmental Planning & Assessment Act 1979 (NSW).*

Reason: *The condition is prescribed under section 70 of the Environmental Planning and Assessment Regulation 2021 (NSW).*

10. Notification of *Home Building Act 1989* (NSW) Requirements

Residential building work within the meaning of the *Home Building Act 1989* (NSW) must not be carried out unless the Principal Certifier (PC) for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) In the case of work for which a principal contractor is required to be appointed:
 - (i) The name and licence number of the principal contractor, and
 - (ii) The name of the insurer by which the work is insured under Part 6 of that Act,
- (b) In the case of work to be done by an owner-builder:
 - (i) The name of the owner-builder, and
 - (ii) If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the Principal Certifier (PC) for the development to which the work relates (not being the council) has given the council written notice of the updated information.

Reason: *The condition is prescribed under section 71 of the Environmental Planning and Assessment Regulation 2021 (NSW).*

11. Shoring and Adequacy of Adjoining Property

- (1) For the purposes of section 4.17(11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense –
- (a) Protect and support the building, structure or work from possible damage from the excavation, and
 - (b) Where necessary, underpin the building, structure or work to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Reason: *The condition is prescribed under Section 74 of the Environmental Planning and Assessment Regulation 2021 (NSW).*

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

12. Preparation of Remedial Action Plan

A Remediation Action Plan (**RAP**) must be prepared by a suitably qualified environmental consultant and submitted to Council before the commencement of remediation works and the issue of the Construction Certificate, in accordance with *State Environmental Planning Policy (Resilience and Hazards) 2021* and the *Contaminated Land Management Act 1997*.

At Councils discretion, the RAP may be reviewed by a EPA Accredited Auditor and written confirmation provided by the Auditor to Council that the RAP, if followed, is adequate when implemented to render the site suitable for its proposed use.

The following matters must be included as part of the RAP:

- (a) Incorporation of the conclusions and recommendation in the approved DSI and addendum;
- (b) Hours of Remediation Work;
- (c) Soil and Water Management Measures, including stockpiles, site access, excavation pumpouts, landscaping / rehabilitation and bunding;
- (d) Noise and vibration measures;
- (e) Air quality and dust and odour control measures;
- (f) Groundwater;
- (g) Transport (management plan);

- (h) Hazardous materials removal and disposal (where relevant);
- (i) Disposal of contaminated soil;
- (j) Containment / capping of contaminated soil;
- (k) Importation of fill;
- (l) Site signage and contact numbers;
- (m) Site security;
- (n) Occupational health and safety; and
- (o) Removal of Underground Storage Tanks (where relevant).

Reason: *To ensure remediation works are undertaken in a safe and appropriate manner and in accordance with the approved documents.*

13. Prior Notice of Category 2 Remediation

At least 30 days prior to the commencement of remediation works on the site, the applicant shall submit a written Notice of Category 2 Remediation Works required under section 4.13 of *State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP RAH)* to Council's Environmental Health Officer. The Notice shall contain all information specified in sub-section 4.13(3) of *SEPP R&H*.

Reason: *Statutory requirement.*

14. Implementation of Remedial Action Plan

Prior to the issue of a Construction Certificate:

- (a) The site shall be remediated in accordance with the following:
 - (i) The approved RAP;
 - (ii) *State Environmental Planning Policy (Resilience and Hazards) 2021*;
 - (iii) National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM), 1999 as amended in 2013); and
 - (iv) Applicable NSW EPA contaminated land guidelines.
- (b) The applicant shall engage an appropriately qualified environmental consultant to supervise all aspects of site remediation and validation in accordance with the RAP.
- (c) Any reports relating to contamination shall be prepared, or reviewed and approved by an environmental consultant certified under either the Certified Environmental Practitioner – Site Contamination (CEnvP-SC) scheme or Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme. The front page of the report shall include the details of the consultant's certification.
- (d) Any new information which comes to light during the remediation works which has the potential to alter previous conclusions about site contamination shall be immediately notified in writing to Council by the environmental consultant.

- (e) All contaminated site reports provided to Council shall exempt Council from any claim for copyright that may restrict Council's ability to provide information to the public in accordance with the *Government Information (Public Access) Act 2009*.
- (f) If the Duty to Report contamination to the NSW Environment Protection Authority under Section 60 of the *Contaminated Land Management Act 1997* is triggered, Council's Environmental Health Officer shall be notified within three (3) days of the notification to the NSW Environment Protection Authority.

Reason: *To protect the environment and environmental health.*

15. New Information / Unexpected Finds during Remediation Works

Prior to the issue of a Construction Certificate:

- (a) In the event that remediation works cause any signs of uncovering of previously unidentified contaminants, including but not limited to the detection of chemical odours, works shall immediately cease, Council's Environmental Health Officer shall be notified by the environmental consultant in writing within three (3) days, and the environmental consultant undertake an assessment of the potential contamination and works required to make the site safe for the environment and environmental health.
- (b) If the Duty to Report contamination to the NSW Environment Protection Authority under Section 60 of the *Contaminated Land Management Act 1997* is triggered, Council's Environmental Health Officer shall be notified within three (3) days of the notification to the NSW Environment Protection Authority.

Reason: *To protect the environment and environmental health.*

16. Archaeological Tracking

During remediation work, any proposed ground disturbance within the area designated as low archaeological potential should be subject to archaeological testing to determine if physical or archaeological elements associated with the trucking yards survive.

Archaeological testing for potential relics of local significance should be carried out by a suitably qualified archaeologist under a section 139(4) (*Heritage Act 1977*) excavation permit exception.

Should archaeological remains be found during the archaeological testing they will need to be assessed to determine if they are of local or State significance. If determined to be of local significance such remains can be removed under archaeological monitoring and record keeping as an exception. If the remains are assessed as being of State significance their removal will require an Excavation permit under Section 140 of the Heritage Act following notification. This may require formal localised salvage excavation or full documentation prior to removal. If local or State significant remains are exposed during testing appropriate mitigation could involve in situ preservation of any significant remains.

As a protocol during all phases of work an Unidentified Finds Procedure should be in place prior to the implementation of the RAP.

Reason: *Heritage protection and to ensure a process is in place to protect potential relics found during works.*

17. Waste Classification and Disposal of Contaminated Soil and Material(s), Solid and Liquid, during Remediation Works

Prior to the issue of a Construction Certificate:

- (a) All soils and material(s), liquid and solid, to be removed from the site shall be analysed and classified by an appropriately qualified and experienced environmental consultant, in accordance with the Protection of the Environment (Waste) Regulation 2014 and related guidelines, in particular NSW EPA Waste Classification Guidelines, prior to off-site disposal.
- (b) The waste classification report, including the results of testing, shall be written, or reviewed and approved by an environmental consultant certified under either the Certified Environmental Practitioner – Site Contamination (CEnvP-SC) scheme or Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme. The front page of the report shall include the details of the consultant's certification. A copy of the waste classification report shall be included in the Validation Report submitted to Council's Environmental Health Officer.
- (c) All waste material(s) shall be disposed of at an appropriately licensed waste facility for the specific waste. Receipts for the disposal of the waste shall be included in the Validation Report.
- (d) All waste shall be transported by a contractor licenced to transport the specific waste, and in vehicles capable of carting the waste without spillage, and meeting relevant requirements and standards. All loads shall be covered prior to vehicles leaving the site.
- (e) Waste tracking shall be undertaken in accordance with NSW EPA requirements.
- (f) All waste transport routes shall avoid, where possible, all sensitive land uses such as residential areas, schools, preschools, and avoid bus routes, particularly school bus pick up and drop off periods.
- (g) All waste reports provided to Council shall exempt Council from any claim for copyright that may restrict Council's ability to provide information to the public in accordance with the *Government Information (Public Access) Act 2009*.

Reason: *To protect the environment and environmental health.*

18. Imported Fill Materials during Remediation Works

Prior to the issue of a Construction Certificate:

- (a) All fill imported onto the site shall be certified to ensure it meets relevant classification. To ensure that fill material is suitable, only material classified as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) is permitted to be imported onsite.
- (b) Certificates proving that the material imported is ENM or VENM shall be included in the Validation Report.
- (c) Fill imported on to the site shall be compatible with the existing soil characteristic for site drainage purposes.

Reason: *To protect the environment and environmental health.*

19. Limitations on Type of Fill Materials during Remediation Works

Prior to the issue of a Construction Certificate, fill material shall be limited to the following:

- (a) Virgin excavated natural material (VENM)

- (b) Excavated natural material (ENM) certified as such in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014*.
- (c) Material subject to a Waste exemption under Clauses 91 and 92 *Protection of the Environment Operations (Waste) Regulation 2014* and recognised by the NSW Environment Protection Authority as being “fit for purpose” with respect to the development subject of this application.

Any waste-derived material that is the subject of a resource recovery exemption received at the development site shall be accompanied by documentation as to the material's compliance with the exemption conditions and shall be included in the Validation Report.

Reason: *To protect the environment and environmental health.*

20. Reuse of Soils within the Site during Remediation Works

Prior to the issue of a Construction Certificate:

- (a) Any existing soils to be reused within the site shall be analysed and classified by an appropriately qualified and experienced environmental consultant, in accordance with relevant NSW Environment Protection Authority guidelines and National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended in 2013), to ensure that the soil is suitable for the development approved under this consent.
- (b) The results shall be included in the Validation Report.

Reason: *To protect the environment and environmental health.*

21. Validation Report

Prior to issue of a Construction Certificate, the applicant shall submit a detailed Validation Report to the satisfaction of Council's Environmental Health Officer and PC.

The Validation Report shall be prepared in accordance with:

- (a) Relevant NSW EPA Guidelines, noting in particular the Consultants Reporting on Contaminated Land – Contaminated Land Guidelines (2020); and
- (b) National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended in 2013).
- (c) The Validation Report shall be prepared, or reviewed and approved by an environmental consultant certified under either the Certified Environmental Practitioner – Site Contamination (CEnvP-SC) scheme or Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme. The front page of the report shall include the details of the consultant's certification.
- (d) The Validation Report shall verify that the land is suitable for the development approved under this consent, and that the remediation and validation of the site has been undertaken in accordance with the RAP.
- (e) The contaminated site report(s) provided to Council shall be accompanied by a report summary, presenting (as a minimum) project background, scope, objectives, key issues, investigation findings, conclusions and recommendations.
- (f) All contaminated site reports provided to Council shall exempt Council from any claim for copyright that may restrict Council's ability to provide information

to the public in accordance with the *Government Information (Public Access) Act 2009*.

Reason: *To protect the environment and environmental health.*

22. Waste Material(s) in Validation Report

Prior to issue of a Construction Certificate, details of material, liquid and solid, removed as part of the implementation of the RAP including volume, mass, waste classification, material tracking documents, locations stored and validation of any surfaces where the material was stored shall be included in the Validation Report submitted to Council's Environmental Health Officer and the PC.

Reason: *To protect the environment and environmental health.*

23. Site Audit Report and Site Audit Statement

The applicant shall engage the services of a site auditor accredited under the NSW Site Auditor Scheme to prepare a Site Audit Report and Site Audit Statement Section A1 in a form approved by the NSW EPA. The Site Audit Statement Section A1 shall contain a clear declaration by the site auditor that the site is suitable for the intended use.

The applicant shall provide the Site Audit Report and Site Audit Statement Section A1 to the satisfaction of both the PC and Council's Environmental Health Officer prior to the issue of a Construction Certificate.

Reason: *To protect the environment, WHS and environmental health.*

24. Application for a Construction Certificate

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

- (a) Architectural plans and building specifications complying with the National Construction Code (NCC) relevant Australian Standards, and the development consent and conditions.
- (b) If Council or a Principal Certifier (PC) issue the Construction Certificate, engineering details must be submitted for approval for all structural elements, including but not limited to, piers, footings, reinforced concrete slab, first floor joist layout, roof trusses, steel beams and the like. The details must be prepared by a qualified chartered professional practicing consulting structural engineer. Also, a certificate from the engineer must be included certifying that the design fully complies with appropriate SAA Codes and Standards and the Building Code of Australia requirements.
- (c) Geotechnical report for the site, prepared by a qualified geotechnical engineer detailing the foundation conditions of the site and solutions for consideration by a structural Engineer.
- (d) Essential services plan outlining the existing and proposed fire safety measures.
- (e) Plans detailing the layout, extent and location of key components of any required Hydraulic Fire Safety System/s (Fire Hydrant and Fire Hose Reels) including Specifications that describe the basis for the design, installation and construction and identify the provisions of the BCA upon which the design of the system is based. The Plans and Specifications shall both be endorsed by a competent fire safety practitioner (CFSP) as complying with the relevant

provisions of the Building Code of Australia (BCA).

- (f) Disabled access provisions to common and public areas in accordance with AS 1428 Design for Access and Mobility and the Premises Code.
- (g) If an alternative solution to the “deemed to satisfy” provisions of National Construction Code is proposed, the following details must be lodged:
 - Performance requirements that the alternative solution intends to meet.
 - Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the BCA; and
 - A statement about the person who prepared the alternate solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body.

Note: *Construction work may only commence upon the issue of a Construction Certificate, appointment of a Principal Certifier (PC), and lodgement of Notice of Commencement.*

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

25. Amendments to Approved Plans

The applicant shall make the following amendments to the approved plans prior to the issue of a Construction Certificate:

- a. Civil Engineering Plans shall be amended to show the required road widening of Hoskins Street to 11m kerb to kerb extending from Hawkins Street to the western boundary of Lot 11 DP 612914. The remainder of the carriageway width shall then be gradually reduced from 11m to 8.6m at the location of the development access. The road widening shall occur wholly on the southern side of Hoskins Street. The amended plans shall detail adjustments to the existing stormwater system where necessary. Where necessary, trees removed from the road reserve shall be replaced on a minimum 1:1 basis with suitable species, and in a location, in consultation with Council’s Tree Management team.

The required changes shall be reflected as amended plans to be submitted to Council, for approval, prior to the issue of a Construction Certificate.

Reason: *To confirm and clarify the terms of Council’s approval.*

26. Acoustic Attenuation and Noise Control Measures

Prior to the issue of a Construction Certificate, the applicant shall:

- (a) Incorporate the recommendations set out in the approved Acoustic Report into construction drawings and specifications for the proposed development; and
- (b) Incorporate the recommendations set out in the approved Acoustic Report into the selection and design of plant and equipment. In particular, an acoustic review shall be conducted by a suitably qualified acoustic consultant for final plant and equipment selections and mechanical services drawings to ensure the applicable noise criteria can be met.

The building, loading dock, and location of mechanical plant must be designed and acoustically attenuated in accordance with the recommendations in the approved Acoustic Report, approved as part of this application. Details must be included on the Construction Certificate plans.

Reason: *To minimise the impact on the nearby residents.*

27. Access for People with Disabilities

Access for people with disabilities shall be provided in accordance with the requirements of the National Construction Code, relevant Australian Standards and with regard to the *Disability Discrimination Act 1992* (Cth).

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that access for people with disabilities to and from and between the public domain, residential units and all common open space areas is provided. Dignified and equitable access shall be provided.

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate. All details shall be prepared in consideration of the *Disability Discrimination Act 1992* (Cth), and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.

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

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

28. Disabled Toilets

Plans and details of the disabled toilet/s shall comply with the relevant Australian Standards, the Building Code of Australia, and with regard to the *Disability Discrimination Act 1992*. Prior to the issue of a Construction Certificate, the plans shall demonstrate compliance.

Note: *Disability (Access to Premises - Buildings) Standards 2010 – As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992. The plans must be approved by the Accredited Certifier prior to issue of a Construction Certificate.*

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

29. Section 68 Local Government Act 1993 (NSW) Approvals

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

- Carry out water supply works.
- Carry out sewerage works.
- Carry out stormwater drainage works.

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

30. Approval Required for Work within the Road Reserve – Section 138 Roads Act 1993

(NSW)

Where works are proposed within the road reserve, the Developer must obtain approval as required under Section 138 of the *Roads Act 1993* (NSW) prior to the issue of the Construction Certificate.

The infrastructure works within the road reserve shall be generally in accordance with the approved plans and and Wingecarribee Shire Council's Engineering Specifications and Standard Drawings.

The required plans and specifications are to be designed in accordance with the Civil Engineering Standard Drawings in Wingecarribee Shire Council. The drawings must detail the location of existing utility services, both alignment and depth/level and any trees and/or tree roots likely to be affected by the works. The designer is responsible for ensuring the design is clear of all existing services or shows the relocation of services that don't have sufficient clearance from their design. Construction of the works must proceed strictly in accordance with any conditions attached to the *Roads Act 1993* (NSW) approval issued by Council.

Approval must be obtained from Wingecarribee Shire Council as the road authority under Section 139 *Roads Act 1993* (NSW) for any proposed works in the public road prior to the issue of any Construction Certificate.

Reason: *Statutory requirement.*

31. Construction Site Management Plan

Before the issue of a Construction Certificate, a construction site management plan must be prepared, and provided to the Principal Certifier. The plan must include the following matters:

- (a) The location and materials for protective fencing and hoardings on the perimeter of the site;
- (b) Location of dedicated washdown areas (located away from drainage lines, stormwater drains and water bodies).
- (c) Provisions for public safety;
- (d) Pedestrian and vehicular site access points and construction activity zones;
- (e) Details of construction traffic management including:
 - (i) Proposed truck movements to and from the site;
 - (ii) Estimated frequency of truck movements; and
 - (iii) Measures to ensure pedestrian safety near the site;
- (f) Details of bulk earthworks to be carried out;
- (g) The location of site storage areas and sheds;
- (h) The equipment used to carry out works;
- (i) The location of a garbage container with a tight-fitting lid;
- (j) Dust, noise and vibration control measures;
- (k) Details of chemical storage and management;
- (l) The location of temporary toilets;

- (m) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
 - (i) AS 4970 – *Protection of trees on development sites*;
 - (ii) An arborist's report approved as part of this consent
- (n) A community relations plan that aims to inform residents and other local stakeholders of the proposed nature and timeframes for construction activities together with contact details for site management
- (o) An Unexpected Finds Protocol (UFP) complying with applicable WHS and environmental protection legislation.

