

Attachment 'B'

NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION DEVELOPMENT CONSENT

**Environmental Planning and Assessment Act, 1979
RA14/1002**

TO:

Cowman Stoddart Pty Ltd
PO Box 738
NOWRA NSW 2541

**being the applicant(s) for RA14/1002 relating to:
335 Woollamia Rd, WOOLLAMIA - Lot 13 - DP 736531**

APPROVED USE AND OR DEVELOPMENT:

Environmental & Field Studies Centre in association with Trinity Grammar School, comprising an education facility including classrooms, laboratories, student and teacher accommodation and an outdoor field studies area.

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#]

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.

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 **Environmental & Field Studies Centre in association with Trinity Grammar School, comprising an education facility including classrooms, laboratories, student and teacher accommodation and an outdoor field studies area.** 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.

DOCUMENT	REF/SHEET NO.	PREPARED BY	DATED
Existing Site Plan	13-033, ADA010, Issue 01	Building Studio Architects	25/07/14
Proposed Site Plan	13-033, ADA020, Issue 01	Building Studio Architects	25/07/14
Road/Landscape/Roof Plan	13-033, ADA030, Issue 01	Building Studio Architects	25/07/14
Ground Floor Plan	13-033, ADA100, Issue 01	Building Studio Architects	25/07/14
Elevations 01 Plan	13-033, ADA200, Issue 01	Building Studio Architects	25/07/14
Elevations 02 Plan	13-033, ADA200, Issue 01	Building Studio Architects	25/07/14
Site Works Plan	13-033, ADA240, Issue 01	Building Studio Architects	25/07/14
Perspective Views	13-033, ADA300, Issue 01	Building Studio Architects	25/07/14
Boardwalk Plan	13-033, A4000, Issue 01	Building Studio Architects	16/10/14
Hydraulic Services Sewerage System Layout Plan	20604-001-H-H01-DA-B	EWWF	28/07/14
Landscape Concept Plan	1538-LD01	Ochre Landscape Consultants	25/07/14
Concept Erosion & Sediment Control Plan	20604.001-C-201-P-01	EWWF	25/07/14
Concept Stormwater Drainage Plan	20604.001-C-401-P-01	EWWF	25/07/14

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 **Environmental & Field Studies Centre in association with Trinity Grammar School, comprising an education facility including classrooms, laboratories, student and teacher accommodation and an outdoor field studies area.** 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).

Occupation Certificate

3. An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) before the building(s) is used or occupied.

Proposed Use of Existing Shed for Visiting Staff Accommodation

4. The proposed use of the existing class 10A shed for a class 1A building for visiting staff accommodation is not approved as part of this consent and is subject to a separate development application. This separate development application is for a change of use and must include:
- A Statement of Environmental Effects detailing the proposed use and what works, if any, are proposed for the change in use;
 - Detailed floor plans and elevations of the building;
 - A Building Code of Australia compliance assessment report that assesses whether the building can be changed to a class 1A building and what works are required to be undertaken to achieve compliance;
 - A BASIX Certificate for the building;
 - Effluent report detailing how on-site effluent will be treated and disposed of.

PART B

CONDITIONS THAT MUST BE COMPLIED WITH BEFORE WORK CAN COMMENCE

Waste Minimisation and Management - Demolition Phase

5. A Waste Minimisation and Management Plan (WMMP) for the demolition phase of the development must be prepared in accordance with Development Control Plan No. 93 – Waste Minimisation and Management. The WMMP must be approved by Council or an accredited certifier **prior to demolition works commencing**.

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

Asbestos – Notification of Neighbours

6. 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.

Asbestos – Statement

7. 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.

Works Required Prior to Clearing

8. Prior to the commencement of any clearing works:
 - a) the extent of clearing as shown on the approved plans must be accurately measured and marked on the ground with temporary barrier fencing or similar visible material to aid in the selection of trees to be retained.
 - b) a suitably qualified environmental consultant must conduct pre-clearing surveys for the Green and Golden Bell Frog in accordance with the approved Environmental Management Plan.
 - c) the drip-line (outer edge of the leaf canopy) surrounding trees to be retained must be clearly identified and protected with temporary barrier fencing to prevent mechanical damage of the tree trunk, mechanical disturbance to roots, or soil build-up around the base of the tree during and after clearing works (refer to AS 4970; Protection of trees on development sites, 2009).

