

4 July 2025

J Luff
32 RUSKIN ROWE AVALON BEACH 2107

**NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION
BY THE WINGECARRIBEE LOCAL PLANNING PANEL**

Pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*

APPLICATION NO:	24/0710
APPLICANT:	J Luff
OWNER:	OAKVIEW GROUP PTY LTD
PROPERTY DESCRIPTION:	Lot 34 DP 1026908
PROPERTY ADDRESS:	71-77 HODDLE STREET ROBERTSON NSW 2577
PROPOSED DEVELOPMENT:	Alterations and additions to existing buildings and woodworking premise
DETERMINATION:	Approval subject to conditions
CONSENT TO OPERATE FROM:	25 June 2025
CONSENT TO LAPSE ON:	25 June 2030

Rights of Appeal

Pursuant to Section 8.7 of the *Environmental Planning and Assessment Act 1979*, an applicant for development consent who is dissatisfied with the determination of the application by Council authority may appeal to the Court against the determination. Pursuant to Section 8.10, an appeal may be made only within 6 months after the date the decision appealed against is notified.

Review of Determination

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



Andre Vernez
Senior Development Assessment Planner

25 June 2025
Date of Determination



SCHEDULE 1 CONDITIONS OF DEVELOPMENT CONSENT

ADMINISTRATION CONDITIONS

1. Development Description

Development consent has been granted in accordance with this notice of determination for the purposes of Alterations and additions to existing buildings and woodworking premise.

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

2. Development in Accordance with Plans and Documents

The development shall be implemented in accordance with the approved plans and supporting documents set out in the following table except where modified by any conditions of development consent, particularly Condition 4.

Plan Title / Supporting Document	Reference / Version	Prepared By	Dated
Site Analysis Plan	Project No. 371 Drawing No. A1.0 (Revision B)	Studio G Design Pty Ltd	22/04/2024
Site Plan – Detailed	Project No. 371 Drawing No. A1.1 (Revision C)	Studio G Design Pty Ltd	26/06/2024
Overall Plan	Project No. 371 Drawing No. A1.2 (Revision B)	Studio G Design Pty Ltd	22/04/2024
Roof Plan	Project No. 371 Drawing No. A1.3 (Revision B)	Studio G Design Pty Ltd	22/04/2024
Area Plan, Seating Plan & Parking Plan	Project No. 371 Drawing No. A1.4 (Revision B)	Studio G Design Pty Ltd	22/04/2024
Landscape Plan	Project No. 371 Drawing No. A1.6 (Revision B)	Studio G Design Pty Ltd	22/04/2024
Demolition Plan	Project No. 371 Drawing No. A1.7 (Revision B)	Studio G Design Pty Ltd	22/04/2024
Floor Plan – Shed 1	Project No. 371 Drawing No. A2.0 (Revision B)	Studio G Design Pty Ltd	22/04/2024
Floor Plan – Shed 2 & 3	Project No. 371 Drawing No. A2.1 (Revision B)	Studio G Design Pty Ltd	22/04/2024
Floor Plan – Shop Front	Project No. 371 Drawing No. A2.2	Studio G Design Pty Ltd	22/04/2024

	(Revision B)		
Floor Plan – Shed 2 – Ex. Mezzanine & Office	Project No. 371 Drawing No. A2.3 (Revision B)	Studio G Design Pty Ltd	22/04/2024
Floor Plan – Food Venue & Amenities	Project No. 371 Drawing No. A2.4 (Revision C)	Studio G Design Pty Ltd	26/06/2024
Floor Plan – Shed 1 – Mezzanine	Project No. 371 Drawing No. A2.5 (Revision C)	Studio G Design Pty Ltd	26/06/2024
Elevations	Project No. 371 Drawing No. A3.0 & A3.1 (Revision B)	Studio G Design Pty Ltd	22/04/2024
Elevations & Finishes Schedule	Project No. 371 Drawing No. A3.2 (Revision C)	Studio G Design Pty Ltd	26/06/2024
Elevations & Door/Window/Skylight Schedules	Project No. 371 Drawing No. A3.3 (Revision B)	Studio G Design Pty Ltd	22/04/2024
Section A & Section J Notes	Project No. 371 Drawing No. A4.0 (Revision C)	Studio G Design Pty Ltd	26/06/2024
Section B.1 & B.2	Project No. 371 Drawing No. A4.1 (Revision B)	Studio G Design Pty Ltd	22/04/2024
Section C.1 & C.2	Project No. 371 Drawing No. A4.2 (Revision B)	Studio G Design Pty Ltd	22/04/2024
Section D & E	Project No. 371 Drawing No. A4.3 (Revision B)	Studio G Design Pty Ltd	22/04/2024
Section F & G	Project No. 371 Drawing No. A4.4 (Revision B)	Studio G Design Pty Ltd	22/04/2024
External View & Finishes Schedule	Project No. 371 Drawing No. A6.0 (Revision B)	Studio G Design Pty Ltd	22/04/2024
Concept Stormwater Drainage Plan	Drawing No. P171273-DR-SW-001 (Revision 0)	Stellen Consulting	23/11/2023
Preliminary + Detailed Site Investigation + RAP	Reference No. 3534-ESA-01-C	Broadcrest Environmental Pty Ltd	16/10/2024

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

3. Inconsistency between documents

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

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

4. Part Approval

No consent is granted for any fit-out or use other than the proposed woodworking facility. Future use of each tenancy shall be the subject of a separate Development Application.

Reason: *To ensure that the development is undertaken in accordance with that approved by the consent authority.*

5. Concurrence – Water NSW

The Concurrence issued by Water NSW, Reference No: 24006-a1, dated 20 March 2024 are included as conditions of this consent and must be complied with.

Reason: *To ensure ongoing compliance.*

6. Concurrence – Transport for NSW

The Concurrence issued by Transport for NSW, Reference No: STH24/00053/001, dated 13 February 2024 are included as conditions of this consent and must be complied with.

