

Our Ref: 24/1140
Contact: Andre Vernez



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ABN 49 546 344 354

The Trustee for The Maltings Property Trust
Level 30 225 George St Sydney NSW 2000

NOTICE OF DETERMINATION OF A MODIFICATION APPLICATION BY THE SOUTHERN REGIONAL PLANNING PANEL

Pursuant to section 4.56 of the *Environmental Planning and Assessment Act 1979*

DEVELOPMENT APPLICATION NO:	20/1400
MODIFICATION APPLICATION NO:	24/1140
PROPOSED MODIFICATION:	S4.56 Modification to Development Consent 20/1400
APPLICANT:	The Trustee for the Maltings Property Trust c/- Timothy Chung
OWNER:	HALCYON HOTELS PTY LTD
PROPERTY DESCRIPTION:	Lot 21 DP 1029384
PROPERTY ADDRESS:	2 COLO STREET MITTAGONG NSW 2575
APPROVED DEVELOPMENT:	Concept development application for the alterations and additions to and the adaptive reuse of the Site for the purposes of a mixed use development together with a development application for consent to stage 1 of the development for the alterations and additions and adaptive re-use of Malthouses M1, M2, M3 and M4
DA APPROVAL DATE:	13 May 2022
CONSENT TO OPERATE FROM:	13 May 2022
CONSENT TO LAPSE ON:	13 May 2027
DETERMINATION:	Approved subject to conditions attached in schedule 1 of this consent
DATE OF DETERMINATION:	

Inconsistencies

In the event of any inconsistency between the conditions of this modified consent and the plans / supporting documents referred to in this notice, the conditions of this development consent shall prevail.

Working with you

Rights of Appeal

Pursuant to Section 8.9 of the *Environmental Planning and Assessment Act 1979*, an applicant for the modification of a development consent who is dissatisfied with the determination of the application by the consent authority may appeal to the Court against the determination. Pursuant to Section 8.10, an appeal may be made only within 6 months after the date the decision appealed against is notified.

Review of determination

You have the right to request a review of determination under section 8.2 of the *Environmental Planning and Assessment Act 1979*, subject to the provisions of Division 8.2 Reviews.

SUMMARY SCHEDULE OF MODIFIED CONDITIONS

2. Asbestos Management Plan (AMP) (modified by 24/1140)

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 Council prior to the issue of any Construction Certificate.

***Reason:** Compliance and statutory requirements.*

3. Remedial Action Plan (RAP) (modified by 24/1140)

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.*

4. Section B5 Site Audit Statement or Interim Audit Advice (modified by 24/1140)

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 prior to the commencement of any remediation works and prior to the issue of any Construction Certificate.

***Reason:** Compliance and statutory requirements.*

5. Remediation (modified by 24/1140)

The site shall be remediated in accordance with:

- (a) Remedial Action specified in the Interim Audit Advice or Section B5 Site Audit Statement 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.*

6. **Validation Report** (modified by 24/1140)

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 prior to the issue of any Construction Certificate.

Reason: *Compliance and statutory requirements.*

7. **Site Audit Report and Site Audit Statement** (modified by 24/1140)

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 prior to the issue of any Construction Certificate.

Reason: *Compliance and statutory requirements.*

11. **Development in Accordance with Plans and Documents** (modified by 24/1140)

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

All "future" buildings that are proposed to be erected on the site must be contained wholly within the building envelopes shown in the plans, and all future work on the site must be in accordance with the plans and with the requirements of the following documents, except as amended by the conditions of this consent:

Plan Title / Supporting Reference / Version Prepared By Document			Dated
Plan of Detail & Levels at The Maltings, Mittagong		Veris	16-Jan-20
Architectural and Landscape Plans (modified by 24/1140)	M1/2 000 (G), M1/2 0002 (E), A030-A031 (G), A040 (I), 0100 (E), M1/2 0300 (F), M1/2 0301 (E), M1/2 0302 (E), M1/2 1100 (G), M1/2 1101 (F), M1/2-1102 (F), M1/2 1801 (E), M1/2	Snøhetta	Various dates

	2000 (G), A310 (I), M1/2 3000 (G), M1/2 + MH 6000 (E), M1/2 8000 (G), M1/2 8001 (G), MH 0300 (E), MH 1100 (E), MH 1101 (E), MH 1801 (E), MH 2000 (G), MH 3000 (G)		
Malthouse 5 + 6	A000, A200-202, A30, A1000 (A)	Snøhetta	14-May-20
Civil Engineering Report (inserted by 24/1140)		J. Wyndham Prince	7-Feb-2024
Structural Engineering Report (inserted by 24/1140)		TTW	28-Aug-2024
Structural Letter (inserted by 24/1140)		TTW	30-Aug-2024
Arboricultural Impact Assessment Addenda (modified by 24/1140)		Eco Logical Australia	21-Feb-2023
Aboriginal Archaeological Survey Report		Kayandel Archaeological	8-May-20
DA Report - Acoustics		ARUP	12-May-20
Acoustic Letter of Support (inserted by 24/1140)		Acoustic Logic	23-Jan-2024
Building Code of Australia 2022 Report (modified by 24/1140)	H	Group DLA	27-Feb-24
Building Code of Australia 2022 Capability Statement (modified by 24/1140)		Group DLA	27-Feb-24
Bushfire Assessment		Peterson Bushfire	30-Apr-20
Bushfire Advice (inserted by 24/1140)		Peterson Bushfire	15-Feb-2024
Access Report (modified by 24/1140)	05	Group DLA	27-Feb-24
Stage 1 Preliminary Site Investigation		JK Environment	17-Apr-20
Sustainability Report (modified by 24/1140)	03	E-Lab Consulting	2-Feb-2024

Fire Engineering Support (modified by 24/1140)		Credwell	20-Feb-2024
Flood Level Info from 2014 Flood Study		-	n.d.
Flora and Fauna Assessment Report (modified by 24/1140)	5	Eco Logical Australia	27-Feb-2024
Geotechnical Assessment (modified by 24/1140)	1	Eco Logical Australia	23-Feb-2024
The Maltings Koala Assessment Report		Eco Logical Australia	29-Apr-20
Koala Assessment Report Addenda (inserted by 24/1140)		Eco Logical Australia	8-Feb-2024
CIV Estimate Report (modified by 24/1140)		MBM	15-Feb-2024
Soil & Water Management Plan & Notes		J. Wyndham Prince	29-Apr-20
Utilities Servicing Assessment (modified by 24/1140)	D	J. Wyndham Prince	28-Aug-2024
Landscape Management Plan		Snøhetta	May-20
Conservation Management Plan Vol 2	Draft 2	Paul Davies Architects	12-May-20
Heritage Impact Statement (modified by 24/1140)		Paul Davies Pty Ltd	Feb-24
Section 4.56 Modification (modified by 24/1140)		Gyde	1-March- 2024
Archaeology Response		Kayandel	18-Dec-20
Bushfire Response Letter		Peterson Bushfire	16-Dec-20
Vegetation Management Plan (modified by 24/1140)		Eco Logical Australia	20-Feb-2024
Conservation Management Plan		Paul Davies	Dec-20
Plan of Management (modified by 24/1140)		Gyde	29-Feb-2024
Landscape Plans	A500 (E), A501 (D), A502 (D), A503 (E),	Snøhetta	

	A504 (D), A505 (E), 506 (D)		
Landscape Plan (Vegetated Riparian Zone)		Snøhetta	n.d. (Dec-20)
Traffic and Transport Impacts – Statement of Advice (<i>modified by 24/1140</i>)	V1.5	SLR	29-Feb-2024
Stormwater and Flooding Management Strategy (<i>modified by 24/1140</i>)	A	J. Wyndham Prince	24-Oct-24
Riparian Corridor Bank Stabilisation Concept Plan		Tooker and Associates	7-Jun-21
Property Report (Crown Lands)		Mark Groll	5-May-21
Interim Audit Advice Letter No. 1 - Review of Preliminary Site Investigation and Detailed Site Investigation, the Maltings: 2 Colo Street, Mittagong		Rowena Salmon	22 March 2022
Detailed Site Investigation		JKEnvironments	22 March 2022
Memorandum from SLR Consulting Australia Pty Ltd	610.30708-M03- v0.1- 20220302.docx	SLR Consulting Australia Pty Ltd	2 March 2022
Operational Waste Management Plan (<i>inserted by 24/1140</i>)		Waste Audit	Feb-2024
Demolition and Construction Waste Management Plan (<i>inserted by 24/1140</i>)		Waste Audit	Feb-2024

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

22. **Heritage Interpretation Strategy and Heritage Interpretation Plan** (modified by 24/1140)

Prior to the issue of a Construction Certificate, a comprehensive Heritage Interpretation Strategy and Heritage Interpretation Plan for the site is to be prepared and submitted to the satisfaction of Council, in accordance with the Heritage NSW publication 'Interpreting Heritage Places and Items Guidelines' (2005).

The strategy and 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,
- the inventory of existing significant items of movable heritage associated with The Maltings
- salvaged fabric and elements into artworks and other such interpretive installations.

(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 Heritage Interpretation Plan must be fully implemented and all interpretive devices (including signage, artworks and other such installations) shall be fully completed prior to the issue of an Occupation Certificate.

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

22A. Building works to comply with BCA - Heritage Buildings (inserted by 24/1140)

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.*

22B. Pre-emptive structural works to heritage buildings (inserted by 24/1140)

Prior to the issue of any Construction Certificate, full detailed drawings and specifications of all structural works required to strengthen, stabilise and ensure the protection of retained portions of the heritage buildings per the recommendations of the Structural Concept Design statement (TTW, 30 August 2024), shall be submitted to the satisfaction of Council.

The structural drawings and specifications must demonstrate the measures that will be implemented, together with the methodology for undertaking the structural works.

The Structural 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 not require material affectation (such as deconstruction, new penetrations or the like) to otherwise underpin, support or ensure the retention; 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 to be retained.

Reason: *Heritage conservation.*

22C. Retention of cast iron columns to Malthouse No.1 (inserted by 24/1140)

The first two full rows of cast iron columns (comprising eight in total) within the ground floor internal space of Malthouse No.1 and measured from the southwestern end, shall be retained in-situ and appropriately conserved as part of the interpretation of the space.

Prior to the issue of any Construction Certificate, amended plans are to be submitted to the satisfaction of Council, demonstrating compliance with this condition.

