

**NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION**

**DEVELOPMENT CONSENT**

**Environmental Planning and Assessment Act, 1979**

**RA12/1002**

**2012STH028**

**TO:**

Shoalhaven City Council,  
C/- Architects Edmiston Jones  
Attention: Steven Beyer  
PO Box 1315  
Nowra NSW 2541

**being the applicant(s) for RA12/1002 relating to:**

**81B Princes Hwy, ULLADULLA - Lot 4 - DP 759018**  
**Princes Hwy, ULLADULLA - Lot 2 - DP 759018**  
**81B Princes Hwy, ULLADULLA - Lot 3 - DP 759018**  
**66A St Vincent St, ULLADULLA - Lot 340 - DP 44294**  
**81B Princes Hwy, ULLADULLA - Lot 302 - DP 755967**

**APPROVED USE AND OR DEVELOPMENT:**

**Alterations and additions to Ulladulla Civic Centre, Library Auditorium, Senior Citizens and Visitors Centre, including part demolition, car parking, removal of nominated trees, new signage and associated infrastructure.**

**BCA CLASSIFICATION(s):** **9b Assembly Building**

**DETERMINATION DATE:** **[#Determined#]**

Pursuant to the Section 81 of the Act, notice is hereby given that the above application has been determined by granting consent, subject to the conditions listed below.

**CONSENT TO OPERATE FROM:** **[#ConsentFrom#]**

**CONSENT TO LAPSE ON:** **[#LapseDate#]**

**DETAILS OF CONDITIONS**

The conditions of consent and reasons for such conditions are set out as follows:

**PART A****CONDITIONS OF A GENERAL NATURE, INCLUDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT****General**

1. This consent relates to alterations and additions to the Ulladulla Civic Centre, Library, Auditorium, Senior Citizens and Visitors Centre, including part demolition, car parking, removal of nominated trees, new signage and associated infrastructure 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 shall be carried out in accordance with this consent.

<b>DOCUMENT</b>	<b>REF/SHEET NO.</b>	<b>PREPARED BY</b>	<b>DATED</b>
<b>Revised Title Sheet and Location Plan</b> (Trim Ref:D13/27906)	DA0	Edmiston Jones Architects	Received 6/2/13
<b>Site Analysis Plan</b> (Trim Ref:D12/261939)	DA1	Edmiston Jones Architects	Sept 2012
<b>Revised Site Plan</b> (Trim Ref:D12/261939)	DA2B	Edmiston Jones Architects	4/02/2013
<b>Proposed Lower Floor Plan</b> (Trim Ref:D12/261949)	DA3	Edmiston Jones Architects	Sept 2012
<b>Revised Proposed Upper Floor Plan</b> (Trim Ref:D13/27911)	DA4B	Edmiston Jones Architects	4/02/2013
<b>Revised Roof Plan</b> (Trim Ref:D13/27913)	DA5A	Edmiston Jones Architects	4/02/2013
<b>Revised Elevations Plan</b> (Trim Ref:D13/27915)	DA6A	Edmiston Jones Architects	4/02/2013
<b>Revised Sections Plan</b> (Trim Ref:D13/27918)	DA7B	Edmiston Jones Architects	4/02/2013
<b>Revised Vehicle Movement Plans</b> (Trim Ref:D13/27922)	DA8A	Edmiston Jones Architects	5/02/2013
<b>Revised Carpark Layout Plan – Sheet 1</b> (Trim Ref:D13/412)	12196 - C05 B	Pacific Westlake Structural and Civil	20/12/2012

