

ATTACHMENT 1 - RECOMMENDED CONDITIONS OF DEVELOPMENT CONSENT

ADMINISTRATION CONDITIONS

1. Development Description

Development consent has been granted in accordance with this notice of determination for the purposes of alterations and additions to an existing Educational Establishment (Chevalier College).

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

2. Development in Accordance with Plans and Documents

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

Plan Title / Supporting Document	Reference / Version	Prepared By	Dated
Cover Sheet	DA000 Issue 3	Leaf Architecture	31/07/2025
Proposed Site Plan	DA012 Issue 1		7/04/2025
Proposed Detailed Site Plan	DA015 Issue 2		31/07/2025
Site Analysis	DA020 Issue 1		7/04/2025
Demolition Plan – Ground Floor	DA090 Issue 2		31/07/2025
Demolition Plan - Roof	DA091 Issue 2		31/07/2025
Proposed Plan – Ground Floor	DA100 Issue 2		31/07/2025
Proposed Plan - Roof	DA101 Issue 1		7/04/2025
Proposed Plan - Generator	DA120 Issue 1		7/04/2025
North Elevation	DA200 Issue 1		7/04/2025
South Elevation	DA201 Issue 1		7/04/2025
West Elevation	DA202 Issue 1		7/04/2025
East Elevation	DA203 Issue 1		7/04/2025
Sections	-		
Material Elevation	DA910 Issue 1		7/04/2025
Landscape Layout	L1	Nicholas Bray Landscapes	31/07/2025
Planting Plan	L2		31/07/2025
Irrigation	L3		31/07/2025
Construction Details	L4		31/07/2025
General Arrangement Plan	241904 Sheet 00404 Rev P3	TTW	30/07/2025
Earthworks Cut and Fill Volumes Plan	241904 Sheet 03101 Rev P3		
Stormwater and Subsoil Drainage Plan	241904 Sheet 04101 Rev P3		
Pavement Plan	241904 Sheet 07101 Rev P3		

Access Design Review Report	213516 Rev 0	DDEG	24/03/2025
Environmental Sustainability Design Report	250237 Rev C	Lehr Consultants	07/04/2025
NABERS Embodied Carbon Material Form	-	WT	9/04/2025
Bushfire Assessment Report	250452B	Building Code & Bushfire Hazard Solutions Pty Limited	8 April 2025
Flora & Fauna Assessment Report	Final Version	Apical Bushfire Planning	24/03/2024
Statement of Heritage Impact	24/03/2024	Heritage21	April 2025
Arboricultural Impact Assessment	250801_11 Charlotte St_AIA_Rev 2	Urban Arbor	1 August 2025
Stormwater Management Report	241904	TTW	8 April 2025
Section J Assessment	ST242742-00-SE-MM01-1	Northrop	21/03/2025
Multidiscipline Report	ST242742-00-MD-RP01 Rev 2		21/03/2025
Waste Management Plan	Council Template	M McCoy	-

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

3. Inconsistency between documents

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

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

4. Erection of Signs

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

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

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

Note: *This condition does not apply where:*

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

Reason: *The condition is prescribed under Section 70 of the Environmental Planning and Assessment Regulation 2021.*

5. 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.*

6. Demolition Requirements

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

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

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

Reason: *To comply with statutory requirements.*

7. Fire Safety Existing Building Upgrade

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

- 1) An annual fire safety statement shall be provided for the premises.
- 2) The development is to be upgraded to comply with Sections C,D,E & F of the NCC 2022 Volume One - Building Code of Australia.

