

## DETERMINATION AND STATEMENT OF REASONS

### SOUTHERN REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Monday, 29 July 2019
<b>PANEL MEMBERS</b>	Pam Allan (Chair), Renata Brooks, Mark Grayson, Patricia White and Greg Watson
<b>APOLOGIES</b>	Alison McCabe
<b>DECLARATIONS OF INTEREST</b>	Ernie Royston son and daughter in law works for the Illawarra Shoalhaven Area Health at Shoalhaven Hospital.

Public meeting held at Ulladulla Civic Centre on 29 July 2019, opened at 10.30am and closed at 11.15am.

#### MATTER DETERMINED

2018STH029 – Shoalhaven City Council – RA18/1001 at 82 South Street & 130 Princes Highway Ulladulla – community health service facility (as described in Schedule 1)

#### PANEL CONSIDERATION AND DECISION

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

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

The decision was unanimous.

#### CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report amended as follows:

- i. Condition (3) **Occupation Certificate** - deleted as Crown Development is exempted by s6.9(2)(a)(iv) of the Environmental Planning and Assessment Act 1979.
- ii. Condition (4) **Principal Certifier, Construction Certificate and Notice of Commencement** - modified in accord with S6.28 & S6.6(5) of the Environmental Planning and Assessment Act 1979 to comply with Crown Development requirements.
- iii. Conditions (13, 15, 16, 23, 24, 25, 26, 27, 29, 32 & 34) - modified in accord with S6.28(2) of the Environmental Planning and Assessment Act 1979 to comply with Crown Development requirements.
- iv. Condition (19) **Sign Supervisor Contact Details** – “note” heading related to site liaison with neighbours deleted and advice converted to form part of the condition to reflect the importance of liaison with neighbours .
- v. Heading **Part C CONDITIONS THAT MUST BE COMPLIED WITH BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED** - modified in accord with S6.28(2) of the Environmental Planning and Assessment Act 1979 to comply with Crown Development requirements.
- vi. Condition (49) **Phase 1 Contamination Assessment** – new condition requested by SRPP to require the implementation of the recommendations of the Smec Phase 1 Contamination report that covers pre-demolition intrusive hazardous materials survey and an unexpected finds protocol for potential land contamination.
- vii. Condition (58) **Asbestos Tip Receipts**- modified in accord with S6.9(2)(a)(iv) of the Environmental Planning and Assessment Act 1979 to comply with Crown Development requirements.

- viii. Heading **Part E CONDITIONS THAT MUST BE COMPLIED WITH BEFORE AN OCCUPATION CERTIFICATE CAN BE ISSUED** - modified in accord with S6.9(2)(a)(iv) of the Environmental Planning and Assessment Act 1979 to comply with Crown Development requirements.
- ix. Conditions (65, 71, 72, 74, 75, 78, 81) - modified in accord with S6.9(2)(a)(iv) of the Environmental Planning and Assessment Act 1979 to comply with Crown Development requirements.

#### REASONS FOR THE DECISION

- The Panel considers that the proposed development will provide an overwhelming public benefit by significantly improving health service delivery in the area
- The proposed development will be an important centre for the community
- The Panel members support the conclusions of the Council Assessment Report





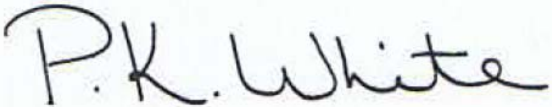
#### CONSIDERATION OF COMMUNITY VIEWS

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

- The potential heritage value of the existing building as a significant local example of post war red brick and terracotta roof tiled dwelling
- Health and safety concerns for surrounding neighbours during demolition, excavation and construction
- Potential impact on surrounding buildings during demolition, excavation and construction

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The Panel notes that in addressing these issues:

- A Heritage Demolition Report (prepared by John Oultram Heritage & Design, dated March 2019) has been carried out in relation to heritage concerns and appropriate conditions have been imposed addressing archival recording of the existing building in accord with OEH guidelines.
- The developer has agreed to provide a tour of the existing building prior to the commencement of demolition to John Willmott, Jan Gorringer and other interested residents.
- A phase 1 Contamination Report (prepared by Smec, dated 20/12/2017), WASTE MANAGEMENT PLAN -ADDENDUM (prepared by Gran Associates, dated 7/03/2019) and appropriate revised conditions have been imposed addressing protection of the health and safety of neighbouring buildings and their occupants during the demolition, excavation and construction phases of the project.

PANEL MEMBERS	
 Pam Allan (Chair)	 Renata Brooks
 Mark Grayson	 Greg Watson
 Patricia White	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018STH029 – Shoalhaven City Council – RA18/1001
2	PROPOSED DEVELOPMENT	Construction of a new integrated Community Health Service Facility comprising two (2) operational floors and (1) level of basement parking for 23 spaces, demolition of existing building & associated structures, removal of trees and consolidation of the development site into one lot
3	STREET ADDRESS	Lots 5 & 6 DP 22193 82 South Street & 130 Princes Highway Ulladulla
4	APPLICANT/OWNER	NSW Health Admin Corporation – C/- Gran Associates
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>Environmental Planning and Assessment Act 1979</li> <li>Biodiversity Conservation Act 2016</li> <li>SEPP No. 55 – Remediation of Land</li> <li>SEPP (Coastal Management) 2018</li> <li>SEPP (Infrastructure) 2007</li> <li>SEPP (State and Regional Development) 2011</li> <li>Shoalhaven Local Environmental Plan (LEP) 2014</li> <li>Shoalhaven Contribution Plan 2019</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Shoalhaven Development Control Plan 202014 (DCP2014)</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Clause 92: Demolition of all existing structures proposed. Conditions of consent recommended in terms of demolition.</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 15 July 2019</li> <li>Written submissions during public exhibition: 3</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>In support – none</li> <li>In objection – John Willmott, Jan Gorringer</li> <li>Council assessment officer – Peter Johnston</li> <li>On behalf of the applicant – Vince De Santis (Manager Capital Projects and Assets Illawarra Shoalhaven Local Health District), Peter Reed (Principal - Gran Associates Australia)</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Site inspection and briefing: 15 April 2019</li> <li>Final briefing to discuss council's recommendation, via teleconference 29 July 2019, 10.00am to 10.30am Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Pam Allan (Chair), Renata Brooks, Mark Grayson, Greg Watson and Patricia White</li> <li><u>Council assessment staff</u>: Peter Johnston (Senior Development Planner), Cathy Bern (Section Manager Development), Robert Domm (Ulladulla Service Centre Manager), Elisabeth Bailey (Planners Assistant)</li> </ul> </li> </ul>

