

JRPP No:	2010STH037
DA No:	DA 401/11
PROPOSED DEVELOPMENT:	28 tourist accommodation units, restaurant, general store, ancillary car park, & signage, 17- 21 Wharf Road
APPLICANT:	BAYVIEW BATEMANS BAY P/L
REPORT BY:	Eurobodalla Shire Council
RECOMMENDATION:	APPROVAL

Assessment Report and Recommendation

1. SYNOPSIS

The development application is referred to the Joint Regional Planning Panel (JRPP) for determination pursuant to Clause 13C(a)(i) of the State Environmental Planning Policy (Major Development) 2005 as the proposal is to provide ‘tourist accommodation for 10 or more persons in a sensitive coastal location not within the metropolitan coastal zone’.

The proposal is for a three storey mixed use development comprised of 28 tourist accommodation units, a ground floor general store and a first floor restaurant.

2. PROPOSAL

2.1 Site Description

The subject land is comprised of three allotments, Lots 26, 28 and 30, DP 1067, No. 17-21 Wharf Road, Surfside, having an area of 3643 m². It is a rectangular shaped parcel, with a 60.33 metre frontage to Wharf Road its southern boundary, and 60.38 metres along its eastern and western boundaries.

The site on the northern side of Batemans Bay is located just over 100 metres from the banks of the Clyde River. It is located in a low lying area with levels ranging over the site from RL 1.39m AHD to 1.87m AHD. A caravan park located on the opposite side of the road separates the site from the river.

Existing development consists of a number of unused buildings that were previously home of an ice works, a panel beating/ spray painting business, and a retailing operation involving the sale of second hand motor vehicles and parts. Three unused timber cottages are also on the property.

A previous development consent (No. 865/03) for a four storey residential flat building comprised of 24 units, approved on 3 February 2004, has lapsed.

2.2 Accommodation Units

The proposal involves the erection of three buildings placed in a row comprised of 21 x 2 bedroom units and 7 x 3 bedroom units and a manager's residence. The units are split level providing two levels of habitable space placed over a carport and sub floor area. They consist of a kitchen/dining, living room and laundry facilities on the lower floor and bedrooms and bathrooms on the upper floor. Balconies accessible via living rooms and main bedrooms having a width of 1.5 metres provide each unit with outdoor space.

The buildings identified as Building 1 (western most building), Building 2 (central) and Building 3 (eastern building) are respectively 9.35m, 9.695m and 9.33m high above natural ground level. They are to be finished in a variety of external materials including metal cladding and painted wall panels.

2.3 General Store

The proposed general store attached to the front of Building 1 has a floor area of 36.8 m² and set at ground level with a paved area of 5.4m width separating it from Wharf Road. It has a food preparation area and retail counter and is intended to be accessible to the public during the hours of operation – 8.00am to 6.00pm daily.

2.4 Restaurant

The proposed restaurant located at the front of Building 2 is to be constructed over a parking area. The restaurant is to have a dining area of 123.8m² (internal) and 49.8m² external deck area in addition to a kitchen/bar/food storage area and male/female/disabled amenities. Access to the restaurant is by way of stairs and a lift from the undercroft parking area. The hours of operation are proposed to be 12noon to 3.00pm and from 6.00pm to 11.00pm, 5 days a week – Wednesday to Sunday.

3. PLANNING CONTROLS

The following planning instruments and plans are applicable to the proposed development:

- a) State Environmental Planning Policy (Major Development) 2005
- b) State Environmental Planning Policy No. 55 – Remediation of Land
- c) State Environmental Planning Policy No. 71 – Coastal Protection
- d) State Environmental Planning Policy (BASIX) 2004
- e) Eurobodalla Urban Local Environmental Plan 1999
- f) Draft LEP 2009
- g) R2—R3 Development Control Plan
- h) Parking and Access Code

3.1 State Environmental Planning Policy (Major Development) 2005

As indicated previously the provisions of SEPP (Major Development) 2005 apply to the proposed development due to Clause 13C(a)(i) as it involves tourist accommodation for 10 or

more persons in a 'sensitive coastal location'. The term 'sensitive coastal location' is defined as being land within 100 metres above mean high water mark. The portion of the land affected by this definition is a small area on the south eastern corner of the development site.

3.2 State Environmental Planning Policy No. 55 – Remediation of Land

The land is identified as 'potentially contaminated' land. An earlier report submitted to Council based on a preliminary investigation of the site found there was some trace of lead found in the soil but considered that the risk of contamination is low and future land use can proceed without undue risk to the environment or public health. However as advocated by the authors of the Statement of Environmental Effects submitted with the Development Application it is agreed with the recommendation that, *the developer should be required to undertake a Stage 2 Detailed Site Investigation in accordance with the Contaminated Site Guidelines, and be required to comply with the recommendations of such investigations, in order to fully address this matter.*

3.3 State Environmental Planning Policy No. 71 – Coastal Protection

The provisions of SEPP 71 apply to the site as it is located within the 'coastal zone' and partly within a 'sensitive coastal location' as defined by the SEPP.

Clause 8 - Matters for consideration

It is considered that the development is consistent with the aims of this Policy because:

- It does not impact or impinge on public access to or along the coastal foreshore.
- It is considered to be suitable development compatible with the context of the surrounding land uses.
- It will not impact on the amenity of the foreshore or cause a loss of views from a public place.
- It will have minimal impact on the scenic qualities of the NSW coast.
- The proposal will result in a minimal amount of vegetation to be removed and no impact on native flora or fauna.
- No impact on wildlife corridors
- No known aboriginal cultural sites, given its disturbed nature most unlikely.
- It will have minimal impact on the water quality of coastal water bodies.

Clause 16 – Stormwater

- Stormwater runoff from the roof areas is to be collected in 1200 litre rainwater tanks for each unit and plumbed for reuse. The Stormwater Construction Plans submitted with the DA show the excess from the tanks and the runoff from the hard surfaced areas direct stormwater to a series of underground pipes and pits providing sedimentation collection opportunity before the stormwater travels to a new pipe to be installed in Wharf Road.

3.4 State Environmental Planning Policy (BASIX) 2004

The provisions of SEPP (BASIX) apply to the accommodation component of the building as it is class 2 pursuant to the Building Code of Australia. BASIX certification (Certificate No. 345157M) has been provided together with ABSA stamped plans.