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

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

8. Tree Management

- 1) Consent is granted to remove five (5) trees, identified as Tree 43, 45, 47, 48 and 912 in the Arboricultural Impact Assessment Report, 250801_11 Charlotte St_AIA_Rev 2, revision 2, prepared by Urban Arbor, dated 1/8/2025.
- 2) Nineteen (19) trees identified as Tree 41, 42, 44, 46, 49, 50, 67, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910 and 911 are to be retained & protected in accordance with the Arboricultural Impact Assessment Report, 250801_11 Charlotte St_AIA_Rev 2, revision 2, prepared by Urban Arbor, dated 1/8/2025, and AS 4970 – 2025 Protection of trees on development sites. Tree sensitive construction methods are to be implemented to reduce impact on tree 49.

9. Concurrence - WaterNSW

The Concurrence issued by Water NSW, Reference No: DAR 25060-a1, dated 20 June 2025 are included as conditions of this consent and must be complied with.

10. Concurrence – RFS

The Concurrence issued by NSW Rural Fire Service, Reference No: DA20250512001791, dated 3 June 2025 are included as conditions of this consent and must be complied with.

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

11. Application for a Construction Certificate (Building Works)

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

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

Condition reason: A requirement under the provisions of the Environmental Planning and Assessment Act 1979.

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

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

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

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*) prior to the issue of the Construction Certificate. 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 Traffic Authority for engineering design plans, Traffic Control Plans and approvals under Section 138 of the Roads Act 1993.*

Reason: *Statutory requirement.*

14. Long Service Levy Payments

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

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

Reason: *Statutory requirement*

15. Developer to provide photos of damage to Council property

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

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

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

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

Reason: *To ensure that Councils assets are protected*

16. Access for People with Disabilities

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

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

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

Condition reason: *To inform of relevant access requirements for persons with a disability*

17. 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:

- 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.*

18. 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 Principal Certifier prior to issue of the Construction Certificate. The CMP shall indicate measures to be implemented to protect the environment as well as public health, safety and convenience. The CMP must include the following:

- Details of site security;
- Off-street parking for employees, contractors and sub-contractors.

- Site access for construction vehicles and equipment purposes.
- Public safety in the use of roads and footpaths where development activities adjoin such facilities.
- The storage and removal, on a regular frequency, of builder's rubble and waste by trade waste contractors.
- Provision for loading and unloading materials;
- Location of all building materials, structures, plant and equipment to be stored or placed within the construction site;
- How materials are to be loaded/unloaded and potential impact on Council infrastructure (including but not limited to footpaths and street trees)
- Public risk policies and management for all contractors' employees using or gaining access over public footpaths and roads.
- External lighting and security alarms proposed for the construction site.
- Firefighting measures to be available on site during development and construction.
- Sanitary amenities proposed on site during development and construction.
- Ensuring the safety of members of the public and Council staff who may have occasion to enter and be in attendance on the site;
- Details of management of storm water run-off and the propose sediment and erosion control measures including the location of any rubble grids;
- Details of any air and dust management;
- Details of noise and vibration controls;
- Anticipated staging and duration of works
- Provision of Traffic Management Plan (TMP) and Traffic Control Plans (TCP)

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

19. Detailed Stormwater Drainage System Design

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

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

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

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

of works.

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

Reason: *To ensure adequate storm water management.*

20. Food Premises Requirements

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

- Food Act 2003;
- Food Regulation 2015;
- Food Standards Code;
- Australian Standard AS4674–2004 Design, Construction and Fit out of Food Premises; and
- Australian Standard AS1668.2-2024 The use of ventilation and airconditioning in buildings - Mechanical ventilation in buildings.

Reason: *Compliance with legislation and standards.*

21. Tree Protection Requirements

- 1) An AQF level 05 arborist shall be appointed to oversee all arboricultural matters, including installation & certification of tree protection measures.
- 2) Tree protection shall be established in accordance with AS 4970 – 2025 Protection of trees on development sites and the approved tree protection plan, detailed in section 11.8 (page 22) of the Arboricultural Impact Assessment Report, 250801_11 Charlotte St_AIA_Rev 2, revision 2, prepared by Urban Arbor, dated 1/8/2025, and certified by the project arborist. A copy of the certification shall be provided to council.