Reason: *To ensure ongoing compliance.*

7. Erection of Signs

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

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

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

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

8. Compliance with Disability Discrimination Act 1992

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

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

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

9. Demolition Requirements

The existing structures shall be demolished in accordance with the requirements of AS2601-2001 "The Demolition of Structures".

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

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

Reason: *To comply with statutory requirements.*

10. Fire Safety Existing Building Upgrade

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

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

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

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

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

11. Notice of Commencement

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

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

Reason: *Statutory requirement.*

12. Fencing of the Construction Site

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

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

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

13. Hazardous Building Materials Assessment

Prior to the commencement of demolition works approved under this consent:

- (a) A Hazardous Building Materials Assessment (HBMA) Report for the structures to be demolished shall be prepared by an occupational hygienist to an accepted industry standard and in accordance with the requirements of SafeWork NSW and relevant guidelines; and
- (b) The HBMA Report shall be submitted to the satisfaction of Council.

Reason: *To protect the environment, WHS and environmental health.*

14. Construction and Demolition Environmental Management Plan (CDEMP)

- (a) Prior to the commencement of demolition works approved under this consent, a Construction and Demolition Environmental Management Plan (CDEMP) for the development shall be prepared by a suitably qualified environmental consultant and provided to the satisfaction of Council.
- (b) The CDEMP shall be prepared in accordance with the Department of Planning and Environment (2004) *Guideline for the Preparation of Environmental Management Plans* and include management strategies for the potential risks to on-site workers and visitors, off-site receptors, and the environment.
- (c) The environmental site management measures shall remain in place and be maintained throughout the demolition and construction works.
- (d) The CDEMP shall address all environmental aspects of the demolition and construction works and include where relevant, but not be limited to, the following:
 - (i) Unexpected Finds Protocol;
 - (ii) Site Soil and Water Management Plan;
 - (iii) Asbestos Management Plan;
 - (iv) Management Plan for hazardous materials identified in the HBMA Report;
 - (v) Project Contact Information;
 - (vi) Site Security Details;
 - (vii) Timing and Sequencing Information;
 - (viii) Site Soil and Water Management Plan;
 - (ix) Noise and Vibration Control Plan;
 - (x) Dust Control Plan;
 - (xi) Air Monitoring;
 - (xii) Odour Control Plan;
 - (xiii) Health and Safety Plan;
 - (xiv) Waste Management Plan; and
 - (xv) Incident Management Contingency.

- (e) The CDEMP shall be kept on site from the commencement and for the duration of the proposed works, and shall be readily available to Council officers upon request.

Reason: *To protect the environment, WHS and environmental health.*

15. Pre-demolition Inspection

Prior to the commencement of demolition works, Council will require the inspection of the site with the owner and demolition contractor present (fencing must be erected and the Construction and Demolition Environmental Management Plan (CDEMP) to be on site).

A minimum of twenty-four (24) hours' notice is required to be given to Council prior to this inspection.

Reason: *To protect the environment, WHS and environmental health.*

16. Utility Services

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

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

17. Erosion and Sediment Control

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

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

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

18. Application for a Construction Certificate (Building Works)

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

- (a) Architectural plans and building specifications complying with the National Construction Code (NCC) relevant Australian Standards, and the development consent and conditions.
- (b) If Council or a private Registered Certifier issues the Construction Certificate, engineering details must be submitted for approval for all structural elements.
- (c) Essential services plan outlining the existing and proposed fire safety

measures.

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

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

19. Long Service Levy Payments

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

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

Reason: *Statutory requirement.*

20. Post-demolition requirements

- (a) Prior to the issue of a Construction Certificate and within 14 days of the completion of demolition and removal of all demolition waste or, if applicable, by such later date as may be specified by Council's Environmental Health Officer, the applicant shall provide the following documents to the satisfaction of both the Principal Certifier (PC) and Council's Environmental Health Officer:
 - (i) an asbestos clearance certificate issued in accordance with the requirements of *Work Health and Safety Regulation 2017*;
 - (ii) a written statement signed by a duly qualified person verifying that the demolition work and removal, recycling and disposal of all waste materials was undertaken in accordance with the Waste Management Plan submitted with the development application;
 - (iii) all Transport Certificates (TCs) for the transport of all trackable demolition waste from the site to the receiving facility; and

- (iv) the actual weighbridge receipts for the recycling and disposal of all materials.
- (b) In the event that the applicant fails to provide the documents specified in the item 'a' to the satisfaction of Council's Environmental Health Officer, the applicant will be requested to provide further reports and/or documentation in order to demonstrate that the site was cleared of all asbestos-containing materials (ACM) and other hazardous materials, and all such materials were properly disposed of to a facility licensed to accept such waste. The applicant will be required to submit such further reports and/or documentation within the timeframe specified by Council's Environmental Health Officer.

Reason: *To ensure proper removal and disposal of all demolition waste including hazardous materials.*

21. Implementation of Remedial Action Plan

Prior to the issue of a Construction Certificate:

1. The site shall be remediated in accordance with the following:
 - a. The approved Preliminary + Detailed Site Investigation + RAP by Broadcrest Environmental Pty Ltd (Reference No. 3534-ESA-01-C, dated 16/10/2024) or an updated version of the RAP approved by an environmental consultant certified under either the Certified Environmental Practitioner – Site Contamination (CEnvP-SC) scheme or Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM);
 - b. State Environmental Planning Policy (Resilience and Hazards) 2021;
 - c. National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM), 1999 as amended in 2013);
 - d. Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019 (UPSS Regulation) – if applicable;
 - e. NSW EPA, *Technical Note: Investigation of Service Station Sites* (2014) – if applicable;
 - f. AS 4976-2008: The removal and disposal of underground petroleum storage tanks - if applicable; and
 - g. applicable NSW EPA contaminated land guidelines.
2. The applicant shall engage an appropriately qualified environmental consultant to supervise all aspects of site remediation and validation in accordance with the RAP.
3. Any reports relating to contamination shall be prepared, or reviewed and approved by an environmental consultant certified under either the Certified Environmental Practitioner – Site Contamination (CEnvP-SC) scheme or Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme. The front page of the report shall include the details of the consultant's certification.