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

SCHEDULE 2																																											
	<b>PART A</b> <b>CONDITIONS OF A GENERAL NATURE, INCLUDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT</b>																																										
1.	<p><b>General</b></p> <p>This consent relates to construction of a new integrated Community Health Service Facility comprising two (2) operational floors and (1) level of basement parking for 23 spaces, demolition of existing building &amp; associated structures, removal of trees and consolidation of the development site into one lot as illustrated on the plans (referenced in the table below), specifications and supporting documentation stamped with reference to this consent, as modified by the following conditions. The development must be carried out in accordance with this consent.</p> <p>Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions prevail to the extent of that inconsistency.</p> <table> <tr> <th>STAMPED DOCUMENTS/PLANS</th><th>REF/SHEET NO.</th><th>PREPARED BY</th><th>DATED</th></tr> <tr> <td>Basement Floor Plan</td><td>DA100F D19/217893</td><td>Gran Associates Pty Ltd</td><td>13/05/19</td></tr> <tr> <td>Ground Floor Plan</td><td>DA101C D18/365583</td><td>Gran Associates Pty Ltd</td><td>17/10/2018</td></tr> <tr> <td>First Floor Plan</td><td>DA102C D18/365587</td><td>Gran Associates Pty Ltd</td><td>17/10/2018</td></tr> <tr> <td>Landscape Plan</td><td>130.18/323 D18/365454</td><td>Iscape Landscape Architecture</td><td>Sept 2018</td></tr> <tr> <td>North Elevation</td><td>DA200D D19/156663</td><td>Gran Associates Pty Ltd</td><td>10/05/19</td></tr> <tr> <td>South Elevation</td><td>DA202C D18/365604</td><td>Gran Associates Pty Ltd</td><td>17/10/2018</td></tr> <tr> <td>East Elevation</td><td>DA201C D18/365596</td><td>Gran Associates Pty Ltd</td><td>17/10/2018</td></tr> <tr> <td>West Elevation</td><td>DA203C D18/365606</td><td>Gran Associates Pty Ltd</td><td>17/10/2018</td></tr> <tr> <td>Roof and Site Plan</td><td>DA103D D19/156650</td><td>Gran Associates Pty Ltd</td><td>10/05/19</td></tr> </table>			STAMPED DOCUMENTS/PLANS	REF/SHEET NO.	PREPARED BY	DATED	Basement Floor Plan	DA100F D19/217893	Gran Associates Pty Ltd	13/05/19	Ground Floor Plan	DA101C D18/365583	Gran Associates Pty Ltd	17/10/2018	First Floor Plan	DA102C D18/365587	Gran Associates Pty Ltd	17/10/2018	Landscape Plan	130.18/323 D18/365454	Iscape Landscape Architecture	Sept 2018	North Elevation	DA200D D19/156663	Gran Associates Pty Ltd	10/05/19	South Elevation	DA202C D18/365604	Gran Associates Pty Ltd	17/10/2018	East Elevation	DA201C D18/365596	Gran Associates Pty Ltd	17/10/2018	West Elevation	DA203C D18/365606	Gran Associates Pty Ltd	17/10/2018	Roof and Site Plan	DA103D D19/156650	Gran Associates Pty Ltd	10/05/19
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	Demolition Plan	DA010B D18/365637	Gran Associates Pty Ltd	12/09/2018
	Site Analysis Plan	DA001C D18/365633	Gran Associates Pty Ltd	17/10/2018
	Shadow Diagrams	DA700-705C D18/365541	Gran Associates Pty Ltd	17/10/2018
	Materials & Colours Schedule	DA800C D18/365509	Gran Associates Pty Ltd	17/10/2018
	Detail Survey	13629.1	Leslie & Thompson Surveyors	15/11/2017
	Stormwater Management Plan & details – Ground Floor	18-57SW1 D18/365470	Woolacotts Consulting Engineers	6/09/18
	Stormwater Management Plan – Basement Level	18-57SW2 D18/365482	Woolacotts Consulting Engineers	6/09/18
	Erosion & Sediment Control Plan	18-57 ES1	Woolacotts Consulting Engineers	6/09/18
	Section AA & BB	DA300C D18/365609	Gran Associates Pty Ltd	17/10/2018
	Areas Plan & Schedule	DA600B D18/365614	Gran Associates Pty Ltd	12/09/2018
	Drawing List & Location Plan	DA000C D18/365630	Gran Associates Pty Ltd	17/10/2018
	Car Parking Demand Study	18-57 D19/69763	Woolacotts Consulting Engineers	27/02/19
	Statement of Environmental Effects	Final Version D18/365446	TCG Planning	18/10/2018
	Acoustic Report	11113 R01 v2 D18/	PKA Acoustic Consulting	18/10/2018
	Phase 1 Contamination Assessment	30012196 D18/365403	SMEC Australia Pty Ltd	20/12/2017
	Explanatory Notes of Abbreviations and Terms - Appendix F: Laboratory Reports -	D18/365384	SMEC Australia Pty Ltd	Received 20/12/2017
	Waste Management Plan	A1810 Rev 1	Gran Associates Pty Ltd	2/09/2018

	Waste Management Plan -Addendum	A1810 Rev 1	Gran Associates Pty Ltd	7/03/2019
	Heritage Demolition Report	D19/78484	John Oultram Heritage & Design	March 2019
	Traffic Unit Approved Time Limited Parking Signs (South Street)	D19/187923	Shoalhaven City Council Traffic Unit	11/06/2019
	<p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>Any alteration to the plans and/or documentation must be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under Section 4.55 of the Act, or a fresh development application. No works, other than those approved under this consent, must be carried out without the prior approval of Council.</li> </ul>			
2.	The approved development must not be occupied or the use must not commence until all relevant conditions of development consent have been met or unless other satisfactory arrangements have been made with Council (i.e. a security).			
3.	<p><b>Occupation Certificate</b></p> <p>An <b>Occupation Certificate</b> must be issued by the Principal Certifier (PC) before any of the approved development can be used or occupied.</p> <p>Condition deleted as Crown Development is exempted by s6.9(2)(a)(iv) of the Environmental Planning and Assessment Act 1979.</p>			
	<p style="text-align: center;"><b>PART B</b></p> <p style="text-align: center;"><b>CONDITIONS THAT MUST BE COMPLIED WITH BEFORE WORK CAN COMMENCE</b></p>			
4.	<p><b><del>Crown Certification Authority</del> Principal Certifier, Construction Certificate and Notice of Commencement</b></p> <p>The following must be undertaken prior to the commencement of any construction works:</p> <ol style="list-style-type: none"> <li>a Principal Certifier (PC) must be appointed,</li> <li><b>Crown building work is certified in accordance with S6.28 of the Environmental Planning and Assessment Act 1979.</b> <del>a Construction Certificate must be obtained from Accredited Certifier,</del></li> <li><del>notice must be given to Council at least two (2) days prior to the commencement of any works, and</del></li> <li>Council must be advised in writing of the name and 24hr contact number of the designated person/company nominated by the developer or their agent to be responsible for construction of all <b>civil</b> engineering works including erosion and sediment control measures and their maintenance.</li> <li>Any clearing of vegetation approved under this consent is not permitted unless: <ol style="list-style-type: none"> <li>The erosion and sediment control measures required by this consent have been implemented in accordance with the plans approved under conditions 15 and 16 of this consent;</li> </ol> </li> </ol>			