3.5 Eurobodalla Urban Local Environmental Plan 1999

The site is zoned Residential-Tourism 2t under the ULEP 1999. It is located some 500 metres from the Batemans Bay CBD located on the northern side of the Clyde River close to the Princes Highway bridge crossing. It is an area already well established with medium density residential tourist accommodation development. It is a land use considered to be consistent with the objectives of the zone, which are:

- a) *“to provide a variety of residential opportunities at relatively higher densities in localities where full services are provided and which are close to commercial centres and community facilities.”*
- b) *“to encourage tourist facilities and accommodation in areas close to commercial centres”*
- c) *“to provide for limited commercial activities where they are compatible with adjoining buildings and uses.”*

The proposal is comprised of a number of land use components. A restaurant, general store and tourist accommodation and all land use categories allowed in the 2t zone.

Clause 21 of the ULEP 1999 identifies the controls that apply to non-residential development in the residential zones.

The objectives for non residential development area:

- (1) *In this clause, “**non-residential development**” means development other than development for the purpose of dwellings, dwelling-houses, dual occupancies, housing for aged or disabled persons, integrated housing, manufactured home estates, residential flat buildings or boarding-houses.*
- (2) *The objectives for non-residential development in residential zones are:*
 - (a) *to provide for non-residential development that results in public utility services and installations that need to be located in residential zones for physical reasons such as topography (for example, water reservoirs, electricity substations and sewage pumping stations), and*
 - (b) *to provide for non-residential development that caters to local residents, particularly children, such as child care centres, community centres, educational establishments, places of worship and some types of public authority premises, even where such development may have greater impact on the amenity of the area than the impact typically expected from residential development, and*
 - (c) *to ensure non-residential development that does not need to be carried out near local residents, and that has greater impact on adjoining residents than would be expected from residential development, is located in the business zone, and*
 - (d) *to ensure nearby residents and property owners are advised in advance of proposed non-residential development in residential zones and given the opportunity to inform the Council of their views.*

- (3) *Non-residential development that is permissible only with development consent in residential zones must be advertised in accordance with procedures adopted by the Council from time to time. These procedures need not require advertising of proposed additions or alterations to non-residential development that, in the opinion of the Council, are minor in nature or would have minimal additional impact on the amenity of the area.*
- (4) *In considering an application for consent for non-residential development in a residential zone, the Council must take into account the objectives for such development as set out in this clause and any representations from members of the public.*

The proposal includes non residential development in the form of a general store and a restaurant.

General store means a building not exceeding 125 m² in floor area used for the sale of food for consumption primarily off the premises and other merchandise, excluding fuel for motor vehicles.

Restaurant means a building, place or structure used principally for the sale of food and refreshments for consumption on the premises or on the land where it is located.

In taking into consideration Clause 21 the extent of the commercial development relative to the extent of the accommodation suggests that the commercial use is a minor or ancillary component of the overall; accommodation – 2211m² (85%) vs commercial – 406m² (15%).

The application was advertised and submissions received from two objectors. The issues raised are addressed later in this report, but neither is expressing concern with the nature of the proposed land uses.

Clause 21 is somewhat contradictory to that of the 2t zone objectives which are clearly aimed at supporting tourist facilities particularly where they are close to commercial centres. The development satisfies this locational requirement being within walking distance of the Shire's regional centre. The restaurant and general store will serve both tourists and locals alike. The proposed development is deemed consistent with the broader intent of the instrument.

3.6 Draft LEP 2009

The land is proposed to be zoned R3 – Medium Density Residential in the Draft 2009 LEP (dLEP) where 'tourist and visitor accommodation' and 'neighbourhood shop' are permitted uses. The dLEP is proposing to introduce a height limit of 11.5 metres to the area and the proposal is consistent with this as well as the proposed objectives for the R3 zone. The development is deemed to be generally consistent with the dLEP.

The dLEP has been through a public exhibition process which raised issues that required the instrument to be modified. On being revised it has been forwarded to the NSW Department of Planning where it is waiting for endorsement before being placed on public exhibition again. No submissions were received during exhibition of the dLEP relating to the subject land and the controls that would apply. Given that the dLEP is not imminent, little weight is given to the draft instrument in the assessment of development applications.

3.7 R2—R3 Development Control Plan

The recently adopted Batemans Bay Regional Centre Development Control Plan ' repealed the 2t Tourism DCP. The following table includes an assessment of the application against the DCP.

R2 - R3 DCP	Required	Proposed	Compliance	Comment
Building Height Envelope	4.5m at side boundaries then 45° to 8.5m max	Max height 9.695m and some eave overhang	No	Increase in height does not obscure or dominate streetscape, cause loss of views, loss of sunlight – it satisfies building height objectives. Height increase is to ensure floor level is above flood level; a principle advocated by the dLEP.
Floor Space Ratio	2t – max FSR 0.85:1		Yes	0.7:1
BASIX	Applicable to Class 2	BASIX certification issued	Yes	
Energy efficiency BCA	Applicable to Class 6	No response provided, likely to be compliant	Yes	Condition on consent to ensure compliance
Disabled access	Applicable to Class 6, not applicable to Class 2	Parking space, access and facilities provided for Class 6	Yes	
Safer design by	Surveillance of entries	Entry to Class 6 buildings visible from street	Yes	Although individual entries to units not visible from street, are observable from windows of other units as are common areas
Acoustic privacy	Separation of bedrooms /living rooms from noise.	Noise sensitive rooms located at higher levels	Yes	No noisy roads close to site
Visual privacy	No overlooking of more than 50% of existing POS within 9m & no direct looking into windows	Neighbouring dwellings have more than 50% >9m & no direct looking into existing windows	Yes	
Solar access applies to res accom/dation	June 21 – min 2hrs between 9a-3pm	Shadow extends to eastern wall of No. 22 at 9am only	Yes	
Private Open Space applies to permanent			N/A	Each unit has 5.4m2 POS balcony with min dimension of 1.5m reasonable for short term stayers.

dwelling				
Landscaping	3m wide on front boundary for neighbourhood shops	3m, 1.5m, 0.5m	33% compliant	Vertical landscaping element provided by palm trees softening the front of Building 3.
Views	Equitable view sharing	Neighbour at No 22 may experience some water view loss.	Yes	
Acid Sulphate Soils	Class 1-5 to comply with ASS Policy	Class 2		Acid Sulphate Soil & Salinity Assessment Report provided and compliance with this can be conditioned on consent
Flood/ Climate Change	Comply with Eurobodalla Interim Sea Level Rise Adaption Policy	Commercial building life 50 years	Yes	Refer to commentary below
Heritage	Heritage Impact Statement required if identified as requiring further investigation	Further investigation deemed not necessary in 2004.	Yes	The Ice Factory and Croakers Garage were previously flagged for investigation in the Shire wide Heritage Study however Council's Heritage Advisor deemed they were not of sufficient significance to be included in Heritage Schedule.
Earthworks/ excavation	SWMP reqd Max cut 1m & max fill 1m	Soil & Water Management Plan submitted Fill <1m	Yes	
Storm water	Pre flow = post flow	Stormwater Management Plan submitted	No	Stormwater plan ensures the development will not adversely impact on flooding or drainage of other properties.
Waste	Provision for storage and removal of waste	Provision for garbage storage and pick for store and rest.	Yes	Waste Minimisation & Management Plan has been submitted. Individual units will rely on 40m of available kerbside suitable for short term stayers. Condition on consent
Parking and access	Comply with Parking & Access Code	Refer to response below	Yes	

