

In accordance with Section 4.53 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.

<p style="text-align: center;">PART A DEFERRED COMMENCEMENT CONDITION (CONDITION TO BE SATISFIED PRIOR TO CONSENT OPERATING)</p>

The consent is not to operate until the following condition is satisfied, within twelve (12) months of the date of this determination:

The applicant must obtain the General Terms of Approval from the NSW Rural Fire Service referenced to the plans and documents of this deferred commencement consent.

- Evidence that will sufficiently enable Council to be satisfied as to those matters identified in the deferred commencement condition, as indicated above, must be submitted to Council with 12 months of the date of this deferred commencement consent, failing which, this deferred commencement consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979;
- The consent will not operate until such time that the Council notifies the applicant in writing that deferred commencement consent condition, as indicated above, has been satisfied; and
- Upon Council giving written notification to the applicant that the deferred commencement condition has been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent as shown in Part A (Conditions of Consent (Once the Consent is in Operation)).

DETAILS OF CONDITIONS:

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

<p style="text-align: center;">PART A CONDITIONS OF A GENERAL NATURE, INCLUDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT (ONCE THE CONSENT IS IN OPERATION)</p>

1. **General**

This consent relates to Housing for Seniors or people with disability development comprising:

- | | |
|----------------|--|
| Phase 1 | Demolition works, vegetation removal and construction of a new roundabout and associated civil infrastructure to the Princes Highway, 89 Bed Residential Care Facility (RCF), community centre including medical centre, gym, swimming pool, recreational space and restaurant, 65 Independent Living Units (ILU) in duplex and triplex forms, a large detention pond and associated civil infrastructure and landscaping. |
| Phase 2 | Construction of a total of 59 (ILU) in duplex and triplex forms, and associated civil infrastructure and landscaping. |

Phase 3 Construction of 7 x 3 storey residential flat buildings housing a total of 133 (ILU) with underground car parking and ancillary civil infrastructure and landscaping.

as illustrated on the plans (referenced in the table below), specifications and supporting documentation stamped with reference to this consent, as modified by the following conditions. The development must be carried out in accordance with this consent.

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

STAMPED DOCUMENTS/PLANS	REF/SHEET NO.	PREPARED BY	DATED
Plan Cover Sheet	D18/381058 Rev P D19/355602	Stephen Jones Associates	10/10/2018
Photomontages 01	DA01 – A D18/381095	Stephen Jones Associates	9/05/2017
Photomontages 02	DA02 D18/381102	Stephen Jones Associates	9/05/2017
Photomontages 03	DA03 D18/381104	Stephen Jones Associates	9/05/2017
Survey Plan	DA04 D18/381109	Stephen Jones Associates	9/05/2017
Site Analysis / Location Plan	DA05 D19/355602	Stephen Jones Associates	10/09/2019
Site Plan	DA06 D19/355602	Stephen Jones Associates	10/09/2019
Staging Plan	DA55 D19/430295	Stephen Jones Associates	10/09/2019
Site Roof Plan	DA07 D19/355602	Stephen Jones Associates	10/09/2019
Site Sections	DA08 D19/355602	Stephen Jones Associates	10/09/2019
Site Elevations	DA09 D19/355602	Stephen Jones Associates	10/09/2019
Site Perspectives	DA10 D19/355602	Stephen Jones Associates	10/09/2019
Clubhouse/Medical Centre			
Clubhouse Site Plan	DA11 D19/355136	Stephen Jones Associates	10/09/2019
Medical Centre Plan	DA12 D19/355141	Stephen Jones Associates	10/09/2019
Clubhouse Plan	DA13 D19/355146	Stephen Jones Associates	10/09/2019
Clubhouse Elevations 1	DA14 D19/355148	Stephen Jones Associates	9/05/2017
Clubhouse Elevations 2	DA15 D19/355151	Stephen Jones Associates	9/05/2017
Clubhouse Sections	DA16 D19/355157	Stephen Jones Associates	9/05/2017

Clubhouse Perspectives 1	DA17 D19/355165	Stephen Jones Associates	10/09/2019
Clubhouse Perspectives 2	DA18 D19/355171	Stephen Jones Associates	10/09/2019
Residential Care Facility			
Residential Care Facility Site Plan	DA19 D19/354980	Stephen Jones Associates	10/09/2019
Residential Care Facility Ground Floor Plan	DA20 D19/354982	Stephen Jones Associates	10/09/2019
Residential Care Facility Elevations	DA21 D19/354983	Stephen Jones Associates	9/05/2017
Residential Care Facility Sections	DA22 D19/354986	Stephen Jones Associates	9/05/2017
Residential Care Facility Perspectives 1	DA23 D19/354989	Stephen Jones Associates	10/09/2019
Residential Care Facility Perspectives 2	DA24 D19/355005	Stephen Jones Associates	10/09/2019
Duplex/Triplex Units			
Duplex AA - Plans & Elevations	DA25 D19/355179	Stephen Jones Associates	10/09/2019
Duplex AA - Section & Perspectives	DA26 D19/355182	Stephen Jones Associates	9/05/2017
Duplex BB - Plans & Elevations	DA27 D19/355185	Stephen Jones Associates	10/09/2019
Duplex BB – Section & Perspectives	DA28 D19/355192	Stephen Jones Associates	9/05/2017
Duplex CC – Plans & Elevations	DA29 D19/355200	Stephen Jones Associates	10/09/2019
Duplex CC – Section & Perspectives	DA30 D19/355205	Stephen Jones Associates	16/02/2017
Duplex DD – Plans & Elevations	DA31 D19/355208	Stephen Jones Associates	10/09/2019
Duplex DD – Section & Perspectives	DA32 D19/355211	Stephen Jones Associates	9/05/2017
Duplex EE – Plans & Elevations	DA33 D19/355215	Stephen Jones Associates	10/09/2019
Duplex EE – Section & Perspectives	DA34 D19/355224	Stephen Jones Associates	9/05/2017
Triplex EEE – Plans & Elevations	DA35 D19/355235	Stephen Jones Associates	10/09/2019
Triplex EEE – Section & Perspectives	DA36 D19/355240	Stephen Jones Associates	10/09/2019
Triplex DDD – Plans & Elevations	DA56 D19/355249	Stephen Jones Associates	10/09/2019
Triplex DDD – Section & Perspectives	DA57 D19/355254	Stephen Jones Associates	10/09/2019
Multi-storey Apartments			
Apartments – Typical Basement Plan	DA37 D19/355015	Stephen Jones Associates	9/05/2017

Apartments – Basement Plan Alternate	DA38 D19/355021	Stephen Jones Associates	10/09/2019
Apartments – Typical Ground Floor Plan	DA39 D19/355046	Stephen Jones Associates	9/05/2017
Apartments – Typical Level 1 Floor Plan	DA40 D19/355067	Stephen Jones Associates	9/05/2017
Apartments – Typical Level 2 Floor Plan	DA41 D19/355075	Stephen Jones Associates	9/05/2017
Apartments – Typical Roof Plan	DA42 D19/355085	Stephen Jones Associates	9/05/2017
Apartments – Sections	DA43 D19/355089	Stephen Jones Associates	8/06/2017
Apartments – Elevations 1	DA44 D19/355093	Stephen Jones Associates	8/06/2017
Apartments – Elevations 2	DA45 D19/355101	Stephen Jones Associates	8/06/2017
Apartments – Perspectives 1	DA46 D19/355105	Stephen Jones Associates	9/05/2017
Apartments – Perspectives 2	DA47 D19/355130	Stephen Jones Associates	9/05/2017
Apartments - Basement Plan Combined	DA48 D19/354941	Stephen Jones Associates	10/09/2019
Apartments - Typical Floor Plan Combined	DA49 D19/354951	Stephen Jones Associates	10/09/2019
Apartments - Elevations	DA50 D19/354954	Stephen Jones Associates	3/11/2017
Apartments - Perspectives 1	DA51 D19/354962	Stephen Jones Associates	10/09/2019
Apartments - Perspectives 2	DA52 D19/354966	Stephen Jones Associates	10/09/2019
Apartments - Perspectives 3	DA53 D19/354971	Stephen Jones Associates	10/09/2019
Finishes Schedule	DA54 D18/381687	Stephen Jones Associates	9/05/2017
Materials and Finishes	DA54 D19/355608	Stephen Jones Associates	9/05/2017
Shadow Diagrams - Apartments Combined – 21 June	DA56 D19/354975	Stephen Jones Associates	10/09/2019
Landscape Plan	16-3551L01 to L10 Rev E D19/355565	Zenith Landscape Designs	14/11/2016
Water Cycle Management Plan	2019038smpA Rev A D19/355439	Samana Blue Engineering P/L	20/09/2019
Proposed Roundabout Concept Design Drawings	1806-C20-C33 Issue 2 D19/355452	Footprint Sustainable Engineering	25/08/2019
Concept Civil Engineering	2019038-C10B to C26B D19/355577	Samana Blue Engineering	29/08/2019
Documents			

NATHERS Certificate	0001476040 D17/163467	Greenview Consulting Pty Ltd	11/05/2017
NATHERS Certificate 133 units	0001482070 D17/163479	Greenview Consulting Pty Ltd	13/05/2017
NATHERS Certificate Apartments	0001476040 D17/163467	Greenview Consulting Pty Ltd	11/05/2017
BASIX Certificate Multi-dwelling Apartments	783564 D17/163474	Greenview Consulting Pty Ltd	18/05/2017
BASIX Certificate Multi-dwelling Duplex/triplex	783844M D17/163475	Greenview Consulting Pty Ltd	18/05/2017
Statement of Environmental Effects	18/128 V4 D19/360299	The Planning Hub by Hawes & Swan	17/10/2019
Visual Analysis Summary Report	Issue E D18/382224	Scape Design	30/04/2018
Visual Assessment Addendum	SL110-16 Milton Seniors D19/354839	Scape Design	4/10/2019
Flora and Fauna Assessment	16245RP3 V6 D19/354828	Cumberland Ecology	20/09/2019
Vegetation Management Plan	16245RP4 V6 D19/354819	Cumberland Ecology	20/09/2019
Arboricultural Impact Assessment	D3181 D18/382170	Allied Tree Consultancy	March 2018
Flora and Fauna Assessment Appendix A Addendum - additional managed area within Lot 3 DP 785757, 65 Wilfords Lane	D20/88446	Cumberland Ecology	11/03/2020
Bushfire Protection Assessment	B172942 – 3 D19/354779	Australian Bushfire Protection Planners	26/08/2019
Flood Analysis	2019038smp Rev A D19/354744	Samana Blue Engineering P/L	20/09/2019
Flood Analysis	160529-B D18/382217	Greenview Consulting P/L	22/02/2018
Water Cycle Management Plan	160529-C D18/382203	Greenview Consulting P/L	26/04/2018
Transport Impact Assessment	N122790 Rev D D18/413796	GTA Consultants	08/06/2017
Addendum to TIA in response to RMS request for additional information	N122790 D18/180122	GTA Consultants	29/05/2018
Waste Management Plan	Appendix J D17/163404	Hawes & Swan Planning	Received 5/06/2017
Response to request for additional information by Shoalhaven City Council on Design Principles, proposed Operating	D18/382191	Judith Stubbs & Associates	5/01/2018

Model and SEPP (Housing for Seniors and People with a Disability) 2004			
Statement of Heritage Impact	16/27 D17/163499	Borst & Co Architecture	Dec 2016
Milton Meadows Aboriginal Heritage Due Diligence Report	17-0360 D18/382180	GML Heritage P/L	28/11/2017
Acoustic Assessment	REP-426816- A2 D17/163379	Envirotech P/L	8/12/2016
SEPP 65 Compliance Report	D17/163271	Stephen Jones Associates	Received 5/06/2017
Phase 1 (Preliminary) Environmental Site Assessment	REF-4267-A D17/163395	Envirotech P/L	7/12/2016
Unexpected Finds Protocol	D20/20421	Envirotech P/L	Received 22/01/2020

Note: Any alteration to the plans and/or documentation must be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under Section 4.55 of the Act, or a fresh development application. No works, other than those approved under this consent, must be carried out without the prior approval of Council.