	<p><del>ii) Evidence of an application for a Construction Certificate is provided to Council;</del></p> <p>iii) The clearing is carried out in accordance with the relevant conditions of consent and the approved Waste Minimisation and Management Plans.</p> <p><b>Condition modified in accord with s6.28 &amp; S6.6(5) of the Environmental Planning and Assessment Act 1979.</b></p>
5.	<p><b><i>Prior to Demolition</i></b></p> <p>The existing building must be photographically archivally recorded in accordance with the Office and Environment and Heritage Guidelines for digital capture prior to demolition. Three copies of the record are to be prepared. One copy is to be lodged with council for storage on the DA file, one copy is to be lodged with the council library for public access and the final set provided to the owner/client.</p>
6.	<p><b><i>Builders' Toilet</i></b></p> <p>Before commencing building operations, a builder's water closet accommodation must be provided to Council's satisfaction.</p> <p>A chemical toilet may be used on the site or alternatively the site may be provided with temporary closet accommodation connected to Council's sewer where sewer is available and operational. Under no circumstances will pit toilets or similar be accepted by Council.</p>
7.	<p><b><i>Shoalhaven Water</i></b></p> <p>All conditions listed on the Shoalhaven Water Development Application Notice under the heading "Prior to Commencement of Demolition Works" must be complied with and accepted by Shoalhaven Water prior to the commencement of demolition works.</p> <p>For further information and clarification regarding the above please contact Shoalhaven Water's Development Unit on (02) 4429 3111.</p>
8.	<p><b><i>Existing services/damage to public assets (Dilapidation Report)</i></b></p> <p>Prior to the commencement of any work(s) associated with this development, the person benefitting from this consent must:</p> <ul style="list-style-type: none"> <li>a) Check that the proposed works are not affected by any Council, electricity, telecommunications, gas or other services. All services, existing and proposed, above or below ground are to be shown accurately on the engineering plans including longitudinal sections with clearances to proposed infrastructure clearly labelled. Any required alterations to services as a consequence of undertaking works under this consent or any repair to services will be at the expense of the person benefitting from this consent; and</li> <li>b) Undertake a site inspection and document any evidence of damage to the public assets prior to commencement of work. Any damage to the adjacent kerbs, gutters, footpaths (formed or unformed), walkways (formed or unformed), carriageway, reserves and the like, that occurs during development works must be repaired by the person benefitting from this consent. Failure to adequately identify existing damage will result in all damage detected by Council after completion of the building work being repaired at the expense of the person/entity benefitting from this consent. A copy of the inspection documentation is to be submitted to Council prior to the commencement of works.</li> </ul>

9.	<p><b><i>Existing Dwelling (Dilapidation Report)</i></b></p> <p>Prior to the commencement of any work(s) associated with this development, the person benefitting from this consent must undertake a site inspection of the adjoining dwelling (84 South Street) and document any evidence of existing damage to the building prior to commencement of work. A copy of the inspection documentation must be submitted to Council prior to the commencement of works.</p> <p>Any damage to the adjoining property (84 South Street) that occurs as a result of development works under RA18/1001 must be repaired by the person/entity benefitting from this consent.</p>
10.	<p><b><i>Construction Management Plan (Traffic &amp; Parking)</i></b></p> <p>Details of the proposed method of dealing with construction traffic are to be submitted to Council. The details must include but are not limited to the following.</p> <ul style="list-style-type: none"> <li>a) Stabilised site construction access location.</li> <li>b) Proposed haulage routes for delivery of materials to the site and spoil disposal from the site.</li> <li>c) Estimated timing of construction works in the form of a Gant chart or similar.</li> <li>d) Parking arrangements for construction employees and contractors.</li> <li>e) Maintain current pedestrian access on both South St and Princes Highway</li> <li>f) Proposed maintenance of the haulage routes and the name of the person responsible for such maintenance. The approved haulage route may require upgrading and or maintenance prior to commencement of any work and maintenance during the construction period for public safety.</li> </ul>
11.	<p><b><i>Works within the Road Reserve</i></b></p> <p>Prior to undertaking any works within an existing road reserve, the contractor must obtain the consent of Council under Section 138 of the <i>Roads Act, 1993</i> and have a set of council approved plans and the letter of approval as per the development consent conditions. The following details must be submitted to Council to obtain the s.138 consent:</p> <ul style="list-style-type: none"> <li>a) Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the vehicular and pedestrian public. The TCP must comply with the current RMS's manual Traffic Control at Work Sites. Warning and protective devices must comply with the provisions of Australian Standard <i>AS 1742.3 – 2002 Traffic Control Devices for Works on Roads</i>. The plan must be prepared, signed and certified by a person holding the appropriate RMS accreditation, a copy of which is to be submitted with the plan.</li> <li>b) Insurance details.</li> <li>c) Name and contact information of the person/company appointed to supervise the construction.</li> <li>d) Should the contractor want a single 138 approval to cover works additional to road, drainage and site regrading (e.g. water supply, sewerage, landscaping, etc), details of such works should be forwarded to the designer of the Traffic Control Plan. Copies of the layout plans and work method statements of these additional works are to be submitted to the Development Manager in conjunction with the 138 application for road and drainage works.</li> <li>e) Where the Traffic Control/Management Plan requires a reduction of the speed limit, a 'Direction to Restrict' must be obtained from the RMS - Traffic Operations Unit for RMS roads or Council for other roads and submitted with the section 138 application.</li> </ul>
12.	<p><b><i>Road Design Standards</i></b></p>



	<p>A standard concrete gutter layback and footpath crossing must be designed at the driveway entrance in accordance with Council's Standard Drawings Plan Nos. 5104-07, 2026-05 and 2026-09 or 10.</p> <p>Where kerb and gutter exists, the plans must be detailed to ensure road seal and pavement is to be removed to a sufficient width to permit placing of formwork and the laying and compacting of suitable pavement material (1m minimum offset to lip line).</p>
13.	<p><b>Engineering Design Approval – works in Road Reserve</b></p> <p>Engineering design plans for civil works within the road reserve must be submitted to Council for approval prior to the issue of <b>crown certification</b> <del>a construction certificate</del> for building works. All work must be carried out in accordance with the approved plans.</p> <p>Modified in accord with S6.28(2) of the Environmental Planning and Assessment Act 1979.</p>
14.	<p>Plan checking and inspection fees will be required to be paid for the works required within the road reserve as per councils standard fees and charges.</p>
15.	<p><b>Erosion and Sediment Control</b></p> <p>Prior to the commencement of works, a Soil and Water Management Plan (SWMP) and accompanying specifications for the construction phase of the works, prepared by a suitably qualified and experienced person and based on the Landcom manual - <i>Soils and Construction, Managing Urban Stormwater</i>, Vol 1, 4th Edition, March 2004", must be submitted to the <b>Principal Certifier PC</b> (for works within the development lot) and Council (for works within the road reserve) for approval.</p> <p>Modified in accord with S6.28(2) of the Environmental Planning and Assessment Act 1979.</p>
16.	<p>Prior to the commencement of any works, the approved erosion and sediment control measures must be implemented by the contractor, and inspected and approved by the <b>Principal Certifier PC</b> prior to the commencement of any other site works. The erosion and sediment measures must be maintained for the life of the construction period and until runoff catchments are stabilised.</p> <p>Modified in accord with S6.28(2) of the Environmental Planning and Assessment Act 1979.</p>
17.	<p><b>Earthworks</b></p> <p>Documentation from the supplier that certifies that imported fill material is not contaminated based on analyses of the material is to be provided to Council. Sampling and analysis of the imported fill material must be conducted in accordance with the EPA Sampling Design Guidelines.</p>
18.	<p>Details of fill storage, disposal and materials haulage routes to and from the site must be submitted to Council for approval. All surplus excavated material must be taken to an approved landfill site.</p>
19.	<p><b>Sign – Supervisor Contact Details</b></p> <p>A sign must be erected in a prominent position on any site where of any building or demolition work is being carried out:</p>