Reason: *Heritage conservation.*

22D. Maltster's Cottage interpretation works (inserted by 24/1140)

Prior to the issue of a Construction Certificate, amended plans are to be submitted to the satisfaction of Council demonstrating the following:

- a) The trees within the footprint of the retained footings of the Maltster's Cottage are to be deleted. No landscaped plantings are to be introduced within the footprint of the former dwelling.
- b) Details are to be provided of the nominated fill material.
- c) The fill material is to be separated by a geotextile fabric membrane to provide protection to retained heritage fabric.

Reason: *Heritage conservation.*

40. Off Street Parking Provision – General (modified by 24/1140)

140 off-street car parking spaces suitably marked in accordance with Site plan prepared by Snohetta; Project Number 18-17; revision E; Sheet Number 0100 dated 12/02/2023 with minimum dimensions in accordance with Australian Standard AS2890.1 Off Street Car 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. Interpretation of the Maltster's Cottage (modified by 24/1140)

Except where modified by Condition 22D of this consent, remnants of the 1907 Maltster's Cottage and garden shall be retained and integrated into the new Exhibition Building and its immediate setting to interpret the historical significance and use of the building as part of the former Maltings industrial complex. As the building is severely damaged and unstable, elements to be retained shall be capable of interpretation without reconstruction. Details are to be provided to Wingecarribee Council for approval prior to the release of the construction

Reason: *To ensure that the historical significance of the site is recognised and preserved for future generations.*

56A. Grey-headed Flying Fox Management Plan (inserted by 24/1140)

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.

56B. Microbat Management Plan (inserted by 24/1140)

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 all proposed habitat and should be consulted in the design process. Consideration must be given around the longevity of additional habitat, thermal stability and likelihood of uptake. The use of plywood boxes is generally discouraged 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.

56C. Tree Retention Plan (inserted by 24/1140)

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.

64A. Heritage site induction ('toolbox talks') (inserted by 24/1140)

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 Council 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.

73. ~~Traffic Control Plan~~ (deleted by 24/1140)

~~A minimum of seven (7) days prior to the commencement of work, the developer shall submit to Council a Certified Traffic Management Plan for each activity of work in accordance with the current version of Roads and Maritime Services (RMS) document "Traffic Control at Work Sites". This plan must include each construction activity that involves works on or adjacent to public land. If the work site alters, further plans are to be submitted to Council. A copy of the plan(s) is to be kept on site at all times.~~

~~**Reason:** *To ensure public safety.*~~

73A. Habitat Bearing Tree Survey (inserted by 24/1140)

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.

110A. Reduction of rising damp and salt attack in buildings constructed prior to 1930 (inserted by 24/1140)

To avoid potential damage caused by rising damp and migrating salts, no concrete slab is to be laid directly on the ground either within the building or external to the building directly adjacent to the exterior walls.

Reason: *Heritage conservation.*

110B. Temporary storage of materials, equipment and waste during works (inserted by 24/1140)

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.*

110C. Uncovering of concealed architectural features or detailing (inserted by 24/1140)

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.*

110D. Felling Supervision (inserted by 24/1140)

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.

110E. Clearing of Existing Vegetation (inserted by 24/1140)

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.

110F. Habitat Structures (inserted by 24/1140)

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.

110G. Koala Fencing (inserted by 24/1140)

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.

127. Geotechnical Risk Assessment Report Compliance (modified by 24/1140)

The proposed development shall be carried out in accordance with the recommendations set down in the Geotechnical Risk Assessment Report set out below.

The implementation of the recommendations of the Geotechnical Risk Assessment Report shall be carried out to the satisfaction of the Council's Building Surveyor and/or Development Control Engineer, prior to the issue of the Occupation Certificate.

GEOTECHNICAL RISK ASSESSMENT REPORT:

Report Reference: **E25829.G03_Rev1**
Prepared By: **JK Geotechnics**
Date of Report: **15 February 2024**

Reason: *To ensure development complies with geotechnical risk assessment undertaken.*

138A. No painting or rendering of masonry or stone (inserted by 24/1140)

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.*

140. Concurrence – Water NSW (modified by 24/1140)

The Concurrence issued by Water NSW, Reference No: DAR 20067-a3, dated 23 August 2024 are included as conditions of this consent and must be complied with.

Reason: *To ensure ongoing compliance.*

141. **General Terms of Approval – Department of Planning and Environment – Water** (modified by 24/1140)

The General Terms of Approval issued by the Department of Planning and Environment - Water, Reference No: IDAS-2024-10318, dated 19 August 2024 are included as conditions of this consent and must be complied with.

Reason: *To ensure ongoing compliance.*

142. **Concurrence – Transport for NSW** (modified by 24/1140)

The Concurrence issued by Transport for NSW, Reference No: STH24/00379/002, dated 24 May 2024 are included as conditions of this consent and must be complied with.

Reason: *To ensure ongoing compliance.*

S7.11 & S64 Contributions Sheets Follow:- (modified by 24/1140)



Civic Centre, Elizabeth St. Moss Vale, NSW 2577.
PO Box 141, Moss Vale, DX: 4961 Bowral.
Ph: (02) 4868 0888 Fax: (02) 4869 1203
wscmail@wsc.nsw.gov.au www.wsc.nsw.gov.au
Office Hours: Mon-Fri 8.30am - 4.30pm

Notice of Payment – Developer Charges

12 February 2025

THE TRUSTEE FOR THE MALTINGS PROPERTY TRUST
C/- COLLIERS
LEVEL 30 225 GEORGE ST
SYDNEY NSW 2000

Re: 24/1140
Lot 21 DP 1029384
2 COLO STREET MITTAGONG NSW 2575

Development Description: *Deletion of the approved swimming pool, terrace and bar on level 1 of M1. Demolition of the first floor slab to the machine room of M1 and conversion to an outdoor gallery / exhibition space with water features. Provision of a café and ticket office within Southern Shed 1. Minor revision to the design of the Northern Shed. Various amendments to the interior layout within the M1/M2 complex and adjustments to the back-of-house facilities and plant rooms. Amendment to the design for the Maltsters House.*

Water, Sewerage and Stormwater Headworks charges are levied under Section 64 of the Local Government Act and Section 306 of the Water Management Act 2000. Other contributions are levied under Section 7.11 of the Environmental Planning and Assessment Act 1979 and Council's Contributions Plans.

Contributions Levy	Units	Rate	Amount Payable
S64 Sewer Compliance Certificate	1.00	\$255.00	\$255.00
S64 Sewerage (Shirewide)	33.14	\$12,962.98	\$429,619.12
S64 Water Compliance Certificate	1.00	\$255.00	\$255.00
S64 Water (Shirewide)	33.14	\$13,371.28	\$443,151.09
Total			\$873,280.21

Payments must be either in the form of cash, bank cheque or credit card (credit cards subject to 1% surcharge. Amex and Diners not accepted).

IMPORTANT – The charges shown above are valid for payment until the date given below. After this period the charge will be indexed in accordance with the relevant Plan.

DATE CHARGES ARE VALID TO – 30th April 2025

Prepared by – Andre Vernez

Cashier Receipt No: _____

Total Paid: _____

Date Paid: _____

SCHEDULE 1

CONDITIONS OF MODIFIED DEVELOPMENT CONSENT

SITE REMEDIATION CONDITIONS

1. Contaminated Land Investigation **Requirements** (Stage 2 data gaps)

The applicant shall engage the services of a suitably qualified contaminated land consultant to undertake investigations and prepare a report to address the data gaps in the Detailed Site Investigation prepared by JKEvironments dated 22 March 2022. The investigations and report must comply 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 DSI report shall be provided to Council prior to the commencement of any remediation works.

Reason: *Compliance and statutory requirements.*

2. **Asbestos Management Plan (AMP)** (modified by 24/1140)

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 Council prior to the issue of any Construction Certificate.

Reason: *Compliance and statutory requirements.*

3. **Remedial Action Plan (RAP)** (modified by 24/1140)

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.*

4. **Section B5 Site Audit Statement or Interim Audit Advice** (modified by 24/1140)

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 prior to the commencement of any remediation works and prior to the issue of any Construction Certificate.

Reason: *Compliance and statutory requirements.*

5. **Remediation** (modified by 24/1140)

The site shall be remediated in accordance with:

- (a) Remedial Action specified in the Interim Audit Advice or Section B5 Site Audit Statement 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.*

6. **Validation Report** (modified by 24/1140)

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 prior to the issue of any Construction Certificate.

Reason: *Compliance and statutory requirements.*

7. **Site Audit Report and Site Audit Statement** (modified by 24/1140)

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 prior to the issue of any Construction Certificate.

Reason: *Compliance and statutory requirements.*

8. **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.*

ADMINISTRATION CONDITIONS

9. Development consent is granted to concept development application No.201/1400 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 (Lot 21 SP 1029384) (herein after referred to as **the site**) together with a detailed proposal comprising Stage 1 of the application.

The detailed works in Stage 1 of the application comprise the Maltings 1 to 4 and redevelopment of Maltster's Cottage.

As part of the overall concept development application (as set out in the concept development application plans) the future Stage 2 of the development of the site will comprise the Maltings 5 and 6. Development consent is not granted pursuant to this consent for the construction of the Stage 2 works (Maltings 5 and 6), noting that these works are subject to future development applications.

This development consent does not approve any future use as part of the concept development application for the development of the site and shown as Stage 2 (Maltings 5 and 6).

Note: *For the avoidance of doubt, nothing in this concept approval prohibits the submission of a future Stage 2 development application for a prohibited purpose in reliance on the heritage conservation provisions in clause 5.10(10) of the LEP*

10. While this consent remains in force, the determination of any further development application in respect of the site cannot be inconsistent with this consent (including all conditions of consent) and the plans and documents referred to in condition 11 of this consent.

