



<b>DATE OF DETERMINATION</b>	9 April 2025
<b>DATE OF PANEL DECISION</b>	8 April 2025
<b>DATE OF PANEL BRIEFING</b>	25 March 2025
<b>PANEL MEMBERS</b>	Chris Wilson (Chair), Juliet Grant, Chris McCann
<b>APOLOGIES</b>	Grant Christmas, Stephen Leathley
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 21 March 2025 and the Council addendum memo and updated conditions provided to the panel on 30 March 2025.

#### **MATTER DETERMINED**

PPSSTH-315 – Wingecarribee – 24/0302 at 2 Bowman Road, MOSS VALE (Lot 1 DP 103123 & Lot 2 DP 1070888), 10 Bowman Road, MOSS VALE (Lot 51 DP 130176) – Industrial Subdivision and Construction of Industrial Buildings and Associated Office Space and Hardstand Areas (as described in Schedule 1).

The panel considered the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

#### **Development application**

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **ADDITIONAL INFORMATION**

The panel acknowledged that a quantitative traffic impact and traffic noise impact assessment had been undertaken to determine the impact of operational vehicle movements (particularly heavy vehicles) on the road network and acoustic environment. However, no such assessment had been undertaken regarding potential construction traffic impacts. The panel noted that the construction task involved the delivery of approximately 61,000 m<sup>3</sup> of clean fill for site preparation works. To ensure the panel had a full understanding of these impacts, the panel requested that Council's assessment planner provide further assessment/information relating to:

- The proposed staging of construction and bulk earth works.
- Confirmation of the proposed travel routes for construction related traffic including haulage of bulk earthworks.
- An estimate of the construction traffic generated per day and any staging of construction and a comparison with the traffic estimated to be generated during operations.
- Any impacts arising from the construction and haulage traffic having regard to road network and potential traffic noise (the requirement that existing traffic noise does not increase by more than 2dBA).
- Details of appropriate management measures to be incorporated into a construction and operational management plan.

Council provided an Addendum Assessment Memo and updated conditions of consent on 30 March 2025 which addressed all relevant matters except construction related traffic noise. However, the panel considered this matter and was satisfied that the predicted construction traffic would neither adversely impact the local and regional road network or increase existing traffic noise by more than 2dBA given that:

- The quantitative assessment concluded that the operational traffic generated by the full development was not predicted to have any adverse impacts on the local or regional road network nor increase existing traffic noise by more than 2dBA.
- The construction of the three (3) industrial buildings would be staged thereby minimising the number of construction related heavy vehicles.
- The number of heavy vehicles predicted per day during construction would be less than the number of heavy vehicles predicted per day during operations.
- On this basis the panel accepted that construction traffic would not result in unacceptable road network or traffic related noise impacts subject to appropriate management.

#### **PANEL CONSIDERATION AND DECISION**

The panel determined to approve the application for the reasons outlined in the Council Assessment Report and the Council Addendum Assessment Memo. The panel was satisfied that:

- Council had responded adequately to the concerns raised by the panel.
- The Applicant's comments on the recommended conditions had been fully considered (refer below).
- The preconditions to the grant of consent had been satisfied .
- An appropriate assessment in terms of section 4.15 of the *Environmental Planning and Assessment Act 1979* had been undertaken.
- The proposed development is consistent with the statutory framework applying to the site and surrounds.
- The site is suitable for the development.
- The proposal is unlikely to result in any unacceptable amenity, environmental or land use safety impacts subject to the imposition of the revised conditions of consent.
- The development will provide employment opportunities and economic benefits to the broader community.

#### **CONDITIONS**

The panel considered Council's recommended draft conditions and the comments provided by the applicant.

The applicant generally agreed to the draft conditions of consent, but requested Condition 61(c) be expanded to ensure consistency with the details contained in the Statement of Environmental Effects (Section 3.3.1), and Condition 58 include a reference to *Excavated Natural Material or a material complying with an EPA Resource Recovery Order and Exemption* within the condition. The panel agreed to these changes which have been included in the final instrument of consent.

The panel approved the development application subject to the recommended conditions with the following amendments.

- Condition 27 – *Construction Traffic Management Plan* was amended to replace the need for a Construction Traffic Impact Report for the need to prepare a Construction Traffic Management Plan which must include details (rather than detailed assessment) of truck and heavy machinery movements, and management measures to be adopted to mitigate construction traffic impacts on the surrounding road network.
- Condition 61(c) – *Earthworks, retaining walls and structural support* was expanded to ensure consistency with the details contained in the Statement of Environmental Effects (Section 3.3.1) and Condition 58 was expanded to include a reference to *Excavated Natural Material or a material complying with an EPA Resource Recovery Order and Exemption*.
- Condition 86A was included to ensure necessary telecommunications are provided within the subdivision consistent with the requirements of applicable Commonwealth legislation.

- Condition 98A was included to address the need for concurrence from Water NSW for an easement across the RU2 zoned portion of the site (road construction) and to maintain the water quality pond which is to be transferred into Council ownership.
- Condition 114 – Traffic Impact Statement Compliance – was included to ensure ongoing management of operational traffic generated by the development.




The final conditions approved by the panel, which include the above amendments, can be found attached in Schedule 2.

**CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the panel considered written submission made during public exhibition. The Panel notes that issues of concern included:

- External light spill impacts
- Proposed landscaping treatments.

The panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and adopted conditions of consent.

PANEL MEMBERS	
 Chris Wilson (Chair)	 Juliet Grant
 Chris McCann	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-315 – Wingecarribee – 24/0302
2	PROPOSED DEVELOPMENT	Industrial Subdivision and Construction of Industrial Buildings and Associated Office Space and Hardstand Areas
3	STREET ADDRESS	2 Bowman Road, MOSS VALE (Lot 1 DP 103123 & Lot 2 DP 1070888), 10 Bowman Road, MOSS VALE (Lot 51 DP 130176)
4	APPLICANT/OWNER	Applicant – SAAS Aus Pty Ltd (Mr Jafar Tanana) Owner – IMS (Aust) Pty Limited
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Planning Systems) 2021</li> <li>○ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>○ State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>○ Wingecarribee Local Environmental Plan 2010</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Moss Vale Township Development Control Plan</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council Assessment Report: 21 March 2025</li> <li>• Supplementary Assessment Memo and updated draft conditions received: 30 March 2025</li> <li>• Written submissions during public exhibition: 1</li> <li>• Total number of unique submissions received by way of objection: 1</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: 12 December 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, Julie Walsh, Stephen Leathley</li> <li>○ <u>Council assessment staff</u>: Andrez Vernez</li> <li>○ <u>Applicant representatives</u>: Mark Jackson (Jackson Environmental Planning), Jafar Tanana (SAAS AUS), Alex Soukie (Purple Cow Industries)</li> <li>○ <u>DPIE</u>: Amanda Moylan (DPE), Tim Mahoney, Tracey Gillett</li> </ul> </li> <li>• Site inspection: 17 January 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: 25 March 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Chris McCann</li> <li>○ <u>Council assessment staff</u>: Andre Vernez, Jon Shillito, Bryce Koop, Jocelyn Do.</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Applicant representatives:</u> Jafar Tanana (SAAS AUS PTY LTD), Mark Jackson (Jackson Environment and Planning), Alex Soukie (Purple Cow Industries)</li> <li>○ <u>DPH:</u> Amanda Moylan, Tracey Gillet</li> </ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Approval
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached to the Council Assessment Report

## ADMINISTRATION CONDITIONS

### 1. Development Description

Development consent has been granted in accordance with this notice of determination for the purposes of industrial subdivision and construction of industrial buildings and associated office space and hardstand areas.

