

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	RA23/1000
Applicant	Patch Planners Pty Ltd
Description of development	Staged Expansion of the Nowra Private Hospital
Property	9 Weeroona Pl, NOWRA - Lot 32 DP 814820 14 McKenzie St, NOWRA - Lot 19 DP 241075 12 McKenzie St, NOWRA - Lot 20 DP 241075 10 McKenzie St, NOWRA - Lot 21 DP 241075 8 McKenzie St, NOWRA - Lot 22 DP 241075 6 McKenzie St, NOWRA - Lot 23 DP 241075 4 McKenzie St, NOWRA - Lot 24 DP 241075
Determination	Approval
Date of determination	[#Consent Start Date#]
Date from which the consent operates	[#Consent Start Date#]
Date on which the consent lapses	[#Consent End Date#]

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Reasons for approval

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 2021 and Council's Community Consultation Policy for Development Applications (Including Subdivision) and the Formulation of Development Guidelines and Policies (POL 16/230).

Submissions

Any submissions received during the public notification period are available on DA Tracking

Community views

Issues and concerns raised by the community in submissions have been considered in the assessment of the application and, where appropriate, conditions have been included in the determination to mitigate any impacts.

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.

The increased demand for public amenities and services attributable to the development has been addressed by the requirement to pay contributions in accordance with section 7.11 of the Environmental Planning and Assessment Act 1979 and Council's Contribution Plan 2019. Contributions under Section 307 of the Water Management Act 2000 have been applied as required.

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.

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

Dictionary

The Dictionary at the end of this consent defines words and expressions for the purposes of this consent.

Person on behalf of the consent authority

Name

Position

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS						
CONDITIONS					REASON	
1.	Approved plans and supporting documentation Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.				To ensure ongoing compliance.	
	Approved Plans					
	Plan Number	Revision Number	Plan Title	Drawn by		Date of Plan
	DA-0010	8	Proposed Overall Site Plan	Team 2 Architects		28/07/2023
	DA-0011	5	Site Staging Plan	Team 2 Architects		28/07/2023
	DA-0100	5	Site Plan - Stage 1 site works	Team 2 Architects		28/07/2023
	DA-0101	5	Demolition Plan - Stage 1	Team 2 Architects		28/07/2023
	DA-0110	5	Site Plan - Stage 2 site works	Team 2 Architects		28/07/2023
	DA-0111	5	Demolition Plan - Stage 2	Team 2 Architects		28/07/2023
	DA-1001	10	Ground Floor Plan - Stage 1	Team 2 Architects		28/07/2023
	DA-1002	10	First Floor Plan - Stage 1	Team 2 Architects		28/07/2023
	DA-1003	10	Roof Plan - Stage 1	Team 2 Architects		28/07/2023
	DA-1011	13	Ground Floor Plan - Stage 2	Team 2 Architects		28/07/2023
	DA-1012	12	First Floor Plan - Stage 2	Team 2 Architects		28/07/2023

DA-1013	10	Roof Plan - Stage 2	Team 2 Architects	28/07/2023
DA-1100	7	Ground Floor Part 1 Plan - Stage 1	Team 2 Architects	28/07/2023
DA-1101	6	Ground Floor Part 2 Plan - Stage 1	Team 2 Architects	02/03/2023
DA-1102	6	Ground Floor Part 3 Plan - Stage 1	Team 2 Architects	28/07/2023
DA-1103	4	Ground Floor Part 4 Plan - Stage 1	Team 2 Architects	02/03/2023
DA-1104	4	Ground Floor Part 5 Plan - Stage 1	Team 2 Architects	02/03/2023
DA-1105	4	Ground Floor Part 6 Plan - Stage 1	Team 2 Architects	02/03/2023
DA-1106	4	Ground Floor Part 7 Plan - Stage 1	Team 2 Architects	02/03/2023
DA-1107	4	Ground Floor Part 8 Plan - Stage 1	Team 2 Architects	02/03/2023
DA-1108	6	Ground Floor Part 1 Plan - Stage 2	Team 2 Architects	28/07/2023
DA-1109	4	Ground Floor Part 2 Plan - Stage 2	Team 2 Architects	02/03/2023
DA-1110	7	First Floor Part 1 Plan - Stage 2	Team 2 Architects	28/07/2023
DA-1111	5	First Floor Part 2 Plan - Stage 2	Team 2 Architects	02/03/2023

	<table><tr><td>DA-2001</td><td>4</td><td>Stage 1 - North/East Elevation</td><td>Team 2 Architects</td><td>06/03/2023</td></tr><tr><td>DA-2002</td><td>6</td><td>Stage 1 - South/West Elevation</td><td>Team 2 Architects</td><td>28/07/2023</td></tr><tr><td>DA-2011</td><td>4</td><td>Stage 2 - North/East Elevation</td><td>Team 2 Architects</td><td>06/03/2023</td></tr><tr><td>DA-2012</td><td>4</td><td>Stage 2 - South/West Elevation</td><td>Team 2 Architects</td><td>06/03/2023</td></tr><tr><td>DA-3000</td><td>2</td><td>External Finishes Board</td><td>Team 2 Architects</td><td>16/02/2023</td></tr><tr><td>DA-3001</td><td>10</td><td>Sections - Stage 1</td><td>Team 2 Architects</td><td>06/03/2023</td></tr><tr><td>DA-3002</td><td>9</td><td>Sections - Stage 2</td><td>Team 2 Architects</td><td>06/03/2023</td></tr><tr><td>6845-CV-0300</td><td>02</td><td>Siteworks Plan (Stormwater Drainage Plan)</td><td>enstruct group pty ltd</td><td>24/07/2023</td></tr><tr><td>000-501</td><td>G</td><td>Landscape Plans</td><td>Site Image Landscape Architects</td><td>31/07/2023</td></tr></table>	DA-2001	4	Stage 1 - North/East Elevation	Team 2 Architects	06/03/2023	DA-2002	6	Stage 1 - South/West Elevation	Team 2 Architects	28/07/2023	DA-2011	4	Stage 2 - North/East Elevation	Team 2 Architects	06/03/2023	DA-2012	4	Stage 2 - South/West Elevation	Team 2 Architects	06/03/2023	DA-3000	2	External Finishes Board	Team 2 Architects	16/02/2023	DA-3001	10	Sections - Stage 1	Team 2 Architects	06/03/2023	DA-3002	9	Sections - Stage 2	Team 2 Architects	06/03/2023	6845-CV-0300	02	Siteworks Plan (Stormwater Drainage Plan)	enstruct group pty ltd	24/07/2023	000-501	G	Landscape Plans	Site Image Landscape Architects	31/07/2023	
DA-2001	4	Stage 1 - North/East Elevation	Team 2 Architects	06/03/2023																																											
DA-2002	6	Stage 1 - South/West Elevation	Team 2 Architects	28/07/2023																																											
DA-2011	4	Stage 2 - North/East Elevation	Team 2 Architects	06/03/2023																																											
DA-2012	4	Stage 2 - South/West Elevation	Team 2 Architects	06/03/2023																																											
DA-3000	2	External Finishes Board	Team 2 Architects	16/02/2023																																											
DA-3001	10	Sections - Stage 1	Team 2 Architects	06/03/2023																																											
DA-3002	9	Sections - Stage 2	Team 2 Architects	06/03/2023																																											
6845-CV-0300	02	Siteworks Plan (Stormwater Drainage Plan)	enstruct group pty ltd	24/07/2023																																											
000-501	G	Landscape Plans	Site Image Landscape Architects	31/07/2023																																											
	<table><tr><th colspan="4">Approved Documents</th></tr><tr><th>Document title</th><th>Version number</th><th>Prepared by</th><th>Date of document</th></tr><tr><td>Nowra Private Hospital Extension – Waste Management Plan</td><td>1</td><td>MRA Consulting Group</td><td>03/03/2023</td></tr></table>	Approved Documents				Document title	Version number	Prepared by	Date of document	Nowra Private Hospital Extension – Waste Management Plan	1	MRA Consulting Group	03/03/2023																																		
Approved Documents																																															
Document title	Version number	Prepared by	Date of document																																												
Nowra Private Hospital Extension – Waste Management Plan	1	MRA Consulting Group	03/03/2023																																												
	<p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p>																																														
2.	<p>Staging of Development</p> <p>Consent is given for the development in accordance with the approved staging plan.</p> <p>a) <u>Stage 1</u>: Site preparation works and the removal of trees within the Stage 1 footprint, internal and external demolition works across the existing development, establishment of a new western wing of the hospital campus, provision of a new car parking area providing for a total of 42 spaces, and extension and alterations to the existing</p>	<p>To ensure ongoing compliance.</p>																																													

	<p>hospital including a new rehabilitation dining and lounge room and establishment of a new six chair oncology area.</p> <p>b) <u>Stage 2</u>: Demolition works to allow for extension of the new western wing, cold shell expansion of the wing constructed in Stage 1, and expansion of the carpark constructed under Stage 1 to provide for a further 19 spaces.</p> <p>The conditions in this consent apply to all stages unless otherwise specified.</p>	
3.	<p>Prescribed Conditions</p> <p>The development must comply with Part 4, Division 2, Subdivision 1, of the Environmental Planning and Assessment Regulation 2021, as applicable.</p>	To ensure ongoing compliance.
4.	<p>Shoalhaven Water - Certificate of Compliance</p> <p>A Certificate of Compliance must be obtained to verify that all necessary requirements for matters relating to water supply and sewerage (where applicable) for the development have been made with Shoalhaven Water.</p> <p>A Certificate of Compliance must be obtained from Shoalhaven Water after satisfactory compliance with all conditions as listed on the Water Development Notice and before the issue of an Occupation Certificate, Subdivision Certificate or Caravan Park Approval.</p>	To ensure ongoing compliance.
5.	<p>Native Vegetation and Habitat</p> <p>The removal and/or disturbance of native vegetation and habitat on the property, including canopy trees, understorey, and groundcover vegetation must be undertaken strictly in accordance with the approved plans.</p>	To ensure ongoing compliance.
<p>DEMOLITION WORK Before demolition work commences</p>		
CONDITIONS		REASON
6.	<p>Public Safety and Protection of Public Property – Hoarding</p> <p>Before building work commences a Class A temporary hoarding must be 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.</p>	To ensure ongoing compliance.
7.	<p>Asbestos and Hazardous Materials</p> <p>Before commencement of works a hazardous building materials survey of the existing building/structures to be demolished must be undertaken by a qualified occupational hygienist / licensed asbestos assessor.</p>	To ensure ongoing compliance.

	Should hazardous materials be identified in the survey a clearance certificate must be provided to Council upon demolition of the building.																													
8.	Asbestos – Notification of Neighbours Seven (7) days before the commencement of any demolition works involving asbestos, all immediate neighbours must be notified in writing of the intention to carry out asbestos demolition works. Copies of these written notifications should be retained and submitted to Council.	To ensure ongoing compliance.																												
DEMOLITION WORK During demolition work																														
9.	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.	To ensure ongoing compliance.																												
BUILDING WORK Before Issue of a Construction Certificate																														
CONDITIONS		REASON																												
10.	Evidence A Construction Certificate must not be issued until the Certifier has received notification from, or evidence of, any Council approval that is required Before the Commencement of Works.	To ensure ongoing compliance.																												
11.	Long Service Levy Before the issue of the relevant construction certificate, the long service levy must be paid to the Long Service Corporation of Council under the Building and Construction industry Long Service Payments Act 1986, section 34, and evidence of the payment is to be provided to the Certifier.	To ensure ongoing compliance.																												
12.	Local Infrastructure Contribution This development will generate a need for the additional services and/or facilities described in Shoalhaven Contributions Plan 2019 and itemised in the following table(s): <u>Stage 1</u> <table><tr><th>Project</th><th>Description</th><th>Rate</th><th>Qty</th><th>Total</th><th>GST</th><th>GST Incl</th></tr><tr><td>CWFIRE2001</td><td>Citywide Fire & Emergency services</td><td>\$156.12</td><td>4.22</td><td>\$658.83</td><td>\$0.00</td><td>\$658.83</td></tr><tr><td>CWFIRE2002</td><td>Shoalhaven Fire Control Centre</td><td>\$228.40</td><td>4.22</td><td>\$963.85</td><td>\$0.00</td><td>\$963.85</td></tr><tr><td>CWMGMT3001</td><td>Contributions Management & Administration</td><td>\$649.23</td><td>4.22</td><td>\$162.27</td><td>\$0.00</td><td>\$162.27</td></tr></table> <div>Sub Total: \$1,784.94</div>	Project	Description	Rate	Qty	Total	GST	GST Incl	CWFIRE2001	Citywide Fire & Emergency services	\$156.12	4.22	\$658.83	\$0.00	\$658.83	CWFIRE2002	Shoalhaven Fire Control Centre	\$228.40	4.22	\$963.85	\$0.00	\$963.85	CWMGMT3001	Contributions Management & Administration	\$649.23	4.22	\$162.27	\$0.00	\$162.27	To ensure compliance with policy.
Project	Description	Rate	Qty	Total	GST	GST Incl																								
CWFIRE2001	Citywide Fire & Emergency services	\$156.12	4.22	\$658.83	\$0.00	\$658.83																								
CWFIRE2002	Shoalhaven Fire Control Centre	\$228.40	4.22	\$963.85	\$0.00	\$963.85																								
CWMGMT3001	Contributions Management & Administration	\$649.23	4.22	\$162.27	\$0.00	\$162.27																								

	<div>GST Total: \$0.00 Estimate Total: \$1,784.94</div> <div>Stage 2</div> <table><tr><th>Project</th><th>Description</th><th>Rate</th><th>Qty</th><th>Total</th><th>GST</th><th>GST Incl</th></tr><tr><td>CW FIRE 2001</td><td>Citywide Fire & Emergency services</td><td>\$156.12</td><td>9.09</td><td>\$1,419.13</td><td>\$0.00</td><td>\$1,419.13</td></tr><tr><td>CW FIRE 2002</td><td>Shoalhaven Fire Control Centre</td><td>\$228.40</td><td>9.09</td><td>\$2,076.16</td><td>\$0.00</td><td>\$2,076.16</td></tr><tr><td>CW MGMT 3001</td><td>Contributions Management & Administration</td><td>\$649.23</td><td>9.09</td><td>\$349.53</td><td>\$0.00</td><td>\$349.53</td></tr></table> <div>Sub Total: \$3,844.82 GST Total: \$0.00 Estimate Total: \$3,844.82</div> <p>The total contribution, identified in the above table(s) or as indexed in future years, must be paid to Council prior to the issue of the relevant Construction Certificate. Evidence of payment must be provided to the Certifying Authority.</p> <p>The Contributions Plan 2019 can be accessed on Councils website www.shoalhaven.nsw.gov.au or may be inspected on the public access computers at the libraries and the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla.</p> <p>Note: There are also provisions that may apply with respect to the timing of payments. See: Environmental Planning and Assessment (Local Infrastructure Contributions - Timing of Payments) Direction 2020 (nsw.gov.au)</p>						Project	Description	Rate	Qty	Total	GST	GST Incl	CW FIRE 2001	Citywide Fire & Emergency services	\$156.12	9.09	\$1,419.13	\$0.00	\$1,419.13	CW FIRE 2002	Shoalhaven Fire Control Centre	\$228.40	9.09	\$2,076.16	\$0.00	\$2,076.16	CW MGMT 3001	Contributions Management & Administration	\$649.23	9.09	\$349.53	\$0.00	\$349.53
Project	Description	Rate	Qty	Total	GST	GST Incl																												
CW FIRE 2001	Citywide Fire & Emergency services	\$156.12	9.09	\$1,419.13	\$0.00	\$1,419.13																												
CW FIRE 2002	Shoalhaven Fire Control Centre	\$228.40	9.09	\$2,076.16	\$0.00	\$2,076.16																												
CW MGMT 3001	Contributions Management & Administration	\$649.23	9.09	\$349.53	\$0.00	\$349.53																												
13.	Design Standards – Works Within Road Reserve Before the issue of a construction certificate for Stage 1, all civil works proposed within road reserves must be approved by Council.						To ensure appropriate approvals are made.																											
14.	Utilities and services Before the issue of the construction certificate, written evidence of the following service provider requirements must be provided to the Certifier: <div>a) a letter from Endeavour Energy demonstrating that satisfactory arrangements can be made for the installation and supply of electricity.</div>						To ensure ongoing compliance.																											
15.	Section 68 Application Before the issue of a construction certificate, an application for installation of plumbing & drainage, stormwater must be approved under section 68 of the Local Government Act 1993.						To ensure ongoing compliance.																											
16.	Retaining Walls – Design						To ensure ongoing compliance.																											

	<p>Before 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.</p> <p>The retaining walls must satisfy the following:</p> <ul style="list-style-type: none"> 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) The design for the section of the retaining wall within the existing drainage easement is to be approved by Council. This section of the retaining wall must be removable and make allowance to ensure the continuity of the overland flow of stormwater during the 1% AEP storm event. <p>Retaining walls not shown on the approved plan must meet the criteria for Exempt retaining walls and comply with the relevant criteria listed in <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> or be approved by way of Complying Development before construction and comply with the relevant criteria listed in <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>.</p>	
17.	<p>Existing Infrastructure</p> <p>Before 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.</p>	To ensure ongoing compliance.
18.	<p>Soil and Water Management Plans (SWMP)</p> <p>Before the issue of a construction certificate for each stage, a Soil and Water Management Plan (or erosion control plan if proposed disturbed areas <2,500m²) must be prepared by a Professional Engineer, (as defined in the National Construction Code) to the satisfaction of the Certifier.</p> <p>All implemented measures must:</p> <ul style="list-style-type: none"> a) not cause water pollution as defined by the Protection of the Environment Operations Act (POEO). b) comply with the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and 	To ensure ongoing compliance.

	<p>Construction Certificate' (the Blue Book) (as amended from time to time), and</p> <p>c) be maintained at all times.</p> <p>d) not be decommissioned until at least 70% revegetation cover has been established.</p>	
19.	<p>Design Standards – Traffic Committee Referral</p> <p>Before the issue of a construction certificate for Stage 1, details of proposed traffic management and traffic control devices must be submitted to the satisfaction of Council for referral and endorsement of the Shoalhaven Traffic Committee.</p> <p><i>Note: This process can take six to eight weeks.</i></p>	To ensure appropriate designs are prepared before works commence.
20.	<p>Access Driveway Design Standards - Urban</p> <p>Before the issue of a construction certificate for Stage 1, certified engineering design plans must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by Council. The access driveway and layback design for the driveway from McKenzie Street must comply with the following:</p> <ul style="list-style-type: none"> a) Council's Engineering Design Standard Drawings. b) Constructed using 20 MPa reinforced concrete, reinforced with SL72 mesh, on a 150mm compacted fine crushed road base with centrally placed slab of 6 metres width and minimum 150mm depth. c) Removal of sufficient width of existing road seal and pavement to allow placing of formwork and laying/compaction of suitable pavement material for the driveway layback with a minimum 300mm offset to the kerb lip line. d) Creation of a 'no-stopping zone' adjacent to the driveway to ensure sufficient sight distance is available, in accordance with AS2890.1. 	To ensure appropriate measures are undertaken.
21.	<p>Cycleway and Footpath Design Standards</p> <p>Before the issue of a construction certificate for Stage 1, certified engineering design plans must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier. The cycleway and footpath design must comply with the following:</p> <ul style="list-style-type: none"> a) Councils Engineering Design Specifications Section D8 – Cycleway and Footpath Design. b) A 1.2 metre-wide concrete footpath designed is to be designed at the following locations: <ul style="list-style-type: none"> i) Within McKay Street, from the Weeroona Place intersection to the east, terminating at the driveway for 1 Weeroona Place. ii) Within McKay Street, from the Weeroona Place intersection to the west, terminating at the driveway for 150 McKay Street. iii) Within McKay Street, connect the footpath outlined within ii) to the existing hospital footpath on Weeroona Place. 	To ensure appropriate design is undertaken.

	<ul style="list-style-type: none"> iv) Within McKenzie Street, from the McKay Street intersection to the Park Road intersection. c) The footpath is to be designed in accordance with the following parameters, unless approved by Council: <ul style="list-style-type: none"> i) cross section design provided from road centreline to the carpark/garage floor level at each driveway access point. ii) 3% cross fall from the boundary to top of kerb. iii) match existing footpath levels of adjoining property frontages and be a uniform grade over the length of the development site frontage, or where this cannot be achieved, a longitudinal section must be designed. iv) kerb ramps at intersections in accordance with Council's Engineering Design Specifications. d) A raised concrete pedestrian crossing across the entrance to Weeroona Place in accordance with relevant Australian Standards. 	
22.	<p>Car Parking and Access Design Standards</p> <p>Before the issue of a construction certificate for each stage, certified engineering design plans and specifications must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by Council and the Certifier.</p> <p>The car parking and access design must comply with the following:</p> <ul style="list-style-type: none"> a) The number of spaces and carpark layout must comply with the approved architectural and engineering plans unless otherwise approved by Council to address the conditions below. b) The manoeuvring aisle width of the western carpark modules inclusive of the ramps is to be increased to provide two-way access from McKenzie Street in accordance with AS2890.1 including demonstrating B85/B99 vehicle passing through all bends. c) The longitudinal grade of the access driveway from McKenzie Street must comply with Section 3.3 of AS2890.1 unless otherwise approved by Council. d) A site distance assessment pursuant to AS2890.1 is to be demonstrated where structures or obstructions are located adjacent to the carpark manoeuvring aisles. e) Constructed in accordance with the following: <ul style="list-style-type: none"> i) for light vehicular loading, and ii) with a concrete pavement designed and constructed for a minimum traffic loading of 1×10^6 ESA, or iii) with an asphaltic concrete (AC) flexible pavement designed and constructed for a minimum traffic loading of 1×10^6 ESA. f) Bordered in accordance with Council's Standard Drawings by: <ul style="list-style-type: none"> i) concrete kerbing, except where surface runoff is concentrated, in which case concrete integral kerb and gutter must be constructed. 	To ensure appropriate design is undertaken.

23.	<p>On-Site Detention – Development</p> <p>Before the issue of a construction certificate, details of on-site detention must be provided on the Construction Certificate plans and approved by the Certifier.</p> <p>On-site detention must be provided as:</p> <ul style="list-style-type: none"> a) Per certified engineering design plans and specifications prepared by a professional engineer, (as defined in the National Construction Code) or surveyor. The on-site stormwater detention (OSD) design must be designed such that stormwater runoff from the site for design storm events up to and including the 1% AEP does not exceed the pre-developed conditions. 	To ensure ongoing compliance.
24.	<p>Structural Design – Major Structures</p> <p>Before the issue of a construction certificate, a detailed structural design for the following works must be certified professional engineer, (as defined in the National Construction Code) and approved by Council.</p> <ul style="list-style-type: none"> a) Bridges and other major drainage structures, including pre-cast concrete culverts, headwalls, wing walls and stormwater pits / structures that require steel reinforcement. b) The structural design must comply with the Council’s Engineering Design Specification – Chapter 3 – Structures/Bridge Design and relevant Australian Standards. 	To ensure appropriate design is undertaken.
25.	<p>Structural Design – Zone of Influence</p> <p>Before the issue of a construction certificate, a detailed design for the following works must be certified by a professional engineer, (as defined in the National Construction Code) and approved by Council:</p> <ul style="list-style-type: none"> a) All foundations must be located so that buildings or structures are founded below the zone of influence of the drainage line within the easement. b) The drainage line must be able to be repaired or replaced at any time without affecting the stability of the building or structure. c) Concrete encasement of the drainage pipe if deemed necessary by Council. 	To ensure appropriate design is undertaken.
26.	<p>Lighting Control Plan</p> <p>Before the issue of a construction certificate a lighting control plan must be prepared by a suitably qualified person and approved by Council’s Director of City Development or their delegate. The lighting control plan must demonstrate:</p> <ul style="list-style-type: none"> a) there are no obtrusive impacts from the proposed development to nearest sensitive receivers and ensure compliance with AS4282 “Control of the obtrusive effects of outdoor lighting”; and b) that lighting will be provided to the internal driveway and car parking area in accordance with AS/NZS 1158.3.1 Lighting for 	To ensure ongoing compliance.

	roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements.	
27.	<p>Stormwater Drainage Design Standards (Urban)</p> <p>Before the issue of a construction certificate for each stage, 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 Council and the Certifier.</p> <p>The stormwater drainage design must comply with the following:</p> <ol style="list-style-type: none"> 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. The minor and major systems must be designed for a 18.13% AEP and 1% Annual Exceedance Probability (AEP) rainfall events, respectively. Generally, in accordance with the approved concept stormwater drainage plan (Ref. No. 6845-CV-0300) prepared by enstruct group pty ltd on 24/07/2023. Where a pipe drains a public road through land adjoining the road, the pipe is to be designed to cater for the 1% AEP event with an overland flow path to provide for bypass/surcharge in the event of the pipe or pit inlet being 50% blocked. The existing stormwater drainage system is to be adjusted to suit the new works. In this regard the following is required: <ol style="list-style-type: none"> existing drainage systems through lots draining public roads are to be upgraded where necessary to contain flows in accordance with Council's Engineering Design Specifications - Section D5.04. all relevant calculations are to be noted on the drainage plans to confirm the adequacy of the existing system, or the upgraded design. Design of stormwater drainage is to include piping, swales and easements to facilitate future development of the site. 	To ensure appropriate design is undertaken.
28.	<p>Shoalhaven Water – Before the issue of a construction certificate</p> <p>Before the issue of a construction certificate, all conditions listed on the Shoalhaven Water Development Notice under the heading “Before the issue of a construction certificate” must be complied with and accepted by Shoalhaven Water. Written notification must be issued by Shoalhaven Water and provided to the Certifier.</p>	To ensure Shoalhaven Water compliance is met.
29.	<p>Waste Storage Room</p> <p>Before the issue of a construction certificate, detailed plans must be submitted to the Certifier that demonstrate that the waste storage room</p>	To ensure appropriate designs are prepared before

	<p>has been designed to be constructed in accordance with the Waste Minimisation and Management Guidelines, and that:</p> <ul style="list-style-type: none"> a) the floor to be constructed of concrete at least 75mm thick and adequately graded to drain to a Shoalhaven Water approved drainage fitting. b) the floor to be finished so that it is non-slip and has a smooth and even surface covered at all intersections. c) the ceilings and walls to be finished with smooth faced non-absorbent material capable of being cleaned. d) the room to be provided with artificial light controllable within the room and adequate ventilation. e) the room to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock. 	works commence.
30.	<p>Amended Landscape Design Plans</p> <p>Before the issue of a construction certificate amended landscape design plans and specifications must be prepared by a suitably qualified person and approved by Council's Director of City Development or their delegate.</p> <p>The landscape design plans must include the following</p> <ul style="list-style-type: none"> a) All species within the plant schedule must be selected from the native Plant Community Type (PCT) recorded onsite as specified in the approved Biodiversity Development Assessment Report or species indicated as "native" or "local" species from the Shoalhaven Species List For Nowra available on the Shoalhaven City Council website. b) A minimum two additional <i>Corymbia maculata</i> (Spotted Gum) are to be planted on the northern side of Tree 105 shown on the approved plans. c) Tree 91 (<i>Ligustrum lucidum</i>) shown on the approved plans is a weed species. This tree must be removed, and a minimum one suitable local native tree must be planted at the same location. 	To minimise the impacts of the development to native vegetation and habitat.
31.	<p>Timing of works – biodiversity credits</p> <p>Before the issue of a construction certificate, approval must be sought in writing from Shoalhaven City Council to confirm that the biodiversity credits required to offset the development have been retired. A private certifier cannot assume the role of the consent authority in confirming compliance with offset conditions.</p>	The NSW <i>Biodiversity Conservation Act 2016</i> requires that a condition to retire credits is to be complied with before any development that would impact on biodiversity values is carried out (BC Act s7.13(5)).

32.	<p>Timing of works – commencement of clearing</p> <p>Before the issue of a construction certificate, there must be no vegetation clearing or disturbance, site preparation or stockpiling clearing within areas of native vegetation identified on Figure 13 of the approved Biodiversity Development Assessment Report prepared by Narla Environmental (dated July 2023). Native vegetation includes groundcover, shrubs and trees.</p>	To ensure ongoing compliance.										
33.	<p>Ecosystem credit retirement</p> <p>Before the issue of a construction certificate, the class and number of ecosystem credits in Table 1 must be retired to offset the residual biodiversity impacts of the development. The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits as determined by the Biodiversity Conservation Trust.</p> <p><i>Table 1: Ecosystem credit retirement (like for like)</i></p> <table><tr><th>Impacted plant community type</th><th>Number of ecosystem credits</th><th>Hollow-bearing trees present</th><th>Offset trading group (like-for-like credit retirement options)</th><th>IBRA sub-region</th></tr><tr><td>3269-Shoalhaven Lowland Spotted Gum-Paperbark Forest</td><td>6</td><td>Yes</td><td>Coastal Valley Grassy Woodlands including PCTs 618, 622, 623, 1603, 1604, 1691, 1692, 3269, 3312, 3314, 3315, 3316, 3318, 3319, 3320, 3323, 3325, 3327, 3328, 3329, 3330, 3332, 3334, 4052.</td><td>Jervis, Bateman, Ettrema and Illawarra OR From a location within 100km of the impact site</td></tr></table> <p>Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of this condition must be provided to Shoalhaven City Council’s City Development directorate (Biodiversity Team) for review. Approval in writing that this condition has been satisfied must be obtained from Shoalhaven City Council’s City Development directorate, before issue of the construction certificate.</p>	Impacted plant community type	Number of ecosystem credits	Hollow-bearing trees present	Offset trading group (like-for-like credit retirement options)	IBRA sub-region	3269-Shoalhaven Lowland Spotted Gum-Paperbark Forest	6	Yes	Coastal Valley Grassy Woodlands including PCTs 618, 622, 623, 1603, 1604, 1691, 1692, 3269, 3312, 3314, 3315, 3316, 3318, 3319, 3320, 3323, 3325, 3327, 3328, 3329, 3330, 3332, 3334, 4052.	Jervis, Bateman, Ettrema and Illawarra OR From a location within 100km of the impact site	The NSW <i>Biodiversity Conservation Act 2016</i> requires that a condition to retire credits is to be complied with before any development that would impact on biodiversity values is carried out (BC Act s7.13(5)).
Impacted plant community type	Number of ecosystem credits	Hollow-bearing trees present	Offset trading group (like-for-like credit retirement options)	IBRA sub-region								
3269-Shoalhaven Lowland Spotted Gum-Paperbark Forest	6	Yes	Coastal Valley Grassy Woodlands including PCTs 618, 622, 623, 1603, 1604, 1691, 1692, 3269, 3312, 3314, 3315, 3316, 3318, 3319, 3320, 3323, 3325, 3327, 3328, 3329, 3330, 3332, 3334, 4052.	Jervis, Bateman, Ettrema and Illawarra OR From a location within 100km of the impact site								
34.	<p>Colours and Materials</p> <p>The approved schedule of colours and building materials and finishes are to be shown on the relevant Construction Certificate plans.</p> <p>Note: The colour and tone of the retaining walls material must blend in with the environment and maintain amenity to adjoining properties.</p>	To ensure compatibility of the development with surrounding environment.										

BUILDING WORK Before Building Work Commences		
CONDITIONS		REASON
35.	<p>Construction Certificate</p> <p>A Construction Certificate must be obtained from either Council or a certifier before any building work can commence.</p> <p>The application for the Construction Certificate must be accompanied by a report prepared by a suitably qualified person that addresses the impact of the proposed development upon any Performance or Fire Engineered Solutions that have been implemented in the existing building for consideration.</p>	To ensure ongoing compliance.
36.	<p>Appointment of Principal Certifier</p> <p>Before building work commences a Principal Certifier must be appointed.</p>	To ensure ongoing compliance.
37.	<p>Notice of Commencement</p> <p>Notice must be given to Council at least two (2) days before 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'.</p>	To ensure ongoing compliance.
38.	<p>Toilet Facilities – Temporary</p> <p>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:</p> <ul style="list-style-type: none"> 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. 	To ensure ongoing compliance.
39.	<p>Works within the Road Reserve</p> <p>Before undertaking any works within an existing road reserve, the developer must obtain the consent of Council under section 138 of the Roads Act, 1993.</p> <p>The following details must be submitted to Council as part of the application:</p> <ul style="list-style-type: none"> a) Any civil works design required by this consent. b) Evidence of the contractor's Public Liability Insurance to an amount of \$20 million. 	To ensure ongoing compliance.

	<ul style="list-style-type: none"> 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. 	
40.	<p>CCTV Inspection of Stormwater Pipes</p> <p>Before the commencement of works, all stormwater pipes within the drainage easement adjacent to the proposed works must be inspected by CCTV and submitted to Council. The CCTV must be carried out in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia Version 3.1.</p>	To ensure the appropriate approvals and inspections are undertaken.
41.	<p>Construction Traffic Management Plan</p> <p>Before 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.</p> <p>Details must include, but are not limited to:</p> <ul style="list-style-type: none"> 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. 	To ensure ongoing compliance.
42.	<p>Dilapidation Report – Minor</p> <p>Before 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.</p> <p>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.</p> <p>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</p>	To ensure ongoing compliance.

	<p>development works. All repairs must be completed by the developer at the developer's cost.</p> <p>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.</p> <p>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 <i>Principal Certifier</i> and the <i>Principal Certifier</i> may waive the requirement in relation to the relevant property.</p> <p>Note: A dilapidation report can comprise of video footage and photos of adjacent public infrastructure and relevant structures on adjoining properties.</p>	
43.	<p>Identification of Environmental Features</p> <p>Before building work commences and before the commencement of any clearing work, a suitably qualified ecological consultant must identify and physically mark all hollow bearing trees to be removed.</p>	To ensure ongoing compliance.
44.	<p>Clearing of Hollow Bearing Trees – Supervision</p> <p>Before building work commences and before the commencement of any clearing works, a suitably qualified and licensed ecologist with wildlife handling experience must be engaged to guide and supervise the clearing work and protection of environmental features on the site. Evidence of engagement must be submitted to Council, before clearing commences.</p>	To minimise impacts to biodiversity and to ensure ongoing compliance.
45.	<p>Tree and Vegetation Protection</p> <p>Before building work commences and before the commencement of any clearing works, the following requirements must be met to the satisfaction of the Certifier:</p> <ul style="list-style-type: none"> a) The developer must identify the extent of clearing work as shown on the approved plans. A temporary protective barrier or similar visible material must be installed and retained until all work are complete. b) The dripline of trees to be retained must be clearly identified and protected with temporary barrier fencing in accordance with <i>AS 4970: Protection of trees on development sites</i>. 	To ensure ongoing compliance with approved plans and <i>AS 4970: Protection of trees on development sites</i> .
46.	<p>Measures – Adequate Installation</p> <p>Before building work commences, the project ecologist must confirm in writing that all environmental protection measures are installed in accordance with the relevant conditions. The report is to be submitted to Council or Certifier for approval before the commencement of any on site work.</p>	To ensure ongoing compliance with approved plans.

47.	Pre-clearance Survey Before building work commences and clearing work commences, the project ecologist must complete pre-clearing surveys and inspections in accordance with the relevant conditions.	To ensure compliance with the approved documents.
48.	Erosion and Sediment Control Before building work commences, the approved erosion and sediment control measures must be implemented by the contractor and inspected and approved by the Certifier prior to the commencement of any other site works. The erosion and sediment measures must be maintained for the life of the construction period and until runoff catchments are stabilised.	To protect adjoining vegetation and fauna habitat.
BUILDING WORK During Building Work		
CONDITIONS		REASON
49.	CCTV Inspection of Stormwater Pipes Before the completion of works, all stormwater pipes within the drainage easement adjacent to the proposed works must be inspected by CCTV and submitted to Council. The CCTV must be carried out in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia Version 3.1 after all earthworks and adjacent carpark pavement works have been completed but prior to placement of the final seal or concrete pour. Damaged pipes not identified on the pre-commencement CCTV report must either be replaced or repaired to the satisfaction of Council before the issue of an Occupation Certificate for Stage 1.	To ensure the appropriate approvals and inspections are undertaken.
50.	Waste management While site work is being carried out: <ul style="list-style-type: none"> a) all waste management must be undertaken in accordance with the waste management plan, and b) upon disposal of waste, records of the disposal must be compiled and provided to the Principal Certifier, detailing the following: <ul style="list-style-type: none"> i) The contact details of the person(s) who removed the waste ii) The waste carrier vehicle registration iii) The date and time of waste collection iv) A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill v) The address of the disposal location(s) where the waste was taken The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. 	To require records to be provided, during site work, documenting the lawful disposal of waste.

	<p>If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and council.</p>	
51.	<p>Maintenance of Site and Surrounds</p> <p>During works, the following maintenance requirements must be complied with:</p> <ul style="list-style-type: none"> 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 soil water management / 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: <ul style="list-style-type: none"> 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. 	<p>To ensure the site is maintained in a safe and secure manner.</p>
52.	<p>Procedure for critical stage inspections</p> <p>While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.</p>	<p>To ensure ongoing compliance.</p>
53.	<p>Hours for Construction</p> <p>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.</p>	<p>To ensure appropriate designs are prepared before works commence.</p>
54.	<p>Noise</p> <p>The noise from all demolition and construction activities associated with the approved development must comply with the work practices as outlined in the NSW Department of Environment & Climate Change Interim Construction Noise Guideline. The LA10 level measured over a period of not less than 15 minutes during works must not exceed the</p>	<p>To protect the amenity of neighbouring properties.</p>

	background (LA90) noise level by more than 10dB(A) when assessed at any sensitive noise receiver.	
55.	<p>Discovery of relics and Aboriginal objects</p> <p>While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered:</p> <ul style="list-style-type: none"> a) the work in the area of the discovery must cease immediately. b) the following must be notified <ul style="list-style-type: none"> i) for a relic – the Heritage Council; or ii) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. <p>Site work may recommence at a time confirmed in writing by:</p> <ul style="list-style-type: none"> a) for a relic – the Heritage Council; or b) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. 	To ensure the protection of objects of potential significance during works.
56.	<p>Archaeology Discovered During Excavation</p> <p>If any object having interest due to its age or association with the past is uncovered during the course of the work:</p> <ul style="list-style-type: none"> 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. 	To ensure the protection of objects of potential significance during works.
57.	<p>Acid Sulfate Soils - Unexpected Finds</p> <p>If acid sulfate soils are encountered during excavation and/or construction works, all work must cease, and Shoalhaven City Council notified immediately. The extent of acid sulfate soil must be evaluated by a qualified environmental consultant with experience in the assessment of acid sulfate soils and a preliminary assessment provided to Council. Council will determine an appropriate response, including if an Acid Sulfate Soils Management Plan is required to be prepared and implemented, before works can recommence.</p>	To appropriately manage acid sulphate soils which when disturbed or exposed to air can release acid, damaging built structures and harming or killing animals and plants.

58.	<p>Contamination - Unexpected Finds</p> <p>If unexpected, contaminated soil and/or groundwater is encountered during any works:</p> <ul style="list-style-type: none"> a) all work must cease, and the situation must be promptly evaluated by an appropriately qualified environmental consultant. b) the contaminated soil and/or groundwater must be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) Guidelines. <p>If unexpected, contaminated soil, or groundwater is treated and/or managed on-site an appropriately qualified environmental consultant must verify that the situation was appropriately managed in accordance with relevant NSW EPA guidelines before recommencement of works. The verification documentation must be provided to the satisfaction of the Certifier and Shoalhaven City Council before the recommencement of any works.</p> <p>If contaminated soil or groundwater is to be removed from the site, it must be transported to an appropriately licensed waste facility by an NSW EPA licensed waste contractor in accordance with relevant NSW EPA guidelines including the Waste Classification Guidelines (2014).</p> <p>Note: An appropriately qualified environmental consultant will have qualifications equivalent to CEnvP "Site Contamination" (SC) Specialist - by Certified Environmental Practitioner or 'Certified Professional Soil Scientist' (CPSS CSAM) by Soil Science Australia (SSA).</p>	To ensure correct handling of contaminated sites.
59.	<p>Loading / Unloading Operations / Activities</p> <p>All loading / unloading operations associated with the building works are to take place wholly within the confines of the site or within the road reserve under an approved traffic control plan.</p>	To ensure compliance with the approved documents.
60.	<p>Felling of Trees</p> <p>During building works, trees to be cleared must be felled into the development area carefully so as not to damage trees to be retained in or beyond the development footprint.</p>	To ensure compliance with the approved documents.
61.	<p>Parking and Storing of Building Equipment and Materials</p> <p>During building works, the parking of machinery and vehicles or the storing of building or landscaping materials, soil, spoil, or rubbish, within the fenced area around trees and vegetation to be retained is prohibited.</p>	To ensure compliance with the approved documents.
62.	<p>Hollow-bearing Tree Removal Protocol</p> <p>During building works, the following hollow-bearing tree removal protocol is to be adhered to:</p>	To protect minimise harm to wildlife during the construction phase.

	<p>a) Hollow bearing trees (HBT's) approved for removal must be identified and clearly marked prior to works commencing by a suitably qualified and licenced ecologist.</p> <p>b) Stage 1: All ground and shrub layer vegetation is to be removed in accordance with the approved plans.</p> <p>c) Stage 2: On a subsequent day, a suitably qualified and licenced ecologist experienced in wildlife handling and rescue is to check if nests are present and carefully relocate them to nearby trees or nest boxes, as directed by the supervising ecologist. Canopy trees that do not contain hollows are to be removed in accordance with the approved plans.</p> <p>d) Stage 3: HBTs approved for removal are to be checked for resident fauna prior to felling by a suitably qualified and licenced ecologist experienced in wildlife handling and rescue.</p> <p>i) If fauna is residing, but not nesting within a hollow, the ecologist must either return at an appropriate time when the animal has vacated and block the hollow to prevent re-entry, or provide sound advice on how to appropriately remove the hollow without causing harm to residing wildlife.</p> <p>ii) Once it is confirmed that there is no roosting or nesting occurring within the hollow (or as advised by the ecologist), the hollow-bearing tree must be gently nudged with felling equipment prior to felling to encourage safe fauna evacuation. Hollow-bearing sections must be carefully lowered to the ground so as not to injure native fauna. Once the tree has been felled the hollows are to be inspected again for fauna and relocated in an appropriate location determined by the ecologist. The tree must be felled carefully in sections to allow the rescue of native fauna.</p> <p>iii) If animals are injured, they will need to be assessed and either taken to the nearest veterinary clinic or placed into care with South Coast Wildlife Rescue.</p> <p>Within 10 days of completing clearing work, the engaged environmental consultant must provide to Council written evidence of any fauna detected during clearing.</p>	
63.	<p>Landscape Design Plans – During Works</p> <p>During building works, landscaping must be undertaken in accordance with the construction certificate approved landscape design plans.</p>	To ensure compliance with approved landscape design plans.
BUILDING WORK Before Issue of an Occupation Certificate		
CONDITIONS		REASON
64.	<p>Schedule of Compliance</p> <p>The Occupation Certificate must not be issued until all relevant conditions of development consent have been met or other satisfactory</p>	To ensure ongoing compliance.

	<p>arrangements have been made with council (i.e., a security). A schedule of compliance in table format must be submitted with the application for an Occupation Certificate. The schedule must provide evidence of how all relevant conditions of development consent have been fulfilled.</p>	
65.	<p>Mechanical Plant</p> <p>When mechanical plant has been selected for the approved development and before the issue of an Occupation Certificate, a suitably qualified noise consultant must conduct a noise assessment to ensure all plant does not exceed 49dB(A) in the day, 48dB(A) in the evening and 41dB(A) at night.</p> <p>Note: Day is 7:00am to 6:00pm Monday to Saturday; or 08:00am to 6:00pm on Sundays and public holidays. Evening is 6:00pm to 10:00pm. Night is the remaining periods.</p>	To ensure ongoing compliance.
66.	<p>Completion of landscape and tree works</p> <p>Before the issue of an occupation, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.</p>	To ensure the approved landscaping works have been completed in accordance with the approved landscaping design plans.
67.	<p>Section 68 of the Local Government Act</p> <p>All the conditions under the approval of Section 68 of the Local Government Act 1993 are to be complied with before the issue of an Occupation Certificate.</p>	To ensure ongoing compliance.
68.	<p>Fire Safety</p> <p>Before the issue of an Occupation Certificate the Certifier must be provided with a Final Fire Safety Certificate showing compliance with the Fire Safety Schedule.</p>	To ensure ongoing compliance.
69.	<p>Works in the Road Reserve - Evidence of Completion</p> <p>Before the issue of an Occupation Certificate, the developer must provide the Certifier with a Completion of Works in Road Reserve Letter provided by Council, confirming compliance with the requirements of section 138 of the Roads Act 1993.</p>	To ensure ongoing compliance.
70.	<p>Works as Executed Plans – Works in the Road Reserve</p> <p>Before the issue of an Occupation Certificate, Works as Executed Plans must be prepared by a registered surveyor / professional engineer, (as defined in the National Construction Code) and approved by Council demonstrating compliance with the approved design plans.</p>	To ensure ongoing compliance.

	<p>The Works as Executed dimensions and levels must be shown in red on a copy of the approved plans and comply with the following requirements:</p> <ul style="list-style-type: none"> a) Council's Development Engineering Construction Specification. b) Show compliance with the approved design plans of all road and drainage works. c) Show any retaining walls including footings and agricultural drainage lines. d) Show the location of all underground service conduits. e) Include all deviations from the approved Civil Engineering Plans. 	
71.	<p>Works as Executed Plans – Internal Works</p> <p>Before the issue of an Occupation Certificate, Works as Executed Plans must be prepared by a registered surveyor / professional engineer, (as defined in the National Construction Code) and be submitted to Council and the Certifier demonstrating compliance with the approved design plans.</p> <p>The Works as Executed dimensions and levels must be shown in red on a copy of the approved Construction Certificate plans and comply with the following requirements:</p> <ul style="list-style-type: none"> a) Council's Development Engineering Construction Specification. b) Show compliance with the approved design plans of all road and drainage works c) Certify that all storm water pipes, and other services are wholly within an appropriate easement. d) Show the extent, depth, and final levels of filling. e) Show any retaining walls including footings and agricultural drainage lines. f) Show the location of all underground service conduits. g) Include all deviations from the approved Civil Engineering Plans. 	To confirm the location of works once constructed that will become council assets.
72.	<p>Dilapidation Report (Minor) – Evidence</p> <p>Before the issue of an Occupation Certificate, the developer must provide the Certifier and Council with evidence that any damage to neighbouring premises or adjacent public infrastructure, not previously identified as existing damage in the Dilapidation Report, has been repaired by the developer to the satisfaction of Council.</p>	To ensure ongoing compliance.
73.	<p>Shoalhaven Water – Certificate of Compliance</p> <p>Before the issue of any Occupation Certificate, a Certificate of Compliance under section 307 of the Water Management Act 2000 must be obtained from Shoalhaven Water to verify satisfactory compliance with all conditions for the supply of water and sewerage, as listed on the Water Development Notice.</p> <p>If the development is to be completed in approved stages, or application is subsequently made for staging of the development, separate</p>	To ensure Shoalhaven Water compliance is met.

	Compliance Certificates must be obtained for each stage of the development.	
74.	Colours and Materials Before the issue of an Occupation Certificate the Certifier must be satisfied that the development has been constructed in accordance with the approved schedule of colours and building materials and finishes.	To ensure ongoing compliance.
75.	Land Consolidation The subject allotments must be consolidated into one (1) allotment and written notification as to the registration of such consolidation at NSW Land Registry Services must be submitted to the Certifier before the issue of an Occupation Certificate for the development.	To ensure ongoing compliance.
BUILDING WORK Occupation and Ongoing use		
CONDITIONS		REASON
76.	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).	To ensure ongoing compliance.
77.	Outdoor Lighting Lighting is to be installed and maintained as approved under this consent for the life of the development. Lighting must not be directed to shine or cause nuisance to neighbouring properties and must be installed in accordance with AS4282 "Control of the obtrusive effects of outdoor lighting".	To ensure ongoing compliance.
78.	Site Maintenance - Commercial/Industrial Development The owner or operator must at all times be responsible for on-going site management and maintenance in accordance with the following: <ul style="list-style-type: none"> a) loading and unloading in relation to the use of the premises must occur in the designated loading areas. b) goods or machinery must be stored, and all activities must occur, inside the building(s) and not in the carpark or driveway areas. c) maintenance and replacement (if necessary) of all landscaping in accordance with the approved landscape design plans. 	To ensure ongoing compliance.

	<ul style="list-style-type: none"> d) maintenance of vehicular movement areas including driveways, carparking, manoeuvring areas, line marking, pedestrian facilities, lighting, to the standard specified by this consent. e) ongoing waste and recycling must be managed in accordance with the approved Waste Management Plan. Waste bins are not to be stored within the loading area/space that is visible from a public place. f) maintenance of stormwater drainage pipes and systems to ensure efficient discharge of stormwater in accordance with the approved stormwater drainage plan. g) maintenance of buildings, fencing, signage/markings to the standards specified in this consent. h) the removal of all graffiti within a maximum of 14 days of being notified by Council. 	
79.	<p>Fire Safety – Annual Statement</p> <p>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.</p> <p>Note: An annual fire safety statement is a declaration by, or on behalf of a building owner that a competent fire safety practitioner (CFSP) has:</p> <ul style="list-style-type: none"> 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 Environmental Planning and Assessment Regulation 2021 <p>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.</p>	To ensure ongoing compliance.
80.	<p>Noise</p> <p>The use of the approved development must not give rise to transmission of unacceptable vibration or an offensive noise to any place of different occupancy or the public in accordance with the NSW Environment Protection Authority's <i>Noise Policy for Industry</i> and <i>Noise Guide for Local Government</i> (guideline) and the <i>Protection of the Environment Operations Act (POEO Act)</i>.</p> <p>If vibration or offensive noise as defined by the NSW Environment Protection Authority's <i>Noise Policy for Industry</i> and <i>Noise Guide for Local Government</i> (guideline) and the <i>Protection of the Environment Operations Act 1997 (POEO Act)</i> is determined by an authorised officer, a suitably qualified noise consultant is to be engaged to provide a noise assessment report and provide recommendations for addressing the vibration or offensive noise.</p>	To protect the amenity of neighbouring properties.

81.	<p>Parking</p> <p>The approved car parking spaces are to be available for use for car and vehicle parking for patients/visitors, staff and doctors (etc.) associated with the use of the approved development.</p> <p>The parking spaces are not to be used for any other purpose, such as storage of goods or waste bins, parking of food vans/trucks or otherwise.</p>	To ensure sufficient parking spaces are available for use of the premises.
-----	---	--

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation, and other legislation. Some of these additional obligations are set out in the Conditions of development consent: advisory notes. The consent should be read together with the Conditions of development consent: advisory notes to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this consent (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the Building and Development Certifiers Act 2018.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Council means Shoalhaven City Council.

Court means the NSW Land and Environment Court.

EPA means the NSW Environment Protection Authority.

EP&A Act means the Environmental Planning and Assessment Act 1979.

EP&A Regulation means the Environmental Planning and Assessment Regulation 2021.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater
- the reuse of stormwater
- the detention of stormwater
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the Strata Schemes Development Act 2015 that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.