Principal Certifying Authority/Construction Certificate

9. The following must be undertaken before any building works can commence:
 - a) A Principal Certifying Authority (PCA) must be appointed; and
 - b) A Construction Certificate must be obtained from either Council or an accredited certifier.

Notice of Commencement

10. 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.)

Supervision of Works

11. Prior to the commencement of any works, Shoalhaven City Council shall be advised in writing of the name of a designated person/company nominated by the applicant to be responsible for construction of all engineering works including erosion and sediment control measures. This must include the provision of a 24 hour contact number for the designated person/company.

Sign – Supervisor contact details

12. Prior to the commencement of any building works, the person/company responsible for the construction of all works must erect a sign at the front of the property/site in a visible position with that person/company's name, license number, site address and contact number, and the name of the Principal Certifying Authority, accreditation number and telephone number, where the Principal Certifying Authority is not the Council.

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

Builders' Toilet

13. 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.

Fencing

14. The building site/area where construction works are being undertaken is to be fenced (in accordance with WorkCover requirements) prior to the commencement of construction with a fence suitable to keep members of the public and unauthorised people out.

Existing services/damage to public assets (all stages)

15. Prior to the commencement of any work(s) associated with this development, the developer or their agent must:
 - a) Check that the proposed works are not affected by any Council, electricity, telecommunications, gas service or other services. All services, existing and proposed, above or below ground are to be shown accurately on the engineering plans including longitudinal sections with clearances to proposed infrastructure clearly labelled. Any required alterations to services as a consequence of undertaking works under this consent will be at the developer's expense. In addition, any repair or damage to services will be at the developer's expense; and
 - b) Undertake a site inspection and document any evidence of damage to the public assets prior to commencement of work. A copy of the inspection documentation is to be provided to Council prior to the commencement of works. Failure to adequately identify existing damage will result in all damage detected by Council after completion of the work being repaired at the developer's expense.

Soil and Water Management

16. Prior to the commencement of any works, the relevant sedimentation and erosion controls required by this consent must be implemented, inspected and approved by the PCA and maintained until the work is completed and the site stabilised.

PART C

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

Boardwalk Approval from Fisheries

17. **Prior to the issue of a separate Construction Certificate for the boardwalk**, detailed plans of the boardwalks and learning platforms are to be provided to the Department of Primary Industries – Fisheries for approval and determination on whether a Permit to Harm Marine Vegetation is required.

Contributions for Additional Services and/or Facilities

18. This development will generate a need for additional services and/or facilities as described in Council's *Contributions Plan 2010*, as itemised in the following table.

Project	Description	Rate	Qty	Total	GST	GST Incl
CWFIRE2001	Citywide Fire & Emergency services	\$124.22	10.6	\$1,316.73	\$0.00	\$1,316.73
CWFIRE2002	Shoalhaven Fire Control Centre	\$181.73	10.6	\$1,926.34	\$0.00	\$1,926.34
CWMGMT3001	Contributions Management & Administration	\$516.57	10.6	\$324.31	\$0.00	\$324.31
	Sub Total:					\$3,567.38

Contribution rates are adjusted annually on 1st July in accordance with the indexation formula indicated in the Contributions Plan (currently the implicit price deflator) and the total contribution levied **will be adjusted accordingly at the time of payment**. (ie contributions are calculated on the rate applicable at the date of payment, **not** the date of development consent.)

A total contribution, currently assessed at the sum of **\$3,567.38** (i.e. 2014/2015 rate) or as indexed in future years shall be paid to Council **before the issue of a Construction Certificate**.

Contributions Plan 2010 may be inspected at the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla.

