

NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION DEVELOPMENT CONSENT

Environmental Planning and Assessment Act, 1979
RA22/1004

TO:

Shoalhaven City Council

being the applicant(s) for RA22/1004 relating to:

84 Cambewarra Road, Bomaderry - Lot 100 DP 1237704

APPROVED USE AND OR DEVELOPMENT:

Alterations and Additions to Bomaderry Basketball Stadium

DETERMINATION DATE:

Pursuant to the Section 4.18 of the Act, notice is hereby given that the above application has been determined by granting consent, subject to the conditions listed below.

CONSENT TO OPERATE FROM:

CONSENT TO LAPSE ON:

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

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.

DETAILS OF CONDITIONS:

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

PART A: GENERAL CONDITIONS

1. General

The consent relates to **Alterations and Additions to Bomaderry Basketball Stadium** as documented on the stamped plans/documentation, or as modified by the conditions of this consent. The development must be carried out in accordance with this consent. If there is inconsistency between the stamped plans/documentation and the conditions of consent, the conditions prevail to the extent of that inconsistency.

| Stamped Plans/Documents | Ref/Sheet No. | Revision | Prepared by | Dated |
|------------------------------------|---------------------------------------|----------|-------------|------------|
| Demolition Plan - Ground Level | Project No. 21030 Sheet No. DA0101 | H | CM+ | 12/09/2022 |
| Demolition Plan - Referee Platform | Project No. 21030 Sheet No. DA0102 | H | CM+ | 12/09/2022 |
| Demolition Elevations - Sheet 1 | Project No. 21030 Sheet No. DA0201 | H | CM+ | 12/09/2022 |
| Demolition Elevations - Sheet 2 | Project No. 21030 Sheet No. DA0202 | H | CM+ | 12/09/2022 |
| Plan - Site | Project No. 21030 Sheet No. DA0901 | I | CM+ | 12/09/2022 |
| Plan - Overall | Project No. 21030 Sheet No. DA1000 | Q | CM+ | 12/01/2023 |
| Plan - Ground Level | Project No. 21030 Sheet No. DA1001 | K | CM+ | 12/09/2022 |
| Plan - Roof Level | Project No. 21030 Sheet No. DA1021 | H | CM+ | 12/09/2022 |
| Elevations - Sheet 1 | Project No. 21030 Sheet No. DA2001 | M | CM+ | 12/09/2022 |
| Elevations - Sheet 2 | Project No. 21030 Sheet No. DA2002 | M | CM+ | 12/09/2022 |
| Sections - Sheet 1 | Project No. 21030 Sheet No. DA2101 | I | CM+ | 12/09/2022 |
| Sections - Sheet 2 | Project No. 21030 Sheet No. DA2102 | G | CM+ | 12/09/2022 |
| Schedule - Finishes - Sheet 1 | Project No. 21030 Sheet No. DA6001 | G | CM+ | 12/09/2022 |
| Schedule - Finishes - Sheet 2 | Project No. 21030 Sheet No. DA6002 | G | CM+ | 12/09/2022 |

| | | | | |
|---------------------------------------|---------------------------------------|----|---------------------------------|-------------|
| Waste Enclosure - Demolition Plan | Project No. 21030 Sheet No. DA7001 | C | CM+ | 12/09/2022 |
| Waste Enclosure - Plan | Project No. 21030 Sheet No. DA7101 | K | CM+ | 12/01/2023 |
| Waste Enclosure - Elevations | Project No. 21030 Sheet No. DA7201 | C | CM+ | 12/09/2022 |
| Waste Enclosure - Sections | Project No. 21030 Sheet No. DA7211 | C | CM+ | 12/09/2022 |
| Civil Engineering Plan | Drawing No. 21F14_DA_C101 | 05 | Henry & Hymas | 10/01/2023. |
| Landscape Sketch Plan | Drawing No. SQ1-BBS-100 | D | Square One Landscape Architects | 14/09/2022 |
| Environmental Noise Assessment Report | Reference No. S210612RP1 | C | Resonate Consultants | 13/09/2022 |
| Waste Management Plan | - | - | Shoalhaven City Council | 09/11/2022 |

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 Environmental Planning and Assessment Act, or a new development application.

