**PPSSTH-20 – SHELLHARBOUR – DA0563/2019** **71 FIG HILL LANE DUNMORE 2529**

**Response to draft Conditions of Consent**

**Stage 1 Conditions** go from PART A to PART C i.e., there is no PART B.

1. **Condition 23. Protection Fencing**

*The tree protection fencing must be maintained intact at all times throughout the period of ~~building~~ work on the site. Machinery, structures, storage/disposal of any building materials and the like, must not be located within the fenced area at any time. Evidence provided by a qualified arborist on the design amendments and tree protection measures required under Condition 11 for the two Fig Trees located at the entrance to the site must be provided to Council to demonstrate compliance with the condition.*

*Q: should this be in STAGE 1 or STAGE 2 Conditions?*

*3.*  **Condition45. Biodiversity offsets**

*Biodiversity offsets as determined by the Biodiversity Assessment Methodology (BAM) provided within the approved Biodiversity Development Assessment Report (BDAR) are either:*

*To be purchased within the IBRA subregion or surrounding subregions as ‘like for like’ credits, in accordance with the offsetting rules under the BAM that will contribute to the recovery of Illawarra Subtropical Rainforest TEC in the surrounding landscape.*

*Or*

*The required credits are to be offset through the adjoining Stewardship site will be when Stewardship credits generated by the offsetting site can be successfully retired.*

Q: Highlighted text should be deleted as superfluous?

1. **Conditions 50. and 52. Fauna Management**

*The recommendations of the amended Cumberland Ecology Vegetation Management Plan 12 January 2021 Sections 4.4, 4.5 including pre-clearing surveys must be implemented by the project ecologist. A report outlining the works methodology, recommended actions and any subsequent recommendations is to be provided to Council for approval, prior to the commencement of any works on site, including tree removal.*

Q: Conditions 50. And 52. conditions are identical - recommend deletion of condition 52.

5. Condition 53. Implementation of the Construction Management Plan (CMP) and Site Management Plan

*Prior to commencement of works, the recommendations outlined within the Construction Site Management Plan (CMP) and relevant controls need to be in place. These controls are to be maintained throughout the entire excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project.*

*The controls listed under the CMP are to be maintained throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project.*Comment: Recommend changes shown in trackchange (text duplication and a missing word)

*6.* ***72.*****Vegetation Management Plan (VMP)**

*A site inspection with relevant Council staff is to be arranged by the proponent, prior to issue of any Occupation Certificate. The purpose of this inspection is to identify any outstanding issues relating to the VMP that will require rectification prior to issuing the Occupation Certificate. A verification report indicating that the Vegetation Management Plan has been complied with and outlining any outstanding works or monitoring requirements is to be submitted to Council for approval, prior to the issue of any Occupation Certificate.An inspection is required to be undertaken by the Council Engineer and Environment Officer one week* *prior to the commencement of works to ensure these recommendations have been implemented.*

Comment: Recommend change shown in track change as superfluous.

7. **92. Restrictions on Title**

*Prior to the issue of any Occupation Certificate the following restrictions must be placed on title in respect to:*

1. *The final Plan of Management (POM);*
2. *Biodiversity Stewardship Agreement;*
3. *Vegetation Management Plan (VMP) and subsequent responses; and*
4. *Reports outlining ongoing monitoring requirements as required by Condition 87 including the final Vegetation Management Plan, Wastewater Management Plan and Acoustic and Light Pollution Reporting and Monitoring-Impacts on Biota; and*
5. *Asset Protection Zone as required by the NSW Rural Fire Service via conditions 3 and 99.*

*Q. Should d. also include the* ***On Site Effluent Management Plan*** *referred to in Condition 95?*