2. **Prescribed Conditions**

The development must comply with relevant prescribed conditions of consent as detailed in the *Environmental Planning and Assessment Regulation 2000*. (See Division 8A.)

3. The approved development must not be occupied or the use must not commence until all relevant conditions of development consent have been met or unless other satisfactory arrangements have been made with Council (i.e. a security).

4. **Occupation Certificate**

An Occupation Certificate must be issued by the Principal Certifier (PC) before any of the approved development can be used or occupied for each phase of the development.

5. **Land Clearing**

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 Zone.

6. **Housing for Seniors and People with a Disability**

The development must comply with the access and usability standards outlined in Schedule 3 of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 for the life of the development.

PART B

INTEGRATED DEVELOPMENT CONDITIONS

7. ***Natural Resource Access Regulator (NRAR) – Integrated Development Conditions***

The conditions of the General Terms of Approval issued by NRAR (Reference No. IDAS1121644, dated 18 February 2020) are included as conditions of this consent. Refer Attachment A

8. ***NSW Rural Fire Service (RFS) – Integrated Development Conditions***

The conditions of the General Terms of Approval issued by the RFS must be implemented in their entirety.

PART C

CONDITIONS THAT MUST BE COMPLIED WITH BEFORE WORK CAN COMMENCE

9. ***Principal Certifier, Construction Certificate and Notice of Commencement***

The following must be undertaken prior to the commencement of any physical activity:

- a) A Principal Certifier (PC) must be appointed. For subdivision works in existing public roads, only Council can be appointed as the PC;
- b) A Construction Certificate for any building works must be obtained from either Council or an accredited certifier before civil works of any kind (internal or external) can commence;
- c) A Subdivision Works Certificate must be obtained from either Council or an accredited certifier prior to any physical activity authorised to be carried out in connection with a subdivision under the conditions of a development consent for the subdivision of land
- d) Notice must be given to Council at least two (2) days prior to the commencement of any works;
- e) Council must be advised in writing of the name and 24hr contact number of the designated person/company nominated by the developer or their agent to be responsible for construction of all engineering works including erosion and sediment control measures and their maintenance; and
- f) Any clearing of vegetation approved under this consent is not permitted unless:
 - i) The erosion and sediment control measures required by this consent have been implemented and inspected by Council;
 - ii) Evidence of an application for a Construction Certificate is provided to Council; and
 - iii) The clearing is carried out in accordance with the relevant conditions of this consent and the approved Waste Minimisation and Management Plans.

10. ***Shoalhaven Water***

All conditions listed on the Shoalhaven Water Development Application Notice must be complied with and accepted by Shoalhaven Water prior to the commencement of demolition works.

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

11. ***Aboriginal Heritage Impact***

A full Aboriginal heritage assessment is to be prepared prior to any other ground disturbance works taking place, including:

- formal Aboriginal consultation, in accordance with the OEH consultation guidelines *Aboriginal cultural heritage consultation requirements for proponents, 2010*
- preliminary assessment and preparation of an Archaeological Research Design (ARD) for archaeological test excavation under the Code of Practice
- geomorphological assessment of the study area
- formal field survey accompanied by members from the Aboriginal community
- archaeological test excavation, under Department of Environment Climate Change and Water (DECCW, now the OEH), Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales
- preparation of an Archaeological Technical Report (ATR) which conforms to the Code of Practice contextualisation of potential discovered sites within the intangible values of the cultural landscape through Aboriginal community consultation, in accordance with the Australia ICOMOS Burra Charter, 2013

If Aboriginal objects or features identified during the test excavation indicate that the proposed works will harm Aboriginal sites, an Aboriginal Cultural Heritage Assessment will be required that conforms to the Aboriginal Cultural Heritage Consultation Requirements for Proponents.

If no artefacts are found during the test excavation an addendum report summarising results, and Aboriginal community consultation undertaken, is to be completed.

Should Aboriginal objects be identified during test excavation, a whole-of-site AHIP will be required under Section 90 of the National Parks & Wildlife Act.

12. ***Road Infrastructure***

- a) Central Ave (Road 1) must be created initially as an internal road but built to a public road standard. The road is neither to
 - i. be dedicated to Council as public road; nor
 - ii. connected with Windward Way, until such time as Windward Way has been upgraded to a sealed road standard.
- b) Prior to completion of such upgrade of Windward Way, an entrance treatment, such as a clear delineating signage, will be required on Central Ave (Road 1) within the property boundary, immediately south of the junction with Road 3.
- c) Prior to completion of such upgrade of Windward Way, a permanent 1.8m high vehicle and pedestrian barrier fence is to be installed for the full frontage of the property with Windward Way with a minimum return of 10 m into the site where intersecting with neighbouring properties. The barrier fence gates are to be key locked closed at all times with the exception for emergency vehicles access.
- d) Upon completion of Windward Way, connection to Slaughterhouse Road shall be closed. Central Ave (Road 1), including the land for the full width of road reserve shall be dedicated and transferred to Council. All private signages & delineations must be removed from the road reserve before land transfer. Connection to Windward Way shall be opened to public traffic (both road and pedestrian traffic) and the road connection must be to standard, suitable for heavy vehicle through traffic to Windward Way.

13. **Roads & Maritime Services (RMS)**

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

- i. Obtain Section 138 consent under the Roads Act, 1993 for the works associated with the WAD.

Notes:

- RMS will be exercising its powers under Section 64 of the Roads Act, 1993 to become the roads authority for works associated with the WAD and therefore responsible for issuing the Section 138 consent for those specific works.

- ii. Prepare, and obtain RMS and Council acceptance to, a plan which details the land to be dedicated as public road (around the Princes Highway and the connection through to Windward Way), generally in accordance with Attachment 1 and Attachment 2.
- iii. Develop and implement a community information strategy in relation to the works, in consultation with, and to the satisfaction of RMS.
- iv. Apply for, and obtain a Road Occupancy Licence (ROL) from the RMS Traffic Operations Unit (TOU) prior to commencing roadworks on a State Road or any other works that impact a travel lane of a State Road or impact the operation of traffic signals on any road.

Notes:

- For information on the ROL process and to lodge an ROL application, please visit <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
- The applicant will need to create an account (this may take a few days to register), prior to submitting the ROL application. The applicant must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon RMS receiving an accurate and compliant TMP.
- The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU.
- An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by RMS Project Manager.

14. **Design Standards**

Engineering design plans and specifications for the work referred to in this consent are to be submitted for approval.

- a) Details of internal civil works must be submitted to nominated accredited certifier (Private Certifier or Council) for approval.
- b) Details of all proposed works in the road reserve must be submitted and approved by Council.
- c) All civil works are to be in accordance with Council's Engineering Design Specifications and Development Construction Specifications current at the time of construction unless otherwise specified in this consent.

15. **Road Design Standards**

- i. Concrete integral kerb and gutter with either a minimum 30mm thick 10mm asphaltic concrete on a primer seal or 2 coat bitumen seal with 14mm & 7mm aggregate surfaced shoulder (to match the existing seal) and associated drainage must be designed across the frontage of the proposed new lot(s).
 - a) The kerb and gutter must have a standard upright profile.

- b) The alignment and widths will be in accordance with the submitted Concept Services Plan by Samana Blue Engineering Drawing No 2019038 – C13B Dated 29-0819.
 - c) The kerb and gutter must have a minimum grade of 0.5%
 - d) The road shoulder pavement must be designed in accordance with Council's Engineering Design Specifications section D2.04.
 - e) Subsoil drainage is to be provided behind the kerb line where an outlet to existing underground drainage (or other alternative suitable to Council) is available. Subsoil drainage is to be placed on the high side of the road or both sides if the cross-fall is neutral.
 - f) Where roadway widening (shoulder construction) is not required, the thickness of the pavement for the new kerb and gutter maybe designed using an adopted CBR of 3.0. If a higher CBR value is used, it must be determined by geotechnical testing in accordance with Council's Engineering Design Specification.
- ii. Standard concrete gutter layback and footpath crossings must be designed at the driveway entrances in accordance with Council's Standard Drawings Plan Nos. 5104-07, 2026-05 and 2026-09 or 10 (Engineering Design Specification).
 - iii. Speed control devices, warning and regulatory signage will require referral to the Shoalhaven Traffic Committee for acceptance. Six (6) to eight (8) weeks should be allowed for this process, acceptance and approval.
 - iv. A 2m metres wide concrete footpath must be designed for the full length of Central Ave frontage of the development. Details are to be shown on the engineering design plans and must incorporate the following:
 - a) Footpath levels must comply with a 3% cross fall from the boundary to top of kerb.
 - b) Perambulator gutter crossing kerb ramps must be provided at intersections in accordance with AS 1428.1-2009 Design for Access and Mobility section 10.7 Figure 23/24.

16. **Structural Design**

Detailed design 'where required' of the following works must be certified by an NPER-III registered practising engineer and submitted for approval by Council's Development Engineer or Delegate.

- a) Major drainage structures, including pre-cast concrete culverts, headwalls, wing walls and stormwater pits / structures that require steel reinforcement.
- b) Retaining walls greater than 0.6 metre in height
- c) Other structural design (e.g. safety barrier/fencing for culverts over 1 metre to invert).

Note:

A NPER-III registered practising engineer will be required to certify that construction of the above structures has been completed in accordance with the approved plans prior to the release of the occupation certificate.

17. **Stormwater Drainage Design**

- i. Major and minor drainage systems must be designed by a qualified practising engineer in accordance with Council's Engineering Design Specifications section D5 (Stormwater Drainage Design) and DCP 2014 – Chapter G2: Sustainable Stormwater Management and Erosion/Sediment Control. The minor and major systems must be designed for 20% AEP for residential areas and have consideration for the 1% AEP rainfall events respectively.
- ii. Detailed design of permanent stormwater quality improvement devices and major trunk drainage must be certified by a civil or environmental engineer who has current NPER-III registration or who can demonstrate the appropriateness of the proposed design for the site.
- iii. Any table drains and culverts under the Central Ave roadway or within the public road and or access 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.

Where culverts are 1m high or greater (roadway to invert) they are to be provided with guard fence in accordance with Australian Standards.

