

DATE OF DETERMINATION	14 April 2025
DATE OF PANEL DECISION	11 April 2025
DATE OF PANEL MEETING	8 April 2025
PANEL MEMBERS	Chris Wilson (Chair), Susan Budd, Natasha Harras, Heather Warton, Richard Colley
APOLOGIES	Grant Christmas
DECLARATIONS OF INTEREST	Juliet Grant (<i>Juliet Grant is an employee of Gyde Consulting. Gyde completed the SEE</i>).

Public meeting held by videoconference on 8 April 2025, opened at 3pm and closed at 3:40pm.
Papers circulated electronically on 1 April 2025.

MATTER DETERMINED

PPSSTH-405 – WINGECARRIBEE - DA24/1138 at 2 Colo Street, MITTAGONG (Lot 21 DP 1029384) – 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 (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

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

Development application

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

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in Council's Assessment Report and Council's Memo, and as below.

The panel was satisfied that the development:

- Complies with *Wingecarribee Local Environmental Plan 2010* (WLEP 2010)
- Meets the Conservation Incentives requirements under clause 5.10(10) of WLEP 20210 to allow uses that would not otherwise be allowed
- Will not result in unacceptable adverse impacts upon the natural or built environment, including on the heritage significance of the site
- Residual impacts can be suitably managed through the imposition of conditions of consent
- Meets the requirements under clause 5.10 of WLEP 2021 with regards to the proposal being sympathetic to the existing built form and heritage values of the site
- Is consistent with the objects of the *Environmental Planning and Assessment Act 1979*.

All relevant matters have been addressed and /or conditions imposed to ensure potential residual impacts are appropriately managed.

This is an amending development consent and will facilitate amendments to the existing Concept and Stage 1 approval (as amended) by way of a condition imposed pursuant to sections 4.17(1)(b) and (5) of the *Environmental Planning and Assessment Act 1979* and section 67 of the *Environmental Planning and Assessment Regulation 2021*.

By approving this amending application, the panel agreed that by granting consent with the above said condition, that the original development approval (DA20/1400) would be modified to reflect the revised plans and other amendments approved by this decision.

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.

Discussion

During the course of the public determination meeting a number of matters were discussed as follows:

- The panel sought to clarify the hours of operation for both M1/M2 and M3/M4. It was noted that the existing approval for M3/M4 enabled 24-hour operations 7 days per week, and the recommended approval incorporated limitations on the hours of operation of external spaces (pool and terraced areas). The panel discussed the types of management measures available and the need for these to be the subject of an Operational Plan of Management.
- The panel questioned whether there was any landscaping proposed as part of the amending application. The applicant confirmed that there were no changes sought to the landscaping approved by the L&E Court.

CONDITIONS

The Development Application was approved subject to the conditions attached in Schedule 2 which reflects those conditions recommended by council and as modified by the panel. The panel requested that council make several changes to the conditions in Schedule 2 before issuing a notice of determination. These are discussed in more detail below.

On 4 April 2025, the applicant provided a memo in response to council's recommended conditions of consent which sought to make several changes to the recommended draft conditions. The request was considered by the panel in making its final decision. On 8 April 2025, the panel requested that council provide a revised instrument of consent with revised conditions to address matters raised by the applicant and the panel during the public determination meeting. On 9 April 2025 council provided a response which has been considered by the panel in making its final decision.

The final conditions provided by council on 9 April 2025 included the following amendments, which were either agreed to or recommended by the panel:

- The title page was amended to reflect the correct name for the applicant.
- Condition 2 was amended to correct reference to M3/M4 instead of M1/M2.
- Condition 2A was incorporated to require a modification to DA20/1400 to ensure that there was no inconsistency between DA20/1400 (as amended) as it applies to M3/M4 and this approval (DA24/1138).
- Conditions 4, 5, 6, and 7 were all amended to include the words "as attached" in reference to GTA's and concurrences.
- Condition 19 relating to Category 2 Remediation works was not relevant and was deleted.
- Condition 29 (formerly 30) was amended to delete "to the satisfaction of" to ensure consistency with the conditions of DA20/1400 (as amended).
- Condition 30 (formerly 31) was amended to delete "to the satisfaction of" to ensure consistency with the conditions of DA20/1400 (as amended).

- Condition 31 (formerly 32) was amended to delete “to the satisfaction of” to ensure consistency with the conditions of DA20/1400 (as amended).
- Condition 47 (formerly 48) was amended to include the word “basement” in reference to the additional four (4) car parking spaces required to be provided in the basement.
- Condition 50 b) (formerly 51 b)) was amended to include the word “approved” in reference to the approved Acoustic Report.
- Condition 53 (formerly 54) dot point 2 was amended to include the words “details on” and “as described in the MMP”
- Condition 59 was deleted as it is addressed in DA20/1400 (as amended).
- Condition 59 (b) (formerly 61 (b)) was amended to include the words “ensure the retention and protection of significant fabric and, minimise to the greatest extent possible any”.
- Condition 64 relating to Category 2 Remediation works was not relevant and was deleted.
- Condition 66 (c) (formerly 69 (c)) was amended to include the following words “or any other waste-derived material the subject of a resource recovery exemption under clauses 91 & 92 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material”.
- Condition 83 (formerly 86) was amended to include the words “Development Consent 20/1400 (as modified by 24/1140)” to ensure consistency.
- Condition 85 (formerly 88) was amended to enable the issue of rising damp to be managed through the design of the internal and external pavements and floors.
- Condition 104 (formerly 107) was amended to delete reference to the need for a Restriction as to User as no new allotment is to be created.
- Condition 108 (formerly 111) was amended to include reference to the approved acoustic report.
- A new Condition (112A) was included requiring the submission of an Operational Plan of Management to Council for approval which must address the recommendations of the acoustic report, the need to meet relevant noise criteria at 6 sensitive receivers, management of deliveries, waste management, emergency procedures and security.
- Condition 114 (formerly 117) was amended to include reference to the approved acoustic report.
- Condition 115 (formerly 118) was amended to include noise emission criteria to be met at certain times of the day at sensitive receivers and the need to monitor and rectify following substantiated complaints.
- Condition 117 (formerly 120) was amended to clarify it is approved by Council and to reference the Plan of Management as an “Operational” Plan of Management.






The final set of conditions (including renumbering where required) which have been approved by the panel can be found in Schedule 2. This includes further minor amendments to Conditions 112A and 117 to clarify that the Operational Plan of Management be submitted to Council for approval.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from those wishing to address the panel. The panel notes that issues of concern included:

- Design and heritage impacts
- Operational hours and noise
- Traffic management
- Financial return
- Impacts on surrounding area
- Council administration including notification process
- Lack of visual screening (vegetation)

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report, Council’s Memo and the amended conditions of consent as adopted. This includes conditions that strengthen the regulatory regime applicable to noise generation and potential impacts on sensitive receivers.

PANEL MEMBERS	
 Christopher Wilson (Chair)	 Natasha Harras
 Susan Budd	 Heather Warton
 Richard Colley	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-405 – WINGECARRIBEE - DA24/1138
2	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
3	STREET ADDRESS	2 Colo Street, MITTAGONG (Lot 21 DP 1029384)
4	APPLICANT/OWNER	Applicant: The Trustee for the Maltings Property Trust c/- Timothy Chung Owner: Halcyon Hotels Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> 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 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Mittagong Township Development Control Plan 2010 (amended 2021) Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 28 March 2025 Council Assessment memorandum– 9 April 2025 Letter to Wingecarribee Shire Council - The Maltings Draft Conditions of Consent - DA – 4 April 2025 Written submissions during public exhibition: 22 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Mark Ghilardi Council assessment officer – Andre Vernez On behalf of the applicant – Simon Ip (Gyde), Mark Schofield (Gyde), Paul Davies (Heritage), Paul Lulich (K&L Gates), Kaare Krokene (Snohetta), Sarah Meyer (Snohetta), Lyndsey Beattie (Colliers), Phillipa Aiken (Colliers) Total number of unique submissions received by way of objection: 20
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 20 August 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Chris Wilson (Chair), Grant Christmas, Susan Budd, Richard Colley <u>Council assessment staff</u>: Andre Vernez

