

Panel Reference	PPSSWC-445
DA Number	DA/2024/694/1
LGA	Wollondilly Shire Council
Proposed Development	Commercial premises comprising a rooftop car park, supermarket, three specialty retail shops, bottle shop, footpath and road works, outdoor dining, vehicle crossovers to Greenbridge Drive and White Street, signage, earthworks, vegetation removal and landscaping.
Street Address	Lot: 23 DP: 23008, 30 Pembroke Parade WILTON
Applicant/Owner	Mr. S McMahon
Date of DA Lodgement	27 August 2024
Total number of submissions Number of Unique Objections	<ul style="list-style-type: none"> Two (2) submissions have been received objecting to the proposal
Recommendation	Recommended approval subject to conditions of consent
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Precincts—Western Parkland City) 2021 State Environmental Planning Policy (Industry and Employment) 2021 Wollondilly Local Environmental Plan (LEP) 2011 Wollondilly Development Control Plan (DCP) 2016
Regional Development Criteria Schedule 6 of the SEPP (Planning Systems) 2021	Development considered regional development as it has an estimated development cost of more than \$30 million.
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> Architectural & Civil Engineering Plans Acoustic Report Traffic Impact Assessment Statement of Environmental Effects Civil Engineering Report Arborist Report External Lightning Impact Study Urban Designer Review
Summary of key	<ul style="list-style-type: none"> Traffic and parking concerns

submissions	<ul style="list-style-type: none"> • Environmental concerns • Essential services • Visual Impact
Report prepared by	Natalie Knapp – Senior Development Assessment Planner
Report date	08/05/2025

EXECUTIVE SUMMARY

On 27 August 2024, Development application DA/2024/694/1 was lodged for 30 Pembroke Parade Wilton. The proposal seeks consent for a commercial premises comprising a rooftop car park, supermarket, three specialty retail shops, bottle shop, pedestrian crossing, footpath and road works, outdoor dining, vehicle crossovers to Greenbridge Drive and White Street, signage, earthworks, vegetation removal and landscaping.

In accordance with Regional Development Criteria, Schedule 6, of SEPP (Planning Systems) 2021, the proposal is regional development as it has an estimated development cost of more than \$30 million and the Sydney Western City Planning Panel is the consent authority.

No disclosures of a political donation were made in association with this application.

RECOMMENDATION

That Development Application DA/2024/694/1 for a commercial premises comprising a rooftop car park, supermarket, three specialty retail shops, bottle shop, pedestrian crossing, footpath and road works, outdoor dining, vehicle crossovers to Greenbridge Drive and White Street, signage, earthworks, vegetation removal and landscaping be approved subject to conditions detailed in this report.

REPORT

Background

On 8 May 2024, Council hosted a Pre-Development Application Meeting that to provide advice for a proposed “shopping centre with two-level car park, outdoor dining area, new driveways, part road widening and associated landscaping and signage”. Written advice was then provided to the proponent on 14 May 2024.

Site History

The site is located in Bingara Gorge which is a community title planned development approved in 2006.

On 12 July 2022, Development Application DA/2022/670/1 was lodged to seek consent for the construction of a shopping center (commercial premises) comprising of rooftop carparking, landscaping works, supermarket and thirteen (13) specialty tenancies at the subject site. The Wollondilly Local Planning Panel approved the DA on 23 June 2023.

Consultation

In accordance with the Environmental Planning and Assessment Act 1979 (EP&A Act 1979), Environmental Planning and Assessment Regulation 2000, Wollondilly Development Control Plan 2016 (WDCP 2016) and Wollondilly Community Participation Plan 2020, the subject Development Application was publicly exhibited from 3 September 2024 to 3 October 2024.

Two submissions objecting to the proposal were received during the notification period.

External Referrals

Authority	Outcome
-----------	---------

Subsidence Advisory NSW	Provided General Terms of Approval on 18 September 2024. GTAs specifying the approval is granted for 5 years and construction to take place in accordance with plans supplied.
Sydney Water	<p>On 25 September 2024, Sydney Water provided comments to assist in planning the servicing needs of the proposed development. In summary, the correspondence outlined the following:</p> <ul style="list-style-type: none"> • The proposed development lies in the Wilton SCAMP and is part of the Bingara Gorge wastewater system. • The system has capacity to service this development. • Should Council decide to progress with the subject development application, Sydney Water would require the conditions be included in the development consent. <p>Appropriate conditions have been included.</p>
Cubbitch Barta Native Title Claimants	No comments received.
Endeavour Energy (CI 2.47 or 2.48 Transport and Infrastructure SEPP 2021)	On 5 September 2024, Endeavour Energy provided written advice recommending conditions be imposed in the consent. The recommended conditions have been included in the consent.
Australian Pipeline Association	<p>East Australian Pipeline Pty Ltd and Gorodok Pty Ltd (APA) owns and operates two (2) pipelines located within a 24.385m wide easement being for APA's Moomba to Sydney Ethane Pipeline and Moomba to Wilton Natural Gas Pipeline 20m south of the proposed site.</p> <p>On the basis of the information provided, APA does not object to the proposed development subject conditions being imposed in the consent. The conditions have been included in the consent.</p>
NSW Police	No response has been received to date. Conditions from DA/2022/670/1 have been included to this effect.
TfNSW - Traffic Generating Development	For abundant caution, Council referred the proposal to TfNSW in accordance with clause 2.122 of the State Environment Planning Policy (Transport and Infrastructure) 2021. On 1 October 2024, TfNSW confirmed that the development will not impact the surrounding classified road network. To assist Council in determining the DA, TfNSW provided advisory comments for Council's consideration and inclusion into the consent.

Internal Referrals

Referral	Outcome
Building Surveyor	<p>Recommended conditions to be included in any consent around:</p> <ul style="list-style-type: none"> • Access for people with a disability • Documents to be provided with the CC • Requirements for a final fire safety certificate prior to OC and ongoing annual fire safety statement
Contributions Planner	Advised the development must be undertaken in accordance with the terms and conditions of the Amended Voluntary Planning Agreement Bingara Gorge No.1 made between Wollondilly Shire Council and Party pursuant to Section 7.4 of the Environmental Planning and Assessment Act 1979, dated 25 June 2021.

Referral	Outcome				
	<p>Clause 10.3 of the VPA authorises Council to require monetary contribution for Non-Residential Development that has a proposed cost of development of \$50,000 or more.</p> <p>A condition is therefore required to be included in any consent requiring the payment of a contribution for commercial premises in accordance with Clause 10.3 of Amended Voluntary Planning Agreement Bingara Gorge No.1 prior to the release of the Construction Certificate. This has been calculated in the following manner:</p> <p>1% of the proposed cost of carrying out the Non-Residential Development (\$32,020,000)</p> <p>Public Purpose:</p> <table> <tr> <td>Roads and Transport</td><td>\$320,200</td></tr> <tr> <td>TOTAL:</td><td>\$320,200</td></tr> </table>	Roads and Transport	\$320,200	TOTAL:	\$320,200
Roads and Transport	\$320,200				
TOTAL:	\$320,200				
Development Engineer	<p>A local Traffic Committee report is required for endorsement of pedestrian facilities, signage and line marking. Attached is a template.</p> <p>This is to include the following:</p> <ul style="list-style-type: none"> Detailed plans for pedestrian facilities. Signage, and line marking Removal of existing parking with justification Road priority change with reasons White St roundabout signage and line marking Changes to Pembroke Parade roundabout signage and line marking. Changes to existing signage Inclusion of restricted parking 19m long vehicle swept paths entry to and exit from site. <p>On 4 March 2025, the proposal was presented to the Local Traffic Committee who approved the proposed road works subject to conditions being imposed to achieve compliance.</p>				
Environment Officer	Conditions of consent are included in the recommended conditions of consent in relation to the submitted landscaped plan.				
Growth Team	<p>The Growth Team supported the reduced overall GFA. 2,703.5 m² of retail space is proposed which is approximately 38% of the previous approval.</p> <p>The Growth team raised concerns with the overall design, in particular the Pembroke Parade elevation and the interface with the public bus stop. A Safer by Design assessment was requested and for the design to incorporate passive surveillance.</p> <p>Amended plans were submitted which satisfactorily addressed the concerns, subject to conditions.</p>				
Contamination	<p>No issues raised with the proposal; the site does not pose an unacceptable contamination risk in its current state.</p> <p>Recommended conditions to be included in any determination.</p>				

Referral	Outcome
Environmental Health Officer (wastewater)	Pending the receipt of referral response confirming that the development can connect to the existing sewerage infrastructure it is recommended that conditions reflect Sydney Water requirements.
EHO (Food and light/noise)	<p>Upon review of the requested additional information, Council's Environmental Officer has provided the following:</p> <p>It is understood that details of food tenancies for T1, T2, T4 have not been provided at this stage. These shall be subject to further development approval and must comply with AS4674 and the Food Act 2003.</p> <p>The EH Team do not support grease trap collection to occur at nighttime hours / outside of hours of operation, the management plan will need to be updated to address grease trap emptying during the recommended hours of waste collection within the acoustic report, and conditions have been recommended as such.</p> <p>The EH Team have no objection to the proposed development subject to the proposed conditions of consent.</p>
Social & Health Impact	<p>The SHIA group reviewed the proposal and required the following to be addressed:</p> <p>The proposed bicycle parking is located on the upper-ground carpark, with access via the carpark vehicular entry ramp or the pedestrian travelator. The Working Group has concerns about the safety of bicycle riders entering and exiting the development and to access bicycle parking infrastructure. As such, the Working Group requests the applicant to consider a re-design solution for how bicycle riders can safely access the development without sharing the vehicular accessway or safety hazard. Amendments shall be reflected in updated submitted architectural plans.</p> <p>The following is also requested to accommodate bicycle parking and active transport infrastructure provisions, which shall be demonstrated in amended architectural plans:</p> <ul style="list-style-type: none"> • The inclusion of e-bicycle and mobility scooter charging stations • End-of-trip facilities such as showers shall be provided in the proposed staff toilet/locker rooms to facilitate active transport commuting by staff. • The inclusion of a water-refill station shall be provided to compliment active transport users <p>The proposed footpath around Tenancy 4 is blocked by the outdoor seating provided for the tenancy. The plans shall be amended to ensure that the footpath provided is continued and not obstructed.</p> <p>It is noted that in a previous submission by the applicant for this development site (also for a proposed shopping center), the car park provided dedicated parking spaces for parents. It is recommended that this inclusion be reinstated.</p> <p>The Pembroke Parade Street frontage of the development does not provide passive surveillance of the bus stop location. In compliance with the 'Safety by Design' guideline for crime prevention in neighbourhoods, the applicant is requested to address passive surveillance and provide suitable recommendations for how this might be achieved.</p>

Referral	Outcome
	<p>The proposed development includes a bottle shop (Liquorland) trading between 7am-10pm, seven days a week. The applicant is advised that there is an existing liquor retailer located less than 40 meters, in the adjacent shopping complex on Greenbridge Drive. Given the social and health impacts associated with the availability of alcohol, we request that the applicant reduce the proposed operating hours to align with those of the nearby store, in order to help limit access.</p> <p>The proposed new pedestrian crossings shall be installed as 'raised pedestrian crossing/s' to facilitate slow vehicular movement and promote people-centricity. Please amend the plans to demonstrate this.</p> <p>The applicant is requested to consider design solutions to reduce urban heat from the upper-ground carpark. This shall be demonstrated in the amended set of plans.</p> <p>Amended plans were subsequently considered by the SHIA group who recommended approval subject to conditions.</p>
Property	<p>Retaining the stub of public road reserve with development of 30 Pembroke has no significant impact to Council currently. If Council's asset team was to consider the imposition of a consent condition that released Council of maintenance or insurance obligations over the stub of road (being effectively an exclusive customer vehicle access point off the regular public road system with the commercial land development), this would be the highest outcome for Council at this time.</p>
Waste Management	<p>Council's Waste Officer reviewed the amended documents and is satisfied the applicant has adequately addressed waste management considerations, subject to appropriate conditions.</p>
Urban Designer	<p>Council engaged Kennedy Associates Architects to provide an urban design assessment of the proposal. Recommendations were made available to the applicant and a summary of the changes provided below:</p> <ul style="list-style-type: none"> • Modification to the street verge adjacent the proposed footpath crossing • Extension of the outdoor seating area associated with Tenancy T1 around the corner fronting Pembroke Parade • Tenancy T3 be modified to deliver the same quality of street addressment and activation as Tenancies T1, T2, & T4 • Further consideration/modification to the western façade to Pembroke Parade and the western portion of the southern façade to White St, to deliver an appropriate street presence in what is a significant and visually prominent street frontage and entry to the town centre • That an exterior lighting design be agreed prior to development approval. <p>The applicant provided amended plans responding to the above.</p> <p>Kennedy Associated Architects advised that the revised design is a more successful expression and is a significant improvement over the original façade design, addressing the concerns raised previously. However, concerns that the previous recommendations regarding the</p>

Referral	Outcome
	<p>garden bed and seating adjacent to T4 and the loading dock security measures, remain to be unchanged.</p> <p>This has been addressed as follows:</p> <ul style="list-style-type: none"> • The garden bed and landscaping along the frontage of Greenbridge Drive are considered satisfactory by Council's Environment Team. The entry adjacent to the flower bed on Greenbridge Drive is 3 metres wide and is considered adequate for pedestrian traffic entering and exiting the centre. • Conditions are included that require, prior to the issue of a CC, amended architectural plans be provided to include a security gate to the loading dock entrance. Amended landscape plans must also include additional landscape planting along the White Street elevation adjacent to the loading dock entry.

1.1 Description of Site and Surrounding Area

The site is formally known as Lot: 23 DP: 280028, 30 Pembroke Parade, Wilton. It is located in the Village Centre of the Bingara Gorge residential estate which is part of an Urban release Area. The site is surrounded by commercial, retail, educational and residential land uses including the Wilton Plaza, Wilton Public School and the Sales and Information Centre of Bingara Gorge.

The site is an irregular shaped allotment measuring 7,639.1m². The site slopes from its south-eastern corner down to its north-western corner, with a fall of approximately 6m.

The site has frontages to Greenbridge Drive to the north, Pembroke Parade to the west and White Street to the south and east. The site is vacant, comprising of manicured grass and existing planted trees. A strip of hardstand areas comprising of asphalt and gravel is located in the northern part of the site. At present, the site is not accessible to the public.

The subject site is zoned MU1 Mixed Use pursuant to the Wollondilly Local Environmental Plan (LEP) 2011 and is afforded with a maximum building height of 9m.

Located to the south and east of the site is R2 Low Density Residential (LEP 2011).

The site is also

- located within the Hawkesbury Nepean catchment.
- Identified as 'excluded land' under the Cumberland Plain Conservation Plan
- Identified as being located in a mine subsidence district
- Identified as being located along a gas pipeline easement buffer area

- 137 standard spaces
 - 3 motorcycle spaces (upper level)
 - 48 bicycle spaces
 - Trolley and storage bays
- Loading Dock
 - Partly covered loading dock to rear of the supermarket at first floor
 - Provision of two waste rooms in the loading dock
 - Provision of crossover for loading dock
- Earthworks result in export of approx. 6,748m³.
- Stormwater drainage (no OSD or water quality treatment provided, Engineering report notes the proposal to rely on infrastructure associated with the wider development – JWP report 2015)
- Tree removal
- Landscaping
- Service installation
- Mechanical and firefighting services including fire water tank
- Signage
- Solar panels
- Operations:

Occupancy: Development intended to be able to be occupied by 308 persons.