18. On-Site Detention

On-site detention storage for stormwater runoff from the site must be provided such that the discharge from the site for design storm events up to and including the 100 year average recurrence interval does not exceed the pre-developed conditions. Details must be submitted to Council or an accredited certifier for approval prior to the issue a Construction Certificate. All flow discharging from on-site detention is to be via gravity flow to an approved discharge location. Automatic pump out systems from on-site detention will not be allowed.

- a) The developer must provide details of scour protection at the outlet of the on-site detention basin, in accordance with SCC Engineering Design Specification, to Council or an accredited certifier for approval.
- b) The on-site detention structure must be designed to incorporate lockable access for maintenance and a suitably graded invert to prevent ponding.
- c) The on-site detention structure must be designed to withstand a T44 load as defined in Austroad's Bridge Design Manual.

19. Carpark Design

- i. Any car parking must be designed in accordance with A.S. 2890 Parking Facilities.
- ii. The internal driveway and car parking areas must be designed for Light and or Heavy vehicular loadings depending on the usage. The pavement construction minimum standard as per below:
 - a) with a flexible compacted pavement minimum thickness of 200mm, surfaced with 30mm of AC10 asphaltic concrete on a primer seal or two coat bitumen seal using 14mm and 7mm aggregate. or
 - b) to a concrete standard.
 - c) Access in and out of the development will be required in a forward direction generally in accordance with the turning movements as per A.S. 2890.1 for the 99th % vehicle or

in accordance with A.S. 2890.2 for the largest vehicle requiring access to the development.

- d) Any car park blind aisles shall be equal to the width of six 90-degree spaces plus 1m, unless provision is made for car to turn around at the end and exit in a forward's direction. Refer to A.S. 2890.1.

20. *Builders' Toilet*

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.

21. *Existing Services/Damage to Public Assets (Dilapidation Report)*

Prior to the commencement of any work(s) associated with this development, the person benefitting from this consent must:

- a) Check that the proposed works are not affected by any Council, electricity, telecommunications, gas or other services. All services, existing and proposed, above or below ground are to be shown accurately on the engineering plans including longitudinal sections with clearances to proposed infrastructure clearly labelled. Any required alterations to services as a consequence of undertaking works under this consent or any repair to services will be at the expense of the person benefitting from this consent; and
- b) Undertake a site inspection and document any evidence of damage to the public assets prior to commencement of work. Any damage to the adjacent kerbs, gutters, footpaths (formed or unformed), walkways (formed or unformed), carriageway, reserves and the like, that occurs during development works must be repaired by the person benefitting from this consent. Failure to adequately identify existing damage will result in all damage detected by Council after completion of the building work being repaired at the expense of the person benefitting from this consent. A copy of the inspection documentation is to be submitted to Council prior to the commencement of works.

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22. *Works within the Road Reserve*

Prior to undertaking any works within an existing road reserve other than in the the Princes Highway corridor, the contractor must obtain the consent of Council under section 138 of the *Roads Act, 1993* and have a set of council approved plans and the letter of approval as per the development consent conditions. The following details must be submitted to Council to obtain the section138 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 must comply with the provisions of Australian Standard 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.
- d) 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 Development Manager in conjunction with the section 138 application for road and drainage works.
- e) Where the Traffic Control/Management Plan requires a reduction of the speed limit, a 'Direction to Restrict' must be obtained from the RMS - Traffic Operations Unit for RMS roads or Council for other roads and submitted with the section 138 application.

23. Erosion and Sediment Control

- i. 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", must be lodged with the nominated Certifier for works within the proposed lot and Council for works in the road reserve for approval. The erosion and sediment measures must be maintained for the life of the construction period and until runoff catchments are stabilised.
- ii. Any table drains constructed or realigned are to comply with the following:
 - a) Table drains must not have a depth of flow higher than the bottom of the road pavement.
 - b) Table drains with grades less than 5% must be shaped to a uniform dish cross section placed with 75-100mm of topsoil, track machine rolled, fertilised and grass seeded with suitable native species.
 - c) Table drains with grades 5 to 10% must be treated similarly to those having less than 5% grade but with the addition of a layer of Jutemaster TM, Fire Mulch or equivalent product over the topsoil.
 - d) Table drains with grades greater than 10% must be uniformly shaped and lined with concrete, rock and cement grout or spraycrete or similar approved treatment. The road bitumen seal for grades $\geq 12\%$ is to be widened to the edge of the lining.
- a) Streets trees are to be shown on the landscape plan. Trees are to be provided at the rate of two trees of minimum 35 litre pot size per allotment or preferably one larger tree of minimum 60 litre pot size located centrally to each lot. The following details are to be shown on the plans:
 - a) Each tree is to be protected by a braced structure comprising 4 timber posts with 75mm x 75mm minimum dimensions.
 - b) Root barriers are to be placed between the trees and above or below ground civil infrastructure to a minimum depth of 1.0 metre, at least twice the pot size away from the tree and extend along the service for a minimum length of half the mature drip line.

24. **Construction Management Plan (Traffic & Parking)**

Details of the proposed method of dealing with construction traffic are to be submitted to Council for approval by the Council's Development Engineer or Delegate. The details must 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.

25. **Roads & Maritime Services (RMS)**

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

- i. Enter into a Works Authorisation Deed (WAD) with the RMS for all works on the Princes Highway.

Notes:

- A WAD is a legally binding contract between RMS and the developer, authorising the developer to undertake works on a State road and/or install traffic signals.
- To progress the WAD, the developer needs to email a copy of the conditions of development consent to development.southern@rms.nsw.gov.au.
- All roadworks and traffic control facilities must be undertaken by a pre-qualified contractor. A copy of pre-qualified contractors can be found on the RMS website at: <http://www.rta.nsw.gov.au/doingbusinesswithus/tenderscontracts/prequalifiedcontractors.htm>
- Any new services or modifications to existing services associated with this development application that involve works on, over or under the Princes Highway (as defined the area from kerb to kerb) must be incorporated into, and managed under, the Works Authorisation Deed for the project. Note: It is the developer's responsibility to identify these works to RMS project manager.
- More information on WADs can be found at:

www.rms.nsw.gov.au/documents/projects/factsheet-development-process.pdf

26. **Engineering Design Approval – works in Road Reserve other than Princes Highway**

Engineering design plans for civil works within the road reserve must be submitted to Council for approval prior to the issue of a Construction Certificate for building works. All work must be carried out in accordance with the approved plans.

Plan checking and inspection fees will be required to be paid for the works required within the road reserve as per councils standard fees and charges.

27. **Works within the Road Reserve – Section 138**

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 and have a set of council approved plans and the letter of approval as per the development consent conditions.

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

- a) Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the vehicular and pedestrian public. The TCP must comply with the current RMS's manual Traffic Control at Work Sites. Warning and protective devices must comply with the provisions of 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.
- d) Should the contractor want a single 138 approval to cover works additional to road, drainage and site regrading (e.g. water supply, sewerage, landscaping, etc), details of such works should be forwarded to the designer of the Traffic Control Plan. Copies of the layout plans and work method statements of these additional works are to be submitted to the Subdivision Manager in conjunction with the 138 application for road and drainage works.
- e) Where the Traffic Control/Management Plan requires a reduction of the speed limit, a 'Direction to Restrict' must be obtained from the RMS - Traffic Operations Unit for RMS roads or Council for other roads and submitted with the section 138 application.

28. *Inspection of Existing Assets*

The developer or his agent must 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.

29. *Earthworks*

- a) Documentation from the supplier that certifies that imported fill material is not contaminated based on analyses of the material is to be provided to Council. Sampling and analysis of the imported fill material must be conducted in accordance with the EPA Sampling Design Guidelines.
- b) Details of fill storage, disposal and materials haulage routes to and from the site must be submitted to Council for approval. All surplus excavated material must be taken to an approved landfill site.

30. *Pre-Clearing and Clearing Surveys*

- a) Pre-clearing surveys are to be undertaken by a suitably qualified ecologist. Pre-clearing surveys must include clear demarcation of key habitat features including hollow bearing trees, fallen logs, bushrock and wombat burrows.
- b) Prior to the commencement of any clearing works the drip-line (outer edge of the leaf canopy) surrounding trees to be retained, including the Tree Protection Zone of the mature *Ficus obliqua* (Small-leaf Fig) as shown on the Tree Protection Zone Plan, 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*). Shoalhaven City Council must inspect and certify tree protection measures are in place before any work on site can commence (an inspection fee may apply).

- c) Prior to the commencement of any clearing works the extent of clearing as shown on the approved plans must be accurately surveyed / measured and marked on the ground with temporary barrier fencing or similar visible material to aid in the selection of trees to be retained. Temporary fencing must remain in place until all works are completed. Fencing must not encroach on existing riparian vegetation. Shoalhaven City Council must inspect and certify in writing that tree protection measures are in place before any work on site can commence (an inspection fee may apply).
- d) Prior to the commencement of works, a Soil and Water Management Plan (SWMP) and accompanying specifications for the construction phase of the works, prepared by a suitably qualified and experienced person and based on the Landcom manual - Soils and Construction, Managing Urban Stormwater, Vol 1, 4th Edition, March 2004", must be submitted to the PCA (for works within the development lot) and Council (for works within the road reserve) for approval.
- e) Prior to the commencement of any works, the approved erosion and sediment control measures must be implemented by the contractor, and inspected and approved by the PCA prior to the commencement of any other site works. The erosion and sediment measures must be maintained for the life of the construction period and until runoff catchments are stabilised.

31. **Exclusion Zone**

The outer edge of the Milton Ulladulla Subtropical Rainforest Endangered Community and Threatened Species Retention Zone as shown in Figure 3 of the Milton Meadows Ulladulla Vegetation Management Plan Cumberland Ecology (2019) must be clearly marked with parra webbing or similar and managed as an exclusion zone for the duration of the construction period. No vehicle access, storage of materials, tools, machinery, waste, disposal of liquid waste or washing of tools or equipment is to occur within these areas.

32. **Wildlife Protection**

- a) Clearing must be undertaken in the following two stage process under the supervision of a suitably qualified ecologist:
 - The initial phase must involve clearing around identified habitat features and leaving features overnight.
 - The second stage will involve clearing of habitat features left overnight following inspection.
- b) All clearing works are to be supervised on site by a suitably qualified environmental consultant.
- c) All vegetation must be inspected for wildlife prior to clearing and works must cease until wildlife has moved on or is removed by a qualified ecologist or wildlife handler if required.
- d) Prior to the commencement of any clearing works, 18 fauna boxes must be installed in consultation with the suitably qualified environmental consultant supervising the clearing. Fauna boxes must conform as a minimum with the specifications indicated in "Birds Australia Information Sheet No.5: Nestboxes for Natives" http://www.birdlife.org.au/images/uploads/education_sheets/INFO-Nestbox-technical.pdf . The size of nest boxes must reflect the size of hollows removed. Shoalhaven City Council must inspect and certify in writing the nest boxes are in place prior to works commencing (an inspection fee may apply).