3.8 Parking and Access Code

The table below summarises the car parking requirements for the development as prescribed by the Code:

Proposed Land Use	Code requirement	Spaces required	Spaces provided	Compliance
Tourist accommodation	1/unit ¼ units for visitors	28 7	28 7	Yes

n units	1/managers residence ¼ for boat trailer (max 3)	1 3	1 3	
General Store (36.8m ²)	1/30m ² GFA (min 2)	7	7	Yes
Restaurant (123.8m ²)	1/8m ² public area	15.5	16	Yes
Total		54	54 (incl 1 disabled space)	

The submitted application proposes to provide enough car parking to satisfy the numerical requirements of the Car Parking Code.

Parking Layout and Dimensions

The proposal has been designed so as to provide car space dimensions and aisle widths and manoeuvring areas which satisfy the requirements of the Code.

Access

The proposal to have one way movement of vehicles with separate points of entry and exit is a satisfactory outcome.

Drivers with a Disability

A disabled space is required to be provided for every fifty or part thereof, in accordance with the Building Code of Australia and must satisfy Australian Standard AS 2890.6 – Off-street Parking for People with Disabilities. Provision has been made for such a space, together with access to the general store and restaurant.

4. SEA LEVEL RISE/ CLIMATE CHANGE

Climate change and sea level rise have been considered in the assessment of this application. As identified in Council's Interim Sea Level Rise Adaption Policy the subject land is located within 100 metres of a 1% AEP high tide event and at an elevation of less than 5 metres AHD is therefore affected by the policy. The policy adopts the NSW Government's Sea Level Rise planning benchmarks of 40cm by 2050 and 90cm by 2100. It advocates a 100 year planning period be used for all development. It also states that for any new commercial developments that a 50 year designed building life can apply rather than 100 years for new residential development.

The Council may possibly raise Wharf Road by 0.5 metre in the future so as to reduce the impact of ocean inundation into the future and improve access. This would raise the road kerb invert to about 2.3m AHD, the same level as the proposed ground level of the development site.

The site sits in a local catchment of approximately 5.1 hectares that drains some of the upper escarpment as well as properties on the northern side of Wharf Road. Wharf Road is higher than these properties and during storm events water pools in this area draining to the east through the Rio Rita caravan park at the rear.

The application is supported by a report by Southeast Engineering & Environmental which states:

the flood planning level for the site should be the 2050 year flood level, plus 0.5m freeboard; 3.1m AHD.

$2.0\text{m (2050 1\% AEP STL)} + 0.6\text{m (wave setup)} + 0.5\text{m freeboard} = 3.1\text{m AHD}$

As a comparison, the Wharf Road study (BMT WBM, 2009) suggests minimum floor levels of 3.6m AHD by 2100 as a proposed development condition for the area. This is consistent with the 2050 level selected in this case (0.5m below the 2100 level).*

The proposed lower floor level of the residential component of the development is 3.8m AHD, 1.2m above the predicted year 2050 1% AEP inundation level and 0.7m above the predicted 2100 1% AEP inundation 2050 level.

The floor of the general store is located at 2.4m AHD, 0.2m above the current 1% AEP inundation level, and below the predicted 2050 1% inundation level.

It is accepted that the development's proposed 3.8m AHD floor level for habitable rooms is satisfactory. However, it was not accepted that the floor level of 2.4m AHD is adequate for the General Store. A further submission was then received from Southeast Engineering recommending that *the General Store and Office area be raised to 2.6m AHD, the 2050 1% AEP inundation level....A freeboard of 0.5m should apply to the storage of materials and the location of all electrical services and mechanical services, creating a flood planning level for these components of 3.1m AHD.* Amended plans were submitted to support this recommendation and these now form part of the suite of plans recommended for approval.

* BMT WBM, 2009 – Wharf Road Coastal Hazard Assessment and Hazard Management Plan, Eurobodalla Shire Council.

5. PUBLIC SUBMISSIONS

Two objectors submitted three submissions in relation to the application. The issues raised are addressed as follows:

a) The Coastwatchers Assoc Inc.

- *Objectives of NSW Coastal Policy not being met*

Response: The proposal will not compromise the objectives of the Coastal Policy. The development together with the proposed consent conditions have taken into account the impacts of climate change and is consistent with the principles set out in Council's Interim Sea Level Rise Policy.

- *Batemans Bay Clyde River Estuary Plan – maintain visual amenity of estuaries and foreshores*

Response: The site is separated from the foreshore by a caravan park some 100 metres from the high water mark. A 9.7 metre high building set at the foot of an escarpment with established tree canopy in its foreground and background will ensure the development does not have a significant impact on the visual amenity of the estuary.

- *SEPP 71 – Proposed floor level not adequate for SLR for 2050 and 2100. Also bulk and scale not consistent with surrounding area.*

Response: The response provided by the Southeast Engineering & Environmental is that the proposed floor levels for the proposed residential component is above the predicted 2050 and 2100 1% AEP with a 0.5m freeboard.

In relation to the bulk and scale issue, there is a number of multi storey developments in the area, with two larger multi storey complexes to the west of the site. These may not have the same overall height but do have bulk and mass not dissimilar to the current proposal. As the area redevelops there will be an expectant increase in overall height to accommodate the revised flood level requirements. The proposed LEP reflects this outcome by raising the building height maximum from 8.5 to 11.5 metres.

- *NSW Coastal Design Guidelines*

Response: Design Guidelines are applicable to plan making rather than development assessment.

- *Importation of soil for filling purpose could lead to sediment entering the river compromising water quality.*

Response: The implementation of erosion and sedimentation controls as required by conditions on consent will address this issue as is normally required of any construction works site.

- *Shoreline recession caused by climate change and sea level rise will impact on the development site.*

Response: The site is not considered to be high risk for the planning time frame applicable to the development. It is set well back from the existing water's edge and as demonstrated by Southeast Engineering taking into account the sea level rise benchmark of 40cm by 2050 and storm surges that will come with climate change the development is unlikely to be inundated. Although the future foreshore is not known it is reasonable to agree with Southeast Engineering that full height of wave setup is unlikely to extend through the development site given the distance from the shoreline. To provide freeboard however Southeast Engineering does allow for the full amount of wave setup (0.6m) in its calculation of the 2050 storm tide level, which has been adopted by the Architects in their design response.