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

Reason: *To require details of measures that will protect the public, and the surrounding environment, during site works and construction.*

32. Waste Management Plan

Before the issue of a Construction Certificate, a waste management plan for the development must be prepared and provided to the Principal Certifier. The plan must be prepared:

- (a) In accordance with:
 - (i) The Environment Protection Authority's Waste Classification Guidelines as in force from time to time; and
- (b) Include the following information:
 - (i) The name and contact details of who is responsible for the plan and management of the waste onsite,
 - (ii) The name and contact details of the person(s) removing waste,
 - (iii) A description of each different waste type and an estimate of the and quantity of each waste type expected to be produced,
 - (iv) How each waste type will be managed onsite and offsite, including whether the waste is expected to be reused, recycled or sent to landfill,
 - (v) Where any onsite management of waste will occur, such as for consolidation and collection,
 - (vi) How each waste type will be characterised and classified for waste management and transport,
 - (vii) Where each waste type is intended to be transported for disposal or other fate,
 - (viii) How the quantity of each waste type will be measured and recorded,
 - (ix) How each waste movement will be tracked,
 - (x) Contingencies including to managing unexpected finds, such as asbestos.

A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.

Reason: *To ensure waste management practices are undertaken, resource recovery is promoted and local amenity protected during construction site works.*

33. Erosion Site Management Plan

Before the issue of a Construction Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the Principal Certifier:

- (a) The guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and
- (b) The 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure) (dated 2024, as amended from time to time).

Reason: *To ensure no substance other than rainwater enters the stormwater system and waterways.*

34. External Lighting

Prior to the issue of a Construction Certificate, plans detailing external lighting must be prepared by a suitably qualified person.

The lighting plan must be consistent with the approved plans and documents, and the following requirements:

- (a) Comply with AS 4282: *Control of Obtrusive Effect of Outdoor Lighting*;
- (b) Lighting must be placed at all entrances to, and exits from, the premises;
- (c) Lighting must provide coverage to the premises and surrounding areas for visibility and to reduce hidden areas;
- (d) Lighting must not interfere with traffic safety;
- (e) Lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties; and
- (f) External lighting must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance.

The lighting plan must be submitted to the Principal Certifier.

Reason: *To ensure external lighting is provided for safety reasons and to protect the amenity of the local area.*

35. Paving Near Trees

Prior to the issue of a Construction Certificate, the Certifier shall be provided with and approve a paving design endorsed by an arborist with a minimum AQF Level 5 qualification. New surfacing within the tree protection zones of trees to be retained shall be constructed above existing grades and must be of a design that ensures adequate water infiltration and gaseous exchange to maintain the tree/s root system is maintained (as per Appendix 6 of the approved Arborist's Report).

Reason: *To protect existing trees.*

36. Carpark Design – Site Servicing

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

- (a) The site shall accommodate the turning movements of the largest service vehicle. The largest vehicle to access the site shall be restricted to 14.7m long articulated vehicle.
- (b) Service vehicles shall manoeuvre into and out of the site in a forward direction
- (c) All service vehicle (heavy vehicle) access to and from the site shall be restricted to the Argyle Street access. No service vehicle (heavy vehicle) access is permitted via the Hoskins Street access.
- (d) The front overhang, and swept path made by the service vehicle shall not obstruct car park traffic or encroach onto parking spaces.
- (e) The vehicle swept path shall be reflected on the engineering design plans.
- (f) Loading and unloading of service vehicles shall be undertaken onsite with no intrusion onto the road system.
- (g) The footpath crossing shall be splayed from the property boundary to the kerbline to accommodate the swept path made by the service vehicle.

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

37. Accessible Car Parking Spaces

Six (6) of the car parking spaces provided as part of the total requirement shall be reserved for disabled persons.

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

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

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

38. Off-Street Parking Provision

Two hundred and thirty four (234) off-street car parking spaces & eight (8) direct to boot spaces suitably marked in accordance with the approved plans (unless elsewhere specified) shall be provided. Each space shall have minimum dimensions in accordance with Australian Standard AS2890.1 *Off Streetcar Parking*.

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

Reason: *To ensure adequate parking and access.*

39. Traffic Separation at Entry

Before the issue of a Construction Certificate, details showing how opposing traffic flows at the

Argyle Street entry / exit are to be separated by the provision of a kerb and / or safety barrier are to be provided, with full details included in the Construction Certificate documentation.

Reason: *To ensure vehicle movements within the carpark are safe and practical.*

40. Argyle Street / Valetta Street / Site Access Intersection

In addition to the requirements of TfNSW, the detailed design of the new signalised intersection at Argyle Street / Valetta Street / Site Access shall include the following measures:

- a) The operation of the traffic signal phases shall include:
 - i. a 5 second 'late start' for the left turn vehicle movement from Argyle Street into the site access. The late start shall be implemented with a 'red arrow' display for this movement for 5 seconds.
 - ii. Following the late start, a flashing Amber signal shall be displayed for the left turn movement from Argyle Street into the site for the length of time required to traverse the crossing.
 - iii. Details of the (a) and (b) shall be included in the Traffic Signal Plan (TSP) to be prepared in accordance with TfNSW requirements.
- b) Pedestrian fencing shall be installed with a minimum setback of 300mm along the western side Argyle Street kerb line to the south of the intersection. The purpose of the pedestrian fence is to restrict pedestrian movements between the substation and the kerb in Argyle Street. The fence shall extend from the substation to the bus zone.
- c) Signage to be installed to direct pedestrians around the substation building.
- d) A Road Safety Audit (**RSA**) of the detailed design for the Argyle Street / Valetta Street / Site Access intersection shall be prepared in accordance with the *Guidelines for Road Safety Audit Practices* (2011). Measures addressing issues raised in the RSA shall be incorporated into the intersection detail design to the satisfaction of Council and TfNSW.

Reason: *To improve pedestrian safety at the intersection.*

41. Landscape Protection – Driveways and Parking Bays

Before the issue of a Construction Certificate, kerbing or a dwarf wall having a minimum height of 100mm are to be designed along the edge of all landscape, garden, or lawns areas adjacent to, and within, driveways and parking bays, sufficient to discourage the encroachment of vehicles thereon, with full details included in the Construction Certificate documentation.

Reason: *To protect landscape beds.*

42. Electric Chargers

A minimum of two (2) 'Level 2' electric chargers must be provided to the four (4) electric vehicle charging spaces. The location of all electric vehicle chargers must be shown on the Construction Certificate plans.

Full details are to be included in the Construction Certificate documentation.

Reason: *To ensure adequate electric circuitry is provided to support electric vehicle needs now and into the future.*

43. Electric Vehicle Circuitry and Electric Vehicle Charging Point Requirements

Before the issue of a Construction Certification, details are to be provided of an electrical plan, specifications for all off-street carparking, and any electric kiosk requirements, prepared by a

suitably qualified and experienced person (such as an electrical engineer) and demonstrate the following:

- (a) That each of the four (4) off-street electric vehicle charging spaces will be provided with electrical circuitry to support the installation of a 'Level 2' of higher standard vehicle charger point.
- (b) The Construction Certificate plans are to:
 - (i) Identify the power capacity to each car parking space;
 - (ii) Identify the EV Distribution Board and EV Load Management System; and
 - (iii) Identify the conduit system to allow each car space to install an electric vehicle charger point – such as cable trays and / or buried cables underground. This system should allow future installation of cabling to power electric vehicle charger points and allow internet access.

Reason: *To ensure adequate electric circuitry is provided to support electric vehicle needs now and into the future.*

44. Building within Vicinity of Sewer Main

Where a building/structure is constructed within the zone of influence of the sewer main, the weight of the building shall be distributed away from the sewer main by pier and beam construction. The piers shall be designed by a suitably qualified experienced professional and chartered Engineer and shall be embedded on firm foundation at least 300mm below the zone of influence with a minimum horizontal clearance from the pipe of 600mm.

The area of influence of the sewer main is considered that area within the angle of repose of 45° for normal loam/clay/sand foundations, or 600 for rock foundations measured 600mm from the outside of the pipe from the trench bottom.

Notwithstanding the above, a building/structure shall not be erected within 1.2m of the outside edge of a sewer manhole and unobstructed personal access of minimum width of 900mm shall be provided to any manhole located upon private property.

Note: *The building shall also be outside of the proposed sewer easement.*

Reason: *To protect public infrastructure.*

45. Water and Sewer Modelling

The developer shall undertake water and sewer modelling in accordance with Council's Water and Sewer Modelling Fact Sheet and incorporate recommendations made within the report into the engineering design submitted under Section 68 of the *Local Government Act 1993* (NSW).

Reason: *To ensure the proposed development does not impact on Council's ability to provide minimum level of service to water and sewer customers.*

46. Water and Sewer Authority

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

Reason: *To ensure water and sewer reticulation are in accordance with Council's*

standards.

47. Long Service Levy Payment

The payment of a long service levy as required under Part 5 of the *Building and Construction Industry Long Service Payments Act 1986* (NSW), in respect to this building work, and in this regard, proof that the levy has been paid, is to be submitted to Council prior to the issue of a Construction Certificate.

Council acts as an agent for the Long Services Payment Corporation and the levy may be paid at Council's Office.

Reason: *Statutory requirement*

48. Pre-Commencement Dilapidation Survey and Report (Public Infrastructure)

Prior to the commencement of any works, the Applicant must obtain a dilapidation report on the public infrastructure and the Principal Certifier shall be satisfied that a dilapidation report on the visible and structural condition of all structures of the following public infrastructure has been completed and submitted to Council:

Public infrastructure includes:

- The full road pavement width, including kerb and gutter, of Argyle Street and Hoskins Street over the site frontage, including the full Valetta Street intersection, and
- All driveway crossings and laybacks opposite the subject site.

The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both written and photographic) existing damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

The Applicant may be held liable for any recent damage to public infrastructure in the vicinity of the site caused by the carrying out of the development, where such damage is not accurately recorded by the requirements of this condition prior to the commencement of works.

A copy of the dilapidation report is to be provided to Council prior to the commencement of any works. A written acknowledgment from the Principal Certifier must be provided to Council (attesting to this condition being appropriately satisfied) prior to the commencement of any excavation works.

Reason: *To record the structural condition of public infrastructure before works commence.*

49. Pre-Commencement Dilapidation Survey and Report (Private Infrastructure)

Prior to the commencement of any works, the Applicant must obtain a dilapidation report on the identified private property/ies below and the Principal Certifier shall be satisfied that a dilapidation report on the visible and structural condition of all structures on the following properties has been completed and submitted to Council:

- 219, 221, 223, 225, 229, and 235 Argyle Street, Moss Vale, NSW, 2577.
- 2 Dalys Way, Moss Vale, NSW, 2577.
- 2-6 Hawkins Street, Moss Vale, NSW, 2577.
- 34A, 38, and 45 Hoskins Street, Moss Vale, NSW, 2577.

- Lot 4 DP 1173719 (telecommunications tower)
- Lot 2 DP 1070183 (electricity substation)

The dilapidation report must include a photographic record of adjoining properties detailing their physical condition, both internally and externally, including such items as walls ceilings, roof and structural members. The report must be completed by a qualified structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal and the recommendations of the submitted geotechnical report.

In the event that access for undertaking the dilapidation survey is denied by a property owner, the Applicant must demonstrate in writing to the satisfaction of the Principal Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

A copy of the dilapidation report is to be provided to Council prior to the commencement of any works. The dilapidation report is for record keeping purposes only and may be used by the Applicant or affected property owner to assist in any civil action required to resolve any dispute over damage to adjoining properties arising from works.

Reason: *To record the structural condition of likely affected properties before works commence.*

50. Noise and Vibration Management Plan

Prior to the issue of the Construction Certificate, a noise and vibration management plan is to be prepared by a suitably qualified expert addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to the Council for approval.

The management plan is to identify amelioration measures to achieve the best practice objectives of Australian Standard 2436-2010 - *Guide to noise and vibration control on construction, demolition and maintenance sites*, and NSW Department of Environment and Climate Change *Interim Construction Noise Guidelines*.

The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works.

The management plan shall address, but not be limited to, the following matters:

- Identification of the specific activities that will be carried out and associated noise sources
- Identification of all potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment
- The construction noise objective specified in the conditions of this consent
- The construction vibration criteria specified in the conditions of this consent
- Determination of appropriate noise and vibration objectives for each identified sensitive receiver
- Noise and vibration monitoring, reporting and response procedures
- Assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles and any traffic diversions

- Description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
- Procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration
- Contingency plans to be implemented in the event of non-compliances and/or noise complaints

Reason: *To protect the amenity of surrounding residents during construction.*

51. Reflectivity of Materials

The visible light reflectivity (reflectivity index) of the roof and other external building materials/colours (including exposed windows) must not exceed 20%. Written evidence that this requirement is not exceeded must be submitted to the Certifying Authority prior to issue of the Construction Certificate.

Reason: *To protect the amenity of surrounding area.*

52. Preparation of Construction and Fit Out Plans for Food and Drink Premises

Before the issue of a construction certificate, detailed plans of all food and beverage preparation, serving and storage areas (including for perishable stock, waste, chemicals and personal belongings) must be prepared by a suitably qualified person. The detailed plans must be prepared in accordance with the following editions in force on the date of determination and provided to the Principal Certifier:

- (a) Food Standards Code (Australia) and Food Safety Standard 3.2.3 – Food Premises and Equipment;
- (b) *Food Act 2003* and *Food Regulation 2015*;
- (c) Australian Standard 4674:2004 :Design, Construction and Fit-out of Food Premises; and
- (d) Plumbing Code of Australia and Australian Standard/New Zealand Standard AS/NZS 3500 series on Plumbing and Drainage.

Reason: *To ensure detailed construction and fit out plans are submitted which comply with the relevant standards.*

53. Preparation of Mechanical Ventilation Plans

Before the issue of a construction certificate, detailed plans of the mechanical exhaust ventilation system must be prepared by a suitably qualified person. The detailed plans must be in accordance with the following and submitted to the Principal Certifier:

- (a) Australian Standard 1668: - The use of ventilation and air conditioning in buildings; and
- (b) Ensure all generate heated air, smoke, fumes, steam or grease vapours do not:
 - (i) Cause a nuisance to persons within or nearby to the premises, or
 - (ii) Cause air pollution as defined under the NSW *Protection of the*

Environment Operations Act 1997.

Reason: *To ensure that detailed professional plans of the approved mechanical ventilation system are submitted before the issue of a Construction Certificate.*

54. Provision for Grease Traps

Prior to the release of the construction certificate, fit out plans for the commercial tenancies showing a minimum of three (3) of the premises including grease traps must be provided for the approval of the Certifying Authority.

Reason: *To ensure adequate facilities are available for future use.*

55. Section 7.12 Development Contributions

Under section 7.12 of the *Environmental Planning and Assessment Act 1979* (NSW), Council has satisfactorily determined that Development Contributions are applicable to this development consent, as the development is likely to require the provision of or increase the demand for public amenities and public services within the Wingecarribee Local Government Area.

The following Wingecarribee Shire Council Developer Contributions Plan is applicable to the Development:

- Section 7.12 Infrastructure Contributions Plan

A “Notice of Payment – Developer Charges and Section 7.12” is included as **Attachment 1** and outlines monetary contributions and unit rates applicable at the time of issue of this consent. The contributions listed in the Notice of Payment must be paid prior to the release of Construction Certificate.

All contributions are indexed quarterly in accordance with upward movements in the Producer Price Index (Tables 15. Output of the General Construction Industry, Index Numbers and Percentage Changes – Index Number; Non-residential building construction (3020) New South Wales) as published by the Australian Bureau of Statistics (www.abs.gov.au); the *Environmental Planning and Assessment Regulation 2021* (NSW); and Council's Developer Contributions Plans.

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

Reason: *To retain a level of infrastructure service for the local population.*

56. Utility Services Authority Contributions

A Certificate of Compliance under Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000* (NSW) must be obtained prior to the issue of Construction Certificate.

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

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

A “Notice of Payment – Developer Contributions” is included as **Attachment 1** and outlines the monetary contributions and unit rates applicable at the time of issue of this consent.

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

Copies of Development Servicing Plans are available at Wingecarribee Shire Council's Administration building Moss Vale or are available for download from Council's website www.wsc.nsw.gov.au.

The Water and Sewerage Development Servicing Plans (DSP's) were adopted by Council on 22 November 2006 and came into effect on 1 January 2007. The Stormwater DSP was adopted on 9 November 2010 and came into effect on 8 December 2010. The current charges under these Plans are listed as follows:

CPI Period	Water DSP	Sewer DSP	Stormwater DSP
28 July 2026	\$14,011.65	\$13,583.80	\$3,376.54
Note: The charges shown above are amounts applicable during the stated time period. These amounts will be subject to adjustment quarterly in accordance with upward movements in the Consumer Price Index (CPI) once they become operational. The CPI is published quarterly by the Australian Bureau of Statistics, www.abs.gov.au .			

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

Compliance Certificate

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

$$\text{Water } \$284.00 + \text{Sewer } \$284.00 + \text{Stormwater } \$284.00 = \$852.00$$

Prior to final release, you will need to contact Council's Environmental Assessment Branch for an inspection to ensure that Council will accept the infrastructure constructed. In response, the Development Engineer of Water and Sewer will specify requirements which will have to be met.

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

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

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

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

57. Damage Bond for Council Infrastructure

A damage bond in accordance with Council's Bonds Policy shall be paid to Council prior to the issue of the Construction Certificate. This damage bond shall be refunded upon completion of all works, on the issue of the Final Occupation Certificate. Any costs associated with works necessary to be carried out to rectify any damage caused by the development, shall be deducted from the damage bond.