- e) Management of wombat burrows within the development footprint must include:
 - i. Avoid burrows wherever possible
 - ii. For burrows that cannot be avoided a qualified ecologist must supervise the pre-clearance survey and relocation of wombats including;
 - Set up a motion detector camera on each burrow to monitor use and confirm activity.
 - Block passage to any inactive burrows.
 - For active burrows, install a gate at the entrances (frame with a one way exit and no re-entry) with follow up camera footage to ensure wombat has not re-entered the burrow.
- f) Wildlife protection measures must include:
 - All vegetation to be removed must be inspected for wildlife prior to removal
 - Farm sheds or other structures proposed for demolition that may provide habitat for microbats and other native wildlife and must be inspected prior to removal
 - Works must cease until any wildlife present has relocated
 - All vehicles and mechanical plant must be inspected for wildlife prior to operation
 - All trenches must be inspected for wildlife prior to backfilling
 - Any injured wildlife must be referred to Wildlife Rescue South Coast 0418 427 214

33. ***Endeavour Energy Requirements***

The person benefitting from the consent shall ensure compliance with the following conditions:

- a) the low voltage and 11 kV (constructed at 22 kV) high voltage overhead power lines traversing the site which are not held under easement, they are protected assets under the *Electricity Supply Act 1995* (NSW) Section 53 'Protection of certain electricity works'. The owner or occupier of the land cannot take any action by reason of the presence or operation of the electricity works in, on or over the land ie. they cannot remove the electricity infrastructure from the property. These protected assets are managed on the same basis as if an easement was in existence.
- b) As a minimum, any buildings, structures, etc. must comply with the minimum safe distances / clearances for voltages up to and including 132,000 volts (132kV) as specified in:
 - i. Australian/New Zealand Standard AS/NZS 7000 – 2016: 'Overhead line design'.
 - ii. 'Service and Installation Rules of NSW' which can accessed via the following link to the NSW Resources & Energy website:

- *Network Capacity/Connection*

- c) Electrical Servicing Report prepared by Simplex Engineering dated 18 May 2017. The report is now some 18 months old. Part 3 includes a copy of the Technical Review Request (TRR) to Endeavour Energy. Asset Strategy & Planning have not received a TRR or application for connection of load for the site. There are other enquiries for new loads in the same area.

The proponent is proposing a significant load from '3 x 1,000kVA PM substations', however there is limited capacity to the 11 kV feeders.

The closest feeder to the proposed development is 11 kV feeder ULK2 from Ulladulla Transmission / Zone Substation located at North Street Ulladulla (Lot 32 DP 235607; Lot 33 DP 828219).

When a TRR or application for load is received, it will require a thorough analysis of Ulladulla Zone Substation's 11 kV distribution network. This will determine any customer

and/or Endeavour Energy upstream augmentation works required to accommodate the load.

The staged development, depending on the overall timing, should help with the delivery of any augmentation works required.

In due course the applicant for the future proposed redevelopment of the site will need to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Depending on the outcome of the assessment, any required padmount or indoor / chamber substation will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please refer to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:

<http://www.endeavourenergy.com.au/> .

Advice on the electricity infrastructure required to facilitate the proposed development (including asset relocations) can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch, the form for which FPJ6007 is attached and further details (including the applicable charges) are available from Endeavour Energy's website under 'Our connection services'. The response to these enquiries is based upon a desktop review of corporate information systems, and as such does not involve the engagement of various internal stakeholders in order to develop a 'Connection Offer'. It does provide details of preliminary connection requirements which can be considered by the applicant prior to lodging a formal application for connection of load.

Alternatively, the applicant should engage a Level 3 ASP approved to design distribution network assets, including underground or overhead. The ASP scheme is administered by NSW Planning & Environment and details are available on their website via the following link or telephone 13 77 88:

<https://www.energy.nsw.gov.au/energy-supply-industry/pipelines-electricity-gas-networks/network-connections/contestable-works> .

- *Location of Electricity Easements/Prudent Avoidance*

- d) The construction of any building or structure (including fencing, signage, flag poles etc. whether temporary or permanent) that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with Australian/New Zealand Standard AS/NZS 3000:2007 'Electrical installations' to ensure that there is adequate connection to the earth. Inadequate connection to the earth places persons and the electricity network at risk;

The incorporation of electricity easements into privately owned lots is generally problematic for both Endeavour Energy and the future landowners and requires additional easement management to ensure no uncontrolled activities / encroachments occur within the easement area. Accordingly, Endeavour Energy's recommendation is that whenever reasonably possible, easements be entirely incorporated into public

reserves and not burden private lots (except where they are remnant lots or not subject to development).

Endeavour Energy's preference is to have continuity of its easements over the most direct and practicable route affecting the least number of lots as possible. Therefore, it generally does not support the incorporation of easements into to multiple / privately owned lots. This is also in keeping with a policy of prudent avoidance by the siting of more sensitive uses away from any electricity infrastructure to minimise exposure to electric and magnetic fields (EMF), noise etc. associated with the 24/7/365 (all day, every day of the year) operation of the electricity network.

Please find attached a copy of Energy Networks Association's 'Electric & Magnetic Fields – What We Know, January 2016' which can also be accessed via the Energy networks Australia website at <https://www.energynetworks.com.au/electric-and-magnetic-fields> and provides the following advice:

Electric fields are strongest closest to their source, and their strength diminishes rapidly as we move away from the source.

The level of a magnetic field depends on the amount of the current (measured in amps), and decreases rapidly once we move away from the source.

- *Bushfire*
 - e) The network required to service the proposed development must be fit for purpose and meet the technical specifications, design, construction and commissioning standards based on Endeavour Energy's risk assessment associated with the implementation and use of the network connection / infrastructure for a bushfire prone site. In assessing bushfire risk, Endeavour Energy has traditionally focused on the likelihood of its network starting a bushfire, which is a function of the condition of the network. Risk control has focused on reducing the likelihood of fire ignition by implementing good design and maintenance practices. However safety risks associated with the loss of electricity supply are also considered.
- *Flooding and Drainage*
 - f) Distribution substation should not be subject to flood inundation ie. the padmount substation cubicles are weather proof not flood proof. Section 7 'Substation and switching stations' of Endeavour Energy's Mains Construction Instruction MCI 0006 'Underground distribution construction standards manual' provides the following details of the requirements for flooding in new padmount substation locations.
- *Earthing*
 - g) The construction of any building or structure (including fencing, signage, flag poles, hoardings etc.) whether temporary or permanent that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with Australian/New Zealand Standard AS/NZS 3000:2018 'Electrical installations' as updated from time to time. This Standard sets out requirements for the design, construction and verification of electrical installations, including ensuring there is adequate connection to the earth. Inadequate connection to the earth to allow a leaking/fault current to flow into the grounding system and be properly dissipated places persons, equipment connected to the network and the electricity network itself at risk from electric shock, fire and physical injury.

- *Network Access*

- h) It is imperative that the access to the existing electrical infrastructure on and in proximity of the site be maintained at all times. To ensure that supply electricity is available to the community, access to the electricity infrastructure may be required at any time. Restricted access to electricity infrastructure by maintenance workers causes delays in power restoration and may have severe consequences in the event of an emergency.

- *Vegetation Management*

- i) The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure. Only low growing shrubs not exceeding 3.0 metres in height, ground covers and smaller shrubs, with non-invasive root systems are the best plants to use. Larger trees should be planted well away from electricity infrastructure (at least the same distance from overhead power lines as their potential full grown height) and even with underground cables, be installed with a root barrier around the root ball of the plant. Landscaping that interferes with electricity infrastructure may become a potential safety risk, cause of bush fire, restrict access or result in the interruption of supply. Such landscaping may be subject to Endeavour Energy's Vegetation Management program and/or the provisions of the Electricity Supply Act 1995 (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.

In regards to the padmount substation/s required to facilitate the further development of the site, please find attached for the applicant's reference a copy Endeavour Energy's 'Guide to Fencing, Retaining Walls and Maintenance Around Padmount Substations'.

- *Dial Before You Dig*

- j) Before commencing any underground activity the applicant is required to obtain advice from the **Dial Before You Dig 1100** service in accordance with the requirements of the Electricity Supply Act 1995 (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.

- *Demolition*

- k) Demolition work is to be carried out in accordance with Australian Standard AS 2601—2001: 'The demolition of structures' as updated from time to time. All electric cables or apparatus which are liable to be a source of danger, other than a cable or apparatus used for the demolition works shall be disconnected ie. the existing customer service lines will need to be isolated and/or removed during demolition. Appropriate care must be taken to not otherwise interfere with any electrical infrastructure on or in the vicinity of the site eg. streetlight columns, power poles, overhead power lines and underground cables etc.

- *Public Safety*

- l) Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. I have attached Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to

work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures> .

If the applicant has any concerns over the proposed works in proximity of the Endeavour Energy's electricity infrastructure, as part of a public safety initiative Endeavour Energy has set up an email account that is accessible by a range of multiple stakeholders across the company in order to provide more effective lines of communication with the general public who may be undertaking construction activities in proximity of electricity infrastructure such as builders, construction industry workers etc. The email address is Construction.Works@endeavourenergy.com.au .

- *Emergency Contact*

- m) In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note the Emergencies Telephone is 131 003 which can be contacted 24 hours/7 days.

34. Tree Protection

- a) The alignment and any associated impacts from the construction of Rosebud Avenue must be outside the Tree Protection Zone (TPZ) for the mature *Ficus obliqua* (Small-leaf Fig) as shown on the Tree Protection Zone Plan. Detailed plans for the road must show the road alignment outside the TPZ).
- b) A permanent fence such as a chain wire or post and rail, or similar, is required around the Tree Protection Zone (TPZ) for the mature *Ficus obliqua* (Small-leaf Fig) as shown on the Tree Protection Zone Plan to delineate the boundary for specific ongoing landscape management requirements of this area. The specifications for this fence must be shown on detailed plans prior to the issue of a construction certificate.
- c) 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.

35. Flood & Water Sensitive Urban Design

- a) All stormwater treatment devices and Onsite Detention facilities must be in private ownership
- b) The Stormwater Layout (Drg 2019038 – C16 B), proposed SW360 Bio-retention Enlarged Plan (Drg 2019038 – C20 B) and Concept Bio-retention Section (Drg 2019038 – C23 B) shows the proposed Filterra bioretention device online and with the inlet pipe entering the base of the bioretention device. Stormwater runoff needs to enter from the surface to allow treatment as water flows downwards through the bioretention device. The proposed bioretention device configuration therefore needs to be revised.
- c) The outlet pipe from the below ground stormwater detention tanks preferably needs to be above the 1% AEP peak flood level or have a suitable non-return valve installed to ensure floodwater cannot back up into these tanks.

- d) For all proprietary stormwater treatment devices such as the proposed Ocean Protect Jellyfish, the applicant needs to provide documentation from the supplier showing that the proposed device has been appropriately sized for the contributing catchment. This is important to ensure the water quality targets in Chapter G2 of the DCP can be met and the device can be maintained in a cost effective manner by the site owner.
- e) The large ornamental / water quality pond must include approximately 300mm of extended detention storage between a restricted discharge outlet and overflow weir in accordance with D7.18 of Councils Engineering Design Specifications. Given that this pond seems to be oversized for a water quality objective, a smaller detention depth would be acceptable. The stormwater detention storage should ideally be provided above this water quality storage.
- f) The Erosion & Sediment Control Plan (Drg 2019038 – C25 B) identifies that the detention pond / basin is to be constructed first as a temporary sediment control device and all stormwater runoff is to be directed to the pond with scour protection overflow weirs. This approach is supported however note that this pond cannot be used as an ornamental pond / water quality pond until all contributing surfaces have been stabilised with either impervious or established grassed surfaces and all accumulated sediment generated from construction phase sediment-laden stormwater runoff has been removed.