- *Raising of Wharf Road by 500mm when is this likely to happen and impact this will have on existing residences and caravan park*
- *Will access to the site be limited in 50 years ?*

Response: The possible contingency of raising Wharf Road is aimed at ensuring access to this area is maintained if it becomes under threat.

- *Draft LEP 2010 should be given more weight than current EEP 1999.*

Response: To do so would be contrary to case law and even if it was approached in this fashion it is highly unlikely to change the assessment outcome, given the development is generally consistent with the dLEP.

b) G Mangin

- *Great improvement to Wharf Rd being a neglected site*
- *Proposed restaurant will reduce view to the water and islands. It should be built at the average setback in street.*
- *Proposed signage on the side of the restaurant and general store will shine into bedrooms.*

Response: The existing development on the site is located at approximately 3.6 metres from the front boundary. The submitter's two storey residence at No. 22 Wharf Rd is setback approx 3.1 metres from the front boundary. The street is characterised by development located close to the front boundary such as the caravan park directly opposite side of the street comprised of a line of two storey cabins set at approximately 1 metre from the boundary.

The proposed first floor of the restaurant building is to be setback at 3.6metres. The attached deck has been amended from a zero setback to a 900mm setback and the proposed signage has been removed from the deck to ensure it remains open and transparent . Both modifications improve the easterly view corridor for Mr Mangin.

- *Development will cause flooding of property*

Response: Wharf Rd being higher than Mr Mangin's property prevents the overland flow of stormwater to the south. The proposal includes the placement of underground drainage pipes in Wharf Road which will provide some relief to Mr Mangin's property. Although the storage capacity of the catchment will be reduced the existing drainage path that flows eastward will continue to function thus the extent of inundation Mr Mangin experiences will not be exacerbated by the development.

- *Reduce sunlight until after midday*

Response: The submitted shadow diagram for 21 June shows a shadow touching the eastern edge of Mr Mangin's residence at 9am only. The proposal easily complies with the R2-R3 DCP which stipulates a minimum of 2 hours between 9am and 3pm on June 21.

6. CONCLUSION

The proposal for a mixed use development comprised of a restaurant, general store and 24 tourist accommodation units at 17-21 Wharf Road has been assessed pursuant to the heads of consideration under Section 79C of the Environmental Planning and Assessment Act 1979, Eurobodalla Urban LEP, R2-R3 DCP and the relevant SEPPS and the relevant policy framework. Although a number of non compliances with the development controls were detected these were considered to be minor as when considered against the broader objectives for the zone and the locality. The variations do not represent a significant impact on the character of the area from either a public or private domain perspective, nor on the

amenity and privacy of the neighbours. The proposal is consistent with the Council Interim Sea Level Rise/ Climate Change Policy and the NSW Government's equivalent. The development application is therefore recommended for approval.

7. RECOMMENDATION

THAT Development Application No 401/11 for 17- 21 Wharf Road dated 16 November 2010 as shown on Plan Number 11/401 and described in details accompanying the application be APPROVED under Section 80(1) of the Environmental Planning and Assessment Act, 1979 subject to the conditions set out below. These conditions have been applied to this consent for the following reasons:"under Section 80(1) of the Environmental Planning and Assessment Act, 1979 subject to the following conditions:

- ensure the proposed development:
 - (a) achieves the objects of the Environmental Planning and Assessment Act, 1979;
 - (b) complies with the provisions of all relevant environmental planning instruments;
 - (c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
- 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.
- meet the increased demand for public amenities and services attributable to the development in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979.
- ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
- minimise any potential adverse environmental, social or economic impacts of the proposed development.
- ensure that all traffic, car parking and access requirements arising from the development are addressed.
- ensure the development does not conflict with the public interest.

GENERAL CONDITIONS

1. This development is to be carried out in accordance with the plans and supporting documents listed below as submitted by the applicant to which is affixed Council stamped and numbered 11/401 or as modified by any following condition.

Drawing No.	Description	Sheets	Issue	Date
DA02	Lower Level Site Plan -Architects Edmiston Jones	1	C	18/02/11

DA04	General Store, Restaurant & Office Floor Plans -Architects Edmiston Jones -	1	A	11/01/11
DA06	Elevations -Architects Edmiston Jones -	1	B	21/02/11
DA07	Sections -Architects Edmiston Jones	1	B	21/02/11
1275-LD01	Landscape Plan -Ochre Landscape Architects	1	A	10/11/10
DA03	Unit Floor Plans -Architects Edmiston Jones	1	A	11/11/10
DA06	Elevations -Architects Edmiston Jones	1	A	11/11/10
DA07	Sections -Architects Edmiston Jones	1	A	11/11/10
DA08, DA09	Shadow Diagrams -Architects Edmiston Jones	2	A	11/11/10
U14920-E	Drainage & Driveway Construction Plans -Rygate & West	3	A	11/10
	External Colour Scheme Architects Edmiston Jones	2	A	15/11/10

Supporting Documentation

Author	Title	Date
Cowman Stoddart Pty Ltd	Statement of Environmental Effects	11/10
Architects Edmiston Jones	Waste Minimisation & Management Plan	10/11/10
Compaction & Soil Testing Service PL	Acid Sulphate and Salinity Assessment Report	06/12/10
Southeast Engineering & Environmental	Flood Planning Report	03/12/10
Don Edgar Pty Ltd	BASIX Certificate and ABSA Plans	10/11/10

Note: Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s96 of the Act, or a fresh development application. No works, other than those approved under this consent, shall be carried out without the prior approval of Council.

Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of that inconsistency. [2.05]

2. **Inspections & Certificates**

The buildings are to be compliant with the Building Code of Australia including Section J requirements and a Construction Certificate must be obtained. For the purposes of section 109E(3)(d) of the Environmental Planning and Assessment Act, the following are occasions on which building work **must** be inspected. These inspections are the **critical stage inspections**.

The critical stage inspections may be carried out by the Principal Certifying Authority or, if the Principal Certifying Authority agrees, by another certifying authority. The last critical stage inspection required to be carried out for the class of building concerned must be carried out by the Principal Certifying Authority.