Landscaping – additional plantings

19. The applicant must lodge an amended landscape plan with Council **prior to the issue of a Construction Certificate**. The plan may be approved by Council or an accredited certifier. The amended landscape plan must include the following **additional** works/details:

- Details on the specific species, number of plants and pot sizes for the plantings shown on the submitted landscape concept plan. In this regard, all new trees identified on the approved landscape plan must be a minimum of 45 litre pot size;

- Mulching of all landscaped areas to a depth of 75mm;
- Location of common taps and irrigation/watering system to permit all landscape works to be adequately watered;
- Landscaping of the site must comply with the principles of Appendix 5 of 'Planning for Bushfire Protection 2006'; and
- A maintenance plan for a 26 week period.

20. Landscaping must be carried out on the land in accordance with the approved plan.

Updated Noise Report

21. An updated noise report that has been prepared by a suitably qualified person must be submitted to Council for approval **prior to the issue of a Construction Certificate**. The updated report must have regard for the mechanical plant selections for the development that have been made and demonstrate how the development will meet the Environmental Protection Authority's acceptable noise level requirements.

Shoalhaven Water

22. **Prior to the issue of a Construction Certificate** all conditions listed on the Shoalhaven Water Development Application Notice under the heading "PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE" must be complied with and accepted by Shoalhaven Water. The authority issuing the Construction Certificate for the development shall obtain written approval from Shoalhaven Water allowing a Construction Certificate to be issued.

<p>Note: Relevant details, including monetary 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.

Tree Protection

23. Where engineering works are proposed near treed or vegetated areas the applicant must provide dimensioned engineering plans that show all areas of vegetation / trees to be retained surrounded by temporary protective fencing. No plans should be approved unless these protective measures are shown and contain a note stating the fencing is to be installed prior to works and must remain in place until all works are completed. No services (water sewer etc) are to be approved within areas of vegetation to be retained or under the "drip line" of trees to be retained.

Environmental Management Plan

24. To mitigate the impacts of the development an Environmental Management Plan must be prepared by a suitably qualified person for the protection of the SEPP 14 Wetland, and Endangered Ecological Communities on the property (Swamp Sclerophyll Forest on Coastal Floodplains, Swamp Oak Floodplain Forest and Coastal Saltmarsh).

The EMP shall describe the composition and condition of the vegetation and EEC's and address a number of issues including, but not limited to:

- recommendations of *Flora and Fauna Assessment Proposed Environmental & Field Studies Centre, Prepared for Trinity Grammar School November 2014*, by EcoLogical Australia, reference number 14SGBECO-0027,
- protection requirements for the environmental values of the site pre-construction, during and post construction activities including requirements for pre-clearing survey and protection of the Green and Golden Bell Frog;
- mitigation of impacts associated with boardwalk construction;
- proposed camping activities, wetland activities and use of areas within 100m of the wetland;
- weed control;
- the extent and nature of buffer zones;
- regeneration; rehabilitation and environmental monitoring and reporting requirements.

The authority issuing the Construction Certificate must obtain written approval from Shoalhaven City Council that the submitted information above is satisfactory **prior to the issue of a Construction Certificate**.

Waste Minimisation and Management

25. A Waste Minimisation and Management Plan (WMMP) must be prepared in accordance with Development Control Plan No. 93 – Waste Minimisation and Management. The WMMP must be approved by Council or an accredited certifier **prior to the issue of a Construction Certificate**.

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

PART D

CONDITIONS RELATING TO THE APPROVED WORK AND SITE MANAGEMENT

Rural Fire Service – General Terms of Approval

Asset Protection Zones

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

26. At the commencement of building works and in perpetuity the property around the proposed buildings (including the barn accommodation) shall be managed as follows as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones':

- north west for a distance of 64.6 metres as an asset protection zone;

- north east for a distance of 70 metres as an asset protection zone;
- south east to the boundary as an asset protection zone; and
- south west for a distance of 60 metres as an asset protection zone (APZ).

(Note: in forested areas a portion of the APZ may be maintained as an outer protection zone as specified in Table A2.7 of 'Planning for Bush Fire Protection 2006'.)