Note: *Full panel concrete footpath replacement in areas where connections to all services are required. This includes driveways and road concrete panels. This will stop differential settlement and maintain the integrity of council infrastructure and assets.*

Reason: *Protection of Council infrastructure.*

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS

58. Construction Certificate

No work shall commence until a:

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

Reason: *Statutory requirement.*

59. Appointment of Principal Certifier

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

- (a) A Construction certificate for the building work has been issued by:
 - (i) The consent authority; or
 - (ii) A Principal Certifier (PC); and
- (b) The person having the benefit of the development consent has:
 - (i) Appointed a Principal Certifier (PC) for the building work, and
 - (ii) Notified the Principal Certifier (PC) that the person will carry out the building work as an owner-builder, if that is the case, and
- (b1) The Principal Certifier (PC) has, no later than 2 days before the building work commences:
 - (i) Notified the Council of his or her appointment, and
 - (ii) Notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (b2) The person having the benefit of the development consent, if not carrying out the work as an owner builder, has:
 - (i) Appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - (ii) Notified the Principal Certifier (PC) of such appointment, and
 - (iii) Unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

- (c) The person having the person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

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

60. Notice of Commencement

No work shall commence until a notice of commencement form has been submitted, giving the Principal Certifier (PC):

- (a) Not less than two (2) days' notice of the date on which it is proposed to commence work associated with this Development Consent.
- (b) Details of the appointment of a Principal Certifier (PC) (either Wingecarribee Council or another Registered Certifier).
- (c) Details of the Principal Contractor or Owner Builder:
- Name
 - Builders Licence Number or Owner Builder Permit Number
 - Principal Contractor Company Name
 - Principal Contractor ABN
 - Address of Principal Contractor or Owner Builder
 - Email Address
- (d) Copy of the HBCF Insurance Certificate (if residential building works exceed \$20,000) or Owner Builder Permit.
- (e) Details demonstrating compliance with development consent conditions relevant prior to commencement of the development been satisfied.

Reason: *Statutory requirement.*

61. Traffic Management (Construction) Plan

Before site work commences, the developer is to submit, to the Principal Certifier, a Construction Traffic Management Plan, prepared by a TfNSW accredited person with a Design and Audit Traffic Control Plans Certificate in accordance with Australian Standard 1742.3, that:

- (a) Addresses traffic control measures to be implemented in the public road reserve during the construction phase of the development;
- (b) Provides for the safe, continuous movement of traffic and pedestrians within the road reserve; and
- (c) Is approved by the relevant roads authority.

A copy of the Construction Traffic Management Plan is to be provided to Council.

Reason: *To require a traffic management plan that ensures safe and continuous movement of traffic in the road reserve.*

62. Erosion and Sediment Controls in Place

Before any site work commences, the Principal Certifier, must be satisfied the erosion and sediment controls in the approved erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the erosion and sediment control plan and must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifier and/or Council.

Reason: *To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.*

63. Set Out Survey

The development shall be set out by a Registered Land Surveyor to ensure the correct location on the site in accordance with the approved site plan prior to the commencement of works.

Reason: *To ensure compliance with the approved plans.*

64. Project Arborist

Prior to the commencement of any works, a project arborist shall be engaged to ensure all tree protection measures and works are carried out in accordance with the conditions of this Development Consent.

The project arborist shall have a minimum AQF Level 5 qualification with a minimum of 5 years' experience. Details of the arborist including name, business name and contact details shall be provided to the Principal Certifier with a copy provided to Council.

Reason: *To ensuring tree works approved under this consent are undertaken appropriately.*

65. Tree Protection Fencing

Prior to the commencement of any works, tree protection works shall be carried out in accordance with the approved tree protection plan(s), except where amended by other conditions of this development consent.

Reason: *To protect existing trees.*

66. Tree Protection Signage

Prior to the commencement of any works, tree protection signage is to be attached to the tree protection fencing, displayed in a prominent position and repeated at 10 metres intervals or closer where the fence changes direction. Each sign shall contain in a clearly legible form, the following information:

(a) The words:

- Tree protection zone / No access.
- This fence has been installed to prevent damage to the tree/s and their growing environment both above and below ground.

(b) And the following information:

- The name, address, and telephone number of the developer / builder and Project Arborist.

Reason: *To protect existing trees.*

67. Tree Protection Mulching

Prior to the commencement of any works, the tree protection zone is to be mulched to a depth of 100mm with composted organic material.

The mulch is to be replenished so as to be consistent with the above requirement throughout the duration of construction works.

Reason: *To protect existing trees.*

68. Garbage Receptacle

A garbage receptacle must be provided at the work site before work begins and must be maintained until the work is completed.

The garbage receptacle must have a tight-fitting lid and be suitable for the reception of food scraps and papers.

Reason: *Waste management.*

69. Temporary Toilet Facilities

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:

- (a) Be a standard flushing toilet connected to a public sewer; or
- (b) Have an on-site effluent disposal system approved under the *Local Government Act 1993* (NSW); or
- (c) Be a temporary chemical closet approved under the *Local Government Act 1993* (NSW).

Reason: *To protect workers, the public, and the environment.*

CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE**70. Approved Plans to be Available Onsite**

Endorsed Council approved plans, specifications, documentation and the consent shall be made available on site at all times during construction.

Reason: *To ensure compliance with approved plans.*

71. Approved External Materials and Colours

The external treatment/appearance of the development must be in accordance with the approved plans.

Reason: *To ensure compliance with approved plans.*

72. Community Liaison Person

The applicant shall establish a community liaison person as an ongoing means of addressing community concerns during the excavation and construction phase of the development. The applicant is to advise adjoining businesses, residents, and Council of the name and telephone number of the community liaison person.

The community liaison person shall be available during nominated working hours. A register of community concerns / complaints relating to the on-site operations and the action taken in response is to be kept and made available to Council officers upon request.

Reason: *To manage construction impacts in relation to adjoining / nearby properties.*

73. Surveys by a Registered Surveyor

While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier:

- (a) All footings / foundations in relation to the site boundaries and any registered and proposed easements
- (b) At other stages of construction – any marks that are required by the principal certifier.

Reason: *To ensure buildings are sited and positioned in the approved location.*

74. Checking Floor Levels – Surveyor

During building work, certification is to be prepared by a registered surveyor, and submitted to the Principal Certifier, at the following stages of construction:

- (a) On completion of ground floor construction, confirming that the floor levels are in accordance with the approved levels;
- (b) On completion of each subsequent floor level, confirming that the floor levels are in accordance with the approved levels; and
- (c) When the roof has been completed, confirming that the building does not exceed the approved levels.

Reason: *To ensure finished floor levels equal the approved plans.*

75. Implementation of Site Management Plans

While site work is being carried out:

- (a) The measures required by the construction site management plan, construction traffic management plan, and the erosion and sediment control plan (plans) must be implemented at all times, and
- (b) A copy of these plans must be kept on site at all times and made available to council officers upon request.

Reason: *To ensure site management measures are implemented during the carrying out of site work.*

76. Tree Protection during Work

While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with:

- (a) The construction site management plan required under this consent;
- (b) The relevant requirements of AS 4970 Protection of trees on development sites;

- (c) Any arborist's report approved under this consent; and
- (d) The condition of this development consent.

This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

Reason: *To protect trees during the carrying out of site work.*

77. Cutting of Tree Roots and Branches

Where it is unavoidable, tree roots and branches severed for the purposes of constructing the approved works shall be cut cleanly by hand, by an experienced arborist / horticulturist with a minimum AQF Level 3 qualification. All pruning works shall be undertaken as specified in Australian Standard 4373 - *Pruning of Amenity Trees*. The arborist / horticulturist shall provide a report to the Principal Certifier confirming compliance with this condition.

Reason: *To protect existing trees.*

78. Erosion Control

Any run-off and erosion control measures required shall be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

Erosion and sediment control measures must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm and / or as directed by the Principal Certifier and / or Council.

Reason: *To protect the environment from erosion and sedimentation.*

79. Discovery of Relics and Aboriginal Objects

While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered:

- (a) The work in the area of the discovery must cease immediately;
- (b) The following must be notified
 - (i) For a relic – the Heritage Council; or
 - (ii) 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* (NSW), section 85.

Site work may recommence at a time confirmed in writing by:

- (a) For a relic – the Heritage Council; or
- (b) 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* (NSW), section 85.

Reason: *To ensure the protection of objects of potential significance during works.*

80. Archaeological Tracking

Any proposed ground disturbance within the area designated as low archaeological potential

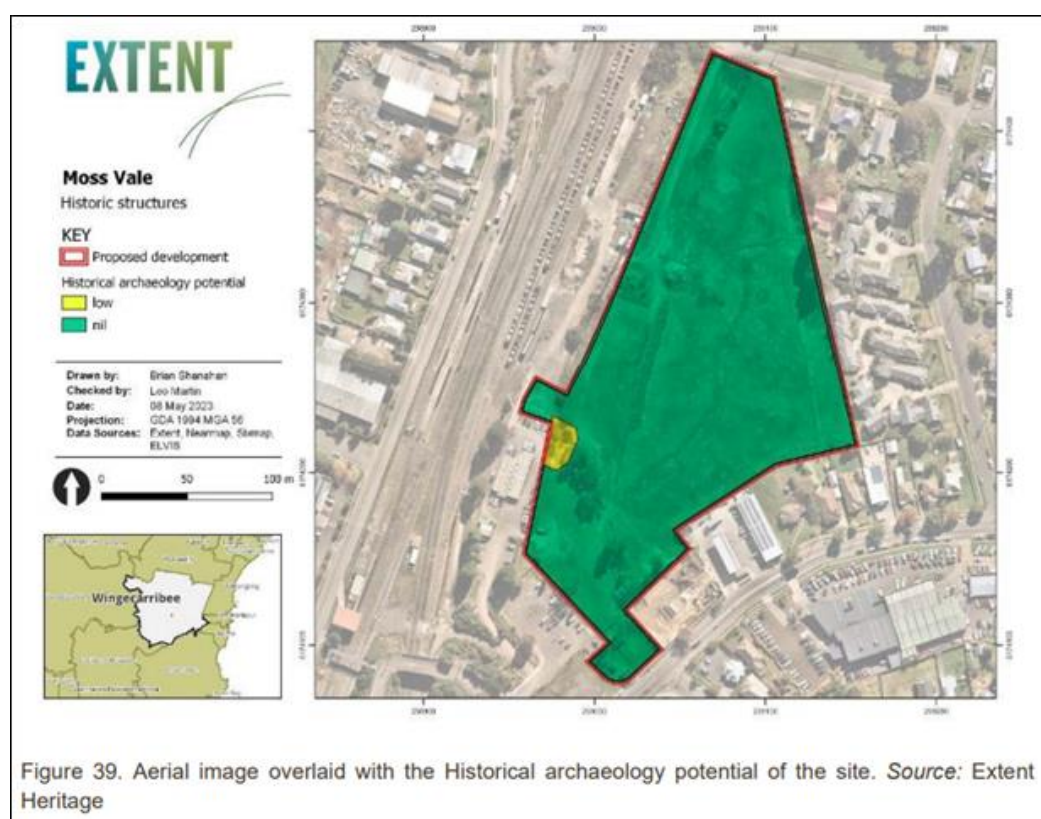
should be subject to archaeological testing to determine if physical or archaeological elements associated with the trucking yards survive.

Archaeological testing for potential relics of local significance should be carried out by a suitably qualified archaeologist under a section 139(4) (*Heritage Act 1977*) excavation permit exception.

Should archaeological remains be found during the archaeological testing they will need to be assessed to determine if they are of local or State significance. If determined to be of local significance such remains can be removed under archaeological monitoring and record keeping as an exception. If the remains are assessed as being of State significance their removal will require an Excavation permit under Section 140 of the Heritage Act following notification. This may require formal localised salvage excavation or full documentation prior to removal. If local or State significant remains are exposed during testing appropriate mitigation could involve in situ preservation of any significant remains.

As a protocol during all phases of work an Unidentified Finds Procedure should be in place prior to undertaking any excavation.

Reason: *Heritage protection and to ensure a process is in place to protect potential relics found during works.*



81. Soil Management

While site work is being carried out, the Principal Certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- All excavated material removed from the site must be classified in accordance with the Environment Protection Authority's Waste Classification Guidelines before it is disposed of at an approved waste management facility or otherwise lawfully managed, and the classification, and the volume of material removed, and the receival facility's details must be reported to the Principal Certifier.
- All fill material imported to the site must be:

- (i) Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* (NSW), or
- (ii) a material identified as being subject to a resource recovery exemption by the NSW EPA, or
- (iii) a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* (NSW) and a material identified as being subject to a resource recovery exemption by the NSW EPA.

Reason: *To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.*

82. Earthworks, Retaining Walls, and Structural Support

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

- (a) Must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot; and
- (b) Must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property.

Any excavation must be carried out in accordance with *Excavation Work: Code of Practice*, published in January 2020 by SafeWork NSW.

Reason: *To ensure bulk earthworks are undertaken safely.*

83. Ground Levels

Natural ground levels shall not be altered or adjusted other than shown on the approved plans or where varied by the conditions of consent without the prior consent of Council.

Finished ground levels shall be graded away from the buildings and adjoining properties must achieve natural drainage. The concentrated flows are to be dispersed down slope or collected and discharged to an approved stormwater drainage system.

Reason: *To ensure that natural drainage of the property and adjoining properties is not affected.*

84. Relocation of Sewerage

Prior to commencement of construction of the building, the existing trunk sewer main shall be relocated. Relocation of sewer main is to be clear of buildings and structures. All superseded mains and structures are to be removed from site.

Reason: *To protect public utilities.*

85. Utility Services

If the work requires alteration to, or the relocation of, utility services on, or adjacent to, the lot on which the work is carried out, the work is not complete until all such works are carried out.

Reason: *To ensure that utilities are provided appropriately to the development.*

86. Engineering Inspections by Council

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

- (a) Works in relation to road reserves, footpath, kerb and gutter, road shoulder, and drainage within public lands or road reserves.
- (b) Final inspection of footpath, driveway, stormwater, and utility construction works within the road reserve.
- (c) Piers to distribute loading from structure away from sewer main.
- (d) Sewer main extensions/augmentations.

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

Reason: *To ensure the works are undertaken in accordance with Council's requirements and standards.*

87. Stormwater – Connection to Kerb

All stormwater connections to the kerb shall be done using a minimum 2mm thick galvanised steel section in accordance with Wingecarribee Shire Council's Standard Drawing No SD102.

Reason: *To comply with Council standards.*

88. Stormwater – Construction

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

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

89. Temporary Disposal of Stormwater

All stormwater runoff from the development shall be collected within the property and discharged to an approved stormwater management system.

During construction, stormwater runoff must be disposed of in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving), and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifier.

Reason: *To protect the environment and ensure stormwater is appropriately managed during works.*

90. Site Management during Construction

A suitable entry point shall be nominated on site and utilised by construction and delivery vehicles. This entry point is to be located so that the possibility of damage to Council's property is minimised during construction. The access point shall be surfaced with all-weather materials of a minimum of 40mm in size. Ballast or crushed gravel (minimum of 40mm rock) for the full

width of the kerb from the edge of the road to the property boundary.

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

All precautions shall be taken to prevent any damage likely to be sustained to adjoining properties. Where damage occurs to adjoining property all necessary repair or suitable agreement for necessary repairs shall be undertaken by the applicant in consultation with, and with the consent of, the affected property owner.

All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from windblown dust, debris and noise during the demolition, excavation and building works.

All building materials, plant, and equipment are to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and also so that the road reserve is not damaged. No storage or placing of any building materials is to occur on adjacent public roads or footpath areas in association with the construction, maintenance or use of the development or site. No building materials are to be stored or disposed of beneath the canopy of any tree.

Reason: *Health and amenity.*

91. Dust Control

During excavation, demolition and construction, adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood. The following measures must be adopted:

- (a) Physical barriers shall be placed around or over dust sources to prevent wind or activity from generating dust;
- (b) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- (c) All materials shall be stored or stockpiled at the best locations
- (d) The ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- (e) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust
- (f) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- (g) Gates shall be closed between vehicle movements and shall be fitted with shade cloth
- (h) Cleaning of footpaths and roadways shall be carried out at least daily
- (i) No advertising or signage is permitted to be attached to dust cloth material.

Reason: *To protect the environment and the amenity of surrounding properties.*

92. Use of Road or Footpath

During excavation, demolition and construction phases, no building materials, plant or the like

are to be stored on the road or footpath without written approval being obtained from Council beforehand. The footpath shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost of rectification against the applicant/owner/builder or any other responsible person, as the case may be.

Reason: *To ensure safety and amenity of the area.*

93. Road Reserve Safety

All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (2009) "Manual for Uniform Traffic Control Devices for Work on Roads." If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may take actions to stop work, which may include the bringing of proceedings.

Reason: *To ensure safe public footways and roadways during construction.*

94. Control of Construction Noise

During excavation, demolition and construction phases, noise generated from the site shall be controlled in accordance with best practice objectives of AS 2436-2010 and NSW Environment Protection Authority *Interim Construction Noise Guidelines*.

Reason: *To protect the amenity of neighbouring properties.*

95. Approved Hours of Works

Works shall be limited to the following hours:

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

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

96. Waste Management

While site work is being carried out:

- (a) All waste management must be undertaken in accordance with the waste management plan prepared in accordance with this consent, and
- (b) Upon disposal or removal of the waste, records of the disposal or other fate (such as re-use on site) must be compiled and provided to the Principal Certifier, detailing the following:
 - (i) The name and contact details of the person(s) who removed the waste,
 - (ii) The waste carrier vehicle registration,

- (iii) The date and time of waste collection,
 - (iv) A description of the waste (type of waste, classification and estimated quantity) and whether the waste is to be reused, recycled, go to landfill or other fate.
 - (v) The contact details and address of the disposal location or other offsite location(s) where the waste was taken,
 - (vi) The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.
- (c) The waste generated on site during construction must be classified in accordance with the Environment Protection Authority's Waste Classification Guidelines, 2014 (as amended from time to time) and disposed of to an approved waste management facility or otherwise lawfully managed.

If waste has been removed from the site where the waste is under an Environment Protection Authority Resource Recovery Order or Exemption, records in relation to and required by that Order or Exemption must be maintained and provided to the principal certifier and council.

Reason: *To require records to be provided, during site work, documenting the lawful disposal of waste.*

97. Garbage Receptacle

A garbage receptacle must be provided at the work site and must be maintained until all work is completed. The garbage receptacle must have a tight-fitting lid and be suitable for the reception of food scraps and papers. The receptacle lid must be kept closed at all times, other than when garbage is being deposited.