In the case of a class 2 building, the development site must be inspected:

- (a) at the commencement of the building work;
- (b) prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building;
- (c) prior to covering any stormwater drainage connections; and
- (d) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

In the case of a class 5 or 6 building, the development site must be inspected:

- (a) at the commencement of the building work;
- (b) prior to covering any stormwater drainage connections; and
- (c) after the building work has been completed and prior to Occupation Certificate being issued for the building. Note: Conditions of consent require that a final clearance be issued on all Section 68 Local Government Act Approvals ie. plumbing and drainage, prior to issue of interim occupation certificate or occupation certificate. [2.12]

In addition to the above the Principal Certifying Authority may determine when additional inspections and Compliance Certificates are required.

3. Use Controls

a) Short Term Stays

The tenancy of the accommodation units is limited to short term stays and not for permanent occupation. Short term stays are for a maximum period of sixty (60) days in any one calendar year.

b) Music Curfew

The playing of amplified music and the like in outdoor dining areas associated with the restaurant or general store use shall be prohibited after 10.00pm.

c) Resident Manager

The manager/ operator of the tourist facility must be a permanent resident of the property.

4. Lighting

Provision must be made for illumination of the common areas in the front area of the site, throughout the hours of darkness.

All external lighting shall be operated and maintained in accordance with the Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting so as not to cause a nuisance or adverse impact on the amenity of residents and motorists.

5. Car parking

The fifty four (54) car parking spaces required by this consent are to be maintained and available for their designated uses. The twenty three (23) spaces allocated for use by staff and patrons of the Restaurant and General Store are to be line marked

and identified for patron use only. They are to be maintained free of obstruction and not used for the storage of goods or waste products.

6. ***Flood level***

The storage of materials and the location of all electrical and mechanical services are to be located a minimum RL of 3.1m AHD.

7. ***Landscaping***

The proposed landscaping shown on the approved landscaping plan is to be completed prior to the issue of any Occupation Certificate. The landscaping proposed on the front boundary where it identifies tree planting is to be in the form of established mature trees, including the palm trees to be located at the front of Building 2. The landscaping is to be continuously maintained in accordance with the approved plan.

8. ***Access***

The access is to be constructed in accordance with the approved engineer's design. The access is to be sealed. [14.01]

9. ***Vehicle Direction***

All vehicles to enter and exit the development in a forward direction to avoid possible conflict with through traffic on Wharf Road. [14.25]

10. ***Loading & Unloading***

All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site at all times.

11. ***Signage***

a) Flashing Advertising Signs

The advertising signs shown on the approved plans is not to be of a flashing type and its illumination should not distract residents or passing motorists. [17.02]

b) Lighting of Sign

The lighting of the sign(s) shall be so positioned and focused so that no direct light or glare shall be visible from any roadway or from any adjoining property. [17.06]

c) Open Deck

No signage is to be attached to the deck or screens forward of the restaurant building. The deck structure and associated screen is to be constructed and maintained as an open transparent structure aimed at minimising the impact it has on streetscape values and view corridor along the street.

12. ***Water & Sewer Inspections***

All plumbing and drainage works (water supply, sanitary plumbing and drainage, stormwater drainage and hot water) are to comply with Local Government (General) Regulation 2005 and the Plumbing and Drainage Code of Practice (national). Works must only be installed by a licensed person and must be inspected and granted final approval by Council prior to issue of interim or occupation certificate.

The following inspections are required to be carried out by Council in regard to the installation of plumbing and drainage works. Inspections may be arranged by contacting Council's Compliance unit. Where Council is not the Principal Certifying Authority, an additional fee will apply:

- (a) Sanitary drainage under hydrostatic test and prior to backfilling trenches or covering;
- (b) Hot and cold water plumbing under pressure test prior to covering;

- (c) Internal stackwork under hydrostatic test prior to covering; and
- (e) Issue of final satisfactory inspection.[2.16]

13. **Demolition Standards**

Building demolition works are to be carried out in accordance with *Australian Standard 2601 (2001) – The Demolition of Structures*. NOTE: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.[21.01]

14. **Asbestos**

Any asbestos on the site is to be removed by contractors who hold a current WorkCover licence appropriate to the work being undertaken. The disposal of all asbestos laden waste must be disposed off to an authorised land fill site.

The consent holder is to provide to the Principal Certifying Authority a signed copy of a report from suitably qualified person such as an occupational hygienist, stating that where asbestos has been removed it has been carried out in accordance with the requirements of WorkCover and of this development consent.

15. Storage of materials is not permitted on the public footpath area or roadway unless an approved hoarding is provided.

16. **Sewerage Manhole**

Any alterations to the ground surface adjacent to the sewerage manhole in the vicinity/or within the property will require application and payment to Council for alterations to the manhole level to match the new ground surface level. Manholes within driveways will require provision of a trafficable lid at the applicants cost. [4.02]

17. **Water supply – backflow prevention**

Prior to connecting to Council's reticulated potable water supply, a backflow protection and cross connection survey is to be conducted in accordance with Council's Backflow Prevention Policy, AS 3500.1 and NSW Code of Practice Plumbing and Drainage.

A backflow prevention device suitable to the degree of hazard is to be installed in accordance with the before mentioned policy and codes.

If a testable Backflow Prevention Device is installed then a Backflow Prevention Device Inspection and Maintenance Report initial test certificate is to be lodged with Council within 2 days of installation.

The standard meter connection fee nominated in Council's fees and charges includes connection of the water meter only. [5.12]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

18. Access and facilities for persons with disabilities are to be provided in accordance with the Building Code of Australia and Australian Standard 1428.1 and 1428.2 – Design for Access and Mobility as specified by the Council's R2-Low Density Residential and Island R3-Medium Density Residential Development Control Plan. Complete details of compliance with these instruments is to be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

Note: Introduction of the Premises Standards into the BCA proposed to occur on 01/05/11 may impact on this development.

19. Submission to and approval by Council prior to release of the Construction Certificate, of engineer's designs for the filling and grading of the site to provide free drainage to the street stormwater drainage system. Levels are to be coordinated with the approved finished floor levels, future vertical road realignment and vehicular access designs. All levels are to be in Australian Height Datum. Contact is to be made with Council's Development Engineer on (02) 44 74 1015 prior to undertaking the design.
20. Submission to and approval by Council prior to release of the Construction Certificate, of engineer's calculations in accordance with council's Development Specifications and Stormwater Design Manual for verification of the existing stormwater disposal system, for adequacy of capacity to receive stormwater disposal from the proposed development. Upgrading of Council's existing piping as a consequence of the investigation may be required (at no cost to Council) and engineer's designs are to be provided to Council for approval, prior to release of the Construction Certificate, if the piped system is found to be inadequate.
21. Submission to and approval by Council prior to release of the Construction Certificate, of engineer's designs for the piping of stormwater from the development to Council's stormwater pits within the road reserve. Designs and work as executed plans are to be in accordance with Council's Development Specifications and AS/NZ 3500, with all construction completed by the developer, at their cost. Contact is to be made with council's inspector on (02) 44 74 1393, 2 days prior to commencement of any work within the road reserve.
22. Various combinations of water meters can be connected to each premises due to the differing types of development. Application is to be made to Council by calling (02)4474 1252 prior to release of the Construction Certificate to make arrangements for payment. Payment is to be in accordance with Council's fees and charges at the time of payment. A reduced fee may be applicable where the water main junction to the property has been provided by the developer.