**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
Subdivision Plan	230090-1 (Revision 2)	TSS Total Surveying Solutions	05/04/2023
Site Layout and Analysis Plan	A 02	Jackson Environment and Planning Pty Ltd	04/10/2024
Building 1 Architectural Plans	A 1.1 to A 1.10	Jackson Environment and Planning Pty Ltd	04/10/2024
Building 2 Architectural Plans	A 2.1 to A 2.9	Jackson Environment and Planning Pty Ltd	04/10/2024
Building 3 (3A, 3B) Architectural Plans	A 3.1 to A 3.9	Jackson Environment and Planning Pty Ltd	04/10/2024
Building 1 Concept Stormwater / Civil Works Plans	10530 C101 to C114 (Revision E)	Eclipse Consulting Engineers	19/03/2024
Building 2 Concept Stormwater / Civil Works Plans	10530 C201 to C215 (Revision E)	Eclipse Consulting Engineers	19/03/2024
Building 3 Concept Stormwater / Civil Works Plans	10530 C301 to C313	Eclipse Consulting Engineers	19/03/2024 (Revision E) 28/05/2024 (Revision F)
Concept External Civil Works Plans	10530 C401 to C413	Eclipse Consulting Engineers	03/04/2024 (Revision F) 28/05/2024 (Revision G)
Landscape Plans	LDD401 to LDD403 & LDD701	Moir Landscape Architecture	14/08/2024

	(Revision E)		
Statement of Environmental Effects	Final (V3)	Jackson Environment and Planning Pty Ltd	22/08/2023
Bushfire Hazard Assessment Report	5618BF (Version 5.0)	Harris Environmental Consulting	04/08/2023

Biodiversity Development Assessment Report	24003 (Version 1)	Hayes Environmental	25/04/2024
Vegetation Management Plan	24003 (Version 1)	Hayes Environmental	25/04/2024
Noise and Vibration Impact Assessment Report	#2402788 (Version D)	RWDI Australia Limited	04/04/2024
Aboriginal Cultural Heritage Assessment Report	J202484 ACHA	McCardle Cultural Heritage Pty Ltd	13/02/2025
Light Spill Impact Assessment and External Lighting Strategy	220503 (Revision F)	JHA Consulting Engineers	03/01/2024
Visual Impact Assessment Report	14443.5_K (Revision K)	Terras Landscape Architects	04/04/2024
Geotechnical Investigation Report	CES220803-JEP-AB (Revision 2)	Consulting Earth Scientists Pty Ltd	04/08/2023
Development Assessment Report – Sewer and Water Modelling	Issue 3.1	Urban Water Solutions	01/08/2023
Waste Management Plan	Final	Jackson Environment and Planning Pty Ltd	16/06/2023

**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. General Terms of Approval – Department of Planning and Environment-Water

The General Terms of Approval issued by the Department of Planning and Environment-Water, Reference No: IDAS-2023-10741, dated 24 July 2024 are included as conditions of this consent and must be complied with.

**Reason:** *To ensure ongoing compliance.*

## **5. General Terms of Approval – NSW Rural Fire Service**

The General Terms of Approval issued by the NSW Rural Fire Service, Reference No: DA20231122005312-Original-1, dated 17 January 2024 are included as conditions of this consent and must be complied with.

**Reason:** *To ensure ongoing compliance.*

## **6. Concurrence – Water NSW**

The Concurrence issued by Water NSW, Reference No: DAR 23125-a1, dated 6 September 2024 are included as conditions of this consent and must be complied with.

**Reason:** *To ensure ongoing compliance.*

## **7. Erection of Signs**

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

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

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

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

## **8. Compliance with Disability Discrimination Act 1992**

This approval does not protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the *Disability Discrimination Act 1992*, and the applicant/owner is therefore advised to investigate their liability under this Act.

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

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



1992.

## **9. Demolition Requirements**

Demolition work shall be carried out in accordance with the requirements of AS2601-2001 "The Demolition of Structures".

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

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

**Reason:** *To comply with statutory requirements.*

## **10. Services**

The design of any infrastructure services shall minimise encroachment on the gas pipeline easement. Any application for an APA permit for an easement crossing will be required to demonstrate that an alternative route, avoiding the easement, is not feasible.

## **11. Existing Dwelling**

The existing dwelling on the subject site is permitted to be used as a site office during the construction phase, with the dwelling to be demolished at the completion of this phase.

**Reason:** *To ensure ongoing compliance.*

## **CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK**

## **12. Notice of Commencement**

No work shall commence until a notice of commencement form has been submitted (form will be attached with issue of a Construction Certificate or Subdivision Works Certificate or available from Council's website), giving the Principal Certifier (PC):

- (a) Not less than two (2) days' notice of the date on which it is proposed to commence work associated with this Development Consent;
- (b) Details of the appointment of a Principal Certifier (PC) (either Wingecarribee Shire Council or another Accredited Certifier)
- (c) Details of the Principal Contractor or Owner Builder.

Name

Builders Licence Number or Owner Builder Permit Number Principal

Contractor Company Name

Principal Contractor ABN

Address of Principal Contractor or Owner Builder Email

Address

(d) Copy of the HBCF Insurance Certificate (if residential building works exceed \$20,000) or Owner Builder Permit;

(e) Details demonstrating compliance with development consent conditions relevant prior to commencement of the development been satisfied.

**Reason:** *Statutory requirement.*

### **13. Subdivision Works Certificate & Appointment of Principal Certifier (PC)**

Subdivision work in accordance with a consent must not commence until:

- a) A Subdivision Works Certificate has been issued.
- b) The person having the benefit of the development consent has appointed the Principal Certifier (PC).
- c) The Principal Certifier (PC) (if not Council) has, no later than two (2) days before the subdivision work commences, notified the Council (or other consent authority where applicable) of the Principal Certifier's (PC) appointment.
- d) The person having the benefit of the consent has given at least two (2) days' notice to the Council of the person's intention to commence the subdivision work.

**Advice:** *Crown work certified in accordance with Part 6 of the Environmental Planning and Assessment Act 1979 is exempted from the above requirements.*

**Reason:** *Statutory requirement.*

### **14. Developers Representative during Construction of Works**

A minimum of 48 hours prior to commencement of any construction works on site the Developer shall nominate to Council in writing their representative (Construction Supervisor) who will be responsible for all aspects of construction and site control, including Traffic Control, Sediment and Erosion Control and liaison with Council Officers and all other Authorities.

Details to be submitted include:-

Name of Representative:

Company:

Position:

Contact phone:

Contact fax:

After Hours Contact:

Signature of Representative:

Signature & Acceptance of representative by the Developer:

Council requires that the nominated "Construction Supervisor" either hold qualifications acceptable for Corporate Membership of the Institute of Engineers, Australia, or be Approved by the Director and/or has proven experience and suitable relevant qualifications for the control, supervision and management of civil engineering works as required for carrying land development.

Prior to commencing any works on site, the representative shall:

Inform Council in writing of their intention 7 days before entering the site.

Submit to Council a proposed Schedule of Works.

The Developer may be required to arrange for Council to peruse all other contract documentation prior to the contractor arriving on site to commence work (Schedule of Works, Specifications Bill of Quantity, traffic control plan and Soil and water management plan).

Failure to comply with the requirements as set out above will result in an immediate stop work order.

**Reason:** *Statutory requirement.*

## **15. Fencing of the Construction Site**

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

**Reason:** *To ensure that the safety of the public is not compromised.*

## **16. Hazardous Building Materials Survey**

Prior to the commencement of demolition works approved under this consent:

(a) A Hazardous Building Materials Survey (HBMS) Report for the structures to be demolished shall be prepared by an occupational hygienist to an accepted industry standard and in accordance with the requirements of SafeWork NSW and relevant guidelines; and

(b) The HBMS Report shall be submitted to the satisfaction of Council.