11. **Development in Accordance with Plans and Documents** (modified by 24/1140)

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

All "future" buildings that are proposed to be erected on the site must be contained wholly within the building envelopes shown in the plans, and all future work on the site must be in accordance with the plans and with the requirements of the following documents, except as amended by the conditions of this consent:

Plan Title / Supporting Reference / Version Prepared By Document			Dated
Plan of Detail & Levels at The Maltings, Mittagong		Veris	16-Jan-20
Architectural and Landscape Plans (modified by 24/1140)	M1/2 000 (G), M1/2 0002 (E), A030-A031 (G), A040 (I), 0100 (E), M1/2 0300 (F), M1/2 0301 (E), M1/2 0302 (E), M1/2 1100 (G), M1/2	Snøhetta	Various dates

	1101 (F), M1/2-1102 (F), M1/2 1801 (E), M1/2 2000 (G), A310 (I), M1/2 3000 (G), M1/2 + MH 6000 (E), M1/2 8000 (G), M1/2 8001 (G), MH 0300 (E), MH 1100 (E), MH 1101 (E), MH 1801 (E), MH 2000 (G), MH 3000 (G)		
Malthouse 5 + 6	A000, A200-202, A30, A1000 (A)	Snøhetta	14-May-20
Civil Engineering Report (inserted by 24/1140)		J. Wyndham Prince	7-Feb-2024
Structural Engineering Report (inserted by 24/1140)		TTW	28-Aug-2024
Structural Letter (inserted by 24/1140)		TTW	30-Aug-2024
Arboricultural Impact Assessment Addenda (modified by 24/1140)		Eco Logical Australia	21-Feb-2023
Aboriginal Archaeological Survey Report		Kayandel Archaeological	8-May-20
DA Report - Acoustics		ARUP	12-May-20
Acoustic Letter of Support (inserted by 24/1140)		Acoustic Logic	23-Jan-2024
Building Code of Australia 2022 Report (modified by 24/1140)	H	Group DLA	27-Feb-24
Building Code of Australia 2022 Capability Statement (modified by 24/1140)		Group DLA	27-Feb-24
Bushfire Assessment		Peterson Bushfire	30-Apr-20
Bushfire Advice (inserted by 24/1140)		Peterson Bushfire	15-Feb-2024
Access Report (modified by 24/1140)	05	Group DLA	27-Feb-24
Stage 1 Preliminary Site Investigation		JK Environment	17-Apr-20

Sustainability Report (modified by 24/1140)	03	E-Lab Consulting	2-Feb-2024
Fire Engineering Support (modified by 24/1140)		Credwell	20-Feb-2024
Flood Level Info from 2014 Flood Study		-	n.d.
Flora and Fauna Assessment Report (modified by 24/1140)	5	Eco Logical Australia	27-Feb-2024
Geotechnical Assessment (modified by 24/1140)	1	Eco Logical Australia	23-Feb-2024
The Maltings Koala Assessment Report		Eco Logical Australia	29-Apr-20
Koala Assessment Report Addenda (inserted by 24/1140)		Eco Logical Australia	8-Feb-2024
CIV Estimate Report (modified by 24/1140)		MBM	15-Feb-2024
Soil & Water Management Plan & Notes		J. Wyndham Prince	29-Apr-20
Utilities Servicing Assessment (modified by 24/1140)	D	J. Wyndham Prince	28-Aug-2024
Landscape Management Plan		Snøhetta	May-20
Conservation Management Plan Vol 2	Draft 2	Paul Davies Architects	12-May-20
Heritage Impact Statement (modified by 24/1140)		Paul Davies Pty Ltd	Feb-24
Section 4.56 Modification (modified by 24/1140)		Gyde	1-March- 2024
Archaeology Response		Kayandel	18-Dec-20
Bushfire Response Letter		Peterson Bushfire	16-Dec-20
Vegetation Management Plan (modified by 24/1140)		Eco Logical Australia	20-Feb-2024
Conservation Management Plan		Paul Davies	Dec-20
Plan of Management (modified by 24/1140)		Gyde	29-Feb-2024

Landscape Plans	A500 (E), A501 (D), A502 (D), A503 (E), A504 (D), A505 (E), 506 (D)	Snøhetta	
Landscape Plan (Vegetated Riparian Zone)		Snøhetta	n.d. (Dec-20)
Traffic and Transport Impacts – Statement of Advice (<i>modified by 24/1140</i>)	V1.5	SLR	29-Feb-2024
Stormwater and Flooding Management Strategy (<i>modified by 24/1140</i>)	A	J. Wyndham Prince	24-Oct-24
Riparian Corridor Bank Stabilisation Concept Plan		Tooker and Associates	7-Jun-21
Property Report (Crown Lands)		Mark Groll	5-May-21
Interim Audit Advice Letter No. 1 - Review of Preliminary Site Investigation and Detailed Site Investigation, the Maltings: 2 Colo Street, Mittagong		Rowena Salmon	22 March 2022
Detailed Site Investigation		JKEnvironments	22 March 2022
Memorandum from SLR Consulting Australia Pty Ltd	610.30708-M03-v0.1-20220302.docx	SLR Consulting Australia Pty Ltd	2 March 2022
Operational Waste Management Plan (<i>inserted by 24/1140</i>)		Waste Audit	Feb-2024
Demolition and Construction Waste Management Plan (<i>inserted by 24/1140</i>)		Waste Audit	Feb-2024

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

12. Staging of development – Concept development consent and Stage 1 DA

Notwithstanding any other condition of this consent, the consent permits separate Construction Certificates and Occupation Certificates to be issued for the approved development in stages, provided that all conditions of consent relevant to the development incorporated within each stage have been complied with prior to the release of the Construction Certificate or Occupation Certificate for that stage.

The development is to be carried out in the following stages:

- Detailed development application Stage 1 (Maltings 1 to 4 and redevelopment of Maltster's Cottage);
- Stage 2 DA (Maltings 5 and 6) – proposed as part of the concept development application. Any development to be the subject of a development application lodged in the future

Reason: *To ensure the staging of the development is consistent with legislative requirements*

13. 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).*

14. 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.*

15. 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.*

16. Compliance with Building Code of Australia

That the work must be carried out in accordance with the requirements of the National Construction Code.

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

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

17. Traffic Committee

The proposed construction certificate plans are to be referred to the Council's Traffic Committee prior to the issue of any Construction Certificate.

Reason: *To ensure relevant referral occurs*

18. Application for a Construction Certificate (Building Works)

The applicant shall apply to Council or an Accredited 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 Principal Certifier (PC) issues the Construction Certificate, engineering details must be submitted for approval for all structural elements, including but not limited to, piers, footings, reinforced concrete slab, first floor joist layout, roof trusses, steel beams and the like. The details must be prepared by a qualified chartered professional practicing consulting structural engineer. Also a certificate from the engineer must be included certifying that the design fully complies with appropriate SAA Codes and Standards and the Building Code of Australia requirements.
- (c) Geotechnical report for the site, prepared by a qualified geotechnical engineer detailing the foundation conditions of the site and solutions for consideration by a structural Engineer.
- (d) Essential services plan outlining the existing and proposed fire safety measures.
- (e) Plans detailing the layout, extent and location of key components of any required Hydraulic Fire Safety System/s (Fire Hydrant and Fire Hose Reels) including Specifications that describe the basis for the design, installation and construction and identify the provisions of the BCA upon which the design of the system is based. The Plans and Specifications shall both be endorsed by a competent fire safety practitioner (CFSP) as complying with the relevant provisions of the Building Code of Australia (BCA).
- (f) Disabled access provisions to common and public areas in accordance with AS1428 Design for Access and Mobility and the Premises Code.
- (g) If an alternative solution to the "deemed to satisfy" provisions of National Construction Code is proposed, the following details must be lodged:

- Performance requirements that the alternative solution intends to meet.
- Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the BCA; and
- A statement about the person who prepared the alternate solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body.

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

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

Note: *Please note that if demolition works forms part of the extent of works approved in the same application, then demolition must not commence prior to the issue of a Construction Certificate.*

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

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

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

20. Access for People with Disabilities

Access for people with disabilities shall be provided in accordance with the requirements of the Building Code of Australia, 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.*

21. 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 under Condition 22 below;
- 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*

22. Heritage Interpretation Strategy and Heritage Interpretation Plan (modified by 24/1140)

Prior to the issue of a Construction Certificate, a comprehensive Heritage Interpretation Strategy and Heritage Interpretation Plan for the site is to be prepared and submitted to the satisfaction of Council, in accordance with the Heritage NSW publication 'Interpreting Heritage Places and Items Guidelines' (2005).

The strategy and 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,
- the inventory of existing significant items of movable heritage associated with The Maltings

- salvaged fabric and elements into artworks and other such interpretive installations.

(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 Heritage Interpretation Plan must be fully implemented and all interpretive devices (including signage, artworks and other such installations) shall be fully completed prior to the issue of an Occupation Certificate.

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

22A. Building works to comply with BCA - Heritage Buildings (inserted by 24/1140)

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.*

22B. Pre-emptive structural works to heritage buildings (inserted by 24/1140)

Prior to the issue of any Construction Certificate, full detailed drawings and specifications of all structural works required to strengthen, stabilise and ensure the protection of retained portions of the heritage buildings per the recommendations of the Structural Concept Design statement (TTW, 30 August 2024), shall be submitted to the satisfaction of Council.

The structural drawings and specifications must demonstrate the measures that will be implemented, together with the methodology for undertaking the structural works.

The Structural 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 not require material affectation (such as deconstruction, new penetrations or the like) to otherwise underpin, support or ensure the retention; 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 to be retained.

Reason: *Heritage conservation.*

22C. Retention of cast iron columns to Malthouse No.1 (inserted by 24/1140)

The first two full rows of cast iron columns (comprising eight in total) within the ground floor internal space of Malthouse No.1 and measured from the southwestern end, shall be retained in-situ and appropriately conserved as part of the interpretation of the space.

Prior to the issue of any Construction Certificate, amended plans are to be submitted to the satisfaction of Council, demonstrating compliance with this condition.

Reason: *Heritage conservation.*

22D. Maltster's Cottage interpretation works (inserted by 24/1140)

Prior to the issue of a Construction Certificate, amended plans are to be submitted to the satisfaction of Council demonstrating the following:

- a) The trees within the footprint of the retained footings of the Maltster's Cottage are to be deleted. No landscaped plantings are to be introduced within the footprint of the former dwelling.
- b) Details are to be provided of the nominated fill material.
- c) The fill material is to be separated by a geotextile fabric membrane to provide protection to retained heritage fabric.

Reason: *Heritage conservation.*

23. 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.*

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

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 as a result of the construction works under this consent are to be carried out by the contractor/builder to Council's specification and supervision prior

to issue of any Occupation Certificate at the developer / owners / proponent's expense.

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

25. **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 drainage works

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

26. **Dilapidation Report**

A Dilapidation Report shall be undertaken on all sewerage infrastructure, 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.*

27. **Water and Sewer Authority Conditions**

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

Any sewerage infrastructure closer than 600mm to any proposed structures (or 1.2m for maintenance holes measured from the edge of the lid opening) shall be relocated away from the proposed structures. Details of the relocation as applicable shall be included in the Section 68 application to Council.

Reason: *To ensure water and sewer reticulation*

28. **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.*

29. Section 7.11 Contributions (formerly Section 94)

Under Section 7.11 of the *Environmental Planning and Assessment Act 1979* (as amended), Council has satisfactorily determined that Development Contributions are applicable to this development consent, as the development is likely to require the provision of, or increase the demand for, public amenities and public services within the Wingecarribee Local Government Area.