Hours of operation:

 - All tenancies and supermarket: 6:00am to midnight, 7 days a week. Staff however identified as allowed access outside these hours for cleaning, food preparation and shelf stacking
 - Deliveries and Waste Collection: 6:00am to midnight, 7 days a week
 - Lighting: limited to supermarket and tenancy opening hours, excluding the main identification sign – illuminated 24 hours a day, seven days a week

1.3 Section 4.15 Evaluation

1.3.1 Provisions of Relevant Environmental Planning Instruments

State Environmental Planning Policy (Planning Systems) 2021

The estimated development cost of the proposal exceeds \$30 million. In accordance with Schedule 6 the authority is the Sydney Western City Planning Panel.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6 Water Catchment		
Relevant Provisions		Comment
Part 6.1 Preliminary		
6.1	<p>Land to which Chapter applies</p> <p>This Chapter applies to land in the following catchments—</p> <p>(a) the Sydney Drinking Water Catchment,</p> <p>(b) the Sydney Harbour Catchment,</p> <p>(c) the Georges River Catchment,</p> <p>(d) the Hawkesbury-Nepean Catchment.</p>	<p>The subject site is located within the Hawkesbury-Nepean Catchment area, and as such, the provisions outlined within Chapter 6 of the Biodiversity and Conservation SEPP apply.</p>
Part 6.2 Development in regulated catchments		

Chapter 6 Water Catchment		
Relevant Provisions		Comment
Division 2 Controls on development generally		
6.6	Water quality and quantity	<p>The development is considered appropriate in terms of impact to water quality and quantity subject to conditions. Impacts of the development are largely limited to stormwater management and discharge. A Stormwater Concept Plan has been prepared and submitted in support of the proposed development and indicates that the stormwater is appropriately captured and managed. Furthermore, the Council's Development Engineering Branch are satisfied with the proposed stormwater management subject to conditions being imposed in the consent.</p> <p>Furthermore, the subject site is not identified as an Environmentally Sensitive Area for the purposes of this Chapter.</p>
6.10	Total catchment management	Based on the information provided, the development is considered unlikely to result in adverse impacts on the total catchment management.
Division 3 Controls on development in specific areas		
6.13	Hawkesbury-Nepean conservation area sub-catchments	Proposal is not located within a sub catchment.
Division 4 Controls on development for specific purposes		
6.21	Stormwater management	As above, under part 6.6

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

4.6 Contamination and remediation to be considered in determining development application:

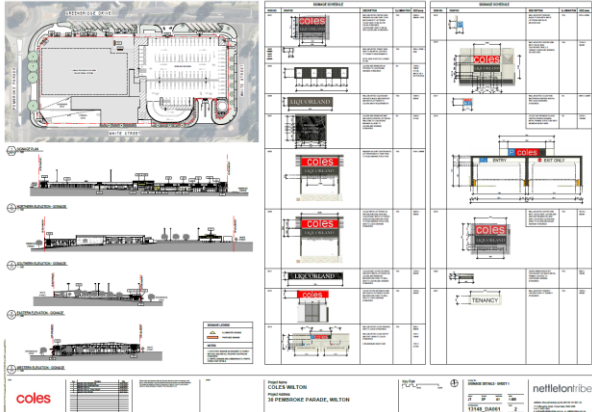
The site is a vacant allotment. Council's Contamination Officer has reviewed the details of the proposal, specifically the Preliminary Site Investigation prepared by Douglas Partners dated 14 August 2024.

No issues are raised with the proposal; the site does not pose an unacceptable contamination risk in its current state. Unexpected finds and removal of waste materials conditions will be imposed on the consent.

No further consideration under SEPP (Resilience and Hazards) 2021 is required. As such, the subject site is considered suitable for development and, in particular, the use.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 Advertising and Signage	
Relevant Provisions	Comment
Part 3.1 Preliminary	
1.1 Aims, objectives etc (1) This Chapter aims—	In terms of signage types, it is intended that signage would be static, with illumination generally limited to being the branded signage for the broader centre with

Chapter 3 Advertising and Signage	
Relevant Provisions	Comment
<p>(a) to ensure that signage (including advertising)—</p> <p>(i) is compatible with the desired amenity and visual character of an area, and</p> <p>(ii) provides effective communication in suitable locations, and</p> <p>(iii) is of high-quality design and finish, and</p> <p>(b) to regulate signage (but not content) under Part 4 of the Act, and</p> <p>(c) to provide time-limited consents for the display of certain advertisements, and</p> <p>(d) to regulate the display of advertisements in transport corridors, and</p> <p>(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.</p> <p>(2) This Chapter does not regulate the content of signage and does not require consent for a change in the content of signa</p>	<p>an appropriate illumination level and where not directly fronting residential development.</p>  <p><i>Figure 1 - Proposed Signage and Zones</i></p> <p>The proposed signage and zones are considered to be consistent with the aims of this chapter.</p>
Part 3.2 Signage generally	
<p>3.6 Granting of consent to signage</p> <p>A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—</p> <p>(a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and</p> <p>(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.</p>	<p>The development is consistent with the objectives outlined in 3.1(1)(a) – refer above, and the assessment criteria outlined in Schedule 5 – refer below.</p>
Schedule 5 Assessment Criteria	
Character of the area	Comment
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Complies
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Complies, consistent with the Village Centre.
Special areas	Comment
Does the proposal detract from the amenity or visual quality of any environmentally	Complies. Proposal considered to be consistent with the established Village Centre.

Chapter 3 Advertising and Signage	
Relevant Provisions	Comment
sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	
Views and vistas	Comment
Does the proposal obscure or compromise important views?	No
Does the proposal dominate the skyline and reduce the quality of vistas?	No
Does the proposal respect the viewing rights of other advertisers?	The signage relates to business identification and as such does not impact any existing or future advertisements within proximity to the site
Streetscape, setting or landscape	Comment
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Complies – the signage is considered to be appropriate for the proposed commercial development and Village Centre context.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Complies. The proposal will contribute to the streetscape.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	N/A – no other existing advertisement on site
Does the proposal screen unsightliness?	No unsightly items on site or in the vicinity.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No
Does the proposal require ongoing vegetation management?	No
Site and building	Comment
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Proposal considered to be sympathetic to the established and desired Village Centre. The signage zones are considered to be proportionate to the commercial development and Village Centre.
Does the proposal respect important features of the site or building, or both?	
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	
Associated devices and logos with advertisements and advertising structures	Comment
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Complies and standard conditions are included relating to the structural integrity of the proposed signage pylons and zones.
Illumination	Comment

Chapter 3 Advertising and Signage	
Relevant Provisions	Comment
Would illumination result in unacceptable glare?	No
Would illumination affect safety for pedestrians, vehicles or aircraft?	No
Would illumination detract from the amenity of any residence or other form of accommodation?	No
Can the intensity of the illumination be adjusted, if necessary?	Yes
Is the illumination subject to a curfew?	Yes - illumination generally limited to opening hours of the tenancies (for tenancy specific signage), and for the development signage (being the branded signage for the broader center) to be operational during public opening hours, excluding the main identification signage which would be illuminated 24 hours a day, 7 days per week, at an appropriate illumination level and where not directly fronting residential development.
Safety	Comment
Would the proposal reduce the safety for any public road?	The proposed will not reduce the safety of any public road and road users. Conditions will apply to ensure compliance with relevant standards.
Would the proposal reduce the safety for pedestrians or bicyclists?	
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	

State Environmental Planning Policy (Transport and Infrastructure) 2021

For abundant caution Council referred the proposal to TfNSW for comment in accordance with clause 2.122 of State Environment Planning Policy (Transport and Infrastructure) 2021.

On 1 October 2024, TfNSW provided written advice that the development will not impact the surrounding classified road network. To assist Council, TfNSW provided advisory comments for Council's consideration.

State Environmental Planning Policy (Precincts—Western Parkland City) 2021

The site is located within the Wilton Growth Area. Whilst the Wilton Growth Area DCP 2021 applies to the Wilton Growth Area, the subject site is zoned pursuant to provisions of the Wollondilly Local Environmental Plan 2011 and therefore Wollondilly Development Control Plan 2016 is a relevant consideration.

State Environmental Planning Policy (Sustainable Buildings) 2022

A NABERS Embodied Emissions Material Form accompanied the proposal.

Wollondilly Local Environmental Plan

Clause 1.2 Aims of Plan	
Objective	Comment

(a) to provide for the management of natural resources and the protection of the natural landscape character,	The site is located adjacent to other non-residential uses and will not detract from the village character of the estate. Appropriate landscaping is proposed to enhance the development and overall built form. Earthworks are proposed to facilitate a level building platform which is considered appropriate given the topography of the site. Appropriate design features, stormwater and drainage works, and associated landscape works will minimise adverse impacts on natural resources and the landscape character.
(b) to protect, conserve and enhance the built, landscape and Aboriginal cultural heritage	The application does not relate to a local or state heritage item, nor is it within proximity to a heritage item or known Aboriginal archaeological site.
(c) to protect water quality in land that is situated within water supply catchments,	Water quality will be managed on the site in accordance with the stormwater measures.
(d) to encourage development that provides for an integrated transport and infrastructure system and adequate facilities and service provision for future growth,	The proposal is considered to provide adequate services and amenities for future growth with respect to onsite carparking, pedestrian movement, public amenities and services such as a grocery store and other tenancies.
(e) to recognise, manage and protect rural resource lands for sustainable agriculture and extractive industry practices,	The proposed development is considered unlikely to result in adverse impacts on any rural resource lands located within proximity of the subject site.
(f) to maintain the separation between towns and villages to retain their unique character and rural and natural settings.	The proposed commercial development is to be located on an existing vacant allotment within the Bingara Gorge estate. The proposed development is not considered to contribute to the merging of towns and villages.
(g) to provide for a built environment that contributes to the health and well-being of residents, workers and visitors.	The proposal will provide a commercial built form environment in which will enhance the health and well-being of residents, workers and visitors.
Clause 1.9A Suspension of covenants, agreements and instruments	
(1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.	The proposal will not have an impact upon any restrictions that may burden the site.

Characterisation:

Pursuant to the Wollondilly Local Environmental Plan (LEP) 2011, the proposal is characterised as a commercial premises and is defined as follows:

Commercial premises means any of the following—

- (a) *business premises,*
- (b) *office premises,*
- (c) *retail premises.*

Zone of land: MU1 – Mixed Use

Permissibility:

Commercial premises are permitted, with consent, in the MU1 Mixed Use zone.

It shall be noted that the proposed development is seeking consent for the 'cold shell' of each tenancy with future approvals to be obtained for each use. It is anticipated that the future potential uses may include 'food and drink premises', 'shops', etc., which are typical uses for this type and size of commercial development and are permissible land uses within the MU1 Mixed Use zone, with consent.

Objective		Comment
<i>MU1 Mixed Use</i> (previously B4 Mixed Use)		
<ul style="list-style-type: none"><i>To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.</i>		Complies – the proposed development will provide the space and ability for a variety of land uses to operate. The commercial premises will integrate suitable businesses, retail and other development at an accessible location.
<ul style="list-style-type: none"><i>To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.</i>		
<ul style="list-style-type: none"><i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i>		
<ul style="list-style-type: none"><i>To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.</i>		
<ul style="list-style-type: none"><i>To support the health and wellbeing of the community by providing employment and services that are close to housing and well supported by public and active transport.</i>		
	Clause	Comment
Part 2 Permitted or prohibited development		
2.3	Zone objectives and land Use Table	Commercial premises are permitted with consent in the MU1 Mixed Use zone. The proposed development is considered to be in keeping with the aims and objectives of the zone as stipulated above.
Part 4 Principal development standards		
4.3	Height of buildings	A 9m height limit applies to the subject site. The development proposes a maximum height of 8.453m from NGL to the highest point of the building and complies.
Part 7 Additional local provisions		
7.1	Essential services	Development has demonstrated the ability to obtain essential services to facilitate development.
7.2	Biodiversity protection	The subject site is not mapped as being within the Biodiversity Values Map and Threshold Tool, or Natural Resources – Biodiversity Map.

7.3	Water protection	The subject site is not mapped as being within the Natural Resources – Water Map.
7.5	Earthworks	A Geotechnical Report has been prepared and submitted in support of the application. The reports demonstrate the requirement of appropriate earthworks in order to facilitate the development. The submitted documentation also demonstrates the necessary earthworks are likely to have a negligible impact on the subject site and surrounding locality.

1.3.2 Provisions of Relevant Draft Environmental Planning Instruments

No draft Environment Planning Policy Instruments are relevant to this proposal.

1.3.3 Provisions of Relevant Development Control Plans

The proposal has been assessed against the relevant controls stipulated within the Wollondilly Development Control Plan (DCP) 2016. The proposal is considered to satisfy the applicable controls. See an assessment of the proposal below:

- Volume 1 – General
- Volume 2 – Urban Release Area
- Volume 5 – Commercial and Community Uses

Volume 1 – General		
Relevant Provisions		Comment
Part 1 - Preliminary		
1.2 Objectives of the Plan		
1	To assist in the realisation of the aims of Wollondilly Local Environmental Plan, 2011.	The proposal will be in keeping with the aims and objectives of the Wollondilly Local Environmental Plan (LEP) 2011 and Wollondilly Development Control Plan (DCP) 2016.
2	The specific controls and volumes of this plan each have objectives as detailed throughout this plan.	
1.4	<u>Application of the volumes of this plan</u> If there is an inconsistency between the volumes of this plan, then the earlier volume shall prevail over the later volume. For example, if there is an inconsistency between Volumes 2 and 5, Volume 2 would prevail because it is found earlier in this plan.	
Part 2 - General considerations for all development		
2.1 Objectives		
1	To ensure that developments are undertaken with due regard to human safety.	
2	To ensure that developments do not unreasonably impact on their surrounds.	
3	To ensure that developments achieve a satisfactory level of social equity.	
2.2 Controls		

Volume 1 – General

Relevant Provisions		Comment
1	The consent authority shall consider the following safety and human health risks in assessing a development application under this volume:	
a)	Road and traffic hazards;	Complies – Council's Development Engineering team have reviewed the documentation, including the Traffic Impact Assessment and recommended conditions to minimise road and traffic hazards.
b)	Bushfire threat;	Not applicable – the subject site is not mapped as being bushfire prone land.
c)	Flood risk;	Not applicable – the subject site is not mapped as being flood prone land.
d)	Noise, vibration, pollution, odour, radiation or waste from surrounding land uses;	Complies – the proposed commercial development is not considered to be impacted by noise, vibration, pollution, odour, radiation or waste from surrounding land uses.
h)	Hazards from vehicles within car parking areas; and	Complies – Council's Development Engineering Branch have reviewed the accompanying documentation, including the Traffic Impact Assessment, and raise no objections from the proposed car parking areas.
i)	Hazard from potential contamination of the land.	The submitted documentation has been reviewed by Council's Contamination Officer who raised no objections to the proposed development, subject to appropriate conditions being imposed in the consent. The proposal satisfies the requirements of Chapter 4 – Remediation of Land and as such, the subject site is considered suitable for the proposed commercial development.

Part 3 - Variation

The upper-level car park does not comply with WDCP 2016, Volume 5, 2.10 (4) - The DCP requires that all above ground parking areas with more than 12 parking spaces must be landscaped including shade trees provided at the rate of one (1) canopy tree for every four (4) car parking spaces of part thereof.

The upper car park includes a total of 85 spaces in which would require 21 trees. The proposal does not include any canopy trees.

The applicants justified the variation as follows:

The planting of trees on a decked above ground car park will require the provision of deep soil planting zones or large tree planter boxes with guard rail or wheel stop restrictions surrounding them. The deep soil solution is an impractical outcome that would add significant depth and weight to the car park slab, increase the height of the development and introduce new drainage requirements that would encumber and impact the building uses and ceiling heights below.

The planter box solution would require a significant redesign of the carparking reducing car park sizes, reduce the number of car parking spaces and introduce a collision hazard. Both options would be extraordinarily expensive, would have significant technical, drainage and structural implications and ultimately are not feasible. These requirements are not generally required in proposals of this nature.