36. ***Sign – Supervisor Contact Details***

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

- a) Showing the name, address and telephone number of the PC 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; and
- c) Stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the work is being carried out.

37. ***Public Safety and Protection of Public Property***

The site/area where works are being undertaken is to be fenced in accordance with Safework NSW requirements prior to the commencement of works, suitable for keeping members of the public and unauthorised people out.

38. ***Asbestos – Notification of Neighbours***

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

39. **Asbestos – Statement**

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

- a) A hazardous substances audit report prepared by a competent and appropriately qualified person in compliance with *Australian Standard AS2601 - 2001: The demolition of structures*; and
- b) A hazardous substances management plan prepared by a competent and appropriately qualified person in compliance with *Australian Standard AS2601 - 2001: The demolition of structures*.

PART D (PHASE 1)
CONDITIONS THAT MUST BE COMPLIED WITH BEFORE A CONSTRUCTION
CERTIFICATE CAN BE ISSUED FOR PHASE 1

40. **Housing for Seniors and People with a Disability**

Prior to the issue of a construction certificate all development must comply with the access and usability standards outlined in Schedule 3 of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 for the development. Details of compliance are to be submitted to the Accredited Certifier for approval.

41. **Shoalhaven Water**

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 must obtain written approval from Shoalhaven Water allowing a Construction Certificate to be issued.

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

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

42. **Road Design, Access and Driveway Locations**

- (a) Prior to the issue of a construction certificate plan must be submitted to Council that demonstrate that determination of the proposed access method (including consultation with affected residents) regarding the access to Warden Road (east of the Princes Highway) has been completed.
- (b) Driveways locations along the service lane to the east of the site are to be shown on the plans.
- (c) Construction level plans are to be provided to Council ensuring the following:
 - i. Kerb and gutter provided on the service lane east of the Princes Highway to the proposed intersection with Warden Road.
 - ii. Use of an alternative method of restriction at the intersection of Garrads Lane and the Prices Highway. *(The current proposal is bollards or large rocks; it is the recommendation of the EDU that large trees be used in the area instead to enhance the aesthetic of the respective roads)*

- iii. Garrads Lane is to be widened to 6.0m trafficable width (*lip of kerb to lip of kerb*) to comply with Council's DCP
- iv. Kerb and Gutter must be provisioned on Garrads Lane
- v. Road 03 (*Within the road reserve*) is to be widened to 6.0m to comply with Council's DCP
- vi. Kerb and gutter must be provisioned on Road 03 and the road is to be sealed in accordance with Council's DCP
- vii. The intersection of Road 03 and Garrads Lane is to be realigned to fit wholly within the road reserve of Warden Road
- viii. Sight lines are to be provided at each intersection
- ix. Provision of swept path plans at the intersection of Road 03 and Road 01
- x. Swept path plans are to show the largest trafficable vehicle and must show offset clearances in accordance with Austroads guidelines.
- xi. Offset clearances in accordance with Austroads guidelines are to be shown for the swept path plans at the intersection of Princes Highway and Road 01
- xii. C3 edge line marking is to be provisioned within the No Stopping zones as shown on the provided plans. (*C3 edge line marking can be used in lieu of the proposed R5-400 (BW) signage*)
- xiii. Advanced roundabout warning signage is to be provisioned on the construction level plans

43. Line Markings & Signs

Prior to the issue of a construction certificate, details of any line markings, regulatory signs, traffic facilities or speed controls/speed controlling devices (internal or external) shall be submitted to Council for referral to the Shoalhaven Traffic Committee and subsequent recommendation to Council. Six to eight weeks should be allowed for this process, plus additional time if amendments to the plans are required.

NOTE: In this instance, following the submission of information by the applicant Road 01 is to be taken as Central Avenue and Road 03 is road along the road reserve of Warden Road.

44. Road Design

- (a) Design of the proposed mobility scooter path along Central Avenue must be compliant with the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, in particular Part 2 (26)(c), details are to be submitted to Council prior to issue of a construction certificate

Should the applicant require public transport operators to enter the proposed development site, Central Avenue and any adjoining roads to be used as a loop road are to be designed to Council's DCP and Austroads Guidelines including an appropriate LATM strategy for the development.

- (b) All on-site parking is to be in accordance with AS2890. Details of the parking in site, including the proposed parking adjacent to the Residential care facility is to be provided to Council to referral to the Shoalhaven Traffic Committee.
- (c) The applicant is to ensure that speed control devices within the road reserve are installed with respect to an LATM strategy that has created a speed environment in accordance with Council's DCP
- (d) Internal roads are to be designed to Council's DCP and Austroads Guidelines.

- (e) Construction level details of the internal roads are to be provided to Council prior to the issue of a construction certificate.

45. Local Government Act 1993 – Section 68 Approval

Approval for water, sewer and drainage works is required to be obtained under Section 68 of the Local Government Act prior to the issue of a Construction Certificate.

46. Design Changes: Amended plans required

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

Design Amendment	Reason for Amendment
A continuous 1.8m high pedestrian and vehicle barrier fence must be provided for the full frontage of the site to Winward Way and must return at least 10m along the side boundaries of (12, 52 & 60) Winward Way.	To prevent any vehicular or pedestrian access between the development site and Winward Way until such time as Winward Way is upgraded. To prevent increased use of Slaughterhouse Road and Winward Way intersection.
The concept tree protection zone plan for the Small-leaved fig submitted on 13 March 2020 to delete duplex 2, change duplex 3 to a triplex type EEE & duplex 4 to type BB and reorientate Rosebud Ave is to be incorporated into a revised site plan with an additional 1m buffer provided between the TPZ and the nearest alignment of Rosebud Ave.	To protect the long term viability of the tree.
A continuous noise barrier fence is to be provided between the Princes Highway and the service lane connection to Warden Road from the northern branch of the proposed roundabout to the north west corner of 256 Princes Highway Milton. The acoustic fence must be a maximum of 2.1 metre high with a minimum 1 metre wide landscaping along that boundary. The fence shall be constructed of timber or masonry with articulation in that fencing. Details of this fence must be included in the landscape plan.	To provide noise and light spill protection for residents impacted by roundabout related road works.
The stormwater design for highway roundabout works is to include the capture of stormwater flowing along Warden Road east of Princes Highway and to be piped via new roundabout drainage to Petty's Creek.	To address stormwater impacts associated with aligning Warden Road with service lane on north side of highway.

The traffic island serving the south arm of proposed roundabout is to be revised to enable residents with properties on Garrads Lane to enter and leave Garrads Lane via the roundabout.	To maintain vehicular access to the highway for affected residents.
The old silo is to be identified for retention as an important link to the farming history of the locality.	To preserve local heritage.
A revised Landscape Plan must exclude the exotic Chinese Pistacio (<i>Pistacia chinensis</i>) and Chinese Elm (<i>Ulmus parvifolia</i>) species from the landscaping schedule.	They are known to produce viable seed and become invasive plants. These species must be removed from the species lists and it is recommended they be replaced with native, preferably rainforest, species.
Phase 3 Development: Modified plans must be submitted to show the following: <ul style="list-style-type: none"> All 1-bedroom apartments must have a minimum private open space area of 8m². Additional storage must be formalised & shown in basement areas 	Compliance with SEPP 65

47. **Waste Minimisation and Management**

A detailed Waste Minimisation and Management Plan (WMMP) must be prepared in accordance with Chapter G7, Shoalhaven Development Control Plan 2014. 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.

48. **Contributions for Additional Services and/or Facilities**

This development will generate a need for additional services and/or facilities as described in Council's *Contributions Plan 2019*, as itemised in the following table:

Phase 1

Residential Care facility

Project	Description	Rate	Qty	Total	GST	GST Incl
CW FIRE 2001	Citywide Fire & Emergency services	\$135.42	34.6	\$4,685.53	\$0.00	\$4,685.53
CW FIRE 2002	Shoalhaven Fire Control Centre	\$198.11	34.6	\$6,854.61	\$0.00	\$6,854.61
CW MGMT 3001	Contributions Management & Administration	\$563.13	34.6	\$1,154.01	\$0.00	\$1,154.01

Sub Total: \$12,694.1

5

GST Total: \$0.00

Estimate Total: **\$12,694.15**

Contribution rates are adjusted annual 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. (i.e. contributions are calculated on the rate applicable at the date of payment, not the date of development consent.)

A total contribution, currently assessed as per the table above or as indexed in future years must be paid to Council before the issue of a Construction Certificate.

Contributions Plan 2019 can be accessed on Councils website www.shoalhaven.nsw.gov.au or may be inspected on the public access computers at the libraries and the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla.

49. Contributions for Additional Services and/or Facilities

This development will generate a need for additional services and/or facilities as described in Council's *Contributions Plan 2019*, as itemised in the following table:

Phase 1

Clubhouse/Medical Centre

Project	Description	Rate	Qty	Total	GST	GST Incl
CW FIRE 2001	Citywide Fire & Emergency services	\$135.42	2.04	\$276.26	\$0.00	\$276.26
CW FIRE 2002	Shoalhaven Fire Control Centre	\$198.11	2.04	\$404.14	\$0.00	\$404.14
CW MGMT 3001	Contributions Management & Administration	\$563.13	2.04	\$68.04	\$0.00	\$68.04
Sub Total:						\$748.44
GST Total:						\$0.00
Estimate Total:						\$748.44

Contribution rates are adjusted annual 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. (i.e. contributions are calculated on the rate applicable at the date of payment, not the date of development consent.)

A total contribution, currently assessed as per the table above or as indexed in future years must be paid to Council before the issue of a Construction Certificate.

Contributions Plan 2019 can be accessed on Councils website www.shoalhaven.nsw.gov.au or may be inspected on the public access computers at the libraries and the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla.

50. Contributions for Additional Services and/or Facilities

This development will generate a need for additional services and/or facilities as described in Council's *Contributions Plan 2019*, as itemised in the following table:

Phase 1

Duplex/Triplex

Project	Description	Rate	Qty	Total	GST	GST Incl
05 AREC 0005	Planning Area 5 - Active recreation facility upgrades various locations	\$1,024.63	44.2	\$45,288.65	\$0.00	\$45,288.65
05 CFAC 2010	Southern Shoalhaven Branch Library	\$515.59	44.2	\$22,789.08	\$0.00	\$22,789.08
CW AREC 0005	Shoalhaven Community and Recreational Precinct SCArP Cambewarra Road Bomaderry	\$910.89	44.2	\$40,261.34	\$0.00	\$40,261.34
CW CFAC 0007	Shoalhaven Regional Gallery	\$70.87	44.2	\$3,132.45	\$0.00	\$3,132.45
CW CFAC 2002	Shoalhaven Multi Purpose Cultural & Convention Centre	\$638.00	44.2	\$28,199.60	\$0.00	\$28,199.60
CW CFAC 2006	Shoalhaven City Library Extensions, Berry Street, Nowra	\$850.55	44.2	\$37,594.31	\$0.00	\$37,594.31
CW FIRE 2001	Citywide Fire & Emergency services	\$135.42	44.2	\$5,985.56	\$0.00	\$5,985.56
CW FIRE 2002	Shoalhaven Fire Control Centre	\$198.11	44.2	\$8,756.46	\$0.00	\$8,756.46
CW MGMT 3001	Contributions Management & Administration	\$563.13	44.2	\$24,890.35	\$0.00	\$24,890.35

Sub Total: \$216,897.80
 GST Total: \$0.00
 Estimate Total: **\$216,897.80**

Contribution rates are adjusted annual 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. (i.e. contributions are calculated on the rate applicable at the date of payment, not the date of development consent.)