2. Prescribed Conditions

The development must comply with the [Prescribed Conditions of Development Consent](#), Division 2 Subdivision 1, Environmental Planning and Assessment Regulation 2021, as applicable.

3. Noise Specific Conditions

The development must comply with the recommended acoustic controls within Section 5.3 (Option 1) of the Environmental Noise Assessment Report by Resonate Consultants (Reference No. S210612RP1, Revision C, dated 13/09/2022).

Specifically, engineering noise control measures in the form of acoustic or operable louvres, and operational noise management measures, as recommended in Section 5.3 of the report, are to be adopted in order to comply with the NSW Environmental Protection Authority's *Noise Policy for Industry*, 2017 during the night-time period.

Should attenuation measures as prescribed above not be employed, all court activities (Courts 5 & 6) are to cease operation by 10:00pm.

4. Food Business Regulations

Any premises used for the preparation and storage of food for sale to the general public must (where relevant) comply with:

- a) [Shoalhaven City Council's Food Premises Policy](#)

- b) [Chapter 3 of the Australia/New Zealand Food Standards Code](#)
- c) [Food Act 2003 \(NSW\)](#)
- d) [Food Regulation 2015](#)
- e) AS 4674 Construction and fit out of food premises
- f) AS 1668.2 The use of ventilation and air conditioning in buildings-Mechanical ventilation in buildings

5. Prescribed Conditions

The development must comply with the [Prescribed Conditions of Development Consent](#), Part 4 Division 2, *Environmental Planning and Assessment Regulation 2021*, as applicable.

6. Occupation / Use

The development must not be occupied or used before an Occupation Certificate has been issued by the Principal Certifier. If an Occupation Certificate is not required, the use must not commence until all conditions of development consent have been met or other satisfactory agreements have been made with Council (i.e. a security).

PART B: INTEGRATED DEVELOPMENT AND CONCURRENCE CONDITIONS

NIL

PART C: PRIOR TO THE COMMENCEMENT OF WORKS

7. Construction Certificate

A Construction Certificate must be obtained from either Council or an accredited certifier before any building work can commence.

8. Appointment of Principal Certifier

Prior to the commencement of building or subdivision work, a Principal Certifier must be appointed.

9. Notice of Commencement

Notice must be given to Council at least two (2) days prior to the commencement of building or subdivision work by completing and returning the form [‘Commencement Notice for Building or Subdivision Work and Appointment of Principal Certifying Authority’](#)

10. Works within the Road Reserve

Prior to undertaking any works within an existing road reserve, the developer must obtain the consent of Council under section 138 of the Roads Act, 1993.

The following details must be submitted to Council as part of the application:

- a) Any civil works design required by this consent.
- b) Evidence of the contractor's Public Liability Insurance to an amount of \$20 million.
- c) Name and contact information of the person responsible for all relevant works.
- d) A Traffic Control Plan prepared, signed and certified by a person holding the appropriate Transport for NSW (TfNSW) accreditation.
- e) Where the Traffic Control Plan requires a reduction of the speed limit, a 'Application for Speed Zone Authorisation' must be obtained from the relevant road authority.

11. **Construction Traffic Management Plan**

Prior to the commencement of works, a Construction Traffic Management Plan detailing the proposed method of dealing with construction traffic and parking must be approved by Council.

Details must include, but are not limited to:

- a) Stabilised site construction access location.
- b) Proposed haulage routes for delivery of materials to the site.
- c) Proposed haulage routes for spoil disposal from the site.
- d) Traffic control planning for each of the various phases of construction and/or vehicle movements associated with construction.
- e) Parking arrangements for construction employees and contractors.
- f) Proposed maintenance of the haulage routes and the name of the person responsible for such maintenance.
- g) Loading / unloading areas.
- h) Requirements for construction or work zones.
- i) Pedestrian and cyclist safety.
- j) Speed zone restrictions.

12. **Run-off and Erosion Controls**

Prior to the commencement of site works, run-off and erosion controls must be implemented and maintained during construction to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- a) diverting uncontaminated run-off around cleared or disturbed areas;
- b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties;
- c) preventing the tracking of sediment by vehicles onto roads; and
- d) stockpiling topsoil, excavated materials, construction and landscaping supplies and debris within the lot.