Reason: *To ensure appropriate construction site waste management and to avoid injury to wildlife.*

98. Waste Classification of Soil for Off-Site Disposal

During the construction phase, any excavated material to be disposed of off-site shall be classified in accordance with the NSW EPA (2014) *Waste Classification Guidelines, Part 1: Classifying Waste* before being disposed of in a compliant manner based on the assigned waste classification.

Reason: *To protect the environment and environmental health.*

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

99. Application for a Subdivision Certificate

An application for a Subdivision Certificate shall be lodged with Council or an Accredited Certifier (in accordance with section 6.15 of the *Environmental Planning and Assessment Act 1979* (NSW)) for approval to enable the subdivision plans to be submitted to and registered with NSW Land Registry Services. Should the Subdivision Certificate application be lodged with Council, a final plan of subdivision and three (3) copies shall be included with the application.

All matters specified in Council's development consent shall be completed and complied with prior to issue of the Subdivision Certificate. The application for a Subdivision Certificate is to be accompanied by supporting documentation outlining how each relevant condition of consent has been complied with.

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

Act 1979 (NSW).

100. Easements

The creation or obtaining by the applicant of the following easements, at the applicant's expense and prior to issue of the Subdivision Certificate for the development:

- Easement over sewer mains (both existing mains and those constructed under this approval) 3m wide in favour of Council.

Reason: *To ensure that access to public infrastructure is protected.*

101. Utility Services Authority Contributions

A Certificate of Compliance under Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000* (NSW) must be obtained prior to the issue of Subdivision Certificate.

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

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

A "Notice of Payment – Developer Contributions" is included as **Attachment 2** and outlines the monetary contributions and unit rates applicable at the time of issue of this consent.

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

Copies of Development Servicing Plans are available at Wingecarribee Shire Council's Administration building Moss Vale or are available for download from Council's website www.wsc.nsw.gov.au.

The Water and Sewerage Development Servicing Plans (DSP's) were adopted by Council on 22 November 2006 and came into effect on 1 January 2007. The Stormwater DSP was adopted on 9 November 2010 and came into effect on 8 December 2010. The current charges under these Plans are listed as follows:

CPI Period	Water DSP	Sewer DSP	Stormwater DSP
28 July 2026	\$14,011.65	\$13,583.80	\$3,376.54
Note: The charges shown above are amounts applicable during the stated time period. These amounts will be subject to adjustment quarterly in accordance with upward movements in the Consumer Price Index (CPI) once they become operational. The CPI is published quarterly by the Australian Bureau of Statistics, www.abs.gov.au .			

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

Compliance Certificate

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

Water \$284.00 + Sewer \$284.00 + Stormwater \$284.00 = \$852.00

Prior to final release, you will need to contact Council's Environmental Assessment Branch for an inspection to ensure that Council will accept the infrastructure constructed. In response, the Development Engineer of Water and Sewer will specify requirements which will have to be met.

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

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

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

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

102. Right of Footway

Prior to the issue of a Subdivision Certificate, a public Right of Footway benefiting Wingecarribee Shire Council shall be created over those parts of Lot 2 DP 773382 required to accommodate the proposed footpath and associated pedestrian infrastructure, as shown on the approved plans and detailed civil design.

The Right of Footway shall be of sufficient width and extent to accommodate the use, access, and maintenance of the footpath and associated pedestrian infrastructure located within Lot 2 DP 773382 and is to be limited to the minimum area necessary for those purposes.

The Right of Footway shall be shown on the final plan of subdivision prepared by a registered surveyor, and evidence of its creation shall be provided to Council prior to the issue of the Subdivision Certificate.

Reason: *To ensure public pedestrian access is provided over the proposed footpath.*

103. Right of Carriageway

Prior to the issue of a Subdivision Certificate, a Right of Carriageway benefiting Wingecarribee Shire Council shall be created over those parts of Lot 2 DP 773382 required to accommodate the proposed roadworks associated with the widening of Argyle Street and the construction of the new access road to the development site, as shown on the approved plans and detailed civil design.

The Right of Carriageway shall be of sufficient width and extent necessary to contain those portions of the carriageway works and associated infrastructure located within Lot 2 DP 773382, including any associated kerb and gutter works.

The Right of Carriageway shall be shown on the final plan of subdivision prepared by a registered surveyor, and evidence of its creation shall be provided to Council prior to the issue of the Subdivision Certificate.

Reason: *To ensure access and maintenance rights are provided over the proposed roadworks.*

104. Easement to Drain Water

Prior to the issue of a Subdivision Certificate, an Easement to Drain Water benefiting

Wingecarribee Shire Council and any upstream properties lawfully discharging through the drainage system shall be created over those parts of Lot 2 DP 773382 required to accommodate the proposed stormwater drainage infrastructure associated with the approved development, as shown on the approved plans and detailed civil design.

The easement shall be of sufficient width and extent to accommodate the construction, operation, access, maintenance, repair, and replacement of the stormwater drainage infrastructure located within Lot 2 DP 773382 and shall be limited to the minimum area necessary for those purposes.

The easement shall be shown on the final plan of subdivision prepared by a registered surveyor, and evidence of its creation shall be provided to Council prior to the issue of the Subdivision Certificate.

Reason: *To ensure access and maintenance rights are provided over the proposed stormwater infrastructure.*

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

105. Occupation Certificate

In accordance with Section 6.9 of the *Environmental Planning and Assessment Act 1979* (NSW), an application for an Occupation Certificate shall be made on completion of the works and the relevant application fee paid. All works specified in the development consent and approved Construction Certificate plans shall be completed and all development consent conditions complied with prior to the issue of the Occupation Certificate.

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

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

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

Reason: *To comply with the provisions of the Environmental Planning and Assessment Act 1979 (NSW).*

106. Issue of Subdivision Certificate

Prior to the issue of a Occupation Certificate, the approved *Plan of Proposed Subdivision* (Ref: 51874 002DP, Dated: 21 May 2026) shall be registered as a Deposited Plan with NSW Land Registry Services and a Subdivision Certificate shall be issued.

Sufficient evidence demonstrating compliance with this condition and that a Subdivision Certificate has been issued shall be provided to the Principal Certifier prior to the issue of a Construction Certificate.

Reason: *To ensure the subdivision is finalised prior to the occupation of the development.*

107. Civil Engineering Works and Services

All civil engineering works and services are to be constructed in accordance with the

Wingecarribee Shire Council Engineering Plans and Specifications, relevant Standards and approved engineering plans prior to the issue of the Occupation Certificate.

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

108. Asset Management

The developer shall provide a detailed summary of the Assets that will be handed to Council at the end of the maintenance period prior to the issue of the Occupation Certificate. The details shall be provided in a tabular form so as to allow Council to update its Assets register.

Reason: *To ensure appropriate asset management.*

109. Defects and Liability Bond for Public Assets – Civil Works

Prior to the issue of any Occupation Certificate the developer shall lodge a cash bond to cover the defects liability and maintenance period for any public infrastructure constructed by them which will be handed over to council. The liability and maintenance period will commence from the date of issue of the Occupation Certificate.

The security bond will be in an amount in accordance with Council's Bond Policy. The bond shall be assessed by Council for release after the 24 month period on formal request from the developer.

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

110. Construction of Sewer Sidelines

Sidelines and junctions shall be installed for sewer connections to the development by Council at the Developer's cost prior to the issue of the Occupation Certificate. Council's application form shall be completed by the applicant and the appropriate fee paid.

If the sideline is to be extended from a sewer main in adjoining property, written permission of the affected landowner allowing work to be undertaken, shall be submitted with the application form.

Reason: *To ensure that the development is serviced.*

111. Certification of Internal Civil Works

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

Reason: *To comply with Councils requirements.*

112. Retaining Wall Certification

The submission of a certificate from a suitably qualified and experienced structural engineer or civil engineer to the Principal Certifier is required, prior to the issue of the Occupation Certificate or commencement of the use. This certification is required to verify the structural adequacy of the retaining walls and that the retaining walls have been constructed in accordance with plans approved by the Principal Certifier.

Reason: *To comply with the relevant standards.*

113. On-Site Detention Structural Certification

The submission of a certificate from a suitably qualified practicing civil and / or structural engineer to the Principal Certifier is required prior to the issue of the Occupation Certificate. This certification is required to verify the structural adequacy of the on-site detention facility and that the facility has been constructed in accordance with the approved Construction Certificate plans.

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

114. Construction of Water Service

An appropriately sized metered water service shall be installed to the development by Council at the applicant's cost prior to the issue of the Occupation Certificate. Council's application form shall be completed by the Developer and the appropriate fee paid.

Reason: *To ensure that the development is serviced.*

115. Construction of Concrete Footpath

A concrete footpath shall be constructed in accordance with the approved plans.

The above works shall be programmed and constructed prior to the issue of the Occupation Certificate. The footpath shall be constructed in accordance with Standard Drawing No SD118. Kerb ramps (where required) are to be constructed in accordance with Standard Drawing No SD111.

The above works shall be programmed and constructed prior to the issue of the Occupation Certificate.

Reason: *To provide appropriate access to facilities and services and pedestrian connectivity to the town centre.*

116. On-Site Detention Facility Plan of Management (Preparation)

Prior to the issue of an Occupation Certificate, an on-site detention facility plan of management must be prepared by a suitably qualified and experienced hydraulic engineer, to the satisfaction of the Principal Certifier. The On-Site Detention Facility Plan of Management must describe all design and operational parameters for the facility, including, but not limited to:

- (a) Design levels;
- (b) Hydrology and hydraulics; and
- (c) Inspection and maintenance requirements (including time intervals for inspections and maintenance).

Reason: *To provide a management regime for on-site detention facilities.*

117. On-Site Detention System Marker Plate

A marker plate is to be permanently attached and displayed with the immediate vicinity of the on-site detention system prior to the issue of the Occupation Certificate.

Reason: *To prevent unlawful alteration.*

118. Works as Executed Plans for Stormwater Management and Disposal

Prior to issue of an Occupation Certificate, a registered surveyor must provide a works as

executed survey of the completed stormwater drainage and management systems. The survey must be submitted to and approved by the Principal Certifier and Council prior to issue of an Occupation Certificate. The survey must indicate:

- (a) As built (reduced) surface and invert levels for all drainage pits;
- (b) Gradients of drainage lines, materials and dimensions;
- (c) As built (reduced) level(s) at the approved point of discharge to the public drainage system;
- (d) As built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site;
- (e) The achieved storage volumes of the installed retention and detention storages and derivative calculations;
- (f) As built locations of all access pits and grates in the detention and retention system(s), including dimensions;
- (g) The size of the orifice or control fitted to any on-site detention system;
- (h) Dimensions of the discharge control pit and access grates;
- (i) The maximum depth of storage possible over the outlet control; and
- (j) Top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system.

The works as executed plan(s) must show the as built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked in red on a copy of the Certifier stamped construction certificate stormwater plans.

Reason: *To ensure appropriate stormwater management.*

119. Works as Executed Drainage Diagram

The applicant shall submit to Council a copy of the works as executed plans for the both internal and external drainage (Sewer Service Diagram) prior to the issue of an Occupation Certificate. These plans shall be drawn to scale including all relevant details in accordance with the requirements of the NSW Fair Trading. The requirements of the Plumbing Act are to be complied with also in this regard.

Reason: *So that Council may ensure that the construction is in accordance with Council's requirements, and so that a permanent record of the drainage details may be held by Council, to assist in future maintenance.*

120. Restriction as to User – Stormwater Facilities (Alterations)

A "Restriction as to User" must be registered against the title of the property relating to the development, in accordance with section 88E of the *Conveyancing Act 1919* (NSW), preventing any change in shape or alteration in structure of the proposed stormwater facilities after the final approval of the structure has been given by Council.

Council shall be registered as the authority benefited and have the power to release, vary or modify such Restrictions.

Registered title documents, showing the covenants and restrictions, must be submitted and

approved by the Principal Certifier prior to issue of an Occupation Certificate. Details shall be provided for the approval of Council prior to the issue of the Occupation Certificate.

Reason: *To provide appropriate stormwater management.*

121. Positive Covenant – Stormwater Facilities (Maintenance)

A "Positive Covenant" must be registered against the title of the property relating to the development, in accordance with section 88E of the *Conveyancing Act 1919* (NSW), requiring that the proposed stormwater facilities be maintained in a safe and functional manner.

Council shall be registered as the authority benefited and have the power to release, vary or modify the encumbrance. In addition, the *Section 88B Instrument* shall make provision for Council to conduct maintenance on the subject stormwater facilities at the owner's expense if the stormwater facilities are not maintained to the agreed standard.

Registered title documents, showing the covenants and restrictions, must be submitted and approved by the Principal Certifier prior to issue of an Occupation Certificate. Details shall be provided for the approval of Council prior to issue of the Occupation Certificate.

Reason: *To provide appropriate stormwater management.*

122. Positive Covenant – On-Site Detention Maintenance Schedule

A "Positive Covenant" must be registered against the title of the property relating to the development, in accordance with section 88E of the *Conveyancing Act 1919* (NSW), requiring the property owner(s) to undertake maintenance in accordance with the on-site detention system and maintenance schedule in the approved On-Site Detention Facility Plan of Management.

Council shall be registered as the authority benefited and have the power to release, vary or modify the encumbrance.

Registered title documents, showing the covenants and restrictions, must be submitted and approved by the Principal Certifier prior to issue of an Occupation Certificate. Details shall be provided for the approval of Council prior to issue of the Occupation Certificate.

Reason: *To provide appropriate stormwater management.*

123. Tree Assessment and Remediation

Prior to the issue of an Occupation Certificate, the Project Arborist must assess those trees to be protected have been retained in the same condition and vigour as they were prior to the commencement of works. If changes in condition are identified, the Project Arborist shall provide recommendations for remediation.

This assessment is to be documented in writing, a copy of which is to be submitted to Council prior to the issue of any occupation certificate for the development. The documentation is also to specify any required on-going remedial care that is required to be undertaken to ensure the continuous health and retention of the specified trees.

Reason: *To ensure that those trees to be protected are kept in the safe health and vigour as they were prior to the commencement of works.*

124. Canopy Replenishment Trees

The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 6 metres when they will be protected by Council's Development Control Plan. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

Prior to the issue of an Occupation Certificate, compensatory planting must be made on the site to replace the trees approved for removal. In this regard:

- (a) Trees must be sourced in accordance with the tests and measures contained within AS 2303 – *Tree stock for landscape use*;
- (b) Plantings are to be wholly located within the development site and sufficiently clear of any existing or proposed easements, services and utilities, lot boundaries, or structures.
- (c) The trees to be planted shall be maintained in a healthy and vigorous condition; and
- (d) Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

The trees are to be planted by an experienced arborist / horticulturist with a minimum AQF 3 qualification. The arborist / horticulturist shall provide a report to the Principal Certifier confirming compliance with this condition.

Reason: *To maintain the treed character of the area.*

125. Landscape Maintenance Plan

Before the issue of an Occupation Certificate, a landscape maintenance plan shall be submitted to, and approved by, the Principal Certifier. A copy is to be provided to Council. The landscape maintenance plan is to provide for, but not be limited to, the following:

- (a) The maintenance regime for the landscaping;
- (b) Details of soil depth and volumes within the site and for tree planting; and
- (c) Suitable tree root barriers, or similar.

Reason: *To ensure the landscaped areas are maintained to facilitate the success of the plantings and achieve intended amenity outcomes.*

126. Completion of Landscape Works

Prior to the issue of an Occupation Certificate, a Landscape Practical Completion Report is to be submitted to the Principal Certifier. The report is to verify that all landscape works have been carried out in accordance with the approved landscape design plan and specifications included in documentation for a Construction Certificate application and the conditions of this consent, and is to verify that an effective maintenance program has commenced. Trees must be sourced in accordance with the tests and measures contained within AS 2303 – *Tree stock for landscape use*.

Reason: *To ensure that the landscape works are consistent with the development consent.*

127. Correct Installation of Gates

All gates must be installed so they do not open onto Council's footpath.

Reason: *To ensure adequate access and egress and pedestrian safety.*

128. Private Waste Collection

Prior to the issue of an Occupation Certificate, a private waste collection contract must be

entered into for the collection of all waste and its disposal at a waste facility. Evidence of the contact must be provided to the Principal Certifier and Council.

The agreement must ensure:

- (a) The removal of all waste from the waste storage area of the developed property;
- (b) The service is functional and meets the operational requirements for the developed property;
- (c) The service minimises environmental nuisances including noise and other adverse impacts on the safety and amenity of residents and the public; and
- (d) The developer / owner indemnifies Council against claims for loss or damages, should Council take over provision of the service at some point in the future.

Prior to the issue of any Occupation Certificate, Restrictions as to User pursuant to section 88E of the *Conveyancing Act 1919* (NSW), shall be registered on the title in the following terms:

- (a) All garbage and waste collection from the development must be undertaken by a private contractor from the on-site designated bin storage area.

Council shall be registered as the authority benefited and have the power to release, vary or modify such Restrictions.

Reason: *To ensure that a formal arrangement is in place for the private collection of waste.*

129. Loading Dock Management Plan

Prior to the issue of any Occupation Certificate, the Applicant shall prepare a detailed loading and servicing management plan for the development which includes, but shall not be limited to, operation hours, use of off-peak deliveries, methods to avoid congestion of service vehicles, methods to restrict all service vehicle access to and from the site via the Argyle Street access and restrict (no service vehicle access via Hoskins Street), booking system, private waste collection, how the vicinity will be shared and general mitigation measures to prevent amenity impacts to neighbouring properties and residents within the site. The plan shall be prepared by a suitably qualified professional and submitted to the Principal Certifier. The management plan is to be implemented for the lifetime of the use of the development.

Reason: *To ensure that loading docks are operated in a manner that minimises amenity impacts to residents within the site and surrounding properties.*

130. Plan of Management – Shopping Trolleys

Prior to the issue of an Occupation Certificate, a Plan of Management (Shopping Trolleys) for businesses offering the use of shopping trolleys is to be prepared and submitted to Council.