		Engineers	
<b>Revised Carpark Layout Plan – Sheet 2</b> (Trim Ref:D13/412)	12196 - C06 B	Pacific Westlake Structural and Civil Engineers	20/12/2012
<b>Landscape Concept Plan – Sheet 0 of 2</b> (Trim Ref:D12/261984)	1408 – LD01	Ochre Landscape Architects	21/09/2012
<b>Signage and Balustrade Details Plan</b> (Trim Ref:D13/33143)	509 A	Edmiston Jones Architects	12/02/2013
<b>Softworks Plan - Sheet 2 of 4</b> (Trim Ref:D13/411)	1408 – LC02	Ochre Landscape Architects	1/11/2012
<b>Landscape Sections Plan – Sheet 2 of 2</b> (Trim Ref:D12/261986)	1408 – LD02	Ochre Landscape Architects	21/09/2012
<b>Revised Stormwater Drainage Plan – Sheet 1 of 2</b> (Trim Ref:D13/410)	12196 – C01 F	Pacific Westlake Structural and Civil Engineers	20/10/2012
<b>Revised Stormwater Drainage Plan – Sheet 2 of 2</b> (Trim Ref:D12/261966)	12196 – C02 C	Pacific Westlake Structural and Civil Engineers	21/09/2012
<b>Construction Details</b> (Trim Ref:D12/261969)	12196 – C03 B	Pacific Westlake Structural and Civil Engineers	2/04/2012
<b>Soil and Water Management Details</b> (Trim Ref:D12/261978)	12196 – C04 B	Pacific Westlake Structural and Civil Engineers	14/09/2012
<b>Statement of Environmental Effects</b> (Trim Ref:D12/261823)	103003	Watkinson Apperley Pty Ltd	21/09/2012
<b>Site Survey</b> (Trim Ref:D12/276623)	53-2012	M Poidevin & J Perry	3/09/2012
<b>Preliminary Arboricultural Impact Assessment</b> (Trim Ref:D12/276630)	D1988	Allied Tree Consultancy	20/07/2012
<b>Bushfire Assessment</b> (Trim Ref:D12/276646)	103003	Watkinson Apperley Pty Ltd	21/09/2012
<b>Revised External Colour Scheme</b> (Trim Ref:D13/27925)	CS/1A	Edmiston Jones Architects	6/02/2013

<b>Waste Minimization and Management Plan</b> (Trim Ref:D12/276607)	12-0027	Edmiston Jones Architects	12/09/2012
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**Notes:**

- *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. The alterations and additions to Ulladulla Civic Centre, Library, Auditorium, Senior Citizens and Visitors Centre, including part demolition, car parking, removal of nominated trees, new signage and associated infrastructure shall not be occupied or the use shall 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).

**PART B**

**CONDITIONS THAT MUST BE COMPLIED WITH BEFORE WORK CAN COMMENCE**

**Notice of Commencement**

3. Notice must be given to Council **at least two (2) days prior to the commencement of building work.** (The attached form 'Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority' is to be completed and returned to Council.)

**Builders' Toilet**

4. Before commencing building operations, a builder's water closet accommodation must be provided to Council's satisfaction.  
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.

**Asbestos – Statement**

5. No later than seven (7) days **prior to the demolition of any building or structure**, a written statement must be provided to Council indicating whether the building or structure contains asbestos or material containing asbestos and, if so, the following must be provided:

- a) A hazardous substances audit report prepared by a competent and appropriately qualified person in compliance with AS2601-2001; and
- b) A hazardous substances management plan prepared by a competent and appropriately qualified person in compliance with AS2601-2001.

### ***Asbestos – Licensed Contractors***

- 6. Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Demolition Licence or a current WorkCover Class 2 (Restricted) Asbestos Licence.

### ***Asbestos – Notification of Neighbours***

- 7. Fourteen (14) days **prior to the commencement of any demolition works involving asbestos**, all immediate neighbours shall be notified in writing of the intention to carry out asbestos demolition works. Copies of these written notifications should be retained and provided to Council.

### ***Damage to Public Assets***

- 8. The developer or his agent must undertake a site inspection of the adjacent kerbs, gutters, footpaths, walkways, carriageway, reserves and the like, prior to commencement of work and document evidence of any damage to existing assets. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense.