Water and Utilities

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

27. Water, electricity and gas are to comply with the following requirements of section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

- Fire hydrant spacing, sizing and pressures shall comply with Australian Standard AS 2419.1– 2005 'Fire Hydrant Installations'.
- Reticulated or bottled gas is to be installed and maintained in accordance with Australian Standard AS/NZS 1596:2014: 'The storage and handling of LP gas' and the requirements of relevant authorities. Metal piping is to be used.
- Where practicable, electrical transmission lines are underground. Where overhead electrical transmission lines are proposed, lines shall be installed with short pole spacing (30 metres) unless crossing gullies, gorges or riparian areas.

Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

28. The proposed loop road and the road from the proposed parking area to the northern portion of the site where camping and satellite facilities are proposed shall comply with the following requirements:

- Bridges clearly indicate load rating and pavements and bridges are capable of carrying a load of 15 tonnes.
- A minimum carriageway width of four metres. Some short constrictions are acceptable where the obstruction cannot be reasonably avoided or removed, roads are not less 3.5 metres in width and this minimum width extends for no more than 30 metres.
- Provide passing bays every 200 metres that are 20 metres long by two metres wide, making a minimum trafficable width of six metres at the passing bay.
- A minimum vertical clearance of four metres to any overhanging obstructions, including tree branches.
- Provide a loop road with a minimum 12 metre out radius where roads come to a dead end.
- Curves have a minimum inner radius of six metres and are minimal in number to allow for rapid access and egress.
- The crossfall is not more than 10 degrees.
- Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.

29. A continuous loop road is to be provided around the proposed buildings as shown on plan number ADA 030, prepared by Building Studio and dated 25 July 2014.

Internal Roads

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

30. Access between Woollamia Road and the proposed car park shall comply with the following requirements of section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

- Roads are two wheel drive, sealed, all weather roads.
- Internal perimeter roads are provided with at least two traffic lane widths and shoulders on each side, allowing traffic to pass in opposite directions.
- Road widths shall comply with width specifications of table 4.1 of Planning for Bush Fire Protection 2006.
- Traffic management devices are constructed to facilitate access by emergency services vehicles.
- A minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches, is provided.
- Maximum grades do not exceed 15 degrees and average grades are not more than 10 degrees.
- Crossfall of the pavement is not more than 10 degrees.
- Roads are clearly signposted and bridges clearly indicate load ratings.
- The internal road surfaces and bridges have a capacity to carry fully loaded fire fighting vehicles (15 tonnes).

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

31. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

- An Emergency/Evacuation Plan is to be finalised in accordance with the NSW Rural Fire Service Guidelines for the Preparation of Emergency/Evacuation Plan and comply with Australian Standard AS 3745 2010 'Emergency Control Organisation and Procedures for Buildings Structures and Workplaces for Residential Accommodation'. The Plan is to include emergency planning procedures for satellite and camping uses of the site.
- An Emergency Planning Committee is to be established to consult with residents and staff in implementing the Emergency Procedures Plan.
- Detailed plans of all Emergency Assembly Areas including "on site" and "off site" arrangements as stated in Australian Standard AS 3745 2010 'Emergency Control Organisation and Procedures for Buildings Structures and Workplaces for Residential Accommodation' are clearly displayed, and an annual (as a minimum) trial emergency evacuation is conducted.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

32. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

Building Code of Australia

33. 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.*

Design Standards

34. The following design standards must be complied with:
- a) Engineering design plans and specifications for the internal civil works referred to in this consent must be submitted to an accredited certifier (Private Certifier or Shoalhaven City Council) for approval;
 - b) Engineering design plans and specifications for the external civil works (i.e. within the road reserve) referred to in this consent must be submitted to Shoalhaven City Council for approval;
 - c) Road, drainage and other civil works referred to in this Consent within the road reserve and on public or private land shall be prepared by a suitably qualified practising engineer or surveyor; and
 - d) All work must be carried out in accordance with the approved plans.