At a minimum, the Plan of Management (Shopping Trolleys) must include:

- (a) A list of contracts for the store(s) / premises (including phone numbers);
- (b) Methods for identifying shopping trolleys that belong to a specific business (e.g., serial numbers, company logo, tracking device, etc.);
- (c) Schedule for the daily collection of abandoned shopping trolleys, including details of trolley collection routes;
- (d) Details of a trolley containment system which restricts the removal of trolleys

from the premises. Containment systems may include, but are not limited to, the following:

- (i) Coin / token operated systems with refund;
 - (ii) Trolleys with wheel locks activated by radio signal or magnetic strip; and
 - (iii) Specialised paving, installation of bollards, or other physical barriers that limit the removal of trolleys from the centre.
- (e) Measures to ensure that any trolleys reported as posing a risk or nuisance are collected within 24 hours of notification (this may require an 'after hours' collection service);
- (f) A register of all trolleys that have been reported or collected (including instances where the trolley was not found at the reported location);
- (g) Public education methods for warning customers about the consequences of abandoning or removing trolleys from the premises. This may include, but is not limited to, the following:
- (i) Signage within stores and car parks;
 - (ii) Signage at entry and exit points of stores and car parks;
 - (iii) Signage on trolleys;
 - (iv) Publication of contact details for reports of dumped trolleys and complaint handling during and outside of the approved hours of operation; and
 - (v) Signage clearly advising the contact number of the collection agent.
- (h) A site plan of the premises showing the location of trolley bays and exit points;
- (i) A statement verifying that trolley management will be undertaken in accordance with the relevant consent (the consent is to be attached as an addendum once issued); and
- (j) Provision for the Plan of Management (Shopping Trolleys) to be updated from time to time.

The Plan of Management (Shopping Trolleys) should include the commitment of the retailer / centre manager to the implementation of actions identified within the Plan of Management (Shopping Trolleys).

The Plan of Management (Shopping Trolleys) is to be implemented and maintained in perpetuity with the operation of the premises.

Reason: *To ensure trolleys are appropriately managed.*

131. Pedestrian Safety Signage

Prior to the issue of an Occupation Certificate, appropriate sign(s) is provided and maintained within the site to advise all vehicles to be aware of pedestrians within the shared driveway and carpark.

Reason: *To make drivers aware of pedestrians and to ensure the safety of pedestrians using the shared driveway.*

132. Line-Marking of the Carpark

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that the car-parking area designated to the premises must be line-marked to include a designated footpath for pedestrian use for staff and / or visitors from the street frontage to the building entrance.

Reason: *To safeguard the amenity of the locality.*

133. Evidence of Correct Installation of Electric Vehicle Charging

Prior to the issue of an Occupation Certificate, the developer must submit, to the satisfaction of the Principal Certifier, certification, by a suitably qualified and experienced person, that the electric vehicle charger points and / or electric vehicle circuitry, has been installed in accordance with the Construction Certificate plans and specifications, and as required by the appropriate conditions of consent.

Reason: *To ensure electric vehicle charging stations have been correctly installed.*

134. Outdoor Lighting

All external lighting must:

- (a) Comply with AS/NZS 4282:2023: Control of the obtrusive effects of outdoor lighting, and
- (b) Be mounted, directed, and/or screened in such a way that it does not create a nuisance or cause light spill on to buildings on adjoining lots or public places.

Reason: *To protect the amenity of surrounding properties and prevent a nuisance from occurring.*

135. Construction and Installation of Ventilation System

Before the issue of an Occupation Certificate, a suitably qualified person must provide details demonstrating compliance to the Principal Certifier which demonstrates that the mechanical exhaust ventilation system has been constructed and installed in accordance with the approved plans.

Reason: *To ensure the mechanical ventilation system has been constructed and installed as approved.*

136. Notice of Food Business

Before the issue of an Occupation Certificate, council and any other appropriate enforcement agency must be notified of the food business in accordance with the NSW Food Act 2003 and the Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements.

Reason: *To enable council to ensure compliance with the consent when the business is operating.*

137. Food Premises Final Inspection

Before the issue of an Occupation Certificate, the food premises shall be inspected by an Authorised Officer of Wingecarribee Shire Council under the *Food Act 2003*, to determine compliance with the Food Act 2003, Food Safety Standards and Australian Standard 4674:2004: Design, Construction and Fit-out of Food Premises.

Reason: *To enable council to ensure compliance with the Food Act 2003 before the business commences.*

138. Acoustic Report Compliance

The principal certifier shall obtain a report from an appropriately qualified acoustic consultant, not previously involved with the development, stating that the recommendations outlined in the above-mentioned acoustic report have been implemented and that the relevant noise criteria have been satisfied prior to the issue of any Occupation Certificate. A copy of the report is to be submitted to Council prior to the issue of any Occupation Certificate.

Reason: *To ensure that the building(s) has been constructed to mitigate noise impacts upon future occupants*

139. Works as Executed Plans – Building Works

Prior to the issue of the Occupation Certificate, one full set of work-as-executed drawings shall be submitted to and retained by Council. Sufficient details including locations and levels of the below ground infrastructure are required in order to enable a complete check of the work as executed as compared to the original approved design. Any deviation from the approved engineering plans shall be shown on the work-as-executed drawings. Each sheet of the drawings shall carry the certification of the developers supervising engineer.

Reason: *To ensure that there is a record of final works carried out on the site.*

140. Post-Construction Dilapidation Report

Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, must be submitted after the completion of works. The report must:

- (a) Compare the post-construction report with the pre-construction report;
- (b) Clearly identify any recent damage and whether or not it is likely to be the result of the development works; and
- (c) Should any damage have occurred, suggested remediation methods.

Copies of the reports must be given to the property owners referred to in the Pre-Construction Dilapidation Report Condition. Copies must also be lodged with Council.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: *To maintain proper records in relation to the proposed development.*

141. Council Property

The applicant shall rectify any damage to Council property (including footpaths, road furniture, landscaping/trees, drainage, water, sewer, kerb and gutter, road pavement and the like) as a result of the development, prior to the issue of any Occupation Certificate at no cost to Council.

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

142. Removal of Refuse

Before the issue of an Occupation Certificate:

- (a) all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan, and

- (b) written evidence of the waste removal must be provided to the satisfaction of the Principal Certifier.
- (c) Any chemical waste generated throughout construction must be disposed of to an approved waste management facility or otherwise lawfully managed.

Reason: *To ensure waste material is appropriately disposed or satisfactorily stored.*

143. Section 68 Local Government Act 1993 (NSW) Final

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

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

144. Section 138 Roads Act 1993 (NSW) Final

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

Prior to issue of an Occupation Certificate, the Principal Certifier must be satisfied that all approved road, footpath and / or drainage works have been completed in the road reserve in accordance with the Council's Roads Act approval and accompanying drawings, conditions and specifications.

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

145. Final Fire Safety Certificate

Prior to the issue of any Occupation Certificate, a Final Fire Safety Certificate shall be submitted to the nominated Principal Certifier, to certify that all of the essential fire safety measures / services as listed in the approved Fire Safety Schedule have been satisfactorily installed. The Final Fire Safety Certificate shall be accompanied by installation certification for each essential fire safety measure / service from the licensed installer.

Reason: *To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (NSW).*

146. Complaint Handling Procedure

The centre operator must implement and maintain a complaint handling procedure. Every complaint must be recorded on a Complaint Form and kept in a Complaints Register. The Complaint Form must contain the following information:

- (a) Name, address and contact details of the complainant;
- (b) Time and date the complaint was received;
- (c) The nature of the complaint or incident (see below what constitutes an incident);
- (d) The time and date the incident occurred;
- (e) The name of the employee that received the complaint;

- (f) Actions taken to investigate the complaint and the summary of the results of the investigation;
- (g) Indication of what was occurring at the time the incident was observed;
- (h) Required remedial action;
- (i) Validation of the remedial action; and
- (j) Summary of feedback to the complainant and name of employee who gave the feedback.

Incident includes, but is not limited to:

- (a) Any breach of a plan of management (where applicable);
- (b) Any complaint by any person about the operation of the premises;
- (c) Any complaint by any person about noise emanating from the premises; or
- (d) Any event that may cause concern to any person as a result of the conduct and/or an act of any person(s) on, entering or exiting the premises.

All complaints shall have an initial investigation commence within seven (7) days from the date of receipt of complaint.

The Complaints Register must always be held on the premises and shall be reviewed monthly by the centre operator to ensure complaints are investigated and resolved in a timely manner.

The Complainant must be notified of the results and actions arising from the investigation.

The Complaints Register must contain a direction that all complaints of a criminal nature are to be reported to the Police immediately. A copy of the Complaints Register shall be provided to Council or Police immediately upon request.

Reason: *To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.*

147. Operational Plan of Management (Centre Operations)

Prior to the issue of an Occupation Certificate, an Operational Plan of Management for the centre shall be submitted to Council. The Operational Plan of Management shall incorporate all other Plans of Management or Management Plans required by the conditions of this consent, and include additional requirements, having regard to:

- (a) The Plan of Management for the Woolworths;
- (b) The maintenance and cleaning of the premises' facilities and amenities, including the loading dock, parking areas, forecourt, toilets, playground, dining areas, and the frontage of the development;
- (c) The maintenance and cleaning of the carpark;
- (d) Crime Prevention through Environmental Design measures to address:
 - (i) Access control to the centre toilets / amenities, mall areas, forecourts, and carpark;
 - (ii) Back to base management of CCTV;

- (iii) The removal of graffiti and the repair and maintenance damaged amenities / facilities, equipment, lighting, glazing, materials, and the like; and
- (iv) Safety and security.
- (e) Complaint handling; and
- (f) Emergency procedures, including signage, rendezvous points, and marshalling areas. An emergency evacuation plan must be prepared, maintained, and implemented for the premises. At a minimum, the emergency evacuation plan must specify the following:
 - (i) The location of all exits, and fire protection and safety equipment, for the part of the building used as an entertainment venue;
 - (ii) The number of fire safety officers that must be present during performances; and
 - (iii) How visitors and staff will be evacuated from the building if there is a fire or other emergency.

The Plan of Management is to be implemented and maintained in perpetuity with the operation of the centre.

Reason: *To ensure the development operates in a compliant and acceptable manner having regard to the public realm, neighbouring properties, and the site.*

CONDITIONS TO BE SATISFIED DURING THE OCCUPATION AND ONGOING USE OF THE DEVELOPMENT

148. Hours of Operation

During the ongoing use of the development, the hours of operation specified below:

	From	To	DAY
Centre	7AM	10PM	7 days a week
Woolworths Supermarket	7AM	10PM	7 days a week
BWS	7AM	10PM	7 days a week
Commercial and Retail Tenancies	7AM	10PM	7 days a week
Food and Drink Premises	7AM	10PM	7 days a week
Carwash	7AM	10PM	7 days a week
Loading Dock	5AM	10PM	7 days a week

Reason: *To confirm the approved operating hours of the premises.*

149. Storage of Goods during Ongoing Use

During ongoing use of the premises, all goods must be stored wholly within the premises and must not be stored or displayed outside the premises, including any public place, without council's approval.

Reason: *To ensure goods are stored wholly within the premises and protect the amenity of the local area.*

150. Loading and Unloading

During occupation and ongoing use, vehicles are to be loaded or unloaded standing wholly within the site and within loading bays designated on the approved plans, or as otherwise provided in accordance with the conditions of this consent. Loading and unloading of vehicles must not be undertaken at the kerbside, across a public footpath, from the public roadway and / or from the car parking area, or in a manner which obstructs vehicular access to the site. All service / delivery vehicles must enter and leave the site in a forward direction via the Argyle Street access. No service / delivery vehicles to access the site via Hoskins Street.

Reason: *To protect the amenity of the local area.*

151. Loading Dock Operations

The loading dock is to operate in accordance with the Loading Dock Management Plan and is to be maintained in perpetuity for the life of the development, with its operation and use being restricted to the following hours:

Monday to Sunday: 5AM to 11PM

No truck access for loading or unloading shall occur outside of these times.

Reason: *To protect the amenity of the local area.*

152. Waste Collection

During the occupation and ongoing use of the development, a private waste collection contract must be maintained for the collection of all waste and its disposal at a waste facility. Evidence of the contact must be kept on the site.

During the ongoing use of the premises, all waste and recycling collection carried out on the site are:

- (a) To be undertaken only during the following hours:

	FROM	TO	DAY
Monday	6AM	10PM	7 days a week
Tuesday	6AM	10PM	7 days a week
Wednesday	6AM	10PM	7 days a week
Thursday	6AM	10PM	7 days a week
Friday	6AM	10PM	7 days a week
Saturday	6AM	10PM	7 days a week
Sunday	6AM	10PM	7 days a week
Public Holidays	6AM	10PM	7 days a week

- (b) The removal of waste is undertaken at the waste storage area of the developed property;
- (c) Must be undertaken wholly within the site;
- (d) Not to occur on the street;
- (e) Not to obstruct other operations on the site;
- (f) Not to obstruct other car parking spaces;

- (g) Maintain a clear access driveway at all times; and
- (h) All vehicles must enter and leave in a forward direction.

Reason: *To ensure waste disposal is undertaken in a safe and efficient manner.*

153. Storage and Disposal of Waste Materials

During the ongoing use of the premises:

- (a) All garbage and recyclable materials generated from the premises must be stored wholly within any approved storage area and must not be stored outside the premises (including any public place) at any time;
- (b) Arrangements must be implemented for the separation of recyclable materials from garbage;
- (c) Any approved waste storage area must be appropriately maintained to prevent litter and the entry of pests;
- (d) Where Council does not provide commercial garbage and recyclable materials collection services:
 - (i) A contract must be entered into with a licensed contractor to provide these services for the premises; and
 - (ii) A copy of the contract must be kept on premises and provided to relevant authorities, including Council officers, on request.

Reason: *To ensure proper handling of waste, garbage, and recyclable materials generated during the operation of the premises.*

154. Waste Storage Area Maintenance

The waste / recycling storage room or area must be accessible to all groups and provide separate containers for the separation of recyclable materials from general waste. Standard and consistent signage on how to use the waste management facilities should be clearly displayed and describe the types of materials that can be deposited into recycling bins and general garbage bins.

Management arrangements must be in place for the regular maintenance and cleaning of waste and recycling storage areas. Waste and recycling containers must only be washed in an area which drains to a sewer authority approved drainage connection.

Reason: *To ensure adequate waste servicing.*

155. Vehicle Movement

During occupation and ongoing use, all vehicular movement to and from the site is to be in a forward direction.

No service / delivery vehicles (heavy vehicles) are permitted to access the site via Hoskins Street. The largest vehicle permitted to access the site via Hoskins Street is B99 vehicle as defined by AS2890.1-2004.

Reason: *To ensure vehicles movements associated with the approved development do not cause a public nuisance or danger.*

156. Maintenance of Wastewater and Stormwater Systems

During occupation and ongoing use of the building, all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) must be regularly maintained to remain effective and in accordance with any positive covenant (if applicable).

Reason: *To protect sewerage and stormwater systems.*

157. On-Site Detention Facility Plan of Management (Implementation)

During the occupation and ongoing use of the development, the on-site detention facility plan of management required by this development consent must be complied with.

Reason: *To provide a management regime for on-site detention facilities.*

158. Limitations on Food Preparation during Ongoing Use

During ongoing use of the premises, food preparation that generates heated air, smoke, fumes, steam or grease vapours must not be undertaken unless mechanical ventilation has been approved and installed under this consent.

Reason: *To ensure the safe operation of the premises and to protect the amenity of adjoining premises and the surrounding area.*

159. Air Quality

During the occupation and ongoing of the development, the premises is not to give rise to the emission of any 'air impurity,' as defined under the *Protection of the Environment Operations Act 1997* (NSW), that interferes unreasonably with the amenity of neighbouring premises and / or other sensitive receivers.

Should Council consider that unreasonable levels of air impurities have been emitted from the premises, the owner / occupier will be required to engage a suitably qualified consultant to recommend measures to control emission of air impurities to an acceptable level and such measures are to be implemented within a nominated time period. Furthermore, written certification from a suitably qualified consultant will be required to be submitted to Council, confirming that air impurity emissions from the premises do not interfere unreasonably with the amenity of neighbouring premises and / or other sensitive receptors, before the expiration of the nominated period.

Reason: *To protect air quality.*

160. Managing Noise

During ongoing use of the premises, the premises must be operated in accordance with the acoustic report approved under this consent.

Reason: *To protect the amenity of the local area.*

161. Noise from Air Conditioners

The use of any air conditioner must not cause offensive noise at any time.

Note: *Compliance with this requirement may necessitate the provision of an acoustic enclosure or acoustic treatment to the system and/or the restriction of hours of use of the air conditioning system. The Protection of the Environment Operations (Noise Control) Regulation 2017 (NSW) prohibits the use of any air conditioner at prescribed times when it can be heard in adjoining premises.*

Reason: *To minimise any possible adverse environmental impacts of the proposed development.*

162. Allocation and Use of Car-Parking Spaces

The allocation of Carparking spaces within the development must be maintained at all times in accordance with the terms of this consent. The allocation of spaces must be maintained as follows:

- Two hundred and thirty four (234) visitor spaces, including six (6) accessible spaces;
- Eight (8) Direct-to-Boot; and

Car parking spaces provided must only be used in conjunction with the approved use.

Reason: *To ensure that adequate parking facilities to service the development are provided on site.*

163. Unobstructed Driveways and Parking Areas

All driveways, footpaths and parking areas shall be kept unobstructed. Driveways and car spaces shall not be used for the manufacture, storage, or display of goods, materials, or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

Reason: *To ensure safe traffic movement.*

164. Shopping Trolley Management

The centre operator must:

- (a) Ensure that all shopping trolleys provided for customers are clearly labelled with the name of the business, including a contact telephone number that can be used to report abandoned trolleys;
- (b) Provide convenient, safe, designated trolley return bays to encourage the orderly management of shopping trolleys;
- (c) Put in place measures to minimise the occurrence of shopping trolleys being taken off the site (e.g., signs, proximity wheel locking devices, coin deposit locks, etc.);
- (d) Implement a process to ensure that any trolleys abandoned within the site, any associated car park, and within 100m of the site are collected at least every 2 hours by scheduled staff/contractor patrols; and
- (e) Ensure that any trolley abandoned outside of the areas specified in (c) above reported to the business operator by Council or a member of the public is collected within 24 hours.