### ***Construction Certificate***

- 9. A Construction Certificate must be obtained from Council or accredited certifier before civil works of any kind can commence in accordance with the Environmental Planning Assessment Act. Notice must be given to Council at least 2 working days **prior to commencement of civil infrastructure work**.

### ***Notification***

- 10. The person having benefit of this consent must appoint a Principal Certifying Authority (PCA) for the works.
- 11. Prior to the commencement of works (at least 2 days) Council must be advised in writing of the name and 24hour contact number of the designated person/company nominated by the developer to be responsible for construction of all engineering works including erosion and sediment control measures and their maintenance. The person/company nominated must be a suitably qualified, experienced and practicing engineer or surveyor. The supervisor will be required to verify the works have been completed in accordance with the design and specification before the subdivision certificate is issued. **Council's Subdivision Inspector is not the supervisor.**

### ***Works within the Road Reserve***

- 12. Prior to undertaking any works within an existing road reserve, the contractor must obtain the consent of Council under Section 138 of the Roads Act, 1993.

The following details must be submitted to Council to obtain the Section 138 consent:

- a) Any pavement design required by this consent;
- b) 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 shall comply with the provisions of AS 1742.3 – 2002 Traffic Control Devices for Works on Roads. 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.
- c) Insurance details.
- d) Name and contact information of the person/company appointed to supervise the construction.
- e) Should the contractor want a single Section 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 Subdivision Manager in conjunction with the Section 138 application for road and drainage works.
- f) Where the Traffic Control/Management Plan requires a reduction of the speed limit, a 'Direction to Restrict' shall be obtained from the RMS - Traffic Operations Unit for RMS roads or Council for other roads and submitted with the section 138 application.

**Note:** *All works undertaken within or adjacent to a public road shall be provided with traffic control in accordance with the Traffic Control Plan as a minimum. As a result of changing conditions, additional traffic control measures may be required to comply with the WH&S Act and WorkCover requirements. Such control is to be in place and maintained to these requirements during the construction of the works. **NB: Traffic includes both vehicular and pedestrian.***

### **Earthworks**

- 13. 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 shall be conducted in accordance with the EPA Sampling Design Guidelines.
- 14. Details of fill storage, disposal and materials haulage routes to and from the site shall be submitted to Council for approval. All surplus excavated material shall be taken to an approved landfill site.

### **Construction Management Plan (Traffic & Parking)**

15. Details of the proposed method of dealing with construction traffic are to be submitted to Council for approval by the Subdivision Manager or delegate. The details shall include but are not limited to the following:

- a) Stabilised site construction access location,
- b) Proposed haulage routes for delivery of materials to the site and spoil disposal from the site,
- c) Estimated timing of construction works in the form of a Gant chart or similar,
- d) Parking arrangements for construction employees and contractors,
- e) 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. If not approved prior to the issue of consent then necessary works

### **PART C**

#### **CONDITIONS THAT MUST BE COMPLIED WITH BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED**

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

16. 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 submitted with the application for a Construction Certificate:

<b>Design Amendment</b>	<b>Reason for Amendment</b>
Suitable adjustment be made to the existing concrete kerb and associated road pavement to allow an easier turning movement for Long Rigid (14.5m) Buses adjacent to the eastern boundary of the Bowling Club Greens	To improve long vehicle accessibility through the development
All new glazing and glass balustrades used externally are to be specified as having a maximum reflectivity index of 20%	To minimise glare to the surrounding environment and the coast.
Landscape plans to be provided with sections through balconies, podiums and stepped areas where garden beds are featured below	To enable a clear appreciation of the landscape design

#### ***Water and/or Sewer Contributions***

17. A Certificate of Compliance (CC) under Section 307 of Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 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 shall 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**, Subdivision Certificate or Caravan Park Approval, as the case may be.

In the event that development is to be completed in approved stages or application is subsequently made for staging of the development, separate Compliance Certificates shall be obtained for each stage of the development.

