

SOUTHERN REGIONAL PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSTH-405
DA Number	24/1138 (PAN-415497)
LGA	Wingecarribee Shire Council
Proposed Development	Alterations and refurbishment to existing Maltings 3 (M3) and construction of new Maltings 4 (M4) to create unified building for use as a hotel with restaurant, exhibition and ancillary purposes
Street Address	2 Colo Street, MITTAGONG Lot 21 DP 1029384
Applicant/Owner	Applicant – The Trustee for the Maltings Property Trust c/- Timothy Chung Owner – Halcyon Hotels Pty Ltd
Date of DA lodgement	5 April 2024
Number of Submissions	Public Notification <ul style="list-style-type: none"> Notification: 3 May 2024 – 2 June 2024 <ul style="list-style-type: none"> 22 submissions
Recommendation	Approval subject to conditions of consent
Regional Development Criteria (Schedule 6, Clause 2 of State Environmental Planning Policy (Planning Systems) 2021)	Section 2, Schedule 6 of the SEPP (Planning Systems) 2021
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> <i>Environmental Planning and Assessment Act 1979;</i> <i>Environmental Planning and Assessment Regulation 2021;</i> <i>State Environmental Planning Policy (Planning Systems) 2021;</i> <i>State Environmental Planning Policy (Resilience and Hazards) 2021;</i> <i>State Environmental Planning Policy (Transport and Infrastructure) 2021;</i> <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021;</i> <i>State Environmental Planning Policy (Sustainable Buildings) 2022;</i> <i>Wingecarribee Local Environmental Plan 2010; and</i> <i>Mittagong Township Development Control Plan.</i>
List all documents submitted with this report for the Panel's consideration	<ol style="list-style-type: none"> Draft Conditions of Consent Architectural Plans Stormwater & Flood Management Strategy Report Civil Engineering Report DA Design Report DA Structural Report Heritage Impact Assessment Report Soil & Water Management Plan Statement of Environmental Effects Statement of Changes Plan of Management Bushfire Assessment Letter Arboricultural Impact Assessment Letter

	14. Flora and Fauna Assessment Report 15. Vegetation Management Plan 16. Acoustic Assessment Report 17. Sustainability Report 18. Geotechnical Investigation Report 19. Demolition and Construction Waste Management Plan 20. Operational Waste Management Plan 21. Traffic Impact Statement 22. Access Report 23. Fire Engineering Report 24. Koala Assessment Letter 25. Utility Servicing Assessment Final Report 26. BCA Report 27. BCA Capability Statement 28. NABERS Embodied Emissions 29. Detailed Site Investigation Report
Report prepared by	Andre Vernez – Acting Coordinator Planning Assessment
Report date	28 March 2025

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarized in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **N/A**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report.

EXECUTIVE SUMMARY

Council is in receipt of a development application for alterations and refurbishment to existing Maltings 3 (M3) and construction of new Maltings 4 (M4) to create unified building for use as a hotel with restaurant, exhibition and ancillary purposes at 2 Colo Street, Mittagong, legally described as Lot 21 in DP 1029384.

The subject development application seeks to amend Development Consent 20/1400 (as modified) to implement changes to the approved Stage 1 detailed design scheme. This consent was recently modified by modification application 24/1140, approved by the Southern Regional Planning Panel on 13 March 2025.

The site is zoned R2 Low Density Residential under Wingecarribee Local Environmental Plan 2010 (WLEP 2010).

The proposed development seeks to adaptively re-use the site, which is listed as a heritage item and within a conservation area under Schedule 5 of WLEP 2010, and to facilitate the on-going protection of its values. The proposed land uses are defined as “hotel or motel accommodation”, “restaurant”, “pub”, “function centre”, “information and education facility”, and “recreation facility (indoor)”. With the exception of recreation facility (indoor), all other proposed uses are not permissible in the R2 zone. The permissibility of these other uses is sought through the provisions of section 5.10(10) of WLEP 2010.

The application was publicly notified from 3 May 2024 to 2 June 2024 (30 days). 22 submissions were received, with 20 in objection, particularly in relation to the proposed design, operational hours, noise and traffic management.

An assessment of the development application has been undertaken against the following relevant planning instruments:

- *Environmental Planning and Assessment Act 1979;*
- *Environmental Planning and Assessment Regulation 2021;*
- *State Environmental Planning Policy (Planning Systems) 2021;*
- *State Environmental Planning Policy (Resilience and Hazards) 2021;*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021;*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021;*
- *State Environmental Planning Policy (Sustainable Buildings) 2022;*
- *Wingecarribee Local Environmental Plan 2010; and*
- *Mittagong Township Development Control Plan.*

The proposed development has been assessed against the relevant matters for consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act, 1979*, including likely impacts, the suitability of the site for the development, and the public interest.

The assessment has found that the proposed development is consistent with the objectives and provisions of the relevant environmental planning instruments. The application is supported by sufficient information to demonstrate the site is suitable for the proposed development. The proposal will not result in any adverse impacts on the built or natural environment. The development is therefore considered to be in the public interest.

Considering the above, it is recommended that the Southern Regional Planning Panel determine the development application pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by way of approval in line with the recommended conditions of consent outlined in this report.

BACKGROUND

Application Background

The application was lodged with Council on 5 April 2024.

A site inspection and briefing with the Southern Regional Planning Panel (SRPP) was undertaken on 20 August 2024. During the briefing the following was noted:

- Amending DA proposing changes to the Concept Plan as part of Development Consent granted by the Land and Environment Court.
- Contamination – need for DSI and RAP as part of application.
- Gap analysis.
- Vehicular access with clarification required on proposed use of private garage (confusion if private use or public use associated with accommodation), noting the broader DA does not refer to any private use.
- Management of water on site. The Panel need to understand hydraulic arrangements particularly in relation to stormwater.
- Consistency with Masterplan. The flood report and architectural plans show finished floor levels that are lower than the Masterplan FFLs.
- Water/Sewer and increased demand. The Panel require confirmation that sewer and water systems modelling has been undertaken and services are either available or can be made available. Need to update servicing assessment report.
- Status of concurrence and referrals.
- Site consolidation.
- Nature of the amending development application and the proposed modification.
- Specialist reports and investigations including flooding and stormwater studies, traffic and parking, flora and fauna.
- Mitigation of impacts on the flying fox community.
- The proposed increase in GFA.
- Staging (Stage 1 = M1, M2 and M3 and Stage 2 = M4)
- Relationship between new DA and approved concept plan.
- Amending DA with conditions to amend the underlying existing approval (to amend the concept plan approval).
- Rationale behind lodgement of two concurrent development applications.
- Amendments to the concept plan in whole

These matters have been addressed and resolved during the assessment of the application and detailed in this report.

SITE DESCRIPTION

General

The subject site is legally described as Lot 21 in DP 1029384, 2 Colo Street, Mittagong, and is commonly known as 'The Maltings'.

The site is irregular in shape and has an area of approximately 6.6ha.

The site is dissected by Nattai River and the riparian zone is generally in a degraded condition, with banks that are highly eroded, lack native trees and shrubs, and intruded by exotic woody and herbaceous weeds.

The land has a moderate slope from the east towards the riverbank with a relatively flat area in the southwestern portion. It contains both remnant native and exotic vegetation, weeds and cleared areas. Established tree planting is primarily found on the edges of the site and along Nattai River.

A number of buildings in various states of deterioration and disrepair are located on the site. They comprise the former malthouses ('Malthouses M1, M2 and M3') on both the eastern and western sides of the river; the ruins of the former company cottage ('Maltster's Cottage'); the remains of former barley stores, engine room, battery room and other ancillary buildings; bitumen surfaces and bridges over Nattai River.

Access to the site is provided from Colo Street, Southey Street and Ferguson Crescent.

A threatened ecological community, being Southern Highlands Shale Woodland (SHSW), is identified within the south-western part of the site that is subject to statutory protection. The southern portion of the site is identified as bush fire prone land. A significant portion of the site is flood prone land.



Figure 1: Aerial Image

The Maltings is listed as a local heritage item and within The Maltings Conservation Area under the *Wingecarribee Local Environmental Plan 2010* (WLEP 2010). It is identified as a major turn of the century industrial complex associated with the growth and centralisation of the brewing trade in NSW.

Photographs of the subject site are provided below (sourced from the submitted Statement of Environmental Effects):



Figure 2: Photographs of Malthouse M3. Upper left: Bird's eye view of the subject site looking south-east, with M3 in the midground. Upper right: The north-western elevation of M3. Mid left: The south-eastern elevation of M3. Mid right: The roof of M3 as viewed from above. Lower left: Bird's eye view of M3, looking south-west. Lower right: The roof sheeting is partly lost with the underlying timber framing exposed.

Surrounding Locality

The site is surrounded by low density residential uses to the north-east, east and south. These residences are generally screened by dense tree planting.

The historic Fitzroy Inn guest house, which is listed as a local heritage item, is located to the north-east of the site fronting Ferguson Crescent.

A rail corridor (Main Southern line) runs along the north-western boundary of the site. Mittagong Train Station is approximately 1km to the south-west of the site. Photographs of the surrounding developments to the site are provided below (also sourced from the submitted Statement of Environmental Effects):

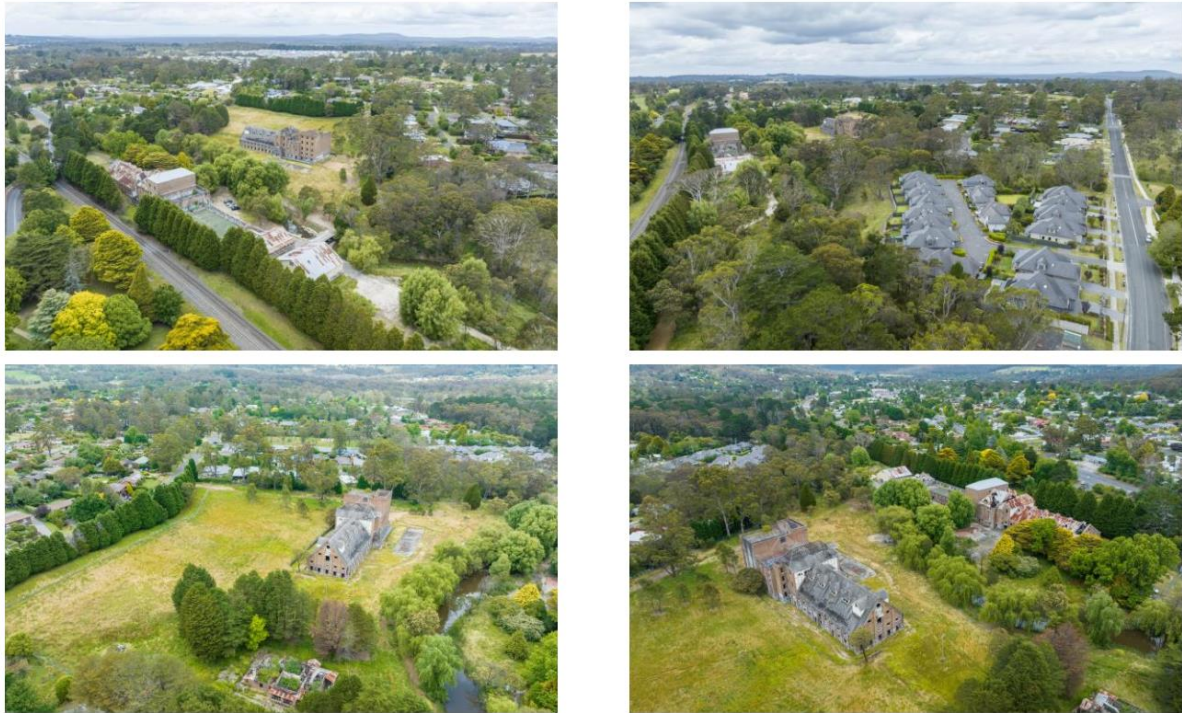


Figure 3: Photographs of the site and the locality: Upper left: The subject site with the railway line in the foreground. Upper right: The existing detached houses on Colo Street immediately to the south of the site, which is seen in the right-hand side of the photograph. Lower left: The subject site (foreground) with the existing residential developments along Colo Street (background). Lower right: The subject site (foreground) and the town centre of Mittagong (background).

DESCRIPTION OF THE DEVELOPMENT

Development Consent 20/1400 was granted by the NSW Land and Environment Court on 13 May 2022 for:

Concept development application for the alterations and additions to and the adaptive reuse of the Site for the purposes of a mixed use development together with a development application for consent to stage 1 of the development for the alterations and additions and adaptive re-use of Malhouses M1, M2, M3 and M4.

The subject development application seeks to amend this consent to implement the following changes to the approved Stage 1 detailed design scheme.

The submitted Statement of Environmental Effects indicates that the proposed changes are the result of additional investigations of the structural conditions of the buildings and the design development process, including further resolution of the facades configuration and materiality.