Reason: *To minimise trolley-related litter, obstruction, and public safety impacts by ensuring shopping trolleys are properly managed, regularly collected, and promptly retrieved when abandoned.*

165. Signage – Operational

The approved signage shall meet the following operational requirements:

- If illuminated, the signage is to have a level of illumination and / or lighting intensity that complies with AS 4282 – *Control of the Obtrusive Effects of Outdoor Lighting*;

- Signs shall not have a flashing- or intermittent-type illumination or messages;
- Signage shall not have electronically changeable messages, animated display, moving parts, or simulated movement;
- Signage shall not contain complex displays that hold a driver's attention beyond 'glance appreciation';
- Signage shall not contain displays resembling traffic signs or signals, or giving instruction to traffic by using words such as 'halt' or 'stop';
- No upward-facing light sources can be displayed on signs on the premises;
- Signs shall not be illuminated between the hours of 10PM and 7AM;
- Signs shall be finished with a non-reflective finish so as not to be obtrusive or cause a distraction to passing motorists;
- Signs shall be maintained at all times in a safe and attractive condition; and
- Signs shall be located wholly within the boundaries of the subject land.

Reason: *To protect the visual amenity of the surrounding area.*

166. Crime Prevention through Environmental Design

To minimise the opportunity for crime, and in accordance with Crime Prevention through Environmental Design (CPTED) principles, the development shall incorporate the following mitigation measures:

- (a) Security systems and CCTV cameras must be installed by a licensed security professional in and around the property to monitor all common areas, commercial spaces, entry / exit points, waste collection areas, docks, driveways and car parks. Suitable sign posting shall be placed to deter potential offenders.
- (b) All security and access control devices installed should meet or exceed Australian Standard 4806. Areas of the building not needing to be accessed by the public should be restricted to authorised persons with access control and supported by security (patrols / CCTV) and adequate signage.
- (c) All levels of the car park, pedestrian routes, communal areas and entry and exit points must be adequately lit to meet Australian Standard 1158.3.1. Lighting must be compatible with the CCTV system.
- (d) Exterior fixtures and fittings must be made from robust and vandal resistant materials.
- (e) All graffiti is to be removed within 7 days.
- (f) Signage shall be installed to assist in way finding through the development and to clearly mark emergency parking spaces. Line marked / sign posted pedestrian path of travel between access / egress points shall also be provided.
- (g) Emergency evacuation plans shall be implemented, maintained and displayed to assist customers and emergency services in the event of an emergency.

Reason: *To minimise the opportunity for crime.*

167. Graffiti Removal

During the ongoing use of the premises, ensure graffiti is removed from the exterior of the building or associated structures, including any fences, site services and retaining / planter bed walls.

Reason: *To preserve the visual amenity of the site and surrounding public domain.*

168. Annual Fire Safety Statement

All essential fire safety measures / services are to be inspected and certified in accordance with the *Environmental Planning and Assessment Act 1979* (NSW), every 12 months from the date of the Occupation Certificate. Council shall be provided with a copy of the Annual Fire Safety Statement, Fire Safety Schedule and relevant inspection reports in accordance with the *Environmental Planning and Assessment Act 1979* (NSW).

Reason: *To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (NSW).*

169. Operational Plan of Management

During the ongoing use of the centre, the use must be undertaken in accordance with the approved Operational Plan of Management

The Plan of Management must be implemented and maintained in perpetuity with the operation of the centre.

Reason: *To ensure the development operates in a compliant and acceptable manner having regard to the public realm, neighbouring properties, and the site.*

ATTACHMENT 1: NOTICE OF PAYMENT – DEVELOPER CHARGES AND SECTION 7.12 (PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE)



Council reference #: 24/0212.01
Date of Issue: 22 May 2026

Applicant Name: WOOLWORTHS GROUP LIMITED
Applicant Address: 233 Argyle Street, Moss Vale, NSW, 2577

Notice of Payment – Developer Charges & Section 7.12

Development details

DA/CDC Number: 24/0212.01
Development Description: Supermarket and Associated Tenancies
Legal Description: Lot 1 DP 1192022
Property Address: 233 ARGYLE STREET MOSS VALE NSW 2577

Development charges

Contributions type	Units	Rate	Amount Payable
Section 7.12 Contributions Plan	32804047.10	\$0.01	\$328,040.47
S64 Sewer Compliance Certificate	1.00	\$284.00	\$284.00
S64 Stormwater Compliance Certificate	1.00	\$284.00	\$284.00
S64 Stormwater (MV - Wingecarribee)	50.77	\$3,376.54	\$171,435.15
S64 Sewerage (Shirewide)	64.69	\$13,583.80	\$878,735.76
S64 Water Compliance Certificate	1.00	\$284.00	\$284.00
S64 Water (Shirewide)	61.36	\$14,011.65	\$859,755.01
Total			\$2,238,818.39

The development contributions are valid to **28 Jul 2026**

Details regarding payment methods are provided on the following page.

We're with you

Civic Centre
68 Elizabeth Street
Moss Vale
Gundungurra Country

PO Box 141 Moss Vale
NSW 2577

ABN 49 546 344 354

1300 680 888

@ mail@wsc.nsw.gov.au



Payment methods



Over the phone 1300 680 888

Via credit or debit card with a 0.78% surcharge



Via mail (PO Box 141, Moss Vale NSW 2577)

Cheques payable to Wingecarribee Shire Council



In person at the Civic Centre Moss Vale (68 Elizabeth Street, Moss Vale NSW 2577)

Via cash, cheques payable to Wingecarribee Shire Council,
debit card, or credit card with a 1% surcharge

Notes:

1. All payments are subject to quarterly indexation of the Producer Price Index (PPI) and Consumer Price Index (CPI) as released by the Australian Bureau of Statistics (ABS).
2. This invoice is valid from date of issue to 3 business days prior to **31 Jul 2026** and payment can only be made during this time to allow for processing.
3. In the case that an invoice has expired, please email Strategic Outcomes at mail@wsc.nsw.gov.au to request a new invoice.

We're with you

Civic Centre
68 Elizabeth Street
Moss Vale
Gundungurra Country

✉ PO Box 141 Moss Vale
NSW 2577

ABN 49 546 344 354

☎ 1300 680 888

@ mail@wsc.nsw.gov.au

ATTACHMENT 2: NOTICE OF PAYMENT – DEVELOPER CHARGES (PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE)

Council reference #: 24/0212.02
Date of Issue: 22 May 2026

Applicant Name: WOOLWORTHS GROUP LIMITED
Applicant Address: 233 Argyle Street, Moss Vale, NSW, 2577

Notice of Payment – Developer Charges**Development details**

DA/CDC Number: 24/0212.02
Development Description: Subdivision - 2 Lots
Legal Description: Lot 1 DP 1192022
Property Address: 233 ARGYLE STREET MOSS VALE NSW 2577

Development charges

Contributions type	Units	Rate	Amount Payable
S64 Sewer Compliance Certificate	1.00	\$284.00	\$284.00
S64 Stormwater Compliance Certificate	1.00	\$284.00	\$284.00
S64 Stormwater (MV - Wingecarribee)	1.00	\$3,376.54	\$3,376.54
S64 Sewerage (Shirewide)	1.00	\$13,583.80	\$13,583.80
S64 Water Compliance Certificate	1.00	\$284.00	\$284.00
S64 Water (Shirewide)	1.00	\$14,011.65	\$14,011.65
Total			\$31,823.99

The development contributions are valid to **28 Jul 2026**

Details regarding payment methods are provided on the following page.

We're with you

Civic Centre
68 Elizabeth Street
Moss Vale
Gundungurra Country

✉ PO Box 141 Moss Vale
NSW 2577

ABN 49 546 344 354

☎ 1300 680 888

@ mail@wsc.nsw.gov.au



Payment methods



Over the phone 1300 680 888

Via credit or debit card with a 0.78% surcharge



Via mail (PO Box 141, Moss Vale NSW 2577)

Cheques payable to Wingecarribee Shire Council



**In person at the Civic Centre Moss Vale
(68 Elizabeth Street, Moss Vale NSW 2577)**

Via cash, cheques payable to Wingecarribee Shire Council,
debit card, or credit card with a 1% surcharge

Notes:

1. All payments are subject to quarterly indexation of the Producer Price Index (PPI) and Consumer Price Index (CPI) as released by the Australian Bureau of Statistics (ABS).
2. This invoice is valid from date of issue to 3 business days prior to **31 Jul 2026** and payment can only be made during this time to allow for processing.
3. In the case that an invoice has expired, please email Strategic Outcomes at mail@wsc.nsw.gov.au to request a new invoice.

We're with you

Civic Centre
68 Elizabeth Street
Moss Vale
Gundungurra Country

PO Box 141 Moss Vale
NSW 2577

ABN 49 546 344 354

1300 680 888

@ mail@wsc.nsw.gov.au

ATTACHMENT 3: WATERNSW CONCURRENCE CONDITIONS

PO Box 398, Parramatta NSW 2124
 Level 14, 169 Macquarie Street
 Parramatta NSW 2150
www.waterNSW.com.au
 ABN 21 147 554 787

Water NSW's Amended Concurrence Conditions
DA 24/0212; Lot 11 DP 1192264 & Lot 1 DP 1192022; 231-233 Argyle Street Moss Vale

General

1. The development shall be implemented in accordance with the plans and supporting documents set out in the following table.

Plan Title	Reference	Vers/ Issue	Prepared By	Dated
Draft Subdivision Plan	Plan of Proposed Subdivision of Lot 1 in DP 119022	Draft	LTS	25/05/2023
Site Plan	Drawing No. 11663_DA002	19	Nettleton Tribe Partnership Pty Ltd	29/08/2024
Ground Floor Plan	Drawing No. 11663_DA011	16		29/08/2024
Level 1 Plan	Drawing No 11663_DA012	15		29/08/2024
Roof Plan	Drawing No 11663_DA013	15		29/08/2024
Bulk Earthworks Cut and Fill Plan	22T73_DA_BE01	02	Henry and Hymas	22/05/2023
Engineering/Drainage Detail Plan (3 Sheets)	22T73_DA_C101 22T73_DA_C102 22T73_DA_C103	06		19/04/2024
OSD Plan, Sections and Details (2 sheets)	22T73_DA_C201 22T73_DA_C202	04		13/12/2023
Intersection Plan Intersection of Argle & Valetta Street	22T73_EX_C730	10		15/04/2024
MUSIC Catchment Plan and Calculation	22T73_DA_C252	06		13/12/2023
Erosion and Sediment Control Plan & Details	22T73_DA_SE01 22T73_DA_SE02	03		22/05/2023
Landscape Masterplan, Details and Plant Palette	LDA-02, 03, and LDA-07	E	Ground Ink	04/09/24
Supporting Documents				
Statement of Environmental Effects	323091_SEE_001 Final		Premise	04/08/23
Response to Council Request for Information	323091-LE004 323091-LE006			29 Feb 2024 & 15 Nov 2024
Design Report	11663(4)		Nettleton Tribe Partnership Pty Ltd	Feb 2024

Rainwater Harvesting Report and Letter	Project No. 23015 and Ref: R2237-MFA-CI-LE-002 Rev A		Michael Frost and Associates Pty Ltd	4 April 2023 and 05 May 2023
Detailed Site Investigation Report	2301009Rpt02Final Vo1_5Jun23	V01	Geo-Logix Pty Ltd	18/04/2023 and 22/05/2023

No revisions to lot layout, staging or external works that will have impact on water quality, shall be permitted without the agreement of Water NSW.

Reason for Condition 1 – Water NSW has based its assessment under the State Environmental Planning Policy (Biodiversity and Conservation) 2021 on this version of the development.

Subdivision

- The subdivision shall be located as shown in the Draft Subdivision Plan set out in the table of Condition 1.

Reason for Condition 2 – Water NSW has based its assessment under the State Environmental Planning Policy (Biodiversity and Conservation) 2021 on this version of the development.

Sewerage Infrastructure

- The shopping centre shall be connected to council's reticulated sewerage system and shall ensure that all new sewerage infrastructure is designed, located, and installed in accordance with Council's requirements and be to the satisfaction of Council.
- No Occupation Certificate shall be issued unless the appointed Principal Certifier has received written certification from Wingecarribee Shire Council's Water & Sewer Services that the existing Moss Vale Sewage Treatment Plant (STP) and associated infrastructure have:
 - sufficient hydraulic capacity to transfer, accommodate and treat the additional wastewater load generated by the development, and/or
 - been upgraded and commissioned to treat additional wastewater load generated by the development.

Reason for Conditions 3 & 4 – To ensure that the design and operation of the sewerage infrastructure is undertaken in a way that minimises the risk of sewage overflows to ensure a sustainable neutral or beneficial effect on water quality over the longer term.

Stormwater Management

- All stormwater treatment and management measures, as specified in the Engineering Detail Plans and OSD Plan, Section and Details set out in the table of Condition 1 shall be incorporated in the final stormwater drainage plan. The final stormwater drainage plan shall:
 - be prepared in consultation with Water NSW prior to the issuance of the Construction Certificate and approved by the Principal Certifier
 - show stormwater management measures including:
 - pits, pipes, inlet filters (OceanGuard 200 or Water NSW endorsed equivalent)
 - rainwater tanks
 - bioretention basins and final plant selection
 - on-site detention tank and StormFilter Tank with a filter chamber equipped with at least twenty-eight media cartridge filters (690 mm ZPG StormFilter filtration cartridges or Water NSW endorsed equivalent), and

- two JellyFish filters (one a JF2250-9-2, the other a JF1200-2-1 or Water NSW endorsed equivalent).
 - include a suitable hydraulically sized gross pollutant trap to the new pit configuration at the corner of Argyle and Valetta Streets to treat the external stormwater that will be piped under the proposed shopping centre carpark area, and
 - be implemented.
6. The carpark shall have twenty-four stormwater pits fitted with inlet filters (OceanGuard 200 or Water NSW endorsed equivalent) and directed to the on-site detention basin. The access driveway to Hoskins Street shall have three stormwater pits fitted with inlet filters (OceanGuard 200 or Water NSW endorsed equivalent).
7. The combined bioretention basins in the carpark area shall:
- be designed to capture stormwater from the carpark as shown on the MUSIC catchment plan set out in the table of Condition 1
 - be designed consistent with *Adoption Guidelines for Stormwater Biofiltration Systems Version 2* (Payne et al, 2015, Melbourne, CRC for Water Sensitive Cities)
 - be compatible with the planned landscape planting for the area. If there are other incompatible structures (e.g. electric vehicle chargers) or unsuitable sized trees proposed for that area, the basins should be relocated to a suitable adjacent area
 - be fully lined to prevent stormwater infiltration into the soil
 - have a minimum combined surface/filter area of 80 square metres
 - have an extended detention depth of 100 mm
 - have a filter depth (excluding transition layers) of a minimum of 500 mm above the underdrain
 - have a filter media consisting of a clean sandy loam with a certified median particle diameter of 0.5 mm, a maximum orthophosphate concentration of 40 mg/kg and a maximum total nitrogen concentration of 400 mg/kg
 - be planted with appropriate deep-rooted, moisture-tolerant vegetation protected by rock or heavy organic mulch
 - be constructed so as to be safe for people using the carpark, and also be effective long term stormwater quality devices
 - be permanently fenced and protected from pedestrian impacts and vehicular damage by castellated kerbs or similar structures, with a sign to be erected to advise of its nature and purpose in water quality management, and
 - be protected by sediment and erosion control measures during any construction and post-construction phase until the ground surface is revegetated or stabilised.
8. Rainwater collection and reuse systems shall be installed that:
- are as specified in the Rainwater Harvesting Report in the table of Condition 1.
 - includes a rainwater tank with a minimum total capacity of 40,000 litres above any volume required for mains top-up
 - ensures that the tanks are plumbed to toilets, landscape irrigation and the future carwash site
 - ensures roofs and gutters are designed to maximise the capture of rainwater in the tanks.

- ensures that all rainwater tank overflow is directed through four stormwater pits fitted with inlet filters (OceanGuard 200 or Water NSW endorsed equivalent) to the on-site detention.
9. No variation to stormwater treatment or management that will have any impact on water quality shall be permitted without the agreement of Water NSW.
10. A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW prior to the issuance of an Occupation Certificate that all stormwater management structures have been installed as per these conditions of consent and are in a functional state.

Operational Environmental Management Plan

11. An Operational Environmental Management Plan shall be prepared in consultation with Water NSW by a person with knowledge and experience in the preparation of such plans. The Plan shall:
- be prepared prior to the issuance of an Occupation Certificate for the development and provided to the owner and the site's appointed management representative
 - include details on the location and nature of stormwater management structures such as pits, pipes, inlet filters (OceanGuard 200 or Water NSW endorsed equivalent), rainwater collection system, bioretention basins and onsite detention/ filtration systems (690 mm ZPG StormFilter filtration cartridges or Water NSW endorsed equivalent)
 - outline the responsibilities and detailed requirements for the inspection, monitoring, and maintenance of all stormwater management structures, including the frequency of such activities,
 - include checklists for recording inspections, monitoring, and maintenance activities, particularly for bioretention basins.
12. All stormwater treatment devices shall be monitored, maintained, and managed as per the Operational Environmental Management Plan, after all comments made by Water NSW during the consultation process have been appropriately resolved and incorporated in the final Operational Environmental Management Plan.

Reason for Conditions 5 to 12 – To ensure appropriate stormwater treatment and quality control measures are designed, implemented, and maintained to achieve a sustainable neutral or beneficial impact on water quality, particularly during wet weather, over the longer term.