A total contribution, currently assessed as per the table above or as indexed in future years must be paid to Council before the issue of a Construction Certificate.

Contributions Plan 2019 can be accessed on Councils website www.shoalhaven.nsw.gov.au or may be inspected on the public access computers at the libraries and the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla.

PART E (PHASE 2)

CONDITIONS THAT MUST BE COMPLIED WITH BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED FOR PHASE 2

51. ***Contributions for Additional Services and/or Facilities***

This development will generate a need for additional services and/or facilities as described in Council's *Contributions Plan 2019*, as itemised in the following table:

Duplex/Triplex

Project	Description	Rate	Qty	Total	GST	GST Incl
05 AREC 0005	Planning Area 5 - Active recreation facility upgrades various locations	\$1,024.63	39	\$39,960.57	\$0.00	\$39,960.57
05 CFAC 2010	Southern Shoalhaven Branch Library	\$515.59	39	\$20,108.01	\$0.00	\$20,108.01

CW 0005	AREC	Shoalhaven Community and Recreational Precinct SCaRP Cambewarra Road Bomaderry	\$910.89	39	\$35,524.71	\$0.00	\$35,524.71
CW 0007	CFAC	Shoalhaven Regional Gallery	\$70.87	39	\$2,763.93	\$0.00	\$2,763.93
CW 2002	CFAC	Shoalhaven Multi Purpose Cultural & Convention Centre	\$638.00	39	\$24,882.00	\$0.00	\$24,882.00
CW 2006	CFAC	Shoalhaven City Library Extensions, Berry Street, Nowra	\$850.55	39	\$33,171.45	\$0.00	\$33,171.45
CW 2001	FIRE	Citywide Fire & Emergency services	\$135.42	39	\$5,281.38	\$0.00	\$5,281.38
CW 2002	FIRE	Shoalhaven Fire Control Centre	\$198.11	39	\$7726.29	\$0.00	\$7726.29
CW 3001	MGMT	Contributions Management & Administration	\$563.13	39	\$17,636.88	\$0.00	\$17,636.88

Sub Total: \$187,005.22
 GST Total: \$0.00
 Estimate Total: **\$187,005.22**

Contribution rates are adjusted annual 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. (i.e. contributions are calculated on the rate applicable at the date of payment, not the date of development consent.)

A total contribution, currently assessed as per the table above or as indexed in future years must be paid to Council before the issue of a Construction Certificate.

Contributions Plan 2019 can be accessed on Councils website www.shoalhaven.nsw.gov.au or may be inspected on the public access computers at the libraries and the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla.

52. **Shoalhaven Water**

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 must obtain written approval from Shoalhaven Water allowing a Construction Certificate to be issued.

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

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

53. **Waste Storage Room Construction.**

A design certificate and detailed plans are to accompany any Construction Certificate application which demonstrate that the waste storage room has been designed to be constructed in accordance with the Waste Management Guide and including the following requirements:

- i) The floor is to be constructed of concrete at least 75mm thick and adequately graded to drain to a Sydney Water approved drainage fitting;
- ii) The floor must be finished so that it is non-slip and has a smooth and even surface covered at all intersections;

- iii) The ceilings and walls must be finished with smooth faced non-absorbent material capable of being cleaned;
- iv) The room is to be provided with artificial light controllable within the room and adequate ventilation;
- v) The room is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.

PART F (PHASE 3)

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

54. **Contributions for Additional Services and/or Facilities**

This development will generate a need for additional services and/or facilities as described in Council's *Contributions Plan 2019*, as itemised in the following table:

Phase 3

Apartments

Project	Description	Rate	Qty	Total	GST	GST Incl
05 AREC 0005	Planning Area 5 - Active recreation facility upgrades various locations	\$1,024.63	88.2	\$90,372.37	\$0.00	\$90,372.37
05 CFAC 2010	Southern Shoalhaven Branch Library	\$515.59	88.2	\$45,475.04	\$0.00	\$45,475.04
CW AREC 0005	Shoalhaven Community and Recreational Precinct SCaRP Cambewarra Road Bomaderry	\$910.89	88.2	\$80,340.50	\$0.00	\$80,340.50
CW CFAC 0007	Shoalhaven Regional Gallery	\$70.87	88.2	\$6,250.73	\$0.00	\$6,250.73
CW CFAC 2002	Shoalhaven Multi Purpose Cultural & Convention Centre	\$638.00	88.2	\$56,271.60	\$0.00	\$56,271.60
CW CFAC 2006	Shoalhaven City Library Extensions, Berry Street, Nowra	\$850.55	88.2	\$75,018.51	\$0.00	\$75,018.51
CW FIRE 2001	Citywide Fire & Emergency services	\$135.42	88.2	\$11,944.04	\$0.00	\$11,944.04
CW FIRE 2002	Shoalhaven Fire Control Centre	\$198.11	88.2	\$17,473.30	\$0.00	\$17,473.30
CW MGMT 3001	Contributions Management & Administration	\$563.13	88.2	\$38,314.61	\$0.00	\$38,314.61

Sub Total: \$421,460.70

GST Total: \$0.00

Estimate Total: \$421,460.70

Contribution rates are adjusted annual 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. (i.e. contributions are calculated on the rate applicable at the date of payment, not the date of development consent.)

A total contribution, currently assessed as per the table above or as indexed in future years must be paid to Council before the issue of a Construction Certificate.

- *Contributions Plan 2019* can be accessed on Councils website www.shoalhaven.nsw.gov.au or may be inspected on the public access computers at the libraries and the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla.

55. Shoalhaven Water

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 must obtain written approval from Shoalhaven Water allowing a Construction Certificate to be issued.

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

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

56. Car Wash Bay

A vehicle wash bay must be provided for residents of the development. Collection, reuse and ultimate disposal of water used in the vehicle wash bay shall be in accordance with Council requirements. The car wash bay shall be designed so that the following requirements are met:

- Have an adequate parking and washing floor space.
- Provide a water supply.
- Minimise water use with appropriate devices (e.g., such as a gun-type nozzle which closes when released and a timer operative valve, collection and use of rainwater).
- Have a water supply cut out system/fail-safe mechanisms provided to ensure that mechanical failure; drainage blockage or lack of maintenance cannot result in wastewater surcharge into the stormwater system.
- Be designed to ensure that over spray, drift of water or detergent does not cause a nuisance to persons, vehicles, residences, other buildings, neighbouring properties or the environment.
- Be located so that washing can occur with minimal disturbance to other residents,
- Details to be submitted to the Principal Certifying Authority

57. Waste Chute Design

Where the development incorporates a Waste Chute as part of the waste management system, a design certificate and detailed plans are to accompany any Construction Certificate application which confirms that the waste chute can be constructed to satisfy the Waste Management Guide and specifically the following requirements:

- i) Chutes, service openings and charging devices are constructed of metal or a smooth faced surface which is fire resistant and of impervious material
- ii) Chute is cylindrical in section, vertical and without bends as it passes through the floors
- iii) Chutes must terminate in the waste storage room and discharge into a waste bin
- iv) Comply with manufactures technical specifications and operational limitations.

Where the waste management system incorporates the use of a waste chute system, contingency plan should be in place for the development to allow for the continual disposal and collection of waste if the chute cannot be operated.

58. Residential Flat Development Residential Waste Storage Area

The waste storage area shall be roofed, screened from public view and provided with:

- a) Openings, 5% of the floor area and recessed into the walls, positioned to provide cross floor ventilation OR mechanical ventilation to Council's satisfaction;

- b) An adequate water supply provided by a hose cock and hose (hot water for commercial premises)
- c) The floor shall be made of an impervious surface, drained to sewer in accordance with Council requirements.

Plans and specifications for the storage room shall be submitted with the application for the Construction Certificate.

PART G

CONDITIONS RELATING TO THE APPROVED WORK AND SITE MANAGEMENT

59. ***Building Code of Australia***

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.*

60. ***Aboriginal Heritage Impact Permit***

Any specific conditions of an AHIP are to be adhered to.

61. ***Work Hours and Noise***

The following must be complied with during demolition and construction works:

- a) To limit the impact of the development on adjoining owners, all demolition and construction work must be restricted to the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 3.00pm Saturdays. No work is to take place on Sundays or Public Holidays. Any proposed change to hours must be approved by Council in writing; and
- b) The noise from all activities associated with any demolition works and construction of the approved development must comply with the work practices as outlined in the NSW Department of Environment & Climate Change *Interim Construction Noise Guideline*. The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed at any sensitive noise receiver.

62. ***Impact of Works on Others***

The following general conditions must be adhered to;

- a) Runoff currently entering the site from uphill properties must not be obstructed nor redirected from entering the site, other than by works in accordance with a plan

approved by Council, to increase the quantity or concentration of surface runoff entering adjoining properties.

- b) Any damage to the existing kerb & gutter, footpaths, pathways, road pavements, reserves or any other public infrastructure that occurs during development works must be repaired by the developer. Restoration must be to the satisfaction of Council.
- c) Existing roads, footpaths and reserves adjacent to and nearby the site must be kept clear of soil, debris, materials and equipment except in accordance with the Traffic Control Plan or as otherwise approved in writing by Council.
- d) All vehicles associated with the construction works as conditioned in this consent must not block or hinder access to or from adjoining lots or through traffic movements without traffic control in accordance with the Roads and Maritime Services Traffic Control at Worksite Manual prepared, installed and controlled by personnel holding relevant qualifications. All signage must comply with AS 1742.3.
- e) All construction work is to be carried out so that at any time adjoining property owners are not deprived of an all-weather access or subjected to additional storm water runoff during the period of construction.

63. Earthworks

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 during the works. Sampling and analysis of the imported fill material must be conducted in accordance with the EPA Sampling Design Guidelines.

64. Land Management

- a) The Milton Ulladulla Subtropical Rainforest Endangered Community, Threatened Species Retention Zone and Tree Protection Zone for the mature *Ficus obliqua* (Small-leaf Fig) must be clearly marked and maintained as an exclusion zone for the duration of the construction period. No vehicle access storage of materials, tools, machinery, waste, disposal of liquid waste or washing of tools or equipment is to occur within these areas.
- b) The alignment and any associated impacts from the construction of Rosebud Avenue must be outside the Tree Protection Zone (TPZ) for the mature *Ficus obliqua* (Small-leaf Fig) as shown on the Tree Protection Zone Plan.
- c) A permanent fence such as a chain wire or post and rail, or similar, is required around the Tree Protection Zone (TPZ) for the mature *Ficus obliqua* (Small-leaf Fig) as shown on the Tree Protection Zone Plan.
- d) All clearing works must be supervised on site by a suitably qualified environmental consultant to minimise the risk of harm to retained vegetation, native fauna and rescue any injured fauna if required.
- d) The environmental consultant must provide a written report to Shoalhaven City Council (email to Council's Environment Officer acceptable) detailing any fauna detected as a result of the clearing works. The report is to be submitted within ten days of clearing works being undertaken.
- e) Management actions monitoring and reporting as detailed in the Milton Meadows Ulladulla Vegetation Management Plan Cumberland Ecology (2019) must begin at the initiation of

approved onsite works and be implemented according to the timing detailed in the schedule of works (Table 2).

- f) Reporting on the restoration works must be conducted according to Section 7.1.2 of the Milton Meadows Ulladulla Vegetation Management Plan Cumberland Ecology (2019) and be submitted to Council on a six monthly basis, beginning at the initiation of onsite works.
- g) 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.
- h) Hollow-bearing trees must be felled carefully in sections utilising a “cherry picker” or crane if necessary, to allow the rescue of native fauna. Hollow-bearing sections must be carefully lowered to the ground so as not to injure native fauna.
- i) The parking of machinery and vehicles or the storing of building or landscaping materials, soil, spoil, or rubbish, within the fenced area around trees and native vegetation to be retained is prohibited.
- j) Sediment erosion controls must be in place immediately following clearing and on the same day as clearing works commence. Erosion and sediment controls shall be installed in accordance with the Standard Drawing of the ‘Blue Book’ *Managing Urban Stormwater (MUS): Soils and Construction Vol.1* (Landcom 2004) and shall be maintained in good working order for the duration of works and subsequently until the site has been stabilised and the risk of erosion and sediment from the site is minimal.

65. ***Heritage***

Should any historical relics be unexpectedly discovered in any areas of the site, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 146 of the Heritage Act 1977.

66. Should any Aboriginal relics be unexpectedly discovered in any areas of the site, then all excavation or disturbance to the area is to stop immediately and the Office of Environment and Heritage should be informed in accordance with Section 89A of the National Parks and Wildlife Act, 1974.

67. ***Waste Minimisation and Management Plan***

All waste must be contained within the site during construction and then be recycled in accordance with the approved Waste Minimisation and Management Plan (WMMP) or removed to an authorised waste disposal facility. No waste must be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site.

Compliance with the WMMP must 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*.

68. ***Waste Management Plan***

Requirements of the approved Waste Management Plan shall be complied with during all site preparation works, demolition (if proposed) and throughout all construction works.

When implementing the Waste Management Plan the developer is to ensure:

- (a) The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the Protection of Environment Operations Act 1997
- (b) All waste on site is to be stored, handled and disposed of in such a manner as to not create air pollution, offensive noise or pollution of land and water as defined by the Protection of Environment Operations Act 1997
- (c) Generation, storage, treatment and disposal of hazardous waste is conducted in accordance with the relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW
- (d) All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it
- (e) Records are retained regarding the details and location of the disposal of all demolition and construction waste (including excavated material) and are to be kept on site as evidences of lawful disposal. Records are to include receipts and weighbridge dockets which verify material types and volumes, time and date of disposal and confirmation of the waste disposal facility
- (f) All materials and resources that are to be stored on site during construction works are contained on the site, The provisions of the Protection of Environment Operations Act 1997 must be complied with when placing/stock piling loose material, disposal of concrete waste or activities which have potential to pollute drains and water courses
- (g) The storage of waste and recycling containers must be within the boundaries of the development site at all times. Public footways and roads must not be used for the storage of any waste and must be kept clear of obstructions during all construction works.

69. ***Approved Waste Management Plan***

The approved Waste Management Plan is to be implemented throughout the ongoing use of the development.

Contracts (or agreements) with cleaners, building managers and tenants must clearly outline the waste management and collection system and must clearly identify everyone's role and responsibility. This is to include:

- (a) Responsibility for cleaning and maintaining waste storage bins and containers
- (b) Responsibility for cleaning and maintaining waste storage room
- (c) Responsibility for the transfer of bins to the nominated collection point
- (d) Method of communication to new tenants and residents concerning the developments waste management system.
- (e) Cleaning up and management of bulky waste

Where the development incorporates strata title subdivision, the by-laws are to clearly set out the management responsibilities for the developments waste and recycling system.

70. ***Signage Waste Management***

Adequate signage is to be provided and maintained on how to use the waste management system and what materials are acceptable for recycling within all waste storage areas of the development. Signage is also to be provided and maintained which clearly identifies which bins (and containers) are to be used for general waste and recycling and what materials can be placed in each bin.

71. ***Contaminated Land - Unexpected Findings***

If unexpected contaminated soil and/or groundwater is encountered during any works; all work must cease and the situation must be promptly evaluated by an appropriately qualified and experienced environmental consultant. The contaminated soil and/or groundwater must then

be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) Guidelines.

If unexpected contaminated soil or groundwater is treated and/or managed onsite; the supervising environmental consultant must verify that the situation was appropriately managed in accordance with relevant NSW EPA guidelines.

The verification documentation must be provided to the satisfaction of the Principal Certifying Authority (PCA) and Shoalhaven City Council, prior to the recommencement of any works.

Note: An appropriately qualified and experienced environmental consultant must be certified by one of the following certification schemes, or demonstrate an equivalent standard:

- CEnvP “Site Contamination” (SC) Specialist - by Certified Environmental Practitioner ‘Certified Professional Soil Scientist’ (CPSS CSAM) by Soil Science Australia (SSA)

72. SEPP 55 – Contaminated Land requirements

Council received *Phase 1 (Preliminary) Environmental Site Assessment* was conducted by *Envirotech – 7 December 2016 – REF- 4267 – A*, in relation to identified asbestos buildings related to the previous activity of keeping pigs at the site. Historical investigations have not identified any other uses excepting those of farming. There is a low probability of migration of contamination to receptors due to the low use of the site and the undisturbed nature of the site.

Standard conditions with regard to removal and disposal of asbestos apply to this development application – conditions are also outlined in the report:

- a) WorkCover licensed contractors must be commissioned to safely remove asbestos and any other hazardous building materials from the site;
- b) During asbestos removal, signs reading “Danger Asbestos Removal in Progress” measuring a minimum 400 mm must be erected in clearly visible positions near the removal works;
- c) Air monitoring must be conducted by a suitable qualified person during asbestos removal and during loading out of the contaminated material. Further monitoring is required in the event of excess wind during the removal or disturbance of soil.
- d) All removal works must comply with the requirements of WorkCover NSW;
- e) Soil must be stripped from the footprint of all former buildings on site extending at least 1,000 mm in all directions and to a minimum depth of 50 mm;
- f) Hazardous building materials and asbestos containing soils are to be safely disposed at a facility licensed to receive such waste with receipts retained for proof of safe and appropriate disposal. Receipts from the disposal must be submitted to Council.
- g) An asbestos clearance certificate must be provided by a suitably qualified occupational hygienist, environmental scientist or equivalent person. A copy of the clearance certificate must be submitted to Council.

73. Asbestos – Clearance Certificate (Friable Asbestos)

Following the removal of all friable asbestos and prior to further works being carried out on the site, a clearance certificate from an independent occupational hygienist in accordance with the

National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos is to be obtained and submitted to Council.

74. Asbestos – Clearance Certificate (Bonded Asbestos)

Following the removal of all bonded asbestos and prior to further works being carried out on the site, a clearance certificate from an independent competent person current WorkCover Class 2 (Restricted) Asbestos Licence in accordance with the National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos is to be obtained and submitted to Council.

75. Asbestos – Tip Receipts

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

76. Asbestos – Licensed Contractors

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

77. Demolition – Work Cover

Precautions must be taken in accordance with the requirements of the SafeWork NSW in respect of:

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

78. Demolition – Adverse Effects to Adjoining Owners

Suitable measures must be taken to ensure that there is no adverse effect to occupants of adjoining buildings and the public by the generation of dust and/or noise during demolition.

79. Demolition

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

PART H

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

80. Roads & Maritime Services (RMS)

Prior to the issuing of the Occupation Certificate (interim or final), the developer must:

- i. Complete the formal dedication of land as public road (around the Princes Highway and the connection through to Windward Way) to the satisfaction of RMS and Council and generally in accordance with Attachment 1 and Attachment 2.

- ii. Construct the proposed roundabout on the Princes Highway to the satisfaction of RMS, generally in accordance with Attachment 1, Austroads Guide to Road Design and other relevant standards.

Notes:

- The pavement design and drainage design on the Princes Highway must be in accordance with Austroads/relevant standards.
 - Where required, the developer must upgrade/provide lighting in accordance with Australian Standard AS/NZS1158.
 - All works need to be completed at no cost to RMS
- iii. Make the necessary local access adjustments (including the Warden Road connection to the service lane and the Garrads Lane connection to the Road 3) to the satisfaction of Council, generally in accordance with Attachment 1, Austroads Guide to Road Design and other relevant standards.
- iv. Physically close any redundant access points to the Princes Highway (including the Warden Road and Garrads Lane connections to the Princes Highway), generally in accordance with Attachment 1 and to the satisfaction of RMS.
- v. Construct the internal central road to the satisfaction of Council from the proposed Princes Highway roundabout to within 20m of Windward Way, or as otherwise agreed to by both RMS and Council.

81. *Registration of Restrictions on Title of Property*

Prior to the issue of an Occupation Certificate by the Principal Certifying Authority, the following must be created as restrictions-as-to-user under Section 88E of the Conveyancing Act 1919:

- a) A restriction limiting the use of the 89 bed Residential Aged Care Facility and all duplex, triplex and apartment self care units in perpetuity to:
 - i. seniors or people who have a disability,
 - ii. people who live within the same household with seniors or people who have a disability,
 - iii. staff employed to assist in the administration of and provision of services to housing provided under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
- b) In preparing the Instrument setting out the terms of easements and restrictions affecting this land, ensure that such restrictions cannot be varied, modified or released without the consent of the Shoalhaven City Council.

82. *Private Waste Collection Contract*

Prior to the issue of any Occupation Certificate, the developer is to enter into a formal agreement with a licenced private waste contractor to service the development. The contract is to ensure the removal of all waste from the development site.

Prior to entering into an agreement for a private waste collection service, the developer is to ensure that:

- (a) The service is functional and meets the operational needs of the development
- (b) The service minimises environmental nuisances including noise and other adverse impacts on the safety and amenity of residents and the public.
- (c) Council has been provided with indemnity against claims for loss or damage, should they take over the service at some point in the future.

A copy of the contract is to be forwarded to Council prior to the issue of any Occupation Certificate.

83. Verification of Works

- a) A certificate from a qualified practising structural engineer must be submitted to Council to certify all structural elements have been constructed in accordance with the approved plans.
- b) 'Work As Executed' (WAE) plans certified by a consulting engineer or registered surveyor must be submitted to Council for review and records upon completion of the works. The certification must state the information shown on the plans is a true and accurate representation of the constructed works. The WAE information is to be marked in red and be provided on a copy of the Council approved plans in an electronic format. Where works are not within the tolerances specified in Council's Development Construction Specifications, the certifying engineer / surveyor must confirm, in writing, the works still comply with the intent of the original design, specifications and relevant Australian Standards.

84. Registration of Easements / Restriction to use / Right of Carriageway

The creation of easement for services, rights of carriageway and restrictions as to user are applicable under Section 88B of the Conveyancing Act 1919, including (but not limited to) the following:

- a. Easements for stormwater drainage, services and all public services / infrastructure on private and public property.
- b. Drainage Easements are to be placed over all subsurface drains, inter allotment drainage and swale drains benefitting and burdening property owners. The width of subsurface drain easements is to be a minimum of 1 metre wide, depending on the depth of pipe (refer to section D5.16 and D5.18 of Council's Engineering Design Specifications). Maintenance of the drains is to be included in the 88B instrument.
- c. An easement must be dedicated to council for all new drainage works discharging from the roundabout/highway to a suitable watercourse.
- d. All stormwater from the proposed highway works & roundabout be discharged to the existing watercourse located in the proponent's lot, and an easement be required to be dedicated to council on the proponent's land

85. Reporting Vegetation Management Plan

Reporting on the restoration works according to Section 7.1.2 of the Milton Meadows Ulladulla Vegetation Management Plan Cumberland Ecology (2019) must be up to date and restoration works meeting the performance criteria detailed in Table 2 of the Plan prior to the issue of an occupation certificate.

Reporting from the environmental consultant (email to Council's Environment Officer acceptable) detailing any fauna detected as a result of the clearing works must be submitted.

86. Landscape Plan

Completion of landscaping in accordance with the approved Landscape Plan prior to issue of an Interim or Final Occupation Certificate and such landscaping is to be continuously maintained in accordance with the approved Plan. Maintenance is the landowner's responsibility

87. SEPP (Housing for Seniors or People with a Disability) 2004

A compliance statement must be provided demonstrating compliance with *SEPP (Housing for Seniors or People with a Disability) 2004*, as follows:

- a) Part 4 development standards for self-contained dwellings; and
- b) Schedule 3 Standards concerning accessibility and useability for hostels and self-contained dwellings.

88. ***Compliance with RFS General Terms of Approval***

Prior to the issue of an Occupation Certificate for each phase, Certification must be provided by an appropriately BPAD Accredited consultant demonstrating that the bushfire measures required by the Rural Fire Service General Terms of Approval referred to in this consent, have been satisfied.

PART I

CONDITIONS THAT RELATE TO THE ONGOING MANAGEMENT OF THE APPROVED DEVELOPMENT

89. ***Monitoring & Reporting Vegetation Management Plan***

Management actions, monitoring and reporting as detailed in the Milton Meadows Ulladulla Vegetation Management Plan Cumberland Ecology (2019) must be implemented according to the timing detailed in the schedule of works (Table 2).

Reporting on the restoration works must be conducted according to Section 7.1.2 of the Milton Meadows Ulladulla Vegetation Management Plan Cumberland Ecology (2019) and be submitted to Council on a six monthly basis, beginning at the initiation of onsite works and must include a final report at the end of the five year period.

90. ***Habitat Modification, Removal and Management***

- a) There shall be no removal or disturbance of indigenous vegetation on the property, including canopy trees, understorey and groundcover vegetation, without the prior written consent of the Shoalhaven City Council Director of Development & Environmental Services or as specified in approved consents.
- b) 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 Zone. 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.

91. ***Landscaping***

The planting of plant species listed on the Shoalhaven City Council's weeds lists (<https://shoalhaven.nsw.gov.au/Environment/Weed-management>) is prohibited for the life of the development.

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 not be sown within the asset protection zone (APZ) for the life of the development unless a suitable physical barrier is placed in the ground (within / edge of the APZ area) to stop the spread of exotic grasses into sensitive bushland.

92. ***Safety & Amenity (NSW Police Force)***

- a) Suitable lighting to Australian Standards to be installed around perimeter including walkways to carpark and including car park. Consider security lighting such as sensor lights.
- b) Consideration to be given to safety of persons coming to and from carpark at night including signage indicating walkways etc. Clear and even walkways and low shrubbery to improve sightlines.
- c) CCTV to be considered in public areas of the development both inside and out to facilitate the identification of offences and offenders. Help in identifying persons leaving the facility such as dementia patients and reducing the ability for offenders to remain undetected when committing crimes.
- d) CCTV to be of a reasonable standard so as to increase the chance of offender identification.
- e) CCTV to be easily downloaded to either Thumb Drive or disc
- f) Consider Key Pad/swipe locks or similar to be installed on non-public entrances and exits
- g) Consider the types of shrubbery/tree's around the perimeter of the Facility. Plantings of larger trees that may be climbed to provide access to the inside perimeter should not be used. Plantings that do not impede sightlines within the facility should be considered.

93. **Food Conditions – Club House**

Standard food premises conditions would apply to this development. The clubhouse would be inspected by Council.

- a) Prior to the commencement of business operations, the owner of the business is to complete and submit Council's Food Business Notification Form to Shoalhaven City Council.
- b) Upon completion of the work and prior to operation or use, the premises must be inspected by Council's Environmental Health Officer to ensure compliance with relevant Food Safety Standards. Evidence of a satisfactory inspection result shall be provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.
- c) The construction and operation of the food premises shall comply with the *Food Act 2003* and *Food Standards Code Chapter 3 - Food Safety Standards* and Council's *Food Premises Policy*. (Note: There may be additional requirements in the *Food Act 2003* or *Food Safety Standards* that are relevant to your business. It is your responsibility to refer to the legislation and ensure compliance when setting up your food premises).
- d) Floors must be of a material that is impervious, non-slip and non-abrasive and capable of being easily cleaned.
- e) Walls must be sealed to prevent the entry of dirt, dust and pests and finished off to provide a smooth impervious surface that is capable of being easily and effectively cleaned.
- f) Ceilings must be sealed to prevent the entry of dirt, dust and pests, 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.
- g) All fixtures, fittings and appliances such as refrigerators, freezers, benches, display cabinets and dish washing machines etc are to be elevated 150mm above floor level or located on plinths, wheels or castors. Also, they must be able to be easily cleaned and constructed so as not to harbour vermin.

- h) 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.
- i) Floors, walls, and ceilings within the food preparation area are to be constructed of a rigid, smooth-faced, impervious material and kept in good repair.
- j) Storage facilities for garbage and recyclable matter must be capable of being easily and effectively cleaned and the area provided must be sufficient to contain all recyclable and putrescent waste matter.
- k) A hand basin shall be installed and supplied with potable water at a temperature of at least 40°C mixed from a hot and cold-water supply. The hand basin must be supplied with soap and an adequate supply of single use paper hand towel. The hand basin must not be used for any purpose other than washing hands. A hand basin supplied with potable water at a temperature of at least 40°C mixed from a hot and cold-water supply shall also be provided to all toilets servicing food premises.
- l) All refrigeration devices storing perishable foods shall be provided with a numerically scaled thermometer accurate to 1°C. All perishable foods required to be refrigerated shall be stored at less than 5°C at all times.

94. Swimming Pools

- a) Prior to patrons being permitted to use the pool, complete and submit Council's Commercial Pools and Spa Notification Form to Shoalhaven City Council.
- b) The pool must be maintained in accordance with Schedule 1 of Public Health Regulation 2012

95. Noise

- a) The use of any machinery, plant and/or equipment within, on or in connection with the construction, operation and use of the premises to be carried out so as not to cause:
 - i. transmission of vibration to any place of different occupancy; or
 - ii. 'Offensive Noise' as defined in the *Protection of the Environment Operations Act 1997*.
- b) Noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 10pm to 7am.
- c) Compliance with all of the recommendations included in Part 8 pages 21, 22 & 23 of the acoustic report prepared by *Envirotech Acoustic Assessment – 45 Windward Way, Milton – prepared for Annsca Property Group – REP-426816-A2 – dated 8th December 2016*.
- d) Signage reminding patrons to arrive and leave in a quiet manner to avoid disturbing neighbour should be placed at the exit of the clubhouse.
- e) The signage must have the Centre Director's / Manager's contact phone number – this number must also be made available to neighbours to facilitate communication and to resolve any neighbourhood issues that may arise due to the operation of the centre.

- f) No amplified music/PA system to be installed or used on the outside terrace.
- g) The applicant shall submit an acoustic report, prepared by a suitably qualified acoustic consultant to council prior to the issue of a construction certificate, which provides details of all noise generating plant to be installed as part of the development (such as air-conditioning, mechanical ventilation and refrigeration equipment) when these items have been chosen and noise generating activities (use of the outdoor terrace and swimming pool area).
- h) Noise generated by the activity must not:
 - i. Exceed 5dBA above the background noise level at the property boundary between the hours of 8am and 6pm (Monday to Saturday); and
 - ii. Be audible at the property boundary between the hours of 6pm and 8am (Monday to Saturday and all-day Sunday and Public Holidays)

PART J

STATEMENT OF REASONS

Reasons for approval

1. The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, notably the Shoalhaven Local Environmental Plan 2014 (SLEP 2014).
2. The proposed development is, subject to the recommended conditions, consistent with the objectives of the Shoalhaven Development Control Plan 2014 (SDCP 2014).
3. The proposed development is considered to be suitable for the site.
4. The proposed development, subject to the recommended conditions will not result in unacceptable adverse impacts on the natural and built environments.
5. Any issues raised in submissions have been considered in the assessment of the application and where appropriate conditions have been included in the determination.

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 7.11 of the Environmental Planning and Assessment Act, 1979.

4. Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
5. Minimise any potential adverse environmental, social or economic impacts of the proposed development.
6. Ensure that all traffic, carparking and access requirements arising from the development are addressed.
7. Ensure the development does not conflict with the public interest.

PART K

ADVICE ABOUT RIGHTS OF REVIEW AND APPEAL

Determination under Environmental Planning and Assessment Act, 1979

Division 8.2 of the EP&A Act, 1979 confers on an applicant who is dissatisfied with the determination a right to request the council to review its determination. The request must be made **within three (3) months** of the date of the receipt of the determination to allow Council time to undertake the review within the prescribed period of six (6) months and be accompanied by the prescribed fee.

Division 8.3 of the EP&A Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised within 6 months after the applicant has been notified of the decision.

An appeal under Division 8.3 of the EP&A Act, 1979 by an objector may be made only within 28 days after the date the objector is notified of the decision.

Review of Modification Decision

An application for a review under section 8.3 of the Act is to be made no later than 28 days after the date on which the modification of the development consent was determined.

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 L

GENERAL ADVICE TO APPLICANT

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 must be submitted to Council, in accordance with Council's Policy – "*Private use of public parking, policy No. POL08/408*". Such

request must 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) Act 2009* (GIPAA).

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 the Department of the Environment and Energy to determine the need or otherwise for Commonwealth approval and you should not construe this grant of consent as notification to you that the Commonwealth Act does not have application.

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 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references *Australian Standard 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 –Conveyancing Act 1919 – Division 4 – 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.

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

SIGNED on behalf of Shoalhaven City Council:

Planning, Environment & Development Group