The following Wingecarribee Shire Council Section 7.11 Developer Contributions Plans are applicable to the development:

- Roads & Traffic Management Facilities
- Resource Recovery Centre 2009
- Central Library Facility
- Section 7.11 Administration 2011 to 2031
- Open Space & Recreation Facilities

The contributions listed in the attached Notices of Payment must be paid prior to the issue of each Construction Certificate for each stage of the works.

All contributions 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>>); Section 251 of the *Environmental Planning and Assessment Regulation 2000*; and Council's Developer Contributions Plans.

Note: *Copies of the Contributions Plans are available at Wingecarribee Shire Council's Administration Building Moss Vale or are available for download from Council's website www.wsc.nsw.gov.au <<http://www.wsc.nsw.gov.au>>.*

Note: *Payment of the contributions is to be by BANK CHEQUE OR CASH (bank transfer) and is to be accompanied by the attached sheet entitled "Notice of Payment - Developer Charges & Section 7.11". Shall the Applicant pay by personal or company cheque the plans subject to this approval will not be*

available for collection until the cheque has been honoured (i.e. a minimum of 10 days).

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.*

30. **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 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 Construction Certificate** as prescribed by Wingecarribee Shire Council's Development Servicing Plans:

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

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

The 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) were adopted by Council and 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
Please refer to attached sheets at end of consent	Please refer to attached sheets at end of consent	Please refer to attached sheets at end of consent	Please refer to attached sheets at end of consent
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 >.			

Shall 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". Shall 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).*

31. Compliance Certificate

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

Water \$ (refer attached sheets) + Sewer \$ (refer attached sheets) + Stormwater \$ (refer attached sheets) = \$ (refer attached sheets)

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 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.*

32. 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:

- (a) Pedestrian and vehicle bridges over Nattai River
- (b) Retaining walls

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.*

33. Structural Adequacy of Existing Structures

A Certificate of Structural Adequacy prepared and signed by a professional chartered experienced qualified practicing Structural Engineer with suitable professional indemnity cover must be submitted to the Accredited Certifier in respect of the load carrying capabilities of the existing structures to support the proposed additions prior to the issue of Construction

Certificates.

Reason: *To ensure the structural integrity of the building is not compromised.*

34. 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.*

35. 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.*

36. 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 including the management of overland flows from Southey Street, prepared in accordance with Council's Design Standards shall be submitted to Council and approved by Council's Development Engineer.

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

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.*

37. Accessible Car Parking Spaces

Sufficient parking for disabled persons must be provided to ensure compliance with any applicable legislation.

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.*

38. Carpark Design and Site Servicing

The Construction Certificate plans must demonstrate that the car park is 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*

39. Signage and Line Markings Plan

Signage and Line Marking Plan for proposed vehicular crossing in Ferguson Crescent prior to the issue of the Construction Certificate. The access through this crossing shall be for the use by staff and service vehicles only.

Reason: *To provide for safety and certainty for pedestrians and vehicles*

40. Off Street Parking Provision – General (modified by 24/1140)

140 off-street car parking spaces suitably marked in accordance with Site plan prepared by Snohetta; Project Number 18-17; revision E; Sheet Number 0100 dated 12/02/2023 with minimum dimensions in accordance with Australian Standard AS2890.1 Off Street Car 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.*

41. Waste Management Plan - Construction Waste

A Waste Management Plan shall be completed and submitted to Council for approval, prior to the issue of the Construction Certificate for the development.

Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout demolition and construction. Waste management and its storage must not pose a threat to public health or the environment.

Reason: *To minimise the amount of waste going to landfill.*

42. 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.*

43. Erosion and Sediment Control Plan

To minimise soil erosion and sediment movement during construction, the following measures shall be implemented:-

- (a) Erosion and sediment controls are to be in place before the disturbance of any soils on the site and are to be maintained during the works and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside the worksite boundaries.

- (b) Topsoil stripped from the construction site shall be stockpiled and protected from erosion until re-use during landscaping. Soil is to be retained within the property.
- (c) Stockpiles of construction and landscaping materials, and of site debris shall be located clear of drainage lines and in such a position that they are protected from erosion and do not encroach upon any footpath, nature strip or roadway.
- (d) Final site spoil shall be disposed of to conform to the specifications and standards quoted and to any conditions of approval of those measures and must comply with any relevant NSW Department of Planning and Environment requirements.
- (e) Trenches shall be backfilled, capped with topsoil and compacted to a level at least 75mm above adjoining ground level.
- (f) Vehicular access shall be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where sediment is deposited on adjoining roadways the same shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.
- (g) All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for more than 14 days or such other period as may be approved after earthworks cease. All driveways and parking areas shall be stabilised with compacted sub-grade as soon as possible after their formation.
- (h) Sediment control devices shall be installed prior to any site works being carried out and prior to construction work commencing and remain in position until the disturbed soils are turfed, 70% vegetated or otherwise stabilised.

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

44. **Pedestrian Safety**

The Contractor shall endeavor to minimise disturbance to pedestrian / vehicle traffic in the vicinity of the site. If required by Council a hoarding shall be erected and consent required in accordance with Section 138 of *Roads Act 1993*.

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

Reason: *To ensure pedestrian and vehicular safety.*

45. **Water and Sewer Modelling**

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

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

46. **Energy Service Provider Requirements**

The provision of underground electricity to service the development in accordance with the

requirements of the Energy Service Provider. The Developer shall submit to Council documentary evidence from the Energy Service Provider qualifying that the requirements of that provider have been obtained. The requirements of the supply authority will need to be met prior to the issue of the Occupation Certificate.

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

47. Electricity Substation

Any required electricity substation shall be located within the boundaries of the site and covered by an appropriate Section 88B instrument or easement under the *Conveyancing Act 1919*.

Documentary evidence of compliance, including correspondence from the energy authority is to be provided to the Accredited Certifier prior to the issue of a Construction Certificate detailing the energy authority's requirements.

Reason: *To ensure appropriate access to utility is provided.*

48. Interpretation of the Maltster's Cottage (modified by 24/1140)

Except where modified by Condition 22D of this consent, remnants of the 1907 Maltster's Cottage and garden shall be retained and integrated into the new Exhibition Building and its immediate setting to interpret the historical significance and use of the building as part of the former Maltings industrial complex. As the building is severely damaged and unstable, elements to be retained shall be capable of interpretation without reconstruction. Details are to be provided to Wingecarribee Council for approval prior to the release of the construction

Reason: *To ensure that the historical significance of the site is recognised and preserved for future generations.*

49. Plan of Management

An updated plan of management (POM) is to be approved by Council prior to the occupation of any additional hotel rooms or new function venues. The POM is to include, but is not limited to the following:

- Hours of operation for each component of the facility;
- Operational Noise management both indoor and outdoor venues – this is to be consistent with and to reference the recommendations within associated for noise reports in regard to noise limiters, times at which windows shall be closed etcetera;
- Ancillary retail activities –gallery spaces;
- Safety of guests – warning signage for rail line corridor as needed;
- Management of accommodation
- Use of swimming pool;
- Parking and traffic management.

Reason: *To protect the amenity of hotel patrons and adjoining areas*

50. Noise from Mechanical Equipment

The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.

Prior to the application for a Construction Certificate, the developer must submit to the Council or the accredited certifier a report from a suitably qualified acoustic consultant (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants). The report must be submitted with or before the application for a Construction Certificate and must:

- include the measurements and calculations; and
- certify that the method of treating all mechanical equipment will ensure that the noise level, as measured at the most or potentially most affected noise sensitive locations, will not exceed the recommended acceptable project specific noise levels, detailed in the NSW EPA *Noise Policy for Industry*.

If the mechanical equipment is to be operated between 10pm-7am on weekdays and/or 10pm-8am on weekends and public holidays the report must also certify that when operated it will be inaudible from within a habitable room of another residential premises (regardless of whether any door or window is open).

After completion of the works, prior to the issue of the Occupation Certificate, the developer must submit to the Council or the accredited certifier, a report from a suitably qualified acoustic consultant (as above) verifying that the works as installed meet the above design conditions.

Reason: *To ensure that noise emissions from the development satisfy legislative requirements and prevent loss of amenity to the area.*

51. Noise Levels at Residential Boundaries

The LA10 noise level emitted from the use must not exceed the background noise level (LA90) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5 dB between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the use must not be audible within any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.

Reason: *To protect the amenity of adjoining properties*

52. Protection of Existing Trees and Native Vegetation

Prior to the issue of any Construction Certificate, trees and native vegetation proposed for retention and those approved for removal must be clearly identified on all the final engineering and landscaping plans. All fenced tree protection areas must be clearly marked as "No Go Area" on all plans. The location of any threatened species, endangered populations or ecological communities must also be marked on all plans.

Reason: *To clearly articulate trees and vegetation to be removed and retained.*

53. Protection of Specific Trees

Trees 93 and 94 (as identified in the approved Arborist Report) must be retained as part of any approved development on the site in accordance with this consent. The approved plans must be amended to identify the retention of these trees and submitted to and approved by Council prior to the issue of a Construction Certificate.

Tree 35, tree 36, tree 37 and tree 42 (as identified in the approved Arborist Report) must be retained or alternatively can be replaced subject to Council approval with suitable alternatives, to a minimum size of 25 litres. The approved plans must be amended to identify the replacement of these nominated trees where approved by Council, and submitted to and approved by Council prior to the issue of a Construction Certificate. The nominated trees must be replaced (where approved) to the satisfaction of Council prior to the issue of an Occupation Certificate for the Stage 1 works.

Reason: *To clearly articulate trees and vegetation to be removed, replaced, and retained.*

54. Food premises compliance to be assessed prior to the issue of the Construction Certificate

Prior to the issue of the Construction Certificate, detailed drawing of the design, construction and fit-out of the proposed food premises shall be submitted to either Council or the nominated Accredited Certifier to be assessed for compliance with the *Food Act*, the *Food Regulations*, the *Food Safety Standards* and the Australian Standard AS4674 – 2004 *Design, Construction and Fit-out of Food Premises*.

Reason: *To ensure compliance with statutory requirements.*

55. Erection of Nesting Boxes

Hollows or nest boxes are to be installed on a one for one basis for any natural hollow removed by the development. Nest boxes are to be constructed of appropriate durable materials (e.g. painted marine ply, native hardwood or similar) and fixed to recipient trees with stainless steel screws, wire or similar. All nest boxes are to be erected prior to any clearing occurring on the development site.

The Consulting Ecologist must identify suitable locations to erect hollows/nest boxes that minimise the risk of vandalism and maximise the likelihood of occupation by native fauna. To replace nest hollows lost, at least 1 large nest box per tree removed shall be erected at least 5 metres high within retained vegetation at the rear of the property within the retained native trees.