**Where a Construction Certificate is required 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 Construction Certificate for the development shall obtain written approval from Shoalhaven Water allowing a Construction Certificate to be issued. This shall also apply to approved staged developments.**

<p><b>Note:</b> Relevant details, including <b>monetary</b> contributions (where applicable) under the Water Management Act 2000, are given on the attached Notice issued by Shoalhaven Water.</p>
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For further information and clarification regarding the above please contact Shoalhaven Water's Development Unit on (02) 4429 3111.

### ***Design Standards***

18. Engineering design plans and specifications for the work referred to in this consent are to be submitted for approval. Details of internal civil works must be submitted to an accredited certifier (Private Certifier or Council) for approval. **Details of all proposed works in the road reserve must be submitted to Council for approval:**
- a) All civil works are to be in accordance with DCP100 Council's Engineering Design Specifications and Development Construction Specifications current at the time of construction unless otherwise specified in this consent
  - b) The road pavement for roads within road reserves, community or common property, access ways and rights of way (existing or proposed) is to be designed by a qualified practising engineer in accordance with Council's Engineering Design Specifications section D2 (Flexible Pavement Design).
  - c) The stormwater drainage design is to be carried out by suitably qualified and experienced practitioners with all work to be in accordance with Council's Engineering Design Specifications section D5 (Stormwater Drainage Design) and DCP 100. The minor and major systems shall be designed for a 1:5 year and 1:100 year rainfall recurrence interval respectively, as follows:



- i. Major systems shall be designed by a qualified practising engineer.
  - ii. Minor systems shall be designed by registered Surveyor or Engineer
- d) A soil and water management shall be designed by suitably qualified and experienced practitioner with all work to be in accordance with the Landcom manual - "Soils and Construction, Managing Urban Stormwater, Vol 1, 4th Edition, March 2004".

**Note:** *Civil engineering work approvals and plans are only current for a period of 2 years.*

### **Carpark Design**

19. The car park shall be designed in accordance with Council's Development Control Plan No 18 - Car Parking Code.
20. The internal driveway and car park shall be designed to match into the existing pavement type and for the largest vehicular loading.
21. The internal driveway and car park shall be bordered in accordance with the approved Pacific Westlake plans referenced in the table to condition no. 1 of this consent.

### **Erosion and Sediment Control**

22. 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 - "Soils and Construction, Managing Urban Stormwater, Vol 1, 4th Edition, March 2004", shall be lodged with Council for approval. The SWMP shall include, but is not limited to:
- a) Location and type of proposed erosion and sediment control measures
  - b) Location of vegetated buffer strips, unstable slopes, boggy areas, and restricted "no access" areas
  - c) Proposed site rehabilitation measures, including seeding of all bare un-grassed areas, turf where erosion or scouring is likely to occur, and frequency of watering
  - d) Disposal site for silt removed from sediment traps
  - e) Standard construction drawings for proposed soil and water management measures

### ***Existing Services***

23. The developer or his agent must check that the proposed works are not affected by or do not affect 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 will be at the developer's expense.

## **PART D**

### **CONDITIONS RELATING TO THE APPROVED WORK AND SITE MANAGEMENT**

#### ***Building Code of Australia***

24. All building work must be carried out in accordance with the requirements of the Building Code of Australia.

**Note:** *This condition is prescribed under the Environmental Planning and Assessment Regulation 2000.*

#### ***Erection of Signs***

25. A sign must be erected in a prominent position on any site which building work or demolition work is being carried out:
- a) Showing the name, address and telephone number of the Principal Certifying Authority for the work.
  - 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.
  - c) Stating that unauthorised entry to the site is prohibited.

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

#### ***Road Reserve, Footpath & Gutters***

26. The kerb, gutter and footpath adjoining the site shall be kept clear of soil and debris.

#### ***Soil and Water Management***

27. All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur.

In particular, a silt fence or equivalent must be provided downhill from the cut and fill area (or any other disturbed area). The fence must be regularly inspected and

cleaned out and/or repaired as necessary and all collected silt must be disposed of to the satisfaction of the Principal Certifying Authority (PCA).

