

This notice of determination of the development application issued under the Environmental Planning & Assessment Act 1979 contains the following conditions for the purposes of ensuring:

- That the proposed development:
 - (a) achieves the objectives 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.
- That the relevant public authorities have been consulted and their requirements met, or arrangements made, for the provision of services to the satisfaction of those authorities.
- It meets the increased demand for public amenities and services attributable to the development in accordance with Section 7.12 of the Environmental Planning and Assessment Act, 1979 and Section 64 of the Local Government Act 1993.
- That the protection of the amenity and character of land adjoining, and in the locality of the proposed development.
- Any potential adverse environmental, social or economic impacts of the proposed development is minimised.
- That all traffic, car parking and access requirements arising from the development are addressed.
- That the development does not conflict with the public interest.

SCHEDULE 1

Application No.	DA 272/19
Applicant	Global Lifestyle Developments Pty Ltd
Consent Authority	Southern Regional Planning Panel
Land	Lot 101, DP 8507637 and Lot 12 DP 124295, No 49 Beach Road, Batemans Bay
Development	Concept proposal (residential and seniors living development) and development proposal, and stage 1b – 18 seniors living units, associated infrastructure and partial demolition of existing Tourism Development

SCHEDULE 2

PART A – TERMS OF APPROVAL

Development Description

- A1 Consent is granted to the Concept Proposal as described in **Schedule 1** and the Statement of Environmental Effects and does not authorise the carrying out of any physical works, including construction works, which must be the subject of Future Development Application(s).

Development in accordance with plans and documents

- A2 The Applicant, in acting on this consent, must carry out the development:
- a) in compliance with the conditions of this consent
 - b) generally in accordance with development application DA272/19, including:
 - i. Amended Statement of Environmental Effects, prepared by City Plan dated June 2019 and associated specialist reports
 - ii. Response to Request for Additional Information, prepared by City Plan dated 14 June 2019
 - iii. Response to submissions prepared by City Plan dated 29 April 2019
 - c) in accordance with the following drawings (as amended by the conditions of this consent):

Concept Proposal Drawings by BHI Architects			
Drawing No.	Revision No.	Title	Date
A.0005	C	Design Principles Plan	14/06/2019
A.0006	C	Design Principles Section	14/06/2019
A.0007	C	Access Principles	14/06/2019
A.1001	C	Masterplan	14/06/2019
A.1002	C	Indicative Staging Plan	14/06/2019
A.1003	C	Site Plan	14/06/2019
A.1004	C	Basement Plan	14/06/2019
A.1102	C	Signage & Electrical Plan	14/06/2019
A.1201	C	Typical Residential Plan – Zone A	14/06/2019
A.1202	C	Typical Seniors Plan – Zone B	14/06/2019
A.1203	C	Residential Care Facility	14/06/2019
A.1204	C	RCF Consulting Centre	14/06/2019
A.1205	C	Community Centre Plan	14/06/2019
A.2001	C	Site Section	14/06/2019
A.2002	C	Site Section	14/06/2019
A.3001	C	Site Elevations	14/06/2019
A.3002	C	Site Elevations	14/06/2019

A.3003	C	Site Elevations	14/06/2019
A.3004	C	Built Form Interface	14/06/2019
A.3005	C	Built Form Interface 2	14/06/2019
A.4001	C	Typical Boundary Elevations	14/06/2019
A.4002	C	Building Envelope Diagram	14/06/2019
A.4003	C	Height Exceedance Diagram	14/06/2019
A.4004	C	Height Principles Diagram	14/06/2019
A.5001	C	Overshadowing Diagrams	14/06/2019
A.5002	C	Overshadowing Diagrams	14/06/2019
A.5003	C	Overshadowing Diagrams	14/06/2019
A.6001	C	SEPP65 Compliance	14/06/2019
A.6002	C	SEPP 65 C.O.S Solar Access	14/06/2019
A.6003	C	Typical Ramp Section	14/06/2019
A.7001	C	Overall Perspective	14/06/2019
A.7002	C	Beach Road Perspective	14/06/2019
A.7003	C	Street Perspectives	14/06/2019
A.0101	B	Foreshore Sections	08/08/2019
A.0102	B	Foreshore Plan	08/08/2019
Landscape Concept Proposal Drawings by Ground Ink Landscape Architects			
LDA-01	-	Site Context	14/06/2019
LDA-02	-	Local Landscape Character	14/06/2019
LDA-03	-	Design Principles	14/06/2019
LDA-04	-	Site Analysis	14/06/2019
LDA-05	-	Landscape Masterplan	14/06/2019
LDA-06	-	Access Control Principles	14/06/2019
LDA-07	-	Landscape Section	14/06/2019
LDA-08	-	Indicative Plant Palette	14/06/2019
LDA-09	-	Advanced Screen Planting	14/06/2019

Determination of future development application(s)

A3 In accordance with section 4.22 of the Environmental Planning and Assessment Act 1979, all physical works and subsequent stages of the Concept Proposal are to be subject of Future Development Application(s).

- A4 In accordance with section 4.24 of the Environmental Planning and Assessment Act, 1979 the determination of Future Development Application(s) cannot be inconsistent with the terms of this development consent (DA272/19) as described in Schedule 1, and subject to the conditions in Schedule 2.

Lapsing of approval

- A5 This consent will lapse five years from the date consent is granted in accordance with the provisions of 4.53 of the Environmental Planning and Assessment Act, 1979.

Limits of approval

- A6 This consent does not grant approval or permit any works below mean high water mark or works that involve or require the approval under separate legislation.

Legal Notices

- A7 Any advice or notice to the consent authority shall be served on Eurobodalla Shire Council and the Southern Regional Planning Panel.

Inconsistency between documents

- A8 In the event of any inconsistency between conditions of this approval and drawings / documents referred to in Condition A2, the conditions of this approval prevail.

Building Height Control

- A9 The maximum building heights for the development as shown on the concept drawings listed in Condition A2 and shall not exceed those heights nominated on drawing A.4002.