Reason: *To provide an equivalent replacement for any natural hollow to be removed.*

56. ARTC approval – where required

Shall any excavations be located within 25m of the rail corridor, the plans must be submitted to the ARTC for approval prior to any works being undertaken. Compliance with any requirements is required.

Reason: *To ensure relevant landowner approval adjoining rail corridor*

56A. Grey-headed Flying Fox Management Plan (inserted by 24/1140)

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.

56B. Microbat Management Plan (inserted by 24/1140)

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 all proposed habitat and should be consulted in the design process. Consideration must be given around the longevity of additional habitat, thermal stability and likelihood of uptake. The use of plywood boxes is generally discouraged 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 is 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.

56C. Tree Retention Plan (inserted by 24/1140)

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.

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

57. Prior to the Commencement of Work

- (a) Prior to commencement of any works, the following information shall be forwarded to Council and approved:
1. Plan of Management;
 2. Further Details of internal architecture - Details to be included in set of plans for details shown on renderings provided and other visual imagery as provided.
 3. Materials and colours to be provided for each internal and external space by construction stage.

- (b) Notification of Licensed Builder

Building work shall not commence until the name and licence number of the builder is advised to Council. Notification shall be in writing and shall include the written concurrence of the builder for their licence to be used and a copy of this builders licence.

- (c) Certification of Structural Details

Building works shall not commence until the submitted (structural steel/reinforced concrete) details are certified as structurally adequate by a chartered, professional and experienced Structural Engineer.

Note: *The name, address and qualifications of the practicing structural engineer certifying the design shall be clearly indicated on the plans and any accompanying documentation. Such engineer is to hold qualifications sufficient to gain admission to the Institute of Engineers of Australia. The design shall relate to the particular site.*

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.

(d) Fencing of Building Site

The building site shall be fenced in accordance with Safework NSW guidelines prior to any building works commencing on site.

Additionally, a driveway is to be constructed in accordance with the attached specification prior to any works commencing on the site.

Reason: *To comply with Councils requirements prior to the commencement of works.*

58. **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 Principal 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.*

Advice: *Attached Notice of Commencement form to be completed.*

59. **Principal Certifier (PC) Sign**

Prior to commencement of any work, signage must be erected in a prominent position on the work site identifying:

- ☐ The Principal Certifier (PC) by showing the name, address and telephone number of

the Principal Certifier (PC);

- ☐ The Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person.
- ☐ The sign must state that unauthorised entry to the work site is prohibited.

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

This clause does not apply to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Advice: *Where Council is the PCA, signage is available from Council.*

Reason: *Statutory requirement.*

60. **Construction Certificate**

No work shall commence until a:

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

Reason *Statutory requirement.*

61. **Food Premises - General**

The construction and operation of the food premises shall comply with all applicable legislation/regulation and standards, including:

- The *Food Act 2003*;
- Food Regulation 2010;
- Food Standards Code, Food Standard 3.2.3;
- Australian Standard AS4674–2004 *Design, Construction and Fit out of Food Premises* and
- Mechanical ventilation - Australian Standard 1668.2-2012.

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.

Reason: *Compliance with legislation and standards.*

62. **Developers Representative during Construction of Works**

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

and Erosion Control and liaison with Council Officers and all other Authorities.

Details to be submitted include:-

- 1 Name of Representative:
- 2 Company:
- 3 Position:
- 4 Contact phone:
- 5 Contact fax:
- 6 After Hours Contact:
- 7 Signature of Representative:
- 8 Signature & Acceptance of representative by the Developer:
- 9 Council requires that the nominated "Construction Supervisor" either hold qualifications acceptable for Corporate Membership of the Institute of Engineers, Australia, or be Approved by the Director and/or has proven experience and suitable relevant qualifications for the control, supervision and management of civil engineering works as required for carrying land development.

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

- 10 Inform Council in writing of their intention 7 days before entering the site.
- 11 Submit to Council a proposed Schedule of Works.

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

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

Reason: *Statutory requirement.*

63. **Traffic Management Plan**

A minimum of seven (7) days prior to the commencement of work, the developer shall submit to Council a Certified Traffic Management Plan for each activity of work in accordance with the current version of Roads and Maritime Services (RMS) document "Traffic Control at Work Sites". This plan must include each construction activity that involves works on or adjacent to public land. If the work site alters, further plans are to be submitted to Council. A copy of the plan(s) is to be kept on site at all times.

Reason: *To ensure public safety*

64. **Heritage - Submission of Photographic Survey**

Prior to the commencement of demolition, a photographic survey shall be submitted to Council. The photographic survey shall be prepared in accordance with the guidelines "Archival Recording of Heritage Items Using Film or Digital Capture" published by the NSW Heritage Office. Three copies of the Photographic Survey shall be submitted in an unbound report format. Each copy shall contain:

For Film-based Projects:

- A very brief report or introduction which explains the purposes of the report and gives a brief description of the subject, 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 shall include all technical details including camera and lenses, film type, exposure and colour information;
- Catalogue sheets, photographic plan, supplementary maps;
- B&W materials:
- One set of archivally processed and numbered B&W negatives stored in archival sheets or envelopes
- Three sets of archivally processed proof (contact) sheets, labelled and cross-referenced to the catalogue sheets
- Colour materials:
 - Three sets of colour transparencies (either original transparency plus two duplicates or three original images taken concurrently) numbered, labelled and cross-referenced to the catalogue sheets and stored in archival slide sheets.

Digital Projects

- A very brief report or introduction which explains the purposes of the report and gives a brief description of the subject, 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 shall 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;
- Three sets of colour thumbnail image sheets (e.g. A4 page with six images by six images) showing images and reference numbers.
- The thumbnail sheets shall 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 files with associated metadata, and cross referenced to catalogue sheets.

The report shall 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 record.*

64A. **Heritage site induction ('toolbox talks')** (inserted by 24/1140)

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 Council 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.*

65. **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 can occur 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 undertaken at an early stage and must be completed prior to the issue of any 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.*

66. Approval Required for Work within Road Reserve - Section 138 Roads Act 1993

Prior to any works being undertaken 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). 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 the approved development plans and proposed works to be undertaken.
- Plans and adequate documentation which validate that the required works are in accordance with Councils Engineering Plans and Specifications and relevant standards.
- 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 Traffic Authority for engineering design plans, Traffic Control Plans and approvals under Section 138 of the Roads Act 1993.*

Reason: *Statutory requirement.*

67. Relocation of Existing Services

Where existing services including drainage, sewerage and water are required to be relocated as a result of the development, a Section 68 approval is required from Council prior to commencing work. Inspection of these works by Council as the water supply authority is required..

Reason: *Statutory requirement.*

68. 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.*

69. 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.*

70. Wheel Wash

A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed in accordance with the approved Erosion and Sediment Control Plan prior to the commencement of any site works, to prevent mud and dirt leaving the site and being tracked.

Reason: *To minimise soil being trucked off site.*

71. Tree Protection Measures

Protective fencing is to be installed around the tree to be retained in line with the Tree Protection Zone or per direction of the site arborist.

This fencing is to be constructed of chain wire mesh 1.8m high, which is supported by steel

stakes or piping and braced to resist impacts and as per the requirements detailed in AS4970-2009 "Protection of Trees on Development Sites", the installation of which is carried out under the supervision of the arborist.

Note: *Removal of the protective fencing during construction work will affect bonds and may result in fines or legal proceedings being instigated by Council against the applicant and/or principal contractor.*

Reason: *To ensure the identified tree/s to be retained as appropriately protected.*

72. **Set Out Survey**

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

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

73. **~~Traffic Control Plan~~** (deleted by 24/1140)

~~A minimum of seven (7) days prior to the commencement of work, the developer shall submit to Council a Certified Traffic Management Plan for each activity of work in accordance with the current version of Roads and Maritime Services (RMS) document "Traffic Control at Work Sites". This plan must include each construction activity that involves works on or adjacent to public land. If the work site alters, further plans are to be submitted to Council. A copy of the plan(s) is to be kept on site at all times.~~

~~**Reason:** *To ensure public safety.*~~

73A. **Habitat Bearing Tree Survey** (inserted by 24/1140)

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.

CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

74. **Compliance and Implementation of Conservation Management Plan**

The Applicant is to ensure the ongoing compliance and implementation of the Conservation Management Plan approved by this consent and referenced in condition 11.

75. **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.*

76. 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 Certifying Authority.*

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.*

77. Asbestos Containing Material

Any Asbestos Containing Material (ACM) present at the site shall be managed in compliance with the applicable statutory requirements, standards and guidelines.

Reason: *Compliance and statutory requirements.*

78. 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/drainage that the following works are ready for inspection:

- (a) Piers associated with external drainage designed to distribute weight of structure away from sewer main prior to pouring of concrete.
- (b) Sewer / water main extensions/augmentations.

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

Reason: *Statutory requirement.*

79. Progress Survey - Major Development

In order to ensure compliance with approved plans, a Survey Certificate (prepared to Australian Height Datum), shall be prepared by a Registered Surveyor showing the following:

- (a) At the completion of excavation, prior to the placement of any footings, showing the

completed level of the excavation and its relationship to the boundaries;

- (b) Prior to placement of concrete, the ground floor level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels;
- (c) Prior to placement of concrete at each second-floor level showing the principal level of the formwork and the intended relationship of the completed works to the boundary;
- (d) Prior to roofing, or completion of the highest point of the building, showing the anticipated level of the completed work and the relationship to the boundary; and
- (e) At completion, works showing the relationship of the building to the boundary.

Progress certificates in response to points (a) through to (e) shall be produced to the Council or the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed shall such survey information be unavailable or reveals discrepancies between the approved plans and the proposed works.

Reason: *To ensure compliance with approved plans.*

80. Demolition Requirements

Any demolition 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.
- (f) Water and Sewer Asset Protection

All water and sewer assets on the site or on adjacent road reserve or lands that may be affected by the demolition works are to be clearly identified on site and protected from damage. Those water and sewer protection measures are to be shown on the site plan and are to be approved by Council's Water and Sewer Planning and Development Engineers before any demolition works can commence.

- (g) Sewer Assets Temporary Disconnection or Closure

The site sanitary drainage is to be temporarily disconnected or closed off by a suitably qualified Plumber from any of Council's sewer sidelines, sewer junctions and or boundary traps that are to be retained and reused to prevent ingress contaminants into Council's sewer mains. This work shall be sited and approved by Council's Water and Sewer Development Engineer before demolition works can commence.