Unnecessary disturbance of the site (eg excessive vehicular access) must not occur. All cuts and fills must be stabilised or revegetated as soon as possible after the completion of site earthworks.

All the above requirements must be to the satisfaction of the PCA. A copy of Council's Code "Guidelines for Stormwater Protection on Building Sites" is enclosed.

### ***Construction Hours***

28. To limit the impact of the development on adjoining owners, *all* construction work shall be restricted to the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 3.00pm Saturdays. No construction work shall take place on Sundays or Public Holidays.

### ***Retention of Trees***

29. Any existing trees that have been identified as being retained within proximity to development works, shall be managed as follows:

- a) Have protective fencing installed and approved by Council's Subdivision Manager or delegate
- b) No excavation is to occur inside the drip line of the trees unless essential, in which case all excavation is to be by hand to protect and retain tree roots
- c) The tree surrounds/guards are to be maintained for the duration of the construction period

### ***Waste Minimisation and Management***

30. 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 shall 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.

Compliance with the WMMP shall be demonstrated by the retention of relevant receipts. These must be submitted to Council, upon request.

*Note: "Waste" has the same meaning as the definition of "Waste" in the Protection of the Environment Operations Act 1997.*

### ***Vegetation to be Mulched / Transported***

31. All vegetation, trees etc that are to be removed and existing stumps & logs shall be either mulched (material to pass through a 100mm sieve) on site or transported to a green waste receiving station or other approved location. Vegetation or other material shall not be burnt or stored permanently on site.

32. Onsite mulched material may be re-used throughout the site to aid in erosion control and for water conservation around landscaping. Details are to be included with the landscaping or construction plans for approval.

### ***Demolition***

33. Demolition work shall be carried out in accordance with Australian Standard AS2601-2001: The Demolition of Structures.

### ***Demolition – Adverse Effects to Adjoining Owners***

34. Suitable measures shall 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.

### ***Demolition – Protection of Public Places***

35. Protection shall be afforded to users of any adjoining public places by the provision of suitable hoardings.

### ***Demolition – Work Cover***

36. Precautions shall be taken in accordance with the requirements of the Work Cover Authority of NSW in respect of:

- a) Protection of site workers and the public;
- b) Asbestos handling and disposal where applicable.

### ***Asbestos – Tip Receipts***

37. Documentary evidence in the form of tip receipts from an approved Waste Management Facility shall be obtained demonstrating the appropriate disposal of the asbestos waste. Tip receipts shall be provided to Council at the completion of demolition works and prior to any further works on the site.

### ***Asbestos – Clearance Certificate***

38. Following the removal of all friable asbestos and **prior to further works being carried out on the site**, a clearance certificate from an independent competent person 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. Note: This relates to friable asbestos only.

### ***Decommissioning of Services***

39. All existing internal sewer drainage pipework is to be flushed, disconnected from the existing sewer junction and the sewer junction is to be temporarily capped off, **prior to the commencement of demolition work.**

40. Internal water lines on the property are to be disconnected from the existing 20mm water meter currently servicing the lot, **prior to the commencement of demolition work.**
41. Arrangements are to be made for the capped off sewer junction and disconnected water lines to be inspected by Shoalhaven Water's Water and Sewerage Inspector at the developers cost. A minimum 48 hours notice is to be given. Cost for inspection/s is \$85.00 per hour.

### **Food Premises**

42. The construction and operation of the food premises shall comply with the Food Act 2003, Food Safety Standards and Council's Food Premises Policy. The proposed layout supplied to Council provides insufficient information for a complete assessment against the requirements of the abovementioned legislation. The following conditions must be met to ensure the premises complies with health legislation:

*(Note: There may be additional requirements in Council's Food Premises Policy or the Food Safety Standards that are relevant to the premises).*