4. Any new information which comes to light during the remediation works which has the potential to alter previous conclusions about site contamination shall be immediately notified in writing to Council by the environmental consultant.
5. Any variations to the RAP shall be prepared, or reviewed and approved by an environmental consultant certified under either the Certified Environmental Practitioner – Site Contamination (CEnvP-SC) scheme or Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme and submitted to the satisfaction of Council's Environmental Health Officer prior to the commencement of remedial works.
6. All contaminated site reports provided to Council shall exempt Council from any claim for copyright that may restrict Council's ability to provide information to the public in accordance with the *Government Information (Public Access) Act 2009*.
7. If the Duty to Report contamination to the NSW Environment Protection Authority under Section 60 of the *Contaminated Land Management Act 1997* is triggered, Council's Environmental Health Officer shall be notified within three (3) days of the notification to the NSW Environment Protection Authority.

Reason: *To protect the environment and environmental health.*

22. New Information/Unexpected Finds during Remediation Works

Prior to the issue of a Construction Certificate:

1. In the event that remediation works cause any signs of uncovering of previously unidentified contaminants, including but not limited to the detection of chemical odours, works shall immediately cease, Council's Environmental Health Officer shall be notified by the environmental consultant in writing within three (3) days, and the environmental consultant undertake an assessment of the potential contamination and works required to make the site safe for the environment and environmental health.
2. If the Duty to Report contamination to the NSW Environment Protection Authority under Section 60 of the *Contaminated Land Management Act 1997* is triggered, Council's Environmental Health Officer shall be notified within three (3) days of the notification to the NSW Environment Protection Authority.

Reason: *To protect the environment and environmental health.*

23. Waste Classification and Disposal of Contaminated Soil and Material(s), Solid and Liquid during Remediation Works

Prior to the issue of a Construction Certificate:

1. All soils and material(s), liquid and solid, to be removed from the site shall be analysed and classified by an appropriately qualified and experienced environmental consultant, in accordance with the Protection of the

Environment (Waste) Regulation 2014 and related guidelines, in particular NSW EPA Waste Classification Guidelines, prior to off-site disposal.

2. The waste classification report, including the results of testing, shall be written, or reviewed and approved by an environmental consultant certified under either the Certified Environmental Practitioner – Site Contamination (CEnvP-SC) scheme or Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme. The front page of the report shall include the details of the consultant's certification. A copy of the waste classification report shall be included in the Validation Report submitted to Council's Environmental Health Officer.
3. All waste material(s) shall be disposed of at an appropriately licensed waste facility for the specific waste. Receipts for the disposal of the waste shall be included in the Validation Report.
4. All waste shall be transported by a contractor licenced to transport the specific waste, and in vehicles capable of carting the waste without spillage, and meeting relevant requirements and standards. All loads shall be covered prior to vehicles leaving the site.
5. Waste tracking shall be undertaken in accordance with NSW EPA requirements.
6. All waste transport routes shall avoid, where possible, all sensitive land uses such as residential areas, schools, preschools, and avoid bus routes, particularly school bus pick up and drop off periods.
7. All waste reports provided to Council shall exempt Council from any claim for copyright that may restrict Council's ability to provide information to the public in accordance with the *Government Information (Public Access) Act 2009*.

Reason: *To protect the environment and environmental health.*

24. Imported Fill Materials during Remediation Works

Prior to the issue of a Construction Certificate:

1. All fill imported onto the site shall be certified to ensure it meets relevant classification. To ensure that fill material is suitable, only material classified as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) is permitted to be imported onsite.
2. Certificates proving that the material imported is ENM or VENM shall be included in the Validation Report.
3. Fill imported on to the site shall be compatible with the existing soil characteristic for site drainage purposes.

Reason: *To protect the environment and environmental health.*

25. Limitations on Type of Fill Material during Remediation Works

Prior to the issue of a Construction Certificate:

1. Fill material shall be limited to the following:
 - a. Virgin excavated natural material (VENM)
 - b. Excavated natural material (ENM) certified as such in accordance with the Protection of the Environment Operations (Waste) Regulation 2014.
 - c. Material subject to a Waste exemption under Clauses 91 and 92 Protection of the Environment Operations (Waste) Regulation 2014 and recognised by the NSW Environment Protection Authority as being “fit for purpose” with respect to the development subject of this application.
2. Any waste-derived material that is the subject of a resource recovery exemption received at the development site shall be accompanied by documentation as to the material's compliance with the exemption conditions and shall be included in the Validation Report.

Reason: *To protect the environment and environmental health.*

26. Reuse of Soils within the Site during Remediation Works

Prior to the issue of a Construction Certificate:

1. Any existing soils to be reused within the site shall be analysed and classified by an appropriately qualified and experienced environmental consultant, in accordance with relevant NSW Environment Protection Authority guidelines and National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended in 2013), to ensure that the soil is suitable for the development approved under this consent.
2. The results shall be included in the Validation Report.

Reason: *To protect the environment and environmental health.*

27. Validation Report

Prior to issue of a Construction Certificate:

1. The applicant shall submit a detailed Validation Report to the satisfaction of Council's Environmental Health Officer and Principal Certifier (PC).
2. The Validation Report shall be prepared in accordance with:
 - a. Relevant NSW EPA Guidelines, noting in particular the *Consultants Reporting on Contaminated Land – Contaminated Land Guidelines (2020)*; and
 - b. National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended in 2013).