Individual water meters are required for strata units.

23. ***Design of Food Premises***
The construction and fit-out of the food premises shall comply with the construction requirements of the Food Act 2003, Food Regulation 2004, Australia New Zealand Food Standards Code and AS4674-2004 "Design, Construction and Fit-out of Food Premises".

Prior to the issue of a Construction Certificate, plans and specifications showing compliance with the above, including details of fixtures and fittings together with wall, floor and ceiling finishes to all food preparation, coolroom and storage areas, shall be submitted to, and approved by, the Principal Certifying Authority.

24. ***Site Contamination Assessment***
A Site Contamination Assessment, prepared by a suitably qualified and experienced person, shall be submitted to and approved by Council, prior to the issue of the Construction Certificate. Such an assessment shall be undertaken by a suitably

qualified and experienced person, and shall conform to the NSW Sampling Guidelines and the Guidelines for Consultants Reporting on Contaminated Sites.[10.03]

25. ***Acid Sulphate Soil***

In accordance with the recommendations of the Compaction and Soil Testing Services Pty Ltd Report all works two (2) metres below natural ground level should be avoided. Where this is required an ASS Management Plan that accords with the NSW Acid Sulphate Soils Manual shall be prepared and complied to ensure acid sulphides are not released to the environment. This must be submitted to and approved by Council prior to the release of a Construction Certificate.

26. ***Footpath Construction***

Prior to issue of the Construction Certificate submission to and approval by Council of a detailed plan for footpath construction (at no cost to Council) for the full frontage of the property. [14.06]

27. ***Sealed Traffic Areas***

Prior to issuing of a Construction Certificate submission to and approval by the Principal Certifying Authority of satisfactory plans for sealed carparking spaces, manoeuvring areas and access driveways all conforming to AS2890.1 & 2. Drainage and pavement designs are to be prepared by a qualified engineer and are to address expected vehicle loadings and any fill compaction requirements. Disabled parking is to be designed in accordance with AS2890.6:2009 and constructed prior to release of the final certificate.[15.01]

28. ***Long Service Levy***

Long Service Levy is required to be paid to the NSW Long Service Payment Corporation prior to the issue of a Construction Certificate. The amount to be paid is 0.35% of the cost of buildings and works. [2.03]

29. ***Section 94A Contributions***

Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Eurobodalla Shire Council Section 94A Development Levy Contribution Plan (2007), the following contribution shall be paid to Council:

\$35,000

This contribution shall be applied towards the provision, extension or augmentation of public amenities or public services. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Eurobodalla Shire Council Section 94A Development Levy Contribution Plan. The contribution is to be paid prior to issue of the Construction Certificate.

30. ***Industrial Development – Trade Waste***

A separate application, in accordance with Council's Liquid Trade Waste (LTW) Policy, is to be made for the approval of the discharge of liquid trade waste to Council's sewerage system. This is to be submitted to and approved by Council prior to the issue of the Construction Certificate and is to include plans showing drainage of all floor space being directed towards Council's sewerage system through an industrial type oil/grease separator. [4.15]

31. **Water Meter – Industrial/Commercial Development**

Submission to Council, written advice from a suitably qualified hydraulic engineer/consultant on the recommended water meter size required for the development in accordance with AS 3500.1:2003 National Plumbing and Drainage Code and AS2441-2005 Installation of Fire Hose reels.

Note: all fire hose reels must be supplied through the metered supply.

Payment to Council of the standard fee (for the current financial year) for a suitable sized water meter recommended for the development. The meter is to be located as to be accessible to Council's Water Meter Reader at all times. Any work required to Council's infrastructure to extend the main or allow installation of the meter other than a standard meter connection, is to be undertaken at full cost to the applicant.

A standard meter connection is where the watermain is located on the same side of the street as the property, the meter is to be located approximately 2.4m from the watermain to just inside the property boundary and laid in a non-hard surface area (grassed).

32. **Stormwater & Site Drainage**

Prior to release of Construction Certificate, plans are to be prepared by a suitably qualified person and approved by Council for the control of stormwater from roofed and impervious areas. The final design is to be prepared in accordance with AS3500 and principles consistent with the Eurobodalla Design Guidelines for Rainwater Tanks. The design is to include the installation of a dual water supply (rainwater and domestic supply) rainwater tank system capable of servicing each unit/dwelling.

The design should address, but not be limited to the following:

- (a) The location of all components and their relationship to nearby buildings;
- (b) The configuration of inlet/ outlet, and overflow pipes;
- (c) Details of dimensions, structural details, and proposed materials;
- (d) The overflow is to be connected to the kerb and gutter by gravity feed or as specified by Council where this is not possible.

Rainwater tank systems are to include:

- (a) Provision of a first flush system with a capacity of at least 0.5 litres/m² of roof area;
- (b) An air space for additional stormwater management;
- (c) A minimum availability volume to ensure that water supply is always available;
- (d) Top up technology and appropriate cross connection controls and backflow prevention in accordance with clause 2.2 of Committee on Uniformity of Plumbing and Drainage Regulations (CUPDR) Circular No. 18;
- (e) Separate reticulation should include washing machines, toilet flushing, residential garden irrigation, washing cars and filling ornamental ponds

Detailed work as executed plans are to be provided to Council prior to the release of an Occupation Certificate.^[6.01]

33. **Ocean/Flood**

Prior to issue of a Construction Certificate, submission to and approval by Council, of designs by a suitably qualified and experienced Structural/Civil Engineer that the development will be capable of withstanding the impact of the flood/ocean hazard applicable to the location.^[7.04]

34. **Flood**

Prior to the release of a Construction Certificate plans are to be submitted to the satisfaction of the Principal Certifying Authority showing all building materials used below the 2050 1% AEP STL, and including the floor, to be of flood compatible materials, ie. the structural integrity of the materials must not be adversely affected by repeated immersion in flood water. Details of these materials are to be consistent with Council's "Guidelines for Flood-compatible Materials".[7.05]

PRIOR TO COMMENCEMENT OF WORKS

35. **Works Within Road Reserve**

Council's Subdivision Inspector is to be notified two days prior to commencement of any works for footpath and stormwater construction within the footpath or road reserve (Telephone [02]4474-1393) to make arrangements for inspection. [14.08]

36. **Remediation & Validation Report**

Following the completion of remediation works on the site a Remediation Validation Report is to be prepared by a suitably qualified environmental consultant. This report, together with a final site audit statement by an accredited environmental consultant, including Notice of Completion statement, pursuant to clauses 17(2) and 18 of SEPP 55, is to be submitted to the satisfaction of Council prior to commencement of construction works.