Construction Activities

13. All construction works including any excavation work as part of this development involving potentially contaminated soil shall be carried out in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste (NSW EPA, 2014)*.
14. The Soil and Water Management Plan for the development shall be prepared by a person with knowledge and experience in the preparation of such plans for the development. The Plan shall:
- be more comprehensive than the Erosion and Sediment Control Plan & Details set out in the table of Condition 1 to adequately reflect the size and scale of the works
 - prepared in consultation with Water NSW, prior to the issuance of a Construction Certificate, and be to the satisfaction of the Principal Certifier

- meet the requirements outlined in Chapter 2 of *NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004)*
 - detail controls for excavation and management of contaminated soils, but not limited to:
 - appropriate testing of excavated material for contaminants
 - disposal methods of excavated contaminated material, including removal as soon as possible after identification
 - underlaying and covering temporarily stockpiled material with plastic, using weighted or heavy plastic cover to avoid any wind or water erosion
 - preventing the infiltration of stormwater into the subsurface soil during the excavation and construction phase
 - cleaning the construction site at the end of each day, and
 - include controls to prevent sediment or polluted water leaving the construction area or entering any stormwater drain or natural drainage system.
15. The final Soil and Water Management Plan for the development shall be implemented, and no works shall commence until effective erosion and sediment controls have been installed for the development. The controls shall be regularly inspected, maintained, and retained until works have been completed and ground surface stabilised or groundcover re-established.

Reason for Conditions 13 to 15 - To manage adverse environmental and water quality impacts during the construction phase of the development and to minimise the risk of erosion, sedimentation, and pollution within or from the site during this construction phase.

ATTACHMENT 4: TRANSPORT FOR NSW CONCURRENCE CONDITIONS

Transport for NSW

2 April 2025

TfNSW reference: STH24/00374/007

Your reference: DA24/0212 / CNR-61209 (A-73547)

Jeremy Swan

Wingecarribee Shire Council

By Email: jeremy.swan@wsc.nsw.gov.au

CC: michael.rayner@wsc.nsw.gov.au council@wsc.nsw.gov.au jthomas10@woolworths.com.au
tim.rogers@cbrk.com.au



DA24/0212 – Shopping centre including Woolworths, subdivision and intersection works (inc traffic signals) – LOT 1 DP1192022 & LOT 11 DP1192264, 231 - 233 Argyle Street MOSS VALE

Dear Jeremy

Transport for NSW (TfNSW) is responding to the additional information provided by the applicant on 27 March 2025 regarding DA24/0212.

TfNSW has reviewed the information and has no objections to the proposed development provided that the conditions in Attachment 1 are included in the development consent. TfNSW's suggested conditions include updates to the proposed intersection design, for minor kerb adjustments to improve pedestrian safety and facilitate access to Valetta Street for 19m heavy vehicles.

ARTC has been referred this development application (DA) separately and are the relevant organisation to provide comments in relation to the adjoining development as the rail infrastructure owner.

TfNSW notes that in determining the application under Part 4 of the *Environmental Planning & Assessment Act 1979* it is the consent authority's responsibility to consider the environmental impacts of any road works that are ancillary to the development (such as the impacts of the proposed intersection changes including no stopping signage on surrounding businesses, heritage implications of signals, etc). Depending on the nature of the works, the Council may require the developer to submit a further environmental assessment for any ancillary road works.

On Council's determination of this matter, please forward a copy of the Notice of Determination to TfNSW. If you have any questions, please contact Anna Paul, Development Services Case Officer, on (02) 9595 4624 or email development.south@transport.nsw.gov.au.

Yours faithfully

A handwritten signature in blue ink, appearing to read "Chris Millet".

Chris Millet

Manager, Development Services

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Attachment 1

DA24/0212 – Shopping centre including Woolworths, subdivision and intersection works (inc traffic signals)– LOT 1 DP1192022 & LOT 11 DP1192264, 231 - 233 Argyle Street MOSS VALE

Context

TfNSW notes for this DA:

- The key state road is Argyle Street (Illawarra Highway).
- Council is seeking advice from TfNSW to assist in its assessment under SEPP (Transport and Infrastructure) 2021, s2.122 traffic generating development.
- The DA has also been referred to TfNSW under s2.98(2) development adjacent to rail corridors. ARTC has been referred this DA separately as the relevant organisation to provide comments in relation to the adjoining development as the rail infrastructure owner.
- The development proposes the construction of a Woolworths supermarket, with at grade car parking, and other retail spaces on a portion of currently vacant land at 233 Argyle Street. Access to the site for customer and service vehicles is proposed via adding a fourth leg to the Argyle Street/Valetta Street intersection and signalling this intersection, through 231 Argyle Street (Council land). Secondary access for customers is also proposed via Hoskins Street. The signalised arrangement includes 12.5m turn restrictions for left and right turns into Valetta Street as shown in **Attachment 2**.
- The applicant is working with TAHE, Endeavour Energy, and adjacent landowners to gain access to the land required to facilitate the signalised intersection arrangement and path network (shown as shaded areas in DA drawing 22T73_EX_C730 rev 16).
- The applicant has provided additional information that indicates that vehicles up to 19m currently turn at the intersection of Argyle Street and Valetta Street. These vehicles cross the centreline of Valetta Street when performing a left turn from Argyle Street. TfNSW's internal review indicates that there are opportunities to facilitate 19m heavy vehicle access to Valetta Street from Argyle Street through minor amendments to the intersection arrangement proposed by the applicant (ie adjustments to the kerb alignments). **Attachment 3** provides extracts of the sketches of the potential changes.

Conditions

Operational

1. For the life of the development, the largest vehicle to use the site must not be larger than a 14.7m truck.

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**Prior to the issuing of the Construction Certificate, the developer must:**

1. Submit an updated strategic design of the signalised intersection and obtain TfNSW written acceptance to the updated design demonstrating:
 - a. minor kerb adjustments to the north east corner of the intersection, to facilitate 19m heavy vehicle left turn movements into Valetta Street, as shown in the sketch provided in **Attachment 3a**, taking into consideration the required extent of no stopping zone on Valetta Street;
 - b. kerb adjustments to the south west corner of the intersection, to enhance pedestrian visibility at the crossing of the site access, and to negate the need for a length restriction onto Valetta Street for right turning vehicles, generally in accordance with the sketch provided in **Attachment 3b**;
 - c. adjustments to the site approach lanes to the signals, to show that two vehicles in adjacent lanes can approach the signals concurrently;
 - d. identification of an appropriate arrangement, such as an easement, to enable TfNSW to maintain all signal related infrastructure outside of the road reserve (ie within 231 Argyle Street); and
 - e. drainage pit typical locations on Valetta Street and the eastern kerb line of Argyle Street, noting drainage pits must be relocated to ensure water does not pool at the pedestrian crossings.
2. Lodge the necessary application with supporting document/s to formalise the easement to legally enable TfNSW ongoing access for maintenance for all signal related infrastructure outside of the road reserve.
3. Enter into a Works Authorisation Deed (WAD) with TfNSW for the installation of traffic signals at the intersection of Argyle Street, Valetta Street and the site access.

Notes:

 - A WAD is a legally binding contract between TfNSW and the developer, authorising the developer to undertake works on a State road and install traffic signals.
 - To progress the WAD, the developer needs to email a copy of the conditions of development consent to development.south@transport.nsw.gov.au
 - All roadworks and traffic control facilities must be undertaken by a pre-qualified contractor. A copy of pre-qualified contractors can be found on the TfNSW website via [this link](#).
 - Any new services or modifications to existing services associated with this development application that involve works on, over or under Argyle Street (as defined the area from kerb to kerb) must be incorporated into, and managed under, the Works Authorisation Deed for the project. Note: It is the developer's responsibility to identify these works to TfNSW project manager.
 - More information on WADs can be found at [this link](#).

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4. Demonstrate to the satisfaction of Council the post development storm water discharge from the subject site, if going into the Argyle Street drainage system, does not exceed the pre-development application discharge.
5. Provide and obtain TfNSW and Council written acceptance of a construction management plan, which must include proposed bus stop impacts and mitigation measures (eg temporary bus stop relocation etc).
6. Undertake pre-construction noise monitoring for sensitive receivers potentially impacted by the installation of the traffic signals to the satisfaction of TfNSW.

Prior to the commencing works within the road reserve, the developer must:

1. Obtain Section 138 consent under the Roads Act, 1993 for the works associated with the WAD.

Notes:

- *TfNSW will be exercising its powers under Section 64 of the Roads Act, 1993 to become the roads authority for works associated with the WAD and therefore responsible for issuing the Section 138 consent for those specific works.*
- *TfNSW **must** receive proof prior to Detailed Design Acceptance that the owners of third party land has given authority for construction to occur and that the process of acquisition has been initiated.*

2. Apply for and obtain a Road Occupancy Licence (ROL) from TfNSW prior to commencing roadworks on a State road or any other works that impact a travel lane of a State road or impact the operation of traffic signals on any road.

Notes:

- *For information on the ROL process and to lodge an ROL application, please visit [this link](#).*
- *The applicant will need to create an account (this may take a few days to register), prior to submitting the ROL application. The applicant must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon TfNSW receiving and accepting an accurate and compliant Traffic Management Plan (TMP).*
- *The application will require a TMP to be prepared by a person who has the appropriate qualification to prepare TMPs. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation from TfNSW will also be required.*
- *The ROL application must include the authorisation letter from TfNSW Project Manager. The authorisation letter reference number is to be provided within the project description of the ROL application.*

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Prior to the issuing of the Occupation Certificate, the developer must:

1. Upgrade the junction of Argyle Street, Valetta Street and the site access to traffic signals to the satisfaction of TfNSW, generally in accordance with **Attachments 2, 3a and 3b**, Austroads Guide to Road Design and other relevant standards.

Notes:

- *The pavement design on Argyle Street must be in accordance with Austroads standards. A full width re-sheet of the whole intersection including approaches will be required to remove redundant line marking.*
 - *Where required, the developer must upgrade/provide lighting in accordance with Australian Standard AS/NZS1158.*
 - *All works need to be completed at no cost to TfNSW.*
2. Finalise the creation of an easement in favour of TfNSW, or other legally binding mechanism, to enable TfNSW ongoing access for maintenance of traffic signal related infrastructure at the intersection of Argyle Street and the site access, to the satisfaction of TfNSW.
 3. Undertake post-construction noise monitoring for sensitive receivers around the traffic signals to the satisfaction of TfNSW and, where necessary, mitigate increased road traffic noise associated with the traffic signals on nearby residents (and other sensitive receivers) in accordance with the Department of Environment, Climate Change and Water's Environmental Criteria for Road Traffic Noise, to the satisfaction of TfNSW.
 4. Relocate the existing bus stop as generally shown in 'Linemarking and Signposting Plan', to the satisfaction of Council and TfNSW.

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ATTACHMENT 5: ENDEAVOUR ENERGY CONDITIONS**Development Application and Planning Proposal Review
NSW Planning Portal Concurrence and Referral**

Authority	Authority's Reference	Agency Concurrence and Referral	Authority Contact	Authority Notification	Submission Due	Submission Made
Wingecarribee Shire Council	24/0212		Jon Shillito	1/05/2026	15/05/2026	15/05/2026

Address	Land Title
233 ARGYLE STREET MOSS VALE NSW 2577	Lot 1 DP 1192022, Lot 11 DP 1192264

Scope of Development Application or Planning Proposal

Construction of a neighbourhood shopping centre, associated subdivision and intersection works (Woolworths).

Endeavour Energy's HxGN NetWorks Core NetViewer Master Facility Model indicates:

Within or adjacent to the property the electrical network used in the distribution / supply of electricity owned and operated by Endeavour Energy appear to be but may not be limited to:

Electricity Infrastructure / Apparatus	Statutory allocation (road verge / roadway*)	Easement (or other form of property tenure**)	Protected works***	Freehold (adjoining or nearby)
Overhead Power Lines				
Low voltage	☒	☐	☐	☐
High voltage	☒	☐	☐	☐
Transmission voltage	☐	☐	☐	☐
Pole / tower	☐	☐	☐	☐
Underground Cables				
Low voltage	☒	☐	☐	☐
High voltage	☐	☐	☐	☐
Transmission voltage	☐	☐	☐	☐
Streetlight / pillar	☐	☐	☐	☐
Substation				
Pole mounted/overhead	☐	☐	☐	☐
Padmount/underground	☐	☐	☐	☐
Indoor	☐	☐	☐	☐
Zone	☐	☐	☐	☒
Transmission	☐	☐	☐	☐
Switch	☐	☐	☐	☐
Other:	☐	☐	☐	☐

Low voltage extra low voltage up to 1,000 volts alternating current (a.c.).

High voltage above 1,000 volts a.c and less than 33,000 volts a.c. [33 kilovolts (kV)].

Transmission voltage 33 kV up to 132,000 volts a.c. (132 kV).

*Rights provided in a public road or reserve. The allocation depends on the classification and date of roadway dedication.

** Other form of property tenure includes but is not limited to restriction, covenant, lease, licence etc.

***Protected works under Section 53 'Protection of certain electricity works' of the *Electricity Supply Act 1995* (NSW).

Other: provide detail of electricity infrastructure / apparatus.



Document Set ID: 5985474

Version: 1, Version Date: 15/05/2026

Endeavour Energy

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Relevant / applicable clause numbers from Endeavour Energy's Standard Conditions for Development Applications and Planning Proposals indicated by ☒.

Objection	Condition	Advice	Clause No.	Issue	Detail
☐	☐	☒	1	Adjoining Sites	Adjoining or nearby development / use should be compatible with the use of Endeavour Energy's sites.
☐	☐	☐	2	Asbestos	Area identified or suspected of having asbestos or asbestos containing materials (ACM) present in the electricity network.
☐	☐	☒	3	Asset Planning	Applicants should not assume adequate supply is immediately available to facilitate their proposed development.
☐	☐	☐	4	Asset Relocation	Application must be made for an asset relocation / removal to determine possible solutions to the developer's requirements.
☐	☒	☐	5	Before You Dig	Before commencing any underground activity the applicant must obtain advice from the Before You Dig service.
☐	☐	☐	6	Bush Fire	Risk needs to be managed to maintain the safety of customers and the communities served by the network.
☐	☒	☐	7	Construction Management	Integrity of electricity infrastructure must be maintained and not impacted by vehicle / plant operation, excessive / high / unsecured loads, vibration, dust or moisture penetration.
☐	☐	☐	8	Contamination	Remediation may be required of soils or surfaces impacted by various forms of electricity infrastructure.
☐	☐	☐	9	Demolition	All electricity infrastructure shall be regarded as live and care must be taken to not interfere with any part of the electricity network.
☐	☐	☐	10	Dispensation	If a proposal is not compliant with Endeavour Energy's engineering documents or standards, the applicant must request a dispensation.
☐	☐	☒	11	Driveways	For public / road safety and to reduce the risk of vehicle impact, the distance of driveways from electricity infrastructure should be maximised.
☐	☐	☒	12	Earthing	The construction of any building or structure connected to or in close proximity to the electrical network must be properly earthed.
☐	☐	☐	13	Easement Management	Preference is for no activities to occur in easements and they must adhere to minimum safety requirements.
☐	☐	☐	14	Easement Release	No easement is redundant or obsolete until it is released having regard to risks to its network, commercial and community interests.
☐	☐	☐	15	Easement Subdivision	The incorporation of easements into to multiple / privately owned lots is generally not supported.
☐	☒	☐	16	Emergency Contact	Endeavour Energy's emergency contact number 131 003 should be included in any relevant risk and safety management plan.
☐	☐	☒	17	Excavation	The integrity of the nearby electricity infrastructure shall not be placed at risk by the carrying out of excavation work.
☐	☐	☐	18	Flooding	Electricity infrastructure should not be subject to flood inundation or stormwater runoff.

Objection	Condition	Advice	Clause No.	Issue	Detail
☐	☐	☐	19	Hazardous Environment	Electricity infrastructure can be susceptible to hazard sources or in some situations be regarded as a hazardous source.
☐	☒	☐	20	Look up and Live	Before commencing any activity near overhead power lines the applicant must obtain advice from the Look Up and Live service.
☐	☐	☐	21	Modifications	Amendments can impact on electricity load and the contestable works required to facilitate the proposed development.
☐	☐	☐	22	Network Access	Access to the electricity infrastructure may be required at any time particularly in the event of an emergency.
☐	☒	☐	23	Network Asset Design	Design electricity infrastructure for safety and environmental compliance consistent with safe design lifecycle principles.
☐	☒	☐	24	Network Connection	Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.
☐	☐	☐	25	Protected Works	Electricity infrastructure without an easement is deemed to be lawful for all purposes under Section 53 'Protection of certain electricity works' of the <i>Electricity Supply Act 1995</i> (NSW).
☐	☐	☒	26	Prudent Avoidance	Development should avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise.
☐	☐	☒	27	Public Safety	Public safety training resources are available to help general public / workers understand the risk and how to work safely near electricity infrastructure.
☐	☐	☐	28	Removal of Electricity	Permission is required to remove service / metering and must be performed by an Accredited Service Provider.
☐	☐	☐	29	Renewable Energy	The performance of solar, generation or battery systems and effects on the network and other connected customers needs to be assessed.
☐	☐	☒	30	Safety Clearances	Any building or structure must comply with the minimum safe distances / clearances for the applicable voltage/s of the overhead power lines. No works or loads must occur within the zone of influence of underground cables.
☐	☒	☐	31	Security / Climb Points	Minimum buffers appropriate to the electricity infrastructure being protected need to be provided to avoid the creation of climb points.
☐	☒	☐	32	Service Conductors	Low voltage service conductors and customer connection points must comply with the current 'Service and Installation Rules of NSW'.
☐	☐	☒	33	Street Infrastructure	Streetlighting should be reviewed and if necessary upgraded to suit any increase in both vehicular and pedestrian traffic. Existing electricity infrastructure must have adequate access and not be left stranded in public areas.
☐	☐	☒	34	Sustainability	Reducing greenhouse gas emissions and helping customers save on their energy consumption and costs through new initiatives and projects to adopt sustainable energy technologies.

Objection	Condition	Advice	Clause No.	Issue	Detail
☐	☐	☐	35	Swimming Pools	Whenever water and electricity are in close proximity, extra care and awareness is required.
☐	☐	☐	36	Tele - communications	Address the risks associated with poor communications services to support the vital electricity supply network Infrastructure.
☐	☐	☒	37	Vegetation Management	Landscaping that interferes with electricity infrastructure is a potential safety risk and may result in the interruption of supply.
Decision					Approve (with conditions)

Environmental Services Team

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**Endeavour
Energy****POWER
together**

Endeavour Energy respectfully acknowledges the Traditional Custodians on whose lands we live, work, and operate and their Elders past and present.