Note: all implemented measures must not cause water pollution as defined by the [Protection of the Environment Operations Act](#) (POEO).

13. Dilapidation Report

Prior to the commencement of work, the developer must engage a competent person to prepare a dilapidation report in respect of the neighbouring premises and adjacent public infrastructure, including adjacent kerbs, gutters, footpaths (formed or unformed), driveways (formed or unformed), carriageway, reserves and the like to document evidence of any existing damage.

The dilapidation report must consider the impact of any excavation work that extends below the level of the base of the footings of any structure within 0.9 metres of the shared boundary.

Before works commence, a copy of the dilapidation report must be provided to the Certifier and Council. The dilapidation report will be the benchmark for necessary repairs to damage caused during the development works. All repairs must be completed by the developer at the developer's cost.

Not less than seven (7) days before works commence, the developer must notify the owner of any affected property of the intention to carry out approved works. The developer must also furnish the owner with details of the approved work.

However, if the occupier or owner of any neighbouring dwelling does not permit reasonable access for the purposes for the preparation of the dilapidation report, written evidence of the efforts taken to secure access may be submitted to the *Principal Certifier* and the *Principal Certifier* may waive the requirement in relation to the relevant property.

Note: A dilapidation report can comprise of video footage and photos of adjacent public infrastructure and relevant structures on adjoining properties.

14. Food Business Notification

Prior to commencing any food handling operations, a 'Food Business Registration Form' available on Councils' website will need to be submitted to Council as part of the NSW Food Partnership and for the purposes of regular food hygiene inspection.

15. Toilet Facilities - Temporary

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:

- a) be a standard flushing toilet connected to a public sewer, or
- b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- c) be a temporary chemical closet approved under the *Local Government Act 1993*.

16. Public Safety and Protection of Public Property - Hoarding

Prior to the commencement of works a Class A temporary hoarding must approved under section 138 and erected between the work site and adjoining lands in accordance with SafeWork NSW guidelines and AS 2601 *Demolition of structures*. The hoarding must be kept in place until completion of the works.

PART D: PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

17. Evidence

A Construction Certificate must not be issued until the Certifier has received notification from, or evidence of, any Council approval that is required Prior to the Commencement of Works.

18. Long Service Levy

Prior to the issue of a Construction Certificate any long service levy payable under the [Building and Construction Industry Long Service Payments Act 1986](#) and prescribed by the [Building and Construction Industry Long Service Payments Regulation 2022](#) must be paid or, where such a levy is payable by instalments, the first instalment of the levy must be paid. Council is authorised to accept payment. Proof of payment must be submitted to the Certifying Authority.

19. Existing Infrastructure

Prior to the issue of a Construction Certificate, all infrastructure, existing and proposed, is to be shown accurately on the engineering plans including longitudinal sections with clearances clearly labelled confirming that the proposed works do not affect any existing infrastructure. Any required alterations to infrastructure will be at the developer's expense.

20. Erosion and Sediment Control Plan (ESCP)

Prior to the issue of a Construction Certificate, an Erosion and Sediment Control Plan (ESCP) must be prepared by a Professional Engineer, (as defined in the National Construction Code) in accordance with the Landcom Manual – Soils and Construction, Managing Urban Stormwater, Vol 1, 4th Edition March 2004 to the satisfaction of the Certifier.

All implemented measures must:

- a) prevent water pollution as defined by the [Protection of the Environment Operations Act](#) (POEO).
- b) Be maintained at all times.
- c) Not be decommissioned until at least 70% revegetation cover has been established.

21. Stormwater Drainage Design Standards (Urban)

Prior to the issue of a Construction Certificate, certified engineering design plans, specifications, and DRAINS model (or approved alternative) must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.

The stormwater drainage design must comply with the following:

- a) Major and minor drainage systems in accordance with Council's Engineering Design Specifications - Section D5 - Stormwater Drainage Design and utilising Australian Rainfall and Runoff (ARR, 2019) Guidelines.
- b) The minor and major systems must be designed for a 10% AEP and 1% Annual Exceedance Probability (AEP) rainfall events, respectively.
- c) Generally, in accordance with the concept civil engineering plan by Henry & Hymas (Drawing No. 21F14_DA_C101, Revision 05, dated 10/01/2023).