		<ul style="list-style-type: none"> ○ <u>Applicant representatives</u>: Timothy Chung (Colliers), Phillipa Aiken (Colliers), Kaare Krokene, (Snohetta), Simon Ip (Gyde), Sarah Meyer (Snohetta), Paul Lalich (K&L Gates) ○ <u>DPHI</u>: Amanda Moylan, Tracey Gillett <ul style="list-style-type: none"> ● Site inspection: 20 August 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Grant Christmas, Susan Budd, Richard Colley ○ <u>Council assessment staff</u>: Andre Vernez ○ <u>Applicant representatives</u>: Ben Bild ● Final briefing to discuss council's recommendation: 8 April 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Natasha Harras, Susan Budd, Richard Colley, Heather Warton ○ <u>Council assessment staff</u>: Andre Vernez, Jon Shillito, Parin Kolbadi ○ <u>DPHI</u>: Amanda Moylan, Nikita Lange ○ <u>Applicant representatives</u>: Simon Ip (Gyde), Mark Schofield (Gyde), Paul Davies (Heritage), Paul Lalich (K&L Gates), Kaare Krokene (Snohetta), Sarah Meyer (Snohetta), Lyndsey Beattie (Colliers), Phillipa Aiken (Colliers)
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report

ADMINISTRATION CONDITIONS

1. Development Description

Development consent has been granted in accordance with this notice of determination for the purposes of alterations and refurbishment to the existing Maltings 3 (M3) and construction of a new Maltings 4 (M4) to create a unified building for use as a hotel with restaurant, exhibition and ancillary purposes.

Reason: *To confirm the use of the approved development.*

2. Development in Accordance with Plans and Documents

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

Plan Title / Supporting Document	Reference / Version	Prepared By	Dated
Statement of Environmental Effects	-	Gyde Consulting	01/03/2024
0100 - Overview Precinct M3/4 Site/Structure Plan	Reference No. 18-17 Sheet No. 0100 (Revision E)	Snohetta Australasia Pty Ltd	12/02/2023
0300 - Demolition M3/4 Demolition Plan - Basement, Ground (L00)	Reference No. 18-17 Sheet No. M3/4 300 (Revision E)	Snohetta Australasia Pty Ltd	12/02/2024
0300 - Demolition M3/4 Demolition Plan - L01, L02	Reference No. 18-17 Sheet No. M3/4 301 (Revision E)	Snohetta Australasia Pty Ltd	12/02/2024
0300 - Demolition M3/4 Demolition Plan - L03, Roof	Reference No. 18-17 Sheet No. M3/4 302 (Revision E)	Snohetta Australasia Pty Ltd	12/02/2024
1100 - General Arrangement - Floor Plans M3/4 Plan Basement	Reference No. 18-17 Sheet No. M3/4 1100 (Revision E)	Snohetta Australasia Pty Ltd	12/02/2024
1100 - General Arrangement - Floor Plans M3/4 Plan L00 - L01	Reference No. 18-17 Sheet No. M3/4 1101 (Revision E)	Snohetta Australasia Pty Ltd	12/02/2024
1100 - General Arrangement - Floor Plans M3/4 PLAN L02	Reference No. 18-17 Sheet No. M3/4 1102 (Revision E)	Snohetta Australasia Pty Ltd	12/02/2024

1100 - General Arrangement - Floor Plans M3/4 Plan L03 - L04	Reference No. 18-17 Sheet No. M3/4 1103 (Revision E)	Snohetta Australasia Pty Ltd	12/02/2024
1100 - General Arrangement - Floor Plans M3/4 Plan L05 - Roof	Reference No. 18-17 Sheet No. M3/4 1104 (Revision E)	Snohetta Australasia Pty Ltd	12/02/2024
2000 - Elevations (Exterior) M3/4 Elevations - North, East, South, West	Reference No. 18-17 Sheet No. M3/4 2000 (Revision E)	Snohetta Australasia Pty Ltd	12/02/2024
3000 - Sections M3/4 Sections	Reference No. 18-17 Sheet No. M3/4 3000 (Revision E)	Snohetta Australasia Pty Ltd	12/02/2024
6000 - Schedules & Diagrams M3/4 Materials Schedule	Reference No. 18-17 Sheet No. M3/4 6000 (Revision E)	Snohetta Australasia Pty Ltd	12/02/2024
Stormwater & Flood Management Strategy Report	Reference No. 110608-02 (Issue D)	J. Wyndham Prince	24/10/2024
Heritage Impact Assessment Report	-	Paul Davies Pty Ltd	02/2024
Flora and Fauna Assessment Report	Reference No. 23WOL7382 (Version 5)	Eco Logical Australia Pty Ltd	27/02/2024
Vegetation Management Plan	Reference No. 14198 (Version 6)	Eco Logical Australia Pty Ltd	20/02/2024
DA Acoustic Assessment Report	Reference No. 20230457.7 (Revision 1)	Acoustic Logic Pty Ltd	01/02/2024
DA Structural Report	Reference No. 221582 (Revision 2)	TTW (NSW) Pty Ltd	06/02/2024
Demolition and Construction Waste Management Plan	-	Waste Audit & Consultancy Services (Aust) Pty Ltd	02/2024
Operational Waste Management Plan	-	Waste Audit & Consultancy Services (Aust) Pty Ltd	02/2024

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

2A. Modification of Consent for DA20/1400

This consent requires the modification of Development Consent 20/1400 approved on 13 May 2022 for concept development application No. 20/1400 that sets out a concept proposal pursuant to section 4.22 of the Environmental Planning and Assessment Act 1979 for the development of the land known as 2 Colo Street Mittagong together with a detailed proposal comprising Stage 1 of the application, as modified by 24/1140 on 13 March 2025.

It is a requirement of this condition that a new condition 11A is to be inserted into Development Consent 20/1400 as follows:

Despite any provision of this Development Consent 20/1400, this consent does not authorise or require anything that is inconsistent with the work approved in accordance with Development Consent 24/1138 and to the extent of any inconsistency the latter consent applies. The terms of Development Consent 24/1138 must be satisfied when carrying out development under this consent.

It is a requirement of this condition that a new condition 11B is to be inserted into Development Consent 20/1400 as follows:

Despite condition 11, the development must be implemented in accordance with the following approved plans and documents:

Plan Title / Supporting Document	Reference / Version	Prepared By	Dated
Statement of Environmental Effects	-	Gyde Consulting	01/03/2024
0100 - Overview Precinct M3/4 Site/Structure Plan	Reference No. 18-17 Sheet No. 0100 (Revision E)	Snohetta Australasia Pty Ltd	12/02/2023
0300 - Demolition M3/4 Demolition Plan - Basement, Ground (L00)	Reference No. 18-17 Sheet No. M3/4 300 (Revision E)	Snohetta Australasia Pty Ltd	12/02/2024
0300 - Demolition M3/4 Demolition Plan - L01, L02	Reference No. 18-17 Sheet No. M3/4 301 (Revision E)	Snohetta Australasia Pty Ltd	12/02/2024
0300 - Demolition M3/4 Demolition Plan - L03, Roof	Reference No. 18-17 Sheet No. M3/4 302 (Revision E)	Snohetta Australasia Pty Ltd	12/02/2024
1100 - General Arrangement - Floor Plans M3/4 Plan Basement	Reference No. 18-17 Sheet No. M3/4 1100 (Revision E)	Snohetta Australasia Pty Ltd	12/02/2024
1100 - General Arrangement - Floor Plans M3/4 Plan L00 - L01	Reference No. 18-17 Sheet No. M3/4 1101 (Revision E)	Snohetta Australasia Pty Ltd	12/02/2024
1100 - General Arrangement - Floor Plans M3/4 PLAN L02	Reference No. 18-17 Sheet No. M3/4 1102 (Revision E)	Snohetta Australasia Pty Ltd	12/02/2024
1100 - General Arrangement - Floor Plans M3/4 Plan L03 - L04	Reference No. 18-17 Sheet No. M3/4 1103 (Revision E)	Snohetta Australasia Pty Ltd	12/02/2024