- a) Floors must be of a material that is impervious, non-slip and non abrasive and capable of being easily cleaned. Coving must be provided at all wall/floor intersections. Painted concrete floors will not be permitted. The floor must be graded and drained to a central floor waste that incorporates a basket trap in accordance with Shoalhaven Water requirements.
- b) Walls must be tiled to a height of 2 metres and where not tiled must be finished off to provide a smooth impervious finish that is capable of being easily cleaned. Open or painted brickwork is **not** permitted in any food preparation area.
- c) Ceilings are to be rigid, smooth faced and made of non-absorbent material finished in a washable, light coloured surface. Panel ceiling systems are not permitted above food areas.
- d) All fittings are to be 150mm above floor level or located on plinths, wheels or castors. Where plinths are used they must be of solid construction.
- e) Equipment washing facilities must be provided that are sufficient for the intended use of the premises. A double bowl sink of a size large enough to accommodate the largest piece of equipment is a minimum requirement.
- f) Hand wash basins must be provided in each area that food is handled and provided with warm water mixed from a continuous hot and cold water supply through a common spout. A continuous supply of soap and single use hand towels must be provided adjacent to all hand washing basins.

- g) Hand wash basins must be located in a convenient position to enable easy unrestricted access by staff. The installation of hand basins behind doors, under benches or in other areas where access is not convenient is not permitted.
- h) Mechanical ventilation must be provided above cooking equipment and is to be designed and installed in accordance with AS1668.2-2012 *The use of ventilation and airconditioning in buildings - Mechanical ventilation in buildings*.
- i) Provide a cleaner's sink with hot and cold water, in the food processing area to dispose of contaminated liquids and washing of cleansing equipment.
- j) All waste water from the kitchen shall be directed through a commercial grease arrestor that is installed in accordance with Shoalhaven Water requirements.
- k) A separate area that is not used for the handling or storage of food must be provided for the storage of personal items such as clothing and personal belongings.
- l) All walls around the kitchen must be of solid construction. Cavity timber walls will not be permitted. Examples of acceptable materials can be found in Council's Food Premises Policy or the Australian Standard AS4674-2004 *Design Construction and Fit-out of Food Premises*.

## **PART E**

### **CONDITIONS THAT MUST BE COMPLIED UPON COMPLETION OF THE WORK**

#### ***Carparking – spaces***

43. This development generates a requirement for 104 vehicle spaces. A minimum of 104 formal parking spaces shall be provided on site.

#### ***Waste Management Plan required***

44. An operational waste management plan is to be submitted to and approved by Council to ensure all waste is collected, stored and disposed of to the satisfaction of Council. The plan must incorporate measures to separate recyclable materials and describe the methods for collection of waste containers from the site.

#### ***Display lighting to be shielded***

45. Any outdoor display lighting must be located or shielded so that no additional light is cast on adjoining land and so that motorists will not be distracted.

#### ***Noise Levels***

46. The LA10\* noise level emitted from the premises shall not exceed the

background noise level in any Octave Band Centre Frequency (31.5 Hz – 8k Hz inclusive) by more than 5dB **between 07:00am and 12:00 midnight** at the boundary of any affected residence.

47. The LA10\* noise level emitted from the premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz – 8k Hz inclusive) **between 12:00 midnight and 07:00am** at the boundary of any affected residence.

48. Notwithstanding compliance with the above, the noise from the premises shall not be audible within any habitable room in any residential premises **between 12:00 midnight and 07:00 am**.

### ***Food Premises***

49. The premises must be registered with Council's Development & Environmental Services Division for regular inspection by Council's Environmental Health Officer

### ***Approval of Regulatory Signage and Pavement Markings***

50. Details of proposed line markings (excluding car parking spaces) and regulatory signs within the access way/car park/loading bay shall be submitted to Council for approval which will include referral to the Shoalhaven Traffic Committee, and subsequently the formal adoption by Council. Six to eight weeks should be allowed for this process.

## **PART F REASONS FOR CONDITIONS**

### ***Conditions of consent have been imposed to:***

1. 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.
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 94 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.

**PART G**  
**OTHER COUNCIL APPROVALS AND CONSENTS**  
**Section 68 Local Government Act, Section 138 Roads Act**

***Approval to Connect to the Reticulated Sewerage System***

Approval for Sewerage, Plumbing and Stormwater Drainage is granted subject to the following conditions:

***General***

1. This approval is granted on the condition that the attached *Application to Carry Out Plumbing and Drainage Works* under the Plumbing and Drainage Code of Practice is completed by the licensed contractor carrying out the work.

Such application is to be completed in full and returned to Council prior to the commencement of any work.

2. All plumbing and drainage shall comply with the requirements of Australian Standard AS 3500 "National Plumbing and Drainage Code", and the relevant NSW amendments.

***Before Commencing Construction***

3. The builder should locate the position and depth of the sewer junction before commencing construction, to ensure that the top of the overflow gully is a minimum of 900mm above the soffit of the sewer main. Copies of sewer main diagrams issued by Council must be treated as a guide only when locating the junction position.

***Yard Gully***

4. A minimum height of 150mm shall be maintained between the top of the overflow yard gully riser and the lowest fixture connected to the drain. The height shall be



measured vertically from the overflow level of the gully riser, or from the invert level of the overflow pipe, to the appropriate point given in Table 4.3 of AS3500. The minimum height between the top of the overflow yard gully riser, or the invert of the overflow pipe, and the surrounding ground surface level shall be 75mm, except where the gully riser is located in a path or a paved area where it shall be finished at a level so as to prevent the ponding and ingress of water into the drainage system.

### **Stormwater**

- 5 The additional rainwater drains must be connected to the existing rainwater disposal system to provide satisfactory stormwater disposal in accordance with the Building Code of Australia.

## **PART H**

### **ADVICE ABOUT RIGHTS OF REVIEW AND APPEAL**

#### ***Development Determination under Environmental Planning and Assessment Act, 1979***

*Under section 82A of the Environmental Planning and Assessment Act, 1979 an applicant may request the council to review its determination except where it relates to a Complying Development Certificate, Designated Development or Integrated Development. The request must be made **within six (6) months** of the date of the receipt of the determination, with a prescribed fee of 50% of the original DA fee.*

*Section 97 of the Environmental Planning and Assessment 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 six (6) months** after receipt of this notice.*

#### ***Approvals under Local Government Act, 1993***

*Section 100 of the Local Government Act, 1993 provides that an applicant may request Council to review its determination of an application.*

*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 **twelve (12) months** of the date of determination.*

## **PART I**

### **ADVICE ABOUT WHEN THIS CONSENT LAPSES**

*This consent is valid for five years from the date hereon.*

*In accordance with Section 95 of the Act, development consent for the use of the land or the erection of a building does not lapse if building, engineering or construction work relating to the building or work or the use is physically commenced on the land to which the consent applies before the lapse date.*

## **PART J**

### **GENERAL ADVICE TO APPLICANT**

#### ***Occupation Certificate required:***

The building must not be occupied until the Principal Certifying Authority has issued an Occupation Certificate.

#### ***Landscaping***

- a) All paving is to be installed, sealed and maintained in accordance with the manufacturer's specifications and relevant Australian Standards,
- b) Tree pit serving the existing Araucarias (Norfolk Island Pines) south of the Civic Centre - recommend the use of a permeable aggregate such as "Sureset" or equivalent in lieu of Kikuyu turf to prevent pedestrian compaction to the root zone and wear paths developing between the carpark and the building,
- c) All new turf runners to be net-free type,
- d) All polished concrete seating to have minimum slip resistance specified for public pathways to their tops and include appropriate stainless steel anti skate board lugs at 500-700mm spacing,
- e) Timber seats to be provided with appropriate stainless steel anti skate board lugs at 500-700mm spacing,
- f) Suggest use of hard anodised aluminium 'Natural' stair nosing trim to stairs.

#### ***Private Use of Public Parking Spaces***

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 shall be submitted to Council, in accordance with Council's Policy – "*Private use of public parking, policy No. POL08/408*". Such request shall be submitted to Strategic Planning and Infrastructure Group of Council, with the relevant application fee.

#### ***Privacy Notification***

Personal information contained on this Development Consent and any associated documents will be published on Council's website as required by the *Government Information (Public Access) (GIPA) Act 2009*.

### ***Trees Located on Public Land***

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.

### ***Commonwealth Environment Protection and Biodiversity Conservation Act 1999***

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on:

- a) A matter of national environmental significance (NES) matter; or
- b) Commonwealth land,

without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation.

It is the proponent's responsibility to consult Environment Australia 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.

The Commonwealth Act may have application and you should obtain advice about this matter.

There are severe penalties for non-compliance with the Commonwealth legislation.

### ***Disability Discrimination Act 1992***

This application has been assessed in accordance with the Environmental Planning & Assessment Act, 1979. No guarantee is given 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.

The Disability Discrimination Act covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS1428.1 - "Design for Access and Mobility". AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act currently

available in Australia.

***Disclaimer – s88B restrictions on the use of land***

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.

Under clause 37 of Shoalhaven Local Environmental Plan 1985 agreements, covenants or instruments that restrict the carrying out of the proposed development do not apply to the extent necessary to enable the carrying out of that development, other than where the interests of a public authority is involved.

***Occupation Certificate***

An **occupation certificate** must be issued by the Principal Certifying Authority (PCA) before the building is used or occupied.

If Council is the appointed PCA for this project, a minimum of twenty four (24) hours' notice must be given to Council to make an inspection of the work.

***NSW Native Vegetation Act 2003***

The Native Vegetation Act 2003 requires consent for the clearing of remnant native vegetation or protected regrowth from the Southern Rivers Catchment Management Authority. In the Shoalhaven City Council area, this requirement generally applies to land that is zone Rural (Zone 1), Special Use (Zone 5), Open Space (Zone 6), Environment Protection (Zone 7) and Natural Hazards (Zone 9). If your development consent relates to land in such a zone then you may need to get a further separate approval from the Southern Rivers Catchment Management Authority for the clearing of remnant native vegetation or "protected" regrowth.

This development application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this development application has not involved any assessment of the proposed development in regard to the NSW Native Vegetation Act 2003.

It is the proponent's responsibility to consult the Southern Rivers Catchment Management Authority to determine the need or otherwise for their approval and you should not construe the granting of this development consent as notification to you that the NSW Native Vegetation Act does not apply. The NSW Native Vegetation Act 2003 may have direct application to your proposal and you should obtain advice about this matter directly from the Southern Rivers Catchment Management Authority. You can contact them on (02) 4429 4446 or by email [southern@cma.nsw.gov.au](mailto:southern@cma.nsw.gov.au).

There are severe penalties for non-compliance with the Native Vegetation Act 2003.

***Responsibilities under the National Parks and Wildlife Act 1974***

All earthmoving contractors and operators must be instructed that, in the event of

any bone, or stone artefacts, or discrete distributions of shell, being unearthed during earthmoving, work must cease immediately in the affected area, and the Local Aboriginal Land Council and officers of the National Parks and Wildlife Service, informed of the discovery. Work must not recommence until the material has been inspected by those officials and permission has been given to proceed. Those failing to report a discovery and those responsible for the damage or destruction occasioned by unauthorised removal or alteration to a site or to archaeological material may be prosecuted under the National Parks and Wildlife Act 1974, as amended.

### ***Principal Certifying Authority***

A Principal Certifying Authority (PCA) must be appointed before any building work can commence.

### ***DBYD Enquiry - 'Dial Before You Dig'***

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 [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) prior to any excavation works taking place to ascertain the location of underground services.

### ***Inspections***

If Council is the appointed PCA for this project, a minimum twenty-four (24) hours notice must be given to Council to make an inspection of the work.

**SIGNED** on behalf of Shoalhaven City Council:

**Peter Johnston**  
**Senior Development Planner**  
**Development & Environmental Services Group**