Volume 1 – General		
Relevant Provisions		Comment
<u>Compliance with Objectives:</u>		
Objectives of the control are:		
(a) To achieve vehicle parking and maneuvering spaces that do not dominate the streetscape,		
(b) To ensure developments accommodate parking demands of private land uses within private property.		
<u>Comment:</u>		
The elevated car park will not be visible from the street and will have no material impact on the streetscape. The objectives of this clause are to provide and achieve vehicle parking demands that do not dominate the streetscape.		
The development provides appropriate landscaping around the perimeter of the built form. Given the carparking is provided in the form of a rooftop car park, shade structures can be provided at a future date.		
Part 4 – Community Engagement		
In accordance with the Wollondilly Shire Council Community Participation Plan 2020, the application publicly exhibited from 5 September 2024 to 3 October 2024. Two (2) submissions objecting to the proposal were received.		
Part 5 - Colonial Heritage		
The application does not relate to a local or state heritage item, nor is it within proximity to a heritage item or known Aboriginal archaeological site.		
Part 7 – Aboriginal Heritage		
The site is not identified as being within 100m of a known Aboriginal item or artefact.		
Part 8 – Flooding		
The site is not mapped as being flood prone land.		
Part 9 – Environmental protection		
9.1 Objectives		
1.	To improve and maintain environmental outcomes for the areas mapped as natural resources biodiversity and natural resources water under Wollondilly Local Environmental Plan, 2011.	
2.	To improve and maintain environmental outcomes for unmapped areas of biodiversity and/or riparian value.	
3.	To maintain links between identified environmentally sensitive land and provide habitat and riparian corridors and appropriate buffer zones to these areas.	
9.2 Interpretation (refer to DCP for further details)		
	This clause lists specific definitions used in this part.	
9.3 Controls		
1.	Development carried out on areas mapped as ‘sensitive land’ on the	In accordance with the Wollondilly LEP 2011, the subject site is not identified as being sensitive land

Volume 1 – General

Relevant Provisions		Comment
	Natural Resources – Biodiversity Map and the Natural Resources Water Map under Wollondilly Local Environmental Plan, 2011 shall occur to either avoid, minimise or mitigate any adverse impact as detailed in Clause 7.2 and 7.3 of Wollondilly Local Environmental Plan 2011.	pursuant to Natural Resources – Biodiversity Map or Natural Resources – Water Map.
7.	Where a development is proposed on sites which do not contain areas mapped on the Natural Resources Water or Natural Resources Biodiversity maps and contain native vegetation, the development shall be in accordance with the following (in order of preference):	The proposal requires the removal of fifteen (15) high category trees and fourteen (14) low category trees which is accompanied by an Arborist report by Naturally Trees. Council's Environment Officer has reviewed the report and provided relevant conditions of consent.
i)	on cleared parts of the site wherever possible; or	
ii)	in locations where the least amount of vegetation removal would be required (e.g. close to roads) if the development is not able to be located wholly in a cleared area; or	
iii)	If the development is not able to be located wholly in a cleared area, then the development should be located on parts of the site in which the vegetation is determined as being of the least significance and recovery potential.	
	This includes consideration of vegetation removal for any main buildings, ancillary buildings, asset protection zones, effluent disposal areas and access driveways that may be required for the development.	
8.	In cases where native vegetation removal is required a flora and fauna report from an appropriately qualified ecologist may be required to satisfy compliance with any of the controls listed above.	
Note: Compliance with the above controls does not guarantee that consent would be granted for the development; the requirements of the Threatened Species Act, 1995, Native Vegetation Act, 2003 and the Environmental Protection and Biodiversity Conservation Act, 1999 would need to be satisfied if approval is required under those acts of legislation.		
Part 10 – Tree Removal		
10.1 Objectives		
1.	Identify trees and other native vegetation for the purpose of clause 5.9(3) of Wollondilly Local Environmental Plan 2011 which states the following:	

Volume 1 – General		
Relevant Provisions		Comment
	“(3) A person must not ringbark, cut down, top, lop, remove, injure or willfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by: (a) development consent; or (b) a permit granted by the Council”	
2.	Identify trees and other native vegetation that: <ul style="list-style-type: none">may be removed without a permit or development consentmay be removed with a permit may be removed only with development consent	
10.5 Trees/other native vegetation that may be removed only with development consent (refer to DCP for further details of controls)		
	This clause provides that any tree or native vegetation removal which cannot be carried out as exempt development under clause 10.3 of this volume or by obtaining a permit under clause 10.4 of this volume may only be removed with development consent.	The proposal requires the removal of fifteen (15) high category trees and fourteen (14) low category trees in which is accompanied by an Arborist report. Council's Environment Officer has reviewed the report and provided relevant conditions of consent.
Part 11 – Landscaping		
11.1 Objectives		
1.	To encourage the planting of endemic species in landscaping.	
2.	To reduce the impact of landscaping on the environment, infrastructure and human safety.	
3.	To create a landscape character that is defined by native vegetation and not introduced species.	
11.2 Recommended Species (refer to DCP for further details of controls)		
	This clause contains a list of recommended plant species for the various localities in the Shire.	The application was submitted and has been amended with a detailed landscape plan with the recommendations of the planting schedule in accordance with the DCP. Council's Environment Officer has provided relevant conditions of consent.
11.4 Street Trees		
	Street tree planting must comply with the Council's Tree Risk Management Plan.	Street trees are proposed in accordance with the accompanied landscape plan.
Part 12 – Signage		
12.1 Objectives		
1.	To provide controls for the implementation of the Advertising structures in commercial or industrial zones section of Schedule 2 of Wollondilly Local Environmental Plan, 2011.	
2.	To ensure signage that is exempt development does not have adverse impacts on traffic safety and pedestrian amenity.	

Volume 1 – General		
Relevant Provisions		Comment
3.	To ensure signage that is carried out as exempt development does not significantly detract from the amenity of the commercial and industrial built environments.	
12.2 Signage as exempt development		
1.	To be an exempt advertising structures under Schedule 2 of Wollondilly Local Environmental Plan, 2011, the structure must:	Signage is addressed earlier in the report under Industry & Employment SEPP 2021.
a)	Not be located within a road reserve; and	
b)	Be a fixed sign; and	
c)	In the case of a sign attached to a building have no part of the sign higher than the part of the building on which it is attached; and	
d)	Not be located within 100m of a heritage item or a heritage conservation area	
e)	No be located within 100m of a classified road; and	
f)	Be designed and installed in accordance with the requirements of a professional engineer; and	
g)	Not be used for the promotion or advertising of any product or business other than a business operation from the site on which the structure is located; and	
h)	Not be used for the promotion or advertising of any sex services premises, brothel or restricted premises; and	
i)	Must not be illuminated; and	
j)	Be the one and only advertising structure on the lot constructed as exempt development under this schedule.	

Volume 2 – Urban Release Areas		
Relevant Provisions		Comment
2.1 Wilton Park, Wilton (Bingara Gorge)		
Objectives (refer to DCP for further details of objectives)		
Controls		
1.	The development is to be generally undertaken in accordance with Map 1: Master Plan.	The proposal is located on land identified as “Village Centre / Residential” and accords s with the masterplan.

Volume 5 – Commercial and Community Uses		
Relevant Provisions		Comment
PART 1 – PRELIMINARY		
1.2 Objectives		
The object of this volume is to ensure commercial and community development achieves the aims of Wollondilly Local Environmental Plan, 2011 by promoting economic activity and local job creation while ensuring developments achieve excellent planning outcomes.		
1.3 Parts of this volume		
The requirements contained within Part 2 apply to all development types to which this volume applies. Part 3 applies to specific land uses: Part 4 applies to specific locations:		
Part 2 – General Requirements for all Commercial and Community Uses		
2.1 Sustainability		
Objectives		
To ensure the application of Ecologically Sustainable Development (ESD) principles at all stages of development including demolition, construction and ongoing use over time.		
Controls		
1	Timber sourced from old growth forests may not be used in development subject to this volume.	Noted, the proposal does not include timber sources from growth forests.
2	Impacts to groundwater must be minimised by:	No contaminated runoff is anticipated Vegetation clearing is required or proposed and has been assessed by Council's Environment Officer and detailed earlier within the report. A reasonable amount of cut and fill is proposed Landscaping will be located around the boundaries of the site and will be planted into the soil.
a)	Ensuring no contaminated runoff enters the groundwater system; and	
b)	Retaining and protecting significant stands of native vegetation; and	
c)	Minimising cut and fill; and	
d)	Maximising landscaped areas that are deep soil and are hydraulically connected to the natural soil and groundwater system.	
3	All development resulting in more than 200 square metres of new GFA must provide rainwater collection tank(s) to collect rainfall and runoff from roof areas. The minimum volume of the tank(s) shall be 1,000 liters per 100m ² (rounded down to the nearest 100m ²) of new GFA. Such tank(s) must have their overflows connected to a point for suitable integration with the natural or constructed stormwater drainage system.	The proposal includes an onsite stormwater detention (OSD), rainwater tanks. Ponds and gross pollutant traps have been provided downstream of the site to act as a water quality/quantity treatment. These tanks form part of the greater stormwater masterplan and has the capacity to serve future development. Council's Development Engineering team and Sustainability Officer raised no objections, subject to conditions.
4	Water from rainwater collection tank(s) must be used for at least one of the following:	As detailed above, OSD and rainwater tanks have been provided for the wider masterplan. As such, any reuse of the water would reoccur
a)	Irrigation and maintenance of landscaped areas;	

Volume 5 – Commercial and Community Uses																												
Relevant Provisions			Comment																									
b)	Cleaning and maintenance of built development;		back to the larger masterplan rather than the needs of the subject site. Notwithstanding the above, an irrigation system is proposed for irrigation and maintenance of landscaped areas. This shall also form part of the conditions of consent.																									
c)	Toilet flushing;																											
d)	Laundry purposes; or																											
e)	Car washing.																											
5	All plumbing fittings connected to potable water supply must be Triple A or higher rated devices.		This can be addressed at CC stage.																									
6	Connection to recycled water is required if serviced by a dual reticulation system. Such water shall be used for all of the purposes listed above at control 4. The requirement to provide water tank(s) does not apply if the development is connected to a recycled water system.		Water connections are proposed via an existing main, which will service toilet flushing, irrigation, cleaning/washing and laundry connections.																									
7	Commercial developments where the capital investment value are more than \$500,000 and that result in more than 100m² of new GFA must install a photovoltaic system to complement consumption of electricity from the grid system. The capacity of the system must be no less than 5kW per 100m² of new GFA. Details of the system shall be provided to the consent authority prior to the granting of any development consent		The proposal includes an area of 1,880m² for a solar panel system which have been included on the rooftop.																									
2.2 Setbacks																												
Objectives																												
1.	To establish a desired relationship between the street and footpath, public spaces, private spaces and buildings,																											
2.	To create and maintain a streetscape character appropriate for towns and villages, and																											
3.	To provide continuity in the streetscape																											
Controls																												
1.	The following setbacks apply for development under this volume: <table><tr><td>Zone</td><td>Front Setback</td><td>Side Setback</td><td>Rear Setback</td></tr><tr><td>B1</td><td>0</td><td>0</td><td>0</td></tr><tr><td>B2</td><td>0</td><td>0</td><td>0</td></tr><tr><td>B4</td><td>0</td><td>0</td><td>0</td></tr><tr><td>R2</td><td>Consistent with surrounding development</td><td>0.9</td><td>Consistent with surrounding development</td></tr><tr><td></td><td></td><td></td><td></td></tr></table>			Zone	Front Setback	Side Setback	Rear Setback	B1	0	0	0	B2	0	0	0	B4	0	0	0	R2	Consistent with surrounding development	0.9	Consistent with surrounding development					Development provides for zero lot line setback and is complaint with this control. Landscaping is located along all boundaries.
Zone	Front Setback	Side Setback	Rear Setback																									
B1	0	0	0																									
B2	0	0	0																									
B4	0	0	0																									
R2	Consistent with surrounding development	0.9	Consistent with surrounding development																									
2.3 Building Design																												

Volume 5 – Commercial and Community Uses		
Relevant Provisions		Comment
Objectives		
1.	To achieve safe, attractive, equitable and functional buildings.	
2.	To enhance and protect the public space adjacent to commercial premises.	
3.	To preserve the broader rural village character of the towns and their centres.	
Controls		
1.	Buildings on sites adjoining public open space must not cast a shadow onto more than one third of that open space between the hours of 10am and 2pm during the winter solstice (measured at ground level).	Complies. The subject site adjoins public open space to the south and does not cast a shadow onto this area of more than one third in size.
2.	Colourbond materials shall not be used in the external construction of buildings within the Business (B) Zones unless they account for less than 25% of each front elevation.	Complies. No more than 25% of each frontage contains color bond material.
3.	External materials used for newly constructed or extended commercial buildings within the business (B) zones shall be consistent with the materials used in adjoining commercial development or shall have a superior quality external finish.	Complies. The proposed external materials and finishes are considered to be compatible with the surrounding businesses.
4.	Shipping containers shall not be used for storage within developments for commercial or community purposes.	No shipping containers are proposed.
5.	Building designs must ensure that main entry and exit points are readily identifiable to intending patrons.	The proposed building has a clear entry and exit point along the north-west corner.
6.	All building facades visible from a public place must be designed to reduce bulk and enhance the appearance of the building using appropriate architectural features, articulation and finishes.	<p>The development has been designed with appropriate architectural features, articulation and finishes. Additionally, the provision of appropriate landscaping has been adopted to reduce the overall bulk and scale of the development.</p> <p>The proposal is in keeping with the existing and desired future character of the locality.</p>
7.	Commercial developments must have active frontages for the majority of the total frontage of the development to public spaces including roads and reserves. An active frontage must have a minimum of 50% glazing area which must be transparent.	<p>The proposal includes active frontages for the majority of the frontage facing Greenbridge Drive which will provide for over 50% of shopfront glazing.</p> <p>The frontage to Pembroke Parade includes a portion of shop front glazing, with existing large street trees and proposed signage.</p> <p>White Street contains vehicle access for both customers and commercial loading and unloading. White Street is also occupied by residential dwellings, and it would therefore be</p>

Volume 5 – Commercial and Community Uses		
Relevant Provisions		Comment
		considered inappropriate to include active uses along these frontages.
8.	All facades must be designed in accordance with the Crime Prevention through Environmental Design (CPTED) Guidelines including allowance for casual surveillance of streets and other public places.	<p>The proposed development incorporates active façades that will permit casual surveillance of its street frontage.</p> <p>The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders.</p> <p>The proposal incorporates design elements including clearly defined and controlled access points as well as clearly defined public and private spaces in order to minimise opportunity for criminal activity. To improve safety and security, a condition is also included to require the installation of a security gate at the loading dock entry.</p> <p>The proposal incorporates built elements and landscaping that clearly distinguishes between the public and private domain.</p> <p>Clear entry points are proposed to both buildings, that are easily read by visitors, employees and passer by alike.</p> <p>It is considered that the proposal does not impact on amenity or the streetscape of the area but is in context with development and street presentation of surrounding development.</p> <p>The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles. Conditions will also be imposed by the NSW Police Service as per DA/2022/670/1.</p>
9.	There must be a universally accessible and continuous path of travel to connect the public footpath to all car parking areas and the main public entry and exit point of a building.	The built form presents a universally accessible, easily identifiable entry and exit point for patrons. The development seeks to provide elevator/escalator as well as stairs and paths from the public domain.
10.	Other uses within a basement car parking area (like switch rooms and waste storage areas) must be physically separated from vehicle and pedestrian movement.	The proposal includes an upper level carparking area. The switch, pump and waste storage areas are not located within the car parking areas and are separated.
12.	Building services, fittings and utilities (including, without limitation, downpipes, conduits and vents and air conditioning units and components) must be integrated with the features of any facade fronting a public open space or a public street.	Complies. The proposed development provides for integrated services into the facades of the development.
13.	Building lights shall illuminate buildings and signs from the top-down rather than the bottom-up to reduce light spill into the night sky.	Complies. Light spill plans have been prepared and submitted in support of the development. Council's Environmental Health Section has reviewed the proposal and raises

Volume 5 – Commercial and Community Uses		
Relevant Provisions		Comment
		no objections subject to the conditions being imposed.
14.	Lift towers and overruns, satellite dishes, motor rooms and service plants, air conditioning units, antennae, telecommunications devices, vent pipes and the like must not be visible from any publicly accessible place.	The lift overrun has been incorporated into the design of the overall built form to reduce its visibility from any publicly accessible places.
15.	Security shutters and roller doors on primary facades to a public street are not permitted unless they are open form or transparent. Security devices must be integrated within the design of the shop front structure.	There is no security shutters proposed.
16.	The design and siting of Automatic teller machines (ATM's) must allow for queuing of users without obstructing the free movement of pedestrians and others within the public footpath and must be structurally protected to prevent ram-raid opportunities.	Noted
18.	Commercial and community building developments that will result in a floor area greater than 400m² shall provide amenities for the changing of infants and shall accommodate for both male and female parents/guardians undertaking this activity.	The proposal includes amenities for the changing of infants and been included in the proposed development.
2.4 Open space		
Objectives		
1.	To provide a variety of open spaces integrated with, and enhancing, the design and function of buildings such as verandahs, courtyards, balconies and roof top gardens,	
Controls		
1.	Communal Open Space must be provided for developments exceeding the thresholds tabulated below at the rate provided in the table: (See DCP for further details) Retail Premises: Threshold: 900m² - Rate: 4m² per 100m² of GFA.	The proposal has an GFA of retail premises of 2,680.2m², this excludes the amenities, staff rooms, loading, vertical circulation and services areas. Requires: 2680.2m²/ 25 = 107.208m² Plans show the communal open space/plaza has an area of: 119.8m².
3.	Communal Open space shall not be narrower than 3 metres in each and every direction.	Complies. The communal open space is greater than 3m in each direction.
4.	Communal Open space must be located and designed to be compatible with any nearby residential uses. There must be no direct line of sight to residential private open spaces and windows.	Complies. The communal open space is not located opposite from residential uses and presents to the existing non-residential land uses.