37. **Construction in a Road Reserve**

Prior to commencement of any construction within the road reserve the applicant is to obtain a Section 138 consent from Council to undertake such works. A Traffic Control Plan prepared by a suitably qualified consultant, certified by the Roads and Traffic Authority in work site traffic control plan preparation is to be submitted to Council with the information listed below to facilitate completion of the Section 138 application. The consultant is to certify that the Traffic Control Plan complies with the current Roads & Traffic Authority manual "Traffic Control at Work Sites". Copies of records of inspections of traffic control layouts must be sent to Council after completion of works.

- (a) The contractor's ABN
- (b) A description of the work to be undertaken and the location. eg address
- (c) The dates for commencement and completion of work
- (d) A copy of the contractor's \$20,000,000.00 public liability policy to indemnify Council.
- (e) A direction to Restrict Traffic Speed (DTR), where applicable, from the RTAs Traffic Operations Unit. Contact: Southern.Speedzoning@rta.nsw.gov.au or fax 02 4227 3705 or Ph: 02 4227 3705.
- (f) A Road Occupancy Licence (ROL) from RTA's Traffic Operations Unit. Contact: Southern.Speedzoning@rta.nsw.gov.au or Fax 02 4227 3705 or Ph: 02 4221 2556 for the Princes Highway and the Kings Highway.

An application form for the issue of a 138 certificate can be found on Council's web site: <http://www.esc.nsw.gov.au/site/publications/brochures/frameset.html> under "Building and Planning". It is the applicants responsibility to ensure that all conditions set out within this form are complied with and a 138 certificate issued prior to any works being carried out in the road reserve.

Carrying out works within the road reserve without a 138 certificate will result in a penalty being issued under the Roads Act 1993 and works being suspended until such time as a 138 certificate is issued. [14.09]

38. For residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised by this consent commences. [2.01]
39. A sign must be erected on a prominent position on any site on which building work, subdivision work or demolition work is being carried out showing the name, address and telephone number of the Principal Certifying Authority for the work, and name of the principle contractor for the work and telephone number on which that person may be contacted outside working hours, and stating that unauthorised entry to the site is prohibited.

Such sign is to be maintained while any works on the site are being carried out and must be removed upon completion of works. [2.02]

40. **Construction Certificate**

The erection of the building the subject of this development consent **MUST NOT** be commenced until:

- (a) Detailed plans/specifications of the building have been endorsed with a Construction Certificate by:
 - (i) the Council, or
 - (ii) an accredited certifier, and
- (b) The person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority, and
 - (ii) has notified the Council of the appointment, and
- (c) The person having the benefit of the development consent has given at least two days notice to the Council of the person's intention to commence the erection of the building; and
- (d) Builders name and licence number has been supplied to Council or the Principal Certifying Authority; and
- (e) Owner Builders permit issued by Department of Fair Trading to be supplied to Council or the Principal Certifying Authority; or
- (f) Home owners warranty insurance has been paid and a copy of the certificate supplied to Council or the Principal Certifying Authority; and
- (g) A sign has been erected on site in a prominent position containing the information prescribed by Clause 98A(2) & (3) of the EP & A Regulations being the name, address and telephone number of the Principle Certifying Authority

for the work, and name of the principle contractor for the work and telephone number on which that person may be contacted outside working hours, and stating that unauthorised entry to the site is prohibited. This sign must be maintained on site while work is being carried out and removed when the work has been completed. [2.06]

41. Demolition

a) Disconnection of Service

Prior to demolition the disconnection of water supply and sewer connections at their respective mains is to be carried out by a licensed tradesperson and inspected by Council staff. In this regard you are advised to arrange Council inspection by contacting Eurobodalla Shire Council Works Depots – Batemans Bay on (02) 4472-4035 or Narooma on (02) 4476-4144 or Moruya (02) 4474-1091 prior to the commencement of the demolition works. [21.08]

b) Other Services

The gas, electricity and telephone services shall be disconnected by the relevant authority prior to the commencement of demolition works.

42. Site Waste Management

A site rubbish enclosure must be provided prior to commencement of any work for the period of the proposed work and remain in place for the duration of all works. All waste materials from the site must be disposed of at an authorised waste facility.

DURING CONSTRUCTION

43. Site Fill Near Boundaries

Fill placed within 1 metre of boundaries is to be properly retained and stabilised. Grading is not to direct stormwater flows to other properties.

44. Fill

No spoil or fill is to be deposited on public roads during the cartage of materials from or to the site. The deposition of spoil shall cease, as directed by Council, if it determines that excessive deposition of spoil onto the road is taking place.

Details of where the fill is to be sourced from and haulage routes shall be submitted to Council for approval, following demolition and prior to the commencement of fill deposition works.

45. Public Footpaths

A safe pedestrian circulation route a minimum of 1.5 metres wide and with a pavement free of trip hazards shall be maintained at all times on, or adjacent to the public footpaths fronting the construction site. Where the footpath is damaged, repair works shall be carried out when directed by Council officers and in accordance with the relevant clauses of the current edition of Council's Development Specifications. Where circulation is diverted on to the roadway, clear directional signage and protective barricades shall be installed in accordance with Australian Standard AS1742-3 1996 "*Traffic Control Devices for Work on Roads*". [14.12]

46. Approved Plans to be On-Site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifying Authority. [2.22]

47. ***Hours of Operation – NOISE***

Construction and demolition work on the site shall only be carried out between the hours of 7.00am and 6.00pm on Monday to Friday inclusive, and 8.00am to 5.00pm on Saturdays. No construction or demolition activity on Sundays and Public Holidays if audible at any residential premise or other sensitive noise receptor. [20.01]

48. ***Floor Level***

The minimum floor level of the lower floor of the tourist accommodation units shall be at or above a RL of 3.8 metres AHD. This level and that of the General Store is to be certified by registered surveyor prior to the structure proceeding past the nominated level.[7.09]

PRIOR TO OCCUPATION

49. ***Waste collection***

The collection of waste of generated by the approved land uses will be carried out by a contractor under the terms of a private agreement or treaty. Notwithstanding this, limited opportunity exists for the collection of domestic bins from the kerbside, a waste collection plan would have to be submitted to and approved by Council prior to the issue of any Occupation Certificate demonstrating how this could be managed.