3. The Validation Report shall be prepared, or reviewed and approved by an environmental consultant certified under either the Certified Environmental Practitioner – Site Contamination (CEnvP-SC) scheme or Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme. The front page of the report shall include the details of the consultant’s certification.
4. The Validation Report shall verify that the land is suitable for the development approved under this consent, and that the remediation and validation of the site has been undertaken in accordance with the Preliminary + Detailed Site Investigation + RAP by Broadcrest Environmental Pty Ltd (Reference No. 3534-ESA-01-C, dated 16/10/2024) or an updated version of the RAP approved by an environmental consultant certified under either the Certified Environmental Practitioner – Site Contamination (CEnvP-SC) scheme or Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM).
5. The contaminated site report(s) provided to Council shall be accompanied by a report summary, presenting (as a minimum) project background, scope, objectives, key issues, investigation findings, conclusions and recommendations.
6. If applicable, the Validation of the UPSS remediation must be undertaken in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019 (UPSS Regulation) and relevant NSW Environment Protection Authority guidelines, in particular the *Technical Note: Investigation of Service Station Sites* (2014).
7. All contaminated site reports provided to Council shall exempt Council from any claim for copyright that may restrict Council’s ability to provide information to the public in accordance with the *Government Information (Public Access) Act 2009*.
8. In the event that the Validation Report is found not to comply with the above Items 1-6, the applicant will be requested by Council’s Environmental Health Officer to provide a Site Audit Report and Site Audit Statement by a Site Auditor accredited under the NSW Environment Protection Authority site auditors scheme stating that the site is suitable for the land use approved under this consent.

Reason: *To protect the environment and environmental health.*

28. Waste Material(s) in Validation Report

Prior to issue of a Construction Certificate, details of material, liquid and solid, removed as part of the implementation of the RAP including volume, mass, waste classification, material tracking documents, locations stored and validation of any surfaces where the material was stored shall be included in the Validation Report submitted to Council’s Environmental Health Officer and the Principal Certifier (PC).

Reason: *To protect the environment and environmental health.*

29. Outdoor Lighting

Lighting is to be provided at pedestrian entry points and car parking areas. It must not be directed to shine or cause nuisance to neighbouring properties and must be installed in accordance with AS4282 "Control of the obtrusive effects of outdoor lighting".

Details must be provided with application for a Construction Certificate.

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

30. Appointment of Principal Certifier (PC)

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

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

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

31. Section 7.12 Contributions (formerly Section 94A)

Under section 7.12 of the *Environmental Planning and Assessment Act 1979* (as amended), Council has satisfactorily determined that Development Contributions are applicable to this development consent, as the development is likely to require the provision of or increase the demand for public amenities and public services within the Wingecarribee Local Government Area.

The following Wingecarribee Shire Council Developer Contributions Plan is applicable to the Development:

- Section 7.12 Contributions Plan

A Developer Charges - Notice of Payment is attached to the back of this consent and outlines monetary contributions and unit rates applicable at the time of issue of this consent. The contributions listed in the Notice of Payment must be paid prior to the release of the Construction Certificate.

All contributions are indexed quarterly in accordance with upward movements in the Producer Price Index (Tables 15. Output of the General Construction Industry, Index Numbers and Percentage Changes - Index Number; Non-residential Building Construction (3020) New South Wales) as published by the Australian Bureau of Statistics (www.abs.gov.au <<http://www.abs.gov.au>>); Section 25J(4) of the *Environmental Planning and Assessment Regulation 2000*; and Council's Developer Contributions Plans.

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

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

32. Developer to provide photos of damage to Council property

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

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

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

The construction supervisor is responsible to ensure that all contractors, sub-contractors, and delivery trucks use a designated access point to prevent damage to Council's property. Repairs to damaged Council property are to be carried out by the

contractor/builder to Council's specification and supervision prior to issue of any Occupation Certificate.

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

33. Access for People with Disabilities

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

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

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

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

34. Section 68 Local Government Act 1993 Approvals

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

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

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

35. Section 138 Roads Act 1993 Approval

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

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

- A copy of design plans related to the development and proposed works to be undertaken, including:
 - Proposed vehicular crossing in accordance with Councils standard drawings SD108 and SD123.
 - Details of removal and reinstatement of vehicular crossings to kerb and gutter, in accordance with Council's standard drawing SD102.

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

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

Reason: *Statutory requirement.*

36. Construction Management Plan

To undertake development works including demolition, earthworks and construction a Construction Management Plan (CMP) is required to be submitted and approved by the Principal Certifier (PC) prior to issue of the Construction Certificate. The CMP shall indicate measures to be implemented to protect the environment as well as public health, safety and convenience. The CMP must include the following:

- a) Details of site security;
- b) Off-street parking for employees, contractors and sub-contractors.
- c) Site access for construction vehicles and equipment purposes.
- d) Public safety in the use of roads and footpaths where development activities adjoin such facilities.
- e) The storage and removal, on a regular frequency, of builder's rubble and waste by trade waste contractors.
- f) Provision for loading and unloading materials;
- g) Location of all building materials, structures, plant and equipment to be stored or placed within the construction site;
- h) How materials are to be loaded/unloaded and potential impact on Council infrastructure (including but not limited to footpaths and street trees)
- i) Public risk policies and management for all contractors' employees using or gaining access over public footpaths and roads.

- j) External lighting and security alarms proposed for the construction site.
- k) Firefighting measures to be available on site during development and construction.
- l) Sanitary amenities proposed on site during development and construction.
- m) Ensuring the safety of members of the public and Council staff who may have occasion to enter and be in attendance on the site;
- n) Details of management of storm water run-off and the propose sediment and erosion control measures including the location of any rubble grids;
- o) Details of any air and dust management;
- p) Details of noise and vibration controls;
- q) Anticipated staging and duration of works
- r) Provision of Traffic Management Plan (TMP) and Traffic Control Plans (TCP)

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

37. Detailed Stormwater Drainage System Design

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

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

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

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

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

Reason: *To ensure adequate storm water management.*

38. Carpark Design - Site Servicing

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

- a) The site shall accommodate the turning movements of the largest service vehicle.
- b) Service vehicles shall manoeuvre into and out of the site in a forward direction
- c) The front overhang, and swept path made by the service vehicle shall not obstruct car park traffic or encroach onto parking spaces.
- d) The vehicle swept path shall be reflected on the engineering design plans.
- e) Loading and unloading of service vehicles shall be undertaken onsite with no intrusion onto the road system.
- f) The footpath crossing shall be splayed from the property boundary to the kerb line to accommodate the swept path made by the service vehicle.
- g) The surface of the car park shall be compacted gravel. The loading dock, associated turning area and disabled parking spaces are to be sealed.

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

39. Off Street Parking Provision

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

One (1) Loading Zone is to be provided as per the approved plans.

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

Reason: *To ensure adequate parking and access.*

40. Accessible Car Parking Spaces

Two (2) of the car parking spaces provided as part of the total requirement shall be reserved for disabled persons.

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

Details to demonstrate compliance shall be submitted to and approved by the Principal Certifier (PC) prior to the issue of the Construction Certificate.

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

41. Waste Management Plan

A Waste Management Plan shall be completed and submitted to the Principal Certifier (PC) for approval, prior to the issue of the Construction Certificate for the development.

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

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

42. Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan shall be prepared in accordance with "Landcom's Blue Book" for sedimentation and erosion control plan by a suitably qualified person, and approved by the Principal Certifier (PC) prior to issue of the Construction Certificate.

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

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

- m) Staging of works and how the plan is to be implemented for each stage or activity on site.
- n) Maintenance schedule.

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

43. Network Connection – Endeavour Energy

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

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

CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

44. Approved Plans to be available on site

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

Reason: *To ensure compliance with approved plans.*

45. Impact of Remediation Activities

Remediation works approved under this consent shall not cause any environmental harm outside of the area nominated for remediation in the approved Preliminary + Detailed Site Investigation + RAP by Broadcrest Environmental Pty Ltd (Reference No. 3534-ESA-01-C, dated 16/10/2024).

Note: *Environment means components of the earth, including:*

- a. *land, air and water, and*
- b. *any layer of the atmosphere, and*
- c. *any organic or inorganic matter and any living organism, and*
- d. *human-made or modified structures and areas.*

Reason: *To protect the environment and environmental health.*

46. Implementation of Construction and Demolition Environmental Management Plan (Contaminated Sites)

During the construction phase:

1. The Construction and Demolition Environmental Management Plan (CDEMP) shall be adhered to.
2. A suitably qualified environmental consultant shall be employed to supervise the implementation of the contaminated sites aspects of the development in accordance with the relevant parts of the approved CDEMP during the

construction phase. Details (including contact details) of the environmental consultant shall be provided to Council's Environmental Health Officer and the Principal Certifier (PC) before the commencement of construction phase works on site.

3. Any new information which comes to light during the construction works which has the potential to alter previous conclusions about site contamination must be immediately notified by the environmental consultant in writing to Council's Environmental Health Officer and the PC.
4. Any changes to the approved CDMP shall be approved by the environmental consultant and submitted to the satisfaction of Council's Environmental Health Officer and the PC prior to the implementation of the changes.
5. If the Duty to Report contamination to the NSW Environment Protection Authority under section 60 of the *Contaminated Land Management Act 1997* is triggered, Council must be notified within three (3) days of the notification to the NSW Environment Protection Authority.

Reason: *To protect the environment and environmental health.*

47. Imported 'Waste-derived' Fill Material

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

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

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

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

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

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

48. Earthworks, retaining walls and structural support

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

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

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

Reason: *Structural safety.*

49. Damage to Adjoining Properties

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

Reason: *Structural safety.*

50. Prevention of Nuisance

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

Reason: *Health and amenity.*

51. Building Operations

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

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

52. Maintenance of the site

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

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

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

During construction:

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

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

Reason: *Environmental amenity.*

53. Excavations and Backfilling

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

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

54. Approved hours of Construction/Demolition

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

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

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

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

55. Temporary Onsite Toilet

Toilet facilities shall be available or provided at the work site prior to the commencement of works and must be maintained until the works are completed at a

ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet shall:

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

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

56. Waste Management

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

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

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

57. Engineering Inspections by Council

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

- a) Works in relation to road reserves, footpath, kerb and gutter, road shoulder and drainage within public lands or road reserves.
- b) Final inspection of footpath, driveway, stormwater and utility construction works within the road reserve.

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

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

Reason: *Statutory requirement.*

58. Stormwater - Construction

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

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

59. Erosion and Sediment Control Plan Compliance

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

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

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

60. Construction Management Plan

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

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

Reason: *Compliance with condition of consent.*

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

61. Occupation Certificate

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

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

- All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and

- Any preconditions to the issue of the certificate required by a development consent have been met.

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

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

62. Section 68 Local Government Act Final

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

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

63. Construction of Water Service

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

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

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

64. Council Property

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

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

65. Final Fire Safety Certificate

Prior to the issue of any Occupation Certificate, a Final Fire Safety Certificate shall be submitted to the nominated Principal Certifier, to certify that all of the essential fire safety measures / services as listed in the approved Fire Safety Schedule have been satisfactorily installed. The Final Fire Safety Certificate shall be accompanied by installation certification for each essential fire safety measure / service from the licensed installer.

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

66. Building Upgrade Measures

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

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

67. Occupation Certificate

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

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

68. Section 138 Roads Act Final

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

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

69. Civil Engineering works and services

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

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

70. Vehicle Access (Urban)

Access to the site shall be provided by means of a vehicle crossing as per Standard Drawing No SD108 and approved by Council prior to the issue of the Occupation Certificate. A copy of the Standard Drawing can be obtained from Council's offices.

Reason: *To ensure that the driveway is constructed to Council's standard specification.*

71. Landscape Certification

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

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

72. Operational Plan of Management

Prior to the issue of an Occupation Certificate, the applicant shall prepare and submit to Council for approval an Operational Plan of Management which addresses all operational and management procedures for the development, to ensure that the wood working premise operates safely and without disturbance to the surrounding locality. Matters to be addressed include (but are not limited to):

- a) hours of operation;
- b) noise emissions generated by the use and mechanical plant to satisfy criteria set out in the EPA's Industrial Noise Policy 2000;
- c) management of deliveries, all loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties / units or the public way;
- d) management measures to control vehicle activity;
- e) the emergency management of the movement of people within and surrounding the site;
- f) waste collection and maintenance of the site;
- g) security management – lighting, CCTV etc;
- h) the necessary operational and maintenance requirements of all landscaped areas onsite. Such requirements must ensure that all landscaping is maintained in perpetuity; and

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

73. Identification Survey

An identification survey prepared by a Registered Land Surveyor shall be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate to demonstrate that all buildings and structures have been constructed entirely within the allotment boundary and in accordance with the approved plans.

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

74. Annual Fire Safety Statement

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

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

75. Operational Noise Levels

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

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

76. Noise Control

The use of the premises shall not give rise to the transmission of offensive noise to any place of different occupancy.

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

77. Management of Buildings

The use of the building must be conducted in accordance with the Operational Plan of Management per Condition 72 as approved by this Development Consent.

The Operational Plan of Management must be:

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

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

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

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

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

END OF CONDITIONS

Applicant Name: Joanne Luff
Applicant Address: 32 RUSKIN ROWE AVALON BEACH 2107

Development Contributions Tax Invoice

Development details

DA/CDC Number: 24/0710.01
Development Description: Alterations and additions to existing buildings for the purpose of a mixed use development comprising food and drink premises and woodworking information and education facility
Legal Description: Lot 34 DP 1026908
Property Address: 71-77 HODDLE STREET ROBERTSON NSW 2577

Development charges

Contributions type	Units	Rate	Amount Payable
Section 94A Plan	2859585.00	\$0.01	\$28,595.85
Total			\$28,595.85

The development contributions are valid to **28 Jul 2025**

Details regarding payment methods are provided on the following page.

We're with you

Payment methods



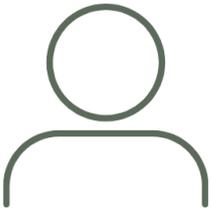
Over the phone (02 4868 0888)

Via credit or debit card with a 0.78% surcharge



Via mail (PO Box 141, Moss Vale NSW 2577)

Cheques payable to Wingecarribee Shire Council



In person at the Civic Centre Moss Vale (68 Elizabeth Street, Moss Vale NSW 2577)

Via cash, cheques payable to Wingecarribee Shire Council or via credit or debit card with a 1% surcharge

Notes:

1. All payments are subject to quarterly indexation of the Producer Price Index (PPI) and Consumer Price Index (CPI) as released by the Australian Bureau of Statistics (ABS).
2. This invoice is valid from date of issue to 3 business days prior to **31 Jul 2025** and payment can only be made during this time to allow for processing.
3. In the case that an invoice has expired, please email Strategic Outcomes at mail@wsc.nsw.gov.au to request a new invoice.

Jacob Hatch
Contributions Advisor

We're with you

20 March 2024

Water NSW Ref: 24006-a1
Your Ref: 24/0710

General Manager
Wingecarribee Shire Council
PO Box 141
MOSS VALE NSW 2577

Attention: Andre Vernez

Dear Andre

**Subject: Part 6.5 of SEPP (Biodiversity and Conservation) 2021
DA 24/0710; Lot 34 DP1026908; 71-77 Hoddle Street, Robertson**

I refer to NSW Planning Portal referral received 23 January 2024 requesting the concurrence under Part 6.5 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (the SEPP) for a proposal for alterations and additions to existing buildings to be used a food and drink premises and woodworking facility.

The subject property is located within the Warragamba catchment which form part of Sydney's water supply.

Water NSW considered the following documents in its assessment of the application:

- Statement of Environmental Effects prepared by Lee Environmental Planning (dated November 2023),
- Architectural Plans prepared by Studio G Design Pty Ltd (dated 16 November 2023),
- Survey Plan prepared by Australian Survey Solutions (dated 9 June 2022), and
- Flood Risk Assessment (dated 27 November 2023), Civil Engineering Plans - Driveway Design (dated 23 November 2023), Stormwater Management Plans and associated MUSIC stormwater quality modelling (dated 23 November 2023) all prepared by Stellen Consulting.

Water NSW has made minor revisions to the MUSIC model consistent with Water NSW's current recommended practices and it was still able to achieve a neutral or beneficial effect (NorBE) on water quality.

Based on the site inspection and information provided, Water NSW considers that the proposed development can achieve NorBE on water quality if appropriate conditions are included in any development consent and are subsequently implemented.

Water NSW concurs with Council granting consent to the application subject to the attached conditions.

Under section 6.64 (3) of the SEPP, Council must provide Water NSW with a copy of its determination of the application within 10 days of the determination.

If you wish to discuss this matter, please contact Jack Sharples at environmental.assessments@watnsw.com.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Juri Jung".

JURI JUNG
Catchment Protection Manager

Water NSW's Concurrence Conditions
DA 24/0710; Lot 34 DP1026908; 71-77 Hoddle Street, Robertson

General

1. The development layout and works shall be implemented in accordance with the plans and supporting documents set out in the following table.

Plan Title	Reference	Vers/ Issue	Prepared By	Dated
Stormwater Management Plan – Pipe Layout	Drg No. P171273-DR-SW-001	0	Stellen Consulting	23/11/2023
Stormwater Management Plan – Site Areas	Drg No. P171273-DR-SW-001	0		23/11/2023
Sediment and Erosion Control Plan	Drg No. SD-100	0		23/11/2023
Survey Plan	Ref No. 220417	A	Australian Survey Solutions	9 June 2022
Architectural Plans	Project No 371	A	Studio G Design Pty Ltd	16.11.2023
Flood Risk Assessment	P171273-LT-001-0	-	Stellen Consulting	27 November 2023
Supporting Documents				
Statement of Environmental Effects	-	-	Lee Environmental Planning	November 2023
Civil Engineering Plans – Driveway Design	Drg No CV-100 to CV-104	1	Stellen Consulting	23.11.2023

No revisions to site layout or works that will have any impact on water quality shall be permitted without the agreement of Water NSW.

Reason for Condition 1 - Water NSW has based its assessment under State Environmental Planning Policy (Biodiversity and Conservation) 2021 on this version of the development.

Stormwater Management

2. The stormwater drainage from the site shall be implemented as shown on the Pipe Layout Stormwater Drainage Plan set out in the table of Condition 1 and shall ensure all stormwater from the property is directed to existing or relocated drainage pits on-site and existing legal discharge point/s based on current stormwater management.
3. No variation to stormwater management that will have any impact on water quality shall be permitted without prior agreement of Water NSW.
4. A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and the Principal Certifier prior to the issuance of an Occupation Certificate that all stormwater management structures have been installed as per these conditions of consent and are in a functional state.

Reason for Conditions 2 to 4 - To ensure the associated stormwater quality control measures are appropriately managed and maintained to ensure an overall and sustainable neutral or beneficial impact on water quality over the longer term.

Construction Activities

5. The Sediment and Erosion Control Plan set out in table in Condition 1 shall be implemented, and no works shall commence until effective erosion and sediment controls have been installed. The controls shall be regularly inspected, maintained, and retained until works have been completed and ground surface stabilised or groundcover re-established.

Reason for Condition 5 - To manage adverse environmental and water quality impacts during the construction phase of the development and to minimise the risk of erosion, sedimentation and pollution within or from the site during this construction phase.

13 February 2024

TfNSW reference: STH24/00053/001
Your reference: DA24/0710 (CNR-64919)

Andre Vernez
Wingecarribee Shire Council
By Email: andre.vernez@wsc.nsw.gov.au
CC: mail@wsc.nsw.gov.au

Attention: Andre Vernez

DA24/0710 – Food & drink premises and woodworking facility – LOT: 34 DP: 1026908 – 71-77 Hoddle Street, ROBERTSON

Dear Andre

Transport for NSW (TfNSW) is responding to the DA24/0710 referred on 23 January 2024.

TfNSW has reviewed the information and has no objections to the proposed development provided the conditions in Attachment 1 are included in the development consent.

TfNSW notes that in determining the application under Part 4 of the *Environmental Planning & Assessment Act 1979* it is the consent authority's responsibility to consider the environmental impacts of any road works that are ancillary to the development (such as removal of trees, relocation of utilities, stormwater management, etc). Depending on the nature of the works, the Council may require the developer to submit a further environmental assessment for any ancillary road works.

On Council's determination of this matter, please forward a copy of the Notice of Determination to TfNSW. If you have any questions, please contact Josiah Poulter by emailing development.south@transport.nsw.gov.au.

Yours faithfully



Nathan Boscaro
Development Services Team Leader, Development Services

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DA24/0710 – Food & drink premises and woodworking facility – LOT: 34 DP: 1026908 – 71-77 Hoddle Street, ROBERTSON

Context

TfNSW notes for this DA:

- The key state road is Hoddle Street.
- The DA was submitted to TfNSW under section 2.122 (Traffic Generating) of the Transport and Infrastructure SEPP 2021.
- TfNSW concurrence under Section 138 of the Roads Act, 1993 is required for all works within the road reserve of Hoddle Street.
- The development proposes to make alterations and additions to the existing buildings in order to establish a woodworking education facility, and a food & drink business. Two of the three existing driveway crossovers will be closed and the third will be reconstructed as shown in **attachment 2**.
- The plans show 23 parking spaces (including 2 accessible parking spaces) to be provided on-site.

Conditions

Prior to the issuing of the Construction Certificate, the developer must:

1. Apply for Section 138 consent under the Roads Act, 1993 from Council for all works on Hoddle Street Road.

Prior to commencing works within the road reserve, the developer must:

1. Obtain Section 138 consent under the Roads Act, 1993 for the works on Hoddle Street from Council.

Notes:

Provided Council is satisfied the works have been designed in accordance with the relevant Council standard, TfNSW issues its concurrence under Section 138 of the Roads Act, 1993.

2. Apply for, and obtain, a Road Occupancy Licence (ROL) from the TfNSW Traffic Operations Unit (TOU) prior to commencing roadworks on a State road or any other works that impact a travel lane of a State road.

Notes:

- *For information on the ROL process and to lodge an ROL application, please visit <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>*

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- *The applicant will need to create an account (this may take a few days to register), prior to submitting the ROL application. The applicant must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon TfNSW receiving an accurate and compliant TMP.*
- *The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU.*

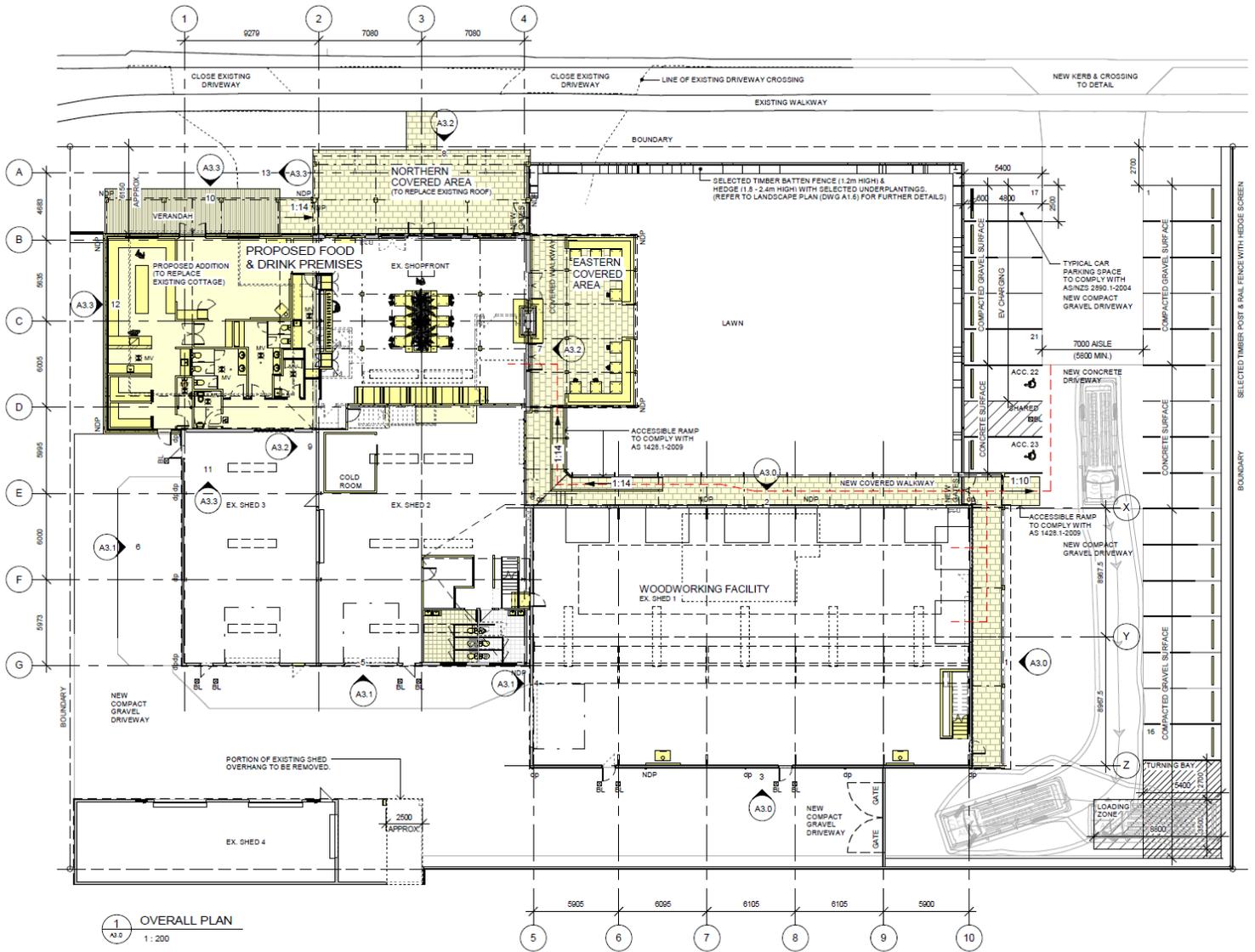
Additional comments

TfNSW provides the following additional comments:

- TfNSW notes that while the 23 proposed parking spaces satisfy the Robertson DCP parking requirements for café uses and educational uses individually, these requirements are typically considered cumulatively which may take the required number of spaces to 29. However, given that leniency can be given when uses are considered ancillary to others, TfNSW is satisfied in leaving this matter to Council to determine.

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Attachment 2



DEMOLITION, SAFETY & PROTECTION NOTES

D1 PARTS OF THE EXISTING BUILDINGS TO BE DEMOLISHED IN ACCORDANCE WITH THE REQUIREMENTS OF AS 2501 - 2001 'THE DEMOLITION OF STRUCTURES'.

AMONGST OTHERS, PRECAUTIONS TO BE TAKEN SHALL INCLUDE COMPLIANCE WITH THE REQUIREMENTS OF THE WORKCOVER AUTHORITY OF NSW INCLUDING:

- Protection of site workers and the general public.
- Erection of hoard where appropriate.
- Asbestos & lead based paints handling & disposal where applicable.

ANY DISUSED SERVICE CONNECTIONS SHALL BE CAPPED OFF TO COUNCIL'S REQUIREMENTS.

THE DISPOSAL OF REFUSE IS TO BE TO AN APPROVED WASTE DISPOSAL DEPOT.

D2 DEMOLITION CONTRACTOR TO PROVIDE WASTE & RECYCLING BINS WITH SECURE LID. WASTE MATERIALS TO BE SORTED & DISPOSED OF ACCORDING TO THE WASTE MANAGEMENT PLAN.

D3 DEMOLITION CONTRACTOR TO COMPLY WITH OCCUPATIONAL HEALTH & SAFETY REQUIREMENTS. D7 REFER TO STATEMENT OF ENVIRONMENTAL EFFECTS FOR FURTHER DEMOLITION DETAILS.

D4 FOR DETAILS OF TREE REMOVAL & FOOTWAY RESTORATION REFER TO LANDSCAPE ARCHITECTS DRAWINGS.

D5 SEDIMENT EROSION CONTROL BARRIER AROUND DWELLING SITE TO MEET THE REQUIREMENTS OF WSC.

D6 ENSURE THAT ALL TREES THAT ARE TO BE RETAINED CLOSE TO THE DEMOLITION SITE ARE PROTECTED.

LEGEND

BL	BOLLARD 1300mm HIGH ABOVE GROUND LEVEL (140mm dia.) COLOURED SAFETY YELLOW
dp	EXISTING DOWNPIPE
NDP	PROPOSED DOWNPIPE (APPROX. LOCATION)
emb	EXISTING ELECTRICAL METER BOX
EMB	NEW ELECTRICAL METER BOX
HWIS	PROPOSED HOT WATER SYSTEM (APPROX. LOCATION TO BE CONFIRMED ON SITE WITH PLUMBER)
MV	SELECTED MECHANICAL VENT
[Yellow box]	PROPOSED ALTERATIONS & ADDITIONS
[Red dashed line]	PROPOSED ROUTE FOR ACCESS BY PERSONS WITH A DISABILITY

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