Road Design (Rural)

35. A bitumen sealed driveway crossing with a compacted pavement thickness designed for 1×10^5 ESA (200mm minimum) shall be constructed 6 metres wide (minimum) at the property boundary and splayed to allow the turning movement of the largest vehicle requiring access at the pavement edge line in accordance with Plan SC 263734 (Fig. D1.19 of Council's Engineering Design Specifications).
36. Council's Subdivision Engineering Coordinator or delegate shall inspect and approve the work in accordance with DCP 100.
37. An indented rural access shall be designed at the approved driveway location in accordance with Council's Plan No. D1.21. The access shall:
- a) Ensure that the largest expected vehicle does not overhang the travel lane.
 - b) Be a minimum of 6 metres wide at the gate and configured to accommodate a minimum distance of 13 metres between the gate and the table drain or 15 metres to the road shoulder if there is no table drain or

- c) Have the same standard of construction from the road alignment to the gate as is required for the driveway crossing.
- d) Be fenced where the remainder of the road property boundary is fenced. Barbed wire fencing is not permitted.

Internal Driveway and Car Park

38. The internal driveway/access and car park shall be designed generally in accordance with EFWF concept civil works plans dated 4-6-14 Job No 20604.001 C100/C201/C401/C501/C502 including the following:

- a) Provided with a bitumen sealed driveway with a compacted pavement thickness designed for 1×10^5 ESA (200mm minimum) for at least the first 20m from the property boundary into the property;
- b) Provide a minimum of 10 constructed car spaces, inclusive of 1 disabled car parking space, and 3 mini bus parking spaces;
- c) Designed for the heaviest vehicle accessing the site;
- d) Constructed to an all-weather gravel standard, with a minimum compacted pavement thickness of 200mm.

Stormwater Drainage Design

39. The stormwater design shall be generally in accordance with EFWF concept stormwater drainage plan job no 20604.001-C-401-P-01 dated 4-6-14.

40. Drainage is to be designed to avoid concentrated discharge of stormwater from entering the wetlands of Currambene Creek.

41. Major and minor drainage systems shall be designed by a qualified practising engineer 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 20% AEP and 1% AEP rainfall events respectively.

42. Any open/table drains along or around the development site and culverts under the driveway/access within the property are to be designed:

- a) For a minimum 20% AEP rain event.
- b) To withstand the pressure of the maximum AEP stored upstream before the culvert/roadway is overtopped.
- c) To resist scour and erosion within the table drains and the roadway/driveway caused by overtopping of any culvert.

Colour Schedule/Exterior Materials

43. The approved building must be constructed in accordance with the approved schedule of colours and building materials and finishes or otherwise with the written approval of Council's Development Manager.

44. The light reflectivity from any building materials used on the facades of the building shall not exceed 20% and must be designed so as to not result in glare that causes any nuisance or interference to any person or place.

Food Safety

45. Any premises used for the preparation of food for sale to the general public shall comply with Council's Food Premises Policy, the Food Act 2003 and Food Regulation 2010, with particular consideration given to the following:
- a) All refrigeration devices storing perishable foods shall be provided with a numerically scaled thermometer accurate to 1⁰ C. All perishable foods shall be stored at less than 5⁰ C at all times.
 - b) Floors, walls, and ceilings are to be constructed of a rigid, smooth-faced, impervious material and kept in good repair.
 - c) All fixtures, fittings and appliances such as freezers, stoves etc are to be elevated 150mm above floor level or located on plinths, wheels or castors. They must be able to be easily cleaned and constructed so as not to harbour vermin.
 - d) All wall shelving shall be kept 25mm off the vertical wall face.
 - e) Hand wash facilities provided with hot and cold water mixed through a common spout will need to be provided to the food preparation area and kitchen staff toilets. Liquid soap and single use paper hand towel dispensers is required to be installed in close proximity to these hand wash facilities.
 - f) An approved mechanical ventilating exhaust hood must be installed and operated in accordance with Australian Standard AS 1668.2-2012.

Boardwalk and Learning Platforms

46. The boardwalk and learning platforms are to utilise existing slashed paths through the wetland to ensure any disturbance to native vegetation is minimised.
47. The boardwalk and associated learning platforms are to be constructed using the Chance Instant Foundation system or similar product that uses a construction method that does not require or result in the clearing of native vegetation as defined in SEPP 14 – Coastal Wetlands and as detailed in the Cowman Stoddart Pty Ltd letter of 5 September 2014.
48. The boardwalk deck is to use a grated mesh material that allows light penetration of no less than 70%, to minimise impacts on native vegetation by ensuring adequate light is provided to vegetation below the deck.