	<p>a) Showing the name, address and telephone number of the PC for the work;</p> <p>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</p> <p>c) Stating that unauthorised entry to the site is prohibited.</p> <p>Any such sign is to be maintained while the building work is being carried out.</p> <p><b>Note:</b> It is the site supervisor's responsibility to liaise with adjoining property owners during all stages of the demolition and construction to minimise impacts on adjoining neighbours.</p> <p>The note heading is deleted from this condition as it was considered by the SRPP that liaison between the developer and the surrounding neighbours is important enough to be represented as a condition of consent.</p>
20.	<p><b>Public Safety and Protection of Public Property</b></p> <p>The building site/area where works are being undertaken is to be fenced (A class hoarding) (in accordance with Safework NSW (formerly WorkCover) requirements), prior to the commencement of works, suitable for keeping members of the public and unauthorised people out.</p>
21.	<p><b>Dial Before You Dig – Endeavour Energy</b></p> <p>Before commencing any underground activity the applicant is required to obtain advice from the Dial Before You Dig 1100 service in accordance with the requirements of the Electricity Supply Act 1995 (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.</p>
22.	<p><b>Asbestos – Notification of Neighbours</b></p> <p>Fourteen (14) days <b>prior to the commencement of any demolition works involving asbestos</b>, all immediate neighbours must be notified in writing of the intention to carry out asbestos demolition works. Copies of these written notifications should be retained and submitted to Council, upon request.</p>
23.	<p><b>Asbestos – Statement</b></p> <p>No later than seven (7) days <b>prior to the demolition of any building or structure</b>, a written statement must be submitted to the Council indicating whether the building or structure contains asbestos or material containing asbestos and, if so, the following must also be submitted <b>to the Principal Certifier</b>:</p> <p>a) A hazardous substances audit report prepared by a competent and appropriately qualified person in compliance with <i>Australian Standard AS2601 - 2001: The demolition of structures</i> ; and</p> <p>b) A hazardous substances management plan prepared by a competent and appropriately qualified person in compliance with <i>Australian Standard AS2601 - 2001: The demolition of structures</i> .</p> <p>Modified in accord with S6.28(2) of the Environmental Planning and Assessment Act 1979.</p>
	<p style="text-align: center;"><b>PART C</b></p> <p style="text-align: center;"><b>CONDITIONS THAT MUST BE COMPLIED WITH BEFORE A</b></p> <p style="text-align: center;"><b>CONSTRUCTION CERTIFICATE CAN BE ISSUED CROWN CERTIFICATION</b></p>

## UNDER S6.28(2) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 CAN BE ISSUED

Modified in accord with S6.28(2) of the Environmental Planning and Assessment Act 1979.

24.

### **Shoalhaven Water**

Prior to the issue of a ~~Construction Certificate~~ **Crown certification Certificate**, all conditions listed on the Shoalhaven Water Development Application Notice under the heading "Prior to the Issue of a Construction Certificate" must be complied with and accepted by Shoalhaven Water. The authority issuing the crown certification Certificate for the development must obtain written approval from Shoalhaven Water allowing a ~~Construction Certificate~~ **Crown Certification Certificate** to be issued.

**Note:** Relevant details, including monetary contributions (where applicable) under the Water Management Act 2000, are given on the attached Notice issued by Shoalhaven Water.

For further information and clarification regarding the above please contact Shoalhaven Water's Development Unit on (02) 4429 3111.

Modified in accord with S6.28(2) of the Environmental Planning and Assessment Act 1979.

25.

### **Design Changes: Amended plans required**

The design of the development is to be modified as set out in the following table. Amended plans and specifications incorporating the following design amendments must be incorporated in the plans and specifications ~~submitted with the application for a Construction Certificate~~ **of the certified crown building work:**

Modified in accord with S6.28(2) of the Environmental Planning and Assessment Act 1979.

Design Amendment	Reason for Amendment
Parking spaces 4, 6, 8 & 10 to be relocated adjacent the western wall & have the column locations adjusted as required	To ensure compliance with Figure 5.2 AS/NZS 2890.1:2004 – Design envelope around parked vehicle to be kept clear of columns, walls and obstructions
Stacked spaces 3, 5, 7 & 9 be moved west to align with relocated parking spaces 4, 6, 8 & 10	This will optimise aisle width to assist with general manoeuvrability
Provide details to ensure proposed access, onsite car parking, turning bays, disabled parking, traffic movement's and/or loading facilities are clearly marked with signs, lines and arrows in accordance with AS2890.1.	To ensure appropriate signage is provided for the development
Bicycle parking facilities and bicycle parking devices (BPD) are to be detailed in accord with AS2890.3:2015 Parking Facilities – Part 3: Bicycle Parking	To ensure that bicycle facilities are provided in accord with AS2890.3:2015
Details of retaining wall replacement for the existing masonry retaining wall on the eastern boundary adjoining (84 South Street)	To minimise impact on the adjoining residential premises

	<p>Details of the proposed wastewater bioretention basin demonstrating that it is a sealed bioretention system (i.e. does not have a saturation zone).</p> <p>The proposed bioretention basin is less than 3m to the proposed building and property boundary.</p>
	<p>Detail alternative plantings for trees in the vicinity of electricity infrastructure (overhead power lines)</p> <p>Only low growing shrubs not exceeding 3.0 metres in height, ground covers and smaller shrubs, with non-invasive root systems are the best plants to use. Larger trees should be planted well away from electricity infrastructure (at least the same distance from overhead power lines as their potential full grown height) and even with underground cables, be installed with a root barrier around the root ball of the plant.</p>
26.	<p><b>Design Standards</b></p> <p>Engineering design plans and specifications for civil works within the road reserve must be submitted to Council for approval, prior to the issue of a <del>Construction Certificate</del> <b>Crown Certification Certificate</b>. All work must be carried out in accordance with the approved plans.</p> <p><b>Note:</b> Plan checking and inspection fees will be required to be paid for the works within the road reserve as per Council's standard fees and charges.</p> <p>Modified in accord with S6.28(2) of the Environmental Planning and Assessment Act 1979.</p>
27.	<p>Engineering design plans and specifications for all internal civil works referred to in this consent must be submitted to the nominated accredited certifier <del>for approval with the Construction Certificate.</del></p> <p>Modified in accord with S6.28(2) of the Environmental Planning and Assessment Act 1979.</p>
28.	<p>All civil works are to be in accordance with Council's Engineering Design Specifications and Development Construction Specifications current at the time of construction unless otherwise specified in this consent.</p>
29.	<p><b>Structural Design</b></p> <p>Detailed design 'where required' of the following works must be certified by an NPER-III registered practising engineer and submitted <del>for approval by</del> to the PCA.</p> <p>a) Major drainage structures, including pre-cast concrete culverts, headwalls, wing walls and stormwater pits / structures that require steel reinforcement.</p> <p>b) Retaining walls greater than 0.6 metre in height</p> <p><b>Note:</b> A NPER-III registered practising engineer will be required to certify that construction of the above structures has been completed in accordance with the approved plans prior to the release of <del>the subdivision/occupation certificate</del> <b>Crown Certification Certificate</b>.</p> <p>Modified in accord with S6.28(2) of the Environmental Planning and Assessment Act 1979.</p>
30.	<p><b>Carpark Design</b></p>