PART B – STATE AGENCY CONSENT CONDITIONS

General Terms of Approval – NSW Rural Fire Service

The NEW South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval under Division 4.8 of the 'Environmental Planning and Assessment Act 1979', and a Bush Fire Safety Authority, under Section 100B of the 'Rural Fires Act 1997', are now issues subject to the following conditions:

B1 Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

- a) At the commencement of building works, and in perpetuity, all land within the subject site shall be managed as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' and the SW Rural Fire Service's document 'Standards for asset protection zones'.

B2 Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- b) The provision of all water, electricity, and gas services shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

B3 Access

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

- c) To allow for emergency service vehicles to access the site, the proposed internal access arrangements shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

B4 Evacuation and Emergency Management

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

- d) A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with 'Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014' and Australian Standard AS3745 – 2010 'Planning for Emergencies in Facilities'.

B5 Landscaping

- e) All landscaping within the subject site shall comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

General Terms of Approval – NSW Natural Resources Access Regulator

The GTA issued by Natural Resources Access Regulator do not constitute an approval under the Water Management Act 2000.

B6 Design of works and structures

Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator (NRAR), and obtained, for a controlled activity approval under the Water Management Act 2000.

Any proposed excavation on waterfront land must be undertaken in accordance with a plan submitted as part of a controlled activity approval, to be approved by Natural Resources Access Regulator.

B7 Erosion and sediment controls

- a) The consent holder must ensure that any proposed materials or cleared vegetation, which may:
 - i. obstruct water flow, or
 - ii. wash into the water body, or
 - iii. cause damage to river banks,
 - iv. are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval.
- b) When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land.
The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.

B8 Plans, standards and guidelines

- a) This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 272.19 provided by Council to Natural Resources Access Regulator.
- b) Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.
- c) A security deposit must be provided, if required by Natural Resources Access Regulator.
The deposit must be:
 - i. A bank guarantee, cash deposit of equivalent, and
 - ii. equal to the amount required by Natural Resources Access Regulator for that controlled activity approval.
- d) The application for a controlled activity approval must include the following plan(s):
 - i. Detailed civil construction plans with outlet designs;
 - ii. Vegetation management plan with a fully structured vegetation riparian corridor outlining details of vegetation species and densities;
 - iii. Bushfire assessment identifying the asset protection zone outside of the fully structured vegetation riparian zone;
 - iv. erosion and sediment control plan;
 - v. project costings.The plan(s) must be prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities>.
- e) Before the proposed controlled activity can commence, a riparian corridor must be clearly marked, protected and maintained in accordance with a plan submitted as part of the controlled activity approval, and approved by Natural Resources Access Regulator.
The corridor must extend for:
 - i. a width of 10m, measured horizontally landward from the highest bank of the river, and
 - ii. the length of the site directly affected by the controlled activity.
- f) All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person.
- g) Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by Natural Resources Access Regulator.
- h) The application for a activity; controlled activity approval must include plans prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities>.

B9 Reporting requirements

The consent holder must inform Natural Resources Access Regulator in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.

Essential Energy Requirements

- B10 Any modifications to the development must involve consultation with Essential Energy to ensure that there are no potential safety risks as a result of the changes.
- B11 Easement/s must be created over any of Essential Energy's infrastructure. The terms must be prepared in accordance with Essential Energy's current standard terms.
- B12 Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above properties should be complied with.
- B13 Satisfactory arrangements for the provision of power must be made with Essential Energy with respect to the proposed development. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity / alteration of the existing supply of electricity to the development. The Applicant will need to make a request to Contestable Works for detail information (Design Information Pack) via contestableworks@essentialenergy.com.au, which may include the payment of fees and contributions. All required supporting documentation will also need to be provided by the Applicant, as noted in Contestable Works' email to the Applicant's Architects (BHI Architects Pty Ltd) dated to 16 May 2019. Despite Essential Energy not having any safety concerns, there may be issues with respect to the development layout, which will require Essential Energy's approval.
- B14 In addition, Essential Energy's records indicate there is electricity infrastructure located within the properties and within close proximity to the properties. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
- B15 Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
- B16 Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

Aboriginal Heritage Conditions – Office of Environment and Heritage

The following recommendations have been prepared to respond to site conditions, current legislation and guidelines protecting Aboriginal cultural heritage, and in consultation with the Batemans Bay LALC who have reviewed and endorsed the archaeological assessment.

- B17 No further assessment is required for the remaining project activities and it can proceed with caution in the project area.
- B18 Works in the vicinity of the Hanging Rock Aboriginal heritage conservation area should be kept to a minimum and be sympathetic to the heritage significance of the area.

- B19 Aboriginal objects and places remain protected under the NPW Act. Considering this, all workers (including contractors) should be made aware that it is illegal to harm an Aboriginal object, and if a potential Aboriginal object is encountered during activities associated with the project all work will cease in the immediate vicinity of the item and a qualified heritage professional will be contacted for advice.
- B20 In the event that known or suspected human skeletal remains are encountered during the activity, the following procedure is to be followed:
- a) all work in the immediate vicinity will cease and the find will be immediately reported to the work supervisor who will immediately advise the Environment Manager or other nominated senior staff member;
 - b) the Environment Manager or other nominated senior staff member will promptly notify the police and the state coroner (as required for all human remains discoveries);
 - c) the Environment Manager or other nominated senior staff member will contact OEH for advice on identification of the skeletal material;
 - d) if it is determined that the skeletal material is Aboriginal ancestral remains, the Local Aboriginal Land Council will be contacted and consultative arrangements will be made to discuss ongoing care of the remains; and
 - e) if it is determined that the skeletal material is not Aboriginal ancestral remains, further investigation will be conducted to determine if the remains represent a historical grave or if further involvement of the Police is required.
- Additional measures:
- a) The Batemans Bay LALC have requested Aboriginal heritage monitoring of main excavation works associated with the proposal.

PART C – CONCEPT PROPOSAL

C1 Biodiversity Conditions

The following measures are recommended to minimise impacts on the pied oystercatcher. These have been included as conditions of consent.

Design

- The boardwalk shall include physical measures to restrict access by people and dogs to mudflats

Construction Phase

- No access shall be permitted to the mud flats.
- No construction activities are to be conducted during breeding season of the pied oystercatcher.