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

22. Construction Certificate

No work shall commence until a:

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

Reason *Statutory requirement.*

23. 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 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.*

24. 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 Registered Certifier).
- (c) Details of the Principal Contractor or Owner Builder:
 - Name
 - Builders Licence Number or Owner Builder Permit Number
 - Principal Contractor Company Name
 - Principal Contractor ABN
 - Address of Principal Contractor or Owner Builder
 - Email Address
- (d) Copy of the HBCF Insurance Certificate (if residential building works exceed \$20,000) or Owner Builder Permit.
- (e) Details demonstrating compliance with development consent conditions relevant prior to commencement of the development been satisfied.

Reason: *Statutory requirement.*

25. 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.

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

26. 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.*

27. 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.

28. Tree Protection

- 1) All contractors shall be made aware of the requirements of the tree protection plan. The approved tree protection plan must be available onsite prior to the commencement of works, and throughout the entirety of the project.
- 2) Excavation inside notional root zones is to be completed using a minimally destructive method, such as hand digging or pneumatic (Air Spade) under supervision of the project arborist.
- 3) Trees approved for removal are to be clearly identified by the project arborist. Tree removal

shall be completed by an arborist with a minimum qualification of AQF level 03 in arboriculture, in a manner that ensures no damage occurs to the vegetation to be retained.

- 4) It is an offence under the Biodiversity Conservation Act 2016 to harm any protected animal in NSW. If a protected animal could be harmed in the process of removing a tree, the person undertaking the work has the responsibility of engaging an appropriately licenced ecologist or wildlife carer prior to the works commencing.

29. Fauna Protection

Confirm that no hollow-bearing trees are occupied by fauna within the development footprint. This should be confirmed via the Consulting Ecologist prior to the removal of any trees within the development footprint via a pre-clearance survey. If any fauna are residing in hollows to be removed, a suitable qualified ecologist or wildlife handler should be present for the removal of the hollow.

Should any hollows require removal, artificial hollows or nest boxes are to be installed on a one to 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 should be erected at least 5 metres high within retained vegetation at the rear of the property within the retained native trees.

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

- 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.
- Check for fauna in the zone of disturbance before clearing and scare off or remove them before commencing clearing works.
- Remove any non-HBTs prior to the removal of the HBTs.
- 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.
- After clearing, re-check the site to ensure no fauna have become trapped or injured during clearing operations. Any fauna found should be moved to adjacent habitat.
- 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.
- 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.
- 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 should be safely moved into adjacent habitat.
- If taking the tree down in stages, the non-hollow bearing branches should be removed before the hollow bearing branches are removed.
- Fell trees into the already disturbed areas to avoid damaging adjacent vegetation.
- Take care when moving equipment near vegetation to be retained.
- Logs from felled trees should be distributed into areas of vegetation so that they can continue to provide habitat for fauna such as terrestrial reptiles and mammals.
- Relocate woody debris to areas where they will not contribute a fire hazard.
- 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 native and/or non-native fauna are not harmed during tree removal (if confirmed to be present).*

CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

30. Building Materials & Colour Scheme

The use of Zinalume, galvanised iron, stainless steel, unetched zinc or copper is not permitted.

New external building materials and colours shall be recessive in the surrounding landscape as required by Councils Development Control Plan.

Reason: *To ensure that the new building is visually compatible with the existing environment.*

31. Imported 'Waste-derived' Fill Material

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

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

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

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

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

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

32. 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.*

33. Retaining Walls and Drainage

If the soil conditions require it:

- (a) Retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided, and
- (b) Adequate provision shall be made for drainage.
- (c) Any retaining walls which do not comply with the exempt development standards outlined in the *State Environmental Planning Policy (Exempt and Complying Codes) 2008*, are subject to a separate approval prior to the construction of the retaining wall.