Reason(s) for Conditions or Objection (If applicable)

- As an adjoining or nearby owners and occupiers, Endeavour Energy's Cottage Substation at Argyle Street, Moss Vale (Lots 1 & 2 DP 1070183) being a non-habitable building / site is comparatively less impacted. Conversely, Endeavour Energy's electricity infrastructure may impact nearby development and appropriate prudent avoidance measures should be considered for any sensitive development – although there is currently no existing 'inservice' electricity distribution infrastructure in the Cottage Substation.

Endeavour Energy's main concern is that as a result of the proposed development there is no change or increase in any overland flow flooding / stormwater discharge affecting the Cottage Substation site.

- Endeavour Energy requires a clear area / buffer from the fencing of zone and transmission substation in order to avoid the creation of climb points that may allow unauthorised access to the substation. Where a permanent structure / object is constructed near the fence, Endeavour Energy may raise the height of the substation fence. The clearance may also be relevant in relation to the creation of temporary climb points eg. during construction with temporary site sheds etc.
- The Construction Management Plan (CMP) should detail the proposed methodology on how the works will be undertaken whilst minimising the impacts of construction activities on the electricity distribution network during demolition, site preparation, excavation, and to the completion of construction.

Although the Cottage Substation currently has no existing 'inservice' electricity distribution infrastructure, if any works proposed as part of the project are likely to impact the Cottage Substation the applicant must make reasonable prior contact with Endeavour Energy's Strategic Property Manager, Simon Lawton, on mobile 0418 554 414 or alternatively via email simon.lawton@endeavourenergy.com.au.

- To ensure an adequate connection the applicant will need to engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation to assess the electricity load and the proposed method of supply for the development.
- An extension or augmentation of the existing electricity distribution network may be required. Whilst there are distribution substations in the area which are likely to have some spare capacity, it is not unlimited and may not be sufficient to provide for the additional load from the proposed development.

Other factors such as the size and rating / load on the conductors and voltage drop (which can affect the quality of supply particularly with long conductor runs) etc. need to be assessed. However the extent of any works required will not be determined until the final load assessment is completed.

- Any required padmount substation/s will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling not located within a public road / reserve) with an appropriate form of property tenure as detailed in the attached copy of Endeavour Energy's 'Land Interest Guidelines for Network Connection'.

Generally it is the Level 3 Accredited Service Provider's (ASP) responsibility (engaged by the developer) to make sure substation location and design complies with Endeavour Energy's standards the suitability of access, safety clearances, fire ratings, flooding etc. If the substation does not comply with Endeavour Energy's standards, the applicant must request a dispensation.

For further information please also refer to the attached copies of Endeavour Energy's:

- o Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'.
- o Guide to Fencing, Retaining Walls and Maintenance Around Padmount Substations.

The Statement of Environmental Effects includes the following addressing whether electricity services are available and adequate for the proposed development.

6.6 4.15(a) The likely impacts of the development

Services Infrastructure

The proposed development will be serviced by potable water and sewer. Electrical supply will be provided via an underground service from the existing HV underground network to the new substation within the site boundary.

The below copy of the Site Plan shows provision for a 'Substation' located within the site that does not adjoin / have direct access to a public road.

- Endeavour Energy's network asset design policy is generally to progressively underground all new urban developments. All new cabling / distribution infrastructure should be of an underground construction type.
- The low voltage service conductor and customer connection point must comply with the current 'Service and Installation Rules of NSW'.
- The minimum required safety clearances and controls for buildings and structures (whether temporary or permanent) and working near overhead power lines must be maintained at all times. If there is any doubt whatsoever regarding the safety clearances to the overhead power lines, the applicant will need to have the safety clearances assessed by a suitably qualified electrical engineer / Accredited Service Provider (ASP).

Even if there is no issue with the safety clearances to the building or structure, consideration must be given to WorkCover (now SafeWork NSW) 'Work Near Overhead Power Lines Code of Practice 2006' eg. ordinary persons must maintain a minimum safe approach distance of 3.0 metres to all voltages up to and including 132,000 volts / 132 kilovolt (kV). It also includes the following requirements for work near low voltage overhead power / service lines.

TABLE 4

Approach distances for work near low voltage overhead service lines

Ordinary Persons (m)				
Hand held tools	Operation of crane or mobile plant	Handling of metal materials (Scaffolding, roofing, guttering, pipes, etc)	Handling of non-conductive materials (Timber, plywood, PVC pipes and guttering, etc)	Driving or operating vehicle
0.5	3.0	4.0	1.5	0.6

- The construction of any building or structure (including fencing, signage, flag poles, hoardings etc.) whether temporary or permanent that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with Australian/New Zealand Standard AS/NZS 3000:2018 'Electrical installations'.
- Driveways should be designed to increase the separation to the any electricity infrastructure as much as reasonably possible and have regard to the intended use of the premises.
- The planting of large / deep rooted trees near electricity infrastructure is opposed by Endeavour Energy. Existing trees which are of low ecological significance in proximity of electricity infrastructure should be removed and if necessary replaced by an alternative smaller planting. The landscape designer will need to ensure any planting near electricity infrastructure achieves Endeavour Energy's vegetation management requirements.

No planting of trees is allowed in the easement for a padmount substation. Screening vegetation around a padmount substation should be planted a minimum distance of 800mm plus half of the mature canopy width from the substation easement and have shallow / non-invasive roots. This is to avoid trees growing over the easement as falling branches may damage the cubicle and tree roots the underground cables. All vegetation is to be maintained in such a manner that it will allow unrestricted access by electrical workers to the substation easement all times.

Endeavour Energy's HxGN NetWorks Core Master Facility Model

The advice provided regarding the extent of the electricity network within or adjacent to the property is based on a desk top review of Endeavour Energy's HxGN NetWorks Core Master Facility Model. This is a computer based geospatial data system which holds the data on and is used to map the electricity network but is indicative only and based on the data available at the time. It only shows the Endeavour Energy electricity network.

Please note Endeavour Energy's responsibility / ownership of the network usually terminates at the connection point / point of supply but there may be unusual connections or situations with legacy assets as a result of alterations to legislation and codes. Other customer owned / private electricity distribution assets may be present on the site eg. from the connection point to the main service equipment enclosure, which are not owned or operated by Endeavour Energy (or shown on the Site Plan from Endeavour Energy's Endeavour Energy's HxGN NetWorks Core Master Facility Model and may include underground assets). These assets will need to be identified by the applicant and to which the relevant clauses / safety advice also applies.

Due to privacy and security requirements, certain aspects of Endeavour Energy's geospatial data are protected information. Additional plans and details of the electricity network within or adjacent to the property are available by the arrangements provided to the relevant referral services in accordance with the applicable legislation, licences, regulations and codes of practice etc.

Easement (or other form of property tenure)

Title searches will confirm the current owners of a property and shows any registered interests affecting the property such as an easement. Not all interests eg. short term leases and licences are registered on the title. Not all easements for electricity infrastructure will necessarily benefit Endeavour Energy eg. there may be interallotment / easements appurtenant to the land particularly for low voltage service conductors / customer connections. For further advice please refer to Endeavour Energy's:

- Land Interest Guidelines for Network Connection Works.
- Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'.

Standard Conditions

Due to the high number of notifications / referrals received by Endeavour Energy, the use of the 'Standard Conditions' is needed to enable responses / submissions to be made with the reasonably available resource allocation and within the statutory / requested time frames. The ability to provide more specific and detailed individual consideration to every notification / referral is limited.

Whilst all reasonable care and effort has been made to address the matters affecting the Development Application or Planning Proposal related to the electricity distribution network, the determining authority / applicant will need to consider their own specific knowledge, needs or circumstances, objectives and requirements in consideration of the response / submission to take appropriate corrective action.

This may require the determining authority / applicant to review the information provided for the application / proposal to verify the issue / risk included as either a 'Condition' or 'Advice' in the response / submission. For example, if Clause 37 'Vegetation Management' is marked as a 'Condition', the landscape plans / planting schedule should be referred to and reviewed to validate the risk associated with the matter as described in the 'Standard Conditions' eg. the mature height and /or spread of the proposed plantings may interfere with overhead power lines and require the use of smaller alternative planting.

Objection, Condition or Advice

With Endeavour Energy's Development Application and Planning Proposal Review process / system the intent of the 'Standard Conditions' being indicated as either, 'Objection', 'Condition' or 'Advice' depends on the risk associated with the matter and will be marked as:

- 'Objection' if it may substantially impact the proposed development or is a significant risk to the electricity distribution network that must be addressed by the applicant eg. significant encroachment of an easement, restriction or safety clearances.
- 'Condition' if it is likely or very likely to be an issue / needed to be addressed by the applicant and may require corrective action that can be reasonably rectified.
- 'Advice' if it requires consideration but is less likely to be an issue and the consequences of the applicant not addressing it are lower or can be readily rectified.

If the matter is not applicable / relevant then it is not marked.

For example, if the breaching of safety clearances to overhead power lines requires significant modifications to or redesign of the proposed building or structure or an asset removal / location it will be marked as 'Object'. If there is no issue with the safety clearances to the building or structure, but ordinary persons need to maintain a minimum safe approach distance, it will be marked as 'Condition'. If there are any overhead power lines within or adjacent to the property but they are unlikely to be directly impacted, it will be marked as 'Advice'. If there are no overhead power lines, it is not marked.

If indicated as 'Object' or 'Condition', to resolve the matter/s the applicant will need to make direct contact with the relevant Endeavour Energy Contact (who do not have access to the NSW Planning Portal) via the contact details provided below. Re-referral via the NSW Planning Portal is not required and the matters can rest on the further correspondence.

In most instances even if the submission has been marked as 'Object', Endeavour Energy is not necessarily opposed to the Development Application. Whilst the determining authority may appropriately condition or defer these matters, Endeavour Energy recommends that whenever reasonably possible they be resolved before rather than as conditions of any development consent. This can assist in avoiding the need to later seek modification of an approved Development Application. Subject to the satisfactory resolution of the matter/s, Endeavour Energy will have no further objection to the Development Application.

Not all the matters may be directly or immediately relevant or significant to the Development Application or Planning Proposal. However, Endeavour Energy's preference is to alert proponents / applicants of the potential matters that may arise should development within closer proximity of the existing and/or required electricity infrastructure needed to facilitate the proposed development on or in the vicinity of the site occur. Even if a matter is not marked, applicants are encouraged to review all of the 'Standard Conditions' as some matters may not have been evident from the information provided with the Development Application and of which the applicant may have additional knowledge.

Submission Decision / Agency Response

The decision on the outcome of the assessment essentially correspond to the NSW Planning Portal 'Agency response', but as Endeavour Energy is not a concurring authority under the provision of the *Environmental Planning and Assessment Act 1979* (NSW), it does not 'Approve' or 'Refuse' a Development Application in the Portal ie. under the provisions of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (NSW), Councils must take into consideration any response.

If any matter in the submission is marked as 'Objection', the outcome of the assessment will be 'Object' but in the NSW Planning Portal the 'Agency response' will be 'Approve (with conditions)'.

If any matter is marked as 'Condition', the outcome of the assessment and the 'Agency response' in the Portal will both be 'Approve (with conditions)'.

If all the matters in the submission are marked for 'Advice', the outcome of the assessment and the 'Agency response' in the Portal will both be 'Advice'.

Information Provided

Please note Endeavour Energy can only assess the Development Application or Planning Proposal based on the information provided by the applicant and determining authority. Due to time and resource constraints it is not possible to refer all development application notifications to the relevant internal stakeholders for review and advice or to request additional information from the applicant or determining authority. Applicants should be providing proper detailed plans of the electricity infrastructure / easements on or near the site (including current photographs) and address the potential impacts of the proposed development thereon in the Statement of Environmental Effects / Environmental Impact Statements. The provision of inadequate detail may result in Endeavour Energy objecting to the Development Application or Planning Proposal.

Applicants should also provide details of any early engagement or consultation undertaken with Endeavour Energy eg. Technical Review Requests, Connection of Load Applications, approval from Easements Officers etc. as this will assist in expediting the submission.

Accredited Service Providers

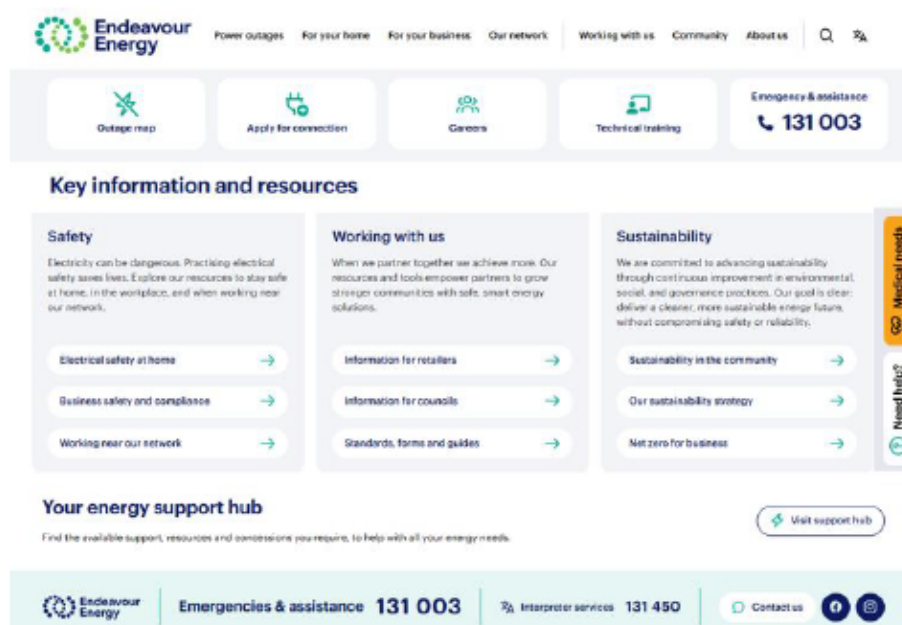
The Accredited Service Provider (ASP) scheme accredits organisations to perform contestable work on the NSW electricity distribution network. Contestable works are works that are required for the electricity distribution network provider to supply the load in the power lines where a new or altered connection is being requested.

Endeavour Energy is urging applicants / customers to engage with an ASP prior to finalising plans to assess and incorporate any required electricity infrastructure as well as addressing safety issues such as safety clearances. In so doing the consideration can also be given to its impact on the other aspects of the proposed development. This can assist in avoiding the making of amendments to the plan or possibly the need to later seek modification of an approved development application.

Details of the ASP Scheme which accredits organisations to perform contestable work on the NSW electricity distribution network are available via the following link to the NSW Climate and Energy Action website at <https://www.energy.nsw.gov.au/nsw-plans-and-progress/regulation-and-policy/asp-scheme-and-contestable-works>.

Further Advice

The 'Standard Conditions' include additional advice and contact details and further information is also available on Endeavour Energy's website at <https://www.endeavourenergy.com.au/>.



To resolve any objection or to seek further advice the following are the main contacts and can be reached by calling Endeavour Energy via General Enquiries on business days from 9am - 4:30pm on telephone: 133 718. For other matters the contact details are included in Endeavour Energy's standard conditions for Development Application and Planning Proposal Review. Whilst the Environmental Services Team can provide the initial assessment and general advice or guidance, the resolution / approval of any matter/s rests with the relevant contact related to the matter/s and is not subject to the usual statutory notice requirements and response times.

Branch / Section	Matters	Email / Portal
Customer Network Solutions	Electricity supply or asset relocation who are responsible for managing the conditions of supply with the applicant and their Accredited Service Provider (ASP).	Connect Online
Easements Officers	Easement management or protected works / assets.	Easements@endeavourenergy.com.au
Property	Property tenure eg. the creation or release of easements.	network_property@endeavourenergy.com.au
Construction Works Team	Safety advice for building or working near the electricity network / street infrastructure in public areas (including zone and transmission substations).	Connect Online

Please note Endeavour Energy's above contacts do not have access to the NSW Planning Portal. To resolve any matters direct contact should be made with the responsible contact. This will avoid double handling and possible delays in responding to the applicant / Council.

In some circumstances further advice or guidance may need to be obtained by the applicant from an independent and appropriately qualified and / or experienced person / consultant before making any determination / decisions.

Connections Portal

Requests can be submitted to Endeavour Energy's Connections Portal Connections Portal through [Connect Online](#) which provides details on the application types and from which the Connections Portal can be launched. Once registered, you will have access to a range of connection services, including real time visibility of your application status through a dashboard. Applicants can sign in and submit requests by clicking on the relevant tile for the following matters:

- Connect supply or move assets.

Connect load or generation to a new or existing supply. You can also apply to relocate electricity assets or attach third party assets on Endeavour Energy assets

- Work near infrastructure.

Request support when working on or near our electricity network typically for building or construction sites.

- Electrical installation inspection.

Request for a switchboard review, low voltage isolation and energise appointment, high voltage or hazardous inspection, or a dispensation request.

- Make an enquiry.

Make a preliminary enquiry for a connection service or request technical information.

For further details of the services provided please refer to the quick reference guides available via the following link to [Portal support](#) .

Duty of Care

All individuals have a duty of care they must observe when working in the vicinity of electricity infrastructure. Before you do anything:

- 1) Contact Before You Dig and Look Up and Live to obtain the details of the electricity infrastructure on or near the site noting they are a guide only to what might be in the area and may not be entirely accurate.
- 2) Comply with the conditions and consider the advice provided above.
- 3) If needed contact Endeavour Energy General Enquiries on 133 718 or the contacts provided above for assistance. For Emergency Assistance call 131 003.
- 4) **DO NOT** attempt any work near electricity infrastructure until all required approvals and safety measures are in place.
- 5) Proceed only if you have satisfied yourself it is safe.
- 6) Always remember, even the briefest contact with electricity at any voltage can have serious consequences to a person's health and safety and can be fatal.