Flora & Fauna

49. To protect the significant environmental features on the site:
- a) All clearing works are to be supervised by a suitably qualified environmental consultant.
 - b) Trees to be cleared must be felled into the development area carefully so as not to damage trees to be retained in or beyond the development footprint.
 - c) All clearing works and the associated machinery and refuse must be contained within the development footprint.

- d) The parking of machinery and vehicles or the storing of building or landscaping materials, soil, spoil, or rubbish, within the fenced area around trees to be retained is prohibited.
- e) Pruning or trimming of any trees to be retained must be undertaken in accordance with AS 4373-1996 "*Pruning of Amenity Trees*".
- f) The environmental consultant must provide a written report to Shoalhaven City Council (email to Council's Threatened Species Officer acceptable) detailing any protected or endangered fauna detected as a result of the clearing works.

Asbestos – Tip Receipts

- 50. 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.

Demolition

- 51. 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.
- 52. 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.
- 53. 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 during demolition.

Aboriginal Cultural Heritage

- 54. If Aboriginal objects are identified during the development of the subject land, works must stop and a suitably qualified archaeologist notified immediately to assess the finds. The finds must be reported to the NSW Office of Environment and Heritage (OEH) and further approvals, if required, obtained prior to the recommencement of works.
- 55. If human remains are discovered during the development of the subject land, the findings must be reported immediately to the NSW Coroner's Office and/or the NSW Police. If the remains are suspected to be Aboriginal, OEH must be contacted and a specialist consulted to determine the nature of the remains.

Erection of Signs

- 56. 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

57. The road reserve adjoining the site shall be kept clear of soil and debris.

Soil and Water Management

58. The following soil and water management measures must be implemented:

- a) All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur (e.g. sediment fences, etc). In particular, a silt fence or equivalent must be provided downhill from the cut and fill area (or any other disturbed area). Unnecessary disturbance of the site (e.g. excessive vehicular access) must not occur. All areas disturbed must be stabilised or revegetated as soon as possible after the completion of site earthworks;
- b) All measures detailed in the Acid Sulfate Soil Management Plan by EIS dated 27 August 2014 must be implemented and complied with. This including testing of water within any detention basins and any water leaving the site to ensure it complies with applicable environmental requirements; and
- c) Soils identified as being acid sulfate soils must not be taken to an alternative site that does not have consent to accept acid sulfate soils.

Construction Hours

59. 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.

Waste Minimisation and Management

60. 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 authorized/approved 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.

Dust Management

61. Dust emissions shall be confined within the site boundary. The following dust control procedures may be employed to comply with this requirement.

- Securely covering all loads entering or exiting the site;
- Use of water sprays across the site to suppress dust;
- Covering of all stockpiles of soil remaining more than 24 hours; and
- Keeping excavation surfaces moist.

Road Reserve Trees

62. Any existing trees along the road reserve must be retained unless approval is obtained from Council, in writing, for their removal. The applicant is responsible for all costs involved in any lopping or removal. No excavation shall occur inside the drip line of the tree, without the prior consent of Council.

PART E

CONDITIONS THAT MUST BE COMPLIED WITH BEFORE AN OCCUPATION CERTIFICATE CAN BE ISSUED

63. Prior to the issue of an Occupation Certificate for the approved development, the following must be complied with and completed:

- a) The requirements of conditions 20 (Landscaping), 26-32 (RFS General Terms of Approval), 34 (Design Standards), 35 & 37 (Road Design Rural), 38 (Internal Driveway and Car Park), 45 (Food Safety);
- b) A Certificate of Compliance must be obtained from Shoalhaven Water;
- c) Written approval must be obtained from Shoalhaven Council advising that the road reserve area in the vicinity of the development has not been damaged as a result of the development works and is in a satisfactory condition.

Note: Any infrastructure within the road reserve, along the frontage of the subject site or within close proximity in the road reserve which has been damaged as a result of construction works associated with the approved development, is to be repaired by the applicant at their cost.