	<p>The car park must be designed in accordance with:</p> <p>AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking</p> <p>AS 2890.2:2002 Parking Facilities Part 2: Off-street commercial vehicle facilities</p> <p>AS 2890.3:2015 Bicycle parking</p> <p>AS/NZS2890.6:2009 Parking Facilities Part 6: Off-street parking for people with disabilities</p>
31.	<p>The internal driveway and car parking areas must be designed for Light and or Heavy vehicular loadings depending on the usage. The pavement construction minimum standard as per below:</p> <p>a) To a concrete standard;</p> <p>b) Access in and out of the development will be required in a forward direction generally in accordance with the turning movements as per A.S. 2890.1 for the 99th % vehicle or in accordance with A.S. 2890.2 for the largest vehicle requiring access to the development.</p>
32.	<p><b>Stormwater Drainage Design</b></p> <p>The person having benefit of this consent must provide stormwater drainage generally as shown on the concept plan by Woolacotts Consulting Engineers (Drawing Nos. 18-57SW1 &amp; 18-57SW2, dated 6/09/18). Details of this are to be shown on the engineering plans for approval by Council to the Principal Certifier accredited certifier with the Construction Certificate.</p> <p>Modified in accord with S6.28(2) of the Environmental Planning and Assessment Act 1979.</p>
33.	<p>Major and minor drainage systems must be designed by a qualified practising engineer in accordance with Council's Engineering Design Specifications section D5 (Stormwater Drainage Design) and DCP 2014 – Chapter G2: Sustainable Stormwater Management and Erosion/Sediment Control. The minor and major systems must be designed for 10% AEP for commercial areas and have consideration for the 1% AEP rainfall events respectively.</p>
34.	<p><b>On-Site Detention</b></p> <p>On-site detention storage for stormwater runoff from the site must be provided such that the discharge from the site for design storm events up to and including the 100 year average recurrence interval does not exceed the pre-developed conditions. Details must be submitted to the Council or an accredited certifier Principal Certifier a Construction Certificate. All flow discharging from on-site detention is to be via gravity flow to an approved discharge location. Automatic pump out systems from on-site detention will not be allowed.</p> <p>Modified in accord with S6.28(2) of the Environmental Planning and Assessment Act 1979.</p>
35.	<p><b>Local Government Act 1993 – Section 68 Approval</b></p> <p>Approval for water, sewer and drainage works is required to be obtained under Section 68 of the Local Government Act prior to the issue of a Construction Certificate.</p>
36.	<p><b>Waste Minimisation and Management</b></p> <p>A Waste Minimisation and Management Plan (WMMP) must be prepared in accordance with Chapter G7, Shoalhaven Development Control Plan 2014. The WMMP must be submitted to the Accredited Certifier.</p> <p><b>Note:</b> "Waste" has the same meaning as the definition of "Waste" in the Protection of the Environment Operations Act 1997.</p>

	<b>PART D</b> <b>CONDITIONS RELATING TO THE APPROVED WORK AND SITE MANAGEMENT</b>
37.	<p><b><i>Building Code of Australia</i></b></p> <p>All building work must be carried out in accordance with the requirements of the Building Code of Australia.</p> <p><b>Note:</b> <i>This condition is prescribed under the Environmental Planning and Assessment Regulation 2000.</i></p>
38.	<p><b><i>Survey of building location required</i></b></p> <p>A survey certificate prepared by a registered surveyor is to be submitted to the Principal Certifier upon completion of the floor slab formwork, before concrete is poured, to ensure the <b>siting</b> of the building in relation to adjacent boundaries and <b>levels</b> are in accordance with the development consent.</p>
39.	<p><b><i>Survey of building height required</i></b></p> <p>A survey certificate prepared by a registered surveyor is to be submitted to the Principal Certifier upon completion of the building to confirm the completed levels are in accordance with the development consent.</p>
40.	<p><b><i>Support for neighbouring buildings</i></b></p> <p>If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land or leads to potential vibration damage of a building on an adjoining allotment of land, the person causing the excavation to be made:</p> <ul style="list-style-type: none"> <li>a) Must preserve and protect the adjoining building from damage;</li> <li>b) If necessary, must underpin and support the building in an approved manner; and</li> <li>c) Must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.</li> </ul> <p>The owner of the adjoining allotment of land, public road or any other public place is not to be held liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the public road, any other public place or the adjoining allotment of land.</p>
41.	<p><b><i>Low Reflective glass to be used</i></b></p> <p>All glass used externally must have a maximum reflectivity index of 20%.</p>
42.	<p><b><i>Outdoor Lighting</i></b></p> <p>Outdoor lighting, other than that required for reasonable security, must not be used between the hours of 8 pm and 6.00 am on any day.</p>
43.	<p><b><i>Access for People with Disabilities</i></b></p> <p>Access for people with disabilities must be provided to the building in conformity with Part D3.2 of the Building Code of Australia and <i>Australian Standard AS1428.1-2009 "Design for access and mobility Part 1: General requirements for access – New building work"</i>.</p>
44.	<p><b><i>Letter Boxes</i></b></p>

	A letterbox structure(s) must be provided and be designed to comply with the requirements of Australia Post, located close to the major pedestrian entry to the site, and built from materials that are non-reflective and blend in with the approved development.
45.	<p><b><i>Colours and Materials</i></b></p> <p>The development must be constructed in accordance with the approved schedule of colours and building materials and finishes.</p>
46.	<p><b><i>Tree Removal</i></b></p> <p>Trees to be cleared must be felled into the development area carefully so as not to damage fences or structures beyond the development footprint.</p>
47.	<p><b><i>Heritage</i></b></p> <p>Should any historical relics be unexpectedly discovered in any areas of the site, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 146 of the <i>Heritage Act 1977</i>.</p>
48.	<p>Should any Aboriginal relics be unexpectedly discovered in any areas of the site, then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service (NPWS) should be informed in accordance with Section 89A of the <i>National Parks and Wildlife Act, 1974</i>.</p>
49.	<p><b><i>Phase 1 Contamination Assessment</i></b></p> <p>During demolition and excavation phases of the project the site manager must implement the recommendations [page 23] of the Phase 1 Contamination Assessment prepared by Smec, dated 20/12/2017 (Trim Number D18/365403). This includes a pre-demolition intrusive hazardous materials survey and an unexpected finds protocol (UFP) prepared by an appropriately qualified and experienced environmental consultant to manage potential contamination associated with any unexpected discoveries at the site.</p> <p><u>During Works</u></p> <p>If unexpected contaminated soil and/or groundwater is encountered during any works; all work must cease and the situation must be promptly evaluated by an appropriately qualified and experienced environmental consultant. The contaminated soil and/or groundwater must then be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) Guidelines.</p> <p><u>Prior to recommencement of works</u></p> <p>If unexpected contaminated soil or groundwater is treated and/or managed onsite; the supervising environmental consultant must verify that the situation was appropriately managed in accordance with relevant NSW EPA guidelines.</p> <p>The verification documentation must be provided to the satisfaction of the Principal Certifying Authority (PCA) and Shoalhaven City Council, Senior Environmental Health Officer, prior to the recommencement of any works.</p> <p><b>Note:</b> An appropriately qualified and experienced environmental consultant must be certified by one of the following certification schemes, or demonstrate an equivalent standard:</p> <ul style="list-style-type: none"> <li>• CEnvP "Site Contamination" (SC) Specialist - by Certified Environmental Practitioner.</li> <li>• 'Certified Professional Soil Scientist' (CPSS CSAM) by Soil Science Australia (SSA)</li> </ul>