Volume 5 – Commercial and Community Uses		
Relevant Provisions		Comment
5.	Communal open space must be suitably embellished for outdoor eating and must be provided with waste management facilities.	The proposal includes outdoor seating as part of tenancy 1 and 2 noting this seating is located within the public footpath or domain. It shall be noted that any future food and drink premises, and ancillary outdoor eating, would be subject to separate approval and under S138.
6.	Communal open space must be sited and designed to achieve a minimum of 3 hours of solar access (measured at ground level) to at least 50% of its area between the hours of 9:00am and 3:00pm on the winter solstice.	The proposed building has been designed to achieve more than 3 hours of solar access to at least 50% of the total area between the hours of 9:00am and 3:00pm on June 21 st .
2.5 Outdoor eating and seating		
Objectives		
1.	To encourage aesthetically attractive, comfortable, convenient and safe outdoor furniture for seating and eating areas ancillary to nearby premises or for general public use,	
Controls		
1.	A minimum 1.8 metres wide linear, unobstructed pedestrian movement pathway must be maintained through the public footpath at all times.	There is an area of outdoor seating proposed for Tenancy1, 2 and 4 which sits within the existing footpath. The proposal includes civil works which includes new footpaths around the entire site. Suitable pedestrian pathways are provided around these spaces. Councils Development Engineer has reviewed the proposal with no objection. Future outdoor seating areas for tenancies would be subject to separate future approvals.
2.	Outdoor seating and eating areas operating outside daylight hours must be provided with lighting to the relevant Australian Standard.	Appropriate lighting will be provided within the plaza and it will be conditioned.
3.	Portable heating devices that are gas powered must be fitted with safety devices that automatically shutdown the device when tilted.	Note – this is to be addressed as part of any future approvals for the tenancies.
Note <i>Where the use of a public road reserve is proposed for commercial activities separate approval is required from Council and/or NSW Roads and Maritime Services. Where Council approval is required, reference should be made to Council's policies relevant to use of public spaces for commercial activities.</i>		
2.6 Landscaping		
Objectives		
1.	To achieve landscaping that is integrated with the design, layout and scale of development and is sensitive to site attributes, streetscape, views and vistas.	
Controls		
1.	Landscaping around the external perimeter of new commercial buildings with a GFA greater	

Volume 5 – Commercial and Community Uses		
Relevant Provisions		Comment
	than 1,000m ² must be provided at the rate of at least 20m ² of consolidated / continuous planted area for every 500m ² GFA and address the street frontages.	The development provides appropriate landscaping focused on the entire external perimeter of the building addressing all street frontages, and within planters on the rooftop car park. Planting and garden beds are proposed along the northern (Greenbridge Drive, and southern (White Street) facades of the building. The proposed development and landscaping design has considered and demonstrated compliance with this control. Planting species are at least 50% native and are of low maintenance. Additionally, no fencing is proposed for the development.
2.	Landscaping for new commercial developments shall be in the form of garden beds and achieve the following:	
a)	Use at least 50% native vegetation;	
b)	Use only low maintenance vegetation;	
c)	Reduce or eliminate the need for fencing;	
d)	Use only vegetation that will not damage infrastructure; and	
e)	Provide adequate landscaped area for plants when fully grown.	
3.	All plant species in landscaping must be non-toxic and low-allergen.	
4.	Contiguous landscaping areas with an area greater than 50m ² shall be provided with and automatic irrigation system(s).	An automated commercial grade irrigation system is incorporated into the landscaping planters.
2.7 External storage		
Objectives		
1.	To ensure waste is stored in a safe location that does not detract from the aesthetic qualities of commercial developments.	
Controls		
1.	There shall be no storage of goods or waste in areas that are visible to the public or patrons of facilities.	All storage facilities are provided internally.
2.8 Public realm		
Objectives		
1.	To create and maintain a consistent character for each town and village center through the development of a public realm strategy addressing on-street parking, public footpath, public / street furniture, signage and street trees.	
Controls		
1.	All works within the public domain must comply with Council's adopted Design and Construction Specification, Plans of Management and any other strategy adopted by Council for public spaces.	Noted and will be conditioned.
2.	Where a driveway crosses a public road frontage and is 5 metres or wider the vehicle lanes on the driveway must be separated to provide a pedestrian refuge within the footpath.	The proposal includes two (2) driveway crossovers measuring at 7.84m. A pedestrian refugee is proposed with the driveway.

Volume 5 – Commercial and Community Uses		
Relevant Provisions		Comment
3.	Where on street parking is not already provided (including paved shoulder and kerb and guttering) along the full frontages of the site it shall be installed prior to the occupation of any development subject to this volume.	The frontage of the subject site will include new paved shoulders and kerb guttering. Councils Development Engineer have imposed conditions.
2.9 Access and Traffic Generation		
Objectives		
1.	To provide the opportunity to access development sites by the widest feasible variety of transport modes,	
2.	To ensure delivery areas are suitably isolated from patron traffic to promote pedestrian safety.	
Controls		
1.	Service and delivery vehicles must have a separate access for developments with a GFA greater than 500m². This access may not be shared with the access to be used by patrons of the development.	Service and delivery vehicles are provided with separate access via White Street from the parking spaces. The service and delivery access and loading/unloading bay is not considered to be easily accessible by patrons or share an access path.
2.	Commercial premises must be provided with a minimum of one (1) loading / unloading space with sufficient capacity for the site.	The development provides one (1) loading/unloading space dedicated to the supermarket and tenancy shops with an area of 436m². The council's Development Engineering Branch have reviewed the proposed arrangement and raised no objections subject to the conditions being imposed in the consent.
3.	Forward entry/exit onto the street from the loading/unloading space must be provided.	The largest vehicle to service the site is capable of entering and exiting the site in a forward direction. Council's Development Engineering Branch has reviewed the proposed arrangement and raised no objections subject to conditions being imposed in the consent.
4.	Premises exceeding the thresholds provided below must provide secured storage areas for bicycles, skateboards, prams and the like at the specified ratio. The secured area must be either within the main building or within a shed or similar structure protected from the weather and located to provide appropriate casual surveillance. (See DCP for further details for this control)	<p>The threshold of 750m² at rate of 0.5m² per 100m² of GFA is required.</p> <p>The proposal has an GFA of retail premises of 2,680.2m².</p> <p>48 Bicycle parking, 3 motorbikes parking and 7 spaces for parents with prams are provided within both the upper and lower car park areas.</p> <p>It shall be noted that the use of each tenancy is subject to separate future approvals which will be required to take this control into consideration.</p>

Volume 5 – Commercial and Community Uses		
Relevant Provisions		Comment
		In addition, the proposed supermarket premises has the capacity to provide security storage for staff at the applicable rate.
5.	Premises exceeding the threshold in control (4) above must provide showering amenities and personal storage lockers for staff for the storage of clothing and other personal items.	The proposal includes storage lockers for staff for both female and male. .
6.	Where secured storage areas are required, the minimum dimensions shall be 2 metres wide in each and every direction.	The supermarket includes storage areas of more than 2m² in every direction.
7.	Sites located on a shared pathway route adopted by Council must construct the section of the pathway within the appropriate frontage(s) of the site and connect to the existing pathway network where required by the Consent Authority.	New footpaths are proposed around the entire site. The council's Development Engineer has reviewed and supplied conditions of consent.
8.	Bicycle racks shall be provided for any retail development subject to this plan with a GFA greater than 500m². Bike racks shall be provided at the rate of 1 bicycle “space” per 100m² of retail GFA.	The development includes a GFA of 2680.2m² which requires the provision of 34 bicycle spaces. The proposed development provides bike racks to accommodate 48 bicycles, which complies with the DCP requirement.
2.10 Parking and Maneuvering		
Objectives		
a)	To achieve vehicle parking and maneuvering spaces that do not dominate the streetscape, and	
b)	To ensure developments accommodate parking demands of private land uses within private property.	
Controls		
1.	The construction of vehicle parking and manoeuvring areas must comply with Council's adopted Design and Construction Specifications.	Council's Development Engineering has reviewed the proposed development and recommended conditions be imposed in the consent.
2.	Vehicle parking that is located within the front setback must be physically separated by permanent safety structures from road pavement and must not detract from the aesthetics of the streetscape.	The proposal requires extensions to the footpaths and landscaping along the on-street parking at Greenbridge Dr. Council's Development Engineer have reviewed and provided appropriate conditions.
3.	Where security doors or gates are proposed to control access to vehicle parking an intercom system must be provided to facilitate access. Such doors and gates must also be positioned to ensure vehicles stand clear of the public footpath and any specified pedestrian access while the doors and gates are opening.	The submitted SOEE indicates that the proposal will include security gates to the car parking areas and will be provided with an intercom system.

Volume 5 – Commercial and Community Uses						
Relevant Provisions		Comment				
4.	All above ground parking areas with more than 12 parking spaces must be landscaped including shade trees provided at the rate of one (1) canopy tree for every four (4) car parking spaces of part thereof. Shade trees must be located to provide shade to parked vehicles.	<p>This control does not comply with this proposal. A variation has been justified and outcomes mentioned above.</p> <p>However, the development provides appropriate landscaping around the perimeter of the built form. Given the carparking is provided in the form of a rooftop car park, shade structures can be conditioned.</p>				
5.	Manoeuvring space must be sufficient to permit all vehicles to enter and leave a site in a forward direction in accordance with relevant Australian Standards.	The proposal provides sufficient maneuvering spaces for all vehicles to enter and exit in a forward direction. Council’s Development Engineering has reviewed the proposed development and recommended conditions be imposed in the consent.				
6.	Parking areas must be linked via a pedestrian path with the nearest public footpath.	Both the upper and lower car parking areas are linked to a proposed concrete pedestrian path with the lower level which is linked to Greenbridge Drive footpaths and is universally accessible at all times.				
7.	Parking spaces adjoining pedestrian accesses must be provided with wheel stops or upright kerbs to protect the safety of pedestrians.	Parking spaces are provided with wheel stops and shall form part of the conditions of consent.				
8.	Parking areas for developments that operate outside of daylight hours must be lit in accordance with relevant Australian Standards.	Lighting is to be in accordance with the relevant Australian Standards and will be conditioned accordingly.				
10.	<p>Parking must be provided at the rate tabulated below. The number of spaces shall be rounded up to the nearest whole number of spaces.</p> <p>Note: In a mixed use development the total number of car parking spaces shall be sum of the number of parking spaces required for each component use.</p> <p>a) Numerical Parking Rates (see the DCP for further details of this control)</p> <table><tr><th>Land Use</th><th>Minimum Car Parking Requirement</th></tr><tr><td>Shopping Centres GFA < 10,000</td><td>6.1 spaces per 100m² of GLFA</td></tr></table>	Land Use	Minimum Car Parking Requirement	Shopping Centres GFA < 10,000	6.1 spaces per 100m ² of GLFA	<p>The development includes a GFA of 2,680.2m² which requires the provision of 160 car parking spaces. The proposed development provides for a total of 159 car parking spaces.</p> <p>In this instance, the area of each floor is taken to be the area within the internal faces of the walls, excluding stairs, amenities, lifts, corridors and other public areas, but including all stock storage areas.</p> <p>The floor area, calculated as specified above measures 2,559.17m² which requires a total of 153.5 spaces (rounded to 154) and ccomplies with car parking ratio.</p>
Land Use	Minimum Car Parking Requirement					
Shopping Centres GFA < 10,000	6.1 spaces per 100m ² of GLFA					
11.	Car parking areas shall be designed, embellished and located to minimise adverse visual impacts in the locality.	The proposed carparking arrangement does not interfere with the proposed active uses. Additionally, appropriate landscaping has been included to enhance and improve the visual appearance of the proposed carpark.				

Volume 5 – Commercial and Community Uses		
Relevant Provisions		Comment
12.	Large developments for retail (or mixed-use including retail) that give rise to a need for 200 or more car parking spaces shall provide one (1) space for Seniors and one (1) for parents with prams for each 100 spaces (rounded down) required by this volume. Such spaces shall measure no less than 2.8m x 5.5m and shall be signposted and marked with line marking paint. They shall be located to minimise travel distance to the entry points for the facility. The spaces required by this clause are not in addition to the spaces that are otherwise required by this plan.	<p>The development proposes 159 spaces and provides for these spaces:</p> <ul style="list-style-type: none">• 5 senior spaces• 7 parents with pram spaces• 4 accessible spaces• 2 EV spaces
2.11 Waste Management		
Objectives		
1.	To ensure appropriate waste storage and collection facilities,	
2.	To minimise risk to health and safety associated with handling and disposal of waste and recycled material and ensure optimum hygiene,	
Controls		
1.	A completed Site Waste Minimisation and Management Plan (SWMMP) complying with the template in Appendix A of the NSW Office of Environment and Heritage’s Model Waste must accompany an application for commercial buildings greater than 500m² in GFA or any commercial development that is likely to produce hazardous waste products.	<p>A Specialty Operational Waste Management Plan has been prepared and submitted in support of the proposed development.</p> <p>Access from each tenancy to the waste room has been provided and it is considered to achieve convenient access.</p>
2.	There must be convenient access from each tenancy and/or larger waste producing area of the development to the waste/recycling storage room(s) or area(s). There must be step-free access between the point at which bins are collected/emptied and the waste/recycling storage room(s) or area(s).	<p>The waste and recycling storage areas are considered to be of adequate size. Council’s Waste Officer has reviewed the proposed arrangement and raised no objections.</p>
3.	Every development must include adequate waste/recycling storage area(s) to accommodate all relevant waste management processes and storage.	<p>There is no intended medical or hazardous waste likely to be generated by the development.</p>
4.	Special arrangements for storage, collection and disposal of medical and hazardous waste must be detailed in the Site Waste Minimisation and Management Plan (SWMMP)	<p>The waste and recycling storage areas are not visible from the public domain or to patrons.</p>
5.	Waste/recycling storage areas must not be visible from outside of the building or by patrons.	
2.12 On-site waste water and stormwater management		
Note: The following documents will be used by Council (without limitation) in assessing any development application:		

Volume 5 – Commercial and Community Uses		
Relevant Provisions		Comment
<ul style="list-style-type: none">Managing Urban Stormwater: Soils and Construction (Volume 1 – The Blue Book provides guidance during the construction of urban subdivisions and is available from Landcom. Volume 2 provides guidance for erosion and sediment control for a range of other activities)www.environment.nsw.gov.au/stormwater/publications.htmModel Code of Practice for erosion and sediment control (A resource guide for local Councils – Landcom)Managing urban stormwater: harvesting and reuse www.environment.nsw.gov.au/stormwater/publications.htmAustralian Runoff Quality www.ncwe.org.au/arg		
Objectives		
1.	To minimise the impacts of urban development on the environmental values of waterways, groundwater systems and bushland areas,	
Controls		
1.	On sites without reticulated sewer, provision shall be made for the disposal of treated effluent in a manner that minimises the risk to the natural environment and to human health.	The proposed development will be connected into the existing Bingara Gorge treatment plant which was recently acquired by Sydney Water. As such, appropriate conditions shall be imposed in the consent to ensure the relevant approvals are obtained in respect of connecting to the reticulated treatment plant.
2.	All stormwater management systems shall comply with Council's Design & Construction Specification.	
3.	For developments providing more than 1000m ² of new GFA, a detailed stormwater treatment assessment shall be provided detailing how the development will result in improved stormwater quality and will achieve the principals of Water Sensitive Urban Design.	Council's Development Engineering have reviewed the submitted documentation including the Civil Engineering Plans and Civil Engineering Report. No objection was raised subject to conditions being imposed in the consent.

1.3.4 Draft and/or Planning Agreements Entered or Offered to Enter into

The development must be undertaken in accordance with the terms and conditions of the Amended Voluntary Planning Agreement Bingara Gorge No. 1 made between Wollondilly Shire Council and Party pursuant to Section 7.4 of the Environmental Planning and Assessment Act, 1979, dated 25 June 2021.

Clause 10.3 of the VPA authorises Council to require monetary contributions for non-residential development that has a proposed cost of development of \$50,000 or more.

Council's Contributions Team have reviewed the proposed development and recommended a condition be imposed in the consent in accordance with the abovementioned VPA.

1.4 Impact of the Development

Heads of Consideration	Comment
Natural Environment	<p>The proposal is not expected to adversely impact the natural environment.</p> <p>The proposal includes the removal of trees on site which has been reviewed by Council's Environment Team who raised no objection subject to conditions of consent. Appropriate offset planting and landscaping are proposed.</p>
Built Environment	The proposal provides a positive contribution to the built environment through its massing at the corner of Pembroke Parade and Greenbridge Drive, providing a sense of arrival to the Village Centre.

	The proposed materials and finishes are in keeping with the desired character of the Village Centre with the use of metal structures, aluminium sheening, visual articulation and interest, and integrated brickwork and colourbond cladding.
Social Impacts	The proposed development will provide essential services and amenities to existing and future residents and enhance social connectivity amongst residence and visitors. The proposal will have a positive social impact by providing equitable access to a larger supermarket.
Economic Impacts	The development will contribute to the local economy by creating jobs during the construction phase of the development, and future jobs once the tenancies are occupied. Additionally, the development contributions will be used to provide services to the community.

1.5 Suitability of the Site

The proposal is permissible with consent pursuant to Wollondilly LEP 2011 and is considered to be consistent with the objectives of the MU1 Mixed Use zone. The site is suitable for the proposed development.