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

**17. Construction and Demolition Environmental Management Plan (CDEMP)**

(a) Prior to the commencement of demolition works approved under this consent, a Construction and Demolition Environmental Management Plan (CDEMP) for the development shall be prepared by a suitably qualified environmental consultant and provided to the satisfaction of Council.

(b) The CDEMP shall be prepared in accordance with the Department of Planning and Environment (2004) *Guideline for the Preparation of Environmental*

*Management Plans* and include management strategies for the potential risks to on-site workers and visitors, off-site receptors, and the environment.

(c) The environmental site management measures shall remain in place and be maintained throughout the demolition and construction works.

(d) The CDEMP shall address all environmental aspects of the demolition and construction works and include where relevant, but not be limited to, the following:

- (i) Unexpected Finds Protocol;
- (ii) Site Soil and Water Management Plan;
- (iii) Asbestos Management Plan;
- (iv) Management Plan for hazardous materials identified in the HBMA Report;
- (v) Project Contact Information;
- (vi) Site Security Details;
- (vii) Timing and Sequencing Information;
- (viii) Site Soil and Water Management Plan;
- (ix) Noise and Vibration Control Plan;
- (x) Dust Control Plan;
- (xi) Air Monitoring;
- (xii) Odour Control Plan;
- (xiii) Health and Safety Plan;
- (xiv) Waste Management Plan; and
- (xv) Incident Management Contingency.

(e) The CDEMP shall be kept on site from the commencement and for the duration of the proposed works, and shall be readily available to Council officers upon request.

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

## **18. Pre-demolition Inspection**

Prior to the commencement of demolition works, Council will require the inspection of the site with the owner and demolition contractor present (fencing must be erected and the Construction and Demolition Environmental Management Plan (CDEMP) to be on site).

A minimum of twenty-four (24) hours' notice is required to be given to Council prior to this inspection.

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

## **19. Erosion and Sediment Control**

Erosion and sediment control measures (as per the approved Erosion and Sediment Control Plan) shall be installed prior to the commencement of works.

**Reason:** *To ensure that sediment does not leave the site as a result of the construction of the development.*

## **20. Safety Management Study required**

Prior to the development commencing, a Safety Management Study (SMS), in accordance with Australian Standards 2885 for Pipelines – Gas and Liquid Petroleum, must be conducted by the applicant and its recommendations/actions must be implemented to the satisfaction of the APA Group (APA). All costs associated with the SMS, and implementing its recommendations/actions are to be borne by the applicant. All subsequent applications and work must comply with the recommendations of the SMS.

## **21. Third Party Works Authorisation**

Prior to the commencement of any works within the gas transmission pipeline easement, the proponent must seek a third party works authorisation from the APA Group (APA). Works within the gas transmission pipeline easement must comply with any conditions attached to a third party works approval. This includes both permanent roadway/driveway crossing, any sealed parking areas and any temporary crossing required during construction.

## **22. Construction Management Plan**

Prior to the commencement of any works, including demolition, on land within 50 metres of the pipeline easement, a construction management plan must be submitted to and approved by APA. The plan must:

- Prohibit the use of rippers or horizontal directional drills unless otherwise agreed by the operator of the gas transmission pipeline.
- Avoid significant vibration, heavy loadings stored over the pipeline and heavy vehicle / plant crossings of the pipeline.
- Be endorsed by the operator of the gas transmission pipeline where the works are crossing the relevant gas transmission easement.

The assessment manager must be satisfied that the gas transmission pipeline licensee

(East Australian Pipeline Pty Ltd and Gorodok Pty Ltd) has reviewed and approved the Construction Management Plan. The construction management plan must be implemented to the satisfaction of the assessment manager. The construction management plan may be amended to the satisfaction of the assessment manager.

### **23. Landscape Plans**

Prior to the development commencing for any stage which includes the gas transmission pipeline easement, landscape plans depicting any planned landscaping, including the planting of vegetation, species details, surface treatments, structures or improvements on or immediately abutting the gas transmission pipeline easement must be submitted to and approved by the APA Group (APA), in addition to any approval required by the assessment manager. A three metre minimum clearance between the pipeline and any vegetation with a mature height greater than 0.5 metres must be maintained.

### **24. Easement Delineation On Plans**

All plans which include the area of the gas pipeline must have the pipeline easement clearly identified with hatching 3m either side of the pipeline. The area must also be clearly labelled as '*high pressure gas pipeline right of way – no works to occur without the prior authorisation of the pipeline operator*'.

## **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE SUBDIVISION WORKS CERTIFICATE**

### **25. Application for a Subdivision Works Certificate**

Subdivision work in accordance with the consent shall not be commenced until a Subdivision Works Certificate has been applied for and issued by Council, pursuant to Section 6.13 of the

*Environmental Planning and Assessment Act 1979*. The application for a Subdivision Works Certificate needs to be accompanied by detailed engineering plans and specifications and completed design checklists found in Council's Engineering Design and Construction Specifications.

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

### **26. Appointment of Principal Certifier (PC)**

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

- a) A Subdivision Works Certificate for the subdivision 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 subdivision work, and

- (ii) notified the Principal Certifier (PC) that the person will carry out the subdivision work as an owner-builder, if that is the case, and
  - b1) the principal certifying authority has, no later than 2 days before the building work commences:
- (i) notified the Council of his or her appointment, and
- (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
  - b2) the person having the benefit of the development consent, if not carrying out the work as an owner builder, has:
    - (i) appointed a principal contractor for the subdivision 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 subdivision 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 subdivision work.

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

## 27. Construction Traffic Management Plan

Prior to the issue of a Subdivision Works Certificate, a Construction Traffic Management Plan must be prepared by a suitably qualified traffic professional and submitted to Council's Director of Communities and Place or their delegate for approval.

The Construction Traffic Management Plan must be based on the following traffic generation estimates:

Traffic generation estimate (trucks in per day)	Construction (max total semi-trailers per day)
Bulk density of VENM, ENM or approved fill material (tonnes/m <sup>3</sup> )	1.5
Total semi-trailer truck generation earthworks only - External works package per day (assume earthworks over a 6 day week)	9.9

Total semi-trailer truck generation earthworks only - Building 1 per day (assume earthworks over a 6 day week)	19.8
Total semi-trailer truck generation earthworks only - Building 2 per day (assume earthworks over a 6 day week)	0
Total semi-trailer truck generation earthworks only - Building 3 per day (assume earthworks over a 6 day week and all cut from Building 2 reused for earthworks for Building 3)	3.0
<b>TOTAL (MAXIMUM SEMI-TRAILERS PER DAY)</b>	<b>20</b>

The Plan must:

- Provide details of truck and heavy machinery movements during the construction phase, including anticipated volumes, frequency, and scheduling.
- Ensure no unacceptable impacts of construction traffic on the surrounding road network, based on a site-specific traffic survey.
- Clearly specify transport routes, access and egress points, and permitted delivery times to minimise disruption to local traffic and ensure safety.
- Detail traffic management measures, including any mitigation strategies to reduce conflicts with public road users, pedestrians, and cyclists.
- Address any staging requirements, ensuring a separate report is prepared and approved by Council for each stage (if applicable).

The approved Construction Traffic Management Plan must be implemented throughout the construction period to the satisfaction of the Principal Certifier.

**Reason:** *To ensure the safe and efficient management of construction-related truck and machinery movements, ensuring no impacts on the surrounding road network.*

## **28. Damage Deposit for Council Infrastructure**

A damage deposit in accordance with Councils Bonds Policy shall be paid to Council prior to the issue of the Subdivision Works Certificate.