	<b>New condition required by the SRPP</b>
50.	<p><b><i>Waste Minimisation and Management Plan</i></b></p> <p>All waste must be contained within the site during construction and then be recycled in accordance with the approved Waste Minimisation and Management Plan (WMMP) or removed to an authorised waste disposal facility. No waste must be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site.</p> <p>Compliance with the WMMP must be demonstrated by the retention of relevant receipts. These must be submitted to Council, upon request.</p> <p><b>Note:</b> “Waste” has the same meaning as the definition of “Waste” in the Protection of the Environment Operations Act 1997.</p>
51.	<p>When implementing the Waste Management Plan the developer is to ensure:</p> <ul style="list-style-type: none"> <li>(a) The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the Protection of Environment Operations Act 1997</li> <li>(b) All waste on site is to be stored, handled and disposed of in such a manner as to not create air pollution, offensive noise or pollution of land and water as defined by the Protection of Environment Operations Act 1997</li> <li>(c) Generation, storage, treatment and disposal of hazardous waste is conducted in accordance with the relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW</li> <li>(d) All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it</li> <li>(e) Records are retained regarding the details and location of the disposal of all demolition and construction waste (including excavated material) and are to be kept on site as evidences of lawful disposal. Records are to include receipts and weighbridge dockets which verify material types and volumes, time and date of disposal and confirmation of the waste disposal facility</li> <li>(f) All materials and resources that are to be stored on site during construction works are contained on the site. The provisions of the Protection of Environment Operations Act 1997 must be complied with when placing/stock piling loose material, disposal of concrete waste or activities which have potential to pollute drains and water courses</li> <li>(g) The storage of waste and recycling containers must be within the boundaries of the development site at all times. Public footways and roads must not be used for the storage of any waste and must be kept clear of obstructions during all construction works</li> </ul>
52.	Requirements of the approved Waste Management Plan and addendum shall be complied with during all site preparation works, demolition (if proposed) and throughout all construction works.
53.	Requirements of the approved Waste Management Plan and addendum is to be implemented throughout the ongoing use of the development. Waste bin storage space is to be maintained for such use in perpetuity and is not be used for storage or other equipment or purposes at any time.



54.	<p><b>Road Reserve, Footpath &amp; Gutters</b></p> <p>The road reserve adjoining the development site must be kept clear of soil and debris.</p>
55.	<p><b>Work Hours and Noise</b></p> <p>The following must be complied with during demolition and construction works:</p> <ul style="list-style-type: none"> <li>a) To limit the impact of the development on adjoining owners, all demolition and construction work must be restricted to the hours of 7.00am and 5.00pm Monday to Saturday and no construction is to be carried out at any time on a Sunday or public holiday. Proposed changes to hours of construction must be approved by Council in writing; and</li> <li>b) The noise from all activities associated with any demolition works and construction of the approved development must comply with the work practices as outlined in the NSW Department of Environment &amp; Climate Change <i>Interim Construction Noise Guideline</i>. The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed at any sensitive noise receiver.</li> </ul>
56.	<p><b>Asbestos – Clearance Certificate (Friable Asbestos)</b></p> <p>Following the removal of all friable asbestos and <b>prior to further works being carried out on the site</b>, a clearance certificate from an independent occupational hygienist in accordance with the National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos is to be obtained and submitted to the Council.</p>
57.	<p><b>Asbestos – Clearance Certificate (Bonded Asbestos)</b></p> <p>Following the removal of all bonded asbestos and <b>prior to further works being carried out on the site</b>, a clearance certificate from an independent competent person current WorkCover Class 2 (Restricted) Asbestos Licence in accordance with the National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos is to be obtained and submitted to Council.</p>
58.	<p><b>Asbestos – Tip Receipts</b></p> <p>Documentary evidence in the form of tip receipts from an approved Waste Management Facility must be obtained demonstrating the appropriate disposal of the asbestos waste. Tip receipts must be provided to <b>Council the Principal Certifier</b> at the completion of demolition works and prior to any further works on the site.</p> <p>Modified in accord with S6.9(2)(a)(iv) of the Environmental Planning and Assessment Act 1979.</p>
59.	<p><b>Asbestos – Licensed Contractors</b></p> <p>Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos Removal Licence or a current WorkCover Class 2 (Restricted) Asbestos Licence.</p>
60.	<p><b>Demolition – Work Cover</b></p> <p>Precautions must be taken in accordance with the requirements of the SafeWork NSW in respect of:</p> <ul style="list-style-type: none"> <li>a) Protection of site workers and the public;</li> <li>b) Asbestos handling and disposal where applicable.</li> </ul>

61.	<p><b>Demolition – Adverse Effects to Adjoining Owners</b></p> <p>Suitable measures must be taken to ensure that there is no adverse effect to occupants of adjoining buildings and the public by the generation of dust and/or noise during demolition.</p> <p>These works must include, but are not limited to:</p> <ul style="list-style-type: none"> <li>a) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion;</li> <li>b) Alter or cease construction work during periods of high wind;</li> <li>c) Erect green or black shade cloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.</li> </ul>
62.	<p><b>Demolition</b></p> <p>Demolition work must be carried out in accordance with <i>Australian Standard AS2601-2001: The Demolition of Structures</i>.</p>
63.	<p><b>Endeavour Energy - Demolition</b></p> <p>All electric cables or apparatus which are liable to be a source of danger, other than a cable or apparatus used for the demolition works must be disconnected ie. the existing customer service lines will need to be isolated and/or removed during demolition. Appropriate care must be taken to not otherwise interfere with any electrical infrastructure on or in the vicinity of the site eg. streetlight columns, power poles, overhead power lines and underground cables etc.</p>
64.	<p><b>Endeavour Energy – Safety</b></p> <p>All activities associated with the demolition/construction of the development are to be conducted in accordance with Endeavour Energy’s public safety training resources available via Endeavour Energy’s website.</p>
	<p style="text-align: center;"><b>PART E</b></p> <p style="text-align: center;"><b>CONDITIONS THAT MUST BE COMPLIED WITH BEFORE AN OCCUPATION CERTIFICATE CAN BE ISSUED OCCUPATION OF THE BUILDING CAN OCCUR</b></p> <p style="text-align: center;">Modified in accord with S6.9(2)(a)(iv) of the Environmental Planning and Assessment Act 1979.</p>
65.	<p><b>Certificate of Compliance – Shoalhaven Water</b></p> <p>A Certificate of Compliance (CC) under Section 307 of Division 5 of Part 2 of Chapter 6 of the <i>Water Management Act 2000</i> must be obtained to verify that all necessary requirements for matters relating to water supply and sewerage (where applicable) for the development have been made with Shoalhaven Water. A Certificate of Compliance must be obtained from Shoalhaven Water after satisfactory compliance with all conditions as listed on the Development Application Notice and prior to the issue of an Occupation Certificate.</p> <p><b>Note:</b> Relevant details, including monetary contributions (where applicable) under the <i>Water Management Act 2000</i>, are given on the Notice issued by Shoalhaven Water.</p> <p>For further information and clarification regarding the above please contact Shoalhaven Water’s Development Unit on (02) 4429 3111.</p>