50. ***Flood Action Plan***

Prior to issue of an Occupation Certificate, a Flood Action Plan including details of evacuation procedures, is to be submitted to and approved by Council.

51. ***Fencing***

A 1.8 metre high fence must be in place along the length of the rear, eastern and western boundaries behind the building line before the issue of any occupation Certificate.

52. Prior to issue of Occupation Certificate make payment to Council of any outstanding inspection fees for infrastructure construction works.
[14.14]

53. ***Driveway Xovers***

Provision of a designed layback gutter crossing, and reinstatement of kerb over redundant laybacks to Council's standard Plan No 4400-A-001-b-1. [14.17]

54. ***Entry & Exit Signs***

Entry and exit signs are to be erected within the property boundaries, clearly identifying each driveway to the public. Signs to be erected prior to issue of Occupation Certificate.[14.29]

55. **Work Within Road Reserve**

Prior to issue of Occupation Certificate all works within the road reserve (road, nature strip & footpath areas) is to be completed to the satisfaction of Council all at no cost to Council. Earthworks adjacent to the driveway are to be grades no steeper than 12%. All service covers are to match the finished ground level within the footpath/road reserve. The vehicle crossing is to be maintained in accordance with Council standards or other approved plan and in sound condition for the life of the development. [14.33]

56. **Parking**

Prior to issue of an Occupation Certificate, provide carpark construction conforming to the approved plan.

57. **Landscape Plan**

Completion of landscaping in accordance with the approved landscape plan prior to issue of Occupation Certificate and such landscaping is to be continuously maintained in accordance with the approved plan. Maintenance is the landowner's responsibility. [16.04]

58. Prior to issue of an Occupation Certificate an inspection will be required out to ensure compliance with the conditions of this consent. The Principal Certifying Authority is to be contacted to arrange for an inspection.

59. **Water & Sewer Headworks**

An application shall be made to the Water Authority (Council) for a Section 307 Compliance Certificate under the Water Management Act 2000. The Principal Certifying Authority shall not issue an Occupation Certificate until it has evidence of a S307 Certificate having been issued. Water supply and sewerage services headworks contributions are applicable in accordance with Section 64 of the Local Government Act 1993 and Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000. The following contributions are required to be paid to Council prior to the granting of a S307 Compliance Certificate.

a) Sewer Headworks Contribution	\$163,443.00
b) Water Headworks Contribution	\$187,824.00

The above contribution rates are applicable for a period of 3 months from the date of this notice. If not paid within this time frame contributions are to be paid at the time of issue of a Occupation Certificate at the rates applicable at that time.

60. **Land Consolidation**

Consolidation of the land into one lot is required. Plan of consolidation to be registered with the Land and Property Information NSW prior to issue of any Occupation Certificate.

61. **Inspection of Sewer & Water Works**

Contact is to be made with Council's Water and Sewer Inspector on (02) 4474 7457 or 0418 412909, two days, prior to commencing any excavation for the sewer or water extension. Payment for inspections are to be in accordance with Council's fees and charges and are to be paid prior to final inspection. Work as Executed plans and testing of the new sewer or water main by Council is to be carried out before occupation.

62. ***Rainwater Tank Plan***

Prior to issue of an Occupation Certificate:

- (a) Stormwater control construction is to conform to approved plans and be in accordance with Council's Policy and Code of Practice, "Design Guidelines for Rainwater Tanks";
- (b) All tanks and associated structures, including stands, must be installed in accordance with manufacturer's/ designer's specifications;
- (c) Accurate Work As Executed plans are to be provided to Council in accordance with Council's Policy and Code of Practice, "Design Guidelines for Rainwater Tanks".

To obtain a copy of the "Design Guidelines for Rainwater Tanks", contact Council's Duty Development Officers on (02)44741231, or download from Council's website at the following link: <http://www.esc.nsw.gov.au/Publications/Strategies/PolicyReg/>^[6.02]

63. ***Fire Safety Certificate***

A Fire Safety Certificate shall be furnished to the Principal Certifying Authority (PCA) for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of an Occupation Certificate. A copy of the Fire Safety certificate must be submitted to Council by the PCA with the Occupation Certificate.

ADVISORY NOTES

64. ***Ocean Location***

Council is of the opinion that the land is located within a corrosive environment, ie. that it is located within 1km from breaking surf, or within 100m of salt water not subject to breaking surf, or heavy industrial areas. Materials used in construction may require a higher level of corrosion protection in accordance with relevant Australian Standards and the Building Code of Australia.^[10.06]

65. ***Aboriginal Relics***

Under Section 90 of the National Parks and Wildlife Act 1974 it is an offence to destroy, deface or damage a relic or aboriginal place without a 'Consent to Destroy' from the Director-General of the NPWS.^[13.10]

66. ***Water & Sewer Supply Payment***

You should contact Council prior to payment to determine the rate of contribution as such rates are revised at least annually. Staging of payments is permitted if staging of development is approved by the terms of this consent.

67. ***Effluent and Sewerage***

A second sewer junction can be provided at cost by applying to Council's depot for a Private Works Order. ^[4.10]

68. ***Disability Discrimination Act 1992***

This application has been assessed in accordance with the Environmental Planning & Assessment Act, 1979. It does not imply that the proposal complies with the Disability Discrimination Act 1992.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

69. ***Discovery of a Relic***

If, during work, an Aboriginal relic is uncovered then the National Parks and Wildlife Service (NPWS) is to be contacted urgently - Queanbeyan 6298-9736 and WORK IS TO CEASE IMMEDIATELY until further notice.[13.07]

70. ***Council's Sewer Plan***

Attached to the approval is a copy of Council's sewer plan. If excavating near the sewer for access construction or other, please contact Council's nearest depot for further information.

This diagram has been compiled on the best available information, but can only be taken as a guide. Exact location should be physically determined on site.

Disclaimer: This information is released by Eurobodalla Shire Council on the condition that the recipient of this document, or the reader of it, acknowledges that should they rely on any aspect of this document, they do so at their own risk and release Eurobodalla Shire Council of all liability and responsibility for any errors, omissions or inaccuracies contained within or arising from this information. [4.12]

71. ***Flooding Liability***

The land may be subject to flooding and the development has been assessed using best available information concerning the likelihood of flooding at the date of determination. If the land is flooded, Council will not, pursuant to Section 733 of the Local Government Act 1993, incur any liability in respect of the granting of this consent.[7.10]