Operational phase

- No access shall be permitted to the mud flats.
- Dog restrictions comprising on-leash and no-go zones must be established to minimise disturbance to pied oystercatcher.
- The developer must establish an on-leash zone encompassing the area of reclaimed land.

Mitigations Measures for the swamp oak floodplain forest

The following mitigation measures shall be installed to minimise any impacts on swamp oak floodplain forest.

- The installation of perimeter fencing around swamp oak flood plain forest during construction and operation to exclude access by vehicles, people or domestic animals.
- Maintain the surface runoff draining from the site into the adjacent swamp oak floodplain forest by ensuring that the catchment surface area draining into the swamp oak floodplain forest remains consistent with pre-construction outputs. A minimum setback of 10m adjacent to the swamp oak floodplain forest should drain into the swamp oak floodplain forest.
- Sediment and erosion controls measures shall be maintained at all times during construction to ensure that there is no contamination into the swamp oak floodplain forest during construction.

Mitigations Measures for Weed Control

The proposed development shall be managed to ensure compliance with Council's strategy and the Biosecurity Act 2015 to minimise and prevent any outbreaks or propagation of weed species during construction and operation of the proposed development. Specifically, vehicle hygiene measures will need to be implemented prior to and following any earthworks to manage the risk of introduction of weeds or dispersal to the swamp oak forest adjacent to the project area and adjacent mangrove forests.

C2 Vehicle Direction

All vehicles must enter and exit the site in a forward direction.

C3 Public pedestrian access way open

For the life of the development, the public access way must be open to the public during daylight hours. A right of carriageway shall be created over the public access way benefitting the public and Eurobodalla Shire Council.

C4 Traffic Report

A traffic assessment report based on the current day traffic counts for the 90th percentile traffic data is to be submitted with each future development application.

C5 Stage 6C Access

Access to Beach Road from Stage 6C is restricted to left in, left out movements. Prior to the issue of a Construction Certificate for Stage 6C submission of plans for the construction of a median along the centreline of Beach Road, preventing right turn movements to and from the site.

C6 Adaptable Housing

Access and facilities for persons with disabilities are to be provided in accordance with the Batemans Bay Regional Development Control Plan that requires a minimum of one in every four of the dwellings in Zone A, be able to demonstrate that it can satisfy the requirements of Australian Standard AS4299-Adaptable Housing. Complete details of compliance with these instruments is to be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

- C7 Marina Intertidal Basin and Foreshore**
For stages 3B, 6C or 10A a report certified by a suitably qualified engineer assessing the impact of wave run-up, across the marina intertidal basin, is to be submitted with any development application. The report is to quantify any impacts on the development site and recommend suitable protective works.
- C8 Sewer Pump Station**
Prior to the issue of any Development Application for stage 5B the sewer pump station design is to be submitted and approved by Council. The capacity of the pump station is to be such that it is capable of servicing the fully developed precinct that it services. Please Note: The construction certificate for the provision of engineering infrastructure for this development will attract fees additional to those levied for the Construction Certificate associated with the structures assessed for compliance with the Building Code of Australia. Works as executed plans are to be submitted to and approved by Council prior to the issue of an Occupation Certificate.
- C9 Tuna Street Road Construction**
Prior to the issue of a Construction Certificate for Stages 7-10 submission of plans in accordance with Council's Infrastructure Design Standard for the construction of Tuna Street. Please Note: All works to be completed prior to the issue of any Occupation Certificate for these stages. The construction certificate for the provision of engineering infrastructure for this development will attract fees additional to those levied for the Construction Certificate associated with the structures assessed for compliance with the Building Code of Australia. Works as executed plans are to be submitted to and approved by Council prior to the issue of an Occupation Certificate.
- C10 Pavement Impact Assessment**
Prior to the issue of any further subsequent Development Consent submission of a detailed pavement assessment of the existing road pavement, along Marlin Avenue, Tuna Street and Catlin Avenue to the intersection with Beach Road, is to be submitted to and approved by Council. The assessment is to include testing of the road pavement and is to be undertaken by a suitably qualified engineer with significant experience in road pavement assessment. The assessment is to determine the impact on the pavement life as a result of the development.
- C11 Public pedestrian access way maintenance**
The public pedestrian access way must be maintained in good condition by the proponent for the life of the development to ensure that a suitable access is provided to the public.
- C12 Footpath Staging Plan**
The footpath staging shall be carried out in accordance with the following:
- Stage 3B for the footpath along Marlin Avenue to connect into the existing network in Catlin Avenue.
 - Stage 7A for the footpath along Tuna Avenue to connect to the existing network in Catlin Avenue.
 - Construction of the proposed boardwalk in accordance with the staging plan.

C13 Pavement Upgrade

Prior to the issue of any further subsequent Development Consent a staging plan for remedial pavement works is to be completed to the satisfaction of Council. The extent of the required works will be determined by Council upon approval of the Pavement Impact Assessment, such that the required works comply with Council's Infrastructure Design Standard.

SCHEDULE 3

CONDITIONS OF CONSENT FOR STAGE 1B

PART A - GENERAL CONDITIONS

A1 Approved plans

The development must be carried out in accordance with the following stamped approved plans and documentation, or as modified by any conditions of this consent, or as noted in red by Council on the approved plans.

Stage 1B Architectural Drawings prepared by BHI Architects			
Drawing No.	Revision No.	Title	Date
1001	B	Site Masterplan	22/02/2019
1002	B	Site Plan	22/02/2019
1201	B	Basement Plan	22/02/2019
1202	B	Ground Floor Plan	22/02/2019
1203	B	First Floor + Roof Plan	22/02/2019
1301	B	Adaptable Layout Plans	22/02/2019
1302	B	Adaptable Layout Plans	22/02/2019
2001	B	Typical Section	22/02/2019
3001	B	Elevations	22/02/2019
4001	B	Existing Community Centre	22/02/2019
5001	B	Overshadowing Diagrams	22/02/2019
6001	B	SEPP 65 Compliance	22/02/2019
7001	B	Perspective	22/02/2019
Landscape Masterplan prepared by Ground Ink Landscape Architects			
LDA-01	-	Existing Tree Plan	26/02/2019
LDA-02	-	Stage 1B Landscape Masterplan	26/02/2019
LDA-03	-	Indicative Plant Palette	26/02/2019

Document No	Document title	Date of document	Prepared by
974387M	BASIX Certificate	14 November 2019	Eco Certificates Pty Ltd

Note: Any alteration to the plans and/or documentation may require the lodgement of an application to modify the consent under Section 4.55 of the Environmental Planning and Assessment Act (EPA Act) 1979, or a fresh development application. Your Principal Certifying Authority should be consulted prior to any works contrary to this consent being carried out.

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

- A2 **Vehicle Direction**
All vehicles to enter and exit the development in a forward direction.
- A3 **Loading and Unloading**
All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site at all times.
- A4 **Lighting of Sign**
The lighting of the sign(s) shall be so positioned and focused so that no direct light or glare shall be visible from any roadway or from any adjoining property.
- A5 **Sewerage Manhole**
Any alterations to the ground surface adjacent to the sewerage manhole in the vicinity or within the property will require application and payment to Council for alterations to the manhole level to match the new ground surface level. Manholes within driveways will require provision of a trafficable lid at the applicants cost.
- A6 **Carpark/Road/Public Space Lighting**
All external lighting shall be installed and operated in accordance with the Australian Standard AS1158.1 'Lighting for roads and public spaces' and AS4282:1997 'Control of the obtrusive effects of outdoor lighting'.
- A7 **Water & Sewer Inspections**
All plumbing and drainage works (water supply, sanitary plumbing and drainage, and hot water) are to comply with Plumbing and Drainage Act 2011 and the Plumbing Code of Australia. Works must only be installed by a licensed person and must be inspected and given final clearance from Council prior to issue of Interim or Occupation Certificate. The following inspections are required to be carried out by Council in regard to the installation of plumbing and drainage works. Inspections may be arranged by contacting Council:
- (a) Sanitary drainage under hydrostatic test and prior to backfilling trenches or covering;
 - (b) Hot and cold water plumbing under pressure test prior to covering;
 - (c) Internal stackwork under hydrostatic test prior to covering; and
 - (d) The installation of the septic tank and any sullage trenches prior to backfilling or covering.
 - (e) Issue of final satisfactory inspection.
- A8 **Demolition Standards**
Building demolition works are to be carried out in accordance with AS 2601 (2001) – *The Demolition of Structures*.
Note: *Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.*
- A9 **Colours and Materials**
The external roof cladding shall have a solar absorbance rating of 0.421 or greater (e.g. Zinalume, Galvanised Iron, Colorbond Surfmist, Classic Cream and Whitehaven do not qualify).

A10 Imported Fill

Prior to the importation of fill onto the development site details of the origin/quality of the material are to be provided to the Accredited Certifier. The fill is to be certified as virgin excavated natural material (VENM) and is to be tested for suitability to achieve the required 98% dry density compaction of a subgrade material, the material is to comply with AS3798-2007 and AS1289-2000.

A11 Earthworks, retaining walls and structural support

Any earthworks (including any structural support or other related structure for the purposes of the development):

- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
- (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
- (c) that if fill brought to the site – must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, and
- (d) that if excavated soil is to be removed from the site – it must be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation 2005.

PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1 Water Meter

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

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

Council will provide a quote to construct the water service complete with meter with prepayment required prior to works being scheduled. The meter is to be located so as to be accessible to Council's Water Meter Reader at all times. Any work required to Council's infrastructure to extend the main or allow installation of the meter other than a standard meter connection, is to be undertaken at full cost to the applicant.

Note: *A backflow prevention device is to be installed and certified by a private plumber in accordance with Council's Backflow Prevention policy.*

A standard meter connection is where the water main is located on the same side of the street as the property, the meter is to be located approximately 2.4 metres from the water main to just inside the property boundary and laid in a non-hard surface area (grassed). Please contact Council's Water and Sewerage Project Engineer on 44741342 to arrange the quote and prepayment will be required to be receipted at Council Administration Centre at Vulcan Street Moruya, the Batemans Bay or Narooma depot.

B2 Erosion Control Plan

Designs for sedimentation and erosion control by a qualified practising engineer are to be submitted to the Principal Certifying Authority. All requirements of the approved plan are to be implemented on-site. The erosion control plan is to be prepared in accordance with "Managing Urban Stormwater: Soils and Construction – Volume 1, Landcom 2004".

B3 Flood Action Plan

Council has adopted a Policy to restrict the development of the land by reason of the likelihood of flooding. Prior to issue of a Construction Certificate, a Flood Action Plan, including details of evacuation procedures, is to be submitted to and approved by Council. Evidence of implementation of the Flood Action Plan will be necessary prior to occupation or commencement of operations.

B4 Car Park Design

Prior to the issue of a Construction Certificate submission to and approval by the Principal Certifying Authority of plans prepared by a suitably qualified engineer for car parking spaces, manoeuvring areas and access driveways all being sealed and conforming to AS2890.1 & 2. Such plans are to include drainage and pavement designs and are to address expected vehicle loading and any fill compaction requirements.

B5 Stormwater network upgrade

Submission to and approval by Council, prior to issue of Construction Certificate, of plans for the relocation/reconstruction/upgrading of the stormwater network traversing the site. Plans are to be prepared by a suitably qualified engineer in accordance with Council's Infrastructure Design Standard.

B6 Stormwater & Site Drainage

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

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

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

Rainwater tank systems are to include:

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

Detailed work as executed plans are to be provided to the Certifying Authority prior to the release of an Interim or Final Occupation Certificate.

B7 Acid Sulphate Soil Management Plan

Prior to the issue of a Construction Certificate an Acid Sulphate Soils Management Plan is to be submitted to the Certifying Authority for approval. The management plan is to be certified by a suitably qualified and experienced person for compliance with the NSW Acid Sulfates Soil Manual (1998), refer to <https://epa.nsw.gov.au>.

B8 Stormwater Quality

Prior to the issue of a Construction Certificate stormwater design plans are to demonstrate and be certified by a suitably qualified engineer that any stormwater leaving the site complies with the water quality benchmarks for the Batemans Marine Park as expressed in the NSW Water Quality Objectives that accord with the ANZECC 200 Guidelines for Water Quality (Info available at OEH website – www.environment.nsw.gov.au/ieo/Clyde/index.htm)

B9 Site Contamination

Prior to the issue of a Construction Certificate, a Site Contamination Assessment is to be submitted to and approved by the Certifying Authority. The assessment shall be undertaken by a suitably qualified and experienced person, and certified as conforming to the Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land.

B10 Groundwater Management

Prior to the issue of a Construction Certificate, submission to and approval by the Certifying Authority, of a groundwater management plan by a suitably qualified engineer. The management plan is clearly indicate that the prescribed construction methodology for the development will ensure compliance with the Protection of the Environment Operations Act 1997.

B11 Construction Management Plan

A Construction Management Plan shall be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate. The Plan shall address, but not be limited to, the following matters:

- (a) hours of work;
- (b) contact details of site manager;
- (c) arrangements for site deliveries and removal of material from site;
- (d) details of hoardings;
- (e) details of demolition works and the presence of any asbestos or other hazardous waste;
- (f) traffic and/or pedestrian control measures;
- (g) dust control measures;
- (h) noise control measures;
- (i) screening from adjoining properties;
- (j) environmental management (sediment and erosion, groundwater, marina foreshore, Hanging Rock Creek etc.).

B12 Water/Sewer Developer Contributions - Development

Prior to the issue of a Section 68 Approval/Construction Certificate, the developer/consent holder will have to be eligible to obtain a Section 307 Certificate of Compliance under the Water Management Act 2000/ compliance with Section 64 of the Local Government Act 1993. To be eligible, the developer/consent holder will have to contribute:

- a) \$139,810 for 11 ETs for the augmentation of water supply mains and storage within Eurobodalla Shire where 1.0 ET = \$12,710.
- b) \$152,143.75 for 13.75 ETs for the augmentation of sewerage works within Eurobodalla Shire where 1.0 ET = \$11,065.

The contribution shall be paid to the Eurobodalla Shire Council. Evidence of the payment shall be submitted to Principal Certifying Authority prior to the issue of the Construction Certificate.

Note: *The above contributions are reviewed at least annually and may be subject to increases as a result of indexation or other forces. Contributions can be paid prior to each stage of the development.*

B13 Section 7.11 Contributions

Payment to Council pursuant to Section 7.11 of the Environment Planning and Assessment Act 1979, of contributions towards the provision of public amenities or services. The current contribution rates for the current financial year are as follows:

Open Space and Recreation	\$17,813.70
Community & Cultural	\$1,033.20
Roads	\$35,447.40
Shared Pathways	\$3,301.20
Plan Preparation & Admin	\$1,742.40
Waste Facilities – 1 Bed	\$161.40
Waste Facilities – 2 Bed	\$1,065.35
Waste Facilities – 3 Bed	\$538.00

The above contributions are to be paid prior to the release of the Construction Certificate for the development and will be payable at the rate applicable at the time of payment.

Note: *The above contributions are reviewed at least annually and may be subject to increases as a result of indexation or other forces.*

The plan can be viewed on Council's website at http://www.esc.nsw.gov.au/development-and-planning/tools/development-contributions-plans/s94_development_contributions_plan.pdf

B14 Ocean/Flood

Prior to issue of a Construction Certificate, submission to and approval by Council of designs by a suitably qualified and experienced Structural/Civil Engineer that the development will be capable of withstanding the impact of the flood/ocean hazard applicable to the location. The applicable flood planning level for the development is 3.24m AHD.

B15 Traffic Noise

The property has been identified as potentially affected by traffic noise and noise generated by the Hanging Rock Boat Ramp. Council recommends that a suitably qualified person, experienced in acoustic treatment and design, be consulted in regard to the preparation of plans to mitigate the impact of noise on residential development in Stages 6C, 7A, 8A, 9A and 10A. DEC guideline "Environmental Criteria for Road Traffic Noise" and AS 3671-1989 should be referenced in the report. The noise generated by the Boat Ramp will be high powered engines departing 24 hours per day.

B16 Flood

Prior to the release of a Construction Certificate plans are to be submitted to the satisfaction of the Certifying Authority showing all building materials used below the nominated flood planning level, including the floor, to be of flood compatible materials, ie. the structural integrity of the materials must not be adversely affected by repeated immersion in flood water. Details of these materials are to be consistent with Council's "Guidelines for Flood-Compatible Materials".

B17 Sewer Pump Station

Prior to the issue of a Construction Certificate a sewer pump station design is to be submitted and approved by Council, to provide certainty that there is sufficient area available to accommodate the construction and maintenance access requirements of the pump station. The capacity of the pump station is to be such that it is capable of servicing the fully developed precinct that it services. Please Note: The pump station shall be constructed as part of Stage 5B.

B18 Design Verification Statement

Prior to the release of any Construction Certificate, the applicant shall submit to the Principal Certifying Authority a design verification statement prepared in accordance with the provisions of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

B19 Fire Safety Measures upgrade

Prior to the release of any Construction Certificate for Stage 1B, the applicant shall submit to the satisfaction of the Principal Certifying Authority, a report prepared by a suitably qualified consultant detailing the fire safety measures contained within the existing conference centre which is proposed for a change of use to service the Seniors Housing. This report shall outline what measures are required to be implemented to upgrade the building to comply with the National Construction Code.

B20 Design of Food Premises

The construction and fit-out of the food premises shall comply with the construction requirements of the Food Act 2003, Food Regulation 2004, Food Standards Australia New Zealand (FSANZ) and AS4674-2004 *"Design, Construction and Fit-Out of Food Premises"*. Prior to the issue of a Construction Certificate, plans and specifications showing compliance with the above, which include details of fixtures and fittings together with wall, floor and ceiling finishes to all food preparation, cool room and storage areas, shall be submitted to and approved by the Principal Certifying Authority.

B21 Acid Sulphate Soil

The development site is within an area classified as Class 3 on maps marked "Acid Sulphate Soil Planning Map" deposited in the office of Eurobodalla Shire Council. If excavation is proposed below 1 metres of natural ground level, soil samples are to be assessed for content of acid sulphate material by a suitably qualified person and the results lodged with Council **prior to the release of a Construction Certificate**.

If acid sulphate materials are identified no excavation shall take place until the applicant has lodged an Acid Sulphate Soils Management Plan prepared by a suitably qualified person in accordance with the NSW Acid Sulphate Soils Manual. The plan is to be submitted for approval by Council, and undertake such measures as are required by Council.

B22 Footpath Staging Plan

Prior to the issue of the Construction Certificate submission to and approval by Council of a detailed footpath staging plan and details of construction shall be submitted in accordance with the staging outlined in Schedule 2, Part C, condition C12.

B23 Structural (Dilapidation) Reports

A Structural Report detailing the existing condition of the building and adjoining buildings, infrastructure and roads located adjoining the southern boundary shall be prepared and endorsed by a qualified structural engineer. The Report shall be submitted, for approval by Council, prior to the issue of the Construction Certificate.

A second Structural Report shall be prepared by a suitably qualified person at the completion of the works to ascertain if any structural damage has occurred to the adjoining buildings, infrastructure and roads. This Report shall also be submitted for approval by Council and should be compared with the earlier report to ascertain if any change has occurred.

B24 Compliance with SEPP (Seniors Housing)

Prior to the release of any Construction Certificate, the applicant shall submit to the satisfaction of the Principal Certifying Authority details ensuring compliance with the provisions of the SEPP.

PART C - PRIOR TO COMMENCEMENT OF WORKS

C1 Imported Fill

Prior to the importation of fill onto the development site details of the origin/quality of the material are to be provided to the Accredited Certifier. The fill is to be certified as virgin excavated natural material (VENM) and is to be tested for suitably to achieve the required 98% dry density compaction of a subgrade material, the material is to comply with AS3798-2007 and AS1289-2000.

C2 Section 68 Approvals

Prior to commencement of works for the construction of works associated with removal and reconstruction of the public stormwater main or sewer pump station, an application and approval by Council is required under Section 68 of the Local Government Act 1993.

C3 Construction in a Road Reserve

Prior to commencement of any works within the road reserve a separate approval is to be obtained from Council under section 138/139 of the Roads Act. The application would consider:

- Public safety, WH&S issues, risk assessment, public liability insurance, control of vehicle and pedestrian traffic, location of plant and equipment, inspections bonding and an application fee.
- Where a traffic control plan is required, the plan is to be prepared by a suitably qualified consultant, certified by the Roads and Maritime Service (RMS), in work site traffic control plan preparation.
- Where the Traffic control plan requires a reduced speed, or temporary traffic signals, a Speed Zone Authorization (SZA) is to be obtained from Council for the specific days of work

- Where works are on a Roads and Maritime Services (RMS) road or would impact traffic on an RMS road, a Road Occupancy Licence (ROL) is to be obtained from the RMS Ms Peta Smith (02 42212509) or email. rol_southern@rta.nsw.gov.au

Where works are undertaken by other than the applicant, the supervisor of the works is to be advised of this condition. Details for an application form and fees are available by contacting council Engineering Development Assessment Officer (44741254) & form available from http://www.esc.nsw.gov.au/media/395951/Section_138_Roads_Act.pdf

Carrying out works contrary to this condition will result in a penalty being issued under the roads act and works being suspended until such time as a Section 138 consent being issued.

C4 Certification Height of Building

The proposed development must be constructed in accordance with the maximum finished levels outlined below.

- ground floor level 3.24m AHD;
- first floor level 6.29m AHD; and
- upper roof level 9.95m AHD.

The floor levels and ridge level must be certified by a registered surveyor. Evidence is to be submitted to the satisfaction of the Certifying Authority, prior to continuing construction. Construction is not to continue until the Certifying Authority has signed off that the floor level or ridge level is in accordance with the approved levels outlined in this condition.

C5 Erosion and Sedimentation Control

Prior to commencement of any earthworks, installation of all measures necessary to effectively control soil erosion on the site to prevent silt discharge into drainage systems and waterways in accordance with Council's Soil and Water Management Code. The measures, to include sediment fencing and erosion control devices, are to be maintained and remain in place until the development is completed and disturbed areas are stabilised.

Note: *On-the-spot fines may be imposed by Council for non-compliance with this condition.*

C6 Protection of Trees

Trees identified in the development consent for retention are to be retained, maintained and protected during demolition, excavation and construction on the site. Details of the method of protection, prepared by a suitably qualified person, shall be submitted and approved by Council prior to commencement of works.

C7 Plans on Site (Plant Operator)

Prior to commencement of any works, the plant operator is to be provided with a copy of this consent and Plan No 272/19 and made fully aware of the provisions therein. The copy is to be held on site during clearing operations. All buffer areas and vegetation to be retained are to be clearly marked prior to commencement of operations.

C8 Construction Certificate

The construction works subject of this development consent **MUST NOT** be commenced until:

- Detailed plans/specifications of the building have been endorsed with a Construction Certificate by:
 - the Council, or

- (ii) an accredited certifier, and
- (b) The person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority, and
 - (ii) has notified the Council of the appointment, and
- (c) The person having the benefit of the development consent has given at least two days' notice to the Council of the person's intention to commence the erection of the building; and
- (d) Builders name and licence number has been supplied to Council or the Principal Certifying Authority; and
- (e) Owner Builders permit issued by Department of Fair Trading to be supplied to Council or the Principal Certifying Authority; or
- (f) Home Building Compensation Fund (HBCF) has been paid and a copy of the Certificate supplied to Council or the Principal Certifying Authority; and
- (g) A sign has been erected on site in a prominent position containing the information prescribed by Clause 98A(2) & (3) of the EP & A Regulations being the name, address and telephone number of the Principal Certifying Authority for the work, and name of the principal contractor for the work and telephone number on which that person may be contacted outside working hours, and stating that unauthorised entry to the site is prohibited. This sign must be maintained on site while work is being carried out and removed when the work has been completed.

C9 *Disconnection of Service*

The disconnection of water supply and sewer connections at their respective mains is to be carried out by Council for the fee applicable at the time of application. In this regard you are advised to contact Eurobodalla Shire Council Works Depots – Batemans Bay on (02) 44724035 or Narooma on (02) 44764144 or Moruya (02) 44741391 prior to the commencement of the demolition works. A reconnection fee will be applicable to reconnect and/or inspect the services when required.

C10 *Other Services*

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

C11 *Site Waste Management*

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

C12 *Asbestos/Demolition involving Asbestos Removal*

Where asbestos material is to be removed or disturbed as a result of any proposed demolition, alteration or addition:

- (a) building demolition works are to be carried out in accordance with *AS2601-2001 – The Demolition of Structures*
- (b) the removal of bonded asbestos material (of an area of more than 10m²), or any amount of friable asbestos material, must be undertaken by a licensed contractor. Guidance on how to manage the risks and choose the right contractor can be found in the:
 - 1) *Code of Practice on How to Manage and Control Asbestos in the Workplace* (catalogue no. WC03560) published by WorkCover NSW

- 2) *Code of Practice on How to Safely Remove Asbestos* (catalogue no. WC03561 – WorkCover NSW)
 - 3) *Choosing an Asbestos Consultant Fact Sheet* (catalogue no. WC04547 – WorkCover NSW), available at: <http://www.workcover.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice>.
- (c) All asbestos material removed is to be disposed of to a landfill site licensed to receive asbestos;
- (d) A general overview of the subject can be found on Council's website at: <http://www.esc.nsw.gov.au/council-services/public-environmental-health/public-health/asbestos>

PART D - DURING CONSTRUCTION

D1 Excess Fill

Any excess clean fill (inert clean waste) removed from the site is to be taken to either:

- (a) a public waste disposal facility or
- (b) a site approved by Council.

If option (b) is to be used the persons enacting this consent are to advise Council, in writing, of the chosen site and are not to commence any dumping until written approval is granted.

Note: *Council may carry out random inspections and take photographic records to ensure the integrity of the fill.*

D2 Spoil Removal

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

D3 Loading and Unloading of Construction Vehicles

All loading and unloading associated with construction must be accommodated on-site. If this is not feasible, an application may be made for the provision of a construction zone, during the specified hours of work.

D4 Tree Removal/Replacement/Protection

Completion of landscaping in accordance with the approved Landscape Plan prior to commencement of the use of the site and such landscaping is to be continuously maintained in accordance with the approved Plan. Maintenance is the landowner's responsibility. All trees not specifically approved for removal are to be suitably protected by way of tree guards, barriers or other measures as to protect root system, trunk and branches during construction.

D5 Approved Plans to be On-Site

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

D6 Floor Level

The minimum floor level of the residential flat building shall be at 3.24m AHD. This level is to be certified by registered Surveyor prior to the structure proceeding past the nominated level.

D7 Hours of Construction - NOISE

If audible at any residence or other sensitive noise receiver, construction may only be carried out between 7.00am and 6.00pm on Monday to Friday, and 8.00am to 5.00pm Saturdays. No construction can be carried out on a Sunday or public holiday if audible at any residence or other sensitive receivers.

PART E - PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

E1 Stormwater Work as Executed Plans

Prior to issue of an Interim or Final Occupation Certificate stormwater construction is to conform to the approved plans. A Works as Executed plan of the work is to be provided to and approved by Council at the completion of the work.

E2 Batter stabilisation

Prior to the issue of any Occupation Certificate, all exposed embankments must be stabilised by the installation of vegetation or similar materials to the satisfaction of the Principal Certifying Authority. Measures for stabilisation of embankments must be contained wholly within the property boundaries and prevent erosion and soil movement onto the adjoining land.

E4 Easements

Prior to the issue of any occupation certificate easements over Council's infrastructure are to be created where required and/or as directed by Council free of all costs to Council.

E5 Stormwater Work as Executed Plans

Prior to issue of an Interim or Final Occupation Certificate stormwater construction is to conform to the approved plans. A Works as Executed plan of the work is to be provided to and approved by Council at the completion of the work.

E6 Creation of s88E requirement for use of accommodation

Prior to the release of any occupation certificate that applicant shall submit and have registered a restriction on title that the accommodation contained in the Seniors Living component of the development is restricted to use by seniors or people with a disability.

E7 Requirements for Serviced self-care housing

Prior to any occupation of any Seniors Living unit within the serviced self-care housing component of the development, the operator shall ensure that all services, including meals, bus transport, cleaning services, etc are provided in accordance with the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, prior to the occupation of the first unit.

E8 Public Utility Adjustments

Adjustments to the public utilities necessitated by the development shall be completed prior to occupation of the development and in accordance with the requirements of the relevant authority, all at no cost to Council.

E9 Security Management Plan

The operator of the premises shall prepare and submit a Security Management Plan which specifies the security measures to be undertaken, the number of staff employed and the shifts and appropriate surveillance in respect of the use. The Plan shall be submitted to the satisfaction of Council prior to the commencement of the use.

- E10 Storage of Hazardous or Toxic Material**
Any hazardous or toxic materials must be stored in accordance with WorkCover Authority's requirements, and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.
- E11 Road Damage**
The cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the applicant/developer prior to issue of an Interim or Final Occupation Certificate.
- E12 Entry and Exit Signs**
Entry and exit signs are to be erected within the property boundaries, clearly identifying each driveway to the public. Signs to be erected prior to issue of any Occupation Certificate.
- E13 Work Within Road Reserve**
Prior to issue of any Occupation Certificate all works within the road reserve (road, nature strip & footpath areas) are to be completed in accordance with the plans and any conditions of approval. All work is to be inspected and passed by Council, an inspection may be booked by phoning 44741393 (inspection fees may apply in accordance with Council's adopted fees and charges). Earthworks adjacent to the driveway are to be grades no steeper than 12%. All service covers are to match the finished ground level within the footpath/road reserve. The vehicle crossing is to be maintained in accordance with Council standards or other approved plan and in sound condition for the life of the development to the satisfaction of Council all at no cost to Council.
- E14 Parking**
Prior to issue of any Occupation Certificate, construct/provide car parking in accordance with the approved plans.
- E15 BASIX Certification**
The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No(s) 974387M dated 14 November 2018, and any updated certificate(s) if amendments are made. The BASIX Certificate must be submitted to the Certifying Authority with all commitments clearly shown on the Construction Certificate plans.
- E16 Land Consolidation**
Consolidation of the land into one lot is required. Plan of consolidation to be registered with the Land and Property Information NSW prior to issue of an Interim or Final Occupation Certificate.
- E17 Fire Safety Certificate**
A Fire Safety Certificate shall be furnished to the Accredited Certifier for all the "Essential Fire or Other Safety Measures" forming part of this approval prior to issue of an Occupation Certificate. A copy of the Fire Safety Certificate must be submitted to Council by the Accredited Certifier prior to issue of an Occupation Certificate.

E18 Annual Fire Safety Statement

- (a) A final Fire Safety Certificate shall state that each essential fire safety measure specified in the current Fire Safety Schedule for the building to which the Certificate relates:
 - (i) has been assessed by a properly qualified person; and
 - (ii) was found, when it was assessed, to be capable of performing to a standard not less than that required by the current Fire Safety Schedule for the building for which the Certificate is issued.
- (b) The assessment must have been carried out within the period of three (3) months prior to the date on which the final Fire Safety Certificate is issued.
- (c) The choice of person to carry out the assessment is up to the owner of the building.
- (d) The person who carries out the assessment:
 - (i) must inspect and verify the performance of each fire safety measure being assessed; and
 - (ii) must test the operation of each new item of equipment installed in the building premises that is included in the current Fire Safety Schedule for the building.
- (e) As soon as practicable after a final Fire Safety Certificate is issued, the owner of the building to which it relates:
 - (i) must cause a copy of the Certificate (together with a copy of the current Fire Safety Schedule) to be given to the Commissioner of New South Wales Fire Brigades; and
 - (ii) must cause a further copy of the Certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

E19 Compliance with SEPP (Seniors Housing)

Prior to release of any Occupation Certificate, all services for the Seniors Housing must be made available on the site in accordance with the details supplied in Schedule 3 B29.

PART F - ADVISORY NOTES

F1 Commonwealth Environment Protection & 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); 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 application has not involved any assessment of the application under the Commonwealth legislation. It is the proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe the 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.

- F2 Discovery of a Relic**
If Aboriginal relics or objects are uncovered during work, excavation or disturbance of the area, any such activity must stop immediately. The Environmental Protections and Regulation Group of the Office of Environment and Heritage is to be immediately contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW Heritage Act 1977 may be required before further works can continue in that area.
- F3 Excavation – Historical Relics**
Should any historical relics be discovered during excavation processes then all excavations or disturbance to the area is to stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the Heritage Act 1977.
- F4 Use of Mobile Cranes**
The applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works.
For special operations including the delivery of materials, hoisting of plant and equipment, and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council:
(a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions; and
(b) at least four (4) weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.
- F5 Street Numbering**
Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages, prior to the occupation of the building(s) or commencement of the use. If street numbers or a change to street numbers are required, a separate application shall be made to Council.
- F6 Installation of Electricity Mains**
Prior to the installation of electrical mains, contact Country Energy [telephone (02) 4472-5082, 0414 725 797 or (02) 4474-1731] to ensure that planning for electricity infrastructure takes into consideration possible future subdivision.
- F7 Australia Post**
Australia Post is to be contacted regarding the location of letterboxes. Contact the Delivery Manager Batemans Bay on (02) 44753614.
- F8 Underground Utility Services Check**
The applicant shall contact the "Dial Before You Dig" service on telephone (02) 1100, fax number 1300-652-077 or email mocsinfo@mocs.com.au, prior to the commencement of excavation, to ascertain the presence and type of underground utility services in the vicinity of the development.
- F9 Disability Discrimination Act**
Your development may be affected by the Disabilities Discrimination Act. It is your responsibility to ensure the development complies with the Act.

- F10 Property Identification**
Property identification must be clearly displayed at the primary point of access to the site.
- F11 Ocean Location**
Council is of the opinion that the land is located within a corrosive environment, ie. that it is located within 1km from breaking surf, within 100m of salt water not subject to breaking surf or heavy industrial areas. Materials used in construction may require a higher level of corrosion protection in accordance with relevant Australian Standards and the Building Code of Australia.
- F12 Land Clearing “Best Practice”**
Council encourages the following best practices in relation to the disposal of felled timber:
- The harvesting and processing of mill quality timber either on site or through a commercially licensed timber mill;
 - The mulching or chipping of stumps, crowns and other herbaceous matter either on site or through a licensed landfill tip or recycling centre providing mulching facilities; and
 - The revegetation of the site with suitable plant species;
 - The stockpiling of suitable felled timber as firewood for heating purposes.
- F13 Chipping Contractors**
Chipping contractors to be informed that they should contact neighbours surrounding the property they are working on, regarding new hours of operation (9am to 5pm Monday to Friday) and their intention to conduct chipping for vegetation, maintenance and clearing activities. The relocation of vegetation to a storage site away from occupied residential areas for the purpose of chipping and mulching would be desirable.
- F14 NCC/BCA Compliance**
This Development Application has been subject to a merit based assessment. The plans lodged and approved have not been assessed against the provisions of the Building Code of Australia (BCA). It is your responsibility to ensure the plans lodged with any Construction Certificate application show full compliance to all provisions of the BCA.
- F15 Structural Capability for Existing Structures**
The structural capabilities of an existing structure will need to meet the requirements of the Building Code of Australia and may require engaging a Structural Engineer (refer BCA).
- F16 Flooding Liability**
The land may be subject to flooding and the development has been assessed using best available information concerning the likelihood of flooding at the date of determination. If the land is flooded Council will not, pursuant to Section 733 of the Local Government Act 1993, incur any liability in respect of the granting of this consent.

F17 Sea Level Rise Liability

This land may be subject to sea level rise and this development has been assessed using the best available information regarding the likelihood of inundation and/or coastal erosion at the date of determination. The infrastructure in this locality (such as sewer, water, stormwater and roads) may also be subject to sea level rise. At the granting of consent there is no commitment or intention by Council to improve or maintain infrastructure should this be impacted by sea level rise in the future.

If the land is impacted by sea level rise in the future, Council will not, pursuant to Section 733 of the Local Government Act 1993, incur any liability in respect of the granting of this consent.

F18 Advertising Signage

This consent does not permit the erection of any advertising signage on the site.