	Modified in accord with S6.9(2)(a)(iv) of the Environmental Planning and Assessment Act 1979.
66.	<p><b>Land to be consolidated</b></p> <p>All separate parcels of land are to be consolidated into one allotment and registered with the Land Titles Office.</p>
67.	<p><b>Time Restricted Parking Signs (South Street)</b></p> <p>Two new 10 minute time restricted parking signs are to be installed and maintained by the person/entity benefiting from this development consent in accord with AS1742.2 Traffic Control Devices for General Use, as detailed by the plan approved by the Shoalhaven City Council Traffic Committee (Min19.437).</p>
68.	<p><b>Car parking areas to be completed and signs to be provided</b></p> <p>The car parking areas are to be constructed in accordance with the approved plans. Signs are to be erected clearly indicating the availability of off-street visitor parking and the location of entry/exit points, visible from both the street and the subject site.</p>
69.	<p><b>Parking Management Plan</b></p> <p>A Parking Management Plan has been prepared and submitted to council addressing the management procedures for stacked parking spaces.</p>
70.	<p><b>Bicycle Parking Facilities</b></p> <p>Bicycle parking facilities and devices are installed.</p>
71.	<p><b>Retaining Walls</b></p> <p><del>Prior to the issue of an Occupation Certificate</del> All retaining walls must be designed and certified by a suitably qualified structural engineer. Retaining walls must be designed to meet long term serviceability requirements and must be provided with effective drainage systems.</p> <p>Modified in accord with S6.9(2)(a)(iv) of the Environmental Planning and Assessment Act 1979.</p>
72.	<p><b>Verification of Works</b></p> <p><del>Prior to the issue of an Occupation Certificate</del>, Certification must be obtained from Council to verify that all works in the road reserve have been completed in accordance with the approved plans and construction specifications.</p> <p>Modified in accord with S6.9(2)(a)(iv) of the Environmental Planning and Assessment Act 1979.</p>
73.	<p><b>Urban – Reinstatement of kerb and gutter and footpaths</b></p> <p>Disused gutter crossings and pipe outlets are to be reinstated to the satisfaction of Council's Development Engineer or their nominee. Redundant laybacks are to be reinstated as follows:</p> <ol style="list-style-type: none"> <li>The road pavement is to be saw-cut parallel to the lip of the gutter;</li> <li>The existing layback and gutter is to be removed;</li> </ol>

	c) New cast in-situ kerb and gutter to match adjacent profile is to be poured and connected to the adjoining sections of kerb with suitable bitumen joining.
74.	<p><b>Damage to public assets</b></p> <p><del>Prior to the issue of an Occupation Certificate,</del> Any infrastructure within the road reserve along the frontage of the subject site or within close proximity, which has been damaged as a result of construction works, is to be repaired by the person benefitting from this consent and to the satisfaction of Council.</p> <p>Modified in accord with S6.9(2)(a)(iv) of the Environmental Planning and Assessment Act 1979.</p>
75.	<p><b>Fire Safety</b></p> <p>The owner is to supply Council with a Final Safety Certificate for the fire safety measures specified in the Fire Safety Schedule. The fire safety measures must be implemented or installed in the building prior to its occupation. The building must not be occupied without a final Fire Safety Certificate being issued. <del>and an Occupation Certificate being issued.</del></p> <p>Modified in accord with S6.9(2)(a)(iv) of the Environmental Planning and Assessment Act 1979.</p>
76.	<p><b>Plant Noise</b></p> <p>Provide a compliance statement prepared by a suitably experienced and qualified acoustic consultant confirming that all plant items, such as the basement condensers, rooftop plant, exhausts serving car parks and toilets, roller doors for access etc. installed to serve the development have been designed to acoustically comply with the criteria established in Table 4.1 of the DA Acoustic Report prepared by PKA Consulting, dated 18/10/2018.</p>
77.	<p><b>Landscaping</b></p> <p>Plant 3 x 75L Lagerstoemia indica 'Tuscarora' (Crepe Myrtle) between kerb and footpath on Princess Highway. Ensure clear trunk of 1200mm. Ensure edging and appropriate tree pits are installed.</p>
78.	<p><del>Prior to the issue of an Occupation Certificate,</del> Landscaping is to be installed in accordance with the approved plan. The landscaping must be maintained in accordance with the details provided on that plan at all times.</p> <p>Modified in accord with S6.9(2)(a)(iv) of the Environmental Planning and Assessment Act 1979.</p>
79.	<p><b>Certificate required in regard to low reflective glass</b></p> <p>A certificate is to be supplied to the Principal Certifier to certify that the glass that has been used externally has a maximum reflectivity index of 20%.</p>
80.	<p><b>Street Numbering of Development</b></p> <p>Street numbering must comply with the State Governments Comprehensive Property Addressing System (CPAS), and Council's Property Address Numbering Policy.</p>
81.	<p><b>Waste</b></p> <p><del>Prior to the issue of any Occupation Certificate,</del> The developer entity benefiting from this consent is to enter into a formal agreement with a licenced private waste contractor to service the development. The contract is to ensure the removal of all</p>

	<p>waste from the development site. A copy of the contract is to be forwarded to Council prior to <b>occupation</b>. <del>the issue of any Occupation Certificate.</del></p> <p>Modified in accord with S6.9(2)(a)(iv) of the Environmental Planning and Assessment Act 1979.</p>
82.	<p><b><i>Dividing Fence</i></b></p> <p>Any damage to the dividing fence between the development and 84 South Street caused by demolition/construction is to be made good.</p>
	<p style="text-align: center;"><b>PART F</b></p> <p style="text-align: center;"><b>CONDITIONS THAT RELATE TO THE ONGOING MANAGEMENT OF THE APPROVED DEVELOPMENT</b></p>
83.	<p><b><i>Fire Safety – Annual Statement</i></b></p> <p>At least once in every twelve month period an annual Fire Safety Statement is to be submitted to Council and to the Fire Commissioner of the NSW Fire and Rescue, Fire Safety Division in relation to the fire safety measures listed in the Fire Safety Schedule.</p>
84.	<p><b><i>Hours of Operation</i></b></p> <p>The use of the approved development is restricted as follows:</p> <ul style="list-style-type: none"> <li>• Monday to Friday – 8.00am to 5.00pm</li> </ul>
85.	<p><b><i>Site Maintenance</i></b></p> <p>The owner or operator must at all times be responsible for on-going site management and maintenance in accordance with the following:</p> <ol style="list-style-type: none"> <li>a) Loading and unloading in relation to the use of the premises must occur in the designated loading areas;</li> <li>b) Goods or machinery must be stored, and all activities must occur, inside the building(s) and not in the carpark or drive way areas;</li> <li>c) Maintenance and replacement (if necessary) of all landscaping in accordance with the approved landscape plan;</li> <li>d) Maintenance of vehicular movement areas including driveways, carparking, manoeuvring areas, line marking, pedestrian facilities, lighting, to the standard specified by this consent;</li> <li>e) Ongoing waste and recycling is to be managed in accordance with the approved Waste Management Plan (Operational). Waste bins are not to be stored within the loading area/space that is visible from a public place;</li> <li>f) Maintenance of stormwater drainage pipes and systems to ensure efficient discharge of stormwater in accordance with the approved stormwater drainage plan;</li> <li>g) Maintenance of buildings, fencing, signage/markings to the standards specified in this consent; and</li> <li>h) The removal of all graffiti within a maximum of 14 days of being notified by Council.</li> </ol>
86.	<p><b><i>Noise</i></b></p> <p>The use of the approved development must not give rise to transmission of unacceptable vibration or an offensive noise to any place of different occupancy or the public in accordance</p>