(h) Removal of Redundant Council Sewer Assets and Water Services

The site sanitary drainage is to be temporarily disconnected or closed off by a suitably qualified Plumber from any of Council's sewer sidelines, sewer junctions and or boundary traps that are to be disconnected by Council to prevent ingress of contaminants into Council's sewer mains. This work shall be sited and approved by Council's Water and Sewer Development Engineer before demolition works can commence.

Make application and pay fees for the removal of redundant sewer assets and or water services. These fees shall be paid before any demolition works can commence.

Redundant water meter shall not be removed to allow for final readings and removal by Council staff.

(i) Temporary Use of Council Sewer Junctions and Water Services

During demolition or building works Council may permit temporary use of sewer junctions and water services. Details of the proposed use shall be shown on the site plan and are to be approved by the Water and Sewer Planning and Development Engineer before any demolition works can commence.

Water services that are to be temporarily retained shall not have the water meter disconnected or removed. An approved backflow prevention device shall be installed. Details shall be shown on the site plan and are to be approved by the Water and Sewer Planning and Development Engineer before any demolition works can commence.

The disposal of refuse is to occur at an approved location. Council will require documentary proof of destination for hazardous materials such as asbestos and contaminated soils and may request evidence on disposal of other demolition materials - refer approved Waste Management Plan.

Reason: *To comply with statutory requirements.*

81. **Unexpected Finds Protocol - Notification of discovery of an archaeological relict**

A person who is aware or believes that he or she has discovered or located a relic (in any circumstances, and whether or not the person has been issued with a permit) shall:

- (a) within a reasonable time after a person first becomes aware or believes that the person has discovered or located that relic, notify the Office of Heritage of the location of the relic, unless the person believes on reasonable grounds that the Office of Heritage is aware of the location of the relic, and
- (b) within the period required by the Office of Heritage, furnish the Office of Heritage with such information concerning the relic as the Heritage Council may reasonably require.

Reason: *To comply with the provisions of the Heritage Act 1977.*

Note: *The relevant application form can be found at following website:*
www.environment.nsw.gov.au/resources/heritagebranch/heritage/S139-S146Frm2013.pdf

and mailed to:

The Heritage Council
C/- The Conservation Manager

Heritage Division
Office of Environment and Heritage
Locked Bag 5020
PARRAMATTA NSW 2124

or emailed to: heritage@heritage.nsw.gov.au

82. Structure Not To Be Built Over Easements/Infrastructure

No portion of any structure shall be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.

Reason: *To protect infrastructure.*

83. Ground Levels

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

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

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

84. 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.*

85. Support for Neighbouring Buildings

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- a) must preserve and protect the building from damage, and
- b) if necessary, must underpin and support the building in an approved manner (under guidance / instruction of a structural engineer), and
- c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work to be carried out for the purposes of this clause, whether carried out on the allotment of land.

In this case, allotment of land includes a public road and any other public place.

Reason: *To preserve and protect neighbouring buildings.*

86. Vehicular Access Point - Construction and Delivery Vehicles

A suitable entry point shall be nominated on site and utilised by construction and delivery vehicles. This entry point is to be located so that the possibility of damage to Council's property is minimised during construction. The access point shall be surfaced with all-weather materials of a minimum of 4m (wide) in size. Ballast or crushed gravel (minimum of 40mm rock) for the full width of the kerb from the edge of the road to the property boundary.

Reason: *To reduce the possibility of damage to public property.*

87. Vehicular Crossings

Vehicular crossings for access to the development as per Council's Standard Drawings SD107, SD108 and SD123 prior to the issue of the Occupation Certificate.

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

88. 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 shaller and drainage within public lands or road reserves.
- (b) 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.*

89. 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.*

90. 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.*

91. 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*, 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.*

92. 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.*

93. 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 the environment is protected.*

94. 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 carrying out of works in the development.

Reason: *Health and amenity.*

95. **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 lodgment of an application under section 4.55 of the Environmental Planning and Assessment Act 1979.*

96. **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.*

97. **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.*

98. **Disruption of Traffic**

During any construction works on the public road that is associated with this approval, the Applicant shall provide appropriate signage and traffic control facilities as per the requirements of AS 1742.3-2009 Manual of uniform traffic control devices - Traffic control for works on roads and the RMS "Traffic Control at Works Sites" manual.

Reason: *Safety and information.*

99. **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.*

100. **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.*

101. **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.*

102. **Vegetation Management**

A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation without the prior consent of Council (unless considered exempt development). Any vegetation removed with Council consent and any other vegetation cleared in association of the approved development shall be disposed of in accordance with the approved Waste Management Plan.

For minor development, vegetation shall be either mulched for reuse on site or transported to an approved waste/recycling facility.

Reason: *To ensure compliance with State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 by preserving the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.*

Note: *Failure to comply with this condition may result in prosecution by Council.*

Note: *No vegetation shall be burnt except with an approval issued by Council pursuant to the Protection of the Environment Operations (Clean Air) Regulation 2010. Failure to comply may result in a penalty of up to \$500 for an individual or up to \$1,000 for a corporation.*

Advice: *Tree removal shall be carried out by a competent person to avoid any risk to life or damage to property. This person shall have adequate public liability insurance cover.*

103. **Compliance with AS 4373 Pruning of Amenity Trees**

All pruning of amenity trees must be undertaken in accordance with the provisions of AS 4373 - *Pruning of Amenity Trees*.

Reason: *Statutory requirement.*

104. **Council Reserve / Street Tree Retention**

All trees in public road reserves shall be preserved unless removal is permitted by the consent.

Advice: *Reference shall be made to Council's Urban Street Tree Master Plan.*

Reason: *To ensure the continued amenity of the streetscape and to retain the ecological integrity of the roadside area.*

105. **Disposal of Vegetation**

Any trees removed with Council consent and any other vegetation cleared in association with this development shall be disposed of in accordance with the Waste Management Plan approved with this development application.

Reason: *Environmental amenity.*

106. **Tree Removal/Tree Preservation**

No trees shall be pruned, removed, damaged or destroyed without the prior written consent of Council. Failure to comply with this requirement will result in prosecution by Council in accordance with the provisions of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.

Advice: *Tree removal shall be carried out by a level 3 and above professional arborist to avoid any risk to life or damage to property. This person shall have adequate public liability insurance cover.*

Reason: *To comply with the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.*

107. **Supervising Arborist**

An arborist qualified to at least Australian Qualifications Framework (AQF) Certificate Level 4 shall be retained throughout all construction work to ensure to proper protection and management of the trees required to be retained and that any necessary pruning/root pruning is carried out in accordance with AS4973-1996 "Pruning of Amenity Trees" and AS4970-2009

“protection of Trees on Development Sites”. This includes on site supervision of the erection of tree protection measures and, where approved, any works that are required within the Tree Protection Zone (TPZ) or Structural Root Zone (SRZ).

Reason: *To ensure to proper protection and management of the trees required to be retained and that any necessary pruning/root pruning is carried out in accordance with the relevant Australian Standards.*

108. **Protection of Fauna**

Prior to the removal of any Hollow Bearing Tree (HBT), the following matters **MUST** be addressed:

- a) Ensure that a suitably qualified and licensed Ecologist (who is vaccinated for Australian Bat Lyssavirus) is engaged to supervise the removal of the HBTs in order to rescue or relocate any fauna displaced during the clearing process.
- b) Check for fauna in the zone of disturbance before clearing and scare off or remove them before commencing clearing works.
- c) Remove any non-HBTs prior to the removal of the HBTs.
- d) Leave HBTs standing for at least one night after other non-HBT clearing to allow any fauna the opportunity to remove themselves after site disturbance.
- e) After clearing, re-check the site to ensure no fauna have become trapped or injured during clearing operations. Any fauna found shall be moved to adjacent habitat.
- f) Before felling the HBTs, tap trunk using heavy machinery to scare fauna from the hollows. Repeat several times. The aim is to ‘substantially’ shake the tree and encourage fauna to exit.
- g) Carefully fell the HBT by gently lowering the tree to the ground using an excavator arm fitted with grapples. Alternatively, arrange for qualified tree surgeons to fell the HBT using chainsaws and pulleys.
- h) After felling the tree, thoroughly check the tree for fauna in the case that any have become trapped or injured during clearing operations. Any fauna shall be safely moved into adjacent habitat.
- i) If taking the tree down in stages, the non-hollow bearing branches shall be removed before the hollow bearing branches are removed.
- j) Fell trees into the already disturbed areas to avoid damaging adjacent vegetation.
- k) Take care when moving equipment near vegetation to be retained.
- l) Logs from felled trees shall be distributed into areas of vegetation so that they can continue to provide habitat for fauna such as terrestrial reptiles and mammals.
- m) Relocate woody debris to areas where they will not contribute a fire hazard.
- n) Provide written evidence to Council in order to document that a suitably qualified person was engaged for the specific tasks listed above.

Reason: *To ensure that the removal is undertaken in an environmentally responsible manner.*

109. Protection of Trees

The trees identified on the endorsed plans and identified in these conditions of consent as being retained shall be protected against damage throughout the construction process in accordance with AS4970-2009 "Protection of Tree on Development Sites" and the approved arborist's report.

Reason: *To protect trees identified to be retained.*

110. Arborist Progression Reports

A 3 monthly report is to be prepared and submitted to Council by the arborist engaged to supervise all works pertaining to protection and approved pruning and root pruning activities that:

- a) Sets out maintenance work carried out on the trees; and
- b) Assesses the health and condition of the trees.

The report shall also provide documentary evidence that the tree protection conditions are being complied with in the form of site notes and photographs.

Reason: *To ensure that the tree protection conditions are being complied with.*

110A. Reduction of rising damp and salt attack in buildings constructed prior to 1930 (inserted by 24/1140)

To avoid potential damage caused by rising damp and migrating salts, no concrete slab is to be laid directly on the ground either within the building or external to the building directly adjacent to the exterior walls.

Reason: *Heritage conservation.*

110B. Temporary storage of materials, equipment and waste during works (inserted by 24/1140)

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.*

110C. Uncovering of concealed architectural features or detailing (inserted by 24/1140)

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.*

110D. Felling Supervision (inserted by 24/1140)

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.

110E. Clearing of Existing Vegetation (inserted by 24/1140)

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.

110F. Habitat Structures (inserted by 24/1140)

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.

110G. Koala Fencing (inserted by 24/1140)

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.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**111. 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.*

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

and inspected by Council.

112. Traffic Management Plan (TMP)

The applicant shall prepare a TMP that includes, for events where the occupancy of the M1 and M2 buildings combined exceed 200 persons, details on the on-site traffic management measures to be implemented to preclude significant traffic (more than 50% of the site occupants of the M1 and M2 buildings) exiting the site between 3pm and 6pm on a weekday (excluding public holidays). The TMP shall be provided to Council for approval prior to the issue of an Occupation Certificate.