PART F

CONDITIONS THAT RELATE TO ONGOING MANAGEMENT OF THE PROPOSED DEVELOPMENT

Site Management and Maintenance

64. The proprietor/operator must at all times be responsible for on-going site management and maintenance in accordance with the following:

- a) loading and unloading in relation to the use of the premises must occur within the subject site (i.e. in the designated loading areas);

- b) goods or machinery must be stored, and all activities must occur, inside the building(s) and not in the car park or drive way areas;
- c) activity on the site must not impact upon the amenity of any adjoining property or tenancy by reason of the emission of noise, dust, fumes, odour, vibration, electrical interference or otherwise;
- d) removal of all graffiti within a maximum of 14 days of being notified by Council;
- e) The storage of the waste bins (i.e. ongoing waste, recycling waste and medical waste) within the approved waste storage area so they are not visible from a public place;
- f) maintenance of:
 - All vehicular movement areas including driveways, carparking, manoeuvring areas and line marking to the standard specified in this consent;
 - All stormwater drainage pipes and systems to ensure efficient discharge of stormwater in accordance with the approved stormwater drainage plans including on-site detention and associated stormwater pollution control devices being maintained;
 - All signs and lines;
 - The grease arrestor and sewerage pumping station; and
 - All buildings, fencing to the standards outlined in the development application and/or specified in this consent and/or earlier development consent that are still applicable.

Camping Area

65. The proposed camping area for students must be contained wholly within the site and not extend into the Crown Land reserve on the foreshore of Currambene Creek. All effluent and waste associated with camping activities are to be contained and transported away from the camping area for appropriate disposal.

Flood Evacuation Plan

66. An 'Evacuation Management Plan' must be prepared for the evacuation of the areas of the property that are located within flood liable land. The 'Evacuation Management Plan' must be kept on site at all times.

Annual Fire Safety Certificate

67. An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial interim/final Fire Safety Certificate is issued. This must ensure that essential services installed in the building for the purpose of fire safety have been inspected and, at the time of inspection, are capable of operating to the required minimum standard.

Noise

68. The use of the approved development must not give rise to transmission of unacceptable vibration or offensive noise to any place of different occupancy or the public in accordance with the Protection of the Environment Operations Act 1997 (NSW).

Signage

69. No signage other than what has been approved as part of this development consent or that is considered to be exempt from requiring development consent under an associated planning instrument is approved as part of this development application.

Habitat Modification, Removal and Management

70. The removal and or disturbance of indigenous vegetation on the property, including canopy trees, understorey and groundcover vegetation, is restricted to that required to construct and maintain the approved development and the associated NSW Rural Fire Services specified Asset Protection Zones. Trees and other vegetation must be retained within the Asset Protection Zone (APZ) where it complies with the prescriptions for Planning for Bushfire Protection APZ guidelines.
71. Activities on the property must be in accordance with the approved Environmental Management Plan. Owners and occupiers shall comply with the actions and requirements of the approved property vegetation management plan.
72. Any boundary and internal fences to be erected on the property, shall comply with the following conditions:
- a) To protect native gliding and flying mammals the use of barbed-wire for fences is prohibited.
 - b) Except for fencing to contain domestic pets within the approved asset protection zones for dwellings, boundary and internal fences must not impede the movement of native fauna.
 - c) The removal of vegetation for fence construction shall be undertaken with hand tools only (eg brushcutters, lawn mowers), and shall be limited to a maximum width of 1 m.

Landscaping

73. The planting of plant species listed on the Weeds Australia NSW weeds list (www.weeds.org.au) is prohibited for the life of the development.
74. No exotic perennial grasses listed on the Final Determination of the NSW Scientific Committee for the key threatening process *Invasion of native plant communities by exotic perennial grasses*, shall be sown within the outer protection area or the asset protection zone for the life of the development. Native grasses must be sown in these areas, as this is the interface between disturbed areas and the remaining native vegetation.