1100 - General Arrangement - Floor Plans M3/4 Plan L05 - Roof	Reference No. 18-17 Sheet No. M3/4 1104 (Revision E)	Snohetta Australasia Pty Ltd	12/02/2024
2000 - Elevations (Exterior) M3/4 Elevations - North, East, South, West	Reference No. 18-17 Sheet No. M3/4 2000 (Revision E)	Snohetta Australasia Pty Ltd	12/02/2024
3000 - Sections M3/4 Sections	Reference No. 18-17 Sheet No. M3/4 3000 (Revision E)	Snohetta Australasia Pty Ltd	12/02/2024
6000 - Schedules & Diagrams M3/4 Materials Schedule	Reference No. 18-17 Sheet No. M3/4 6000 (Revision E)	Snohetta Australasia Pty Ltd	12/02/2024
Stormwater & Flood Management Strategy Report	Reference No. 110608-02 (Issue D)	J. Wyndham Prince	24/10/2024
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Vegetation Management Plan	Reference No. 14198 (Version 6)	Eco Logical Australia Pty Ltd	20/02/2024
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DA Structural Report	Reference No. 221582 (Revision 2)	TTW (NSW) Pty Ltd	06/02/2024
Demolition and Construction Waste Management Plan	-	Waste Audit & Consultancy Services (Aust) Pty Ltd	02/2024
Operational Waste Management Plan	-	Waste Audit & Consultancy Services (Aust) Pty Ltd	02/2024

The modification is to be effected under section 4.17(1)(b) and section 4.17(5) of the *Environmental Planning and Assessment Act 1979* prior to the issue of any construction certificate for the subject building.

The required modifications:

- are to be set out in a notice of modification of Development Consent 20/1400; and
- must be lodged with the consent authority, in compliance with the requirements of section 67 of the *Environmental Planning and Assessment Regulation 2021* (*“the EP&A Regulation”*) in the terms prescribed by any condition of this consent that sets out a required modification to 20/1400.

3. Inconsistency between documents

In the event of any inconsistency between the conditions of this consent and the

drawings/documents referred to above, the conditions of this consent shall prevail to the extent of the inconsistency.

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

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

The General Terms of Approval issued by the Department of Planning and Environment-Water, Reference No: IDAS-2024-10356, dated 4 July 2024 (as attached) are included as conditions of this consent and must be complied with.

Reason: *To ensure ongoing compliance.*

5. General Terms of Approval – NSW Rural Fire Service

The General Terms of Approval issued by the NSW Rural Fire Service, Reference No: DA20240510001924-Original-1, dated 17 May 2024 (as attached) are included as conditions of this consent and must be complied with.

Reason: *To ensure ongoing compliance.*

6. Concurrence – Water NSW

The Concurrence issued by Water NSW, Reference No: DAR 24047-a1, dated 23 August 2024 (as attached) are included as conditions of this consent and must be complied with.

Reason: *To ensure ongoing compliance.*

7. Concurrence – Transport for NSW

The Concurrence issued by Transport for NSW, Reference No: STH24/00379/001, dated 24 May 2024 (as attached) are included as conditions of this consent and must be complied with.

Reason: *To ensure ongoing compliance.*

8. Erection of Signs

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

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

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

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

9. Compliance with Disability Discrimination Act 1992

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

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

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

10. Demolition Requirements

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

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

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

Reason: *To comply with statutory requirements.*

11. Fire Safety Existing Building Upgrade

Pursuant to Section 64 of the Environmental Planning and Assessment Regulation 2021, the entire existing building is to be upgraded in the following manner to bring the building into compliance with the BCA:

- (a) The development is to be upgraded to comply with Sections C,D,E & F of the NCC 2022 Volume One - Building Code of Australia.

Before the issue of an Occupation Certificate, information must be prepared by a suitably qualified person and demonstrate, to the principal certifier's satisfaction, that the development will comply with the required building upgrades.

Reason: *To protect occupants in the event of an emergency and to ensure that the development is serviced by adequate fire safety measures.*

12. ARTC – Stormwater

The developer is to ensure that stormwater does not affect the rail corridor.

Reason: *To ensure no impact to the adjoining rail corridor.*

13. Sewer Main Augmentation

Sewer main augmentations must be carried out in accordance with the Water and Sewer Modelling report prepared by Urban Water Solutions, dated 22 April 2020.

14. Remediation

The site shall be remediated in accordance with:

- a) Remedial Action specified in the Interim Audit Advice or Section B5 Site Audit Statement t issued by a NSW EPA Accredited Auditor for Contaminated Land;
- b) State Environmental Planning Policy (Resilience and Hazards) 2021;
- c) National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM), 1999 as amended in 2013); and
- d) applicable NSW EPA contaminated land guidelines.

Reason: *Compliance and statutory requirements.*

15. Compliance with Environmental Management Plan

The applicant shall comply with any Environmental Management Plan (EMP) referred to in Section A2 of the Site Audit Statement during the construction and operation of the development.

Reason: *Compliance and statutory requirements.*

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

16. Notice of Commencement

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

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

Reason: *Statutory requirement.*

17. Fencing of the Construction Site

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

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

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

18. Utility Services

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

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

19. Erosion and Sediment Control

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

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

20. Habitat Bearing Tree Survey

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 based on advice from the project ecologist. Compensatory hollows or nest boxes should be similar in size and dimension to hollows being removed.

21. Heritage site induction ('toolbox talks')

Prior to the commencement of any works, all contractors, tradesmen and the like, shall be given a heritage site induction ('toolbox talk').

The heritage site induction shall be delivered by a suitably qualified Heritage Consultant and shall ensure that all contractors, tradesmen and the like, are made aware that:

- i) The site contains an item of heritage significance.
- ii) All conservation works to the heritage item are to be undertaken in accordance with the Schedule of Conservation Works and undertaken by suitably qualified tradesmen.
- iii) There are statutory obligations under the National Parks and Wildlife Act 1974 and Heritage Act 1977 for all works to cease and Heritage NSW notified of any unexpected built archaeological or Aboriginal archaeological finds during works.

Reason: *To ensure all persons undertaking works on the site are aware of the heritage restrictions and obligations.*

22. Photographic Archival Recording

Prior to the commencement of any works, including the dismantling of fabric or demolition, a Photographic Archival Recording shall be undertaken of all buildings and structures on the site, including their interiors, exteriors and surrounding landscape and submitted to Council.

Written confirmation must also be obtained from Council's Heritage Advisor, confirming that the Photographic Archival Recording is of an acceptable quality that satisfies the requirements of this condition.

The Photographic Archival Recording shall be prepared in accordance with the guidelines "Archival Recording of Heritage Items Using Film or Digital Capture" published by the Heritage Council of NSW.

One complete copy of the Photographic Archival Recording shall be submitted to Council and should contain (for digital projects):

- A brief report or introduction which explains the purposes of the Photographic Archival Recording and gives a brief description of the subject site, as well as details of the sequence in which images were taken. The report may also address the limitations of the photographic record and may make recommendations for future work;
- Measured plans of the building at 1: 100 scale;
- A site plan of the building at min 1: 200 scale;
- Plans of the building marked up to indicate where the photographs were taken and the direction of the photograph;
- The report should include all technical details including camera and lenses, image file size and format, technical metadata associated with the images, and colour information;
- Catalogue sheets, photographic plan, supplementary maps;
- Colour thumbnail image sheets (e.g. A4 page with six images by six images) showing images and reference numbers. The thumbnail sheets should be processed with archivally stable inks on archivally acceptable photographic paper and cross referenced to catalogue sheets;
- One full set of 10.5x14.8cm (A6) colour prints OR, if a large project, a representative set of selected images processed with archivally stable inks on archivally acceptable photographic paper.
- A CD or DVD containing electronic image files saved as RAW and JPEG files with associated metadata, and cross-referenced to catalogue sheets.

The report should be presented on archival quality paper in a suitable archival binder and slipcase, and all storage of individual components must be in archival quality packaging suitable for long term storage.

Reason: *Heritage conservation.*

23. Aboriginal heritage

(a) Aboriginal Cultural Heritage Assessment

An Aboriginal cultural heritage assessment report (ACHAR) must be prepared for the site, adhering to OEH April 2011 (see below) and submitted to and approved by Council prior to the issue of a Construction Certificate and prior to the commencement of any work (including any demolition or excavation work) on-site. The ACHAR must investigate and assess the four separate aspects of Aboriginal cultural heritage outlined under OEH April 2011—not just the potential for Aboriginal objects.