Reason: To comply with the general terms of approval issued by TfNSW

113. Registration of Environmental Management Plan on title of land

If an Environmental Management Plan (EMP) is required by Section A2 of the Site Audit Statement then, prior to the issue of an Occupation Certificate, the Council must be provided with evidence of its registration on title under 88E of the *Conveyancing Act 1919*.

Reason: Compliance and statutory requirements.

114. 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.

115. Heritage Architect (as engaged for project) – approval

Prior to release of the Occupation Certificate, the Heritage Architect must provide written confirmation that all work has been carried out in accordance with the heritage conditions of this consent.

Reason: To provide for consistency throughout development

116. 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.

117. 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.*

118. Food Shop Requirements

Prior to the issue of the Occupation Certificate, the premise shall be set up and operated in accordance with the *Food Act*, the *Food Regulations* and the *Food Safety Standards*. The premise shall be fitted out in accordance with the Australian Standard AS4674 - 2004.

Reason: *Statutory requirement.*

119. Works as Executed Plans - Building Works

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

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

120. 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.*

121. Certification of Engineering Works

Prior to issue of the Occupation Certificate, the following documents shall be submitted to the Principal Certifier. These documents are:

- a) A Certificate from a Professional Engineer who meets the criteria for registration on the National Engineering Register (NER) and has appropriate experience and competence in the relevant registered area of practice, and
- b) A "Works - As - Executed" (WAE) plans of the engineering and/or drainage works.

The abovementioned Certificate shall certify that:

- (i) the stormwater drainage system including OSD detention, and/or
- (ii) the car parking arrangement and area, and/or
- (iii) any related footpath crossing works, and/or
- (iv) the proposed basement pump and well system, and/or
- (v) the proposed driveway and layback, and/or
- (vi) water and sewer infrastructure, and/or
- (vii) other civil works have been constructed in accordance with the approved plans and details, satisfies the design intent and complies with Wingecarribee Shire Council Engineering Design and Construction Specifications, Drawings and

relevant Standards.

Where Council is not the Principal Certifier, two (2) copies of the above documents are to be provided to Council prior to the issue of any Occupation Certificate. These documents are to be retained on Council's file.

Reason: *Asset management.*

122. 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.*

123. Flood Compatible Development

Prior to issue of the Occupation Certificate, any proposed development to occur within the area identified as inundated by the 1:100 year ARI event, shall ensure compliance with the following:

- (a) Requirements of Council's Development Control Plan for Mittagong.
- (b) Requirements of Wingecarribee Local Environment Plan 2010, Clause 5.21.

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

124. Flooding - Finished Surface Level Work as Executed

Where any part of any allotment created is within the 1% AEP flood an appropriate Restriction as to User shall be created on the title of that lot prior to issue of the Occupation Certificate. The works as executed plans and title document shall state the 1% AEP flood level and the minimum finished floor level for that allotment. The finished floor level is to be a minimum of 500mm above the 1% AEP flood level.

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

125. Landscaping Plan

Landscaping as per the approved Landscaping Plan shall be established prior to the issue of the Occupation Certificate.

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

126. Disposal of Fill/Waste

Prior to issue of the Occupation Certificate, the applicant shall submit to Council any dockets relating to the disposal of fill/waste from a licensed waste facility.

Reason: *To protect the environment.*

127. Geotechnical Risk Assessment Report Compliance (modified by 24/1140)

The proposed development shall be carried out in accordance with the recommendations set down in the Geotechnical Risk Assessment Report set out below.

The implementation of the recommendations of the Geotechnical Risk Assessment Report shall be carried out to the satisfaction of the Council's Building Surveyor and/or Development Control Engineer, prior to the issue of the Occupation Certificate.

GEOTECHNICAL RISK ASSESSMENT REPORT:

Report Reference: **E25829.G03_Rev1**
Prepared By: **JK Geotechnics**
Date of Report: **15 February 2024**

Reason: *To ensure development complies with geotechnical risk assessment undertaken.*

128. Fire Safety Certificate

A final Fire Safety Certificate shall be obtained in accordance with Part 9, Division 4 of the *Environmental Planning and Assessment (Amendment) Regulation 2000*, prior to the issue of the Occupation Certificate for the building.

A copy of the Fire Safety Certificate and Fire Safety Schedule shall be:

- ☐ Forwarded to Wingecarribee Shire Council;
- ☐ Forwarded to the Fire Commissioner; and
- ☐ Prominently displayed in the building.

Reason: *To ensure the safety of the building.*

129. Private Fire Service Backflow Prevention

As this development has a Private Fire Service line connected to Councils reticulated water supply, Council will require prior to the issue of the Occupation Certificate:

- a) A testable backflow prevention device to be installed by a licensed plumber to the fire service line, in accordance with *AS/NZ 3500 Part 1: Water Services* and the Plumbing Code of Australia.
- b) When the device is installed the commissioning / test results shall be submitted to Council for registration prior to the issue of any Occupation Certificate or the Final Section 68.
- c) The backflow prevention device must be maintained and tested annually by an accredited backflow prevention plumber. The plumber must complete and submit the maintenance and test reports for each device installed and pay the appropriate registration fees to Council in accordance with Councils adopted Backflow Prevention Policy and Schedule of Fees and Charges.

Reason: *To protect the water supply.*

130. 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 release 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.*

131. Construction of Water Service

A 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 shall be installed prior to construction commencing.*

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

132. Defects and Liability Bond for Public Assets - Building 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 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.*

133. Food Shop Notification Requirement

Occupation of the premises shall not occur until a notification form has been submitted to Council for the food business conducted on the premises.

Evidence of compliance of the above shall be submitted to Council prior to the issue of the Occupation Certificate and commencement of business.

Reason: *Registration and notification to relevant authorities*

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

134. Emergency Flood Evacuation Plan

A Flood Emergency Management and Evacuation Plan must be prepared and shall include planning for the early relocation of occupants.

Note: A copy of the Flood Emergency Management and Evacuation Plan shall be provided to the State Emergency Service for its information prior to occupation of the development.

Reason: *To provide suitable emergency and evacuation arrangements for occupants of developments.*

135. Hours of operation

The approved hours of operation are:

Maltings 1 and Maltings 2

DAY	HOURS
Sunday to Thursday	8am to midnight
Fridays and Saturdays	8am to 1am the following morning

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

Maltings 3 and Maltings 4

24 hours a day every day of the week.

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

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

136. Lighting

All external lighting shall:

- (a) Comply with AS 4282-1997 Control of the obtrusive effects of outdoor lighting, and
- (b) Be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.

Lighting at vehicle access points to the development must be provided in accordance with AS/NZS 1158 Set: 2010 Lighting for roads and public spaces Set.

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

137. Annual Fire Safety Statement

Each year, the owner of a building to which an essential fire safety measure is applicable shall

cause the Council to be given an annual fire safety statement for the building. Such a fire safety statement:

- (a) shall deal with each essential fire safety measure in the building premises; and
- (b) shall be given within twelve months after the last such statement was given, or if no such statement was given, within twelve months after a final fire safety certificate was first issued for the building.

As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:

- (a) shall cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades; and
- (b) shall cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be permanently displayed in the building.

Reason: *To ensure compliance with fire safety requirements.*

138. **Ongoing Implementation of the Plan of Management**

The plan of management as approved by Council is to be implemented at all times during the operation of the hotel and other uses across the site.

The patron numbers referred to within the Plan of Management are not to be exceeded and noise management measures in the associated noise impact assessment reports report.

Reason: *To effectively manage the impacts from the development*

138A. **No painting or rendering of masonry or stone** (inserted by 24/1140)

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.*

CONCURRENCE CONDITIONS

139. **RFS s100B Bushfire Authority**

Asset Protection Zones

- 1 At the beginning of building works, and in perpetuity to ensure ongoing protection from the impact of bush fires, Asset Protection Zones must be provided to the site as detailed in the Vegetation Management Plan prepared by Eco Logical Australia titled The Maltings – Vegetation Management Plan (Project Number 14198, Version Number V3, dated 19 May 2020) and the Landscape Management Plan prepared by Snohetta and Medich titled The Maltings Landscape Management Plan (Dated May 2020).

When establishing and maintaining the required site areas to an Inner Protection Area (IPA), the following requirements apply in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019:

- tree canopy cover should be less than 15% at maturity;

- trees at maturity shall not touch or overhang the building;
- lower limbs shall be removed up to a height of 2m above the ground;
- tree canopies shall be separated by 2 to 5m;
- preference shall be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation shall be provided to slow down or break the progress of fire towards buildings;
- shrubs shall not be located under trees;
- shrubs should not form more than 10% ground cover; and
- clumps of shrubs shall be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass shall be kept mown (as a guide grass shall be kept to no more than 100mm in height); and
- leaves and vegetation debris shall be removed.

When establishing and maintaining the required site areas as an Outer Protection Area (OPA) the following requirements apply:

- tree canopy cover should be less than 30%;
- canopies shall be separated by 2 to 5m.
- shrubs shall not form a continuous canopy;
- shrubs should form no more than 20% of ground cover;
- grass shall be kept mown to a height of less than 100mm; and
- leaf and other debris shall be removed.

Reason: to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.

Construction Standards

- 2 New construction on buildings either wholly or partially identified as being exposed to BAL 12.5 requirements in the map titled Figure 5: Bushfire Attack Level within the report prepared by Peterson Bushfire (dated 30 April 2020, Ref: 19127) must comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and Section 7.5 of Planning for Bush Fire Protection 2019.
- 3 Existing buildings that are identified as being wholly or partially within BAL 12.5 requirements as shown in the map given in Figure 5: Bushfire Attack Level in the report prepared by Peterson Bushfire (dated 30 April 2020, Ref: 19127), where not affected by new construction requirements, must be upgraded to improve ember protection. This is achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

Reason: to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.

Access Internal Roads

- 4 Access roads for Special Fire Protection Purpose (SFPP) developments must comply with the acceptable solutions given in Table 6.8b of *Planning for Bush Fire Protection 2019*.

Reason: to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area.

Water and Utility Services

- 5 The provision of water, electricity and gas must comply the following in accordance with Table 6.8c of Planning for Bush Fire Protection 2019:
- reticulated water is to be provided to the development where available;
 - fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS2419.1:2005;
 - hydrants are and not located within any road carriageway;
 - fire hydrant flows, and pressures comply with the relevant clauses of AS 2419.1:2005;
 - all above-ground water service pipes are metal, including and up to any taps;
 - where practicable, electrical transmission lines are underground;
 - where overhead, electrical transmission lines are proposed as follows:
 - a) lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - b) no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
 - reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
 - reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014-The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
 - all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
 - connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
 - above-ground gas service pipes are metal, including and up to any outlets.

Reason: to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

Emergency and Evacuation Planning Assessment

- 6 A Bush Fire Emergency Management and Evacuation Plan must be prepared and be consistent with the NSW Rural Fire Service document 'A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan'. The Bush Fire Emergency Management and Evacuation Plan shall include planning for the early relocation of occupants.

Note: A copy of the Bush Fire Emergency Management and Evacuation Plan shall be provided to the Local Emergency Management Committee for its information prior to occupation of the development.

Reason: to provide suitable emergency and evacuation arrangements for occupants of SFPP developments.

140. Concurrence – Water NSW (modified by 24/1140)

The Concurrence issued by Water NSW, Reference No: DAR 20067-a3, dated 23 August 2024 are included as conditions of this consent and must be complied with.

Reason: To ensure ongoing compliance.

141. **General Terms of Approval – Department of Planning and Environment – Water** (modified by 24/1140)

The General Terms of Approval issued by the Department of Planning and Environment - Water, Reference No: IDAS-2024-10318, dated 19 August 2024 are included as conditions of this consent and must be complied with.

Reason: *To ensure ongoing compliance.*

CONDITIONS FROM OTHER AGENCIES

142. **Concurrence – Transport for NSW** (modified by 24/1140)

The Concurrence issued by Transport for NSW, Reference No: STH24/00379/002, dated 24 May 2024 are included as conditions of this consent and must be complied with.

Reason: *To ensure ongoing compliance.*

143. **NSW Police**

1. Authorised trading hours of the premises be restricted to no later than 3.00am.
2. The business owner must engage a suitably qualified noise consultant to determine whether the licensed premises comply with standard (LA10) noise conditions. The business owner must comply with the consultant's recommendations, and within six (6) weeks implement all noise abatement recommendations made by the consultant. When all noise abatement measures have been put in place and the premises has been tested, the business owner shall lodge a certification certificate issued by the noise consultant to indicate if the premises complies with the standard LA10 noise conditions.
3. The Licensee shall maintain a CCTV system that meets the following minimum requirements:

A camera must be located at each entrance and exit door to the venue and positioned to record any person entering or exiting through this entrance. In addition, a camera must be located outside each door to record any person standing within five (5) metres of each door. The CCTV recordings of this camera must be enough to enable the identity of an individual to be established beyond reasonable doubt when:

- a) the person represents 100% of screen height, and
 - b) there is an unobstructed view of the persons face Recording shall be retained for a period of 30 days before being reused or destroyed. Immediate access to the CCTV system and the ability to review recordings on the system is to be granted to NSW Police, OLGR Inspectors or other regulatory officer upon request. When the venue is trading, at least one person shall be at the venue who can access the CCTV system and is able to immediately review recordings and produce copies. The CCTV system shall be able to reproduce a copy of the recordings on CD, DVD or USB memory stick and must be provided within 1 working day to NSW Police, OLGR Inspector or other regulatory officer upon request.
4. The licensee must ensure that, immediately after the licensee or a staff member or agent becomes aware of an incident involving an act of violence causing an injury to a person on the licensed premises or in the immediate vicinity and that:

- (a) All reasonable steps are taken to preserve and keep intact the area where the incident occurred, and that any implement or other thing associated with the act of violence is retained in accordance with the Crime Scene Preservation Guidelines issued by the NSW Police Force; and
 - (b) The Hume District Commander or his/her delegate, is advised by the licensee or a staff member or agent of the incident as soon as practicable; and
 - (c) The licensee or staff member complies with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred. In this condition, "staff member" means any person employed by or acting on behalf of the licensee of the licensed premises and it includes any person who is employed to carry on the security activities on or about the premises.
5. The licensee is to be an active member of the Southern Highlands Liquor Accord.

144. Australian Rail and Track Corporation

Prior to a Construction Certificate being issued, the applicant must submit details of stormwater disposal to Council for approval. The flow of stormwater toward the rail corridor must not be increased by the proposed development. All approved details for the disposal of stormwater and drainage are to be implemented in the development

145. Parking Assessment Report

Any Future Development Application for components M5 and M6 of the development shall be accompanied by a detailed parking assessment report identifying the on-site parking demand and supply in accordance with Mittagong Township Development Control Plan.

146. Carpark Design – Site Servicing

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

- (a) Staff car park off Ferguson Crescent shall accommodate the turning movements of a 12.5m service vehicle.
- (b) Visitor car park off Colo Street shall accommodate the turning movement of a 12.5m bus.
- (c) Service vehicles shall manoeuvre into and out of the site in a forward direction.
- (d) The front overhang, and swept path made by the service vehicle shall not obstruct car park traffic or encroach onto parking spaces.
- (e) The vehicle swept path shall be reflected on the engineering design plans.
- (f) Loading and unloading of service vehicles shall be undertaken onsite with no intrusion onto the road system.
- (g) The footpath crossing shall be splayed from the property boundary to the 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.

147. Flood Compliance

The Applicant must demonstrate that the development complies with the prescriptive flood controls as per Section 5 of Mittagong Township Development Control Plan prior to the issue of the Construction Certificate.

Reason: *To protect people and assets from inundation by flood and reduce risk of harm*

148. Construction of a Pedestrian Crossing

Prior to the issue of any future Occupation Certificate for the first development consent approved on the site in accordance with this concept development application (after this development consent) a pedestrian crossing in Colo Road must connect the development to the existing shared use path in Colo Street.

Reason: *To enhance safety for pedestrians and vehicles*

S7.11 & S64 Contributions Sheets Follow:- (modified by 24/1140)



Civic Centre, Elizabeth St. Moss Vale, NSW 2577.
PO Box 141, Moss Vale, DX: 4961 Bowral.
Ph: (02) 4868 0888 Fax: (02) 4869 1203
wscmail@wsc.nsw.gov.au www.wsc.nsw.gov.au
Office Hours: Mon-Fri 8.30am - 4.30pm

Notice of Payment – Developer Charges

12 February 2025

THE TRUSTEE FOR THE MALTINGS PROPERTY TRUST
C/- COLLIERS
LEVEL 30 225 GEORGE ST
SYDNEY NSW 2000

Re: 24/1140
Lot 21 DP 1029384
2 COLO STREET MITTAGONG NSW 2575

Development Description: *Deletion of the approved swimming pool, terrace and bar on level 1 of M1. Demolition of the first floor slab to the machine room of M1 and conversion to an outdoor gallery / exhibition space with water features. Provision of a café and ticket office within Southern Shed 1. Minor revision to the design of the Northern Shed. Various amendments to the interior layout within the M1/M2 complex and adjustments to the back-of-house facilities and plant rooms. Amendment to the design for the Maltsters House.*

Water, Sewerage and Stormwater Headworks charges are levied under Section 64 of the Local Government Act and Section 306 of the Water Management Act 2000. Other contributions are levied under Section 7.11 of the Environmental Planning and Assessment Act 1979 and Council's Contributions Plans.

Contributions Levy	Units	Rate	Amount Payable
S64 Sewer Compliance Certificate	1.00	\$255.00	\$255.00
S64 Sewerage (Shirewide)	33.14	\$12,962.98	\$429,619.12
S64 Water Compliance Certificate	1.00	\$255.00	\$255.00
S64 Water (Shirewide)	33.14	\$13,371.28	\$443,151.09
Total			\$873,280.21

Payments must be either in the form of cash, bank cheque or credit card (credit cards subject to 1% surcharge. Amex and Diners not accepted).

IMPORTANT – The charges shown above are valid for payment until the date given below. After this period the charge will be indexed in accordance with the relevant Plan.

DATE CHARGES ARE VALID TO – 30th April 2025

Prepared by – Andre Vernez

Cashier Receipt No: _____

Total Paid: _____

Date Paid: _____



Ph: (02) 4868 0888 Fax: (02) 4869 1203
wscmail@wsc.nsw.gov.au www.wsc.nsw.gov.au
Office Hours: Mon-Fri 8.30am - 4.30pm

Notice of Payment – Developer Charges & Section 7.11

20/1400.01

31 March 2022

ELTON CONSULTING
C/- HALCYON HOTELS
LEVEL 6 332-342 OXFORD ST
BONDI JUNCTION NSW 2022

Re: 20/1400.01
Lot 21 DP 1029384
2 COLO STREET MITTAGONG NSW 2575

Development Description: *Nominated Integrated Staged Concept Development Application under s5.10(10) of the Wingecarribee Local Environmental Plan 2010 for redevelopment of The Maltings site (Draft State Heritage Item) as a Mixed Use development. (Sage 2 - M3 and M4)*

Water, Sewerage and Stormwater Headworks charges are levied under Section 64 of the Local Government Act and Section 306 of the Water Management Act 2000. Other contributions are levied under Section 7.11 of the Environmental Planning and Assessment Act 1979 and Council's Contributions Plans.

			Amount
Contributions Levy	Units	Rate	Payable
Open Space & Community (Future Works)	14.50	\$1,595.05	\$23,128.29
Administration (Shirewide)	14.50	\$513.10	\$7,439.95
Roads & Traffic (Shirewide - Future)	14.50	\$2,868.11	\$41,587.65
S64 Sewer Compliance Certificate	1.00	\$255.00	\$255.00
Roads & Traffic (Mittagong)	14.50	\$681.88	\$9,887.25
S64 Sewerage (Shirewide)	19.67	\$11,267.32	\$221,628.25
Open Space & Community (Recoup)	14.50	\$792.34	\$11,488.87
S64 Water (Shirewide)	19.67	\$11,622.22	\$228,609.00
Open Space & Community (Acquisition)	14.50	\$94.62	\$1,371.93
Central Library (Shirewide)	14.50	\$453.38	\$6,574.03
Resource Recovery Centre (Shirewide)	14.50	\$269.10	\$3,901.99
Roads & Traffic (Shirewide - Recoup)	14.50	\$16.57	\$240.22
S64 Water Compliance Certificate	1.00	\$255.00	\$255.00
Total			\$556,367.43

Payments must be either in the form of cash, bank cheque or credit card (credit cards subject to 1% surcharge. Amex and Diners not accepted).

IMPORTANT – The charges shown above are valid for payment until the date given below. After this period the charge will be indexed in accordance with the relevant Plan.

DATE CHARGES ARE VALID TO – 30 Apr 2022

Prepared by – Michael Park

Cashier Receipt No: _____

Total Paid: _____

Date Paid: _____

A COPY OF THIS NOTICE MUST BE PRESENTED WHEN MAKING PAYMENT

END OF CONDITIONS