PART G

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 H

OTHER COUNCIL APPROVALS AND CONSENTS

Section 68 Local Government Act, Section 138 Roads Act

Approval to Install Effluent Pumpout System

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

General

1. In accordance with the Plumbing and Drainage Act 2011, plumbers and drainers must submit the following documents to Shoalhaven City Council.
 - a) Notice of Work is to be issued to Shoalhaven City Council no later than two (2) business days prior to the commencement of any work.
 - b) A Certificate of Compliance is to be issued to Shoalhaven City Council and to the person for whom the work was carried out on completion of the final inspection.
 - c) A sewer service diagram is to be issued to Shoalhaven City Council and the owner of the land or the owner's agent at the completion of the drainage works.

2. All plumbing and drainage work must comply with the Plumbing Code of Australia and Australian Standard AS/NZS 3500, and the relevant NSW amendments.

Inspections

3. Council must be given at least 24 hours' notice to allow for the inspections of:

	Inspection
1	Internal drainage lines before the floor is laid or poured
2	External drainage lines before the backfilling of the trenches, including the septic tank placed in position
3	Water service plumbing lines prior to the internal lining of any walls
4	The septic tank system when completed and prior to use
5	Stormwater drainage lines, discharge point(s) and/or absorption trenches (where appropriate)

Both the internal and external drainage lines are to be under hydraulic test at the time of the inspection.

Waste Water

4. Where a cart-away system is approved, the owner is responsible for arranging for the emptying of the collection well by Council's effluent removal contractor and for proper maintenance of equipment.
5. A licensed plumber and drainer must execute hot and cold water installations in an area of water reticulation or proposed water reticulation.
6. A licensed plumber and drainer must execute sanitary plumbing and draining work in a proposed sewer reticulation area.
7. All house sewer and plumbing work is carried out in accordance with the requirements of Water, Sewerage and Drainage Regulation, 1993.
8. 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.
9. The collection well is emptied at least once weekly and the contents removed in an approved vehicle to the sanitary depot for disposal.
10. The septic tank collection well suction pipe shall be a minimum 50mm diameter galvanised iron for a horizontal distance, beneath ground level, for at least 1.0 metre beyond all bends and risers at both the collection well and service ends of the pipe.
11. The service pipe shall be suitably encased in concrete at all bends beneath ground level.
12. This septic system must be installed strictly in accordance with Council's On-Site Sewage Management DCP No.78, the requirements under the Local Government Act (General) Regulations 2005.

13. In order for the effluent contractor to service the proposed development the location/ installation of the collection tank shall be in accordance with the invert requirements of Annex K (Shoalhaven Water Effluent contract) available from Council.

To achieve this requirement an internal float switch pump may be needed to deliver the effluent to the collection tanks, that are located to comply with the invert requirements of Annex K (Shoalhaven Water Effluent contract)

Developments that can not achieve the invert requirements need to provide an additional booster pump, the performance of the booster pump shall deliver 15 litres per second at the contractor tankers and include a switch for the booster pump to be available and maintained in an operational condition located at the standpipe.

Approval Required for Works within Road Reserve

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 s.138 consent:

- a) Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the vehicular and pedestrian public. The TCP must comply with the current RMS's manual Traffic Control at Work Sites. Warning and protective devices 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.
- b) Insurance details
- c) Name and contact information of the person/company appointed to supervise the construction.

PART I

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 J

GENERAL ADVICE TO APPLICANT

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 matter of national environmental significance (NES) matter; or 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 1.9A of Shoalhaven Local Environmental Plan 2014 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 obtained from the Principal Certifying Authority (PCA – i.e. Council or an accredited private certifier) before any of the approved (e.g. tourist cabin) development can be 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.

Prior to a final inspection being carried out, the applicant must complete and submit an Application for an Occupation Certificate to Council electronically, in person or by post. Please note that according to the Environmental Planning and Assessment Regulations 2000, Council cannot except forms sent by fax.

Please find enclosed a copy of the Occupation Certificate application form, to comply with the requirements of Clause 149 of the Environmental Planning and Assessment Regulation 2000. In completing the Occupation Certificate application form, please refer to the attached form and note that areas marked with (*) must be completed.

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 4429 4446 or by email southern@cma.nsw.gov.au.

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

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 prior to any excavation works taking place to ascertain the location of underground services. You must also contact your Local Authority for locations of Water and Sewer Mains.

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:

Signature

**Name James Bonner
Development Co-ordinator
Planning & Development Services Group**