Reason: *To ensure that soil is appropriate retained.*

34. 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 40mm in size. Ballast or crushed gravel (minimum of 40mm rock) for the full width of the kerb from the edge of the road to the property boundary.

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

35. 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.*

36. 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.*

37. Prevention of Nuisance

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

Reason: *Health and amenity.*

38. Approved Hours of Construction/Demolition

Construction and 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.*

39. 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.*

40. 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.*

41. Storage of Building Materials, Plant and Equipment

All building materials, plant and equipment are to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and also so that the road reserve is not damaged.

No storage, or placing of any building materials to occur on adjacent public roads or footpath areas in association with the construction, maintenance or use of the development or site.

Reason: *To ensure that pedestrian and vehicular access in public places is not restricted and also so that the road reserve is not damaged.*

42. 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.*

43. 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.*

44. Utility Services

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

45. 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.*

46. 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.*

47. Erosion and Sediment Control Plan Compliance

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

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

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

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

48. 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.*

49. Final Fire Safety Certificate

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

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

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

50. Building Upgrade Measures

All building upgrade measures required to be installed pursuant to Section 64 of the Environmental Planning and Assessment Regulation 2021, shall be completed prior to use of the premises and the issue of an Occupation Certificate.

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

51. Occupation Certificate

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

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

52. Food Premises Requirements

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

- Food Act 2003
- Food Regulation 2015;
- Food Standards Code;
- Australian Standard AS4674–2004 Design, Construction and Fit out of Food Premises; and

- Australian Standard AS1668.2-2024 The use of ventilation and airconditioning in buildings - Mechanical ventilation in buildings.

Reason: *Compliance with legislation and standards.*

53. Final Tree & Fauna Management Certification

- 1) The project arborist shall provide final certification of the subject trees to be retained (Tree 41, 42, 44, 46, 49, 50, 67, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910 and 911) including health, condition and details of inspections completed in accordance with the hold points listed in section 12.1 of the approved Arboricultural Impact Assessment (page 29).
- 2) A final certification report providing documentary evidence of compliance for each construction stage of the development with all conditions of consent relating to ecology/trees/fauna management/nesting boxes must be prepared by the engaged Consulting Ecologist and provided to the Principal Certifier.

54. Stormwater Drainage

Prior to the issue of the Occupation Certificate:

- (a) Any regraded areas shall be free draining, away from the dwelling, and shall not concentrate surface water onto adjoining properties.
- (b) Stormwater drainage works shall be carried out in accordance with the requirements outlined in the Section 68 approval.

Reason: *To comply with legislation.*

55. 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 issuing of any Occupation Certificate.

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

56. 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.*

57. 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.*

58. Certification of Internal Civil Works

On completion of the works and prior to the issue of the Occupation Certificate, certification from a professional engineer who has appropriate experience and competence in the relevant registered area of practice, shall be submitted to Council detailing that all the internal civil works

(i.e. internal driveways, paths and stormwater drainage system, including any onsite detention) are in accordance with the approved plans and specifications.

Reason: *Asset management.*

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

59. Noise from Air Conditioners

Air-conditioning units shall be installed in accordance with the requirements of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* Subdivision 3. The proposed use of the air conditioner shall not make an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*, and *Protection of the Environment Operations (Noise Control) Regulation 2000*.

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

60. Operational Noise Levels

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

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

61. Food Premises

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

- Food Act 2003;
- Food Regulation 2015;
- Food Standards Code;
- Australian Standard AS4674–2004 Design, Construction and Fit out of Food Premises; and
- Australian Standard AS1668.2-2024 The use of ventilation and airconditioning in buildings - Mechanical ventilation in buildings.

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

Reason: *Compliance with legislation and standards.*

62. Annual Fire Safety Statement

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

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

63. Tree Management

- 1) During occupation and ongoing use of the development, the approved landscaping must be perpetually maintained in a complete and healthy condition.

END OF CONDITIONS