- d) The existing stormwater drainage system is to be adjusted to suit the new works. In this regard the following is required:
 - i) all relevant calculations are to be noted on the drainage plans to confirm the adequacy of the existing system, or the upgraded design.
- e) Design of stormwater drainage is to include piping, swales and easements to facilitate future development of the site.

22. Network Connection – Endeavour Energy

Prior to the issue of a Construction Certificate, an appropriate application will need to be submitted to Endeavour Energy based on the maximum demand for electricity for connection of load.

23. Retaining Walls - Design

Prior to the issue of a Construction Certificate for approved retaining walls exceeding 0.6m in height above ground level (existing) and/or within 1m of a property boundary, detailed design plans must be prepared and submitted to the Certifier for approval. The retaining walls must satisfy the following:

- a) For retaining walls exceeding 0.6m in height above natural ground level (existing) a professional engineer has certified the retaining walls as structurally sound, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load; and
- b) For retaining walls less than 0.6m in height above natural ground level (existing) the Certifier must be satisfied that the retaining walls are structurally sound, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load.
- c) Retaining walls, footings and drainage must be contained wholly within the development site.
- d) Construction within a registered easement is prohibited.

Retaining walls not shown on the approved plan must meet the criteria for Exempt retaining walls and comply with the relevant criteria listed in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, or be approved by way of Complying Development prior to construction and comply with the relevant criteria listed in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

24. Hydraulic Engineering Details for Water, Sewer & Drainage

Prior to the issue of a Construction Certificate, an approval to carry out water supply works, sewerage works, and stormwater drainage works must be obtained from Council under Section 68 of the Local Government Act 1993. The application is to include hydraulic designed by a professional engineer (as defined by the National Construction Code) for water, sewerage and stormwater drainage for the development. The hydraulic detail must reference, without limitation, the following:

- a) The relevant National Construction Code such as - NCC 2019 Volume 1, 2 & 3 (as relevant) Amendment 1;
- b) Relevant Australian Standard/s and correct standard years;
- c) Must also reference the relevant AS 1170 suit of standards.
- d) List Signatory Qualification and Accreditation details;
- e) Must be National Engineers Register (NER) or NSW Fair Trading Registered Engineer

- f) The charged line to the above ground rainwater tank is to have a flush point installed at the lowest reduced level (RL) into a 450mm x 450mm discharge pit connected to an approval disposal point to enable the line to be flushed. This is to prevent the line becoming blocked.

PART E: PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

NIL

PART F: DURING WORKS

25. Hours for Construction

Construction may only be carried out between 7.00am and 5.00pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday. Proposed changes to hours of construction must be approved by Council in writing.

26. Demolition

Demolition work must be carried out in accordance with AS2601-2 [SafeWork NSW – Code of Practice, Demolition Work \[ISBN 978-0-642-78415-5\]](#) and [SafeWork NSW – Code of Practice, How to Safely Remove Asbestos \[ISBN 978-0-642-33317-9\]](#) as applicable.

27. Asbestos Removal

Asbestos removal must be carried out in accordance with AS2601-2 [SafeWork NSW – Code of Practice, Demolition Work \[ISBN 978-0-642-78415-5\]](#) and [SafeWork NSW – Code of Practice, How to Safely Remove Asbestos \[ISBN 978-0-642-33317-9\]](#) as applicable, by a person holding the relevant licence issued by SafeWork NSW.

A licence is not required to remove less than 10m² of non-friable asbestos, provided that the total amount of non-friable asbestos removed from the lot does not exceed 10m².

Asbestos must be taken for disposal to the licensed Waste Management Facility identified in the approved Waste Management Plan.

Post asbestos removal and prior to further work on the site, the following must be submitted to the Certifier:

- a) A clearance certificate issued by a licensed asbestos assessor or competent person as required by the Work, Health and Safety Regulation 2017 for the specific type of asbestos removal work confirming that the area has been cleaned satisfactorily and is safe to be re-occupied for normal use.
- b) A clearance certificate is required if the removal work involved any quantity of friable asbestos, or if it involved removal of more than a total of 10 square metres of non-friable asbestos from the lot.
- c) Documentary evidence of the legitimate disposal of all asbestos in the form of tip receipts from an approved waste management facility.