This damage deposit shall be refunded upon completion of all works, at the Subdivision Certificate stage. Any costs associated with works necessary to be carried out to rectify any damages caused by the development, shall be deducted from the damage deposit.

**Note:** *Full panel concrete footpath replacement in areas where connection 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 asset.*

**Reason:** *Protection of Council infrastructure.*

## **29. Developer to provide photos of damage to Council property**

The developer must provide Council and the Principal Certifier (PC) with photos of any damage of Council property adjoining the development prior to the issue of the Subdivision Works Certificate.



Photos should include any damage to footpaths, road furniture, landscaping/trees, drainage, water, sewer, kerb and gutter and road pavement and the like.

Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the developer/owners/proponents expense.

The construction supervisor is responsible to ensure that all contractors, sub-contractors, and delivery trucks use a designated access point to prevent damage to Council's property. Repairs to damaged Council property are to be carried out by the contractor/builder to Council's specification and supervision prior to issue of the Subdivision Certificate.

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

### **30. Section 68 Local Government Act 1993 Approvals**

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

- Carry out sewerage works
- Carry out water supply
  
- Carry out stormwater construction works

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

### **31. Section 138 Roads Act 1993 Approval**

Where works are proposed within the road reserve, the developer must obtain approval from Council (as the Roads Authority and/or as required under Section 138 of the Roads Act 1993) before any works are undertaken. Works within the road reserve may include activities such as erect a structure, dig up or disturb the surface of a public road, remove or interfere with a structure, or any other activities as defined within the Roads Act 1993.

The following details must be submitted to Council in order to obtain the Section 138 approval:

- A copy of approved design plans related to the development and proposed works to be undertaken.
  
- The plan shall show:
  - The Bowman Road extension and formation of Part of Hutchinson Road as a 13m-wide carriageway within a 20m-wide road reserve, in accordance with Council's SD101 Industrial Road Standard.
  - The widening of the existing Bowman Road carriageway (currently narrowed to approximately 6.5m) to a consistent 13m carriageway along its entire length.
  - The decommissioning of the existing Bowman Road cul-de-sac.
  - Associated stormwater extension works;
  - The proposed industrial crossovers for each lot,
  - Any associated tree removal works.
  
- Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work

site, including the travelling and pedestrian public. The TCP must comply with the Roads and Traffic Authority's manual "Traffic Control at Work Sites". Warning and protective devices shall comply with the provisions of AS1742.3 - 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate Roads and Traffic Authority accreditation, a copy of which is to be submitted with the plan.

- Insurance details - Public Liability Insurance to an amount of \$20 million, to be held by applicant / contractor undertaking the works.

**Advice:** *Where works are required within a Classified Road, the Developer must obtain the concurrence and / or the approval of the Roads and Maritime Services for engineering design plans, Traffic Control Plans and approvals under Section 138 of the Roads Act 1993.*

**Reason:** *Statutory requirement.*

### **32. Construction Management Plan**

To undertake development works including demolition, earthworks and construction a Construction Management Plan (CMP) is required to be submitted and approved by Council prior to issue of the Subdivision Works Certificate. The CMP shall indicate

measures to be implemented to protect the environment as well as public health, safety and convenience. The CMP must include the following:

- a) Details of site security;
- b) Off-street parking for employees, contractors and sub-contractors.
- c) Site access for construction vehicles and equipment purposes.
- d) Public safety in the use of roads and footpaths where development activities adjoin such facilities.
- e) The storage and removal, on a regular frequency, of builder's rubble and waste by trade waste contractors.
- f) Provision for loading and unloading materials;
- g) Location of all building materials, structures, plant and equipment to be stored or placed within the construction site;
- h) How materials are to be loaded/unloaded and potential impact on Council infrastructure (including but not limited to footpaths and street trees)
- i) Public risk policies and management for all contractors' employees using or gaining access over public footpaths and roads.
- j) External lighting and security alarms proposed for the construction site.
- k) Firefighting measures to be available on site during development and construction.
- l) Sanitary amenities proposed on site during development and construction.

- m) Ensuring the safety of members of the public and Council staff who may have occasion to enter and be in attendance on the site;
- n) Details of management of storm water run-off and the proposed sediment and erosion control measures including the location of any rubble grids;
- o) Details of any air and dust management;
- p) Details of noise and vibration controls;
- q) Anticipated staging and duration of works
- r) Provision of Traffic Management Plan (TMP) and Traffic Control Plans (TMP)

**Reason:** *To ensure the safety, amenity and protection of public infrastructure and the environment.*

### **33. Stormwater - Control of Peak Discharge**

Adequate and suitable infrastructure shall be provided to ensure the peak discharge from the site is no greater than the pre-developed peak discharge. This infrastructure shall be designed in accordance with Council's Engineering Design Specifications and Drawings.

Calculations to demonstrate that the post-development peak discharge will not exceed the pre-development peak discharge shall be provided with the application for a Subdivision Works Certificate.

The detention basin shall be designed to:

- Cater up to 1% AEP event and shall take in account the increase imperviousness of Bowman Road, Hutchinson Road and the imperviousness of driveway, roof runoff, etc. of Building 1, Building 2 and Building 3.
- Be in accordance with Water NSW's concurrence condition and Wingecarribee Shire Council's D09 Stormwater Drainage Design guidelines.
- Have a suitable maintenance access track.
- Have suitable safety measures. Where batter slope is proposed above 1:6, safety provisions, such as fencing, must be provided as per Council's D09 Stormwater Drainage Design guidelines.

Any stormwater temporarily stored onsite shall be done in a manner that does not jeopardise public safety. In this regard the development shall provide a risk assessment with the Subdivision Works Certificate documentation.

**Reason:** *To ensure the peak discharge from the site is no greater than the pre- developed peak discharge.*

### **34. Detailed Stormwater Drainage System Design**

Prior to the issue of the Subdivision Works Certificate, a detailed storm water hydraulic drainage plan for the disposal of storm water from the site, prepared in accordance with Council's Design Standards shall be submitted to Council and approved by Council's Development Engineer.

Should any changes be required to the approved storm water drainage plan, the amended design shall achieve equivalent performance standards in accordance with Design Specifications.

**Note:** *Subdivision Works Certificate Approval does not include approval for works external to the property or civil works.*

Where the proposed design extends beyond the property boundary, separate approval under Section 138 of the Roads Act 1993, must be obtained from Council prior to the commencement of works.

The applicant is advised to contact Council for clarification of proposed works for which approval under Section 138 of the Roads Act 1993 applies.

**Reason:** *To ensure adequate storm water management.*

### **35. Off Street Parking Provision**

The following number of off-street car parking spaces suitably marked shall be provided. Each space shall have minimum dimensions in accordance with Australian Standard AS2890.1 Off Streetcar Parking.

Building 1: 59 car parking spaces  
Building 2: 43 car parking spaces

Building 3: 43 car parking spaces

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

**Reason:** *To ensure adequate parking and access.*

### **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 largest service vehicle.
- b) Service vehicles shall manoeuvre into and out of the site in a forward direction
- c) The front overhang, and swept path made by the service vehicle shall not obstruct car park traffic or encroach onto parking spaces.
- d) The vehicle swept path shall be reflected on the engineering design plans.
- e) Loading and unloading of service vehicles shall be undertaken onsite with no intrusion onto the road system.
- f) The footpath crossing shall be splayed from the property boundary to the kerb line 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**

Two (2) of the car parking spaces in each building 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 Certifying Authority prior to the issue of the Subdivision Works Certificate.

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

**38. Erosion and Sediment Control Plan**

An Erosion and Sediment Control Plan shall be prepared in accordance with “Landcom’s Blue Book” for sedimentation and erosion control plan by a suitably qualified person and approved by Council prior to issue of the Subdivision Works Certificate.

The Erosion and Sediment Control Plan shall include scaled drawings and detailed specifications which can be referred to onsite by project management staff or project construction supervisor. Items to be shown on the Plan shall include:

- a) Locality of the site, a north point and scale.
- b) Existing contours of the site including catchment area boundaries and indications of direction of fall.
- c) Location of and basic description of existing vegetation.
- d) Diversion of uncontaminated up-slope run-off around the disturbed sites.
- e) Location of significant natural areas requiring special planning or management including waters, floodplains, seasonally wet areas, areas prone to ponding/water logging, unstable slopes etc.
- f) Nature and extent of earthworks, including cut and fill roadworks.
- g) Location of all soil and material stockpiles.
- h) Location of site access, proposed roads and other impervious areas.
- i) Existing and proposed drainage patterns.
- j) Location and type of proposed erosion and sediment control measures.

- k) Site rehabilitation proposals, including final contours.
- l) Time of placement of sediment controls.
- m) Staging of works and how the plan is to be implemented for each stage or activity on site.
- n) Maintenance schedule.

**Reason:** *To minimise soil erosion and sediment movement during construction.*

### **39. Construction Noise and Vibration Management Plan**

Prior to the issue of a Subdivision Works Certificate, a Construction Noise and Vibration Management Plan (CNVMP) shall be prepared by a suitably qualified person. The CNVMP shall incorporate recommendations provided in Chapters 11.3 and 12.3-12.4 of the approved Noise and Vibration Impact Assessment Report by RWDI Australia Limited (Reference No. #2402788, Version D, dated 04/04/2024).

**Reason:** *To prevent loss of amenity to the area.*

### **40. Water and Sewer Authority Conditions**

Prior to issue of a Subdivision Works 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.

The scope of the Section 68 application shall include the recommendations made within

the approved Development Assessment Report – Sewer and Water Modelling by Urban Water Solutions (dated 01/08/2023).

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

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

### **41. Application for a Construction Certificate (Building Works)**

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

- (a) Architectural plans and building specifications complying with the National Construction Code (NCC) relevant Australian Standards, and the development consent and conditions.
- (b) If Council or a private Registered Certifier issues the Construction Certificate, engineering details must be submitted for approval for all structural elements.

- (c) Essential services plan outlining the existing and proposed fire safety measures.
- (d) Structural Engineers Design Certificate for all structural elements, indicating compliance with Part B of volume one of the National Construction Code and relevant Australian Standards.
- (e) If a performance solution is proposed, the following details must be lodged:
- (i) Performance Based Design Brief;
  - (ii) Performance requirements that the performance solution intends to meet.
  - (iii) Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the NCC;
  - (iv) Final report - demonstrate compliance with the NCC Performance Requirements agreed in the PBDB; and
  - (v) A statement about the person who prepared the performance solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body.

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

#### **42. Long Service Levy Payments**

The payment of a long service levy as required under Part 5 of the *Building and Construction Industry Long Service Payments Act 1986*, 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*

#### **43. Amendments to Landscape Plans**

Amended Landscape Plans prepared by a suitably qualified landscape designer / architect to a minimum scale of 1:100 shall be submitted to Council's Director of Communities and Place or their delegate for approval prior to the issue of the Construction Certificate.

The plans shall include the following amendments:

- (a) The plans are to detail species appropriate for the Wingecarribee Shire Council area and adequate deep soils to support the mature growth of the proposed trees and vegetation.
- (b) The plans are to be prepared in accordance with Council's Street Tree Masterplan and Street Tree Implementation Plan.
- (c) Identify an extended maintenance period of three (3) years to allow for the filling of the site to settle.

Consideration within the design should be given to the scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area, potential views, solar access and privacy for neighbouring development.

**Reason:** *To ensure appropriate landscaping treatments are applied to facilitate amenity.*

#### **44. Outdoor Lighting**

Lighting is to be provided at pedestrian entry points and car parking areas. It must not be directed to shine or cause nuisance to neighbouring properties and must be installed in accordance with AS4282 "Control of the obtrusive effects of outdoor lighting".

Details must be provided with application for a Construction Certificate.

**Reason:** *To ensure public safety and that the amenity of neighbouring properties is not compromised.*

#### **45. Post-demolition requirements**

(a) Prior to the issue of a Construction Certificate or Subdivision Works Certificate, whichever comes first, and within 14 days of the completion of demolition and removal of all demolition waste or, if applicable, by such later date as may be specified by Council's Environmental Health Officer, the applicant shall provide the following documents to the satisfaction of both the PC and Council's Environmental Health Officer:

- (i) an asbestos clearance certificate issued in accordance with the requirements of *Work Health and Safety Regulation 2017*;
- (ii) a written statement signed by a duly qualified person verifying that the demolition work and removal, recycling and disposal of all waste materials was undertaken in accordance with the Waste Management Plan submitted with the development application;
- (iii) all Transport Certificates (TCs) for the transport of all trackable demolition waste from the site to the receiving facility; and

(iv) the actual weighbridge receipts for the recycling and disposal of all materials.

(b) In the event that the applicant fails to provide the documents specified in the item '(a)' to the satisfaction of Council's Environmental Health Officer, the applicant will be requested to provide further reports and/or documentation in order to demonstrate that the site was cleared of all asbestos-containing materials (ACM) and other hazardous materials, and all such materials were properly disposed of to a facility licensed to accept such waste. The applicant will be required to submit such further reports and/or documentation within the timeframe specified by Council's Environmental Health Officer.

**Reason:** *To ensure proper removal and disposal of all demolition waste including hazardous materials.*

#### **46. Appointment of Principal Certifier (PC)**

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



(a) A Construction certificate for the building work has been issued by:

- (i) the consent authority; or
- (ii) an accredited certifier; and

(b) the person having the benefit of the development consent has:

- (i) appointed a Principal Certifier (PC) for the building work, and
- (ii) notified the Principal Certifier (PC) that the person will carry out the building work as an owner-builder, if that is the case, and

(b1) the Principal Certifier (PC) has, no later than 2 days before the building work commences:

- (i) notified the Council of his or her appointment, and
- (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

(b2) the person having the benefit of the development consent, if not carrying out the work as an owner builder, has:

- (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
- (ii) notified the Principal Certifier (PC) of such appointment, and
- (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

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

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

#### **47. Developer to provide photos of damage to Council property**

The developer must provide Council and the Principal Certifier (PC) with photos of any damage of Council property adjoining the development prior to the issue of the Construction Certificate.

Photos should include any damage to footpaths, road furniture, landscaping/trees, drainage, water, sewer, kerb and gutter and road pavement and the like.

Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the developer/owners/proponents expense.

The construction supervisor is responsible to ensure that all contractors, sub-contractors, and delivery trucks use a designated access point to prevent damage to Council's property. Repairs to damaged Council property are to be carried out by the contractor/builder to Council's specification and supervision prior to issue of any Occupation Certificate.

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

#### **48. 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*.

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.*

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

#### **49. Section 68 Local Government Act 1993 Approvals**

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

- Carry out sewerage works
- Carry out water supply
- Carry out stormwater construction works

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

#### **50. Construction Noise and Vibration Management Plan**

Prior to the issue of a Construction Certificate, a Construction Noise and Vibration Management Plan (CNVMP) shall be prepared by a suitably qualified person. The CNVMP shall incorporate recommendations provided in Chapters 11.3 and 12.3-12.4 of

the approved Noise and Vibration Impact Assessment Report by RWDI Australia Limited (Reference No. #2402788, Version D, dated 04/04/2024).

**Reason:** *To prevent loss of amenity to the area.*

#### **51. Network Connection – Endeavour Energy**

Prior to the issue of a Construction Certificate, an appropriate application will need to be submitted to Endeavour Energy based on the maximum demand for electricity for connection of load.

**Reason:** *To ensure appropriate infrastructure is provided to the development.*

**52. Dam Relocation Plan**

A Dam Relocation Plan is to be prepared prior to the issue of a Construction Certificate. The plan is to include specific details of methods used to relocate the dam, and how native fauna may be impacted during the process. The example this could include a staged cornering off of the dam to allow safe relocation of native fauna from the old dam to the new dam. The plan is to include recommendations to mitigate impacts, including ecologist supervision of dam relocation.

**53. Vegetation Management Plan**

The Vegetation Management Plan (VMP) prepared for the proposal is to be implemented in its entirety. This includes monitoring as outlined in the VMP with summary reports to be submitted to Council.

**54. Tree Removal Protocol**

A Tree Removal Protocol is to be implemented for all removal of native trees within the subject land (set out in Chapter 8.4.1 of the BDAR) to minimise risk of injury to wildlife that may be sheltering in trees at the time of clearing.

Site biosecurity control is required, including cleaning of machinery and equipment prior to entering the property, and use of screened soil and mulch products in landscaping works.

**CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE**

**55. Approved Plans to be available on site**

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

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

**56. 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.*

**57. Asbestos Removal - Demolition of Buildings**

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

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

b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site five (5) working days prior

to demolition. Such notification shall state the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site. Demolition must not commence prior to the date stated in the notification.

c) Five (5) working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to the Principal Certifier (PC) for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours contact telephone number and licence number of the demolisher. Works are not to commence prior to the PC's inspection and works must not commence prior to the commencement date nominated in the written notice.

d) On the first day of demolition, work is not to commence until the PC has inspected the site. Should the building to be demolished be deemed likely to contain asbestos, approval to commence demolition will not be granted until the PC is satisfied that all measures are in place so as to comply with SafeWork's document 'Your Guide to Working with Asbestos'.

e) On demolition sites where buildings to be demolished are likely to contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of the PC. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

f) Demolition works involving the removal and disposal of asbestos cement shall only be undertaken by contractors who hold a current SafeWork "Demolition Licence" and a current SafeWork "Class 2 (Restricted) Asbestos Licence".

g) Demolition is to be completed within five (5) days of commencement at which time the applicant shall notify the PC.

h) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 6.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.

i) Protective fencing is to be installed to prevent public access to the site.

j) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a facility licensed by the NSW Environmental Protection Authority (EPA) to accept such waste provided to the PC.

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

k) After completion, the applicant shall notify the PC within seven (7) days to assess the site and ensure compliance with Australian Standard AS2601 2001 - The Demolition of Structures.

l) Within 14 days of the completion of demolition and removal of all demolition waste or, if applicable, by such later date as may be specified by Council's Environmental Health Officer, the applicant shall provide the following documents to the satisfaction of both the PC and Council's Environmental Health Officer:

- (i) an asbestos clearance certificate issued in accordance with the requirements of *Work Health and Safety Regulation 2017*;
- (ii) a written statement signed by a duly qualified person verifying that the demolition work and removal, recycling and disposal of all waste materials was undertaken in accordance with the Waste Management Plan submitted with the development application;
- (iii) all Transport Certificates (TCs) for the transport of all trackable demolition waste from the site to the receiving facility; and
- (iv) the actual weighbridge receipts for the recycling and disposal of all materials.

m) In the event that the applicant fails to provide the documents mentioned in the item 'l' to the satisfaction of Council's Environmental Health Officer, the applicant will be requested to provide further reports and/or documentation in order to demonstrate that the site was cleared of asbestos and all asbestos containing materials have been properly disposed of to a facility licensed by the NSW Environmental Protection Authority (EPA) to accept such waste. The applicant will be required to submit such further reports and/or documentation within the timeframe specified by Council's Environmental Health Officer.

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

## **58. Imported 'Waste-derived' Fill Material**

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

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

**Note:** *Any waste-derived fill material the subject of a resource recovery*

*exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifier (PC).*

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

Resource recovery exemptions are available on the NSW EPA website at

<http://www.epa.nsw.gov.au/waste/>.

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

#### **59. 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) Reinforcement inspections prior to concrete pour (as applicable) for the pump station and emergency storage upgrades.
- b) Sewer / water main extensions/augmentations.
- c) Works in relation to road reserves, footpath, kerb and gutter, road shoulder and drainage within public lands or road reserves.
- d) Final inspection of footpath, driveway, stormwater and utility construction works within the road reserve.

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

**Reason:** *Statutory requirement.*

#### **60. Ground Levels**

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

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

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

#### **61. Earthworks, retaining walls and structural support**

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

- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
- (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
- (c) that is fill brought to the site-must contain only virgin

excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997* or any other waste-derived material the subject of a resource recovery exemption under clauses 91 & 92 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material.

(d) that is excavated soil to be removed from the site-must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.

Any excavation must be carried out in accordance with *Excavation Work: Code of Practice* (ISBN 978-0-642-785442), published in October 2013 by Safe Work Australia.

**Reason:** *Structural safety.*

## **62. Damage to Adjoining Properties**

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

**Reason:** *Structural safety.*

## **63. Prevention of Nuisance**

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

**Reason:** *Health and amenity.*

## **64. Building Operations**

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

**Reason:** *To ensure that building materials are not washed into storm water drains.*

## **65. Maintenance of the site**

All materials and equipment shall be stored wholly within the work site.

Waste materials (including excavation, demolition and construction waste materials)

shall be managed on the site and then disposed of at a waste management facility.

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

During construction:

(a) all vehicles entering or leaving the site shall have their loads covered, and

(b) all vehicles, before leaving the site, shall be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site shall be left clear of waste and debris.

**Reason:** *Environmental amenity.*

#### **66. Excavations and Backfilling**

All excavations and backfilling associated with the erection or demolition of a building shall be executed safely and in accordance with appropriate professional standards properly guarded and protected to prevent them from being dangerous to life or property.

**Reason:** *To ensure the safety of life and property.*

#### **67. Approved hours of Construction/Demolition**

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

<b>DAY</b>	<b>HOURS</b>
Monday to Saturday	7:00am to 5:00pm
Sunday	Nil
Public Holidays	Nil

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

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

#### **68. Temporary Onsite Toilet**

Toilet facilities shall be available or provided at the work site prior to the commencement of works and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet shall:

(a) be a standard flushing toilet connected to a public sewer, or

(b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or

(c) be a temporary chemical closet approved under the *Local Government Act 1993*.

**Reason:** *To ensure that there are appropriate facilities on-site for construction workers.*

#### **69. Waste Management**



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

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

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

#### **70. Archaeology**

As required by the *National Parks and Wildlife Service Act 1974* and the *Heritage Act 1977*, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and Heritage NSW must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including any the statutory requirements under the *Heritage Act 1977*.

**Note:** *The National Parks and Wildlife Service Act 1974 and the Heritage Act 1977 impose substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.*

**Reason:** *Statutory requirements for the protection of archaeology.*

#### **71. Stormwater - Construction**

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

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

#### **72. Stormwater - Discharge**

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

**Reason:** *To ensure that stormwater is appropriately disposed of.*

#### **73. Erosion and Sediment Control Plan Compliance**

All site works shall be carried out in accordance with the approved Erosion and Sediment Control Plan. Implementation of the Erosion and Sediment Control Plan shall be supervised by personnel with appropriate qualification and experience in erosion and

sediment control.

**Note:** *In the event of non-compliance with the approved plan, Council Officers have the ability to issue Penalty Notices, being an on the spot fine and/or orders.*

**Reason:** *To ensure that stormwater is appropriately disposed of.*

#### **74. Construction Management Plan**

All development activities and traffic movements shall be carried out in accordance with the approved Construction Management Plan.

All controls in the Plan shall be maintained at all times. A copy of the Plan must be kept on site at all times and made available to the Accredited Certifier and Council on request.

**Reason:** *Compliance with condition of consent.*

#### **75. No Improvements within Easement**

Buildings, structures, roadway, pavement, pipeline, cable, fence, on-site waste water treatment (or irrigation area), or any other improvement on or under the land within the gas transmission pipeline easement must not be constructed without prior consent in writing from the APA Group (APA). No structure or vegetation will be permitted on the easement that prohibits maintenance of line of sight along the pipeline easement.

#### **76. Easement Delineation On Site**

During construction, the boundary of the easement must be clearly delineated on site by temporary fencing or other means as agreed by the APA Group (APA), and clearly marked as a hazardous work zone / restricted area.

#### **77. Noise Control Measures**

During the Subdivision and Construction Phase the Applicant shall implement and adhere to the Construction Noise and Vibration Management Plan (CNVMP) prepared by a suitably qualified person in accordance with recommendations set out in Chapters 11.3 and 12.3-12.4 of the approved Noise and Vibration Impact Assessment Report by RWDI Australia Limited (Reference No. #2402788, Version D, dated 04/04/2024).

**Reason:** *To prevent loss of amenity to the area.*

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

#### **78. 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*) 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 3 copies shall be included with the application.

All works specified in Council's development consent and approved Construction Certificate plans shall be completed and all development consent conditions 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 condition of consent has been complied with.

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

**Note:** *The applicant is to ensure that works associated with the Section 138 (Roads Act) approval and Section 68 (Local Government Act) approval are completed and inspected by Council.*

#### **79. Section 7.12 Contributions (formerly Section 94A)**

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

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

##### Section 7.12 Contributions Plan

A Developer Charges - Notice of Payment is attached to the back of this consent and outlines monetary contributions and unit rates applicable at the time of issue of this consent. The contributions listed in the Notice of Payment must be paid prior to the release of the Subdivision 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](http://www.abs.gov.au) <<http://www.abs.gov.au>>); Section 25J(4) of the *Environmental Planning and Assessment Regulation 2000*; 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](http://www.wsc.nsw.gov.au) <<http://www.wsc.nsw.gov.au>>.

**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.*

#### **80. Water Management Act - Certificate of Compliance**

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

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

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

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

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

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

The Water and Sewerage Development Servicing Plans (DSP's) adopted by Council came into effect on 15 September 2017. 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
To 30 <sup>th</sup> April 2025	\$13,371.28	\$12,962.98	\$1,515.19
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, <a href="http://www.abs.gov.au">www.abs.gov.au</a> < <a href="http://www.abs.gov.au">http://www.abs.gov.au</a> >.			

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

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

**Compliance Certificate**

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

Water \$273 + Sewer \$273 + Stormwater \$273 = \$819

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

be met.

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

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

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

#### **81. Section 138 Roads Act Final**

The applicant is to ensure that works associated with any Section 138 approval for the development are completed and inspected by Council prior to the issue of the Subdivision Certificate.

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

#### **82. Section 68 Local Government Act 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 issue of the Subdivision Certificate.

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

#### **83. 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 the Subdivision Certificate at no cost to Council.

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

#### **84. Flood Prone Land Restrictions 88B**

A legally binding instrument pursuant to Section 88B of the Conveyancing Act 1919 shall be prepared in consultation with, and to the satisfaction of the Council for each allotment identified as affected by flooding (Lot 4) in:

- a) Council's Development Control Plan of Moss Vale Enterprise Corridor.

The required instrument(s) shall be registered on the title of the affected lot(s) and proof of that registration shall be submitted to Council with the application for a Subdivision Certificate.

**Reason:** *To ensure that future purchases are aware of flood liability and restrictions.*

**85. Provision of Public Lighting**

The applicant shall provide public lighting in accordance with the requirements of Council Development Engineering Specifications and Drawings and relevant Australian Standards for street lighting to:

- a) Bowman Road and  
Hutchison Road extension. prior to the issue of the  
Subdivision Certificate.

**Reason:** *To ensure appropriate street lighting is provided.*

**86. Energy Service Provider Requirements**

The provision of underground electricity to service the development in accordance with the requirements of the Energy Service Provider. The Developer shall submit to Council documentary evidence from the Energy Service Provider qualifying that the requirements of that provider have been obtained in the form of a Notification of Arrangement (NOA). The requirements of the supply authority will need to be met prior to the issue of the Subdivision Certificate.

**Reason:** *To ensure appropriate infrastructure is provided to the development.*

**86A. Provision of Telecommunications**

The applicant must ensure the necessary telecommunications provisions are made within the subdivision in accordance with the Australian Government's *Telecommunications in New Developments* policy prior to the issue of the Subdivision Certificate. Documentary evidence of compliance with this requirement must be provided to the Principal Certifier.

**Reason:** *To ensure appropriate infrastructure is provided to the development.*

**87. Civil Engineering works and services**

All civil engineering works and services, including construction works within the road reserve, are to be constructed in accordance with the Wingecarribee Shire Council Engineering Design and Construction Specifications and Drawings, relevant Standards and approved engineering plans prior to the issue of the Subdivision Certificate.

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

**88. Engineering Details in DXF Format**

The Developer shall provide a copy of the Work As Executed information on disk in DXF format prior to the issue of the Subdivision Certificate. The developer may contact

Council's GIS Officer for further details and technical specifications.

**Reason:** *To ensure appropriate records are held and asset management.*

**Note:** *The successful handover of constructed assets to Council resulting from new developments must be accompanied by the work as executed (WAE) documents specified on the Council Website:*

[https://www.wsc.nsw.gov.au/Development/Engineering-Standards#section- 8](https://www.wsc.nsw.gov.au/Development/Engineering-Standards#section-8)

Failure to provide completed documents in this format will result in a delay in the issue of the Subdivision Certificate and retention of bonds held until such time as Council have deemed the WAE information to be complete in the required format. The standards are updated as required; please ensure you are using the correct version. Please note the work as executed information requirements include providing surveyed levels for all underground assets. WAE Information submitted must be checked and signed off by a Registered Surveyor and Professional Engineer as required

## **89. 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 Subdivision Certificate. The details shall be provided in a tabular form so as to allow Council to update its Assets register.

The assets to be identified include:

- Roadways length and width and type of surface
- Drainage systems length and size of pipes, number of pits, total area (m2)
- Detention basin and total area being dedicated (m2)
- Sewer
- Water

**Reason:** *To ensure appropriate asset management.*

## **90. Defects and Liability Bond for Public Assets - Civil Works**

Prior to the issue of any Subdivision Certificate the developer shall lodge a cash bond to cover the defects liability period of 24 months for any public infrastructure constructed by them which will handed over to council. The liability period will commence from the date of issue of the Subdivision Certificate.

The security bond will be in an amount equal to 10% of the value of the total civil works with a minimum value of \$10,000 based on the civil costs supported by written evidence 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.*

## **91. Certification of Internal Civil Works**

On completion of works and prior to issue of the Subdivision 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.*

#### **92. Stormwater Facilities Alterations**

A "Restriction as to User" shall be included on the plan of subdivision and title of the proposed development to prevent any change in shape or alteration in structure of the proposed storm water facilities after the final approval of the structure has been given by Council. Details shall be provided for the approval of Council prior to the issue of the Subdivision Certificate.

**Reason:** *To provide appropriate storm water management.*

#### **93. Stormwater Facilities Maintenance**

A "Positive Covenant" shall be included on the plan of subdivision and title of the proposed development and requiring that the proposed storm water facilities be maintained in a safe and functional manner. In addition, the Section 88B Instrument (Conveyancing Act 1919) shall make provision for Council to conduct maintenance on the subject storm water facilities at the owner's expense if the storm water facilities are not maintained to the agreed standard. Details shall be provided for the approval of Council prior to issue of the Subdivision Certificate.

**Reason:** *To provide appropriate storm water management.*

#### **94. Construction of Road**

All road construction shall be in accordance with Council's Engineering Standard and to the satisfaction of the Group Manager Planning, Development and Regulatory Services, prior to the issue of the Subdivision Certificate.

- Extension of Bowman Road, construction of Hutchinson Road and construction of an industrial cul-de-sac at the termination of Hutchinson Road. The road upgrade is to follow Council's standard drawing for SD101, SD102, SD134, SD106 and approved Concept External Civil Works Plans, sheet C404-F, C405-F & C411-F dated 03/04/2024 by Eclipse Consulting Engineers (13m carriageway width and 20m road reserve width).

Note: Where the subdivision is staged and required roadworks are incomplete, Council may require the construction of temporary cul-de-sacs or turning facilities for large vehicles such as garbage trucks. These works are to be constructed to the requirements of Council.

**Reason:** *To ensure that adequate access is provided.*

#### **95. Commercial Driveway**

A heavy duty concrete vehicular gutter layback and concrete footpath cross at the property boundary shall be constructed at the driveway entrance in accordance with Council's Plan No SD108 and SD123 prior to the issue of the Subdivision Certificate.



**Reason:** *To comply with Council's Engineering Specifications and Drawings.*

**96. Subdivision - Evidence of Compliance with Bushfire Measures**

Prior to the issue of the Subdivision Certificate, certification must be provided by a BPAD Level 3 accredited consultant that the bushfire measures required by the approval have been installed.

**Reason:** *To ensure ongoing protection from bushfire.*

**97. Plan Sealing**

Prior to sealing the plan of subdivision, Council must seek confirmation from the APA Group (APA) that the applicant has complied with all APA requirements. If the subdivision is staged this condition only applies to those stages including works and which are relevant to APA's requirements.

**98. 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 3m wide in favour of Council.

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

**98A. Dedication of Right of Carriageway/Easement.**

The creation or obtaining by the Applicant of the following easements and rights of carriageway, at the Applicant's expense prior to the issue of the Subdivision Certificate.

- Easement for access burdening Lot 4 benefiting Council as per the Water NSW Concurrence conditions of this consent.
- Easement for the combined bioretention and detention basin burdening Lot 4 benefiting Council.

**Reason:** *To protect infrastructure.*

**99. Provision of Services**

A separate sewer connection and water service shall be provided to each allotment within the subdivision at the applicants expense prior to the issue of the Subdivision Certificate.

All property services shall be located within the lots that they serve in accordance with Wingecarribee Shire Council Engineering Design and Construction Specifications, Drawings and relevant Standards.

The applicant shall provide to Council written confirmation of compliance.

**Reason:** *To ensure that all available services are provided to each lot within the subdivision.*

**100. Provision of Reticulated Sewer to Each Lot**

A reticulated sewer service shall be constructed to each allotment in accordance with the approved civil engineering plans prior to the issue of the Subdivision Certificate.

Sewerage mains shall be constructed to serve the development.

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

**Advice:** *The development assessment report by Urban Water Solutions dated 1/08/2023 states a specific sewer servicing arrangement being a mix of both gravity and pressure sewer.*

#### **101. Construction of Water Mains to Lots**

A reticulated water service shall be constructed to each allotment in accordance with the approved civil engineering plans prior to the issue of the Subdivision Certificate.

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

#### **102. Construction of Water Service**

A water service shall be installed to each lot in the subdivision prior to the issue of the Subdivision Certificate.

Council's application form shall be completed by the Developer and the appropriate fee paid.

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

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

#### **103. Occupation Certificate**

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

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

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

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

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

**104. Occupation Certificate**

The Development shall not be occupied or used until an Occupation Certificate is issued by the Principal Certifier.

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

**105. Section 68 Local Government Act 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 issue of any Occupation Certificate.

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

**106. 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.*

**107. Landscape Certification**

Certification is to be provided to the Principal Certifying Authority (PCA) from the designer of the approved landscape plan that all tree planting/landscape works have been carried out in accordance with the Council endorsed landscape plan. If Council is the PCA, the certification is to be submitted to Council prior to or at the final landscape inspection. If Council is not the PCA, a copy of the certification is to be provided to Council with the lodgement of the Occupation Certificate.

**Reason:** *To ensure that the landscaping is completed prior to occupation.*

**108. Loading Bay**

Prior to the issue of the Occupation Certificate, the development shall be provided with a loading bay with minimum dimensions as follows:

- Building 1: two (2) loading bays for articulated vehicles (30mx3.5m), 4 loading bays for articulated vehicles (20mx3.5m) and 2 service bays for small service vehicles (6.8mx 3.5m).
- Building 2: a loading bay for articulated vehicles (20mx3.5m) and 6 loading bays for light rigid vehicles (8.8mx 3.5m).
- Building 3: four (4) loading bays for articulated vehicles

(20mx3.5m) and 4 service bays for light rigid vehicles (6.4mx 3.5m).

**Reason:** *To provide for the safe loading and unloading of vehicles.*

**109. 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.*

**110. Certification of Internal Civil Works**

On completion of the works and prior to the issue of the Occupation Certificate, certification from a professional engineer who has appropriate experience and competence in the relevant registered area of practice, shall be submitted to Council detailing that all the internal civil works (i.e. internal driveways, paths and stormwater drainage system, including any onsite detention) are in accordance with the approved plans and specifications.

**Reason:** *Asset management.*

**CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE OF THE DEVELOPMENT**

**111. 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, 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.

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

**112. Hours of operation**

Each approved building is permitted to operate 5am to 8pm, Monday to Friday, 6am to 3pm, Saturday, and 8am to 2pm, Sunday and Public Holidays, unless otherwise approved by Council in writing.

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

### **113. Operational Noise Levels**

The Applicant shall ensure operational noise levels for the development do not exceed background level by more than 5 dB(A) at the nearest affected residential property. Without limiting the above, operational noise levels shall also fall within the requirements of the acceptable noise amenity levels as specified in the NSW EPA *Noise Policy for Industry*. In the event that operational noise is identified as exceeding the requirements of this condition, the Applicant will be required to undertake such works as is necessary to remedy such exceedance within a period determined by Council.

**Reason:** *To prevent loss of amenity to the area.*

### **114. Traffic Impact Statement Compliance**

All traffic, access, and on-site circulation arrangements of any buildings within the approved development, shall be implemented and maintained for the life of the development in accordance with the Traffic Impact Statement by SECA Solution (dated 12/04/2024). The development is to ensure:

- All vehicles accessing the site, including heavy vehicles (up to B-Doubles), must enter and exit the site in a forward direction.
- No vehicle queuing or obstruction occurs on the surrounding public road network.
- Approved transport routes, traffic generation and permitted delivery times are adhered to at all times, to minimise disruption to local traffic.
- Access driveways and carparking areas are to be maintained for the life of the development.
- No loading/unloading of goods is to occur outside the buildings on the lots.

**Reason:** To ensure the ongoing safe and efficient operation of the development, ensuring no impacts on the surrounding road network and ensuring consistency with approved traffic management measures.

**END OF CONDITIONS**