(b) Aboriginal Community Consultation

Formal Aboriginal community consultation is to be conducted in accordance with Heritage NSW guidelines and the National Parks and Wildlife Regulation 2019. This is undertaken as part of the ACHAR, in line with DECCW April 2010.

Aboriginal community consultation must commence before any archaeological test excavation and must be completed prior to the issue of any Construction Certificate and prior to the commencement of any demolition or excavation work onsite.

(c) Aboriginal Test Excavation

The Aboriginal heritage assessment has identified four areas where archaeological test excavation is recommended (KAS 2020, pp.56-57). Test excavation must be and must be completed prior to the issue of any undertaken at an early stage Construction Certificate and prior to the commencement of any demolition or excavation work onsite to provide the best opportunity to prevent harm to Aboriginal cultural heritage and avoid delays during the construction process. Archaeological test excavation can occur as part of the ACHAR and adhere with the Code of Practice (DECCW 24 September 2010) without need for an AHIP. With respect to all other works, no harm may occur to Aboriginal objects unless an AHIP has been issued, or the process of Aboriginal test excavation has proven no Aboriginal objects are present and the ACHAR has been prepared to provide a due diligence defence against harm (DECCW 13 September 2010).

No ground disturbance, including for geotechnical investigations, may be conducted in areas of Potential Archaeological Deposit and archaeological sensitivity (KAS 2020, p.47) unless an Aboriginal Heritage Impact Permit (AHIP) has been issued by Heritage NSW or the due diligence defence is in place.

- DECCW Aboriginal cultural heritage consultation requirements for proponents 2010. Part 6 National Parks and Wildlife Act 1974 (April 2010);
- DECCW Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (13 September 2010);
- DECCW Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (24 September 2010);
- OEH Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (April 2011);

(d) AHIP application

Shall the site contain Aboriginal objects, and these will be impacted by the proposed development, an AHIP will be required from Heritage NSW prior to any works commencing on site.

Reason:

- 1 The LEP listing notes that the site includes remnants of earlier enterprises on the site that pre-date the Maltings.*
- 2 Landscape and other aspects of the Maltings may hold heritage and archaeological significance.*
- 3 All historical archaeological 'relics' with heritage value are protected by s139-140 of the NSW Heritage Act, 1977, and any requirements for archaeological excavation permits shall be known before works on site can commence.*

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

24. Application for a Construction Certificate (Building Works)

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

- (a) Architectural plans and building specifications complying with the National Construction Code (NCC) relevant Australian Standards, and the development consent and conditions.

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

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

25. Long Service Levy Payments

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

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

Reason: *Statutory requirement*

26. Water Management Act - Certificate of Compliance

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

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

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

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

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

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

The Water and Sewerage Development Servicing Plans (DSP's) adopted by Council came into effect on 15 September 2017. The Stormwater DSP was adopted on 9 November 2010 and came into effect on 8 December 2010. The current charges under these Plans are listed as follows:

CPI Period	Water DSP	Sewer DSP	Stormwater DSP
To 30th April 2025	\$13,371.28	\$12,962.98	\$-
Note: The charges shown above are amounts applicable during the stated time period. These amounts will be subject to adjustment quarterly in accordance with upward movements in the Consumer Price Index (CPI) once they become operational. The CPI is published quarterly by the Australian Bureau of Statistics, www.abs.gov.au < http://www.abs.gov.au >.			

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

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

Compliance Certificate

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

Water \$273 + Sewer \$273 + Stormwater \$- = \$546

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

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

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

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

27. Asbestos Management Plan (AMP)

The applicant shall engage the services of a suitably qualified contaminated land consultant to prepare an AMP in accordance with section 429 of the Work Health and Safety Regulation 2017 to address the risks associated with friable and bonded asbestos encountered at the site. As part of the AMP, a SafeWork NSW Class A licensed contractor must be engaged to carry out an 'emu pick' to remove all visible ACM from the site surface. An interim management strategy for the stockpiles is to be outlined within the AMP.

A surface clearance certificate issued by a SafeWork NSW Licensed Asbestos Assessor shall be obtained and submitted to the satisfaction of Council's Environmental Health Officer prior to the issue of any Construction Certificate.

Reason: *Compliance and statutory requirements.*

28. Remedial Action Plan (RAP)

The applicant shall engage the services of a suitably qualified contaminated land consultant to prepare a site Remedial Action Plan (RAP) in compliance with the NSW EPA statutory guidelines *Consultants Reporting on Contaminated Land: Contaminated Land Guidelines* and to the satisfaction of a NSW EPA Accredited Auditor for Contaminated Land.

The RAP shall be provided to Council's Environmental Health Officer prior to the commencement of any remediation works and prior to the issue of any Construction Certificate.

Reason: *Compliance and statutory requirements.*

29. Section B5 Site Audit Statement or Interim Audit Advice

Prior to the commencement of any remediation works the applicant shall engage the services of a NSW EPA Accredited Auditor for Contaminated Land to audit the RAP and issue an Interim Audit Advice or Section B5 Site Audit Statement in a form approved under the NSW Site Auditor Scheme. The Interim Audit Advice or Section B5 Site Audit Statement shall contain a clear declaration by the Auditor that the site can be made suitable for the intended use if the site is remediated in accordance with the RAP.

The Interim Audit Advice or Section B5 Site Audit Statement shall be submitted to Council's Environmental Health Officer prior to the commencement of any remediation works and prior to the issue of any Construction Certificate.

Reason: *Compliance and statutory requirements.*

30. Validation Report

The applicant shall engage the services of a suitably qualified contaminated land consultant to prepare a site Validation Report in compliance with the NSW EPA statutory guidelines *Consultants Reporting on Contaminated Land: Contaminated Land Guidelines* and to the satisfaction of a NSW EPA Accredited Auditor for Contaminated Land.

The Validation Report shall be submitted to Council's Environmental Health Officer prior to the issue of any Construction Certificate.

Reason: *Compliance and statutory requirements.*

31. Site Audit Report and Site Audit Statement

The applicant shall engage the services of a NSW EPA Accredited Auditor for Contaminated Land to prepare a Site Audit Report and Site Audit Statement Section A1 or Section A2 (whichever is applicable) in a form approved under the NSW Site Auditor Scheme. The Site Audit Statement Section A1 or Section A2 shall contain a clear declaration by the Auditor that the site is suitable for the intended use.

The Site Audit Report and Site Audit Statement Section A1 or Section A2 (whichever is applicable) shall be submitted to Council's Environmental Health Officer prior to the issue of any Construction Certificate.

Reason: *Compliance and statutory requirements.*

32. Appointment of Principal Certifier (PC)

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

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

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

33. Developer to provide photos of damage to Council property

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

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

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

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

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

34. Access for People with Disabilities

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

Prior to the issue of a Construction Certificate, the plans shall demonstrate compliance.

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

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

35. Section 68 Local Government Act 1993 Approvals

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

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

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

36. Water and Sewer Authority Conditions

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

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

37. Building within Vicinity of Sewer Main

Where any civil works and machine tracking are undertaken within the zone of influence of the sewer main, detailed plans must be provided prior to the issue of the Section 68 approval.

Reason: *To protect public infrastructure.*

38. Network Connection – Endeavour Energy

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

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

39. Section 138 Roads Act 1993 Approval

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

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

- A copy of approved design plans related to the development and proposed works to be undertaken.
- Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the Roads and Traffic Authority's manual "Traffic Control at Work Sites". Warning and protective devices shall comply with the provisions of AS1742.3 - 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate Roads and Traffic Authority accreditation, a copy of which is to be submitted with the plan.
- Insurance details - Public Liability Insurance to an amount of \$20 million, to be held by applicant / contractor undertaking the works.

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

Reason: *Statutory requirement.*

40. Dilapidation Report

A Dilapidation Report shall be undertaken on all properties, which in the opinion of a suitably experienced professional and chartered qualified engineer, could be potentially affected by the construction of the project. The Dilapidation Report shall be carried out taking into account civil infrastructure and submitted to Council prior to the issue of the Construction Certificate.

The Report shall cover structural and geotechnical factors likely to arise from the development.

The person having the benefit of the development consent shall, at their own cost, rectify any damage caused to other properties during the construction of the project to the satisfaction of Council.

Reason: *To ensure the structural stability of neighbouring buildings.*

41. Structural Engineer's Details

Structural engineering plans are to be prepared by an experienced professional chartered practicing Structural Engineer for the following work shall be lodged with the Principal Certifying Authority and approved prior to commencing the works in accordance with a Construction Certificate:

Advice: *The name, address and qualifications of the practising Structural Engineer certifying the design shall be clearly indicated on the plans and any accompanying documentation. Such engineer is to hold qualifications appropriate to the project as defined in the Building Code of Australia. The design shall relate to the particular site.*

Advice: *Any such Certificate is to set forth the extent to which the Engineer has relied on relevant Specifications, Rules, Codes of Practice or Publications in respect of the construction.*

Reason: *To ensure the structural integrity of the building is achieved.*

42. Construction Management Plan

To undertake development works including demolition, earthworks and construction a Construction Management Plan (CMP) is required to be submitted and approved by Council

prior to issue of the Construction Certificate. The CMP shall indicate measures to be implemented to mitigate construction risks in the protection of the environment as well as public health, safety and convenience. The CMP must address the following:

- a) Details of site security;
- b) Off-street parking for employees, contractors and sub-contractors.
- c) Public safety in the use of roads and footpaths where development activities interacts with existing facilities and operations.
- d) The storage and removal, on a regular frequency, of builder's rubble and waste by trade waste contractors.
- e) Provision for loading and unloading materials;
- f) Location of all building materials, structures, plant and equipment to be stored or placed within the construction site;
- g) How materials are to be loaded/unloaded and potential impact on Council infrastructure (including but not limited to footpaths and street trees)
- h) Public risk policies and management for all contractors' employees using or gaining access over public footpaths and roads.
- i) External lighting and security alarms proposed for the construction site.
- j) Firefighting measures to be available on site during development and construction.
- k) Sanitary amenities proposed on site during development and construction.
- l) Ensuring the safety of members of the public and Council staff who may have occasion to enter and be in attendance on the site;
- m) Details of management of storm water run-off and the propose sediment and erosion control measures including the location of any rubble grids;
- n) Details of any air and dust management;
- o) Details of noise and vibration controls;
- p) Anticipated staging and duration of works
- q) Provision of Construction Traffic Management Plan (CTMP) and Traffic Control Plans (TCP) addressing construction related traffic issues including:
 - Surrounding traffic environment including roads, public transport and existing parking restrictions
 - Truck routes to and from the site
 - General site access and egress for construction vehicles and equipment purposes
 - Frequency of truck movements
 - Sweep paths for trucks entering, circulating and exiting site
 - Location of vehicle standing areas to load and unload and any work zones (if required)
 - Impact of works on residents, businesses, pedestrians, cyclists, local traffic, emergency services and management of staff parking
 - Directional signage for pedestrian and trafficable areas

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

43. Stormwater - Control of Peak Discharge

Adequate and suitable infrastructure shall be provided to ensure the peak discharge from the site is no greater than the pre-developed peak discharge. This infrastructure shall be designed in accordance with Council's Engineering Design Construction Specifications and Drawings. Calculations to demonstrate that the post-development peak discharge will not exceed the pre-development peak discharge shall be provided with the application for a Construction Certificate.

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

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

44. Detailed Stormwater Drainage System Design

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

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

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

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

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

Reason: *To ensure adequate storm water management.*

45. Carpark Design - Site Servicing

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

- a) The site shall accommodate the turning movements of applicable service vehicles.
- b) Service vehicles shall manoeuvre into and out of the site in a forward direction.
- c) The front overhang, and swept path made by the service vehicle shall not obstruct car park traffic or encroach onto parking spaces.
- d) The vehicle swept path shall be reflected on the engineering design plans.
- e) Loading and unloading of service vehicles shall be undertaken onsite with no intrusion onto the road system.

- f) The footpath crossing shall be splayed from the property boundary to the kerb line to accommodate the swept path made by the service vehicle.

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

46. Accessible Car Parking Spaces

One (1) of the car parking spaces provided as part of the total requirement shall be reserved for disabled persons.

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

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

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

47. Off Street Parking Provision – Basement Parking

Four (4) basement car parking spaces suitably marked in accordance with the approved plans (unless elsewhere specified) shall be provided. Each space shall have minimum dimensions in accordance with Australian Standard AS2890.1 Off Streetcar Parking.

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

Reason: *To ensure adequate parking and access.*

48. Erosion and Sediment Control Plan

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

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

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

- i) Existing and proposed drainage patterns.
- j) Location and type of proposed erosion and sediment control measures.
- k) Site rehabilitation proposals, including final contours.
- l) Time of placement of sediment controls.
- m) Staging of works and how the plan is to be implemented for each stage or activity on site.
- n) Maintenance schedule.

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

49. Flood Assessment Statement

A Flood Assessment Statement shall be undertaken on the properties by a suitably experienced professional to address Mittagong DCP's Flooding Prescriptive Controls.

The statement shall ensure compliance with the following:

- a) Requirements of Council's Development Control Plan of Mittagong.
- b) Requirements of Wingecarribee Local Environment Plan 2010, Clause 7.9.
- c) Requirements of the "Stormwater & Flood Management Strategy by J. Wyndham Prince Issue D dated 24/10/2024."

Reason: *To ensure the development complies with flood standards.*

50. Noise Control Measures

Prior to the issue of a Construction Certificate the Applicant shall:

- a) Incorporate the recommendations set out in Chapters 4.3 and 6.2.4 of *The Maltings Development, 2 Colo Street, Mittagong DA Acoustic Assessment for M3 & M4* prepared by Acoustic Logic (Ref: 20230457.7/0102A/R1/PF; Rev: 1: dated 1/02/2024) ('Acoustic Report') into construction drawings and specifications for the proposed development submitted to the Principle Certifying Authority (PC); and
- b) Incorporate the recommendations set out in Chapters 6.1 and 6.1.1 of the approved Acoustic Report into the selection and design of mechanical plant and equipment.

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

51. Food Premises Requirements

Prior to the issue of a Construction Certificate, the construction drawings and specifications for the food premises shall comply with all applicable food legislation/regulation and standards, including:

- Food Act 2003;
- Food Regulation 2010;
- Food Standards Code;
- Australian Standard AS4674–2004 Design, Construction and Fit out of Food Premises; and
- Australian Standard AS1668.2-2012 The use of ventilation and airconditioning in buildings - Mechanical ventilation in buildings.

The construction and fit-out drawings and specifications shall clearly show all the required details including but not limited to the following:

- (a) Either a double-bowl sink or both a single-bowl sink and a commercial dishwasher (AS 4674, clause 4.1.1). This is in addition to any designated preparation sink and designated hand wash basin(s) mentioned below in the Items (b) and (c) respectively;
- (b) A designated preparation sink (if required) (AS 4674, clause 4.1.2);
- (c) Hand wash basins within all areas where unprotected food is handled. There shall be no more than 5 m walking distance from any area where open food is handled to the nearest hand wash basin (AS 4674, clause 4.4.1).
- (d) Adequate storage for the following:
 - (i) food ingredients, including dry, cold and frozen ones (AS4674, clause 2.1.3); and
 - (ii) personal effects (clauses 2.1.3 & 5.5.1).
- (e) Floor, wall and ceiling materials and finish (complying with AS4674, clause 3.1);
- (f) Coving to the intersections of walls to floors and floors to plinths in food preparation areas (AS4674, clause 3.1.5);
- (g) A facility for disposing of mop water and similar liquid waste, such as a cleaner's sink, floor waste, or other similar facility connected to drainage that is not intended for use to prepare food, wash any equipment or for hand washing (AS4674, clause 4.1.8).
- (h) Pipes, conduits and wiring in food preparation areas shall be installed in a complying manner (AS4674, clause 3.2.9), i.e.:
 - either concealed in floors, plinths, walls and ceilings, or
 - fixed on brackets providing at least 25 mm clearance between the pipe or conduit and adjacent vertical surface, and 150 mm between the pipe or conduit and adjacent horizontal surface.
- (i) Design and construction of fixtures, fittings and equipment (AS4674, clause 4.2);
- (j) Kitchen fittings/equipment shall have appropriate supports (AS4674, clause 4.3.2), such as:
 - legs designed that there is a clear space between the floor and the underside of the fitting/equipment of not less than 150 mm; or
 - be fitted directly to plinths in such a manner that a complete seal is made between the floor and the base of the fittings/equipment; or
 - wheels or castors that are able to support the weight of the fully loaded equipment and enable it to be easily moved by one person.
- (k) Provisions for the collection and storage of garbage and recyclable materials (AS4674, part 2.4).

Reason: *Compliance with legislation and standards.*

52. Grey-headed Flying Fox Management Plan

A Grey-headed Flying-Fox Management Plan (GHFFMP) is to be prepared and must include at a minimum the following measures:

- 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 experience 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 the issue of the Construction Certificate.

53. Microbat Management Plan

A Microbat Management Plan (MMP) is to be prepared. The MMP must include a suitable degree of required survey to further inform management. Prior to the issue of the Construction Certificate, the MMP is to be approved by Council and include at a 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 details on all proposed habitat as described in the MMP 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 as a default for the provision of compensatory habitat for microbats roosting in artificial structures. Other materials, preferably consistent with roost sites to be impacted, should be considered. The use of plywood boxes may be deemed suitable if sufficient justification is provided in the MMP, with the justification to outline other materials that were considered.
- 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.

54. Tree Retention Plan

Preparation of a tree retention plan is required prior to the issue of the Construction Certificate. Of note, trees covered by the BV map in the vicinity of M4 must be clearly labelled for protection.

55. Damage Deposit for Council Infrastructure

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

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

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

Reason: *Protection of Council infrastructure.*

56. Heritage Architect to be Commissioned

A suitably qualified and experienced heritage consultant must be commissioned for the project.

The nominated heritage consultant must:

- provide input into the detailed design.
- be consulted and provide input on the Interpretation Plan required by these conditions.
- provide heritage information to be imparted to all tradespeople during site inductions,
- oversee the works to minimise impacts to heritage values, and
- be involved in the selection of appropriate tradespersons.

Proof of this engagement must be provided before the release of the construction certificate.

Reason: *To protect heritage values across the site.*

57. Interpretation Plan

A comprehensive interpretation strategy and plan for the site is to be prepared and submitted to Wingecarribee Council, in accordance with the Heritage NSW publication 'Interpreting Heritage Places and Items Guidelines' (2005), prior to the issue of any Construction Certificate.

The plan shall be developed to integrate:

- interpretive options including tours, displays and visually appropriate signage (entry, wayfinding and interpretive signs),
- events and activities,
- conservation of significant elements including natural, landscape and built components, and
- the inventory of existing significant items of movable heritage associated with The Maltings (opportunities for using these items to interpret the industrial use and history of the site in the redevelopment of the site is to be included in the plan).

The plan must respond to, and convey, significant Aboriginal and non-Aboriginal cultural values of the place as recognised by relevant Conservation Management Plans and listings of the site.

The plan shall identify the types, locations, materials, colours, dimensions, fixings and text of interpretive devices that will be installed as part of this project.

The approved interpretation plan must be implemented prior to the issue of an Occupation Certificate.

Reason: *Heritage conservation.*

58. Building works to comply with BCA - Heritage Buildings or Buildings Within Conservation Area

Any building works required to ensure compliance with the BCA or new building standards not specified in the submitted/approved plan must not damage existing fabric and building features.

If such upgrading works will potentially impact on existing fabric and features, details of the works must be submitted and approved by Council's Heritage Advisor prior to issue of a Construction Certificate.

Reason: *Heritage conservation.*

59. Structural engineering assessment

Prior to the issue of any Construction Certificate, a Structural Engineering assessment report accompanied by working drawings and specifications, must be submitted to the satisfaction of Council and must demonstrate the measures that will be implemented, together with the methodology for undertaking excavation works both within the vicinity and adjacent to the heritage item.

The Structural Engineering assessment report, working drawings and specifications, must:

- a) Be prepared by a suitably qualified Structural Engineer with demonstrated experience in dealing with items of heritage significance and heritage fabric; and
- b) Demonstrate that the heritage item can be retained in a safe manner that will ensure the retention and protection of significant fabric and, minimise to the greatest extent possible any material affectation (such as deconstruction, new penetrations or the like) to otherwise underpin, support or ensure the retention and protection of fabric; and

c) Demonstrate and certify that the excavation works will not cause the collapse in part or in full of any section of the building, its footings or substrate, as shown on the approved plans to be retained.

Reason: *Heritage conservation.*

60. Schedule of Conservation Works

A detailed schedule of conservation works for the significant buildings and landscape components of the site must be prepared by a suitably qualified heritage consultant. The Schedule is to be in accordance with the Burra Charter guidelines and guided by the Conservation Management Plan.

The schedule of conservation works is to be submitted to Council for approval prior to the issue of the Construction Certificate.

The works are to be implemented prior to the issue of an Occupation Certificate, to ensure that significant features and fabric are restored and conserved.

Reason: *To protect heritage values across the site.*

CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

61. Approved Plans to be available on site

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

Reason: *To ensure compliance with approved plans.*

62. Asbestos Removal - Demolition of Buildings

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

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

- b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site five (5) working days prior to demolition. Such notification shall state the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site. Demolition must not commence prior to the date stated in the notification.
- c) Five (5) working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to the Principal Certifier (PC) for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours contact telephone number and licence number of the demolisher. Works are not to commence prior to the PC's inspection and works must not commence prior to the commencement date nominated in the written notice.
- d) On the first day of demolition, work is not to commence until the PC has inspected the site. Should the building to be demolished be deemed likely to contain asbestos, approval to commence demolition will not be granted until the PC is satisfied that all measures are in place so as to comply with SafeWork's document 'Your Guide to Working with Asbestos'.

- e) On demolition sites where buildings to be demolished are likely to contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of the PC. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.
- f) Demolition works involving the removal and disposal of asbestos cement shall only be undertaken by contractors who hold a current SafeWork "Demolition Licence" and a current SafeWork "Class 2 (Restricted) Asbestos Licence".
- g) Demolition is to be completed within five (5) days of commencement at which time the applicant shall notify the PC.
- h) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 6.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- i) Protective fencing is to be installed to prevent public access to the site.
- j) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a facility licensed by the NSW Environmental Protection Authority (EPA) to accept such waste provided to the PC.

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

- k) After completion, the applicant shall notify the PC within seven (7) days to assess the site and ensure compliance with Australian Standard AS2601 2001 - The Demolition of Structures.
- l) Within 14 days of the completion of demolition and removal of all demolition waste or, if applicable, by such later date as may be specified by Council's Environmental Health Officer, the applicant shall provide the following documents to the satisfaction of both the PC and Council's Environmental Health Officer:
 - (i) an asbestos clearance certificate issued in accordance with the requirements of *Work Health and Safety Regulation 2017*;
 - (ii) a written statement signed by a duly qualified person verifying that the demolition work and removal, recycling and disposal of all waste materials was undertaken in accordance with the Waste Management Plan submitted with the development application;
 - (iii) all Transport Certificates (TCs) for the transport of all trackable demolition waste from the site to the receiving facility; and
 - (iv) the actual weighbridge receipts for the recycling and disposal of all materials.
- m) In the event that the applicant fails to provide the documents mentioned in the item 'l' to the satisfaction of Council's Environmental Health Officer, the applicant will be requested to provide further reports and/or documentation in order to demonstrate that the site was cleared of asbestos and all asbestos containing materials have been properly disposed of to a facility licensed by the NSW Environmental Protection Authority (EPA) to accept such waste. The applicant will be required to submit such further reports and/or documentation within the timeframe specified by Council's Environmental Health Officer.

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

63. Imported 'Waste-derived' Fill Material

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

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

Note: *Any waste-derived fill material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifier (PC).*

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

Resource recovery exemptions are available on the NSW EPA website at <http://www.epa.nsw.gov.au/waste/>.

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

64. Engineering Inspections by Council

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

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

Note: *The subject building is not to be occupied until an Interim or Final Occupation Certificate is issued.*

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

Reason: *Statutory requirement.*

65. Ground Levels

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

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

and discharged to an approved storm water drainage system.

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

66. Earthworks, retaining walls and structural support

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

- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
- (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
- (c) that is fill brought to the site-must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997* or any other waste-derived material the subject of a resource recovery exemption under clauses 91 & 92 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material, and
- (d) that is excavated soil to be removed from the site-must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.

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

Reason: *Structural safety.*

67. Damage to Adjoining Properties

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

Reason: *Structural safety.*

68. Prevention of Nuisance

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

Reason: *Health and amenity.*

69. Building Operations

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

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

70. Maintenance of the site

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

Waste materials (including excavation, demolition and construction waste materials) shall be managed on the site and then disposed of at a waste management facility.

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

During construction:

- (a) all vehicles entering or leaving the site shall have their loads covered, and
- (b) all vehicles, before leaving the site, shall be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

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

Reason: *Environmental amenity.*

71. Excavations and Backfilling

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

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

72. Approved hours of Construction/Demolition

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

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

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

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

73. Temporary Onsite Toilet

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

Each toilet shall:

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

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

74. Waste Management

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

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

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

75. Stormwater - Construction

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

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

76. Stormwater - Discharge

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

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

77. Erosion and Sediment Control Plan Compliance

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

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

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

78. Construction Management Plan

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

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

Reason: *Compliance with condition of consent.*

79. Felling Supervision

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.

80. Clearing of Existing Vegetation

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 the 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.

81. Habitat Structures

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.

82. Koala Fencing

Where fencing is proposed along the Natai riparian corridor, then koala friendly fencing must be utilised which would allow for the rare, but potential movement of koalas along the corridor. This means any fencing must allow koalas to move either under, through or over fencing, or have a suitable alternative route.

83. Compliance and Implementation of Conservation Management Plan

The Applicant is to ensure the ongoing compliance and implementation of the Conservation Management Plan approved by Development Consent 20/1400 (as modified by 24/1140).

Reason: *Heritage conservation.*

84. Archaeology

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

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

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

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

85. Reduction of rising damp and salt attack in buildings constructed prior to 1930

To avoid potential damage caused by rising damp and migrating salts, no concrete slab or apron is to be laid directly on the ground either within the footprint of a masonry (brick or stone) building, or directly adjacent to the exterior walls of any masonry building, unless designed and constructed in a manner that ensures an isolating moisture barrier, the protection of significant fabric, and supported by the Structural Engineer and Heritage Consultant.

Reason: *Heritage conservation.*

86. Temporary storage of materials, equipment and waste during works

All construction materials, equipment and demolition / construction waste shall be stored wholly within the allotment boundaries and shall be stored, contained or stockpiled in such locations that do not cause any impacts to existing built structures including ancillary structures, walls or fences, or established gardens.

Reason: *Protection of significant features of the site.*

87. Conservation works to be overseen by Heritage Consultant

A Heritage Consultant experienced in conserving buildings of significance is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project.

The Heritage Consultant is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The Heritage Consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

Evidence and details of the above commission on the above terms are to be provided to Council's Heritage Advisor prior to commencement of work on site. The Heritage Consultant must sign off the completed project and submit a final report to Council's Heritage Advisor specifying how the heritage conditions are satisfied prior to the issue of an Occupation Certificate or the commencement of the use, whichever is earlier.

Reason: *Heritage conservation.*

88. Undertaking of conservation works to the heritage item

All conservation works to the heritage item, including the approved demolition of fabric and new additions, shall be undertaken:

- a) By suitably qualified trades / specialists, with demonstrated practical experience in dealing with heritage fabric and good practice heritage methodology.
- b) In accordance with the Articles of the Australia ICOMOS Burra Charter (2013), the approved Schedule of Conservation Works and the 'Conservation Management Plan' (prepared by Paul Davies Pty Ltd).
- c) In accordance with the conditions of this consent.
- d) In a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing heritage item.
- e) In a manner that all fabric and features to be retained are properly protected during the process of demolition, construction and conservation works.

Reason: *To ensure the protection and retention of significant fabric.*

89. General Heritage

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing heritage item.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction.
- (c) All conservation and adaptation works are to be in accordance with the Articles of the Australia ICOMOS Burra Charter (2013).
- (d) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on significant heritage fabric.
- (e) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.

Reason: *Heritage conservation.*

90. No demolition of extra fabric

Alterations to, and demolition of, the existing building shall be limited to that documented on the approved plans (by way of notation) or conditioned in this consent.

No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

Should any portion of the existing building which is indicated on the approved plans to be retained, be damaged for whatever reason, all the works in the area of this damaged portion are to cease and written notification given to Council.

No work is to resume until the written approval of Council is obtained. Failure to comply with the provisions of this condition may result in the Council instituting legal proceedings.

Reason: *Heritage conservation.*

91. Uncovering of concealed architectural features or detailing

Should any concealed architectural features or detailing, not previously noted in the DA documentation, be discovered during demolition or building works, all works are to immediately cease and the architectural features or detailing to be photographically recorded and Council's Heritage Advisor is to be contacted for advice.

Reason: *Heritage conservation.*

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

92. Occupation Certificate

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

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

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

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

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

93. Occupation Certificate

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

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

94. Building Upgrade Measures

All building upgrade measures required to be installed pursuant to Section 64 of the

Environmental Planning and Assessment Regulation 2021, shall be completed prior to use of the premises and the issue of an Occupation Certificate.

Reason: *To ensure that the building is upgraded to comply with the Building Code of Australia*

95. Section 138 Roads Act Final

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

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

96. Section 68 Local Government Act Final

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

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

97. Construction of Sewer Sidelines

Sidelines and junctions shall be installed for sewer connections to the development by Council at the Developer's cost prior to the issue of any Occupation Certificate.

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

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

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

98. Construction of Water Service

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

Advice: *A water meter should be installed prior to construction commencing.*

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

99. Redundant/Disused Sewer Services

The existing redundant/disused sewer junction that serves the lot is to be disconnected and capped at the Applicant's expense prior to the issue of the Occupation Certificate.

The applicant shall provide to Council written confirmation of compliance.

Reason: *To ensure that existing redundant sewer services are disconnected and disused within the development.*

100. Council Property

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

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

101. Final Fire Safety Certificate

Prior to the issue of any Occupation Certificate, a Final Fire Safety Certificate shall be submitted to the nominated Principal Certifier, to certify that all of the essential fire safety measures / services as listed in the approved Fire Safety Schedule have been satisfactorily installed.

The Final Fire Safety Certificate shall be accompanied by installation certification for each essential fire safety measure / service from the licensed installer.

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

102. Civil Engineering works and services

All civil engineering works and services are to be constructed in accordance with the Wingecarribee Shire Council Engineering Plans and Specifications, relevant Standards and approved engineering plans prior to the issue of the Occupation Certificate.

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

103. Certification of Internal Civil Works

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

Reason: *Asset management.*

104. Flooding - Finished Surface Level Work as Executed

Prior to the issue of the Occupation Certificate, the works as executed plans shall be submitted to the Principal Certifier and shall state the 1% AEP flood level and the minimum finished floor level. The finished floor level is to be a minimum of 500mm above the 1% AEP flood level in accordance with the "Stormwater & Flood Management Strategy by J. Wyndham Prince issue D dated 24/10/2024."

Reason: *To ensure appropriate flood protection to property.*

105. Vehicle Access

Access to the site shall be provided by means of a vehicle crossing as per Standard Drawing SD107, SD108 and SD123 approved by Council prior to the issue of the Occupation Certificate. A copy of the Standard Drawing can be obtained from Council's offices.

Reason: *To ensure that the driveway is constructed to Councils standard specification.*

106. Defects and Liability Bond for Public Assets - Civil Works

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

The security bond will be in an amount equal to 10% of the value of the total building works with a minimum value of \$10,000 based on the building costs supported by written evidence in accordance with Council's Bond Policy. The bond shall be assessed by Council for release after the 24 month period on formal request from the developer.

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

107. Engineering Certification - Flood Compatible Development

Prior to issue of the Occupation Certificate, an Engineering Certification to the Principal Certifier shall be provided for any proposed development to occur within the area identified as inundated by the 1:100 year ARI event to ensure compliance with the following:

- a) Requirements of Council's Development Control Plan of Mittagong.
- b) Requirements of Wingecarribee Local Environment Plan 2010, Clause 5.21.
- c) Requirements of the "Stormwater & Flood Management Strategy by J. Wyndham Prince Issue D dated 24/10/2024."

Reason: *To ensure the development complies with flood standards.*

108. Noise Control Measures

Prior to the issue of an Occupation Certificate the Applicant shall:

- a) Incorporate the recommendations set out in Chapters 4.3 and 6.2.4 of the approved Acoustic Report into the design, construction and fit-out of the proposed development;
- b) Incorporate the recommendations set out in Chapters 6.1 and 6.1.1 of the approved Acoustic Report into the selection, design, installation and fit-out of mechanical plant and equipment; and
- c) Incorporate the controls recommended in Chapter 6.2.4 of the approved Acoustic Report into an Operational Plan of Management for the development.

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

109. Food Premises Requirements

Prior to the issue of an Occupation Certificate, the food premises shall be constructed, fitted-out and set up in accordance with all applicable food legislation/regulation and standards, including:

- Food Act 2003;
- Food Regulation 2010;
- Food Standards Code;
- Australian Standard AS4674–2004 Design, Construction and Fit out of Food Premises; and
- Australian Standard AS1668.2-2012 The use of ventilation and airconditioning in buildings - Mechanical ventilation in buildings.

Reason: *Compliance with legislation and standards.*

110. Landscape Certification

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

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

111. Conservation works to be undertaken and completed

Prior to the issue of any Occupation Certificate, all conservation works detailed in the approved Schedule of Conservation Works and nominated in the consent documentation, shall be fully completed.

Written evidence shall be prepared by the Heritage Consultant engaged and responsible for overseeing the conservation works, attesting that all conservation works have been satisfactorily completed in accordance with the Articles of the Australia ICOMOS Burra Charter (2013) and the Conservation Works Schedule. The Heritage Consultant's attestation statement shall be submitted to the satisfaction of Council's Heritage Advisor.

Reason: *Heritage conservation.*

112. Evidence of Compliance with Bushfire Measures

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

Reason: *To ensure ongoing protection from bushfire.*

112A. Operational Plan of Management

Prior to the issue of an Occupation Certificate, the applicant shall submit an amended Operational Plan of Management to Council's Director of Communities and Place or their delegate for approval which addresses all operational and management procedures for the development. The matters include but are not limited to:

- a) the acoustic mitigation recommendations set out in Chapter 6.2.4 of the approved Acoustic Report listed in Condition 2 of this consent;
- b) provisions to ensure that that noise emissions generated by the use to satisfy criteria set out in the EPA's Industrial Noise Policy 2000;
- c) management of deliveries, all loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties / units or the public way;
- d) management measures to control vehicle activity;
- e) the emergency management of the movement of people within and surrounding the site;
- f) waste collection and maintenance of the site;
- g) security management – lighting, CCTV etc;

Reason: *To ensure that the use can operate safely and without disturbance to the surrounding locality.*

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

113. Annual Fire Safety Statement

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

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

114. Noise Control Measures

During the operation and use of the development the Applicant shall:

- a) Incorporate the recommendations set out in Chapters 4.3 and 6.2.4 of the approved Acoustic Report into the design, construction and fit-out of the proposed development. This includes but is not limited to keeping all recommended acoustic fences and barriers in good repair;
- b) Incorporate the recommendations set out in Chapters 6.1 and 6.1.1 of the approved Acoustic Report into the selection, design, installation and fit-out of mechanical plant and equipment; and
- c) Keep the controls recommended in Chapter 6.2.4 of the approved Acoustic Report incorporated in the approved Operational Plan of Management for the development and exercise such controls.

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

115. Operational Noise Levels

The operational noise levels generated by the development shall be controlled such that they do not exceed the applicable levels set in Tables 5.3 and 5.4 of the approved Acoustic Report when measured at the nearest affected receiver.

Table 5-3 – Operational Noise Emission Objectives

Receiver	Time of Day	Criteria	Octave Band Noise Criteria, dB L ₁₀ (Hz)									A- wt
			31. 5	63	125	250	500	1k	2k	4k	8k	
R1 & R2	Day (7am – 6pm)	BG + 5dB L ₁₀ (external)	68	61	51	42	45	44	38	31	29	48
	Evening (6pm-10pm)		65	58	48	39	42	41	35	28	26	45
	Night shoulder (10pm-12am)		60	53	43	34	37	36	30	23	21	40
R3	Day (7am – 6pm)		52	50	47	39	41	41	39	37	32	46
	Evening (6pm-10pm)		47	45	42	34	36	36	34	32	27	41
	Night shoulder (10pm-12am)		43	41	38	30	32	32	30	28	23	37
R4	Day (7am – 6pm)		78	64	58	51	48	47	43	36	33	52
	Evening (6pm-10pm)		72	58	52	45	42	41	37	30	27	46
	Night shoulder (10pm-12am)		68	54	48	41	38	37	33	26	23	42

Table 5-4 – EPA NPI Noise Emission Criteria

Receiver	Time Period	Assessment Background Noise Level dB(A)L ₉₀	Intrusiveness Criteria Leq(15min)	Project Amenity Criteria dB(A) L _{eq}	NPI Criteria for Sleep Disturbance
R1 & R2	Day	43	48	53	N/A
	Evening	40	45	43	N/A
	Night	30	35	38	40 dB(A)L _{eq, 15min} ; 52 dB(A)L _{Fmax}
R3	Day	41	46	53	N/A
	Evening	36	41	43	N/A
	Night	30	35	38	40 dB(A)L _{eq, 15min} ; 52 dB(A)L _{Fmax}
R4	Day	47	52	53	N/A
	Evening	41	46	43	N/A
	Night	31	36	38	40 dB(A)L _{eq, 15min} ; 52 dB(A)L _{Fmax}
C1	Day	43	48	58	N/A
	Evening	40	45	48	N/A
	Night	30	35	43	40 dB(A)L _{eq, 15min} ; 52 dB(A)L _{Fmax}

In the event that substantiated complaints are received, the Applicant will be required to undertake acoustic compliance testing and implement any requirements as are necessary to remedy such exceedance within a period determined by Council.

Reason: To prevent loss of amenity to the area.

116. No painting or rendering of masonry or stone

No painting or rendering shall be permitted to masonry or stone surfaces which have not previously been painted or rendered.

Reason: *To protect the existing character of the heritage item, streetscape and Heritage Conservation Area.*

117. Operational Plan of Management

The development must be conducted in accordance with the Operational Plan of Management as approved by Council under this Development Consent.

The Plan of Management must be:

- i) kept current and onsite at all times;
- ii) reviewed and updated if there are any operational changes, and a copy supplied to Council.

Note: *Changes to the Plan of Management must remain consistent with the approved conditions of this consent.*

The contact details of the nominated contact person responsible in responding to any issues or complaints raised by the community or Council are to be always displayed in a publicly visible location at the premises.

A copy of the Plan of Management is to be available upon request and held on site.

Reason: *To prevent loss of amenity to the area and ensure ongoing compliance.*

118. Food Premises

During operation of the development the design, construction, fit-out and operation of the food premises shall comply with all applicable food legislation/regulation and standards, including:

- Food Act 2003;
- Food Regulation 2010;
- Food Standards Code;
- Australian Standard AS4674–2004 Design, Construction and Fit out of Food Premises; and
- Australian Standard AS1668.2-2012 The use of ventilation and airconditioning in buildings - Mechanical ventilation in buildings.

In the event that the design, construction and/or fit-out of food handling areas is inadequate for the food handling activities carried out on the premises, the Applicant will be required to undertake such works as is necessary to remedy any non-compliance with the above-mentioned legislation and Standards within a period determined by Council, for which separate prior development consent may be required.

Reason: *Compliance with legislation and standards.*

END OF CONDITIONS