Extensive structural investigations carried out following the issue of the consent have found that structural members and materials previously identified for retention at M3 are not suitable for re-use. In particular, the timber roof framing has been found to be deteriorated to an extent that cannot be re-used and are to be demolished. Most of the concrete slabs have also suffered from severe degradation and cannot be re-used. In lieu of re-construction, a contemporary addition characterised by interlocking volumes is proposed as a reference to the historic building's monumental scale and presence.

Details of the floor-by-floor changes to M3/M4 are provided in the submitted Statement of Changes. A summary is provided below:

M3 - Hotel

- Re-planning of the floor layout within the retained building to provide for a range of reception, exhibition and multi-purpose spaces.
- Removal of the originally proposed mezzanine level 1.
- Conversion of the approved lounge / bar and kitchen areas on level 2 to a gallery and void space.
- Demolition of the original roof structures to the east of the silos and replacement with a new, redesigned addition containing:
 - A restaurant, event / exhibition room and kitchen at level 3
 - A lounge room, amenities and outdoor swimming pool with terrace at level 4
 - A guest suite and landscaped terrace at level 5.

M4 - Hotel

- Alterations to the configuration and materiality of the facades to the building.
- Changes to the interior floor layout, including removal of maintenance areas originally proposed in between the external facades and glazing lines due to reconfiguration of the external enclosing walls.
- The revised design will accommodate a total of 40 hotel rooms, plus 1 owner's suite and 1 guest suite (the guest suite is located at M3).

Ancillary facility

- Construction of a private garage with 4 spaces and storage facility to the south-east of M3/M4. This is proposed to be solely dedicated for the M3 guest suite.

Changes to conditions

It is expected that this DA would be subject to appropriate conditions of consent. This may involve duplicating relevant conditions in the original consent 20/1400. However, the following conditions under consent 20/1400 cannot be duplicated and will require changes to reflect the current development scheme:

Table 3 Proposed changes to the conditions of consent (DA20/1400)

Condition No.	Title	Comments
11	Development in Accordance with Plans and Documents	Change the condition to make reference to the revised drawings.
40	Off-Street Parking Provision - General	Change the condition to make reference to the revised site plan.
127	Geotechnical Risk Assessment Report Compliance	Change the condition to make reference to the updated geotechnical assessment report.
Condition No.	Title	Comments
Various	Concurrence conditions	Change various conditions imposed by Rural Fires Service, Water NSW and Natural Resources Access Regulator (NRAR) to make reference to updated technical reports.

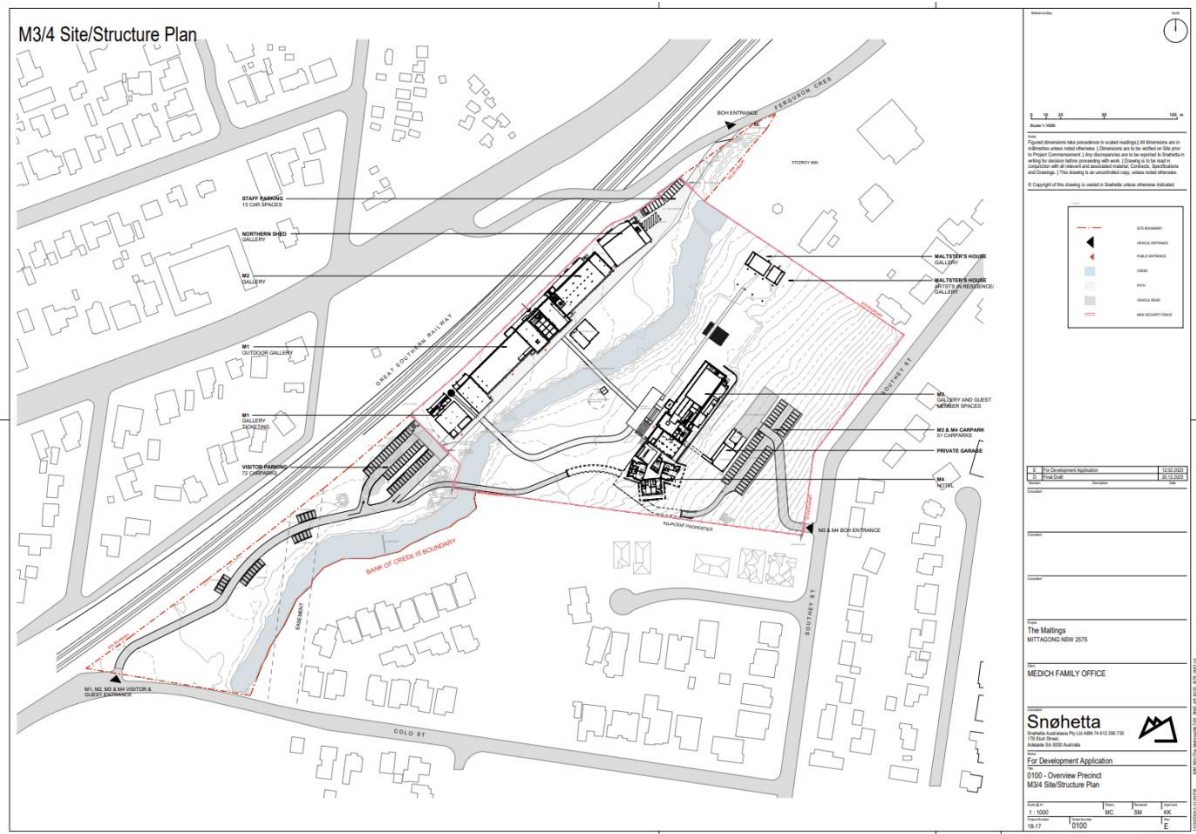




Figure 7: M3/M4 Perspective View

Referral Comments:

The development application was referred to a number of internal and external technical experts as follows:

Building Certification: Has raised no objection to the proposal subject to conditions (dated 14 March 2025).

Assessment Officer's Comment: These conditions will be included in the attached Consent as follows:

- Condition 11 (Fire Safety Existing Building Upgrade)
- Condition 96 (Occupation Certificate)
- Condition 97 (Building Upgrade Measures)
- Condition 104 (Final Fire Safety Certificate)
- Condition 116 (Annual Fire Safety Statement)

Environmental Health Officer: Has raised no objection to the proposal subject to conditions relating to contamination, noise and food premises (dated 2 October 2024).

Assessment Officer's Comment: These conditions will be included in the attached Consent as follows:

- Condition 14 (Remediation)
- Condition 15 (Compliance with Environmental Management Plan)
- Condition 19 (Prior Notice of Category 2 Remediation Works)
- Condition 28 (Asbestos Management Plan (AMP))
- Condition 29 (Remedial Action Plan (RAP))
- Condition 30 (Section B5 Site Audit Statement or Interim Audit Advice)
- Condition 31 (Validation Report)

- Condition 32 (Site Audit Report and Site Audit Statement)
- Conditions 51, 111 & 117 (Noise Control Measures)
- Condition 52 (Food Premises Requirements)
- Condition 64 (Notice of Completion of Category 2 Remediation Works)
- Condition 65 (Asbestos Removal - Demolition of Buildings)
- Condition 112 (Food Premises Requirements)
- Condition 118 (Operational Noise Levels)
- Condition 121 (Food Premises)

Development Engineer: Has raised no objection to the proposal subject to conditions (dated 13 November 2024).

Assessment Officer's Comment: These conditions will be included in the attached Consent as follows:

- Condition 18 (Utility Services)
- Condition 36 (Section 68 Local Government Act 1993 Approvals)
- Condition 40 (Section 138 Roads Act 1993 Approval)
- Condition 41 (Dilapidation Report)
- Condition 42 (Structural Engineer's Details)
- Condition 43 (Construction Management Plan)
- Condition 44 (Stormwater - Control of Peak Discharge)
- Condition 45 (Detailed Stormwater Drainage System Design)
- Condition 46 (Carpark Design - Site Servicing)
- Condition 47 (Accessible Car Parking Spaces)
- Condition 48 (Off Street Parking Provision)
- Condition 49 (Erosion and Sediment Control Plan)
- Condition 50 (Flood Assessment Statement)
- Condition 56 (Damage Deposit for Council Infrastructure)
- Condition 66 (Imported 'Waste-derived' Fill Material)
- Condition 67 (Engineering Inspections by Council)
- Condition 69 (Earthworks, retaining walls and structural support)
- Condition 78 (Stormwater – Construction)
- Condition 79 (Stormwater – Discharge)
- Condition 80 (Erosion and Sediment Control Plan Compliance)
- Condition 81 (Construction Management Plan)
- Condition 98 (Section 138 Roads Act Final)
- Condition 99 (Section 68 Local Government Act Final)
- Condition 105 (Civil Engineering works and services)
- Condition 106 (Certification of Internal Civil Works)
- Condition 107 (Flooding - Finished Surface Level Work as Executed)
- Condition 108 (Vehicle Access)
- Condition 109 (Defects and Liability Bond for Public Assets - Civil Works)
- Condition 110 (Engineering Certification - Flood Compatible Development)

Water / Sewer Development Engineer: Has raised no objection to the proposal subject to conditions (dated 12 November 2024).

Assessment Officer's Comment: These conditions will be included in the attached Consent as follows:

- Condition 13 (Sewer Main Augmentation)
- Condition 37 (Water and Sewer Authority Conditions)
- Condition 38 (Building within Vicinity of Sewer Main)
- Condition 100 (Construction of Sewer Sidelines)
- Condition 101 (Construction of Water Service)
- Condition 102 (Redundant/Disused Sewer Services)

Ecologist: Has raised no objection to the proposal subject to conditions (dated 30 May 2024).

Assessment Officer's Comment: These conditions will be included in the attached Consent as follows:

- Condition 21 (Habitat Bearing Tree Survey)
- Condition 53 (Grey-headed Flying Fox Management Plan)
- Condition 54 (Microbat Management Plan)
- Condition 55 (Tree Retention Plan)
- Condition 82 (Felling Supervision)
- Condition 83 (Clearing of Existing Vegetation)
- Condition 84 (Habitat Structures)
- Condition 85 (Koala Fencing)

Heritage Advisor: Has raised no objection to the proposal subject to conditions (dated 14 August 2024).

Assessment Officer's Comment: These conditions will be included in the attached Consent as follows:

- Condition 22 (Heritage site induction ('toolbox talks'))
- Condition 23 (Photographic Archival Recording)
- Condition 24 (Aboriginal heritage)
- Condition 57 (Heritage Architect to be Commissioned)
- Condition 58 (Interpretation Plan)
- Condition 59 (Interpretation of the Maltster's Cottage)
- Condition 60 (Building works to comply with BCA - Heritage Buildings or Buildings Within Conservation Area)
- Condition 61 (Structural engineering assessment)
- Condition 62 (Schedule of Conservation Works)
- Condition 86 (Compliance and Implementation of Conservation Management Plan)
- Condition 87 (Archaeology)
- Condition 88 (Reduction of rising damp and salt attack in buildings constructed prior to 1930)
- Condition 89 (Temporary storage of materials, equipment and waste during works)
- Condition 90 (Conservation works to be overseen by Heritage Consultant)
- Condition 91 (Undertaking of conservation works to the heritage item)
- Condition 92 (General Heritage)
- Condition 93 (No demolition of extra fabric)
- Condition 94 (Uncovering of concealed architectural features or detailing)
- Condition 114 (Conservation works to be undertaken and completed)
- Condition 119 (No painting or rendering of masonry or stone)

Department of Planning and Environment-Water (external referral): Has raised no objection to the proposal subject to compliance with general terms of approval (dated 4 July 2024).

Assessment Officer's Comment: A condition will be included in the attached Consent as follows:

- Condition 4 (General Terms of Approval – Department of Planning and Environment-Water)

NSW Rural Fire Service (external referral): Has raised no objection to the proposal subject to compliance with general terms of approval (dated 17 May 2024).

Assessment Officer's Comment: A condition will be included in the attached Consent as follows:

- Condition 5 (General Terms of Approval – NSW Rural Fire Service)

Water NSW (external referral): Has raised no objection to the proposal subject to compliance with concurrence (dated 23 August 2024).

Assessment Officer's Comment: A condition will be included in the attached Consent as follows:

- Condition 6 (Concurrence – Water NSW)

Transport for NSW (external referral): Has raised no objection to the proposal subject to compliance with concurrence (dated 24 May 2024).

Assessment Officer's Comment: A condition will be included in the attached Consent as follows:

- Condition 7 (Concurrence – Transport for NSW)

Endeavour Energy (external referral): Has raised no objection to the proposal subject to conditions (dated 13 May 2024).

Assessment Officer's Comment: A condition will be included in the attached Consent as follows:

- Condition 39 (Network Connection – Endeavour Energy)

ARTC (external referral): Has raised no objection to the proposal subject to Council's consideration of noise and vibration and stormwater in relation to the rail corridor (dated 21 May 2024).

Assessment Officer's Comment: Condition will be included in the attached Consent as follows:

- Condition 51 (ARTC – Stormwater)

ASSESSMENT UNDER SECTION 4.15 OF THE *ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979*

The provisions of any EPI, draft EPI; DCP; and the regulations [s4.15(1)(a)]

SEPPs

State Environmental Planning Policy (Planning Systems) 2021

In accordance with section 2 under Schedule 6 Regionally significant development of the SEPP, the proposed development constitutes 'regionally significant development' as it has an Estimated Development Cost (EDC) of \$47,282,441 which exceeds the \$30 million threshold for general development. Therefore, the consent authority is the Southern Regional Planning Panel.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of land

Chapter 4 of SEPP (Resilience and Hazards) 2021 (section 4.6) requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land, and to be satisfied that the land is suitable for the proposed use.

Council's Environmental Health Officer noted that the following needed to be submitted to Council for the assessment of this application:

- Detailed Site Investigation report (DSI) authored and/or approved by a suitably qualified contaminated land consultant who is either a Certified Environmental Practitioner – Site Contamination (CEnvP-SC) or Certified Professional Soil Scientist – Contaminated Site Assessment and Management (CPSS CSAM); and
- Remedial Action Plan (RAP) authored and/or approved by either CEnvP-SC or CPSS CSAM.

The Officer also advised that if the application is going to be approved, there would need to be a condition imposed requiring the RAP to be implemented and Site Validated prior to the issue of a Construction Certificate.

Accordingly, the applicant was requested to provide a DSI as well as a RAP in order to enable Council to properly consider land contamination and remediation matters in determining the subject application.

The applicant submitted a DSI, however, in relation to the requested RAP, they advised that the existing conditions under Development Consent 20/1400 include requirements for the preparation of a Remedial Action Plan (RAP), among other matters. Further, a RAP can be prepared at the post-consent stage consistent with the existing conditions. The requirement for preparing a RAP can be addressed via an appropriate condition of consent.

Following review by Council's Environmental Health Officer, it was determined that the submitted DSI appears to have followed the applicable Guidelines. However, it has not been prepared or approved by an accredited contaminated land consultant.

Given that the previous development consent (20/1400) was granted by the Land and Environment Court and conditioned the preparation of a RAP and its implementation, there is no issue with the same approach being carried over to any consent for this current application. Note any remedial works are to be completed prior to the commencement of any construction works.

Accordingly, the Officer suggested that the contaminated land conditions from Development Consent 20/1400 be adopted with modifications made to eliminate a few minor inconsistencies in those conditions, remove references to superseded legislation (e.g. SEPP 55) and account for the completion of the DSI.

Accordingly, the Officer recommended conditions be imposed in relation to the following as part of any consent granted (dated 2 October 2024).

- *Prior Notice of Category 2 Remediation Works*
- *Notice of Completion of Category 2 Remediation Works*
- *Asbestos Management Plan (AMP)*
- *Remedial Action Plan (RAP)*
- *Section B5 Site Audit Statement or Interim Audit Advice*
- *Remediation*
- *Validation Report*
- *Site Audit Report and Site Audit Statement*
- *Compliance with Environmental Management Plan*

As such, Council is satisfied that the land will be remediated before the land is used for the proposed development and consent is able to be granted in this regard.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

Chapter 2 of SEPP (Biodiversity and Conservation) 2021 contains provisions replacing the former SEPP (Vegetation in Non-Rural Areas), and the aims are (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. This Chapter includes Parts relating to Clearing Vegetation in Non-Rural Areas (Part 2.2); Council Permits for Clearing Vegetation in Non-Rural Areas (Part 2.3); and Approval of Native Vegetation Panel for Clearing Native Vegetation in Non-Rural Areas (Part 2.4).

Relevant further considerations within the Flora and Fauna Assessment (FFA)

Council's Ecologist has noted an original FFA was completed by Eco Logical Australia (ELA) and approved circa 2020 through the Land and Environment Court (LEC). Time has passed and therefore ELA completed a re-assessment (submitted with this application). No additional trees are proposed for removal.

Key findings of ELA's 2024 reassessment:

The focus of the re-assessment by ELA was to ensure that the condition of the vegetation, particularly the threatened ecological community had remained the same. The survey also recorded any

opportunistic threatened flora or fauna sightings, and any threatened fauna habitat, not previously noted.

The condition of the vegetation onsite had not substantially changed since the previous assessment and the mapped boundaries showing the differences in vegetation communities was deemed accurate.

The key findings were:

- Southern Highlands Shale Woodland (TEC) is still present. Direct impact is small in area – still totalling 0.1 ha, with a further 0.02 ha of exotic vegetation being removed.
- No threatened flora was recorded.
- One significant finding of the field survey was the confirmation of an occupied camp of *Pteropus poliocephalus* (Grey-headed Flying-fox) (GHFF). This species is listed as a vulnerable species under the BC Act and vulnerable under the EPBC Act. There were approximately 50 to 75 individuals occupying the camp at the time of survey. The Vegetation Management Plan (VMP) was accordingly updated with consideration to the GHFF within the VMP area.
- BV mapping now present.

The assessment covered by ELA is considered adequate and in line with the majority of the context and outcomes from the LEC proceedings. Exceptions relate to the now known GHFF camp, the now present BV Mapping, and the previous omission of detail for the microbat habitat within the existing derelict structures.

Grey-headed Flying Fox

50 to 70 GHFF were recorded occupying a camp within the centre of the site in exotic Willow Trees (*Salix* sp.) approximately 20m from the nearest building (M1). GHFF is listed as Endangered under the State BC Act and Vulnerable under the Commonwealth EPBC Act. It is expected that the species is utilising the site on a seasonal basis.

A 5-Part Test under the BC Act concluded that the proposal is unlikely to constitute a significant impact. However, the Commonwealth Significant Impact Criteria was applied to the GHFF and it was concluded that the proposed development may cause a local population of GHFF to decline and therefore referral to the Commonwealth was recommended.

The proposed works do not involve the removal of any of the occupied trees within the camp area of the GHFF and only a small amount (0.1 ha) of potential foraging and sheltering habitat will be removed as part of the proposed works. However, given the camps proximity to the buildings (less than 30m) it is likely activities carried out during construction and post construction may cause a long-term decrease in the size of a population of GHFF.

Mitigation measures listed within the FFA to reduce the impact to the camp included the preparation of a Management Plan for GHFF which would outline how to manage the camp through construction and post-construction.

The conclusions drawn from both the AoS and the SIC are considered appropriate. The recorded bats are likely a tranche of a larger, nearby colony and not a new camp. While ephemeral in nature, this is still important and impacts to such may be considered significant if not properly managed.

A site survey was conducted by Council's Ecologist on the 29th May 2024. No GHFF were present and the *Salix* trees had lost nearly all their leaves. This further supports the statement that the camp is ephemeral and seasonal.

GHFF Management

The GHFF camp is located within exotic riparian vegetation subject to a Vegetation Management Plan (ELA 2024). The Vegetation Management Plan (VMP) has been updated to include consideration to the GHFF within two (2) Willow Trees.

A 20m 'no-work' buffer has been applied around the occupied Grey-headed Flying-fox camp. No weed removal works or revegetation works are to occur within the buffer zone. All trees, including exotic *Salix* sp. will be retained to provide foraging and sheltering habitat for GHFF. The purpose of the buffer zone will be to limit disturbances to the GHFF camp present within the riparian corridor. No works, including weed control or revegetation are to occur within the buffer zone of the GHFF camp.

Annual progress reports are to include monitoring of the GHFF camp. Monitoring results will be provided to WSC. The monitoring will include:

- Date and time of GHFF monitoring (monitoring should occur between October and February).
- Count of individuals.
- Species identification of occupied trees and count of trees.
- Estimated area of occupancy (m2).
- Photo point displaying evidence of occupation or evidence of non-occupation. A baseline photo monitoring point should be established of one of the currently occupied trees. This tree should be used as a basis of displaying occupation or non-occupation of the trees if possible.
- Commentary of the activity levels within the camp and identification of any suspected juveniles to determine if the camp is being used as a maternity camp.
- Results of the GHFF monitoring are recommended to be provided to WSC.
- Results must also be uploaded to BioNet.

Annual monitoring would aim to provide information as to how GHFF are utilising the site. If during the years of monitoring the camp is not being utilised by GHFF there may be scope to include the excluded areas into the VMP management zones. Revision of the VMP to include these areas should be considered in consultation with Wingecarribee Shire Council (WSC).

If annual monitoring report data shows that after several years the camp is not being occupied, there may be scope to revise the VMP to include management actions within the buffer zone, however, this would be subject to consultation with WSC.

GHFF Recommendations

The above inclusions within the VMP are supported. It is however recommended that further measures are included within the proposed Grey-headed Flying-Fox Management Plan (GHFFMP). The GHFFMP must include at a minimum:

- Opportunities to phase out the *Salix* trees in the instance that annual monitoring identifies GHFF using re-planted established natives or retained natives instead. In this instance, the *Salix* may be removed and replaced with suitable native tree plantings which GHFF are known to utilise for roosting. Similarly, if GHFF are not recorded for a number of years, the *Salix* should be replaced with suitable native trees representative of the locally occurring vegetation.
- A restriction must be included that states "active dispersal is not to be used as a management tool for this camp (whether a permanent or temporary gathering)".
- A no-go zone will be implemented during construction. Maps showing no go areas to be placed in site offices, all staff briefed during toolbox talk or pre-work briefing on the location of the GHFF.
- Measures for chance find procedures and education for site staff, including detail on Australian Bat Lyssavirus.
- Prior to works commencing, a preclearance survey specifically targeting the GHFF must be completed. The survey will identify the extent of the camp, location, size and numbers. A suitably experienced ecologist will then advise on further mitigation measures required.
- On the first day of construction, a suitably qualified ecologist must be present to monitor any GHFF present. If bats in the camp become distressed and do not settle, works must cease until the bats settle. If the GHFF camp continues to become distressed, other mitigation measures such as noise attenuation may be required. This measure should be conducted daily for as long as recommended by the suitably qualified ecologist.
- If individual bats are seen flying consistently during the day, works must cease, and the ecologist will be called to provide further advice.
- Restriction to work hours to avoid flyout and return for the species (i.e. dusk and dawn).

- Install noise barriers or daily/seasonal timing of construction and operational activities to reduce impacts of noise if GHFF individuals are agitated and do not settle during construction. Winter is considered best due to the deciduous nature of the trees the GHFF are utilizing.

The GHFFMP must be approved by Council prior to issue of the Construction Certificate.

Microbats

The substantial derelict structures within the site presents a high potential for microbat usage for roosting. A site inspection by Council's Ecologist confirmed the high suitability of the structures for microbat roosts. To date there has been no targeted survey undertaken for microbats. Suitable habitat is however plentiful in the form of:

- Derelict buildings suitable for roosting.
- Hollow bearing trees suitable for roosting.
- Creeks suitable for foraging.
- Vegetation suitable for foraging.

Access restrictions is the reason provided for no survey to date. Ultrasonic survey would be possible even without access into the derelict building. Regardless, the FFA considered the Study Area as suitable habitat and conducted the assessment accordingly.

*'taking a precautionary approach for the purpose of this assessment it is assumed that the derelict buildings provide potential winter roosting threatened microbat species such as *Miniopterus orianae oceanensis* (Large Bent-winged Bat) which is listed as a vulnerable species under the BC Act. The Greater Broad-nosed Bat (*Scoteanax rueppellii*) is a tree-roosting microbat, however this species has also been known to roost in buildings if no suitable roosts are available. This species is listed as vulnerable under the BC Act.*

*15 Hollow bearing trees were identified in the study area which have the potential to provide suitable roosting habitat for microbats. These species include the Greater Broad-nosed Bat and *Falsistrellus tasmaniensis* (Eastern False Pipistrelle), and. Eastern False Pipistrelle is listed as vulnerable species under the BC Act.'*

Unfortunately, Southern Myotis (*Myotis macropus*) was not considered. This species is known within proximity to the Maltings, within a manmade structure in the form of a culvert. The species is considered highly likely to use the Study Area due to the suitable roosting habitat within the structures, and the suitable foraging resource across the Natai.

The proposed development will not remove any native HBTs, and minimal native vegetation clearance is proposed, however, the significant mass of derelict structures with strong suitability for numerous threatened microbat species, presents the potential for a significant impact should the impacts not be suitably mitigated.

The FFA recommends that prior to refurbishment of the buildings, inspections are to be undertaken to determine whether microbats are inhabiting the buildings. If microbats are using the buildings, a protocol is recommended to be developed for their relocation.

The FFA states the redevelopment of the buildings would result in the loss of winter roosting habitat for two of the species listed above. However, the buildings are not considered to be breeding habitat for these species. This statement is not considered justifiable in the absence of survey.

Microbat Recommendations:

It is recommended that microbat presence is assumed (including for Southern Myotis), and a Microbat Management Plan (MMP) is prepared. The MMP will include a suitable degree of required survey to further inform management. Prior to issue of CC, a MMP must be prepared, approved by Council and include at minimum:

- Pre-clearance survey over 4 nights per structure, by suitably qualified ecologists utilising ultrasonic recorders, infrared cameras, and diurnal and nocturnal searches of all suitable structures. Evening surveys must be conducted to capture flyouts, including thermal scanning and ultrasonic recording to ID any microbats that may be present. Dusk exit surveys are to be conducted when temperatures are >14°C, in fine weather (i.e. no rain on either day) and preferably from September to April. The results will inform further management, such as exclusion events and where to focus.
A pre-exclusion survey is to take place that identifies likely or potential roost sites, with these sites inspected up close. Visual aids with the ability to detect thermal signatures are useful in these scenarios, with the hot spot of a bat potentially visible even if no direct line of sight is possible. These surveys are to be conducted by an ecologist with demonstrated experience in such work.
- If microbats are recorded, additional habitat must be installed within the Study Area. Additional habitat must be specific to the species recorded. Where suitable, this may be incorporated into the refurbishment of the buildings. Council must provide approval of all proposed habitat and should be consulted in the design process. Consideration must be given around the longevity of additional habitat, thermal stability and likelihood of uptake. The use of plywood boxes is generally discouraged for this project. Installation of replacement habitat must occur three months prior to construction works commencing.
- Should microbats be located, they must be excluded from the building by a suitably experienced ecologist. If exclusion is not successful, translocation may be considered in consultation with Council and relevant State departments.
- A chance find procedure and training module for construction staff must be included within the MMP.
- Ongoing monitoring of supplementary artificial habitat must be included for a minimum of five years, conducted twice a year. The frequency of monitoring will be reconsidered by Council at the end of the 5 year period.

Biodiversity Values Mapping

The originally approved DA was approved through the LEC and at the time (3 March 2020) the Study Area did not contain any Biodiversity Values Mapping (BV Mapping).

The Study Area now contains BV Mapping.

This current application relates to a new building (M4), noted within largely the same location as the original DA proposed. M4 is noted to be in close proximity to BV Mapping and potential native vegetation. With the DA being a new submission, the BV Mapping in proximity to M4 was inspected by Council's Ecologist at the location shown in Figure 8.



Figure 8: Area of new building M4 subject to DA 24/1138, with adjacent vegetation and BV Mapping

The DA which relates to the new building M4 is determined to impact a small amount of native vegetation in the form of regrowth eucalypt species that are not covered by the BV Mapping. Large *Eucalyptus quadrangulata* are nearby the impact area and covered by the BV Mapping but are not proposed for removal. Based on the site inspection, and the location of native vegetation nearby the proposed new building, the BV mapping is not considered to trigger the DA into entering the Biodiversity Offset Scheme.

Vegetation Management Plan

A Vegetation Management Plan was revised by ELA (2024). The primary edit related to the inclusion of measures to buffer and safeguard the areas utilized by the GHFF. Otherwise, the VMP remains largely consistent with that approved via the LEC outcome, being the removal of numerous weeds and re-instatement of Southern Highlands Shale Woodland within the riparian corridor.

The retention of the *Salix* is somewhat contradictory, with *Salix* being a Weed of National Significance, however, the retention will allow for the desired continual usage by GHFF. Notwithstanding, annual monitoring of the GHFF and VMP area should be undertaken to allow for flexible management in the future. This may include phasing out of the *Salix* and replacement with suitable native trees.

The VMP is recommended for endorsement in its entirety.

Koala Assessment Report

A revised Koala Assessment Report Addenda was completed by ELA (2024). The KAR prepared in 2020 and approved through the LEC proceedings is considered suitable for the current DA.

The Study Area is the northern branch of contiguous Koala habitat connecting through into the Mount Gibraltar Koala population. Maintaining free movement of the Koala is therefore critical. Furthermore, the revegetation of the riparian corridor may encourage wider usage by Koalas, and at a minimum, more arboreal native mammals. The riparian corridor of the Natai River is of strategic importance, and may provide the only link for Koalas and other mammals from the Mount Gibraltar vegetation further north into the Natia National Park. Only minimal connectivity improvements would be required to enhance the corridor link between vegetation to the south of the Study Area, then into the north via treed areas and culverts. The opportunity for a future corridor must not be compromised by the Maltings

DA's. Currently, the proposed VMP works will enhance the corridor and are supported by Council. Ensuring Koala friendly fencing is used is key.

Proposal Outcome

The proposal introduces only a small impact on native vegetation, while bringing in the opportunity and funds for revegetation of the riparian corridor of the Natai River and adjacent Southern Highlands Shale Woodland. No threatened flora has been recorded at the site. A Koala Assessment report has been provided to further assess potential impacts, with suitable Koala mitigation measures included, primarily being the revegetation and implementation of Koala friendly fencing.

Concerns have been expressed above with regard to GHFF and microbat habitat, however, should thorough GHFF Management Plans and Microbat Management Plans be prepared and implemented, the proposal will occur under suitable conditions.

Additional Recommendations

The below recommendations are made (further to the above measures for the GHFF and Microbats).

- A Habitat Bearing Tree survey must be undertaken prior to construction commencing. The ecologist must inspect all trees (native and exotic) proposed for removal, aiming to identify hollows, nests, dreys or other fauna habitat. Of note, the Pines contain possum dreys and hollows which must be suitably managed to ensure harm to fauna is minimised as much as possible. Where habitat is being removed, a commensurate habitat replacement must be introduced with a preference for hollows drilled into retained trees rather than only nest boxes.
- Felling supervision of all trees, including exotic pines which are known to provide ample habitat to native arboreal fauna, must be undertaken by suitably qualified ecologists.
- During construction activities, when clearing areas of existing vegetation, earthworks and tree removal should be undertaken with the fauna ecologist or wildlife carer to supervise works. All native timber should be retained, with mulch stockpiled for use within VMP area, all viable seed and genetic material to be collected and all timber cut into logs to be utilised as habitat for native fauna.
- Eucalypts earmarked for removal within the development area should be used as habitat structures within the VMP area. This includes the use of fallen woody debris as habitat or for mulch. Mulch should be free of weed propagules. It is assumed that no native hollow-bearing trees will be removed under the development footprint.
- Preparation of a tree retention plan prior to release of CC. Of note, trees covered by the BV map in the vicinity of M4 must be clearly labelled for protection.
- Tree protection measures are to be implemented as advised by a suitably qualified Arborist.
- Maintenance of a Koala Corridor along the Natai riparian corridor. Fauna friendly fencing must be utilized which would allow for the rare, but potential movement of Koalas along the corridor. It is assumed that there will be minimal fencing within the VMP area. Any fencing installed will be required to be Koala-friendly. This means fencing must allow Koalas to move either under, through or over fencing – or have a suitable alternative route.

Chapter 6 Water catchments

The site is also within the Sydney Catchment and therefore this SEPP is applicable to the assessment of the application. The application is a Module 5 development for the purposes of the Neutral or Beneficial Effect on Water Quality Assessment Guideline and therefore required referral for Water NSW concurrence.

Based on a site inspection and the submitted information, Water NSW considers that the proposed development can achieve a neutral or beneficial effect (NorBE) on water quality if appropriate conditions are included in any development consent and are subsequently implemented.

As such, Water NSW issued concurrence on 23 August 2024 subject to conditions.

Water NSW noted that there is a modification application for the 'Maltings' site (24/1140 to modify Development Consent 20/1400) specifically for Maltings 1 and 2 (M1 and M2) and Maltster's House.

Water NSW also noted this development application is an alteration to the M3 and M4 structures, which were previously approved under Development Consent 20/1400. Consequently, the concurrence conditions for this application are limited specifically to the alterations outlined in this application.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

In accordance with the provisions of section 2.48 of this SEPP, the application was referred to Endeavour Energy due to the development being carried out within 5m of an exposed overhead electricity power line.

Endeavour Energy raised no objections with the proposed development in advice dated 13 May 2024.

It is noted the submitted Utilities Servicing Assessment includes the following advice regarding whether electricity services are available and adequate for the development:

Depending on the final electrical load, the **Southern Side** of the Nattai River could be supplied by installing either 1 x 1,500kva or 2 x 1000kva Pad Mount Substations (side by side) South West of the proposed building M4 on the Southern side of the Maltings site by extending HV underground cables from the existing Endeavour Energy Network in Southey Street to supply the new substations.

The submitted M3/4 Site / Structure Plan shows provision for an indoor substation. Traditionally Endeavour Energy's preference has been for the utilisation of padmount substations. Endeavour Energy's Mains Design Instruction MDI 0028 'Underground distribution network design' allows certain types of urban developments to utilise indoor substations where a padmount substation is not practicably possible.

Any required distribution substation/s would need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling not located within a public road / reserve) with an appropriate form of property tenure.

Generally, it is the Level 3 Accredited Service Provider's (ASP) responsibility (engaged by the developer) to make sure substation location and design complies with Endeavour Energy's standards the suitability of access, safety clearances, fire ratings, flooding etc.

Section 2.98 of this SEPP is also applicable, given the proposed development is on land that is adjacent to a rail corridor and considered likely to have an adverse effect on rail safety.

The application was referred to the Australian Rail Track Corporation (ARTC) as the rail corridor is vested in or owned by the ARTC.

The ARTC raised no objections with the proposed development in advice dated 21 May 2024, however, requested Council consider the following in its assessment.

Noise and Vibration

The ARTC requested that the Council consider the requirements of *Development Near Rail Corridors And Busy Roads – Interim Guideline* and whether any noise sensitive uses within the development are likely to be adversely affected by rail noise or vibration.

Council has noted that the proposed development is not likely to be adversely affected by rail noise or vibration, given it does not include any residential or other noise-sensitive development and would be a minimum 100m from the rail line.

The ARTC has noted the submitted acoustic report and the recommendations it provides.

Stormwater

The ARTC wants to ensure that stormwater from the development, does not affect the rail corridor and needs assurance that works on the site will not increase the flood levels that have an upstream impact that affects the rail corridor.

The ARTC has requested that Council impose as a condition of any consent granted that the developer ensure that stormwater does not affect the rail corridor.

Section 2.122 of this SEPP is also applicable, given the proposed development is specified in Column 1 of the Table to Schedule 3 being '*Any other purpose that generates 200 or more motor vehicles per hour on a site with access to a road (generally)*'.

The application was referred to Transport for NSW (TfNSW) as required by subsection (4).

TfNSW raised no objections with the proposed development in advice dated 24 May 2024, in terms of the impacts it will have on the state classified road network subject to conditions being included in any consent granted.

TfNSW also noted the following:

- The submitted DA seeks to amend DA20/1400. Specifically, it is seeking approval for alterations and additions to the internal and external configuration of Malthouses M3 and M4 which are part of the approved Stage 1 component of the DA20/1400. Based on the applicant's calculations in the SEE, the changes will result in an additional 329m² in the gross floor area of the M3 and M4 buildings (a 6.3% increase).
- The submitted DA relies on the 'Statement of Advice' prepared by SLR dated 29.2.24 with reference 610.31093.00001, Revision v1.5 for assessing traffic and transport impacts.
- The changes to M3 and M4 will not significantly alter the vehicle generation at the site.
- The M3 and M4 buildings will be serviced from Southey Street (as confirmed by the applicant via email on 22 May 2024). No servicing of the M3 and M4 buildings will occur via Ferguson Crescent.
- The submitted DA, as it only relates to the M3 and M4 buildings, will require changes to the suggested conditions in the TfNSW advice dated 24 March 2022 which were subsequently included in the Land and Environment Court issued development consent dated 13 May 2022 (i.e. Condition 142 in Annexure 'B' of LEC No. 2021/00228053).

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 3 Standards for non-residential development

The SEPP stipulates sustainability standards for residential and non-residential development. Section 35BA of the *Environmental Planning and Assessment Regulation 2021* stipulates that a development application for non-residential development under the SEPP must:

- (a) *disclose the amount of embodied emissions attributable to the development, and*
- (b) *describe the use of low emissions construction technologies in the development.*

A Sustainability Report has been submitted with the application. The report outlines sustainability initiatives covering the following aspects:

- Energy systems and efficiency
- Thermal comfort
- Carbon reduction and elimination
- Climate change
- Water efficiency
- Materials and waste efficiency
- National Construction Code (NCC) – Building Code of Australia (BCA) Section J compliance.

Considerations for non-residential development

As the proposed development for M3/M4 exceeds the estimated development cost (EDC) threshold specified in section 3.1 of the SEPP (EDC of \$5 million for a new building, and \$10 million for alterations, enlargement or extension of an existing building), the matters for consideration specified under section 3.2(1) must be considered by the consent authority. These matters are addressed in the Sustainability Report and are summarised as follows:

(a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,

The submitted Sustainability Report outlines strategies to minimise waste generation from demolition and construction.

(b) a reduction in peak demand for electricity, including through the use of energy efficient technology,

Strategies are proposed to reduce peak demand of electricity and energy.

(c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,

Strategies are proposed to control lighting, heating, ventilation and air-conditioning in conjunction with adaptive thermal comfort.

(d) the generation and storage of renewable energy,

The proposed development includes the installation of solar photovoltaic (PV) arrays to support energy consumption through renewable energy generation.

(e) the metering and monitoring of energy consumption,

Metering and monitoring of energy usage and consumption are proposed.

(f) the minimisation of the consumption of potable water.

Strategies are proposed to minimise consumption of potable water.

Section 3.2(2) of the SEPP requires the quantification of embodied emissions attributable to the development, prior to the granting of any development consent. The embodied emissions of the development are detailed in the “Embodied Emissions Materials Form” completed by a qualified quantity surveyor from MBM.

Considerations for large commercial development

Section 35C of the Regulation applies to development applications for large commercial developments. Where this provision applies, an application must include evidence that the development will not use on-site fossil fuels after the commencement of occupation and use, or incorporates infrastructure or space for the infrastructure necessary for the development to not use on-site fossil fuels after 1 January 2035.

Section 3.3 of the SEPP stipulates that in deciding whether to grant development consent to ‘large commercial development’, the consent authority must consider whether the development minimises the use of on-site fossil fuels, as part of the goal of achieving net zero emissions in NSW by 2050. Development consent must not be granted to ‘large commercial development’ unless the consent authority is satisfied the development is capable of achieving the standards for energy and water use specified in Schedule 3 of the SEPP.

The following is noted under the Dictionary of the SEPP:

large commercial development means non-residential development that involves—

(a) the erection of new prescribed office premises, prescribed hotel or motel accommodation or prescribed serviced apartments, or
 (b) alterations, enlargement or extension of prescribed office premises, prescribed hotel or motel accommodation or prescribed serviced apartments, if the development has a capital investment value of \$10 million or more.

prescribed hotel or motel accommodation means hotel or motel accommodation with at least 100 rooms.

As M4 contains less than 100 rooms (46 rooms proposed), it is not a 'prescribed hotel or motel accommodation' and as such is not a 'large commercial development'. The energy and water use standards in Schedule 3 of the SEPP do not apply to the proposed development.

LEPs

Wingecarribee Local Environmental Plan 2010

The proposed development is subject to a number of sections under Wingecarribee LEP 2010, and these are discussed as follows

Section	Control	Assessment	Compliance
2.3 Zone Objectives and land use table	<i>Prescribes zone objectives and gives details on permissible and prohibited landuses for each zone.</i>	<p>The site is zoned R2 Low Density Residential under WLEP 2010.</p> <p>The proposed development seeks to adaptively re-use the site, which is listed as a heritage item and within a conservation area under Schedule 5 of this Plan, and to facilitate the on-going protection of its values. The proposal is to conserve and revitalise the heritage buildings on the site that have been left in a derelict condition for decades and deliver significant environmental benefits through rehabilitation of the riparian land. The development would not inhibit the potential of other land within the R2 zone to provide for the housing needs of the community or to provide facilities or services to meet their day-to-day needs. The proposal would indirectly contribute to the above via the decontamination and remediation of the site, which is located in close proximity to established residential areas.</p> <p>The subject proposal is a new DA that operates alongside the original DA consent</p>	No - refer to section 5.10.

Section	Control	Assessment	Compliance
		regarding the adaptive reuse of and alterations and additions to M3 and construction of a new M4 building. The proposed land uses are defined as "hotel or motel accommodation", "restaurant", "pub", "function centre", "information and education facility", and "recreation facility (indoor)". With the exception of recreation facility (indoor), all other proposed uses are not permissible in the R2 zone. The permissibility of these other uses is sought through the provisions of section 5.10(10) of this Plan.	
5.10 Heritage conservation	<p>(4) Effect of proposed development on heritage significance <i>The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</i></p> <p>(10) Conservation incentives <i>The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—</i></p> <p><i>(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and</i></p>	<p>The subject site is an item of heritage significance, known as 'The Maltings' (Item No. I103), which is listed on Schedule 5 of this Plan.</p> <p>The site is also located within 'The Maltings Heritage Conservation Area' and within the vicinity of the following items of heritage significance listed under Schedule 5 of this Plan:</p> <ul style="list-style-type: none"> i) 'Nattai Creek Bridge' Ferguson Crescent, Mittagong (Item No. I1885) ii) 'Fitzroy Inn (former Oaklands)' 1 Ferguson Crescent, Mittagong (Item No. I099) iii) 'Wandevan house including interiors' 20-24 Southey Street, Mittagong (Item No. I1747) iv) 'Bethel Cottage' 38 Old Hume Highway, Mittagong (Item No. I1849) <p>The site is also located within the vicinity of the following potential items of heritage significance which are currently subject to an Interim Heritage Order (IHO) under the provisions of the <i>Heritage Act 1977</i>:</p>	Yes

Section	Control	Assessment	Compliance
	<p><i>(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and</i></p> <p><i>(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and</i></p> <p><i>(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and</i></p> <p><i>(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.</i></p>	<p>i) 'Murrabrine' 48-50 Old Hume Highway, Mittagong (IHO No. 14)</p> <p>Council's Heritage Advisor has considered the proposed development as follows:</p> <p><i>The proposed development seeks to amend the design for the alterations and additions as approved under DA20/1400, involving design revisions which have arisen from design development and further structural investigations regarding the feasibility of the retention and adaptive re-use of existing structures and the tolerances for change. It is not a s4.55 modification application to the original application, but rather a new and separate DA that finesses the concept design to a detailed design. The ambitious scope and intent of the proposal otherwise remains substantially the same development as approved by the Land and Environment Court.</i></p> <p><i>The Applicant's Heritage Impact Statement provides a helpful and concise summary of the purpose and intent of the modifications. It states that while the approved development worked around stabilising and working with the elements and structures, the extent of structural and material failure was not understood. The Applicant's Structural Engineering Report provides further detailed investigation and analysis of the existing structures, with the report concluding that substantial components of the buildings are no longer suitable or viable for retention, largely owing to the prolonged ruinous condition of the building and exposure to weather and corrosion which has, in the majority of areas observed, caused</i></p>	

Section	Control	Assessment	Compliance
		<p><i>irreversible deterioration to fabric, such that retention is not structurally viable.</i></p> <p><i>Due to the conditions of the building M3, the design envisaged in the original DA could no longer be pursued. In particular, the existing roof forms for the machinery room (northern section of M3) and kiln room (central section of M3) cannot be retained.</i></p> <p><i>The proposed development therefore involves design changes to M3 and M4 as a result of the further structural engineering investigations, which now includes the demolition of the roof structures to the machine room of M3 which were previously approved for retention, amendment to the design of the alterations and additions to M3 to accommodate a range of multi-purpose spaces for art, exhibition, gallery and indoor recreation uses, as well as dining and lounge rooms, a swimming pool and a guest suite associated with the hotel facility at M4. The proposal also involves design changes to the façade and minor adjustments to the interior layout of the M4 hotel with a new private garage and storage facility to the south-east of M3/M4.</i></p> <p><i>Overall, the development is understood to remain substantially the same as previously approved in conceptual form, but these design amendments finesse the design and respond to the further detailed structural investigations as detailed above.</i></p> <p><i>The design changes are supported by the Applicant's Heritage Impact Statement, and the findings and</i></p>	

Section	Control	Assessment	Compliance
		<p>conclusions therein are accepted, which are largely informed by the additional structural analysis. It is acknowledged that the extent of material affectation is substantial and involves the loss of significant features and defining elements. However, it is accepted that the present inherent structural defects and condition of fabric presents substantial limitations on the feasible retention and restoration of the roof forms and concrete slabs, whereby a different approach to conservation is required. In this manner, the Applicant's approach of archivally recording the fabric to be demolished is acceptable, together with interpretation into the redevelopment of the site. It is accepted that this proposal presents an innovative and well-considered design approach that offsets the heritage impacts and facilitates the re-activation and 'futureproofing' of the site.</p> <p>The HIS demonstrates that the proposed design changes accord with the relevant conservation policies of the Conservation Management Plan that has previously been prepared for the site and the proposed changes have an acceptable heritage impact. In principle, the assessment and recommendations of the HIS are accepted</p> <p>A key component of the proposal is that it relies on the heritage incentive provisions of clause 5.10(10) of the Wingecarribee Local Environmental Plan 2010. The provisions of clause 5.10(10) require there to exist a demonstrated commitment to facilitating the conservation of the heritage item by the granting of consent to a</p>	

Section	Control	Assessment	Compliance
		<p>proposed development. The granting of consent to the parent Development Application effectively endorsed the Applicant's demonstration that that proposal would facilitate the conservation of the heritage item. It is accepted that the proposed design changes are substantially the same development as previously approved by the concept approval, and that the development overall, presents a very unique and 'one in a lifetime' opportunity to reactivate The Maltings site, ensuring the site is sensitively adapted and 'futureproofed'. The site benefits from a robust Conservation Management Plan which sets in place a detailed conservation management framework to guide current and future decisions regarding management and protection of the site. Reliance on the provisions of clause 5.10(10) are acceptable from a heritage perspective.</p> <p>While the site is situated within the vicinity of numerous heritage items and partly within The Maltings Heritage Conservation Area, the scale of the proposed development is acceptable given the substantial sprawling landscape in which the collection of buildings sit. The substantial curtilage and landscaped setting, offers protection to the context of the surrounding heritage items through spatial distances and the protection of much of the open landscape of the site. This again points to the suitability of the design approach and land uses rather than pursuing land use activities that are otherwise typically associated with the residential zoning of the site</p>	

Section	Control	Assessment	Compliance
		<p>such as multi-lot subdivision and a fragmentation of the open curtilage and setting.</p> <p>The proposed development is supported on heritage grounds, subject to the following conditions, which are required to address heritage issues. It is noted that all previous heritage related conditions of consent are to be reproduced and imposed on this consent (reproduced below) together with the additional conditions reproduced below.</p>	
5.19A Function centres	<i>The consent authority must not grant development consent to development for the purposes of a function centre unless the consent authority is satisfied the development meets the requirements of subsection (2).</i>	<p>The proposed development is consistent with the provisions of this section given:</p> <ul style="list-style-type: none"> • The design revision does not involve any further vegetation clearing beyond what has been approved as part of the original DA. Rehabilitation of the riparian zones of Nattai River and revegetation and landscape improvements will be undertaken as per the approved proposal. • The proposal will complement the environmental and heritage attributes of the site. • Any potential environmental or amenity impacts on the surrounding can be mitigated and managed through appropriate conditions of consent for the subject DA. • There are no changes to the approved vehicular access and servicing arrangements. • Other environmental constraints, such as flooding, bushfire and site contamination can be addressed by appropriate conditions of consent for the current DA. 	Yes
5.21 Flood planning	<i>Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied</i>	The application is seeking a variation to the approved Finished Floor Level for Malster's House to 625.01m AHD.	Yes

Section	Control	Assessment	Compliance
	<i>the development meets the requirements of subsection (2).</i>	<p>However, the Nattai River Flood Study, as referenced in Plate 6- 2, shows a maximum flood level of 625.4m AHD, which is inconsistent with the 624.0m AHD listed in the revised Flood Report (Table 6-2). The submitted Architectural Plans and Flood Report are required to be amended to set the FFL of Malster's House at a minimum of 625.9m AHD (i.e., the 1% AEP flood level plus freeboard: 625.4m + 0.5m).</p> <p>The applicant has provided updated plans and amended the architectural plan of the Maltster's house to 625.90m AHD and the Flood Report.</p> <p>Given the above, Council has considered the matters listed under subsection (3) and is satisfied with the regard to the provisions of subsection (2).</p>	
7.3 Earthworks	<i>Development consent is required for earthworks that alter the ground level (existing) by more than 600 millimetres.</i>	<p>The matters listed under subsection (3) have been considered in relation to the proposed earthworks.</p> <p>It is noted the proposed development does not involve significant earthworks.</p> <p>The proposal does not increase the extent of excavation for the basement carpark at M4 as compared to the approved development (i.e. a depth of approximately 3.5m).</p> <p>No major retaining walls would be required either, as the development relies on a spilt level design of the building to achieve the finish floor levels.</p>	Yes
7.5 Natural resources sensitivity – water	<i>Provides objectives and controls regarding riparian land or land identified as a "natural waterbody"</i>	The site is identified on the Natural Resources Sensitivity Map as containing a Category 1 Environmental Corridor (within 50m from the top of stream bank on each side).	Yes

Section	Control	Assessment	Compliance
		<p>The proposed development would not hinder the ability of the development to meet the objectives of this section. The development relates to design changes that will occur within the existing development footprints and cleared areas.</p> <p>A large part of the site and the existing buildings encroach upon the Environmental Corridor. The land within the corridor is already disturbed and suffers from varying degrees of degradation. It is noted that the proposed works within this land are to facilitate adaptive re-use and upgrade of the heritage buildings and to rehabilitate the riparian zone.</p> <p>The siting and design of the new development would not result in adverse environmental impacts on the corridor. It is agreed that the approved vegetation management work will regenerate the riparian zone and improve water quality of Nattai River.</p> <p>Given the above, Council has considered the matters listed under subsection (3) and is satisfied that the development is designed, sited and managed to avoid any potential adverse environmental impact.</p>	
7.10 Public utility infrastructure	<i>Development consent must not be granted for development on land to which this clause applies unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.</i>	<p>Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or would be available when it is required.</p> <p>It is noted that Council's Assets Manager has confirmed that sufficient capacity is available in the Mittagong STP.</p>	Yes

Mittagong Township Development Control Plan

The subject site and proposed development are subject to the Mittagong Township Development Control Plan (MTDCP).

An assessment of the applicable provisions in the MTDCP is undertaken as follows:

DEVELOPMENT CONTROL PLAN			
SECTION	CONTROL	ASSESSMENT	COMPLIANCE
PART A – ALL LAND			
Section 3 – Biodiversity			
A3.2 Flora & Fauna Assessment	<p>Retain & protect native species, endangered ecological communities, threatened species, Koalas and protect wildlife corridors.</p> <p>Required where the development will potentially impact native vegetation & fauna.</p>	<p>An original FFA was completed by Eco Logical Australia (ELA) and approved by the Land and Environment Court. Given time has passed ELA has completed a re-assessment including a koala assessment.</p> <p>Council's Ecologist has reviewed this with consideration to the original approval, covering largely the same building footprint. No additional trees are proposed for removal.</p> <p>The focus of the re-assessment by ELA was to ensure that the condition of the vegetation, particularly the threatened ecological community had remained the same. The survey also recorded any opportunistic threatened flora or fauna sightings, and any threatened fauna habitat, not previously noted.</p> <p>The condition of the vegetation onsite had not substantially changed since the previous assessment and the mapped boundaries showing the differences in vegetation communities was deemed accurate.</p> <p>The key findings were:</p> <ul style="list-style-type: none"> • Southern Highlands Shale Woodland (TEC) is still present. Direct impact is 	Yes

		<p>small in area – still totalling 0.1ha, with a further 0.02ha of exotic vegetation being removed.</p> <ul style="list-style-type: none"> • No threatened flora was recorded. • One significant finding of the field survey was the confirmation of an occupied camp of <i>Pteropus poliocephalus</i> (Grey-headed Flying-fox) (GHFF). This species is listed as a vulnerable species under the BC Act and vulnerable under the EPBC Act. There were approximately 50 to 75 individuals occupying the camp at the time of survey. The Vegetation Management Plan (VMP) was accordingly updated with consideration to the GHFF within the VMP area. • BV mapping now present. <p>The assessment covered by ELA is considered adequate and in line with the majority of the context and outcomes from the LEC proceedings. Exceptions relate to the now known GHFF camp, the now present BV Mapping, and the previous omission of detail for the microbat habitat within the existing derelict structures.</p>	
Section 4 – Water Management			
A4.2 Vegetation Management Plan for Riparian Corridors	<p>A VMP is required for any proposed development in the WLEP 2010 Natural Resources Sensitivity Map and adjoining a natural waterbody. VMP requirements are described in Table A below. (A VMP is not required if one is already required as part of a controlled activity approval issued for integrated development in land zoned for urban uses.) Table B provides examples of actions that may meet the objectives of a VMP.</p>	<p>A VMP is required as part of the general terms of approval issued by NSW Department of Planning and Environment - Water.</p> <p>As such, this would be required as part of a condition of any consent granted.</p>	Yes

A4.3 Development in Sydney's Drinking Water Catchments	In order to implement Objective (b) above, Council requires compliance with all aspects of the SEPP as they apply to the particular development. Applicants are advised to acquaint themselves with the SEPP as it relates to their development.	Concurrence has been provided by Water NSW and is to be included in any consent granted. Council is satisfied the carrying out of the development would have a neutral or beneficial effect on water quality.	Yes
A4.5 Stormwater Management Plan	<p>A Stormwater Management Plan report will be required by Council for all development that will result in:</p> <p>a) An increase in the impervious area of the site, or b) A change in the direction of overland flow</p> <p>The intent of the Stormwater Management Plan is to demonstrate that 'post development' overland water flows will not exceed 'pre development' flows in terms of:</p> <p>a) Volume, b) Quality (including nutrient content), and c) Direction,</p> <p>The Stormwater Management Plan must be prepared in accordance with Council's Engineering Design and Construction Specification.</p>	Council's Development Engineer has raised no objection to the Stormwater & Flood Management Strategy submitted with this application.	Yes

A4.6 Erosion and Sediment Control Plans	Where building or earthworks are proposed, an Erosion & Sediment Control Plan must be provided to Council. Plans and all associated works must meet the Neutral or Beneficial Effect test and the water quality objectives using Current Recommended Practices contained in the State Environmental Planning Policy (Sydney Drinking Water Catchment 2011). Reference will also be required to the Landcom publication: Managing Urban Stormwater: Soils and Construction Vol 1, 4 th Edition, Landcom, 2004.	An updated Soil and Water Management Plan has been submitted with this application and subject to conditions of consent. The concurrence from Water NSW has also addressed this and is to be included in any consent granted.	Yes
Section 5 – Flood Liable Land			
A5.3 Flood Liable Land	Development on mapped flood affected land referred to Council's Development Engineer for review and recommendations.	Council advised the applicant that the maximum flood level should consider the flood level across all portions of the proposed building. It was noted the application is seeking a variation to the approved Finished Floor Level for Malster's House to 625.01m AHD. However, the Nattai River Flood Study, as referenced in Plate 6- 2, shows a maximum flood level of 625.4m AHD, which is inconsistent with the 624.0m AHD listed in the revised Flood Report (Table 6-2). The applicant was requested to revise the Architectural Plans and Flood Report to set the FFL of Malster's House at a minimum of 625.9m AHD (i.e., the 1% AEP flood level plus freeboard: 625.4m + 0.5m). The applicant has provided updated plans and amended the architectural plan of the Maltster's house	Yes

		<p>to 625.90m AHD and the Flood Report.</p> <p>Given the above, Council is satisfied with the regard to the provisions of this control.</p>	
Section 7 – Subdivision, Demolition, Siting & Design			
A7.2 Demolition	<p>(a) No demolition may occur on property which is an Item of Heritage, or is located within a Heritage Conservation Area, without the consent of Council.</p> <p>(b) An application for such demolition shall be accompanied by a Landscape Plan, prepared by someone considered by Council to be suitably qualified for such a task.</p>	<p>The proposal includes partial demolition of M3, primarily due to the degree of deterioration of specific components and fabric.</p> <p>A landscape plan was prepared in support of the original DA; the proposed modification does not affect the overall layout and landscape design strategy for the site.</p> <p>The proposal relates to design changes concerning the interior layout, façade treatment and upper floor additions at M3 / M4. The proposal does not increase the extent of excavation for the basement carpark at M4 as compared to the approved development.</p> <p>Heritage aspects of the proposal have been discussed earlier in this report (under the LEP section).</p> <p>The proposal involves demolition of the roof structures at M3 due to its advanced state of deterioration. The proposal would retain the original window or door openings in the remaining facades.</p>	Yes
A7.3 Site Analysis	<p>This section of the DCP contains various requirement for a Site Analysis to be provided with DAs.</p>	<p>A satisfactory site analysis has been provided.</p>	Yes

A7.4 Cut & Fill	<p>Cut & fill is consistent with LEP & stepping of development to accommodate contours of site.</p>	<p>The proposed development does not involve significant earthworks and is consistent with the requirements of the LEP.</p> <p>The proposal does not increase the extent of excavation for the basement carpark at M4 as compared to the approved development (i.e. a depth of approximately 3.5m).</p> <p>No major retaining walls would be required either, as the development relies on a spilt level design of the building to achieve the finish floor levels.</p>	Yes
A7.5 Shipping Containers	<p>The installation of shipping containers on any site is prohibited unless approval has been for the conversion and subsequent for use as a residential building.</p>	Not applicable.	N/A
A7.8 Principles on Minimum Acceptable Heritage Design	<p>New development is to be compatible with the existing streetscape in terms of materials, textures and colours.</p> <p>Modern materials can be used in a traditional streetscape provided their proportions and details are harmonious within the surrounding development.</p>	<p>A detailed discussion on the heritage aspects of the proposal has been provided earlier in this report (under the LEP section). Subject to recommended conditions, Council's Heritage Advisor has confirmed the proposal is considered to satisfy the objectives and requirements of this Plan.</p>	Yes
A7.9 Alterations to Items of Heritage	<p>Compliant with Clause 5.10 of the WLEP 2010.</p>	As above.	Yes

A7.10 Development within the Vicinity of Heritage Items	<p>Adequately set back to ensure Heritage Item is not dominated by new development.</p> <p>Compatible with architectural elements of nearby Heritage Item.</p> <p>Compatible with the average height, bulk and scale of buildings located on adjoining or nearby land.</p>	<p>As above.</p>	<p>Yes</p>
Section 8 – Safer by Design			
A8.4 Specific Design Requirements	<p>The principles of Safer by Design may be applied to both commercial and residential development.</p> <p>In particular, Council requires all development to demonstrate that it provides:</p> <p>a) Well-defined building entrances which are clearly visible from the street. Narrow or splayed entrances are preferable to deep-set entrance ways.</p> <p>b) Internal spaces must be open and visible, eliminating hidden corners.</p> <p>c) Walkways and connecting paths must be open with good visibility.</p> <p>d) Signs and vegetation should be located so that they do not create ‘entrapment’ points where people are hidden from view.</p> <p>e) On-site garaging must provide clearly defined exit points and be lit at night, both inside the garaging and around the entrance/exit points. Such lighting should be movement-activated lighting that focusses on the access areas.</p> <p>f) Building entrances, walkways, connecting</p>	<p>The proposed development would not detract from the principles for crime prevention through environmental design. The development is to provide well-defined entries to buildings and parking areas, legible circulation paths with good visibility, and suitably designed landscaping that avoids entrapment points.</p> <p>The design has demonstrated there is ability to meet Safer by Design requirements.</p>	<p>Yes</p>

	paths and garaging must be well lit in accordance with the provisions of Section A8 of this Plan to ensure that such lighting is down-ward focussed and effective without generating glare or annoyance beyond the area being lit.		
Section 9 – Construction Standards & Procedures			
A9.12 Waste Management and Disposal	A Waste Management Plan is required for all demolition works and /or construction works (with a value greater than \$50,000).	A demolition and construction waste management plan has been prepared for the subject application.	Yes
Section 11 – Outdoor Lighting			
A11.3 Controls	<p>a) Outdoor lighting must be a “full cutoff light fixture”, i.e. a type of fixture with no light emitted above the horizontal and no light dispersion or direct glare to shine above a 90-degree, horizontal plane from the base of the fixture.</p> <p>b) All outdoor lighting fixtures shall be designed, installed, located and maintained to avoid glare on to adjacent properties or streets</p> <p>c) All direct illumination shall be kept within the boundaries of the subject property.</p> <p>d) Accent lighting, when so approved, shall be directed downward on to the building or object and not toward the sky or on to adjacent properties. Direct light emissions shall not be visible above the roof line or beyond the building edge.</p> <p>e) Spotlighting on landscaping and foliage</p>	<p>It is noted the M3 / M4 group is located within a landscaped setting and it is unlikely that the proposal would result in significant light overspill.</p> <p>The development consent for the original DA specifies requirements relating to external lighting. A condition of consent would be imposed to ensure the development does not cause unreasonable light overspill that affects the amenity of the surrounding properties or public places.</p>	Yes

	<p>shall be limited to 150 watts incandescent. The lamp shall be shielded and not create disabling or nuisance glare.</p> <p>f) Timers shall be accurately set to ensure that lighting is used only when natural light is insufficient.</p>		
Section 12 – Development Near Rail Corridors and Busy Roads			
A12.1.3 Controls	<p>Council shall not grant consent to the carrying out of development on any land to which this Clause applies unless it is satisfied that adequate provision has been made to ensure that such development:</p> <p>a) avoids any new direct vehicular access to any relevant road and removes any existing access where alternative rear lane or other access is achievable.</p> <p>b) provides that any essential access to any relevant road be designed so that all vehicles enter and leave the site in a forward direction.</p> <p>c) restricts vehicular access, car parking and loading/unloading facilities to an alternative access, such as a rear lane, where such access is available.</p> <p>d) makes an appropriate Section 94 developer contribution towards the provision of public car parking where only a single frontage to a relevant road is available.</p>	<p>The vehicular access and loading and unloading arrangements are generally maintained. The Southey Street entry would now also be used by in-bound traffic of guests / patrons to ease the demand for the Colo Street entry. The proposal provides more details relating to vehicular access and circulation through the site.</p> <p>TfNSW raised no objections with the proposed development in advice dated 24 May 2024, in terms of the impacts it will have on the state classified road network subject to conditions being included in any consent granted.</p> <p>Council has noted that the proposed development is not likely to be adversely affected by rail noise or vibration, given it does not include any residential or other noise-sensitive development.</p>	Yes

PART C – RESIDENTIAL ZONED LAND

Section 15 – The Maltings Heritage Precinct

C15.3 Additional Development Controls	<p>(a) Any development, including subdivision, within the Maltings precinct shall be consistent with the recommendations of a Conservation Management Plan for the site, approved by the Council, and which provides for the adaptive reuse of the Maltings buildings and site, ensuring:</p> <p>(i) the retention, stabilisation and enhancement of the remaining fabric and setting of the former Maltings industrial complex,</p> <p>(ii) the protection of prominent view corridors across the site to the former industrial buildings that have a landmark significance,</p> <p>(iii) the retention of significant landscape elements,</p> <p>(iv) the siting, design, and construction of new buildings and other structures that complement the visual prominence, architectural character and heritage significance of the former industrial buildings, and</p> <p>(v) the protection of the setting and heritage significance of the Fitzroy Inn.</p>	<p>A Conservation Management Plan (CMP) has been prepared and approved to guide the adaptive re-use and conservation of the remnant buildings on the site. The CMP is referenced in Condition 11 of the existing consent.</p> <p>The proposal would selectively retain building fabric and materials of M3, which are capable of being re-used. The setting and spatial relationship between the conserved malting buildings is to be protected.</p> <p>There would be no impact on any significant views and sightlines across the site as a result of the proposal.</p> <p>The proposal does not seek to alter the approved landscape design for the site (apart from some additional landscaping for Maltster's Cottage subject to the recently determined section 4.56 modification application).</p> <p>Subject to the advice provided by Council's Heritage Advisor earlier in this report, the proposal would not diminish the heritage significance of M3 in terms of siting, architectural character and spatial relationship between built elements and the landscape.</p> <p>The development would also not affect the setting of Fitzroy Inn nearby.</p>	Yes
	<p>(b) The existing pattern of low density detached houses on separate allotments, that front Southey Street, shall be extended along the</p>	<p>The proposed development does not concern the Southey Street frontage of the site. The approved development scheme has incorporated a site planning</p>	Yes

	<p>Southey Street frontage of the Maltings neighbourhood, ensuring that no development is higher than 2 storeys with the second storey being contained within a pitched roof space.</p>	<p>strategy where the new M5/M6 would be designed as a group surrounded by landscaped areas.</p>	
	<p>(c) Vehicular access to the Maltings precinct via Colo Street shall be restricted to access relating to residential development only.</p>	<p>The proposed development would not change the approved vehicular access arrangements, which provide separate access points for different user groups. Colo Street is to be the main entry point for visitors to the multi-purpose facility at M1/M2. A road bridge provides connection across Nattai River for access to the basement carpark at M4 and the visitor / patron car park to the south-east of M3/M4. Similarly, the provision of access to the future residential accommodation at M5/M6 via Southey Street would minimise vehicles traversing across the site.</p>	<p>Yes</p>
	<p>(d) Vehicular access to any non-residential development or public car parking associated with same, shall be made via the Old Hume Highway, where such vehicular access arrangements do not compromise the safety or efficiency of the Old Hume Highway and the local road network.</p>	<p>The proposal would generally maintain the approved vehicular access arrangements. Southey Street is to now also be used by inbound traffic of guests / patrons. The use of Ferguson Street as the main entry for non-residential visitors / patrons is not feasible due to the constrained geometry of the driveway and limited space for parking at the northern end of the site. The approved access arrangements serve to protect the heritage values of the site. This is achieved by avoiding large parking areas at the centre of the site where the significant maltings buildings are located and minimising vehicular traffic traversing across the river. To</p>	<p>Yes</p>

		<p>preserve the setting of the significant maltings buildings, the primary vehicular access needs to be provided from Colo Street and Southey Street. Colo Street has a relatively flat terrain, which would minimise the degree of cut and fill to create off-street car parking. The use of Colo Street for patrons / visitors would also limit the amount of traffic entering the residential areas to the north, east and south of the site.</p>	
	(e) All car parking and loading/unloading facilities associated with nonresidential development shall be provided within the Maltings precinct.	A site plan has been prepared for the proposed development that clearly shows the location of car parking adjacent to M3/M4. The submitted plans also show the basement carpark underneath M4.	Yes
	(f) Any new building or structure within the neighbourhood and not physically associated with the stabilisation or restoration of the former industrial buildings, shall be restricted to 2 storeys.	The proposal would increase the height and scale of M3. The design of the additions interprets and reinforces the rustic industrial character of the building. Given its location deep within the site, the proposal would not result in unacceptable visual impacts on the surrounding residential neighbourhood.	Yes
	(g) the end use of development within the Maltings precinct shall not place at risk the health and safety of occupants or visitors, given any potential:	Refer to the below comments.	Yes
	(h) land or soil contamination, and	<p>Appropriate site investigations have been completed.</p> <p>Conditions would be imposed as part of any consent to ensure the site is remediated prior to being used for the purposes encompassed in the proposal.</p>	Yes

		Council's Environmental Health Officer has provided recommended conditions.	
	(i) the structural adequacy of, and presence of any potentially harmful construction materials within, existing buildings and structures within the Maltings neighbourhood.	<p>A Structural Report has been prepared to assess the conditions of various elements within M3/M4. A BCA Report has been prepared to confirm that the proposal is capable of achieving compliance with the provisions of the code.</p> <p>Issues regarding structural adequacy and site remediation (including hazardous building materials) can be addressed in conditions of any consent granted.</p>	Yes
	(j) Any development within the Maltings neighbourhood shall incorporate improvements to the ecological value of the foreshores and adjoining riparian zones of Nattai Creek and the quality of water flowing from land within the Maltings precinct, into the Creek.	The proposed development would not affect the ecological value of the riparian zones of Nattai River and the quality of water flowing from the land into the creek. The development seeks to rehabilitate the riparian corridor through the removal of weeds, revegetation with native species and stabilisation of the banks to reduce sedimentation.	Yes

DRAFT INSTRUMENTS

There are no draft Environmental Planning Instruments relevant to the site or proposed development.

REGULATIONS

Building Demolition

Demolition work is proposed and subject to conditions of any consent granted.

Fire Safety

Subject to conditions of any consent granted.

Upgrading of Buildings

Subject to conditions of any consent granted.

Temporary Structures

Not applicable to this proposal.

Deferred Commencement Consent

Not applicable to this proposal.

Modification or Surrender of Development Consent or Existing Use

Not applicable to this proposal.

Ancillary Development

Not applicable to this proposal.

BASIX

Not applicable to this proposal.

Designated Development

Not applicable to this proposal.

PLANNING AGREEMENTS

No planning agreement or draft planning agreement has been entered into or offered.

CONTRIBUTIONS

Developer contributions are payable on the proposed development as follows (given there would be an additional 329sqm in gross floor area of the M3 and M4 buildings):

- Section 7.11

Not applicable to Stage 1 the subject of this application.

- Section 7.12

Not applicable. The proposed development is not subject to a Section 7.12 Contributions Plan.

- Section 64

Water & Sewer

Hotel

0.01 Water & Sewer ET rate per sqm

0.01 x 329 = 3.29 ET (no credit applies)

			Amount
Contributions Levy	Units	Rate	Payable
S64 Sewer Compliance Certificate	1.00	\$273.00	\$273.00
S64 Sewerage (Shirewide)	3.29	\$12,962.98	\$42,648.21
S64 Water Compliance Certificate	1.00	\$273.00	\$273.00
S64 Water (Shirewide)	3.29	\$13,371.28	\$43,991.52
Total			\$87,185.73

Impacts of the Development [s4.15(1)(b)]

Context & Setting

As detailed earlier in this report, the site is irregular shaped within an established residential area, containing a number of buildings in various states of deterioration and disrepair.

The proposal is compatible with the surrounding area and will have minimal impact in regard to adjoining properties and land uses, subject to conditions of any consent granted.

Access, Transport and Traffic

The application does not propose any change to the approved access arrangements (as approved by Development Consent 20/1400, as modified) from Colo Street, Southey Street and Ferguson Crescent.

TfNSW and Council's Development Engineer have considered the impact of the proposed development on the approved traffic and access arrangements and raised no objection subject to conditions being imposed as part of any consent granted.

Public Domain

It is considered that the proposal will have a negligible impact on the public domain in terms of:

- Public recreational opportunities in the locality;
- Amount, location, design, use and management of public spaces in and around the development; and
- Pedestrian linkages and access between the development and public areas.

Utilities

The site has adequate utility services to cater for the proposal.

Heritage

The subject site is an item of heritage significance, known as 'The Maltings' (Item No. I103), which is listed on Schedule 5 of the WLEP 2010. The site is also located within 'The Maltings Heritage Conservation Area'.

Council's Heritage Advisor has determined that the scale of the proposed development is acceptable given the substantial sprawling landscape in which the collection of buildings sit. The substantial curtilage and landscaped setting, offers protection to the context of the surrounding heritage items through spatial distances and the protection of much of the open landscape of the site. This again points to the suitability of the design approach and land uses rather than pursuing land use activities that are otherwise typically associated with the residential zoning of the site such as multi-lot subdivision and a fragmentation of the open curtilage and setting.

Consequently, the development application is supported on heritage grounds, subject to conditions of any consent granted.

Other Land Resources

The proposal will not have any negative impact on:

- Productive agricultural land.
- Mineral or extractive resources.
- Water supply catchments.

Flora and Fauna

The subject site contains trees and other vegetation.

A threatened ecological community, being Southern Highlands Shale Woodland (SHSW), is identified within the south-western part of the site that is subject to statutory protection.

Council's Ecologist has noted an original Flora and Fauna Assessment was completed by Eco Logical Australia (ELA) and approved circa 2020 through the Land and Environment Court (LEC). Time has passed and therefore ELA completed a re-assessment (submitted with this application). No additional trees are proposed for removal.

Noise and Vibration

It is considered that the proposal will have a negligible impact in terms of noise and vibration, subject to compliance with conditions of any consent granted.

Natural Hazards

The southern portion of the site is identified as bush fire prone land.

The NSW Rural Fire Service has reviewed the submitted amendments and raised no objections subject to compliance with their previous general terms of approval dated 25 August 2020 (issued with the existing consent).

A significant portion of the site is also flood prone land.

Council is satisfied with the regard to the relevant provisions noting updated plans have been provided including amendment to the plan of the Maltster's house to 625.90m AHD and the Flood Report.

Technological Hazards

There is existing contamination on the land.

Following consideration of the submitted documentation, Council's Environmental Health Officer has provided recommended conditions of consent.

As such, Council is satisfied that the land will be remediated before the land is used for the proposed development and consent is able to be granted in this regard.

Social and Economic Impacts in the Locality

The likely social and economic impacts of the proposal are negligible.

Cumulative Impacts

It is considered there will be no negative cumulative impacts as a result of the proposal.

Waste and Operational Management

It is considered suitable arrangements are proposed in relation to waste management during demolition and construction as well as operation of the development.

In terms of operational waste management, onsite waste collection would take place from the M3 and M4 loading / waste area. A 10m service vehicle / garbage truck is to be utilised. The collection area is fairly flat (~8%, 1:12.2 across the slab), as such, there would not be any grading issues.

Suitability of the Site [S4.15(1)(c)]

Does the proposal fit in the locality?

The proposal does fit in the locality given:

- There are no constraints posed by surrounding development to render the proposal prohibitive;
- The proposal is complimentary to the surrounding land use pattern and zoning;
- It is considered that the proposal will not create any unmanageable access or transport concerns in the locality;
- No impact on public spaces will eventuate as a result of the proposal proceeding;
- There are no issues in relation to air quality and microclimate; and
- There are no identified surrounding hazardous land uses or activities.

Are the site attributes conducive to development?

It is considered that the site is conducive to the proposal.

Submissions [S4.15(1)(d)]

The application was notified between 3 May 2024 and 2 June 2024.

22 submissions were received (20 in objection and two (2) in support).