1.6 Submissions

In accordance with the Environmental Planning and Assessment Act 1979 (EP&A Act 1979), Environmental Planning and Assessment Regulation 2000, Wollondilly Development Control Plan 2016 (WDCP 2016) and Wollondilly Community Participation Plan 2020, the Development Application was publicly exhibited from 3 September 2024 to 3 October 2024.

Two (2) objecting submissions was received during the notification period in response to the proposed development.

Concern	Comment
Car park crossover on R2 zoned land (White Street)	Civil Engineering External Works Plans have been amended to remove encroachment. The works along White Street have been reviewed by Council's Development Engineer and the Local Traffic Committee which have accepted the proposal subject to conditions of consent.
Non-compliance with WDCP control of open space.	This has been addressed within this assessment under Volume 5 and complies with the ratio.
Active frontage to Pembroke Parade.	Activation of the western and northern elevations have been satisfactorily achieved by introducing additional glazing. Street trees and landscaping along Pembroke Pde will further improve the streetscape and soften the built form.
Essential Services – Sydney Water	<p>On 25 September 2024 Sydney Water advised: :</p> <p>Water Servicing</p> <ul style="list-style-type: none"> The development is within the Appin Water Supply Zone. The system has capacity to service this development. <p>Recycled Water Servicing</p> <ul style="list-style-type: none"> The proposed development is within the Wilton Recycled Water Supply Zone. The system has capacity to service this development. <p>Wastewater Servicing</p>

	<ul style="list-style-type: none"> The proposed development lies in the Wilton SCAMP and is part of the Bingara Gorge wastewater system. The system has capacity to service this development. <p>The estimated equivalent dwelling yield of the proposed shopping centre is to be offset from the agreed residential lot allocation of 904 lots for Metro Property Group.</p> <p>The details of the estimated equivalent dwelling calculation should be provided and reviewed by Sydney Water at the Section 73 application stage.</p> <p>A condition of consent is included in this regard.</p>
Water Tank adjoins land within a low-to a density residential zone and will result in adverse visual impacts.	A condition of consent is included to update the landscape plans to provide increased landscaping that will more effectively screen the water tank on the corner of White Street. Appropriate species that can attain a height of up to 3m must be shown on the plans to minimise unreasonable visual impacts.

1.7 The Public Interest

The proposed development is in the public interest as it is a permissible land use in the MU1 Mixed Use zone and is consistent with the objectives of the zone. It will deliver essential services to the local community and provide additional employment opportunities. The proposal is not considered to pose any adverse environmental, social or economic impact.

Financial Implications

This matter has no financial impact on Council's adopted budget or forward estimates.

Recommended Conditions of Consent

GENERAL CONDITIONS					
Condition					
1.	Approved Development				
	Development Consent is granted for a Commercial premises comprising rooftop car park, supermarket, three specialty retail shops, bottle shop, footpath and road works, outdoor dining, vehicle crossovers to Greenbridge Drive and White Street, signage, earthworks, vegetation removal and landscaping at Lot: 23 DP: 280028, 30 Pembroke Parade WILTON.				
	Condition reason: To ensure all parties are aware of the approved development description and development address.				
2.	Approved Plans and Supporting Documentation				
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.				
	Approved architectural plans				
	Drawing number	Revision number	Plan title	Drawn by	Date of plan
	13148_DA002	2	Site Analysis / Site Plan	Nettletontribe Pty Ltd	28.03.2025
	13148_DA003	2	Demolition Plan	Nettletontribe Pty Ltd	28.03.2025
	13148_DA011	2	GA-Lower Ground Floor Plan	Nettletontribe Pty Ltd	28.03.2025

	13148_DA012	2	GA-Upper Ground Floor Plan	Nettletontribe Pty Ltd	28.03.2025
	13148_DA013	2	GA-Roof Plan	Nettletontribe Pty Ltd	28.03.2025
	13148_DA014	2	White St – Detailed Plan 1 & Section	Nettletontribe Pty Ltd	28.03.2025
	13148_DA015	2	White St – Detailed Plan 2	Nettletontribe Pty Ltd	28.03.2025
	13148_DA021	2	Building Elevations (Northern & Southern – Sheet 1	Nettletontribe Pty Ltd	28.03.2025
	13148_DA022	2	Building Elevations (Eastern & Western) – Sheet 2	Nettletontribe Pty Ltd	28.03.2025
	13148_DA031	2	Building Sections – Sheet 1	Nettletontribe Pty Ltd	28.03.2025
	13148_DA051	2	Artist Perspective (Plaza from Greenbridge Drive)	Nettletontribe Pty Ltd	28.03.2025
	13148_DA052	2	Artist Perspective (Corner of Greenbridge Drive & White Street)	Nettletontribe Pty Ltd	28.03.2025
	13148_DA053	2	Artist Perspective (Corner of Greenbridge Drive & Pembroke Parade)	Nettletontribe Pty Ltd	28.03.2025
	13148_DA061	2	Signage Details – Sheet 1	Nettletontribe Pty Ltd	28.03.2025
	13148_DA081	2	Shadow Diagrams	Nettletontribe Pty Ltd	28.03.2025
	Landscape Plans				
	LPDA 25-14 (Sheet 01)	E	Site Plan	Conzept Landscape Architects	28.03.2025
	LPDA 25-14 (Sheet 02)	E	Landscape Plan - LG	Conzept Landscape Architects	28.03.2025
	LPDA 25-14 (Sheet 03)	E	Landscape Plan - UG	Conzept Landscape Architects	28.03.2025
	LPDA 25-14 (Sheet 04)	E	Planting Palette	Conzept Landscape Architects	28.03.2025
	LPDA 25-14 (Sheet 05)	E	Elevations	Conzept Landscape Architects	28.03.2025
	LPDA 25-14 (Sheet 06)	E	Sections & Details	Conzept Landscape Architects	28.03.2025
	LPDA 25-14 (Sheet 07)	E	Elevations	Conzept Landscape Architects	28.03.2025
	Approved documents				
	Document title		Version number	Prepared by	Date of documents
	External Lighting Impact Report		3	Marline Building Services Engineers	27/03/2025

	Traffic Impact Statement	06	The Transport Planning Partnership	2/04/2025
	Operational and Management Plan for Coles and Liquorland		Coles Group	August 2024
	Operational Noise Emission Assessment	2	Acoustic Dynamics	1 April 2025
	Design Statement: Sustainable Buildings Sepp	-	Nettletontribe Pty Ltd	6 August 2024
In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.				
<i>Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development</i>				
3.	Potential Neighbour Disturbance/ Neighbour Notification			
	Where any work associated with this consent has the potential to disturb neighbours through the generation of noise, dust, odour, vibration or through deliveries to the site the person with control over the works shall advise the occupants of all adjoining and potentially affected properties of the timing and duration of such works. The landowner has the ultimate responsibility for ensuring that anybody undertaking works under this development consent on their behalf is aware of this requirement and completes the task required by this condition.			
	<i>Condition Reason: To ensure neighbours are notified of potential disturbance activities.</i>			
4.	General Terms of Approval			
	<p>(1) <u>Subsidence Advisory NSW</u></p> <p>The development shall be constructed, completed and managed in accordance with and comply with the requirements of Subsidence Advisory NSW General Terms of Approval (GTAs), reference TBA24-02623 and dated 18 September 2024. The GTAs are replicated below:</p> <p>GENERAL</p> <p><u>Plans, Standards and Guidelines</u></p> <ol style="list-style-type: none"> These General Terms of Approval (GTAs) only apply to the development described in the plans and associated documentation relating to DA/2024/694/1 and provided to Subsidence Advisory NSW. Any amendments or subsequent modifications to the development renders these GTAs invalid. This approval expires 5 years after the date the approval was granted if building, engineering or construction work relating to the application has not physically commenced on the land. <p>POST CONSTRUCTION</p> <ol style="list-style-type: none"> <u>Certification of Works</u> Upon completion of construction, submit certification from a qualified builder or certifier that confirms construction is in accordance with the plans approved by Subsidence Advisory. 			
	<i>Condition reason: To ensure compliance with the Approval issued by the relevant external agencies.</i>			
5.	Endeavour Energy			
	The development shall be constructed, completed and managed in accordance with and comply with the requirements of Endeavour Energy's correspondence dated 5 September 2024.			
	<i>Condition reason: To ensure compliance with the Approval issued by the relevant external agencies.</i>			

6.	<p>APA Group</p> <ul style="list-style-type: none"> Buildings, structures, roadway, pavement, pipeline, cable, fence, on-site wastewater treatment (or irrigation area), or any other improvement on or under the land within the gas transmission pipeline easement must not be constructed without prior consent in writing from APA. No structure or vegetation will be permitted on the easement that prohibits maintenance of line of sight along the pipeline easement. Prior to the commencement of any works within the gas transmission pipeline easement, the proponent must seek a third party works authorisation from APA. Works within the gas transmission pipeline easement must comply with any conditions attached to a third party works approval. The design of any infrastructure services shall minimise encroachment on the gas pipeline easement. Any application for an APA permit for an easement crossing will be required to demonstrate that an alternative route, avoiding the easement, is not feasible. During construction, the boundary of the easement must be clearly delineated on site by temporary fencing (or other means as agreed by APA), and clearly marked as a hazardous work zone/ restricted area. <p><i>Condition reason: To ensure compliance with the Approval issued by the relevant external agencies</i></p>
7.	<p>NSW Police Service</p> <ul style="list-style-type: none"> Prior to the issue of an Occupation Certificate, doors into service rooms are to be approved Power Company locks and doors, which are to be kept locked at all times. Prior to the issue of an Occupation Certificate, doors and door frames to the building should be of solid construction. Doors should be fitted with locks that comply with Australian Standard – Mechanical Locksets for doors in buildings AS: 4145:1993 to restrict unauthorised access and to comply with the Building Code of Australia (fire regulations). Prior to the issue of an Occupation Certificate, closed-circuit television system (CCTV) cameras are to be installed in and around the building, and are to be installed by a suitably qualified and licensed security professional. <p>As the development may be exposed to Break, Enter and Steals, Stealing, Steal from Persons, Malicious Damage, and Steal from Motor Vehicle offences, CCTV which complies with the Australian Standard – Close Circuit Television System AS: 4806:2006 needs to be implemented to receive, hold and process data for the identification of people involved in anti-social or criminal behaviour. The system is obliged to conform with Federal, State or Territory Privacy and Surveillance Legislation.</p> <p>This system should consist of surveillance cameras strategically located in and around the development to provide maximum surveillance coverage of the area, particularly in areas which are difficult to supervise. This equipment needs to be checked and maintained on a regular basis.</p> <ul style="list-style-type: none"> Prior to the issue of an Occupation Certificate, lighting is to be designed to Australian and New Zealand Lighting Standards. AS1158.1 – Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels. Additionally, lighting layout for the outdoors are to be anti-vandal type lights which are a better option for both lighting and maintenance. Prior to the issue of an Occupation Certificate, graffiti resistant materials and ant-graffiti coating is to be utilised throughout the development.

	<ul style="list-style-type: none"> A graffiti management plan needs to be incorporated into the maintenance management plan for the development.
	<i>Condition reason: To ensure safety measures are in place</i>
8.	Waste Storage and Processing All waste shall be managed in accordance with the Waste Management Plans prepared by Foresight Environmental & other relevant impact assessments & management plans. <i>Condition reason: To ensure that waste is appropriately managed during all stages of the development.</i>
9.	Unexpected Finds Should any suspect materials (identified by unusual staining, odour, discoloration or inclusions such as building rubble, asbestos, ash material, etc) be encountered during any stage of works (including earthworks, site preparation or construction works, etc) such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment. In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately. <i>Condition reason: To ensure there is no unacceptable risk to human health or the environment.</i>
10.	Removal of Waste Materials Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines (2014) (refer to: www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm) Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request. <i>Condition reason: To comply with the NSW EPA Waste Classification Guidelines.</i>
11.	Acoustic Report Development shall take place in accordance with the submitted Acoustic Report titled 'Operational Noise Emission Assessment: Bingara Gorge – Retail Development: 30 Pembroke Parade Wilton NSW' prepared by Acoustic Dynamics, reference 5517R003.LB.250401 and dated 1 April 2025, except as modified by Council and/or any conditions of this consent. <i>Condition reason: To ensure no impacts on to sensitive receivers.</i>
12.	Outdoor Licensed Seating Areas The outdoor licensed seating areas must not be used later than 10:00pm on any day. Outdoor licensed seating area capacity at T1 shall not exceed more than 6 patrons at any one time, T2 shall not exceed more than 4 patrons at any one time, and T4 shall not exceed more than 6 patrons at any one time, in accordance with acoustic report. <i>Condition reason: To protect the amenity of the local area</i>
13.	Acoustic Compliance There shall be no more than 1 delivery truck or waste collection truck within any 15 minute period, in accordance with the acoustic report. <i>Condition reason: To protect the amenity of the local area</i>
14.	Delivery and Waste Collection Hours There shall be no delivery vehicles or waste collection vehicles (including grease trap servicing vehicles) between 10:00pm and 6:00am on Monday to Saturday, and between 10:00pm and 7:00am on Sundays and public holidays, in accordance with the acoustic report. <i>Condition reason: To protect the amenity of the local area</i>
15.	Use of Charcoal or Wood as Fuel for Cooking

	<p>The use of charcoal or wood as fuel for cooking is not permitted unless with the prior written approval of Council.</p> <p><i>Condition reason: To protect the amenity of the local area</i></p>
16.	<p>Rotary Auger Compactor</p> <p>The rotary auger compactor must not be used between 10:00pm and 6:00am on Monday to Saturday, and between 10:00pm and 7:00am on Sundays and public holidays, in accordance with the acoustic report. Use of the rotary auger compactor must not cause an environmental nuisance to nearby sensitive receivers.</p> <p><i>Condition reason: To protect the amenity of the local area</i></p>
17.	<p>Plan of Management</p> <p>The ongoing use of the premises shall take place in accordance with the Plan of Management and be updated and maintained accordingly, including but not limited to, a 24 hour contact number to be displayed or otherwise made available to neighbouring residents should there be any noise concerns, addressing grease trap emptying during delivery and waste collection hours, and to facilitate the departure of patrons in an orderly and quiet manner, except as modified by Council and/or any conditions of this consent.</p> <p><i>Condition reason: To protect the amenity of the local area.</i></p>
18.	<p>External Lighting</p> <p>All obtrusive lighting shall be directed away from sensitive receivers and shall be managed in accordance with the recommendations outlined in 'External Lighting Impact Report for Bingara Village: 30 Pembroke Parade, Bingara Gorge NSW 2571', Project No: MN12921, prepared by Marline Building Services Engineers and dated 27 March 2025. All external lighting shall comply with AS4282 : Control of Obtrusive Effects of Outdoor Lighting and shall not interfere with traffic safety or have adverse impacts on the amenity of surrounding properties.</p> <p><i>Condition reason: To protect the amenity of the local area</i></p>
19.	<p>POEO</p> <p>The use of the premises shall not give rise to water pollution, air pollution, noise pollution, offensive odour or land pollution as defined in the Protection of the Environment Operations Act, 1997.</p> <p><i>Condition reason: To ensure compliance with relevant legislation and guidelines</i></p>
20.	<p>Offensive Noise POEO Act</p> <p>The person(s) having the benefit of this consent is advised that Council reserves the right to restrict the days and hours of operation of specific activities if considered necessary to prevent the emission of an "offensive noise" as defined in the Protection of the Environment Operations Act, 1997.</p> <p>Offensive Noise means noise:</p> <ul style="list-style-type: none"> a) That by reason of its level, nature, character or quality or the time at which it is made, or any other circumstances: <ul style="list-style-type: none"> i. Is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or ii. Interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or b) That is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations. <p><i>Condition reason: To protect the amenity of the local area.</i></p>
21.	<p>Future Tenancy Use</p> <p>Details of food tenancies for T1, T2, T4 have not been provided at this stage. These shall be subject to further development approval and must comply with AS4674 and the Food Act 2003.</p> <p><i>Condition reason: To ensure compliance with relevant approvals.</i></p>

22.	<p>Design, Construction and Operation of Food and Drink Premises</p> <p>The premises shall be designed, constructed and operated in accordance with the Food Act 2003, Food Regulation 2015, Australia & New Zealand Food Standards Code and Australian Standard AS 4674, Design, construction and fit-out of food premises.</p> <p><i>Condition reason: To ensure compliance with relevant legislation and guidelines.</i></p>
23.	<p>Food Premises Requirements</p> <p>The food premises shall comply with the following requirements:</p> <p><u>Walls</u></p> <ul style="list-style-type: none"> a. The walls surrounding the food preparation areas (including kitchen, storage area/s, cool room, freezer room) shall be of solid construction. b. The walls in the food preparation area of the premises shall be: sealed to prevent the entry of dirt, dust and pests; unable to absorb grease, food particles or water; and able to be easily and effectively cleaned. Walls in food preparation areas shall be finished with one or a combination of the following materials: <ul style="list-style-type: none"> (i) Glazed tiles. (ii) Stainless or aluminium sheeting. (iii) Polyvinyl sheeting with welded seams. (iv) Laminated thermosetting plastic sheeting. (v) Similar impervious material adhered directly to the wall. <p><u>Floors</u></p> <ul style="list-style-type: none"> c. The flooring in the food preparation (including kitchen, storage area/s, cool room, freezer room) areas of the premises shall be designed and constructed so that they can be effectively cleaned; be unable to absorb grease, food particles or water; be laid so that there is no ponding of water; and to the extent that is practicable, be unable to provide harborage for pests. Floors in the food preparation areas shall be finished with one or a combination of the following materials: <ul style="list-style-type: none"> (i) Sealed quarry tiles or ceramic tiles. (ii) Stainless steel. (iii) Polyvinyl sheeting with welded seams. (iv) Laminated thermosetting plastic sheeting. (v) Epoxy resin. (vi) Steel trowel case hardened concrete. d. Coving of not less than 25mm in radius shall be provided to the intersections of floors with walls in the food preparation area. The coving shall be integral to the surface finish of both floor and wall in such a manner as to form a continuous uninterrupted surface. <p><u>Washing Facilities</u></p> <ul style="list-style-type: none"> e. All hand wash basins installed within the premises, including those inside the toilets, shall be supplied with warm running water delivered through a single outlet. f. Adequate, separate hand wash basins shall be installed inside the food preparation areas. They shall be located no further than 5m from any place where food handlers are handling open food. g. A liquid soap dispenser (that dispenses liquid soap) and a towel dispenser (that dispenses a single-use paper or cloth towel) shall be provided adjacent to or near each hand wash basin. <p><u>Fixtures, Fittings and Equipment</u></p> <ul style="list-style-type: none"> h. All fixtures, fittings and equipment shall be constructed so as to be capable of being easily and effectively cleaned. i. Service pipes, conduits and electrical wiring shall either be – <ul style="list-style-type: none"> (i) concealed in floors, plinths, walls or ceiling; or

	<p>(ii) fixed on brackets so as to provide at least 25mm clearance between the pipe and adjacent vertical surface and 100mm between the pipe or conduit and adjacent horizontal surfaces</p> <p><i>Condition reason: To ensure compliance with relevant legislation and guidelines.</i></p>
24.	<p>Engineering</p> <p>All civil works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specification. The requirements of the Design Specification must take preference over any stamped or endorsed plans issued with this consent.</p> <p><i>Condition reason: To ensure the development is designed and constructed with compliant infrastructure.</i></p>
25.	<p>Roads and Asset Authority</p> <p>In relation to public road design:</p> <p>(1) Public road and drainage upgrades or facilities within the public road reserve, as required by this consent, are subject to approval by the relevant Road Authority. Where the location, type and extent of works is amended or requested to be varied by the Road Authority it will be deemed to comply with the works as specified in this consent.</p> <p>(2) To ensure adequate vehicular and pedestrian access to the site, public road upgrade works shall be provided as generally shown on the conceptual engineering plans prepared by Henry & Hymas, Drawing Numbers 21W23_D2_EX000 (Rev 03), EX100 (Rev 06), EX101(Rev 04), EX102 (Rev 05), EX104(Rev 05), EX602 (Rev 04), EX604 (Rev 04), EX 660(Rev 05), EX661(Rev 04), EX156 (Rev 04), EX150 (Rev 04), EX111 (Rev 01), & EX 106 (Rev 6) Dated 27.03.2025, 21W23_D2_C101, C102, C250, BE01, Rev:3 dated 27.03.2025, and EX010 , EX650, EX651, EX601, EX155, EX154, Ex153, Ex152 & EX110 Rev 02 dated 12.08.2024, EX103 (Rev 07) dated 26.03.2025 & EX652 (Rev 04) dated 10,02,2025 and the conditions of this consent, this includes the following:</p> <p>(a) Adjustment of existing roundabout mountable annulus at the intersection of Pembroke parade and Greenbridge Drive.</p> <p>(b) Installation of "No Stopping" restriction on both sides of White Street, through the installation of R5-400 signage, between Pembroke Parade and Chislm Street.</p> <p>(c) Installation of TB and TB1 linemarking at the intersection of White Street and Pembroke Parade.</p> <p>(d) Installation of left -in -left -out vehicle crossover on Greenbridge Drive, this includes the installation of " Left Only" R2-14 signage.</p> <p>(e) Relocation of reverse "45⁰ angle parking" on Greenbridge Drive to replace 4 (four) parallel parking spaces on Greenbridge Drive, adjacent to the White Street intersection. Installation of " 45⁰ angle parking" R9-205n signage to support the relocated parking spaces.</p> <p>(f) Installation of a new roundabout at the intersection of White Street and Chisolm Street linemarkings and road signage, including new R1-3 signage, new TB linemarking and adjustment of refuge island linemarking on Chisolm Street in accordance with the attached plans 21W23_D2_EX103.</p> <p>(g) Installation of TfNSW Type 1 pedestrian fence on the north-eastern corner of the existing intersection of Pembroke Parade and Greenbridge Drive.</p> <p>(3) To ensure adequate pedestrian facilities and protections are provided for the development, the following amendments should be included:</p> <p>(h) The access driveway shall be constructed at grade for pedestrian movements on Greenridge Drive.</p> <p>(i) Remove redundant no stopping signs near the angle parking.</p> <p>(j) White St central median should be concrete not the pavers.</p> <p>(k) Remove TB ,TB1 and BB line at the intersection of White Street and Greenbridge Drive.</p> <p><i>Condition reason: To ensure the public infrastructure is capable of supporting the development.</i></p>
26.	<p>On Road parking access</p>

	On road public parking to be upgraded to include a pedestrian footpath on White Street connecting to the existing parallel parking spaces to the footpath in Greenbridge Drive.
	<i>Condition reason: Compensate parking loss on Greenbridge Drive.</i>
27.	Licensed seating area in Greenbridge Drive Road reserve.
	A separate approval is required for approval from Council's Manager Property and Commercial Team.
	<i>Condition reason: For minimise disturbance to the pedestrian movement in the road reserve.</i>
28.	General Compliance
	The beneficiary of this consent and their subcontractors must read, understand and follow all conditions within this consent and provide relevant inductions to all site personnel to ensure compliance with these conditions during all site works.
	<i>Condition reason: Subcontractors don't always read and follow consent conditions.</i>
29.	Erosion and Sediment Control
	Erosion and Sediment Control Plans, controls and maintenance must align with requirements from Managing Urban Stormwater: Soils and construction - Volume 1 Landcom 2004 or alternative document meeting or exceeding these standards.
	<i>Condition reason: Requirement to minimise water quality issues from works.</i>
30.	Erosion and Sediment Control
	Erosion and sediment control measures and devices are to be implemented in accordance with the approved Sediment and Erosion Control Plan prior to any construction activity on the site. Erosion and Sediment Controls must be continually maintained and updated in accordance with changing site conditions and works stages.
	<i>Condition reason: Requirement to minimise water quality issues from works.</i>
31.	Erosion and Sediment Control
	A stabilised vehicle access, wheel wash or other control measures shall be installed at all exit points from the site to prevent the deposition of sediments, soils, mud and other material onto the adjoining road network and maintained until final site stabilisation works are completed. Where sediments, soils, mud and other materials have been deposited on a road, cleaning and restoration of the road pavement and delineation shall be undertaken as soon as practicable.
	<i>Condition reason: Requirement to minimise water quality issues from works.</i>
32.	Erosion and Sediment Control
	Erosion and sediment control devices are to be inspected during and after rainfall events to check for maintenance requirements and ensure no negative water quality impacts or sediment leaving the works site.
	Any sediment or turbid water leaving the site is to be reported to Council within 48 hours of the event taking place.
	The Erosion and Sediment Control Incident Report is to consist of rainfall event details, estimated volume of sediment or turbid stormwater discharges from site, what attributed to the pollution incident, any remediation that was undertaken or planned and what measures will be implemented to prevent/minimise the occurrence in future.
	Reports are to be emailed to Council@wollondilly.nsw.gov.au with the subject heading containing: DA Number - Erosion and Sediment Control incident report - date - month - year
	<i>Condition reason: Requirement to minimise water quality issues from works.</i>
33.	Erosion and Sediment Control
	Any erosion and sediment control basins or significant amount of stormwater ponding on site in excavations must have water treated to 30ppm Total Suspended Solids prior to discharge off site. Any

	<p>discharge locations must be clearly marked on sediment and erosion control plans. Discharges must be supervised or set up in a manner to prevent sediment being discharged off site.</p> <p><i>Condition reason: Requirement to minimise water quality issues from works.</i></p>
34.	<p>Soil Management</p> <p>Topsoil is to be stripped and stored appropriately on site for reuse in landscaped areas for the final rehabilitation of the site. Topsoil is not to be mixed with any other material unless ameliorating the media to benefit landscaping and improve environmental outcomes. All areas subject to street tree planting are to be provided with a minimum of 600mm of quality site topsoil or planting media, all other landscaped areas are to be provided with a minimum of 300mm of quality site topsoil or planting media,</p> <p><i>Condition reason: Preservation of topsoil and site soil profiles.</i></p>
35.	<p>Landscaping</p> <p>The beneficiary of this consent must take all reasonable measures to source quality stock of the approved species, including pre ordering early in the development process to ensure availability.</p> <p>If the required plants are not available at the time of planting alternative species or container sizes may be approved by Council.</p> <p>A list of the suitable alternative species and sizes is to be provided to Council for consideration and approval prior to planting.</p> <p>Note – no substitute species are to be planted without Council's written approval.</p> <p><i>Condition reason: Ensure landscaping is undertaken appropriately including availability of stock.</i></p>
36.	<p>Landscaping Maintenance</p> <p>Landscape contractor must carry out maintenance for a minimum period of 2 years from the date of practical completion/defects liability period of landscape works to ensure the full establishment of trees and plants.</p> <p>There will be a final inspection meeting for handover prior to the 12 month period finishing to ensure the Landscape is to Council's requirements.</p> <p>Maintenance is to include but not be limited to watering, weeding, mowing, rubbish removal, staking and tying, fertilising, pest and disease control, replacement of dead trees, plants and turf, renovation, pruning, reinstatement of mulch and damaged tree pit and garden edging.</p> <p>This requirement applies to all planted areas including on public land.</p> <p><i>Condition reason: to specify ongoing maintenance and inspection requirements</i></p>
37.	<p>Watering</p> <p>Healthy, consistent and vigorous growth must be maintained through the appropriate watering of vegetation.</p> <p>Watering must be conducted with a mix of Seasol, or an equivalent soil conditioner and soil wetting agent using a watercart to hand apply water to the trees water well using a water breaker so as not to blow or wash the mulch away.</p> <p>Large landscaped areas with a sprinkler set-up may be used ensuring adequate water infiltration to all garden areas is achieved.</p> <p>The water application rate and volume must ensure soil infiltration with a depth of 150mm over the specified area. Watering must also occur after mulching.</p> <p>Watering frequency:</p> <ul style="list-style-type: none"> Water trees on arrival - Water trees immediately after unloading at the rate of 50% of the rootball volume. (e.g. 100L for 200L trees, 250L for 500L trees.) If trees are not planted straight away, water – very slowly, to ensure it penetrates - at the rate of 25% of rootball volume daily until planted.

- Water trees immediately after planting - As soon as trees have been planted, water in at the rate of 50% of rootball volume to ensure the rootball is fully 'wetted-up' example- if 100lt trees are planted each tree is required to receive 50lt of water directly to the rootball and planting area to moisten rootball, soil and settle planted area.

Irrigate in accordance with the Watering Frequency Table at the rate of 50% of rootball volume to ensure the rootball is fully 'wetted-up'.

Any soil conditioners must comply with AS4454:2018 (Composts, Soil Conditioners and Mulches)

	1st month	2nd and 3rd month	Balance of maintenance period
Sep- Feb	4 x per week (e.g. Mon/Wed/Fri/Sat)	3 x per week (e.g. Mon/Wed/Fri)	2 x per week (e.g. Mon/Thu)
Mar-May	3 x per week (e.g. Mon/Wed/Fri)	2 x per week (e.g. Mon/Thu)	1 x per week
Jun-Aug	2 x per week (e.g. Mon/Thu)	1 x per week	1 x per fortnight

NOTES

- Delete watering if rainfall in the 48 hours prior to the scheduled watering exceeds 50mm.
- Less water may be required for drought tolerant species or more water for species with high water demands. Similarly, rainfall and soil/site drainage may result in lesser or higher water demands.
- It is the responsibility of the landscape contractor and developer to monitor the irrigation regularly and adjust as required – especially in heavy clay soils where poor drainage can pose a major problem.
- Watering frequency and volumes are to be adjusted in accordance with notes b) and c) above.
- Over or underwatering may result in the rejection of trees if their health, vigor and vitality are compromised.

Street tree watering must not be done using water cart truck by spraying water out from nozzle on truck, watering is to be undertaken using a hose and water breaker to fill the planting pit water well allowing for adequate water infiltration rates as defined by watering rate table in maintenance requirements condition.

Condition reason: To ensure effective establishment and adequate growth of street trees and other landscaping

38.

Mulch

Mulch is to be installed and maintained to a depth of 75-100mm, and ensure the mulch is not piled up against the tree trunk or come in contact with tree or plant stems.

Mulch is type is to be aged Eucalyptus leaf mulch or other approved mulch by Council.

Mulched tree pits and beds to be kept free of weeds and grass encroachment.

No pebble, rocks, weed mat or other mulch types are to be used without Council approval.

Mulch is not to be piled up around base of tree trunks and must be pulled back 50mm from trunk base.

Any soil conditioners must comply with AS4454:2018 (Composts, Soil Conditioners and Mulches)

Mulch shall be: 15mm - 40mm Forest Blend or an 100% recycled wood waste, with a particle size of 15mm to 40mm with no fines and good air filled porosity. It should have an organic matter (%) of 98 - 100 with a bulk density (kg/l) < 0.35. It should have the following chemical analysis: pH 5.0 - 6.0, EC (dS/m) < 0.35, Total nitrogen < 0,3, Calcium (%) < 2.0, Magnesium < 0.5

	<i>Condition reason: To ensure effective establishment and adequate growth of street trees and other landscaping</i>
39.	Soil Requirements <p>All imported planting soil must comply with the requirements of 4419:2018 'Soil for Landscaping and Garden Use'.</p> <ul style="list-style-type: none"> - All planted soil must be free of material, rubbish, debris, weeds and substances that are potentially harmful to the surrounding organisms and must be declared as contaminated if found unacceptable to use. - All planting soil is to be consolidated, but not compact. They must have a particle size greater than the subsoil. - Topsoil must be free from organic, unwanted matter like stones, clay clumps, weeds, roots, sticks, rubbish, contaminated and harmful material, debris, etc. Site Topsoil must also be stockpiled and protected from erosion for later re-use. (Reinstate soil to finished design levels following any erosion or subsidence.) - Subsoil and soil layers must be separated for later re-use in appropriate soil profile layers. - Soil structure must be suitable for vegetative rehabilitation and must not be compacted. Planting Mix shall consist of a homogenous blend of: 50% approved site topsoil or imported topsoil 30% compost (Certified to AS4454. Composted garden organics screened to a fine texture - Go Compost Premium as available from Soilco or similar product). 20% D/W sand Ensure pH 6.5 - 7. <p><i>Condition reason: to ensure an appropriate growing environment</i></p>
40.	Fertiliser <p>Slow release fertiliser (low phosphorus native suitable type to be applied for native trees) is to be applied to the top of the soil prior to mulching when planting trees, shrubs and groundcovers ensuring that it does not sit around the trunk or stem.</p> <p>Fertiliser shall be obtained from a specialist manufacturer and must be applied strictly in accordance with the manufacturer's specifications.</p> <p><i>Condition reason: To assist with the healthy and vigorous establishment of trees and landscape plants.</i></p>
41.	Turf Areas <p>Maintain turf through approved horticultural practices such as, but not limited to, watering, weeding, aerating, fertilising (Only with appropriate and accepted fertiliser in accordance to manufacturer's recommendations), spraying for broadleaf weeds appropriately. Be sure to mow grass and turf to maintain health (Mowing height should be 30-50mm).</p> <ul style="list-style-type: none"> - Turf must be sources from a specialist grower. It must be true to the species, with even thickness with roots intact, free from weeds, pests, diseases and other hazardous material. - Lay turf within 6 hours of delivery to site. Lay stretcher bond configuration with ends, and sides close, and joints staggered. Water immediately after laying (See Watering Requirements). - Apply top dressing mix in 5mm depth, and lightly roll in. <p><i>Condition reason: ensure the successful establishment of turf.</i></p>
42.	Tree Planting pit/hole specifications <p>All trees planted as part of landscaping works are to be planted considering the following methodology as a minimum standard:</p> <ul style="list-style-type: none"> • Planting pits/holes are to be twice as wide as the tree root ball • Planting pits/holes may be deeper to aid in drainage in heavy clay soils but must be backfilled with high quality site topsoil or a friable soil blend or friable native mix certified to Australian Standard AS 4419:2003 Soils for landscaping and garden use to ensure trees are planted no deeper than the original finished container level • Trees may be planted slightly higher than finished soil level but no greater than 80mm above finished level • Finished soil level in planting pits is to form a 100mm well to the edge of the root ball to assist with watering • Planting pits/holes must not be drilled using auger

	<ul style="list-style-type: none"> Planting pits/holes must not have smooth walls that create a “ground pot” to stop tree roots from girdling in planting pit/hole. Walls need to be rough with uneven/broken edges to allow tree roots follow and enter natural ground
	<i>Condition reason: for best establishment of tree root systems to ensure trees grow well and are stable when established</i>
43.	Street and Park tree staking
	<p>All trees must be staked with a minimum of two stakes, these can be either hardwood, steel posts or recycled plastic. The following points outline acceptable staking methodology:</p> <ul style="list-style-type: none"> Stakes are to be driven into solid ground and not through the root ball of the tree Hessian roll or another similar strap material that will not damage trunk is to be used to secure tree to protect from strong winds Hessian straps or other ties are not to be tight to hold the tree straight and must be loose enough to allow movement but maintain support in strong winds Trees must not to be stem staked All existing original stakes, ties and clips located on the tree from the supplier must be removed at time of planting
	<i>Condition reason: for allowing trees to maintain and develop adequate trunk taper</i>

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE	
Condition	
44.	Require surrender of consent
	The person having benefit of Development Consent No. DA/2022/670/1, for Commercial premises comprising of rooftop carparking, a supermarket, 13 speciality stores, tree removal, signage zones and associated landscaping dated 23 June, 2023 shall surrender that consent in accordance with Clause 67 of the Environmental Planning and Assessment Regulation, 2021, prior to the issue of any Construction Certificate for Development Consent No. DA/2024/694/1.
	<i>Condition reason: To ensure all parties are aware of the approved development on the site.</i>
45.	Acoustic report prior to Construction Certificate
	Prior to the issue of the relevant Construction Certificate the person having the benefit of this development consent shall submit a report to the Principal Certifying Authority from a suitably qualified and practicing acoustic engineer demonstrating that the noise levels from all plant and mechanical equipment will not exceed the recommended noise levels as outlined in the acoustic report.
	<i>Condition reason: To protect the amenity of the local area</i>

46.	<p>Design Amendments to Approved Plans</p> <p>Before the issue of the relevant construction certificate, the certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents.</p> <ul style="list-style-type: none"> • Update the architectural plans to include a security gate to the loading dock entrance along the White Street. • Update the landscape plans to provide vegetation adjacent to the loading dock entrance on White Street. • Update the landscape plans to provide increased landscaping that will more effectively screen the water tank on the corner of White Street. Appropriate species that can attain a height of up to 3m must be shown on the plans. • Remove the following notation from all architectural plans: "SOLAR PANELS INSTALLATION TO BE DEFERRED". • Include specifications of the ~300kW photovoltaic system as detailed in the Nettleton Tribe <i>Design Statement: Sustainable Buildings Statement</i> dated 6 August 2024. <p><i>Condition reasons: To improve security and surveillance in accordance with Crime Prevention Through Environmental Design principles, protect the amenity of the area and improve the streetscape. To ensure the development complies with the approved plans and referenced documents.</i></p>
47.	<p>Access for People with Disabilities</p> <p>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.</p> <p>Prior to the issue of the relevant Construction Certificate, the plans shall demonstrate compliance.</p> <p>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.</p> <p><i>Condition reason: To inform of relevant access requirements for persons with a disability</i></p>
48.	<p>Application for a Construction Certificate (Building Works)</p> <p>The applicant shall apply to Council or a Registered Certifier for the relevant Construction Certificate to carry out the relevant building works in accordance with this consent. The details to be included in the application for the relevant Construction Certificate are:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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; d) Final report - demonstrate compliance with the NCC Performance Requirements agreed in the PBDB; and

	<p>A statement about the person who prepared the performance solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body.</p> <p><i>Condition reason: A requirement under the provisions of the Environmental Planning and Assessment Act 1979.</i></p>
49.	<p>Sydney Water Tap In / Building Plan Approval</p> <p>Before the issue of the relevant construction certificate, approval obtained via Sydney Water via 'Tap inTM' (www.sydneywater.com.au) or a Sydney Water - Water Service Co-Ordinator shall be submitted to the Principal Certifier.</p> <p><i>Condition Reason: To ensure that the Sydney Water infrastructure is not damaged or impacted by the development.</i></p>
50.	<p>Stormwater Design</p> <p>Before the issue of a construction certificate, the nominated certifier must ensure the construction certificate plans and specifications detail the following required amendments, being:</p> <p>To ensure the adequate management of stormwater, to minimise environmental harm:</p> <ul style="list-style-type: none"> (a) runoff must be appropriately managed so as to control nuisance, damage and hazard during storm events; (b) there must be no adverse impact on the flooding potential on adjoining properties; (c) runoff must not be redirected or disrupted through the property without adequate drainage measures being installed. <p>A drainage system shall be provided that ensures appropriate management of stormwater on all newly constructed impervious surfaces such as roads, car parking and roof areas. A drainage system shall be provided to collect and convey runoff from storms up to the 5% AEP to a point suitable for integration with the natural or constructed stormwater drainage system. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.</p> <p>A piped drainage system must be provided to manage stormwater at the development as shown on the conceptual engineering plans prepared by Henry & Hymas, Drawing Numbers 21W23_D2_C000,C200, C201, SE01,BE02 & BE03 Rev:2 and SE02 Rev:1 Dated 12.08.2024, 21W23_D2_C101, C102, C250, BE01, Rev:3 dated 26.03.2025 and the conditions of this consent.</p> <p><i>Condition reason: To ensure stormwater is disposed in accordance with Section D5 of the Wollondilly Shire Council design specification and the requirements of the Road Authority.</i></p>

51.	<p data-bbox="220 192 600 226">Carparking and Access Design</p> <p data-bbox="220 241 1386 304">Before the issue of the relevant construction certificate, the nominated certifier must ensure the construction certificate plans and specifications detail the following required amendments, being:</p> <p data-bbox="220 322 464 353"><u>Access and Parking</u></p> <ul data-bbox="220 371 1484 925" style="list-style-type: none"> • The development is to provide a minimum 159 parking spaces and access thereto. Such spaces are to be constructed and marked to User Class 3A in accordance with Australian Standards. • The development is to allocate a minimum of; <ul data-bbox="268 465 1484 645" style="list-style-type: none"> (a) Four (4) of the required car parking spaces for people with mobility impairment, to User Class 4 at ground floor and 1st floor. (b) three (3) of the required for motor cycles at ground floor and 1st floor., and; (c) four (4) of the required car parking spaces for click and collect at ground floor. • The development is to allocate a minimum of two (2) of the required parking spaces for electric vehicles. These spaces shall be provided generally with Austroads Guidelines and shall be appropriately signposted and marked on the pavement. • Wheel stops shall be provided for each parking space where required by AS2890.1. • Pavement markings must be provided within the carparking and internal access road to ensure vehicular movements are circulated generally in accordance with the approved plans. <p data-bbox="220 972 724 1003"><u>Transport, Bicycle and Pedestrian Access</u></p> <ul data-bbox="220 1070 1484 1800" style="list-style-type: none"> • To ensure the provision of adequate bicycle access and facilities: <ul data-bbox="252 1149 1484 1413" style="list-style-type: none"> (a) bicycle parking shall be installed in accordance with AS2893. (b) bicycle parking is to be provided for both visitors and employees within the development; (c) employees must be provided with adequate end of trip facilities such as change rooms showers and toilets; (d) bicycle racks or equivalent sealed cycle storage area and access thereto shall be provided for a minimum capacity of forty-eight (48) bicycles; (e) unsignalized road crossings shall be designed in accordance with the relevant Austroads and Transport for New South Wales guidelines. • To ensure the adequate provision of pedestrian access and facilities: <ul data-bbox="252 1541 1484 1800" style="list-style-type: none"> (a) footpath surface and grades shall comply with the relevant sections of AS1428 for Access and Mobility; (b) designated or shared use paths shall be provided from the adjoining roads to the shopping complex to ensure safe access through adjoining carparks and access roads. (c) pedestrian lighting within the development shall be provided to satisfy the requirements of Australian Standard AS1158.3. (d) designated footpaths must be constructed with a minimum width of 1.5 metres to allow for appropriate two-way movement of prams, shopping trolleys, wheel chairs and the like. <p data-bbox="220 1854 847 1886"><i>Condition reason: To ensure compliant carparking design.</i></p>
52.	Road Design Approval

	Before the issue of the relevant construction certificate, a Design Approval must be obtained from Wollondilly Shire Council for the road upgrade works as specified in this consent. The nominated certifier must ensure the construction certificate plans and specifications match the design levels and details as shown in the road design approval.				
	<i>Condition reason: To ensure road and development designs are compatible.</i>				
53.	Environmental Controls – Erosion and Sediment Control Plan Before the issue the relevant Construction Certificate, the nominated certifier must ensure the construction certificate plans and specifications include a site specific Erosion and Sediment Control Plan to the satisfaction of the certifier, prepared in accordance with: <ul style="list-style-type: none"> (a) Council's relevant Design and Construction Specifications, (b) the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time). 				
	<i>Condition reason: To ensure the works can be undertaken with appropriate environmental protections.</i>				
54.	Stormwater Management - Acceptance of upslope overland flows Before the issue the relevant Construction Certificate, the nominated certifier must ensure the construction certificate plans and specifications include detailed design of measures to ensure stormwater flows from adjoining properties are be accepted, contained and directed to the proposed stormwater management system on site. Finished ground/surface levels (including structures such as kerbs, walls etc.) shall be no higher than the existing upslope adjacent ground levels. Fences provided along the upslope boundaries shall include a suitable and continuous gap under the fence to allow for surface runoff. Overflow paths shall be maintained to cater for flows in excess of the capacity of the underground stormwater system.				
	<i>Condition reason: To require the development to manage stormwater flows.</i>				
55.	Local Planning Agreement This condition has been imposed to ensure the adequate provision of public facilities required as a result of the development. Payment of a contribution for commercial premises in accordance with Clause 10.3 of Amended Voluntary Planning Agreement Bingara Gorge No.1 prior to the release of the Construction Certificate . This has been calculated in the following manner: 1% of the proposed cost of carrying out the Non-Residential Development (\$32,020,000) Public Purpose: <table border="1" data-bbox="220 1451 1481 1550"> <tr> <td>Roads and Transport</td><td>\$320,200</td></tr> <tr> <td>TOTAL:</td><td>\$320,200</td></tr> </table>	Roads and Transport	\$320,200	TOTAL:	\$320,200
Roads and Transport	\$320,200				
TOTAL:	\$320,200				
	<i>Condition reason: to ensure the adequate provision of public facilities required as a result of the development.</i>				
56.	Housing and Productivity Contribution				

	<p>Before the issue of a construction certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.</p> <table border="1" data-bbox="220 286 1481 387"> <tr> <th>Housing and Productivity Contribution</th><th>Amount</th></tr> <tr> <td>Housing and Productivity Contribution (Base Component)</td><td>\$86,121.91</td></tr> <tr> <td>Total Housing and Productivity Contribution</td><td>\$86,121.91</td></tr> </table> <p>The HPC must be paid using the NSW Planning Portal.</p> <p>At the time of payment, the amount of HPC is to be adjusted in accordance with the <i>Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order)</i>.</p> <p>The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the <i>Environmental Planning and Assessment Act 1974</i> agrees.</p> <p>The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the <i>Environmental Planning and Assessment Act 1979</i> to the development, or the HPC Order exempts the development from the contribution.</p> <p>The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.</p> <p><i>Condition reason: To require contributions towards the provision of regional infrastructure.</i></p>	Housing and Productivity Contribution	Amount	Housing and Productivity Contribution (Base Component)	\$86,121.91	Total Housing and Productivity Contribution	\$86,121.91
Housing and Productivity Contribution	Amount						
Housing and Productivity Contribution (Base Component)	\$86,121.91						
Total Housing and Productivity Contribution	\$86,121.91						
57.	<p>Sediment and Erosion Control</p> <p>A staged Erosion and Sediment Control Plan is to be prepared and provided for Council approval prior to any site works commencing that covers construction stages to final vegetation and establishment. Erosion and Sediment Control Plans must be kept up to date to reflect changing site conditions or development impacts.</p> <p><i>Condition reason: Current soil and water management plan is not staged and requires changes/additions.</i></p>						
58.	<p>Landscaping Plan</p> <p>Landscaping Plan is to incorporate the following amendments and be provided to Council for approval prior to issue of a subdivision works certificate:</p> <ul style="list-style-type: none"> i) Swap French Lavender with <i>Doodia aspera</i> ii) Swap <i>Rhaphiolepis indica</i> with <i>Prostanthera rotundifolia</i>. iii) Swap <i>Viburnum odoratissimum</i> with <i>Melaleuca hypericifolia</i> iv) Swap <i>Nandina domestica</i> 'Gulf Stream' with <i>Phebalium squamulosum</i> <p><i>Condition reason: Doodia aspera is a hardy local fern that can handle shading from canopy. Phebalium squamulosum is a hardy small shrub that can handle some shading from canopy. lavender is short lived and prefers full sun. Rhaphiolepis indica can have weedy tendencies. Swapping for more appropriate local species suited to the planting conditions intended.</i></p>						
59.	<p>Waste Storage – Construction</p> <p>The following practices are to be implemented prior to construction works commencing:</p> <ul style="list-style-type: none"> a) a waste storage area (bins or bays) shall be provided to temporarily store demolition and construction waste at the work site prior to disposal; b) a garbage bin or receptacle shall be provided at the work site before works begin and shall be maintained until works are complete. This receptacle shall have a tight-fitting lid and be suitable for the reception of food scraps, papers, etc; c) the waste management system shall maximise waste diversion; d) any bin or bay containing light weight waste (e.g. polystyrene, paper or plastic) must be enclosed to prevent the material from escaping the enclosure; e) waste shall be collected onsite and transported to a licenced waste facility as per the approved Waste Management Plan; <p>waste shall not be burnt or buried on site, or on any other properties</p> <p><i>Condition reason: To ensure that wastes are correctly stored, disposed of and controlled at all times to prevent accidents and to maintain clean and tidy premises.</i></p>						

BEFORE BUILDING WORK COMMENCES	
Condition	
60.	Construction Certificate Required <p>Construction shall not commence on the site, including the placement of temporary buildings, site sheds, earthworks, site excavation, filling or other site preparation works (with the exception of site survey work), prior to the issue of a Construction Certificate by Council or a nominated Principle Certifier.</p> <p><i>Condition Reason: To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.</i></p>
61.	Waste Storage and Litter Management <p>All waste materials generated during construction works shall be managed in accordance with the Construction & Demolition Waste Management Plan. Copies of tipping dockets shall be retained and supplied to the Principal Certifying Authority. All waste materials shall be secured and maintained within designated waste storage areas at all times and shall not leave the site onto neighbouring properties, public roads, or into the stormwater system.</p> <p><i>Condition reason: To ensure the correct and lawful handling and disposal of waste during construction and to ensure that wastes are correctly stored and controlled at all times to prevent accidents and to maintain clean and tidy premises.</i></p>
62.	Waste Collection Vehicle Movements during construction works <p>During construction works, waste collection vehicles shall enter & exit the site in a forward direction, completing no more than a three-point turn while on site. Where this is not possible, traffic control shall be in place while the waste collection vehicle enters and exits the site.</p> <p><i>Condition reason: To ensure public safety during movements of waste collection vehicles.</i></p>
63.	Environmental Controls <p>Before commencing works, a Construction Environmental Management Plan must be prepared by suitably qualified professional outlining the site-specific management measures to be undertaken during Building Works to minimise environmental harm. The plan must include the following matters:</p> <ul style="list-style-type: none"> a) Provisions for public safety; b) Pedestrian and vehicular site access points and construction activity zones; c) Details of construction traffic management; d) Details of bulk earthworks to be carried out; e) Inclusion of approved Erosion and Sediment Control Plan; f) Details of Stockpile Management; g) Details of site Stabilisation; h) The location of site storage areas and sheds; i) The equipment used to carry out works; j) Hours of work; k) Contact details of Contractors and display of details to the public; l) The location of a garbage container with a tight-fitting lid; m) Dust, noise and vibration control measures; n) The location of temporary toilets; o) The protective measures for the preservation of trees on-site. <p>A copy of the construction site management plan must be provided to the nominated Principal Certifier and kept on-site at all times while work is being carried out.</p> <p><i>Condition reason: To ensure building works have adequate Environmental Controls.</i></p>
64.	Road Management – Traffic management and occupation

	<p>Before commencing works, where building activities are likely to cause disruption or inconvenience to traffic operation and function, including pedestrian traffic, a site-specific Road Management Permit must be obtained from Wollondilly Shire Council before commencing those activities.</p> <p>Activities requiring permits may include construction entrance, stop/slow traffic management, use of cranes, heavy vehicle access, hoarding etc.</p> <p><i>Condition reason: Condition reason: To ensure minimal disruption to public roads.</i></p>
65.	<p>Road Management - Roadworks</p> <p>Before commencing roadworks, where construction activities are to be undertaken within the road reserve as part of the development, a site-specific Road Management Permit must be obtained from Wollondilly Shire Council before commencing those activities. A permit can only be issued for roadworks after a Road Design Approval has been issued by Council.</p> <p><i>Condition reason: To ensure compliance with the provisions of the Roads Act.</i></p>
66.	<p>Toilet Facilities</p> <p>Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.</p> <p><i>Condition Reason: To ensure site management measures are implemented during the carrying out of site work.</i></p>
67.	<p>Fencing</p> <p>An appropriate fence preventing public access to the construction site shall be erected and maintained for the duration of works.</p> <p><i>Condition Reason: To ensure that the construction site is secured and contribute to public safety during works.</i></p>

DURING BUILDING WORK	
Condition	
68.	<p>Construction Hours</p> <p>Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.</p> <p><i>Condition Reason: To protect the amenity of the surrounding area.</i></p>
69.	<p>Site Management</p> <p>All materials and equipment must be stored wholly within the work site.</p> <p>Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.</p> <p><i>Condition Reason: To ensure site management measures are implemented during the carrying out of site work.</i></p>
70.	<p>Vehicle Movements</p> <p>All vehicles entering or leaving the site must have their loads covered, and before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.</p> <p><i>Condition reason: To promote safe entry and exit to the construction site.</i></p>
71.	<p>Waste management</p> <p>All waste management must be undertaken in accordance with the approved waste management plan.</p> <p><i>Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste.</i></p>

72.	Earthworks
	Any earthworks (including any structural support or other related structure for the purposes of the development): <ul style="list-style-type: none"> - 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 - Must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and - That is fill brought to the site—must contain only excavated natural materials (ENM) or virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, and - 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 July 2012 by Safe Work Australia.
	<i>Condition Reason: To ensure site management measures are implemented during the carrying out of site work.</i>
73.	Procedure for Critical Stage Inspections
	While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
	<i>Condition Reason: To require approval to proceed with building work following each critical stage inspection.</i>
74.	Excavated Areas
	Excavated area/s adjacent to the building shall be retained and drained to prevent the subsidence of the excavation and/or entry of surface water to the building.
	<i>Condition reason: To ensure all earthworks are adequately retained.</i>
75.	Road Management – Active Permits
	During building works, the person or entity having the benefit of this consent must ensure any road management permits required to undertake the works are maintained as active permits and works are conducted in accordance with the conditions of the permit.
	<i>Condition reason: To require works to be conducted with appropriate permissions and permits.</i>
76.	Public Road Protection
	During Building works, all vehicle access from the site is to be controlled so as to prevent the tracking or deposition of sediment, mud, dust and other loose material onto adjoining roadways.
	<i>Condition reason: To ensure the development works are undertaken in accordance with requirements of the Roads Act, 1993.</i>
77.	Public Road Protection
	During building works, construction amenities, site sheds, waste receptacles, stockpiles, site fences and other construction equipment must be kept clear of public roads and public land.
	<i>Condition reason: To protect and ensure public access is maintained during construction.</i>
78.	Environmental Controls – Overland flow management
	During building works, the person or entity having the benefit of this consent must ensure all works are appropriately managed or sequenced so as to control nuisance, damage and hazard from overland stormwater flows, to and from adjoining properties, during storm events.
	<i>Condition reason: To ensure building works are controlled to prevent stormwater damage to adjoining properties.</i>
79.	Environmental Controls
	During building works, the person having the benefit of this consent must ensure all construction activities are undertaken in accordance with the Construction Environmental Management Plan and approved Erosion and Sediment Control Plan.
	<i>Condition reason: To ensure erosion and sediment controls are adequately implemented onsite</i>

80.	External Colours and Finishes
	The development shall incorporate colours and finishes that are consistent with the approved plans and schedule.
	<i>Condition Reason: To ensure the development complies with the approved plans and referenced documents.</i>

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE	
Condition	
81.	Occupation Certificate
	<ul style="list-style-type: none"> The development shall not be occupied or used until an Occupation Certificate is issued by the Principal Certifier. Prior to the issue of any occupation certificate the ~300kW photovoltaic system must be installed to complement consumption of electricity from the grid.
	<i>Condition reason: To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 and to ensure the development complies with the approved plans and referenced documents.</i>
82.	Disturbed Areas
	The disturbed areas surrounding the building work shall be reinstated to the satisfaction of the Principal Certifier upon completion of the work.
	<i>Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.</i>
83.	Sydney Water - Section 73 Compliance Certificate
	<p>A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Our assessment will determine the availability of water and wastewater services, which may require extensions, adjustments, or connections to our mains. Make an early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before an Occupation or Subdivision Certificate is issued.</p> <p>Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.</p> <p>Go to the Sydney Water website or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.</p>
	<i>Condition reason: To demonstrate compliance with the external agencies.</i>
84.	Final Fire Safety Certificate
	<p>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.</p> <p>The Final Fire Safety Certificate shall be accompanied by installation certification for each essential fire safety measure / service from the licensed installer.</p>
	<i>Condition reason: To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.</i>
85.	Road and Asset Authority
	Before the issue of the relevant Occupation Certificate or any occupation of the development , the nominated Certifier must ensure that written evidence is provided from the relevant Road Authority (Wollondilly Shire Council) that all public roadwork, including upgrades and vehicle property entrance works associated with this development have been satisfactorily completed.
	<i>Condition reason: To ensure adequate infrastructure is provided to support the development.</i>

86.	Sydney Water Sewer Connection
	The development shall be connected to the reticulated Sydney Water sewerage system, prior to the release of the relevant Occupation Certificate.
	<i>Condition reason: to ensure the development is serviced by Sydney Water Sewer infrastructure.</i>
87.	Removal of Waste Upon Completion of Works in Accordance with Waste Management Plan
	All refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the Construction & Demolition Waste Management Plan; and written evidence of the waste removal must be provided to the satisfaction of the Principal Certifying Authority (e.g. tipping dockets, transport/receival records). The Principal Certifying Authority shall ensure that all works have been completed in accordance with the approved Waste Management Plan.
	<i>Condition reason: To ensure waste material is appropriately disposed or satisfactorily stored and to ensure the development is designed to provide best practice waste management during its operational life.</i>
88.	Inspection on Completion
	Upon completion of the work and prior to operation or use, the food premises must be inspected by Council's Environmental Health Officer to ensure compliance with relevant Food Safety Standards. Evidence of a satisfactory inspection result shall be provided to the Principal Certifying Authority prior to issue of the relevant Occupation Certificate.
	<i>Condition reason: To ensure premises are fitted out in accordance with relevant Legislation and Standards</i>
89.	Mechanical Exhaust Ventilation Compliance
	A Certificate of Compliance must be submitted to the Principal Certifying Authority for the kitchen exhaust ventilation systems of the food premises, prior to the issue of the relevant Occupation Certificate. The certificate must be issued by a suitably qualified person and verify that the kitchen exhaust system as installed, has been tested and complies with Australian Standard 1668 and the Building Code of Australia.
	<i>Condition reason: To protect amenity of the local area</i>
90.	Food Business Notification
	Before the issue of the relevant Occupation Certificate, Council must be notified of the food business in accordance with the NSW Food Act 2003 and the Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirement.
	<i>Condition reason: To enable council to ensure compliance with the consent when the business is operating</i>
91.	Acoustic Compliance
	Within three (3) months of the issue of the relevant Occupation Certificate for the development a Detailed Environmental Survey shall be carried out at the subject site to ensure that all recommendations within titled 'Operational Noise Emission Assessment: Bingara Gorge – Retail Development: 30 Pembroke Parade Wilton NSW' prepared by Acoustic Dynamics, reference 5517R003.LB.250401 and dated 1 April 2025, and any additional recommendations from the acoustic report assessing plant and mechanical equipment, can be complied with and provided to the Principal Certifying Authority. Any recommendations to reduce noise impacts identified in the Detailed Environmental Survey shall be implemented within six (6) months of the issue of the relevant Occupation Certificate.
	<i>Condition reason: To protect amenity of the local area</i>

OCCUPATION AND ONGOING USE	
Condition	
92.	<p>Hours of Operation</p> <p>During occupation and use, the approved hours of operation shall be conducted between the following hours:</p> <ul style="list-style-type: none"> • Supermarket tenancy: 6:00am to midnight (7 Days per week) • Other tenancies: 6:00am to midnight (7 Days per week) <p>During operation and use, waste collection (including grease trap servicing vehicles) and use of loading dock for deliveries are to occur between the hours of 6:00am to 10:00pm, Monday to Saturday and 7:00am to 10:00pm, Sundays and public holidays.</p> <p><i>Condition reason: To ensure the development and associated activities/operation are acceptable in terms of the amenity of the neighbourhood and the public interest whilst maintaining its functional operation.</i></p>
93.	<p>Annual Fire Safety Statement</p> <p>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.</p> <p><i>Condition reason: To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i></p>
94.	<p>Bin Delivery and Collection Points</p> <p>Prior to occupation, the applicant shall order bins for the premises as per the approved Waste Management Plan. The bin storage area shall be kept in a clean and hygienic state to prevent odour and to not attract vermin or other pests. Bins shall be serviced from the identified on-property collection locations and not from on kerbside. Waste collection vehicles shall enter & exit the site in a forward direction, completing no more than a three-point turn while on site.</p> <p><i>Condition reason: To ensure adequate waste storage space is available for the development and to prevent overfull bins and to reduce the health and safety risk to pedestrians and ensure bins do not detract from the aesthetic qualities of the area.</i></p>
95.	<p>Maintenance of Bin Storage Areas</p> <p>A caretaker shall be appointed to clean bins and the bin storage area and return bins to storage areas after collection. The bin storage area is to be kept free of obstacles and in a clean and hygienic state to prevent odour and to not attract vermin or other pests.</p> <p><i>Condition reason: To ensure the development is designed to provide best practice waste management during its operational life.</i></p>

96.	<p>Storage and Disposal of Hazardous Wastes and/or Waste Oil and By-Products</p> <p>Dangerous and hazardous goods shall be stored in accordance with SafeWork NSW or other legislative requirements. Any flammable or combustible liquids shall be stored in accordance with AS 1940 'The Storage and Handling of Flammable and Combustible Liquids'. Hazardous and/or industrial waste arising from the use of the premises shall be removed and/or transported in accordance with the requirements of the EPA and SafeWork NSW.</p> <p>All waste oils, grease and associated products shall be transferred to a waste disposal depot or recycling facility, approved for the reception of such materials by an appropriate liquid waste contractor. All waste disposal shall be in accordance with the EPA's waste tracking requirements under the Protection of the Environment Operations (Waste) Regulation 2014. Under the waste tracking requirements, all documentation relating to waste disposal shall be kept for 4 years. This documentation shall be made available at the request of Council.</p> <p><i>Condition reason: To ensure that the storage, handling and disposal of hazardous/and or industrial waste is carried out safely and lawfully and to ensure the removal, handling and disposal of waste oil and by-products is carried out safely and lawfully</i></p>
97.	<p>Access and Parking</p> <p>During ongoing use of the development, the person having the benefit of this consent must ensure all line marking, lighting, signage associated with the operation of the carpark(s) are maintained to an appropriate level of function and visibility and are functioning as per the design intent.</p> <p><i>Condition reason: To ensure the development provides for functional carparking facilities.</i></p>
98.	<p>Access and Parking</p> <p>During ongoing use of the development, the person having the benefit of this consent must ensure off-street carparking is made available to visitors and staff, as approved with the Construction Certificate, within the development lot at a rate of 159 parking spaces, with a minimum of four of those spaces maintained as an accessible space.</p> <p><i>Condition reason: To ensure minimal impact to adjacent public roads.</i></p>
99.	<p>Access for Service Vehicles</p> <p>During ongoing use of the development, the person having the benefit of this consent must ensure that the manoeuvring area in the carpark or service entry, as specified in the submitted development documentation, is made available for before accepting any delivery or service vehicles, such as waste collection vehicles. Service vehicles must be directed to enter and exit the site in a forward direction.</p> <p><i>Condition reason: To ensure minimal impact to adjacent public roads.</i></p>
100.	<p>Road Asset Authority</p> <p>A defects liability period of twelve (12) months will apply from the date of issue of the Certificate of Practical Completion for all public roadworks. A 10% maintenance bond, or a minimum of \$5,000, whichever is greater, is to be lodged in accordance with Council's Construction Specification for all work that is to become the property of Council.</p> <p><i>Condition reason: To ensure the development works are undertaken in accordance with the requirements of the Roads Act 1993.</i></p>

ADVICE	
Condition	
101.	<p>Roadworks permits</p> <p>No works are to commence within the adjoining road reserve until a Road Management Permit (issued under Section 138 of the Roads Act) has been issued by Wollondilly Shire Council or the relevant road authority. Issue of permits, approvals and inspections will be subject to Councils normal Fees and Charges. Council is required to inspect the works and receive copies of testing and works as executed document before issue of a Certificate of Practical Completion.</p> <p><i>Condition reason: To ensure the development works are undertaken in accordance with Council requirements.</i></p>
102.	<p>Stormwater Management</p> <p>Stormwater runoff from and through the property is to be appropriately managed works so as to control nuisance, damage and hazard events.</p> <p><i>Condition reason: To ensure stormwater is managed in accordance with the requirements of Council's Design Specification 2016, and Council's Water Sensitive Urban Design Guidelines, November 2020.</i></p>
103.	<p>Stormwater Management</p> <p>Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 10% AEP. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.</p> <p><i>Condition reason: To ensure stormwater is managed in accordance with the requirements of Council's Design Specification 2016, and Council's Water Sensitive Urban Design Guidelines, November 2020.</i></p>
104.	<p>Engineering</p> <p>At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.</p> <p><i>Condition reason: To ensure the development works are undertaken in accordance with requirements of the Roads Act, 1993.</i></p>
105.	<p>Engineering</p> <p>The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:</p> <p>Motor Vehicle Insurance (comprehensive or property damage) for all self-propelled plant, as well as valid registration or RMS permit (Including CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.</p> <p>Workers Compensation Insurance.</p> <p>Twenty Million Dollar Public Liability Insurance.</p> <p><i>Condition reason: To ensure the development works are undertaken in accordance with requirements of the Roads Act, 1993.</i></p>

PRESCRIBED CONDITIONS	
Division 2 Conditions of development consent—the Act, s 4.17(11) - Subdivision 1 Development generally	
Condition	
106.	Erection of Signs <ol style="list-style-type: none"> 1. This section applies to a development consent for development involving building work, subdivision work or demolition work. 2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out— <ol style="list-style-type: none"> i. showing the name, address and telephone number of the principal certifier for the work, and ii. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and iii. stating that unauthorised entry to the work site is prohibited. 3. The sign must be— <ol style="list-style-type: none"> i. maintained while the building work, subdivision work or demolition work is being carried out, and ii. removed when the work has been completed. 4. This section does not apply in relation to— <ol style="list-style-type: none"> i. 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 ii. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6. <p><i>Condition reason: Prescribed condition (Environmental Planning and Assessment Regulation 2021).</i></p>
107.	Shoring and Adequacy of Adjoining Property <ol style="list-style-type: none"> 1. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor. 2. It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense— <ol style="list-style-type: none"> i. protect and support the building, structure or work on adjoining land from possible damage from the excavation, and ii. if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation. 3. This section does not apply if— <ol style="list-style-type: none"> i. the person having the benefit of the development consent owns the adjoining land, or ii. the owner of the adjoining land gives written consent to the condition not applying. <p><i>Condition reason: Prescribed condition (Environmental Planning and Assessment Regulation 2021).</i></p>

ATTACHMENTS

Nil.