28. Excavation

Excavation must be carried out in accordance with *Excavation Work: Code of Practice (ISBN 978-0-642-78544-2)* published by Safe Work Australia in October 2018.

29. Aboriginal Objects Discovered During Excavation

If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- a) All excavation or disturbance of the area must stop immediately.
- b) Additional assessment and approval pursuant to the National Parks and Wildlife Act 1974 may be required prior to works continuing the affected area(s) based on the nature of the discovery.
- c) Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required (or once any required assessment has taken place or any required approval has been given).
- d) The Heritage NSW must be advised of the discovery in accordance with section 89A of the [National Parks and Wildlife Act 1974](#).

30. Archaeology Discovered During Excavation

If any object having interest due to its age or association with the past is uncovered during the course of the work:

- a) All work must stop immediately in that area.
- b) Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required (or once any required assessment has taken place or any required approval has been given).
- c) In accordance with the Heritage Act 1997, the Heritage NSW must be advised of the discovery.

31. Waste Management Plan

All waste must be contained within the site during construction and then be recycled in accordance with the approved Waste Management Plan (WMP) or removed to an authorised waste disposal facility. Waste must not 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 WMP must be demonstrated by the submission of tip receipts to the Certifier.

Note: "Waste" is defined in the Dictionary to the Protection of the Environment Operations Act 1997 (POEO Act).

32. Maintenance of Site and Surrounds

During works, the following maintenance requirements must be complied with:

- a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.

- c) Where tree or vegetation protection measures are in place, the protected area must be kept clear of materials and / or machinery.
- d) The developer must maintain the approved erosion and sediment control measures to the satisfaction of the Certifier for the life of the construction period and until runoff catchments are stabilised.
- e) During construction:
 - i) all vehicles entering or leaving the site must have their loads covered, and
 - ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- f) At the completion of the works, the work site must be left clear of waste and debris.

33. Tree Removal

Trees approved for removal (in accordance with the site plan by CM+ , Project No. 21030, Sheet No. DA0901, Revision I, dated 12/09/2022) must be felled into the development area carefully so as not to damage trees to be retained in or beyond the development footprint.

PART G: PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

34. Compliance

The Occupation Certificate must not be issued until all relevant conditions of development consent have been met or other satisfactory arrangements have been made with Council (i.e. a security).

35. Mechanical Plant

When mechanical plant has been selected for the approved development and prior to the issue of an Occupation Certificate, a suitably qualified noise consultant must conduct a noise assessment for all mechanical plant.

36. Operational Plan of Management

Prior to the issue of an Occupation Certificate, an Operational Plan of Management must be submitted for approval to Council which addresses all operational and management procedures to be employed for the Bomaderry Basketball Stadium, including the following (but not limited to):

- a) Hours of operation.
- b) Noise mitigation.
- c) Waste management.
- d) Management and coordination of major events.
- e) Staff numbers.

37. Works as Executed - Stormwater Drainage

Works as Executed Plans and certification must be submitted to the Council by a licenced plumber/ registered surveyor / professional engineer (as defined in the National Construction Code)

certifying compliance of all drainage works with the approved design plans and the National Construction Code.

The Works as Executed be shown in red on a copy of the approved plans. This plan must verify locations and sizes of all pipelines.

Where the system includes an underground tank, a certificate of structural adequacy must be prepared and provided by a professional engineer (as defined in the National Construction Code).

38. Fire Safety

Prior to the issue of a partial or whole Occupation Certificate, a final fire safety certificate is to be issued to Council and Fire & Rescue NSW by or on behalf of the owner of a building to the effect that each essential fire safety measure specified in the current fire safety schedule for the building to which the certificate relates:

- a) has been assessed by a properly qualified person, and
- b) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

39. Landscaping Compliance

Prior to the issue of an Occupation Certificate, the developer must provide the Certifier with written evidence from a suitably qualified landscape professional that all landscape works have been completed in accordance with the approved landscape plan.