Issue	Comment
<u>Design</u> <ul style="list-style-type: none">▪ New design is too dissimilar to original DA and has removed too much of original heritage design and structure▪ Removal of many historical items within the buildings such as cast-iron columns and ceiling of rooms removes the historical value of the building▪ Design is cold, boxy and lacks sense of creativity while not attempting to maintain the heritage value and design▪ Design has a strong industrial look, not aesthetically pleasing nor in keeping with other buildings within Wingecarribee Shire▪ Proposed development provides little recognition to the historical heritage of the Maltings as only some external walls have been preserved▪ Design has a strong industrial look, not aesthetically pleasing nor in keeping with other buildings within Wingecarribee Shire▪ Proposed development provides little recognition to the historical heritage of the	<p>The applicant has confirmed that a detailed structural assessment, including on-site investigation and material testing, has been completed following the granting of the original development consent (no. 20/1400). The assessment concludes that some elements previously identified for retention could no longer be retained due to their advanced state of decay, whereas other elements could now be conserved with localised replacements and repairs.</p> <p>For M3, the timber roof structures and the upper floor slab above the kiln room could not be retained due to their advanced state of decay. The new additions are generally contained within the existing building footprints, and the materiality of the enclosing walls (being face brickwork) would respect the retained fabric.</p> <p>It is noted the proposal is guided by a heritage impact statement that has examined in detail the values of the site and the conditions of the structures and fabric. Due to the ruinous condition of the existing buildings, restoration to their original or a conjectural form is not</p>

<p>Maltings as only some external walls have been preserved</p> <ul style="list-style-type: none"> ▪ Current design looks like an institution with no consideration to historic nature of sight ▪ Not rebuilding the roof to be as close to the original design is not preserving the true aesthetic of the heritage building ▪ Roof is the most iconic and recognisable part of the building and should not be replaced with structure that looks like block of flats ▪ Heritage roofline is important to uniqueness of the structure and is not protected ▪ Replacement of gable roof and dormer window heavily impacts heritage significance of building ▪ Dilapidated state of existing building holds more heritage value than proposed extensive modification ▪ Claims that roof cannot be rebuilt have no sound engineering basis. Council should ensure roof is to be rebuilt to original design. ▪ Displeased with overall design of project noting "Soviet era industrial estate" feel ▪ Architectural alteration lacks sympathetic restoration and retention of the original historical foundational elements ▪ Plans overshadow and obscure the essence of the historic structures, in particular Malt House 3, rendering the building unrecognisable ▪ The unique roofline and dormer windows of Malt House 3 should be restored rather than removed ▪ Proposed large extensions of concrete block walls surrounding the structure engulf the original form of Malt House 3, providing no aesthetic qualities to the building and provides no sympathetic heritage value ▪ M3 machinery room timber roof, dorms and kiln room porch can all be reinstated as per structural report stating these components are only recommended to be removed ▪ Opposed to removal of M1 and M2 building interior due to historical items and elements ▪ Opposed to the removal of any remnants of roof of Malt House 3 as it would be detrimental to the historical integrity and architectural significance of site ▪ Gable roof and multiple dormer windows of Malt House 3 represents crucial element of the site heritage ▪ Replacing original roof with large block type structure is not sympathetic to the original heritage of the building and fundamentally alters the character of Malt House 3, diminishing historical and architectural value ▪ Approving the proposed amendment to DA would set concerning precedent for the treatment of other heritage sites within the Shire ▪ Replacing the roof with modern architecture destroys the historical context of a building that is highly regarded locally and nationally 	<p>considered feasible or desirable. The conservation approach is the result of a conscious decision to work with the fabric that can be retained and add new elements that are contemporary. This is to conserve the values of the item, maintain the materiality and allow the insertion of new forms that co-exist in juxtaposition to the ruined elements.</p> <p>The alterations and additions seek to complement the scale, form, materiality and rustic character of the former industrial buildings, while being contemporary in design so that the new work is distinguished from the retained fabric. This is consistent with the principles of the Burra Charter.</p> <p>A heritage interpretation plan is to be prepared following the granting of consent to this amending development application, to guide the salvaging and re-use of fabric and artifacts on the site. Note that Condition 22 of the existing consent requires a comprehensive interpretation strategy and plan to be prepared prior to the issue of any Construction Certificate.</p> <p>If the development does not proceed, it is likely that the fabric would continue to deteriorate and eventually to a state where the buildings could not feasibly be retained, with the consequence that the heritage values of the site would be permanently lost.</p> <p>As detailed earlier in this report, subject to recommended conditions, Council's Heritage Advisor has confirmed the proposal is considered to satisfy the objectives and requirements of section 5.10 of the WLEP 2010 and demonstrates satisfactory consistency with the heritage provisions of the MTDCP. Consequently, the proposed modification application is supported on heritage grounds.</p>
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<ul style="list-style-type: none"> ▪ The remodelling to a modern 'box' roofline is not keeping with the heritage of the building and should be replaced with the original design ▪ Building should be preserved, keeping with original heritage design ▪ Opposed to removal of any remnants of Malt House 3 as it is a significant feature of The Maltings ▪ Should be required to rebuild roofing and dormers to preserve heritage ▪ Modern shaped roof replacement is not sympathetic to original heritage structure and design ▪ Opposed to removal of Malt House 3 gable roof and dormer windows as turning it into an old looking block house with no connection to the history is not sympathetic to the original design ▪ West entrance to Malt House 3 with the triangular awning roof above is gone and should be retained ▪ Malt House 2 grand north east facing external wall with similar features to Malt House 3 north east end has been obscured by the new north shed ▪ Initial DA 20/1400 should used ▪ Designs show lack of sensitivity to the historical significance and importance of the landmark ▪ Proposed design not only detracts from architectural sensibilities but also mocks the original buildings integrity ▪ Proposed DA20/1400 is opposite as far as sensitivity to original building design, maintaining original aspects ▪ Architectural alteration lacks sympathetic restoration and retention of the original historical foundational elements ▪ Plans overshadow and obscure the essence of the historic structures, in particular Malt House 3, rendering the building unrecognisable ▪ The unique roofline and dormer windows of Malt House 3 should be restored rather than removed ▪ Proposed large extensions of concrete block walls surrounding the structure engulf the original form of Malt House 3, providing no aesthetic qualities to the building and provides no sympathetic heritage value ▪ M3 machinery room timber roof, dorms and kiln room porch can be reinstated as per structural report stating these components are only recommended to be removed ▪ Opposed to removal of M1 and M2 building interior due to historical items and elements. <p>Note comments also refer to the concurrent MOD which was recently determined by the Panel.</p>	
<p><u>Operational Hours & Noise</u></p> <ul style="list-style-type: none"> ▪ Proposed galleries and event spaces have operational hours that give little consideration to 	<p>The existing development consent has approved the following operating hours:</p> <p><i>Maltings 1 and Maltings 2:</i></p>

residents in the adjoining streets, with potential for events to be held 365 days of the year ending at midnight on weekdays and 1am on weekends

- Reasonable event times are 10pm for weekdays and 11pm weekends so as to not to disturb residents within certain radius of the site
- Operator has an additional 12 times per year where events can end at 2am, if New Years Eve is excluded from this additional 12 what ceasing time is placed on NYE. Would 1am be acceptable and why not have additional 12 events end at 11pm

- Reports provided by consultants on noise and acoustics state that there is a significant tree density to assist with noise level control, however there are only 6 large gum trees in a single line. This is similar to the pine trees facing Southey St
- Limiting of outdoor music to 10pm provides little comfort as indoor music has no restriction and will permeate outside when doors & windows are open

- Noise allowance is unacceptable as older residents on that St will be impacted

Sunday to Thursday: 8am to midnight

Friday and Saturday: 8am to 1am the following morning

In addition, up to 10 times in any 12-month period, the premises will operate until 2am (the following morning), including on New Year's Eve

Maltings 3 and Maltings 4:

24 hours a day, every day of the week

The residents' concerns about acoustic amenity are noted. An updated acoustics assessment has been undertaken to support this application. From an acoustic perspective, most of the indoor spaces would be controlled by the building envelope design and have a low risk with respect to noise emission. As for the outdoor areas, noise generated by the patrons would be managed. The outdoor swimming pool, associated plant room, bar and terrace are to be removed from M1, and a new outdoor exhibition space created at the ground level. The other gallery and exhibition areas within M1/M2 are enclosed spaces and the risk of noise impact would remain low and manageable. Noise emission from the new outdoor gallery at M1 is capable of being managed through restricting amplified music levels and number of patrons. The outdoor swimming pool and associated terrace are to be relocated to M3. A restaurant and lounge room would also be provided within M3. Noise from the outdoor areas can be managed via the following:

- Limit operation hours for the outdoor terraces and swimming pool to: 7:00am to 12:00am, Mondays to Saturdays, and 8:00am to 12:00am for Sundays and Public Holidays.

- Limit amplified music level to 75dB(A)L10, and no playing of music in the outdoor areas after 10pm.

- Speakers are to be vibration isolated.

- Control the number of patrons occupying the outdoor areas.

- Barrier or balustrade to the terrace and swimming pool is to be a minimum of 1.2m above the finished floor level.

- Install signage at the entry and exit of the venues reminding patrons to minimise noise when departing the premises, especially after 10pm.

- Deliveries and waste collection are to be completed within the following hours: 7:00am and 6:00pm.

- Disposal of glass bottles must not occur after 10:00pm. The potential noise emission from the development can be managed and mitigated without causing unreasonable impacts at residential boundaries.

	Council's Environmental Health Officer has confirmed that noise related conditions of the existing consent are satisfactory.
<p><u>Traffic Management</u></p> <ul style="list-style-type: none"> ▪ During day time the intersection with traffic lights on Renwick Drive / Old Hume Highway is a congested intersection and locals who use this route will be forced to drive around through Renwick estate during events ▪ Proposed Traffic Management Plan (TMP) for Hotel entry / exit into Southey St should be restricted to left hand entry and left-hand exit as entry / exit point is situated on a bend in the St where there isn't a clear view around the bend ▪ TMP for galleries / events parking area at Colo St allows vehicles to enter and exit in either direction, design has potential for considerable vehicular traffic and noise at night for residents ▪ Parking entrance will endanger most residents who walk on the road due to there being no footpath on that side of Southey St 	<p>The current proposal provides for in-bound and out-bound traffic of the guests of M3/M4 and service vehicles for M3/M4 at the Southey Street entry. The previous development scheme sought to utilise this access for outbound vehicles only. The approved scheme already allows for both left and right turn movements (refer to Condition 142, item 1 of the existing consent). The change currently proposed is to reduce reliance on Colo Street for vehicular access and would improve the overall traffic flow and distribution. The access design would comply with the provisions of Australian Standard 2890 series.</p> <p>The Traffic Statement submitted with this application concludes that the proposal would meet the relevant requirements of the existing consent.</p> <p>TfNSW and Council's Development Engineer have considered the impact of the proposed modified development on the approved traffic and access arrangements and raised no objection subject to conditions being imposed as part of any modified consent granted.</p>
<p><u>Financial Return</u></p> <ul style="list-style-type: none"> • M1 and M2 has been deemed a significant development, not sure if it will have any significant impact to increasing financial returns to greater Wingecarribee community 	Financial return to the local community is not deemed to be a valid planning consideration. Nonetheless, the proposal would generate employment opportunities and encourage tourist activities that would deliver flow-on benefits to the local economy.
<p><u>Surrounding Area</u></p> <ul style="list-style-type: none"> ▪ Developer and council should contribute to the infrastructure of the surrounding area as it lacks pedestrian footpaths and access via anything but a vehicle ▪ Addition of footpaths to Colo St, Southy St, Bong Bong Rd and Ferguson Crescent would create easier access to the site and increase tourism while also pleasing local residents ▪ Colo St park and playground desperately requires upgrade being more than 20 years old, this would encourage visitation in this area ▪ The installation of a public basketball court would add to the overall area <p>Note comments also refer to the concurrent DA also under assessment.</p>	The proposal is subject to development contribution requirements under the Wingecarribee Section 7.11 Developer Contributions Plans. The development contributions would be utilised by Council for upgrading and embellishment of local infrastructure, including roads, traffic management and open space and recreation facilities.
<u>Council Administration</u>	This amending development application is classified as regionally significant development pursuant to the provisions of <i>State</i>

<p>▪ Concerned with how project has been approved as council is still under administration and there isn't a proper council to make a decision</p> <p>Note comments also refer to the concurrent MOD which was recently determined by the Panel.</p>	<p><i>Environmental Planning Policy (Planning Systems) 2021</i>. As such, the application is required to be determined by the Southern Regional Planning Panel who would consider the assessment undertaken by Council.</p> <p>Council has notified and exhibited this application in accordance with its public consultation policy.</p>
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The Public Interest

[S4.15(1)(e)]

The proposal generally satisfies the prevailing planning controls and facilitates the '*orderly and economic use and development of land*' which is one of the objects of the *Environmental Planning and Assessment Act 1979*.

Accordingly, it is considered that approval of this application is in the public interest.

Conclusion and Recommendation

Following assessment of the application, it is considered that all relevant matters have been addressed, and / or conditions imposed to ensure that any potential impacts are negated. It is considered that this report adequately addresses the impacts of the proposal in terms of health, visual amenity, suitability of the site, services and utilities, flora and fauna, traffic, and the many other areas identified above.

The development application has been assessed in accordance with the matters for consideration under section 4.15(1) of the *Environmental Planning and Assessment Act 1979*, and all relevant environmental planning instruments and Council policies, and is considered to comply with all relevant items.

It is recommended that the Southern Regional Planning Panel determine the development application pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by way of approval in line with the recommended conditions of consent outlined in and attached to this report.