	with the NSW Environment Protection Authority's <i>Industrial Noise Policy 2000</i> and the <i>Protection of the Environment Operations Act 1997</i> (NSW).													
87.	<p><b><i>Car parking spaces are to be available for the approved use</i></b></p> <p>Parking within the basement carpark must be operated in accord with the following for the life of the development:</p> <table><tr><th><i>User</i></th><th><i>Parking Spaces</i></th></tr><tr><td>Visiting public</td><td>1, 2 &amp; 13-22</td></tr><tr><td>Health Infrastructure fleet pool cars</td><td>3-10 &amp; 23</td></tr><tr><td>Staff parking</td><td>11 &amp; 12</td></tr><tr><td>Ambulance</td><td>Ambulance Bay</td></tr><tr><td>Visiting public/staff</td><td>Bicycle Parking Area</td></tr></table>		<i>User</i>	<i>Parking Spaces</i>	Visiting public	1, 2 & 13-22	Health Infrastructure fleet pool cars	3-10 & 23	Staff parking	11 & 12	Ambulance	Ambulance Bay	Visiting public/staff	Bicycle Parking Area
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Ambulance	Ambulance Bay													
Visiting public/staff	Bicycle Parking Area													
	<p style="text-align: center;"><b>PART G</b></p> <p style="text-align: center;"><b>OTHER COUNCIL APPROVALS AND CONSENTS</b></p>													
88.	<p><b><i>Approval to Connect to the Reticulated Sewerage System</i></b></p> <p>A drainage application in accord with s68 of the Local Government Act 1993 is required to be submitted to and be approved by Council prior to any on-site drainage works occurring.</p>													
89.	<p><b><i>Stormwater</i></b></p> <p>Stormwater from the development is to be conveyed to the street gutter via drainage designed and constructed in accordance with AS/NZS 3500.3.2 – Stormwater drainage and the Building Code of Australia.</p>													
	<p style="text-align: center;"><b>PART H</b></p> <p style="text-align: center;"><b>STATEMENT OF REASONS</b></p>													
	<p><b><i>Reasons for Approval</i></b></p>													
1.	The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, notably the Shoalhaven Local Environmental Plan 2014 (SLEP 2014).													
2.	The proposed development is, subject to the recommended conditions, consistent with the objectives of the Shoalhaven Development Control Pan 2014 (SDCP 2014).													
3.	The proposed development is considered to be suitable for the site.													
4.	The proposed development, subject to the recommended conditions will not result in unacceptable adverse impacts on the natural and built environments.													
5.	Any issues raised in submissions have been considered in the assessment of the application and where appropriate, conditions have been included in the determination.													
	<p><b><i>Conditions of Consent Have Been Imposed to:</i></b></p>													
1.	Ensure the proposed development:													

	<p>a) achieves the objects of the <i>Environmental Planning and Assessment Act, 1979</i>;</p> <p>b) complies with the provisions of all relevant environmental planning instruments;</p> <p>c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.</p>
2.	Ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.
3.	Meet the increased demand for public amenities and services attributable to the development in accordance with Section 7.11 of the Environmental Planning and Assessment Act, 1979.
4.	Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
5.	Minimise any potential adverse environmental, social or economic impacts of the proposed development.
6.	Ensure that all traffic, carparking and access requirements arising from the development are addressed.
7.	Ensure the development does not conflict with the public interest.
	<p style="text-align: center;"><b>PART I</b> <b>ADVICE ABOUT RIGHTS OF REVIEW AND APPEAL</b></p>
	<p><b><i>Determination under Environmental Planning and Assessment Act, 1979</i></b></p> <p>Division 8.2 of the EP&amp;A Act, 1979 confers on an applicant who is dissatisfied with the determination a right to request the council to review its determination. The request must be made <b>within three (3) months</b> of the date of the receipt of the determination to allow Council time to undertake the review within the prescribed period of six (6) months and be accompanied by the prescribed fee.</p> <p>Division 8.3 of the EP&amp;A Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised within 6 months after the applicant has been notified of the decision.</p> <p>An appeal under Division 8.3 of the EP&amp;A Act, 1979 by an objector may be made only within 28 days after the date the objector is notified of the decision.</p>
	<p><b><i>Approvals under Local Government Act, 1993</i></b></p> <p>Section 100 of the Local Government Act, 1993 provides that an applicant may request Council to review its determination of an application.</p> <p>Section 176 of the Local Government Act, 1993 provides that an applicant who is dissatisfied with the determination of the Council may appeal to the Land and Environment Court. The appeal must be made within <b>twelve (12) months</b> of the date of determination.</p>
	<p style="text-align: center;"><b>PART J</b> <b>GENERAL ADVICE TO APPLICANT</b></p>
	<b><i>Private Use of Public Parking Spaces</i></b>

	<p>If the temporary use of public parking spaces (either on street or off street) for private purposes is proposed to be undertaken during development construction and/or for maintenance purposes, a formal request for use of public parking must be submitted to Council, in accordance with Council's Policy – <i>"Private use of public parking, policy No. POL08/408"</i>. Such request must be submitted to Strategic Planning and Infrastructure Group of Council, with the relevant application fee.</p>
	<p><b><i>Privacy Notification</i></b></p> <p>Personal information contained on this Development Consent and any associated documents will be published on Council's website as required by the <i>Government Information (Public Access) Act 2009</i> (GIPAA).</p>
	<p><b><i>Trees Located on Public Land</i></b></p> <p>Please note that any works carried out on the subject property or within the road reserve, such as construction of a driveway, that damages or otherwise detrimentally impacts on the health or safety of any tree located on public land may result in the applicant incurring the costs of any remedial action or removal of the tree(s). If you are proposing to carry out any works that may impact on any tree on public land, it is recommended that you contact Council for advice before carrying out those works.</p>
	<p><b><i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i></b></p> <p>The <i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i> provides that a person must not take an action which has, will have, or is likely to have a significant impact on</p> <ul style="list-style-type: none"> <li>a) A matter of national environmental significance (NES) matter; or</li> <li>b) Commonwealth land</li> </ul> <p>without an approval from the Commonwealth Environment Minister.</p> <p>This application has been assessed in accordance with the <i>New South Wales Environmental Planning &amp; Assessment Act, 1979</i>. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation.</p> <p>It is the proponent's responsibility to consult the Department of the Environment and Energy to determine the need or otherwise for Commonwealth approval and you should not construe this grant of consent as notification to you that the Commonwealth Act does not have application.</p> <p>The Commonwealth Act may have application and you should obtain advice about this matter.</p> <p>There are severe penalties for non-compliance with the Commonwealth legislation.</p>
	<p><b><i>Disability Discrimination Act 1992</i></b></p> <p>This application has been assessed in accordance with the <i>Environmental Planning &amp; Assessment Act, 1979</i>. No guarantee is given that the proposal complies with the <i>Disability Discrimination Act 1992</i>.</p> <p>The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.</p> <p>The <i>Disability Discrimination Act 1992</i> covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references <i>Australian</i></p>



	<p><i>Standard AS1428.1 - “Design for Access and Mobility”.</i> AS1428 Parts 2, 3 &amp; 4 provides the most comprehensive technical guidance under the Disability Discrimination Act currently available in Australia.</p>
	<p><b><i>Disclaimer –Conveyancing Act 1919 – Division 4 – Restrictions on the Use of Land</i></b></p> <p>The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.</p>
	<p><b><i>DBYD Enquiry - ‘Dial Before You Dig’</i></b></p> <p>In order to avoid risk to life and property it is advisable that an enquiry be made with “Dial Before You Dig” on 1100 or <a href="http://www.dialbeforeyoudig.com.au">www.dialbeforeyoudig.com.au</a> prior to any excavation works taking place to ascertain the location of underground services. You must also contact your Local Authority for locations of Water and Sewer Mains.</p>
	<p><b><i>Inspections</i></b></p> <p>If Council is the appointed Principal Certifier for this project, a minimum twenty-four (24) hours notice must be given to Council to make an inspection of the work.</p>