40. Retaining Walls – Certification

Prior to the issue of a full Occupation Certificate, the Certifier must be satisfied that all retaining walls have been constructed in accordance with the relevant retaining wall plans and specifications, and in accordance with the requirements of any other conditions of this consent.

Note: This condition does not prevent a partial occupation certificate to be issued for the parts of the development that have been completed.

41. Section 68 of the Local Government Act

All the conditions under the approval of Section 68 of the Local Government Act 1993 are to be complied with prior to the issue of an occupation certificate.

PART H: PRIOR TO THE ISSUE OF A SUBDIVISION / STRATA CERTIFICATE

NIL

PART I: ONGOING USE OF THE DEVELOPMENT

42. Fire Safety – Annual Statement

A building owner must ensure that an annual fire safety statement prepared by a competent fire safety practitioner is issued each year and that a copy of the statement is provided to the

Shoalhaven City Council and the Commissioner of Fire and Rescue NSW. An [application form](#) is available on Council's website.

Note: An annual fire safety statement is a declaration by, or on behalf of a building owner that an accredited practitioner – fire safety (APFS) has:

- a) assessed, inspected and verified the performance of each existing essential fire safety measure that applies to the building.
- b) Inspected the exit systems serving the building and found that the exit systems within the building do not contravene the provisions of Division 3 of Part 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Failure to give Council an annual fire safety statement by the due date constitutes a separate offence for each week beyond that date for which the failure continues. Substantial penalties for non-compliance apply under the Environmental Planning and Assessment Act 1979.

43. Operational Requirements

- a) The hours of operation of the approved development are restricted to between 7.00am and 11.00pm seven days a week. There must be no activity occurring within the approved building after 11.00pm, unless otherwise agreed to by Council in writing.
- b) Notwithstanding a) above, should noise attenuation measures as prescribed in Condition 3 not be employed, all court activities (Courts 5 & 6) are to cease operation by 10:00pm.
- c) The operation of the development must be in accordance with the approved Operational Plan of Management. The Plan of Management must be:
 - i) kept current and onsite at all times;
 - ii) reviewed and updated if there are any operational changes, and a copy supplied to Council.

Note: Changes to the Plan of Management must remain consistent with the approved conditions of this consent.

The contact details of the nominated contact person responsible in responding to any issues or complaints raised by the community or Council are to be always displayed in a publicly visible location at the premises.

PART J: OTHER COUNCIL APPROVALS AND CONSENTS

NIL

PART K: REASONS FOR CONDITIONS

The application has been assessed as required by section 4.15 of the *Environmental Planning and Assessment Act 1979* and has been determined by the granting of conditional development consent.

Statutory requirements

The development proposal, subject to the recommended conditions, is consistent with:

- a) the objects of the Environmental Planning and Assessment Act, 1979.

- b) the aims, objectives and provisions of the applicable environmental planning instruments,
- c) the aims, objectives and provisions of Shoalhaven Development Control Plan 2014 (SDCP 2014).
- d) the aims, objectives and provisions of relevant Council policies.

Public notification

The application was publicly notified in accordance with the *Environmental Planning and Assessment Regulation 2000* and Council's Community Consultation Policy for Development Applications (Including Subdivision) and the Formulation of Development Guidelines and Policies (POL 16/230).

Suitability of the Site

The application has been approved because the development proposal is considered to be suitable for the site.

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.

Impacts of the Development

The application was considered to be suitable for approval. Conditions have been imposed to ensure that:

- a) the development will not result in unacceptable adverse impacts on the natural and built environments.
- b) the amenity and character of land adjoining and in the locality of the development is protected.
- c) any potential adverse environmental, social or economic impacts of the development are minimised.
- d) all traffic, car parking and access arrangements for the development will be satisfactory.
- e) the development does not conflict with the public interest.

PART L: 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 and determination of the review must be undertaken within the prescribed period.

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 the prescribed period.

PART M: GENERAL ADVICE

In this consent the term developer means any person or corporation who carries out the development pursuant to that consent.

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 *AS1428.1 - "Design for Access and Mobility"*.

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.

SIGNED on behalf of Shoalhaven City Council: