

<b>DATE OF DETERMINATION</b>	13 February 2025
<b>DATE OF PANEL DECISION</b>	13 February 2025
<b>DATE OF PANEL BRIEFING</b>	28 January 2025
<b>PANEL MEMBERS</b>	Chris Wilson (Chair), Grant Christmas, Susan Budd
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Lindsay Usher ( <i>previously identified a conflict of interest due to current involvement with the applicant in relation to a separate Council project withdrew from the Panel and is no longer a Council nominated Panel member</i> )

Papers circulated electronically on 21 January 2025.

#### **MATTER DETERMINED**

PPSSTH-247 - EUROBODALLA - DA0593/23 at 20 Heradale Parade Batemans Bay - Demolition and construction of a Residential Flat Building (60) units (2 x 1 bed; 12 x 2 bed; 42 x 3 bed and 4 x 4 bed) including basement car parking for 88 vehicles (plus 3 car wash bays) (as described in Schedule 1).

#### **PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at the site inspections listed at item 8 in Schedule 1.

#### **Development application**

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **Application to vary a development standard:**

Following consideration of a written request from the Applicant, made under cl 4.6 (3) of the *Eurobodalla Local Environmental Plan 2012* (LEP), that has demonstrated that:

- compliance with clause 4.3 Height of Buildings (development standard) is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is satisfied that:

- the Applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of cl. 4.3 Height of Buildings of the Eurobodalla LEP and the objectives for development in the R3 Medium Density zone; and
- the concurrence of the Secretary has been assumed.

## REASONS FOR THE DECISION

The Panel determined to uphold the Clause 4.6 variation to building height and approve the application for the reasons outlined in the Council Assessment Report subject to several minor amendments to the recommended conditions of consent as outlined below.

In particular, the Panel agreed with Councils assessment that:

- The proposal is permissible in the R3 Medium Density zone under the Eurobodalla LEP 2012 and is consistent with the zone objectives which include the need to provide a variety of housing types and to provide for the housing needs of the community.
- The development will result in a sound planning outcome and the site of the proposed development is well suited for the intended use.
- The clause 4.6 contravention is justified on planning grounds having regard to both the built form outcomes and the positive social outcomes.
- Adequate services are available to the site.
- The proposal promotes good residential amenity and will provide for a diversity of housing throughout Eurobodalla.
- The Panel has considered all the relevant issues raised in submissions and concludes they have been resolved through design and by the conditions of consent as imposed.

During its deliberations, the Panel noted a discrepancy between car parking arrangements contained in the Council assessment report and the traffic and car parking report submitted in support of the application, which specified a reduction of car parking spaces proposed. The Panel agreed with the advice provided by Council assessment staff during the final briefing that the proposed parking spaces and updated arrangements were suitable and comply with Councils car parking controls.

The Panel also noted clarification provided by Council assessment staff during the final briefing regarding the management of stormwater and In-ground water and noted that the GTAs from WaterNSW included conditions to ensure stormwater and pump out water is managed appropriately.

## CONDITIONS

With the agreement of Council and the Applicant, the Panel requested several amendments to the draft conditions of consent titled *Attachment A – Draft Conditions* (uploaded 21 January 2025) with the following amendments:




- Condition 7 was amended:
  - To step through requirements for clarity of actions
  - So that the HAZMAT section cross references requirements outlined in condition 8
  - To delete “after demolition of properties” and replace with “after demolition of structures”
  - To remove bolded text to avoid confusion.
- Condition 14 was amended to delete the note to minimise confusion
- Condition 15 was amended to resolve third dot point typo relating to ‘access’
- Condition 26 was amended to resolve typo with ‘impact’ changed to ‘impacts’
- Condition 26 was amended to resolve typo by in first line to ‘locations’
- Condition 32 was amended to reflect reference to the relevant plant and machinery
- Condition 36 was amended to resolve typo in the last line of the first paragraph; changed to ‘approved by the certifier’
- Condition 46 was amended to require the Applicant “to prepare and submit a Construction Traffic Management Plan”
- Condition 48 was amended to require the preparation and submission of a Plan of Management (for approval by Council) relating to the operation of the pool and surrounds which should include (but is not restricted to):
  - hours of operation
  - measures to mitigate noise
  - other ongoing operational matters (control of by access codes etc).
- Condition 77 was amended to ensure that the final Landscape Plan is cross referenced and has taken into consideration the Landscape Masterplan approved as part of Condition 1

- Condition 86 was amended to delete the words Industrial/ Commercial Development from the condition title
- Condition 91 was amended to clarify that the referenced reports apply to all stages where relevant
- Condition 120 was amended to require that mobile cranes do not operate on public roads
- Condition 147 was relocated within the conditions to be required at pre-construction stage (prior to CC)
- Condition 133 (Completion of public utility services) was renumbered as the condition number was duplicated
- Conditions 133,134 (un-numbered) and 144 were consolidated into a single condition
- Conditions 12,13,14 and 15 (3<sup>rd</sup> paragraph) amended to reword “into” to “are to be implemented for all stages of the development.

The Applicant advised that they agree to the amended conditions. The development application was approved subject to the conditions updated to the Planning Portal on 3 February 2025 and circulated to the Panel on 10 February 2025 titled *DA0593-23 Draft Conditions – Revised – no tracking*. The final Instrument of Consent approved by the Panel can be found attached in Schedule 2.

### **Consideration of Community Views**

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and through the conditions of consent as imposed and that no new issues requiring assessment were raised during the Determination briefing.

PANEL MEMBERS	
 Christopher Wilson (Chair)	 Grant Christmas
 Susan Budd	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-247 - EUROBODALLA - DA0593/23
2	PROPOSED DEVELOPMENT	Demolition and construction of a Residential Flat Building (60) units (2 x 1 bed; 12 x 2 bed; 42 x 3 bed and 4 x 4 bed) including basement car parking for 88 vehicles (plus 3 car wash bays)
3	STREET ADDRESS	Lot 1 DP 1135117 [20 Heradale Parade Batemans Bay]
4	APPLICANT/OWNER	M Alexander-Hatziplis / Edam Properties Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>◦ <i>State Environmental Planning Policy (Housing) 2021</i></li> <li>◦ <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i></li> <li>◦ <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></li> <li>◦ <i>State Environmental Planning Policy (Planning Systems) 2021</i></li> <li>◦ <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></li> <li>◦ <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i></li> <li>◦ <i>Eurobodalla Local Environmental Plan 2012</i></li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>◦ Batemans Bay Regional Centre Development Plan 2011</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council Assessment Report: 21 January 2025</li> <li>• Revised Council Assessment Report: 3 February 2025</li> <li>• Clause 4.6 contravention of a development standard (Cl.4.3 - Height of Buildings)</li> <li>• Written submissions during public exhibition: 4</li> <li>• Total number of unique submissions received by way of objection: 3</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing and Site inspection: 21 June 2023 <ul style="list-style-type: none"> <li>◦ <u>Panel members</u>: Chris Wilson (Chair), Grant Christmas, Susan Budd, Amber Shutz</li> <li>◦ <u>Council assessment staff</u>: Catherine Watkins, Gary Bruce</li> <li>◦ <u>Applicant representatives</u>: James Alexander-Hatziplis (Place Studio), James Tambassis (Place Studio)</li> <li>◦ <u>DPIE</u>: Amanda Moylan</li> </ul> </li> <li>• Briefing: 16 October 2024 <ul style="list-style-type: none"> <li>◦ <u>Panel members</u>: Chris Wilson (Chair), Grant Christmas, Susan Budd</li> <li>◦ <u>Council assessment staff</u>: Kristy Robinson, David Meagher</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Applicant representatives</u>: James Alexander-Hatziplis (Place Studio), Nicholas Grimes (Place Studio), Ryan Carabine (Place Studio), Bernard Moroz (BMA Urban)</li> <li>○ <u>DPIE</u>: Tim Mahoney, Tracey Gillett</li> <li>• Final briefing to discuss council's recommendation: 28 January 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Chair), Grant Christmas, Susan Budd</li> <li>○ <u>Council assessment staff</u>: Catherine Watkins, David Meagher</li> <li>○ <u>Applicant representatives</u>: James Alexander-Hatziplis (Place Studio), Nicholas Grimes (Place Studio)</li> <li>○ <u>DPIE</u>: Amanda Moylan, Nikita Lange</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the Council Assessment Report

## SCHEDULE 2

PPSSTH-247 – DA0593/23 (revised 30/1/25)

**ATTACHMENT A** – DRAFT CONSENT CONDITIONS (revised) 20 Heradale Parade Batemans Bay

### 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																																																																																			
1	<p><b><i>Approved plans and supporting documentation</i></b></p> <p>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p> <p><b>Approved Plans</b></p> <p><b>ARCHITECTURAL</b> (All architectural drawings prepared by PLACE Studio)</p> <table> <tr> <th>Drawing No.</th><th>Drawing Title</th><th>Date of drawing</th><th>Revision</th></tr> <tr> <td colspan="4"><b>Architectural:</b></td></tr> <tr> <td>Dwg. 2021029 - DA-0001</td><td>Cover Sheet</td><td>18/12/24</td><td>Issue F</td></tr> <tr> <td>Dwg. 2021029 - DA-0002 <b>AS AMENDED IN RED</b></td><td>Compliance Table</td><td>18/12/24</td><td>Issue D</td></tr> <tr> <td>Dwg. 2021029 - DA-0003</td><td>Site location</td><td>3/9/24</td><td>Issue C</td></tr> <tr> <td>Dwg. 2021029 - DA-0004</td><td>Site analysis - existing</td><td>3/9/24</td><td>Issue C</td></tr> <tr> <td>Dwg. 2021029 - DA-0100</td><td>Demoliton plan - survey overlay</td><td>3/9/24</td><td>Issue C</td></tr> <tr> <td>Dwg. 2021029 - DA-2000 <b>AS AMENDED IN RED</b></td><td>Site plan</td><td>18/12/24</td><td>Issue E</td></tr> <tr> <td>Dwg. 2021029 - DA-2001</td><td>GA- Basement - survey underlay</td><td>18/12/24</td><td>Issue E</td></tr> <tr> <td>Dwg. 2021029 - DA-2002 <b>AS AMENDED IN RED</b></td><td>GA- Basement - floor plan</td><td>18/12/24</td><td>Issue E</td></tr> <tr> <td>Dwg. 2021029 - DA-2003</td><td>GA- Ground floor - survey underlay</td><td>18/12/24</td><td>Issue E</td></tr> <tr> <td>Dwg. 2021029 - DA-2004 <b>AS AMENDED IN RED</b></td><td>GA- Ground floor plan</td><td>18/12/24</td><td>Issue E</td></tr> <tr> <td>Dwg. 2021029 - DA-3000</td><td>GA- Level 01 plan</td><td>18/12/24</td><td>Issue D</td></tr> <tr> <td>Dwg. 2021029 - DA-3001</td><td>GA- Level 02 plan</td><td>18/12/24</td><td>Issue D</td></tr> <tr> <td>Dwg. 2021029 - DA-3002</td><td>GA- Level 03 plan</td><td>18/12/24</td><td>Issue D</td></tr> <tr> <td>Dwg. 2021029 - DA-3003</td><td>GA- Roof Plan</td><td>18/12/24</td><td>Issue E</td></tr> <tr> <td>Dwg. 2021029 - DA-3004</td><td>GA- Roof survey underlay</td><td>18/12/24</td><td>Issue D</td></tr> <tr> <td>Dwg. 2021029 - DA-4000</td><td>Sections</td><td>3/9/24</td><td>Issue D</td></tr> <tr> <td>Dwg. 2021029 - DA-4001</td><td>Driveway Ramp Section</td><td>3/9/24</td><td>Issue C</td></tr> <tr> <td>Dwg. 2021029 - DA-4002</td><td>Culvert section</td><td>3/9/24</td><td>Issue C</td></tr> </table>			Drawing No.	Drawing Title	Date of drawing	Revision	<b>Architectural:</b>				Dwg. 2021029 - DA-0001	Cover Sheet	18/12/24	Issue F	Dwg. 2021029 - DA-0002 <b>AS AMENDED IN RED</b>	Compliance Table	18/12/24	Issue D	Dwg. 2021029 - DA-0003	Site location	3/9/24	Issue C	Dwg. 2021029 - DA-0004	Site analysis - existing	3/9/24	Issue C	Dwg. 2021029 - DA-0100	Demoliton plan - survey overlay	3/9/24	Issue C	Dwg. 2021029 - DA-2000 <b>AS AMENDED IN RED</b>	Site plan	18/12/24	Issue E	Dwg. 2021029 - DA-2001	GA- Basement - survey underlay	18/12/24	Issue E	Dwg. 2021029 - DA-2002 <b>AS AMENDED IN RED</b>	GA- Basement - floor plan	18/12/24	Issue E	Dwg. 2021029 - DA-2003	GA- Ground floor - survey underlay	18/12/24	Issue E	Dwg. 2021029 - DA-2004 <b>AS AMENDED IN RED</b>	GA- Ground floor plan	18/12/24	Issue E	Dwg. 2021029 - DA-3000	GA- Level 01 plan	18/12/24	Issue D	Dwg. 2021029 - DA-3001	GA- Level 02 plan	18/12/24	Issue D	Dwg. 2021029 - DA-3002	GA- Level 03 plan	18/12/24	Issue D	Dwg. 2021029 - DA-3003	GA- Roof Plan	18/12/24	Issue E	Dwg. 2021029 - DA-3004	GA- Roof survey underlay	18/12/24	Issue D	Dwg. 2021029 - DA-4000	Sections	3/9/24	Issue D	Dwg. 2021029 - DA-4001	Driveway Ramp Section	3/9/24	Issue C	Dwg. 2021029 - DA-4002	Culvert section	3/9/24	Issue C
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Dwg. 2021029 - DA-5000	South & east elevations	3/9/24	Issue C
Dwg. 2021029 - DA-5001	Building A elevations	3/9/24	Issue C
Dwg. 2021029 - DA-5002	Building B elevations	3/9/24	Issue C
Dwg. 2021029 - DA-5003	Building C elevations	3/9/24	Issue C
Dwg. 2021029 - DA-7000	Gross floor area diagrams	18/12/24	Issue D
Dwg. 2021029 - DA-7010	Deep soil calculation	3/9/24	Issue C
Dwg. 2021029 - DA-7020	Communal open space compliance	3/9/24	Issue C
Dwg. 2021029 - DA-7030	Cross ventilation diagram	3/9/24	Issue C
Dwg. 2021029 - DA-7040	Solar access diagram	3/9/24	Issue C
Dwg. 2021029 - DA-7050	Site coverage diagram	18/12/24	Issue D
Dwg. 2021029 - DA-7060	Height plane	18/12/24	Issue D
Dwg. 2021029 - DA7070	Adaptable Units	18/12/24	Issue D
Dwg. 2021029 - DA7071	Adaptable Units	3/9/24	Issue C
Dwg. 2021029 - DA8090; DA8100; DA8110; DA8120; DA8130; DA8140; DA8150 (7 sheets)	Solar views - (various)	18/12/24	Issue D
Dwg. 2021029 - DA8160	Solar matrix	3/9/24	Issue B
Dwg. 2021029 - DA9100	Unit & window schedule	3/9/24	Issue C
Dwg. 2021029 - DA9200	Materials schedule	3/9/24	Issue C
Dwg. 2021029 - DA9300	Perspective views	3/9/24	Issue B

**Landscape:** (All landscape drawings prepared by PLACE Landscape)

Drawing No.	Drawing Title	Date of drawing	Revision
Dwg. 2021029 - L000	Title page	3/9/24	Rev. A.
Dwg. 2021029 - L001	Existing tree plan	3/9/24	Rev. A.
Dwg. 2021029 - L002	Landscape masterplan	3/9/24	Rev. A.
Dwg. 2021029 - L003	Planting plan ground floor	3/9/24	Rev. A.
Dwg. 2021029 - L004	Planting plan ground floor	3/9/24	Rev. A.
Dwg. 2021029 - L005	Planting plan level 3	3/9/24	Rev. A.
Dwg. 2021029 - L006	Planting & materials schedules	3/9/24	Rev. A.
Dwg. 2021029 - L007	Elevations	3/9/24	Rev. A.

**Engineering - stormwater:** (All Stormwater concept drawings prepared by Telford Civil)

Drawing No.	Drawing Title	Date of drawing	Revision
Dwg.22500 - 000	Cover sheet plan	30/08/2024	Rev. D

Dwg.22500 - 101	Stormwater concept plan basement B1 Sheet 1 of 3	03/09/2024	Rev. E
Dwg.22500 - 102	Stormwater concept plan basement B1 Sheet 2 of 3	30/08/2024	Rev. C
Dwg.22500 – 103	Stormwater concept plan basement B1 Sheet 3 of 3	30/08/2024	Rev. C
Dwg.22500 – 104	Stormwater concept plan ground floor	03/09/2024	Rev. F
Dwg.22500 – 105	Catchment plan and MUSIC results	30/08/2024	Rev. E
Dwg.22500 – 106	Bio-retention details	24/11/2023	Rev. C
Dwg.22500 – 107	On-site detention 1 & 3 details and calculations	30/08/2024	Rev. C
Dwg.22500 – 108	On-site detention 2 details and calculations	03/09/2024	Rev. D
Dwg.22500 – 109	Sediment and erosion control plan & details	24/11/2023	Rev. B
Dwg.22500 – 110	Miscellaneous details sheet	24/11/2023	Rev. B
Dwg.22500 – 111	Catchment plan existing/proposed system	03/09/2024	Rev. B

**Engineering - civil:** (All Civil engineering drawings **prepared by Telford Civil**)

Drawing No.	Drawing Title	Date of drawing	Revision
Dwg.22500 - 000	General notes, locality plan & drawing schedule	12/09/2024	Rev. D
Dwg.22500 - 101	Civil works layout plan	12/09/2024	Rev. D
Dwg.22500 - 201	Driveway profile – longitudinal sections	12/09/2024	Rev. B
Dwg.22500 – 301	Bavarde Ave – longitudinal section – sheet 1 of 2	16/01/2023	Rev. A
Dwg.22500 – 302	Bavarde Ave – longitudinal section – sheet 2 of 2	16/01/2023	Rev. A
Dwg.22500 – 303	Heradale Pde – longitudinal section	12/09/2024	Rev. B
Dwg.22500 – 401	Bavarde Ave – cross sections – sheet 1 of 2	12/09/2024	Rev. B
Dwg.22500 – 402	Bavarde Ave – cross sections – sheet 2 of 2	16/01/2023	Rev. A
Dwg.22500 – 403	Heradale Pde – cross sections	12/09/2024	Rev. C
Dwg.22500 – 501	Typical cross sections	16/01/2023	Rev. A
Dwg.22500 – 601	Construction notes and details	12/09/2024	Rev. B

**Approved Documents**

Document title	Ref. No.	Date of document	Prepared by
<b>Concurrence/Agencies:</b>			
General Terms of Approval (GTAs) (IDAS1149440)	Ref. No. IDAS1157780	26 July 2023	Water NSW
Heritage NSW	Ref. No. DOC24/867530	13 November 2024	Heritage NSW Department of Climate Change, Energy, the Environment and Water



			As Delegate under National Parks and Wildlife Act 1974
<b>Reports: (ALL REPORTS AS AMENDED BY CONDITIONS)</b>			
Clause 4.6 Variation to development standard	-	Sept 2024	BMA Urban
Aboriginal Heritage report	Proj. No. 24SYD-8128 V2	24 Oct 2024	EcoLogical Australia
Archaeological Technical report	Proj. No. 24SYD-8128 V1	3 Sept. 2024	EcoLogical Australia
BASIX Certificate	No. 1377657M_02	27 Nov 2024	Gradwell Consulting
Nathers Certificate and summary (incl. Links to each Unit number certificate)	No. #HR-N80ERK-01 (incl. Links to each Unit number certificate)	27 Nov 2024	Gradwell Consulting
Statement of Compliance Access for People with a Disability (Access report)	Job No 222239	03-09-2024	Accessible Building Solutions
Acid sulphate soil (ASS) investigatio and management plan report	ER23038Arev1	07/11/2023	CEC Geotechnical
DA Noise Assessment (acoustic report)	670.30141-R01 Version no. -v4.0	August 2024	SLR Consulting Australia P/L
Apartment design guide compliance table	Pages 1-19	-	Place Studio
Design Verification Certificate	Ref: to DA0593/23	14 Jan 2025	Place Studio
Arboriculture Impact Assessment report (Arborist report)	For: 20 Heradale Pde Batemans Bay	4 Sept. 2024	Ross Jackson
Building Code of Australia (2022) Assessment Report Report	No. 220192	3 Sept 2024	AllCert
Fire Engineering Statement	No. 147921.00 V.- B	3 Sept 2024	Holmes Australia LP
Flood Impact Assessment	No. TEL22500 Issue B	2 September 2024	Telford Civil
Hydrogeological (groundwater) assessment	GR23206-A Rev 01	03/09/2024	CEC Geotechnical
Geotechnical Investigation report	GR23206 Rev 01	03/09/2024	CEC Geotechnical
Preliminary site investigation (PSI) report	ER23038rev1	7/11/2023	CEC Geotechnical
Revised Traffic and Parking assessment report	REF 22177	3 Sept 2024	CJP Consulting Engineers
Site waste minimisation and management plan	Rev. 1.2	Sept 2024	Auswide consulting
Visual Impact assessment	Rev. 2	January 2024	Place Studio
<p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p><b>Reason:</b> To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>			

2	<p><b><i>Concurrence and Referral – Water NSW</i></b></p> <p>The <b>General Terms of Approval (GTAs) (IDAS1149440) issued by Water NSW - Reference No. IDAS1157780 dated 26 July 2023</b> are concurrence conditions under integrated development provisions of the Act and are included as conditions of this consent and <u>must be</u> complied with for each phase of the development.</p> <p><b>Reason:</b> To ensure compliance with the legislation.</p>
3	<p><b><i>Concurrence and Referral - Heritage NSW</i></b></p> <p>The advice/General Terms of Approval issued by the Heritage NSW (Department of Climate Change, Energy, the Environment and Water) - Reference No. DOC24/867530 dated 13 November 2024 are included as conditions of this consent and must be complied with.</p> <p>These include:</p> <ul style="list-style-type: none"> <li>• No Aboriginal objects may be harmed without an approval from Heritage NSW under the National Parks and Wildlife Act 1974.</li> <li>• If any Aboriginal object(s) are discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must: <ul style="list-style-type: none"> <li>○ Not further harm the object(s)</li> <li>○ Immediately cease all work at the particular location</li> <li>○ Secure the area so as to avoid further harm to the Aboriginal object(s)</li> <li>○ Notify NSW Environment Line as soon as practical by calling 131 555 or emailing: <a href="mailto:info@environment.nsw.gov.au">info@environment.nsw.gov.au</a>, providing any details of the Aboriginal object(s) and its location</li> <li>○ Not recommence any work at the particular location unless authorised in writing by Heritage NSW.</li> </ul> </li> <li>• If harm to Aboriginal objects cannot be avoided, an application for an Aboriginal Heritage Impact</li> <li>• Permit must be prepared and submitted to Heritage NSW before work may continue.</li> <li>• In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted.</li> </ul> <p><b>Reason:</b> To ensure compliance with the legislation. [0002]</p>
4	<p><b><i>Authority requirements – Essential Energy</i></b></p> <p>Clearance distances from the nearest part of the development to Essential Energy's infrastructure (measured horizontally) is required to ensure that there is no safety risk to powerlines located within the vicinity of the site:</p> <ul style="list-style-type: none"> <li>• A safe distance of 3.3 metres is required the nearest powerline(s) in Bavarde Avenue.</li> <li>• A safe distance of 2.5 metres is required the nearest powerline(s) in Heradale Parade.</li> </ul> <p>It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their</p>

	<p>safety responsibilities. The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 - Work Near Essential Energy's Underground Assets.</p> <p><i>Note: Information relating to developments near electrical infrastructure is available on the website Development Applications (essentialenergy.com.au). If the applicant believes the development complies with safe distances or would like to submit a request to encroach then they will need to complete a Network Encroachment Form via Essential Energy's website Encroachments (essentialenergy.com.au) and provide supporting documentation. Applicants are advised that fees and charges will apply where Essential Energy provides this service.</i></p> <p><i>Attention is also drawn to Section 49 of the Electricity Supply Act 1995 (NSW). Relevantly, Essential Energy may require structures or things that could destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed.</i></p> <p><b>General Requirements:</b></p> <ul style="list-style-type: none"> <li>• If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;</li> <li>• Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;</li> <li>• Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as <i>ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure</i>;</li> <li>• Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); and</li> <li>• It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.</li> </ul> <p><b>Reason:</b> To comply with the Essential Energy requirements, applying to the development.</p>
5	<p><b>Prescribed Conditions</b></p> <p>The development must comply with Part 4, Division 2, Subdivision 1, if the Environmental Planning and Assessment regulation 2021, as applicable.</p> <p><b>Reason:</b> To ensure compliance with prescribed conditions. [0003]</p>
6	<p><b>Comply with BCA – Prescribed condition (Residential)</b></p> <p>All building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).</p>

	<p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [23.01]</p>
7	<p><b><i>Recommendations of reports – Site Investigation</i></b></p> <p>A Site Contamination Assessment, prepared by a suitably qualified and experienced person, shall be submitted to the satisfaction of the Principal Certifier prior to the issue of the Construction Certificate.</p> <p>The recommendations in the Preliminary Site Investigation Report (listed in Condition 1) prepared by CEC Geotechnical dated 7/11/2023 are included as conditions of this consent, are to be implemented for all stages of the development, and must be complied with.</p> <p>These include (but are not limited to):</p> <ul style="list-style-type: none"> <li>• After demolition of the structures (as the construction was completed prior 1980) (refer to Condition No. 8 Hazardous material survey before demolition) and clearance of the site vegetation etc, the client <b>must</b> carry out hazardous materials survey (HAZMAT) assessment (post demolition survey) by a licensed assessor</li> <li>• Should evidence of site contamination be identified at any stage during the development process, such as staining, odorous soils, or suspect asbestos, then an experienced site contamination consultant should be contacted immediately for advice.</li> <li>• Any material to be removed off-site, ENM, MUST be classified for off-site disposal in accordance with the NSW EPA (2014) Waste Classification Guidelines.</li> <li>• Any material being imported to the site for backfilling purposes should be assessed for potential contamination in accordance with the EPA guidelines.</li> <li>• Excavated materials are to be tested for potential contamination in accordance with the EPA guidelines by a suitably qualified person prior to determining whether excavated materials will be retained on site</li> </ul> <p><b>Reason:</b> To ensure compliance with the legislation.</p>
8	<p><b>Hazardous material survey BEFORE demolition</b></p> <p>Before demolition work commences, a hazardous materials survey of the site must be prepared by a suitably qualified person and a report of the survey results must be provided to the satisfaction of the Principal Certifier with a copy provided to Council at least one week before demolition commences.</p> <p>Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must include at least the following information:</p> <ol style="list-style-type: none"> <li>a) the location of all hazardous material throughout the site</li> <li>b) a description of the hazardous material</li> <li>c) the form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust</li> <li>d) an estimation of the quantity of each hazardous material by volume, number, surface area or weight</li> </ol>

	<p>e) a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials</p> <p>f) identification of the disposal sites to which the hazardous materials will be taken</p> <p>Reason: To require a plan for safely managing hazardous materials</p>
9	<p><b><i>Removal of Hazardous Materials</i></b></p> <p>All hazardous materials shall be removed from the site and shall be disposed of at an approved waste disposal facility in accordance with the requirements of Cl.17 Protection of the Environment Operations (Waste) Regulations, prior to the commencement of any building works.</p> <p>A site audit shall be conducted by a suitably qualified person, to ascertain that all identified hazardous materials have been removed from the site. A copy of the Audit Report is to be forwarded to Council prior to construction activity commencing.</p> <p><b>Reason:</b> To ensure the development does not conflict with the public interest. [10.10]</p>
10	<p><b><i>Asbestos Removal</i></b></p> <p>Where asbestos material is to be removed or disturbed as a result of any proposed demolition:</p> <p>(a) Building demolition works are to be carried out in accordance with AS2601-2001 - The Demolition of Structures:</p> <p>(b) The removal of bonded asbestos material (of an area of more than 10m<sup>2</sup>) or any amount of friable asbestos material must be undertaken by a licenced contractor. An Asbestos Removal Control Plan is to be prepared and complied with in accordance with the 'Code of Practice - How to Safely Remove Asbestos' published by WorkCover NSW (Catalogue No.WC03561), available at: <a href="http://www.workcover.nsw.gov.au">http://www.workcover.nsw.gov.au</a>;</p> <p>(c) Standard commercially manufactured signs containing the words "Danger Asbestos Removal in Progress" measuring not less than 400 x 300mm are to be erected in prominent visible positions during asbestos removal process;</p> <p>(d) All asbestos material removed is to be disposed of to a landfill site licensed to receive asbestos.</p> <p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [25.01]</p>
11	<p><b><i>Asbestos Clearance Certificate - Demolition of Existing Structure</i></b></p> <p>Following the demolition works and prior to the commencement of construction, an Asbestos Clearance Certificate shall be submitted to the Principal Certifier confirming the subject land has been cleared of asbestos in accordance with the <u>Asbestos   SafeWork NSW</u> <a href="https://www.safework.nsw.gov.au/hazards-a-z/asbestos">https://www.safework.nsw.gov.au/hazards-a-z/asbestos</a> requirements.</p> <p>Note: In the event that you have engaged a suitably qualified consultant (that is a Licensed Builder or Asbestos Contractor) and it was determined that no Asbestos was</p>

	<p>detected. Please provide written certification from the Licensed Builder or Asbestos Contractor that the development does not contain any asbestos.</p> <p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [25.13]</p>
12	<p><b><i>Recommendations of reports - Acid Sulphate Soil (ASS) Investigation and Management Plan report.</i></b></p> <p>The conditions and recommendations in the Acid Sulphate Soil (ASS) Investigation and Management Plan report (listed in Condition 1) prepared by CEC Geotechnical dated - 7/11/23 are included as conditions of this consent, including implementation of the Acid Sulphate Management Plan are to be implemented for all stages of the development, and must be complied with.</p> <p><b>Reason:</b> To ensure compliance with the legislation.</p>
13	<p><b><i>Recommendations of reports - Geotechnical</i></b></p> <p>The conditions and recommendations in the Geotechnical Investigation Report (listed in Condition 1) prepared by CEC Geotechnical dated 3/9/24 are included as conditions of this consent, are to be implemented for all stages of the development, and must be complied with.</p> <p><b>Reason:</b> To ensure compliance with the legislation.</p>
14	<p><b><i>Recommendations of reports - Arborist</i></b></p> <p>The recommendations in the Arborist Report (listed in Condition 1) prepared by Ross Jackson dated 4<sup>th</sup> September 2024 are included as conditions of this consent, are to be implemented for all stages of the development, and must be complied with.</p> <p>These include (but are not limited to):</p> <ul style="list-style-type: none"> <li>• Removal of trees only nominated on the demolition plan (refer Condition 1) Tree Nos. 1,2,3,4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27, 29 &amp; 40.</li> <li>• Retention of Trees No. 5, 28, 30, 31, 32, 33, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45 &amp; 46.</li> <li>• Tree removal work shall be carried out by an experienced tree surgeon in accordance with Safe Work Australia Guide for Managing Risks of Tree Trimming and Removal (2016).</li> <li>• Install the following Tree Protection Measures around the retained street tree: Tree 5, tree protection measures shall be a temporary fence of chain wire panels 1.8 metres in height (or equivalent), supported by steel stakes or concrete blocks as required and fastened together and supported to prevent sideways movement. Existing boundary fences or walls are to be retained shall constitute part of the tree protection fence where appropriate. A sign is to be erected on the tree protection fences of the trees to be retained that the trees are covered by Council's tree preservation orders and that "No Access" is permitted into the tree protection zone – Refer Annexure D.</li> </ul>

	<ul style="list-style-type: none"> <li>• Install the following Tree Protection Measures around the retained trees on site: Tree 5, 28, 30, 31, 32, 33, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45 &amp; 46, tree protection measures shall be a temporary fence of chain wire panels 1.8 metres in height (or equivalent), supported by steel stakes or concrete blocks as required and fastened together and supported to prevent sideways movement. A sign is to be erected on the tree protection fences of the trees to be retained that the trees are covered by Council's tree preservation orders and that "No Access" is permitted into the tree protection zone – refer Annexure D.</li> <li>• That a Tree Management Plan be prepared as part of the Construction Certificate by a consulting arborist who holds the Diploma in Horticulture (Arboriculture), Level 5 or above under the Australian Qualification Framework.</li> <li>• An AQF Level 5 Project Arborist shall be engaged to supervise the building works throughout the stages of development (including demolition works) and certify compliance with all Tree Protection Measures (note: <i>Recommendation amended as a condition of consent</i>)</li> </ul> <p>Tree protection of trees to be retained on the site within the vicinity of the proposed works is required.</p> <p><b>Reason:</b> To ensure compliance with the legislation. [0002]</p>
15	<p><b><i>Access for people with disabilities (residential)</i></b></p> <p>Prior to the issue of the relevant Construction Certificate, the Principal Certifier shall be satisfied that:</p> <ul style="list-style-type: none"> <li>• A minimum of fifteen (15) Adaptable units are provided (AS4299 for Adaptable Housing);</li> <li>• A minimum of Twelve (12) 'silver' liveable housing units as per the Livable Housing Guidelines are provided.</li> <li>• Access for people with disabilities to and from and between the public domain, residential units and all common open space areas is provided. Consideration must be given to the means of dignified and equitable access. Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the relevant Construction Certificate.</li> </ul> <p>All details shall be provided prior to the issue of the relevant Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act, and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.</p> <p>The conditions and recommendations in the Access Report (listed in Condition 1) prepared by <b>Accessible Building Solutions dated 03-09-2024</b> are included as conditions of this consent, are to be implemented for all stages of the development, and must be complied with. The report is to be amended prior to issue of any Construction Certificate to provide an assessment against amended plans.</p> <p>The updated access report is to address the accessible path of travel provided from the Basement (a Class 7a building classification) to the Ground Level/Verge and access to the residential units for persons for emergency situations or where the lift is out of order in relation to the building code (BCA) requirements.</p>

	<p><b>Reason:</b> To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards</p>
16	<p><b><i>Requirement to Notify about New Evidence</i></b></p> <p>Any new information which comes to light during remediation, excavation or construction works which has the potential to alter previous conclusions about site contamination, heritage significance, threatened species or other relevant matters must be immediately notified to Council and the Certifier. Remediation is at the full cost of the owner.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [11.19]</p>
17	<p><b><i>Water &amp; Sewer Inspections</i></b></p> <p>All plumbing and drainage works (water supply, sanitary plumbing and drainage, stormwater drainage and hot water) are to comply with Plumbing and Drainage Act 2011 and the Plumbing Code of Australia. Works must only be installed by a licensed person and must be inspected and given final clearance from Council before the issue of any Occupation Certificate.</p> <p>The following inspections are required to be carried out by Council in regard to the installation of plumbing and drainage works. Inspections may be arranged by contacting Council:</p> <ul style="list-style-type: none"> <li>(a) Sanitary drainage under hydrostatic test and before backfilling trenches or covering;</li> <li>(b) Hot and cold water plumbing under pressure test before covering;</li> <li>(c) Internal stackwork under hydrostatic test before covering; and</li> <li>(d) The installation of the septic tank and any sullage trenches before backfilling or covering.</li> <li>(e) Issue of final satisfactory inspection.</li> </ul> <p><b>Reason:</b> To ensure that the development complies with the Water Authority's standards. [2.16]</p>
18	<p><b><i>Retaining Walls</i></b></p> <p>If the approved plans do not include retaining walls, further consent is required to be obtained from Council for any retaining walls within 1 metre of a lot boundary or more than 600mm in height, or in the vicinity of a sewer main. Further consent is obtained by submitting a development application or a s4.55 modification of consent to Council for approval.</p> <p><b>Note:</b> <i>There are other development standards other than those specified above which apply to retaining walls which require prior approval and certification. Please refer to Subdivision 15 of Part 2 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for requirements at <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2008-0572#pt.2-div.1-">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2008-0572#pt.2-div.1-</a></i></p>



	<p><u><a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2008-0572%23pt.2-div.1-sdiv.15">sdiv.15 &lt;https://legislation.nsw.gov.au/view/html/inforce/current/epi-2008-0572%23pt.2-div.1-sdiv.15&gt;</a></u>.</p> <p><b>Reason:</b> To ensure the development does not conflict with the public interest. [23.08]</p>
19	<p><b><i>Demolition Standards</i></b></p> <p>Building demolition works are to be carried out in accordance with AS 2601 (2001) - <i>The Demolition of Structures</i>.</p> <p><b>Note:</b> <i>Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.</i></p> <p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [21.01]</p>
20	<p><b><i>Demolition Works</i></b></p> <p>All demolition works must be carried out totally within the allotment boundaries and must not extend onto footpath area, public roadway or adjoining properties.</p> <p><b>Reason:</b> To ensure the development does not conflict with the public interest. [21.02]</p>
21	<p><b><i>Storage of Materials</i></b></p> <p>Storage of materials is not permitted on the public footpath area or roadway unless an approved hoarding is provided.</p> <p><b>Reason:</b> To ensure the development does not conflict with the public interest. [21.03]</p>
22	<p><b><i>Demolition - Damage to adjacent Properties</i></b></p> <p>Demolition works are to be carried out so as not to cause damage to adjacent and adjoining properties. All damage arising from the removal of the building is to be made good and any necessary repairs and renovations are carried out within six (6) months. The existing site to be left in a clear, clean condition with all existing plumbing and drainage lines terminated to the satisfaction of Council's Plumbing and Drainage Inspector.</p> <p><b>Reason:</b> To protect the amenity of the local area. [21.04]</p>
23	<p><b><i>Demolition - Damage to Footpath etc</i></b></p> <p>In the event of any damage being caused to the existing kerb, guttering, footpath, water mains, sewer mains or public roadway during demolition works, the applicant shall reimburse the Council for the full costs of repairing and making good. Any temporary cross-over material must not remain in the street gutter.</p> <p><b>Reason:</b> To ensure the development does not conflict with the public interest. [21.07]</p>
24	<p><b><i>Disconnection of services before demolition work</i></b></p> <p>Before demolition works commences, all services, such as water, telecommunications, gas, electricity and sewerage, must be disconnected in accordance with the relevant authority's requirements.</p>

	<p><b>Reason:</b> To protect life, infrastructure and services. [21.08]</p>
25	<p><b><i>Earthworks, retaining walls and structural support</i></b> Any earthworks (including any structural support or other related structure for the purposes of the development):</p> <ul style="list-style-type: none"> <li>(a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and</li> <li>(b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and</li> <li>(c) that if fill brought to the site - must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, and</li> <li>(d) that if excavated soil is to be removed from the site - it must be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation 2005.</li> </ul> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [11.16]</p>
26	<p><b><i>Site Cut near Boundary</i></b> Site cut shall not be deeper than a 45° “zone of influence” line for standard footings of potential building locations 0.9 metres from the common boundary on the adjoining lot.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impacts of the development are minimised. [11.05]</p>
27	<p><b><i>Site Fill near Boundaries</i></b> Site fill shall not be placed within 1.0 metre of side boundaries except in those location on the land specifically nominated on the approved drawings. Site fill located in accordance with this Consent shall be stabilised, and where necessary retained, to prevent soil movement. Grading and subsurface drainage must not direct stormwater flows to other properties.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [11.06]</p>
28	<p><b><i>Access Construction</i></b> Where excavated and/or filled banks are required for the access construction they must be suitably retained or stabilised, entirely within the subject property boundaries, to prevent the movement of soil and in accordance with appropriate professional standards. The construction of the access is not to direct or concentrate stormwater flows to adjoining properties.</p> <p><b>Reason:</b> To protect the amenity of the local area. [14.39]</p>

29	<p><b><i>Movement of Trucks Transporting Waste Material</i></b></p> <p>The Applicant shall notify the Roads and Maritime Service of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [14.35]</p>
30	<p><b><i>Sewerage Manhole</i></b></p> <p>Any alterations to the ground surface adjacent to the sewerage manhole in the vicinity or within the property will require application and payment to Council for alterations to the manhole level to match the new ground surface level. Manholes within driveways will require provision of a trafficable lid at the applicants cost.</p> <p><b>Reason:</b> To ensure that the development complies with the standards and policy of the Water &amp; Sewer Authority.</p>
31	<p><b><i>Sewer Main Protection – Code of Practice</i></b></p> <p>Any installation of structures or planting of vegetation within the ‘zone of influence’ of Council’s sewer must be in accord with the ‘Build in the Vicinity of Sewer Mains Code of Practice’. Schedule A of the Code provides a general list of plant species not suitable and these are not to be planted. The document is available on Council’s website at <a href="http://www.esc.nsw.gov.au">www.esc.nsw.gov.au</a>.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Water Authority.</p>
32	<p><b><i>Noise Control - Plant &amp; Machinery</i></b></p> <p>The <math>L_{Aeq}</math> noise level emitted from the residential flat building/s plant and machinery (pool equipment, air conditioning units, and the like) and any other mechanical devices associated with the function of the buildings shall:</p> <p>(a) not exceed 5dB(A) above the background noise level (<math>L_{A90}</math>), between 7am and 10pm on any day, when measured at the boundary of the premises and in the absence of the noise source under consideration.</p> <p>(b) not exceed the background noise level (<math>L_{A90}</math>), between 10pm and 7am on any day, when measured at the boundary of the premises and in the absence of the noise source under consideration.</p> <p>Measurements are to be carried out in accordance with the NSW Industrial Noise Policy and corrections are to be made to the above criteria for intermittent, tonal, impulsive and low frequency noise.</p> <p>The <math>L_{Amax}</math> emitted by the premises shall not exceed &lt;insert details&gt; dB(A) at any time.</p> <p><b>Reason:</b> To protect the amenity of the local area. [20.06]</p>
33	<p><b><i>Communal open space for 2 or more dwellings</i></b></p> <p>Communal open space is to be provided in accordance with the approved plans in condition 1. The purpose of this space is to supplement the limited balcony private open space areas with year round space for the private recreational use of all occupants.</p>

	<p><b>Reason:</b> To protect the amenity of the local area. [24.05]</p>
34	<p><b><i>Tree Removal/Replacement/Protection</i></b></p> <p>Completion of landscaping in accordance with the approved Landscape Plan prior to commencement of the use of the site and such landscaping is to be continuously maintained in accordance with the approved Plan. Maintenance is the landowner's responsibility. All trees not specifically approved for removal are to be suitably protected by way of tree guards, barriers or other measures as to protect root system, trunk and branches during construction.</p> <p><b>Reason:</b> To protect the amenity of the local area. [16.11]</p>
35	<p><b><i>Protection of Street Trees</i></b></p> <p>All street trees in the vicinity of the site (not approved for removal) shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced to the satisfaction of Council.</p> <p><b>Reason:</b> To ensure the development does not conflict with the public interest. [16.10]</p>
36	<p><b><i>Mechanical Ventilation</i></b></p> <p>To ensure adequate levels of health and amenity to the occupants of the building and environmental protection, all mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 "<i>Microbial Control of Air Handling and Water Systems of Building</i>". Details shall be submitted in accordance with the approved development application or as subsequently approved by the <b>Certifier</b>.</p> <p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [0219]</p>
37	<p><b><i>Swimming Pools &amp; Outdoor Spas</i></b></p> <p>(a) Installation The installation of the pool and all associated safety equipment including fencing and latches shall comply with the provisions of the Swimming Pools Act and AS1926. A resuscitation chart and warning sign containing information as prescribed by the Swimming Pools Regulation 2018 must be erected within the pool enclosure and shall be maintained in a clearly legible condition.</p> <p>(b) Registration The land owner is required to register the swimming pool/spa pursuant to Clause 30B of the Swimming Pools Act 1992. Swimming pools can be registered at the NSW Government's Swimming Pool Register at <a href="http://www.swimmingpoolregister.nsw.gov.au">www.swimmingpoolregister.nsw.gov.au</a> Note: Pool owners can be fined \$220.00 if their pool is not registered on the NSW Swimming Pool Register. In the event that an inspector refers the matter to court, a fine of up to a maximum of \$2,200 may be imposed.</p> <p>(c) Temporary Fencing In the event that the pool/spa is installed, prior to completion of other building work referred to in the development consent, temporary pool safety fencing complying with AS1926, shall be provided and maintained in position, pending completion of the other building work, if located on bushfire prone land and located within 10m of the dwelling be constructed of non-combustible materials.</p>

	<p>(d) Pump Operation The pump must be housed in an enclosure that is designed to minimise any noise intrusion on the surrounding developments. The enclosure must be designed to ensure that the noise levels emitted during off peak times* by the pump and filtration systems are not clearly audible in any habitable rooms of adjoining residences. Note: It is recommended that the pump and filtration systems only be used during daylight hours to reduce any noise impact. [*refer to SEPP (Exempt &amp; Complying Development Codes) definition].</p> <p>(e) Sewage Connection Discharge points and/or overflow pipes from pool and filtration unit to be connected to the sewer where this service is provided to the property.</p> <p><b>Reason:</b> To protect the amenity of the local area.</p>
38	<p><b><i>Colours and Materials</i></b> The building has been approved based on the colours and materials demonstrated on stamped approved plans as listed in condition 1 of this consent. Any proposed material change must be submitted to and approved by the Principal Certifier, prior to the change occurring. The colours and finishes must be in accordance with the Finishes and Materials Schedule approved in Condition 1.</p> <p>Final design details of the proposed external materials and finishes, including schedules and a sample board of materials and colours shall be submitted for approval by Principal Certifier prior to the issue of a Construction Certificate.</p> <p><b>Reason:</b> To ensure that the proposed development is constructed in accordance with the approved colours and finishes.</p>
39	<p><b><i>Fencing Urban</i></b> Fencing shall be no higher (as measured from existing lawful ground level) than 1.2 metres forward of the building line and 1.8 metres behind the building line. It shall:</p> <ul style="list-style-type: none"> <li>(a) not direct the flow of surface water onto an adjoining property;</li> <li>(b) if it is an entrance gate, not swing open onto an adjoining Council property, and</li> <li>(c) if it is located on bushfire prone land be constructed of non-combustible material or hardwood; and</li> <li>(d) not be an electrical fence or use barbed wire; and</li> <li>(e) if it is constructed of metal components - be of low reflective, factory pre-coloured material. No solid metal fencing is permitted with the front setback areas. Fencing in setback areas is to consist of visually permeable materials and treatments.</li> <li>(f) If it is masonry not be more than 1.2 metres high.</li> </ul> <p><b>Note:</b> This condition is based on the State Environmental Planning Policy - Exempt and Complying Development Codes 2008.</p> <p><b>Reason:</b> To protect the amenity of the local area. [23.04]</p>
	<b>PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE</b>

40	<p><b><i>Concurrence and Referral – Water NSW</i></b></p> <p>Prior to issue of any construction certificate the matters required to be satisfied prior to issue of any construction certificate identified in the <b>General Terms of Approval (GTAs) (AIDAS1149440) issued by Water NSW - Reference No. IDAS1157780 dated 26 July 2023</b> are to be completed to the satisfaction of the Principal Certifier including submission of supporting evidence that each condition has been complied with.</p> <p><b>Reason:</b> To comply with legislative requirements and to ensure environmental safety.</p>
41	<p><b><i>Recommendations of reports</i></b></p> <p>Prior to issue of any construction certificate, the management measures, mitigation measures and recommendations of reports (as approved as part of Condition 1) relevant to this stage of the development must be implemented in to the design and construction of the development with documentary evidence submitted to the satisfaction of the Principal Certifier prior to issue of any construction certificate, including but not limited to the following environmental matters:</p> <ul style="list-style-type: none"> <li>- Noise Impact Assessment</li> <li>- Acid sulfate soils</li> <li>- Accessibility</li> <li>- Arborist</li> <li>- Geotechnical</li> <li>- Hydrogeological</li> <li>- Aboriginal Heritage</li> <li>- Site contamination</li> <li>- Traffic and parking</li> <li>- Flood management</li> <li>- BCA/Fire Engineering</li> </ul> <p>The reports are to be updated to address construction certificate plans and documents, and include additional matters required by imposed conditions of consent.</p> <p><b>Reason:</b> To comply with State Environmental Planning Policy requirements and to ensure environmental safety.</p>
42	<p><b><i>Design amendments</i></b></p> <p>Before the issue of a construction certificate, the certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents:</p> <ul style="list-style-type: none"> <li>(a) an architectural set of plans and sufficient documentation that illustrates that no permanent structures or landscaping that has the potential to impact on water assets in the vicinity of the site are proposed within the identified easement for water supply (as amended - refer separate condition regarding locating the mains supply water main).</li> <li>(b) Demonstrate Crime Prevention Through Environmental Design (CPTED) principles have been incorporated in to the design of the development including but not limited to lighting, glazed lobby doors, signage including but not limited to the pedestrian access pathways connecting from the street to each lobby area.</li> </ul>

	<p>(c) Demonstrate flood management measures that are required to be incorporated in to the design of the development are incorporated, including but not limited to finishes and materials and flood hazard/flood warning devices/signage. Signage warning of flood hazard are to be located in clearly visible locations.</p> <p>(d) Clearly identified and delineate ground floor pedestrian and vehicle access routes including clear line marking and sign posting.</p> <p>(e) Mailbox locations required in accordance with Australia Post requirements for residential flat buildings. Sufficient documentation is to be provided to the satisfaction of the Principal Certifier in relation to mail box location/s for multi storey residential buildings. The location is to meet Australia Post requirements including relevant provisions under the <i>Australian Postal Corporation Act 1989</i> and relevant <i>Street Mail Service Conditions of Delivery</i> and Australia Post Terms and Conditions.</p> <p>(f) Any AC units and clotheslines on each apartment balcony of units to be screened from the street.</p> <p>(g) Residential lobbies for Buildings A, B and C are to be clearly identified by including but not limited to contrasting finishes/materials, signage, lighting including directional signage to provide clear direction for residents and visitors.</p> <p>(h) Confirmation of height of fencing/ privacy screen between unit balconies is required to be a minimum of 1500mm from balcony finished floor levels.</p> <p><b>Reason:</b> To a development consistent with applicable legislation and protect the amenity of residents and neighbours.</p>
43	<p><b><i>Payment of Building &amp; Construction Industry Levy</i></b></p> <p>Before the issue of the Construction Certificate the long service levy, as calculated at the date of this consent, must be paid to the Long Service Corporation 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. The levy rate is 0.25% of the cost of building and construction works of \$250,000 or more (incl GST).</p> <p><b>Reason:</b> To ensure the developer complies with NSW legislative requirements.</p>
44	<p><b><i>Easement for Water Supply</i></b></p> <p>The following is required prior to issue of any construction certificate:</p> <ol style="list-style-type: none"> <li>1. A Private works order is to be obtained from Council (Water &amp; Sewer) to locate the water main.</li> <li>2. Submission to Council of survey of the Existing Water Mains in the vicinity of the site (Bavarde Avenue). The exact location of the water main is to be determined. Water main and associated stormwater pits are to be included in the survey plan and the exact water main location and clearances reflected accordingly on plan sets.</li> </ol>

	<p><b>Reason:</b> To ensure that the development complies with the standards and policy of the Water &amp; Sewer Authority.</p>
45	<p><b><i>Easement for Water Supply – Structures</i></b></p> <p>No permanent retaining walls or structures are to be located within the ‘Easement for Water Supply’. Any structures located within the identified easement areas are to be lightweight and capable of removal. Any landscaping proposed within identified easement area is to be designed by a qualified landscape architect/suitably qualified Arborist or Horticulturalist with documentation provided to the satisfaction of the principal certifier that landscaping/trees propose sufficient clearance distances to avoid impacts on water and sewer infrastructure.</p> <p><b>Reason:</b> To ensure that the development complies with the standards and policy of the Water &amp; Sewer Authority.</p>
46	<p><b>Traffic Management and Control</b></p> <p>The Applicant is to prepare and submit a Construction Traffic Management Plan (CTMP) to Council for approval prior to issue of the Construction Certificate. The Construction Traffic Management Plan shall be prepared to TfNSW standards by an appropriately certified person.</p> <p><b>Reason:</b> To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process.</p>
47	<p><b><i>Construction Noise and Vibration - construction</i></b></p> <p>A Construction Noise and Vibration Management Plan is required to be prepared prior to the issue of a construction certificate to consider the reduction and likelihood of noise impacts due to construction activity.</p> <p>The report is to be prepared by a suitably qualified acoustic engineer and consider construction work methods for noise management including limiting the use of noise generating construction machinery and equipment such as a hydraulic hammers etc. which are typically identified as having the potential to cause exceedance of vibration criteria.</p> <p>Alternative work methods and vibration monitoring are to be recommended to manage the impacts from vibration intensive plant.</p> <p><b>Reason:</b> To ensure compliance with the legislation.</p>
48	<p><b><i>Acoustic Assessment (noise attenuation measures) – Building</i></b></p> <p>Prior to issue of a Construction Certificate for the development, an assessment shall be undertaken, and submitted to the satisfaction of the Principal Certifier, by an acoustic consultant that demonstrates that acoustic treatment, including materials (eg wall &amp; ceiling cladding, insulation, glazing) to be used in the construction are able to effectively ameliorate noise generated or associated with the operation of the development.</p>



	<p>Noise attenuation measures shall be incorporated into the development to comply with at a minimum the design requirements of the <b>acoustic report approved under condition 1</b> of this consent (including Noise attenuation measures as outlined in section 5 Road Traffic Noise Intrusion of this report).</p> <p>Additional assessment is to be undertaken in relation to the operation of the roof top communal open spaces/swimming pool area and potential acoustic impacts on residential properties and the hospital site in the vicinity of the subject site. The conclusion, findings, and recommendations are to be incorporated in to the design and operation of the development in all phases of the development. A plan of management is to be submitted for approval by Council for the operation of the pool/roof top area which includes (but is not restricted to):</p> <ul style="list-style-type: none"> <li>- measures to mitigate noise</li> <li>- hours of operation</li> <li>- the management of any other ongoing operational matters (control of by access codes etc).</li> </ul> <p>Information provided as required by the report is to include information demonstrating that adequate and appropriate ventilation is provided in the event that windows and doors are closed.</p> <p>The requirements of the report (as amended) are to be incorporated in to the design of the development and illustrated on the construction development plans.</p> <p><b>Reason:</b> To reduce noise levels and provide for amenity of residents.</p>
49	<p><b><i>Requirements of Public Authorities for Connection to Services</i></b></p> <p>The applicant shall comply with the requirements of any public authorities (eg Essential Energy, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the applicant. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the Principal Certifier prior to the issue of the Construction Certificate.</p> <p><b>Reason:</b> To ensure the development is adequately serviced by appropriate infrastructure. [0240]</p>
50	<p><b><i>Building near Sewer</i></b></p> <p>Before the release of Construction Certificate, submission to, and approval by Council of designs prepared by a suitably qualified engineer for special footing adjacent to Council's sewer main. The design is to be consistent with Council's Policy "Build in the Vicinity of Sewer Mains". Construction is to conform to the approved design and in accordance with Council Policy. Attached to the approval is a sewer diagram and the relevant manhole levels for the required engineer's footing design, adjacent to Council's sewer line.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Water &amp; Sewer Authority.</p>

51	<p><b><i>Retaining Wall near Sewer</i></b></p> <p>Before the issue of Construction Certificate, submission to, and approval by Council of designs prepared by a suitably qualified engineer for special footings for the retaining wall adjacent to Council's sewer main. The design is to be consistent with Council's policy "Build in the Vicinity of Sewer Mains". Construction is to conform to the approved design and in accordance with Council policy. Attached to the approval is a sewer diagram and the relevant manhole levels for the required engineer's footing design, adjacent to Council's sewer line.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Water Authority.</p>
52	<p><b><i>Sewer Inspections &amp; Certificates</i></b></p> <p>The existing sewer main is to be closed circuit televised (CCTV) <b>before the issue of the Construction Certificate</b> and again before the issue of the Occupation Certificate or occupation of the development, whichever occurs first. The results are to be forwarded to Council for evaluation and are to include the time, date and meterage from the access manhole. All costs are to be paid for by the developer/consent holder at \$609.20 per (CCTV) inspection inclusive of GST, where Council is to be contracted to do the CCTV inspection. Council must be contacted five (5) working days before the requiring the inspections by contacting Council's Water and Sewer Department on 02 4474 1000.</p> <p><b>Advice:</b> If a private contractor is to be used then you must supply Council with:</p> <ul style="list-style-type: none"> <li>(a) A copy of their \$20 million dollar public liability insurance;</li> <li>(b) A copy of their current Confined Spaces Certificate;</li> <li>(c) A copy of a Private Works Order from Council's works depot for attendance of a Council employee during work within the sewer mains.</li> </ul> <p><b>Reason:</b> To ensure that the development complies with the standards of the Water Authority.</p>
53	<p><b><i>Erosion and Sedimentation Control</i></b></p> <p>Before any site work commences, THE PRINCIPAL CERTIFIER, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time).</p> <p><b>Reason:</b> To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
54	<p><b><i>Batter Slopes and Earthworks</i></b></p> <p>An engineer's report on the stability of the batter slopes or earthworks/benching is to be submitted to the Registered Certifier prior to the issue of the Construction Certificate.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised.</p>

55	<p><b><i>Ocean/Flood</i></b></p> <p>Before the issue of a Construction Certificate, submission to the Principal Certifier of certified engineering plans by a suitably qualified and experienced Structural/Civil Engineer endorsing that the development will be capable of withstanding the impact of the flood/ocean hazard applicable to the location. The applicable flood planning level for the development is:</p> <ul style="list-style-type: none"> <li>• Building A: Ground Level 3.43m AHD</li> <li>• Building B: Ground Level 3.43m AHD</li> <li>• Building C: Ground Level 3.60m AHD</li> <li>• Building A Units A-G03 and A-G04 Balconies: Protected by a wall with a minimum Top of Wall of 3.70m AHD</li> <li>• Basement Driveway Crest Level and all basement entries 3.43m AHD</li> </ul> <p><b>Reason:</b> To ensure the development is consistent with the legislative and policy framework for flood liable land.</p>
56	<p><b><i>Flood</i></b></p> <p>Before the release of a Construction Certificate plans are to be submitted to the satisfaction of the Principal Certifier showing all building materials used below the nominated flood planning level, including the floor, to be of flood compatible materials, ie. the structural integrity of the materials must not be adversely affected by repeated immersion in flood water. Details of these materials are to be consistent with Council's "Guidelines for Flood-Compatible Materials".</p> <p><b>Reason:</b> To ensure the development is consistent with the legislative and policy framework for flood liable land.</p>
57	<p><b><i>Flood Action Plan</i></b></p> <p>Prior to the issue of a Construction Certificate, a site-specific Flood Action Plan, prepared by a suitably qualified engineer is to be submitted to and approved by Council. Evidence of implementation of the Flood Action Plan is necessary prior to the occupation of commencement of operations. The Flood Action Plan is to include an Emergency Plan available from the <u>NSW State Emergency Service (SES) Website</u> <a href="http://www.sesemergencyplan.com.au/">&lt;http://www.sesemergencyplan.com.au/&gt;</a>. The site-specific Flood Action Plan is to include but not be limited to:</p> <ol style="list-style-type: none"> <li>a) Property Address</li> <li>b) Local Emergency Contact Numbers</li> <li>c) Local Radio Stations for Emergency Warnings</li> <li>d) Bureau of Meteorology Website for Emergency Warnings</li> <li>e) Flood Warnings and Approximate Site Levels for occupants to determine flood severity.</li> <li>f) Evacuation Procedures</li> </ol>

	<p>g) Evacuation Map</p> <p>h) Location of SES Emergency Plan</p> <p>i) Location and Contents of Emergency Kit as per SES Emergency Plan.</p> <p><b>Reason:</b> To ensure the development does not conflict with the public interest. [7.15]</p>
58	<p><b><i>Infrastructure/road work bond</i></b></p> <p>Prior to issue of any Construction Certificate the applicant shall pay Council a roadworks maintenance bond at the rate determined by Council current at the time of payment (currently 5% of Construction Cost or minimum \$50,000.00)</p> <p>The bond shall be used by Council to repair any damage caused to Council infrastructure or roads by construction activities or shall be refunded upon completion of construction, subject to a satisfactory inspection by Council.</p> <p>If a principal certifier is required to be appointed for the development – provide the principal certifier with written evidence of the payment and the amount paid.</p> <p><b>Reason:</b> To ensure any damage to public infrastructure is rectified and public works can be completed</p>
59	<p><b><i>Access</i></b></p> <p>Prior to the release of the Construction Certificate, submission to the Principal Certifier of a plan showing details of the access driveway construction addressing the following:</p> <ul style="list-style-type: none"> <li>(a) The location of the driveway within the site and extending to the existing road;</li> <li>(b) A long section showing existing and final levels along the centre line of the driveway from the road centre line to the back of the vehicle standing area, with final levels providing grades conforming AS/NZS 2890.1:2004;</li> <li>(c) Certification by the designer for compliance with AS/NZS 2890.1:2004;</li> <li>(d) Basement Driveway Crest Level of 3.43m AHD</li> <li>(e) Minimum headroom of 2.20m to any overhead obstruction along the path of travel.</li> <li>(f) Method of containing all fill and excavation associated with the driveway within the lot;</li> <li>(g) The extent of earthworks within the footpath area adjacent to the driveway to provide a maximum slope of 1 in 8 (12.5%);</li> <li>(h) The location of all services in plan and elevation and any alterations required to conform to the standards of the service provider;</li> <li>(i) The method of controlling water flows to address safety, short and long term erosion to industry standards;</li> <li>(j) Pavement designs;</li> </ul> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [14.04]</p>
60	<p><b><i>Footpath Construction</i></b></p>

	<p>Prior to the issue of the Construction Certificate submission to and approval by Council of a detailed plan for footpath construction for the full frontage of the property.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority.</p>
61	<p><b><i>Sealed Traffic Areas</i></b></p> <p>Prior to the issue of a Construction Certificate submission to and approval by the Principal Certifier of satisfactory plans for sealed car parking spaces, manoeuvring areas and access driveways all conforming to AS/NZS 2890.1:2004 &amp; AS 2890.2:2018. Drainage and pavement designs are to be prepared by a qualified engineer and are to address expected vehicle loadings and any fill compaction requirements. Disabled parking is to be designed in accordance with AS2890.6:2009.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority.</p>
62	<p><b>Structures in Vicinity of Water and Sewer Mains</b></p> <p>Prior to the issue of any construction certificate, submission to and approval by Council, plans demonstrating sufficient clearance between Council Water and Sewer Mains, to the proposed retaining walls, stairs and ramps within the Heradale Parade and Bavarde Avenue frontage. The plans are to demonstrate that no structures encroach within Council's Easement for Water Supply. The plans are to demonstrate a minimum clearance of 1.0m to Council's Sewer Main in accordance with Council's Build in the Vicinity of Sewer Mains Code of Practice. The provision of structures within closer proximity to the sewer main shall only be considered where demonstrated by plans prepared by a suitably qualified engineer that the structure can be considered a lightweight or semi-permanent structure in Council's Build in the Vicinity of Sewer Mains code of practice. In accordance with the code, if any structure is required to be moved for the purpose of maintenance of Council sewer main, all costs associated with the removal and subsequent reassembly will be at the full cost to the owner.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised.</p>
63	<p><b>Plans for Overland Flow</b></p> <p>Prior to issue of a Construction Certificate submission to the Principal Certifier of Plans prepared by a suitably qualified engineer for the conveyance of overland stormwater flows through the subject site for the 63.2% AEP, 20% AEP and 1% AEP Storm Event. The plans shall demonstrate:</p> <ul style="list-style-type: none"> <li>• Conveyance of stormwater flows from the western escarpment through the development site to Heradale Parade.</li> <li>• Surface flows from the development site are not directed towards neighbouring properties.</li> <li>• 2100 Climate Change Factor</li> <li>• Conveyance of the 20% AEP Stormwater Flows via a piped network, beneath the Heradale Parade Verge. Overland flows are not permitted to continue through the verge, and across the footpath.</li> </ul>

	<ul style="list-style-type: none"> <li>• Conveyance of the 20% AEP Stormwater Flows via an open channel through the subject site, with flows not exceeding 0.5m depth and 3m/s velocity, and a D.V value of <math>0.4\text{m}^2\text{s}^{-1}</math>.</li> <li>• Conveyance of the 1% AEP Stormwater Flows via an open channel through the subject site, with flows not exceeding 0.5m depth and 3m/s velocity, and a D.V value of <math>0.6\text{m}^2\text{s}^{-1}</math>.</li> <li>• Minimum 300mm freeboard between the top water level of the 1% AEP Stormwater Flow and any Habitable Floor Level and Top of Bank of the Open Channel.</li> <li>• Any necessary landscaping requirements to prevent scour and erosion.</li> </ul> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development is minimised.</p>
64	<p><b>Stormwater Management</b></p> <p>Prior to the issue of a Construction Certificate, submission to the Principal Certifier of Plans addressing stormwater management for the development. The plans are to be certified by a suitably qualified engineer for compliance with the following:</p> <ul style="list-style-type: none"> <li>• AS/NZS 3500.3:2021</li> <li>• 70% retention of typical urban annual load for gross pollutants</li> <li>• Sediment trap at the site extremity.</li> <li>• Drainage and Treatment of Pollutants of Car Wash Bays</li> <li>• Stormwater detention for all events up to the 1% AEP to limit post-development flow conditions to the 63.2% AEP predevelopment (greenfield) flow conditions.</li> <li>• Pumped System(s) for the discharge of stormwater from the basement area to the Above Ground Onsite Stormwater Detention Tank(s). Warning system for failure of Pumped Stormwater System.</li> </ul> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development is minimised.</p>
65	<p><b>Flood Free Pedestrian Access/Egress</b></p> <p>Prior to the issue of a Construction Certificate, submission to and approval by the Principal Certifier of plans prepared by a suitably qualified engineer for a pedestrian access pathway from the communal area of the development to the elevated Bavarde Avenue frontage above the Flood Planning Level (3.43m AHD). The pathway shall be designed to comply with AS 1428.1:2021 and be above the Flood Planning Level for its entire length. The design shall demonstrate that stormwater flows are not directed towards neighbouring properties, and existing services are not impacted. Construction of the Pedestrian Pathway is to be carried out before the issue of an Occupation Certificate.</p> <p><b>Reason:</b> To provide flood free pedestrian access and egress to the development.</p>
66	<p><b>Excavation adjacent to Water and Sewer Mains</b></p> <p>Prior to the issue of a Construction Certificate, submission to and approval by Council of plans prepared by a suitably qualified engineer for excavation adjacent to Council's Water and Sewer Mains. The plans shall demonstrate:</p> <ul style="list-style-type: none"> <li>• Geotechnical assessment that the excavation will not jeopardise the stability of the water main or sewer main, in accordance with Council's Build in the Vicinity of Sewer Mains Code of Practice.</li> </ul>

	<p>Structural Engineering Design for temporary retaining methods to facilitate excavation beyond the temporary maximum zone of stability, where necessary.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Water &amp; Sewer Authority.</p>
67	<p><b>Plan of Proposed Services</b></p> <p>Prior to the issue of a Construction Certificate, submission to and approval by Council, of plans prepared by a suitably qualified consultant for the provision of service upgrades to serve the development. The plan shall detail the location of any proposed infrastructure upgrades to service the development, including but not limited to hydrant boosters, electricity substations, letter boxes etc. The plan shall demonstrate that all proposed infrastructure services are located beyond any existing/proposed easements and stormwater overland flow paths, and a minimum 1.0m from Council's Sewer Main(s).</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Water &amp; Sewer Authority and Roads Authority.</p>
68	<p><b>Construction below Ground Water Table</b></p> <p>Prior to the issue of a Construction Certificate, submission to the Principal Certifier of plans prepared by a suitably qualified engineer for the design of all structural components below the Groundwater Level of 1.52m AHD as nominated by CEC Geotechnical Report GR23206 7/11/2024.</p> <p>The design must specifically address the prevention of groundwater ingress into the basement carpark and associated areas, to prevent dewatering once construction is completed per WaterNSW Requirements. The design shall nominate construction techniques ensuring the durability and effectiveness of the engineering design.</p> <p>A compliance certificate shall be provided by a suitably qualified engineer that the works have been completed in accordance with the approved design and are effective in preventing groundwater ingress prior to the issue of an Occupation Certificate.</p> <p>Note: the proposal requires compliance and consistency with Water NSW General Terms of Approval.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised.</p>
69	<p><b>Construction Dewatering</b></p> <p>Prior to the issue of a Construction Certificate, an Environmental Management Plan (EMP) for construction dewatering must be submitted to the Principal Certifier for approval. The EMP must outline dewatering methods, mitigation measures, monitoring protocols, and contingency plans to address potential environmental impacts.</p> <p>Dewatering activities must not commence until written approval of the EMP is obtained, and the approved plan must be fully implemented during construction. Any deviations require prior approval.</p>

	<p>Note: the proposal requires compliance and consistency with Water NSW General Terms of Approval.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised.</p>
70	<p><b>Allocation of Car Parking Spaces</b></p> <p>A detailed car parking allocation plan must be submitted to and approved by the Principal Certifier prior to the issue of a Construction Certificate. This plan must clearly nominate the specific car parking spaces to be assigned to each unit within the development, identify the spaces allocated to adaptable units, and identify the car parking spaces allocated for visitor use. The approved allocation must be reflected in the final construction drawings, with the spaces marked with their assigned units before the issue of an Occupation Certificate.</p> <p><b>Reason:</b> To ensure the equitable and transparent allocation of car parking spaces, including provisions for visitor parking, and compliance with planning and parking standards.</p>
71	<p><b><i>Waste collection – private contractor</i></b></p> <p>Prior to the issue of a construction certificate documentation shall be submitted to the satisfaction of the Principal Certifying Authority that provides details of the private contractor that will be engaged to collect commercial waste from the site.</p> <p>This report is to stipulate that any waste collection is to be undertaken within the development. No kerb side collection of garbage bins is approved for commercial waste collection. A copy of this report and accompanying plans is required to be provided to Council. This report shall identify the frequency of collection and provide details of how waste products including paper, aluminium cans, bottles etc, will be re-cycled. Waste collection from the site shall occur in accordance with the details contained within this report.</p> <p>The development shall not be serviced by any waste collection vehicles exceeding 8.8m in length. The developer must ensure that all waste management plans, service contracts, and associated arrangements for the development are designed to comply with this requirement.</p> <p><b>Reason:</b> To ensure the development is adequately serviced by appropriate infrastructure.</p>
72	<p><b><i>Acid Sulfate Soil</i></b></p> <p>The development site is within an area classified as Class 3 on maps marked “Acid Sulfate Soil Planning Map” deposited in the office of Eurobodalla Shire Council. As excavation is proposed below the identified Class 3 works natural ground level, soil samples are to be assessed for content of acid sulfate material by a suitably qualified person and a copy of the results lodged with Council <b>prior to the release of a Construction Certificate.</b></p> <p>If acid sulfate materials are identified no excavation shall take place until the applicant has lodged an Acid Sulfate Soils Management Plan prepared by a suitably qualified</p>



	<p>person in accordance with the NSW Acid Sulfate Soils Manual produced by DIPNR. The plan is to be submitted for approval by Principal Certifier, and undertake such measures as are required by Principal Certifier.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [10.05]</p>
73	<p><b><i>Number of Car Spaces</i></b></p> <p>Prior to the issue of a Construction Certificate submission to and approval by Principal Certifier of plans showing a minimum of 88 car spaces plus 3 x wash bays (91 spaces) provided for the development, comprising:</p> <ul style="list-style-type: none"> <li>- 88 car spaces (including 16 accessible spaces) plus 3 x washbays consisting of: <ul style="list-style-type: none"> <li>o 77 spaces for residential units (including 15 accessible spaces)</li> <li>o 11 visitor car parking spaces (including 1 x accessible space)</li> </ul> </li> <li>- Total: 88 car spaces plus 3 x wash bays (91 spaces in total)</li> </ul> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [15.03]</p>
74	<p><b><i>Number of Bicycle Spaces</i></b></p> <p>A minimum of thirty (30) bicycle spaces are to be provided for the development. Details of the bicycle storage arrangements shall be submitted in accordance with the approved development application or as subsequently approved by Principal Certifier, prior to the issue of the Construction Certificate.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [15.04]</p>
75	<p><b><i>Adaptable Units</i></b></p> <p>Before the issue of a construction certificate, a report prepared by a suitably qualified consultant must be obtained that demonstrates, to the certifier's satisfaction, that any adaptable dwellings specified in the approved plans or documents comply with the provisions of AS 4299 Adaptable Housing Standards.</p> <p>Car parking for each unit is to be provided to meet <i>Australian Standards 2890.6:2009 – Off-Street Parking for People with Disabilities (AS2890.6)</i>.</p> <p><b>Reason:</b> To ensure adaptable units are designed in accordance with the Australian Standard. [23.27]</p>
76	<p><b><i>Adaptable Units - Car parking details</i></b></p> <p>Before the issue of the relevant construction certificate, written evidence prepared by a suitably qualified engineer must be obtained that demonstrates, to the certifier's satisfaction, the plans for parking facilities comply with the relevant parts of AS 2890.1 Parking Facilities – Off-Street Carparking (in force as at the date of determination of this consent).</p> <p>The 25% adaptable units (minimum 15 units) are to be allocated a minimum of 15 accessible car spaces with 1 x accessible car spaces allocated to visitors (total 16 x accessible car spaces required).</p>

	<p><b>Reason:</b> To ensure adaptable car parking for units is provided in accordance with legislative requirements and are designed in accordance with the Australian Standard.</p>
77	<p><b><i>Landscape Plan (Professional)</i></b></p> <p>Prior to the issue of a Construction Certificate a detailed Landscape Plan (consistent with the Landscape Masterplan approved as part of Condition 1) for the development shall be prepared by a qualified landscape architect or landscape designer, shall be submitted to and approved to the satisfaction of the Principal Certifier.</p> <p><b>Reason:</b> To protect the amenity of the local area. [16.02]</p>
78	<p><b>On Slab Landscape Planters</b></p> <p>Prior to the issue of a construction certificate, the following shall occur:</p> <ol style="list-style-type: none"> <li>a) details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided. Landscape treatment details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, and services connections. The following soil depths are required to support landscaping: 300-450mm for groundcovers; 500-600mm for shrubs; and 800- 1200mm for trees.</li> <li>b) b) design certification shall be submitted to the Certifier by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).</li> </ol> <p><b>Reason:</b> To ensure appropriate soil depth for planting and ensure waterproofing and drainage is installed.</p>
79	<p><b><i>Construction Site Management Plan</i></b></p> <p>Before the issue of a Construction Certificate , a construction site management plan must be provided to the satisfaction of the Certifier. The plan must include the following matters:</p> <ol style="list-style-type: none"> <li>a) The location and materials for protective fencing and hoardings on the perimeter of the site;</li> <li>b) Location of dedicated washdown areas (located away from drainage lines, stormwater drains and water bodies).</li> <li>c) Provisions for public safety;</li> <li>d) Pedestrian and vehicular site access points and construction activity zones;</li> <li>e) Details of construction traffic management including: <ol style="list-style-type: none"> <li>i) Proposed truck movements to and from the site;</li> <li>ii) Estimated frequency of truck movements; and</li> <li>iii) Measures to ensure pedestrian safety near the site;</li> </ol> </li> <li>f) Details of bulk earthworks to be carried out;</li> <li>g) The location of site storage areas and sheds;</li> <li>h) The equipment used to carry out works;</li> <li>i) The location of a garbage container with a tight-fitting lid;</li> <li>j) Dust, noise and vibration control measures;</li> <li>k) Details of chemical storage and management;</li> <li>l) The location of temporary toilets;</li> </ol>

	<p>m) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:</p> <ul style="list-style-type: none"> <li>i) AS 4970 – Protection of trees on development sites;</li> <li>ii) An applicable Development Control Plan;</li> <li>iii) An arborist’s report approved as part of this consent</li> </ul> <p>A copy of the construction site management plan must be kept on-site at all times while work is being carried out.</p> <p><b>Reason:</b> To require details of measures that will protect the public, and the surrounding environment, during site works and construction. (NSW Std. Condition)</p>
80	<p><b>Noise Management Plan</b></p> <p>Separate Noise Management Plans for construction and operational stages of the proposal must be submitted to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate. In particular, the Noise Management Plans should contain details in regard to the following matters:</p> <ul style="list-style-type: none"> <li>(a) Details of noise level predictions and control measures to be undertaken during the construction and operational stages to ensure compliance with relevant noise emission standards, guidelines and criteria;</li> <li>(b) Details of the compliance monitoring program to be implemented to demonstrate compliance with the noise predictions contained in (a) above including the process for resolving complaints regarding offensive noise complaints.</li> </ul> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [20.03]</p>
81	<p><b>Waste Management Plan requirements</b></p> <p>Before the issue of a construction certificate, a waste management plan for the development must be prepared and provided to the principal certifier.</p> <p>The plan must be prepared</p> <ul style="list-style-type: none"> <li>a) in accordance with <ul style="list-style-type: none"> <li>i) the Environment Protection Authority’s Waste Classification Guidelines as in force from time to time, and</li> <li>ii) a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out, and</li> </ul> </li> <li>b) include the following information— <ul style="list-style-type: none"> <li>i) the name and contact details of who is responsible for the plan and management of the waste onsite,</li> <li>ii) the name and contact details of the person(s) removing waste,</li> <li>iii) a description of each different waste type and an estimate of the and quantity of each waste type expected to be produced,</li> </ul> </li> </ul>

iv) how each waste type will be managed onsite and offsite, including whether the waste is expected to be reused, recycled or sent to landfill,

v) where any onsite management of waste will occur, such as for consolidation and collection,

vi) how each waste type will be characterised and classified for waste management and transport,

vii) where each waste type is intended to be transported for disposal or other fate,

viii) how the quantity of each waste type will be measured and recorded,

ix) how each waste movement will be tracked,

x) contingencies including to managing unexpected finds, such as asbestos.

A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.

**Reason:** To ensure waste management practices are undertaken, resource recovery is promoted and local amenity protected during construction site works. (NSW Std. Condition)

82

***Payment of Section 7.11 Contributions - Development***

Before the issue of a construction certificate, the applicant must pay the following contributions to Council for:

Facility NORTHERN DISTRICT	Per lot or 3+ bed Dwg.	Per 2 bed Dwg.	Per 1 bed Dwg.	Calculations 2 x 1 bed units 12 x 2 bed units 42 x 3 bed/ 4 x 4 bed (46 units)	Total (no. of dwellings * rate)
Open Space and Recreation	\$533.80	\$305.05	\$247.85	(2*247.85)+(12*305.05)+ (46*533.80) \$495.7 + \$3,660.6 + \$24,554.8	\$28,711.1
Community and Cultural	\$154.75	\$88.40	\$71.85	(2*71.85)+(12*88.40)+(46*154.7 5) \$143.7+\$1,060.8+\$7,118.5	\$8,323
Arterial Roads	\$5,326.35	\$3,043.6 5	\$2,472.9 5	(2*2,472.95)+(12*3,043.65)+ (46*5,326.35) \$4,945.9+\$36,523.8+ \$245,012.1	\$286,481.8
Paths and Cycleways	\$710.60	\$406.05	\$329.90	(2*329.90)+(12*406.05)+ (46*710.60) \$659.8+\$4,872.6+ \$32,687.6	\$38,220
Stormwater	\$1,433.20	\$819.00	\$665.40	(2*665.40)+(12*819.00)+ (46*1,433.20) \$1,330.8+\$9,828+ \$65,927.2	\$77,086
Marine	\$215.45	\$123.10	\$100.05	(2*100.05)+(12*123.10)+ (46*215.45) \$200.1+\$1,477.2+ \$9,910.7	\$11,588
Plan Preparation and Admin	\$125.60	\$71.80	\$58.30	(2*58.30)+(12*71.80)+ (46*125.60) \$116.6+\$861.6 + \$5,777.6	\$ 6,755.8
<b>Total</b>	\$8,499.75	\$4,857.0 5	\$3,946.3 0	(2*3,946.30)+ (12*4,857.05)+ (46*8,499.75) \$7,892.6 + \$58,284.6 + \$390,988.5	<b>\$457,165.7</b>

	<p><b>Total payable: \$457,165.70</b></p> <p>The total contribution payable to Council as identified above is calculated at the date of this consent, in accordance with the Eurobodalla Local Infrastructure Contributions Plan 2022.</p> <p>The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the Eurobodalla Local Infrastructure Contributions Plan 2022.</p> <p>A copy of the Contributions Plan is available for inspection at the Eurobodalla Shire Office, Vulcan St, Moruya or can be viewed on Council's website.</p> <p><b>Reason:</b> To address the increased demand for regional infrastructure resulting from the approved development. [3.07]</p>
83	<p><b><i>Water/Sewer Developer Contributions - Development</i></b></p> <p>Before the issue of a Section 68 Approval/Construction Certificate, the developer/consent holder will have to be eligible to obtain a Section 307 Certificate of Compliance under the Water Management Act 2000/ compliance with Section 64 of the Local Government Act 1993. To be eligible, the developer/consent holder will have to contribute:</p> <ul style="list-style-type: none"> <li>a) <b>\$351,456</b> (44.8 ET) for the augmentation of water supply mains and storage within Eurobodalla Shire where ETs = <ul style="list-style-type: none"> <li>2x 1 bed = 0.4</li> <li>12 x 2 bed = 0.6</li> <li>46 x 3 bed = 0.8</li> </ul> </li> <li>a) <b>\$554,680</b> (56 ET) for the augmentation of sewerage works within Eurobodalla Shire where 1.0 ET where ETs = <ul style="list-style-type: none"> <li>2x 1 bed = 0.5</li> <li>12 x 2 bed = 0.75</li> <li>46 x 3 bed = 1.0</li> </ul> </li> </ul> <p>The contribution shall be paid to the Eurobodalla Shire Council. Evidence of the payment shall be submitted to Principal Certifier before the issue of the Construction Certificate.</p> <p><b>Note:</b> <i>The above contributions are reviewed at least annually and may be subject to increases as a result of indexation or other forces. Contributions can be paid before each stage of the development.</i></p> <p><b>Reason:</b> To ensure the development contributes to the increased demand of public amenities and infrastructure services. [3.11a]</p>
84	<p><b><i>Outdoor lighting</i></b></p> <p>Prior to the issue of the relevant Construction Certificate, the Certifier shall be satisfied that all outdoor lighting will comply with AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting and be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.</p>

	<p>Lighting at vehicle access points to the development must be provided in accordance with AS/NZS 1158 Set:2010 Lighting for roads and public spaces. Details demonstrating compliance with these requirements are to be submitted to the Certifier prior to the issue of a Construction Certificate.</p> <p><b>Reason:</b> To provide high quality external lighting for security without adverse impacts on public amenity from excessive illumination.</p>
85	<p><b>Section 68 Approval</b></p> <p>Prior to the Issue of a Construction Certificate, approval under Section 68 of the Local Government Act 1993 shall be issued by Council for the connection to Council's Sewerage, Stormwater and Water Supply Infrastructure.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Water &amp; Sewer Authority</p>
86	<p><b>Remediation &amp; Validation Report</b></p> <p>Following the completion of remediation works on the site a Remediation Validation Report is to be prepared by a suitably qualified Environmental Consultant. This report, together with a final site audit statement by an accredited environmental consultant, including Notice of Completion Statement, pursuant to the relevant provisions of State Environmental Planning Policy (Resilience and Hazards) 2021, is to be submitted to the satisfaction of the Principal Certifier prior to Issue of a construction certificate.</p> <p><b>Reason:</b> To ensure the development does not conflict with the public interest. [0245]</p>
	<p><b>PRIOR TO THE ISSUE OF A SECTION 68 APPROVAL UNDER THE LOCAL GOVERNMENT ACT 1993 (REQUIRED PRIOR TO CC)</b></p>
87	<p><b>Water Meter</b></p> <p>Submission to Council of certification and a layout plan for the service by a suitably qualified hydraulic engineer/consultant on the recommended water meter size required for the development in accordance with AS 3500.1:2003 National Plumbing and Drainage Code and AS2441-2005 Installation of Fire Hose reels.</p> <p><b>Note:</b> All fire hose reels must be supplied through the metered supply.</p> <p>Council will provide a quote to construct the water service complete with meter with prepayment required before works being scheduled. The meter is to be located so as to be accessible to Council's Water Meter Reader at all times. Any work required to Council's infrastructure to extend the main or allow installation of the meter other than a standard meter connection, is to be undertaken at full cost to the applicant.</p> <p><b>Note:</b> A backflow prevention device is to be installed and certified by a private plumber in accordance with Council's Backflow Prevention policy.</p>

	<p>A standard meter connection is where the water main is located on the same side of the street as the property, the meter is to be located approximately 2.4 metres from the water main to just inside the property boundary and laid in a non-hard surface area (grassed). Please contact Council's Water and Sewerage Project Engineer on 44741342 to arrange the quote and prepayment will be required to be receipted at Council Administration Centre at Vulcan Street Moruya, the Batemans Bay or Narooma depot.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Water Authority.</p>
88	<p><b><i>Plans for Stormwater Detention</i></b></p> <p>Prior to the Issue of a Section 68 Approval under the <i>Local Government Act 1993</i>, submission to Council of Plans prepared by a suitably qualified engineer for control of stormwater from the development to Council's Street Drainage Network. The plans shall be prepared and certified as being in accordance with AS/NZS 3500.3 and Section 10 of Council's Infrastructure Design Standard (IDS) and demonstrate:</p> <ul style="list-style-type: none"> <li>• DRAINS (.drn) Files for Predevelopment (Greenfield) and Post Development Conditions for the 63.2% AEP, 20% AEP and 1% AEP.</li> <li>• DRAINS modelling is to include flows associated with the downstream stormwater network on Heradale Parade and Bavarde Avenue.</li> <li>• Post Development Flows from the Development Site for all events up to the 1% AEP Storm Event are not to exceed the 63.2% AEP Predevelopment (Greenfield) Flows, due to the limited capacity of the downstream stormwater network.</li> <li>• Clearance to Existing and Proposed Services, including water, sewer, electricity, and telecommunications services.</li> <li>• Connection and Discharge to Council's Piped Stormwater Infrastructure.</li> </ul> <p>Note: Council will permit multiple stormwater connections from the development to the street drainage network to effectively distribute stormwater flows across the receiving piped network.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Water Authority.</p>
89	<p><b><i>Public Stormwater Construction</i></b></p> <p>Prior to the Issue of a Section 68 Approval under the Local Government Act 1993, submission to and approval by Council, plans prepared by a suitably qualified engineer for the extension/construction of street drainage infrastructure as necessary to service the development. The detailed design shall be in accordance with Council's Infrastructure Design Standards with the works carried out to the satisfaction of the Council before the issue of an Occupation Certificate.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Water Authority.</p>
90	<p><b><i>Alterations to Existing Stormwater Pit</i></b></p>

	<p>Prior to the Issue of a Section 68 Approval under the Local Government Act 1993, submission to and approval by Council, plans prepared by a suitably qualified engineer demonstrating that prior to the issue of an Occupation Certificate, the developer shall replace the existing stormwater pit inlet and lintel of the stormwater pit located within the proposed driveway. The inlet shall be replaced with a trafficable grated inlet to Class D Load Classification in accordance with AS 3996:2019. All works shall be completed to the satisfaction of Council.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Water Authority.</p>
	<b>PRIOR TO COMMENCEMENT OF WORKS</b>
91	<p><b><i>Concurrence and Referral – Water NSW</i></b></p> <p>Prior to commencement of works the matters required to be satisfied prior to commencement of works identified in the <b>General Terms of Approval (GTAs) (AIDAS1149440) issued by Water NSW - Reference No. IDAS1157780 dated 26 July 2023</b> are to be completed to the satisfaction of the Principal Certifier including submission of supporting evidence that each condition has been complied with.</p> <p><b>Reason:</b> To comply with legislative requirements and to ensure environmental safety.</p>
92	<p><b><i>Recommendations of reports</i></b></p> <p>Prior to construction works commencing, management measures, mitigation measures and recommendations of reports (as approved as part of Condition 1) relevant to this stage of the development must be implemented in to the design and construction of the development with documentary evidence submitted to the satisfaction of the Principal Certifier prior to works commencing, including but not limited to the following environmental matters:</p> <ul style="list-style-type: none"> <li>Noise Impact Assessment</li> <li>- Acid sulfate soils</li> <li>- Accessibility</li> <li>- Arborist</li> <li>- Geotechnical</li> <li>- Hydrogeological</li> <li>- Aboriginal Heritage</li> <li>- Site contamination</li> <li>- Traffic and parking</li> <li>- Flood management</li> <li>- BCA/Fire Engineering</li> </ul> <p><b>Reason:</b> To comply with State Environmental Planning Policy requirements and to ensure environmental safety.</p>
93	<p><b><i>Erosion and sediment control plan</i></b></p> <p>Before work commences, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the Certifier:</p> <p>a) Council's relevant development control plan;</p>



	<p>b) the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended), and</p> <p>c) the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended).</p> <p><b>Reason:</b> To ensure no substance other than rainwater enters the stormwater system and waterways.</p>
94	<p><b><i>Erosion and Sedimentation Control</i></b></p> <p>Before any site work commences, THE PRINCIPAL CERTIFIER must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time).</p> <p><b>Reason:</b> To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways. [11.13]</p>
95	<p><b><i>Dilapidation report</i></b></p> <p>Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the principal certifier.</p> <p>Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the principal certifier, that all reasonable steps were taken to obtain access to the adjoining properties</p> <p>No less than 14 days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time.</p> <p><b>Reason:</b> To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report. (NSW Std. Condition).</p>
96	<p><b><i>Tree protection measures</i></b></p> <p><i>Before any site work commences, the principal certifier must be satisfied the measures for tree protection detailed in the construction site management plan are in place.</i></p> <p><b>Reason:</b> To protect and retain trees (NSW Std. Condition).</p>
97	<p><b><i>Construction in a Road Reserve</i></b></p>

	<p>Prior to commencement of any works within the road reserve a separate approval is to be obtained from Council under section 138/139 of the Roads Act. The application would consider:</p> <ul style="list-style-type: none"> <li>• Public safety, WH&amp;S issues, risk assessment, public liability insurance, control of vehicle and pedestrian traffic, location of plant and equipment, inspections bonding and an application fee.</li> <li>• Where a traffic control plan is required, the plan is to be prepared by a suitably qualified consultant, certified by the Roads and Maritime Service (RMS), in work site traffic control plan preparation.</li> <li>• Where the Traffic control plan requires a reduced speed, or temporary traffic signals, a Speed Zone Authorization (SZA) is to be obtained from Council for the specific days of work</li> <li>• Where works are on a Roads and Maritime Services (RMS) road or would impact traffic on an RMS road, a Road Occupancy Licence (ROL). is to be obtained from the RMS Ms Peta Smith (02 42212509) or email. rol_southern@rta.nsw.gov.au</li> </ul> <p>Where works are undertaken by other than the applicant, the supervisor of the works is to be advised of this condition. Details for an application form and fees are available by contacting council Engineering Development Assessment Officer (44741254) &amp; form available from  <a href="http://www.esc.nsw.gov.au/media/395951/Section_138_Roads_Act.pdf">http://www.esc.nsw.gov.au/media/395951/Section_138_Roads_Act.pdf</a></p> <p>Carrying out works contrary to this condition will result in a penalty being issued under the roads act and works being suspended until such time as a Section 138 consent being issued.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [14.09]</p>
98	<p><b><i>Plans on Site (Plant Operator)</i></b></p> <p>Prior to commencement of any works the plant operator is to be provided with a copy of this consent (including the tree removal/Demolition Plan) and made fully aware of the provisions therein. The trees are to be clearly identified on site and correspond to the Tree numbers as referenced on the plan/s including clearly identifying trees to be removed/retained. The copy is to be held on site during clearing operations. All buffer areas and vegetation to be retained are to be clearly marked by the project Arborist prior to commencement of operations.</p> <p><b>Reason:</b> To ensure the development does not conflict with the public interest. [16.16]</p>
99	<p><b><i>Tree removal on Council Land</i></b></p> <p>(A) Prior to the release of the Construction Certificate, an assessment of any tree on Council controlled land near the site is to be undertaken by a suitably qualified arborist and submitted to Council with consideration to:</p> <p>(a) Safety in relation to the fall zone for trees approved for removal;</p>

	<p>(b) Safety in relation to trees where roots are disturbed by the development;</p> <p>(c) Where the tree is determined to be dangerous, the tree is to be removed prior to commencement of any construction works within the site;</p> <p>(d) Where further assessment is required after root exposure, a satisfactory assessment is required at completion of earthworks prior to footing inspection;</p> <p>(e) All works associated with lopping and removal of the tree, including chipping, is to be undertaken wholly within the property. All works are to be completed at no cost to Council;</p> <p>(B) If a tree is approved for removal by the development consent, then a further separate application and approval under Section 138 of the <i>Roads Act 1993</i> is also required. The application form is available at Council's website via the following link:</p> <p><u><a href="https://www.esc.nsw.gov.au/data/assets/pdf_file/0020/134075/Section-138-Application-Form.pdf">https://www.esc.nsw.gov.au/data/assets/pdf_file/0020/134075/Section-138-Application-Form.pdf</a></u></p> <p>Such an application is to include details of the suitably qualified tree management contractor who will be carrying out the work.</p> <p>The application would need to address, and not necessarily be limited to the following:</p> <p>(a) Public safety and provision of a Safe Work Method Statement;</p> <p>(b) The extent of works to be carried out by an insured company, prequalified by Council; (currently Skyline Tree Services, 4471 6927, Eurobodalla Tree Services, 4478 7229, Narooma Tree Lopping, 4476 3767 and Horizon Tree Service 4471 5016 or 0488 585 563 are the only approved contractors available)</p> <p>(c) Provision of a Traffic Control Plan, prepared by a suitably qualified person;</p> <p>(d) Payment of the current application fee in accordance with Council's current fees and charges;</p> <p>(e) Payment of a performance deposit (bonding) for restoration of works.</p> <p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [16.20]</p>
100	<p><b><i>Construction Certificate – Class 2 and Class 7a (Residential and Class 3-9)</i></b></p> <p>The construction works subject of this development consent <b>MUST NOT</b> be commenced until:</p> <p>(a) Detailed plans/specifications of the building have been endorsed with a Construction Certificate by:</p> <p>(i) the Council, or</p> <p>(ii) a registered certifier, and</p> <p>(b) The person having the benefit of the development consent:</p>

	<p>(i) has appointed a Principal Certifier, and</p> <p>(ii) has notified the Council of the appointment, and</p> <p>(c) The person having the benefit of the development consent has given at least two (2) day's notice to the Council of the person's intention to commence the erection of the building; and</p> <p>(d) Builders name and licence number has been supplied to Council or the Principal Certifier; and</p> <p>(f) Home Building Compensation Fund (HBCF) has been paid and a copy of the Certificate supplied to Council or the Principal Certifier; and</p> <p>(e) A report describing how compliance the National Construction Code addressing the requirements for Class 2 and relevant parts of Class 3-9 buildings has to be submitted to the Principal Certifier before the issue of a Construction Certificate.</p> <p>(f) A sign has been erected on site in a prominent position containing the information prescribed by Clause 98A(2) &amp; (3) of the EP &amp; A Regulations being the name, address and telephone number of the Principal Certifier for the work, and name of the principal contractor (if any) for the work and telephone number on which that person may be contacted outside working hours, and stating that unauthorised entry to the site is prohibited. This sign must be maintained on site while work is being carried out and removed when the work has been completed.</p> <p><b>Reason:</b> To ensure compliance with legislative requirements. [2.06a]</p>
101	<p><b><i>Site Waste Management</i></b></p> <p>A site rubbish enclosure must be provided prior to commencement of any work for the period of the proposed work and remain in place for the duration of all works. All waste materials from the site must be disposed of at an authorised waste facility.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [22.01]</p>
102	<p><b><i>Application for Hoardings &amp; Scaffolding</i></b></p> <p>A separate application shall be made to Council for approval under Section 68 of the Local Government Act 1993, to erect a hoarding or scaffolding in a public place. Such an application shall include:</p> <p>(a) Architectural, construction and structural details of the design;</p> <p>(b) Structural certification prepared and signed by a suitably qualified practicing Structural Engineer;</p> <p>(c) Compliance with WorkCover requirements.</p> <p>The applicant shall provide evidence of the issue of a Structural Works Inspection Certificate and Structural Certification shall be submitted to the satisfaction of the Principal Certifier prior to the commencement of works.</p> <p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [23.23]</p>

103	<p><b><i>Certification Height of Building</i></b></p> <p>The residential development (Buildings A, B and C) must be constructed in accordance with the maximum finished levels outlined below:</p> <p>Building A&amp;B –</p> <ul style="list-style-type: none"> <li>• ground floor habitable level RL3.43m AHD;</li> <li>• building height roof level: Roof level RL 16.030m and lift overrun RL17.230m AHD.</li> </ul> <p>Building C –</p> <ul style="list-style-type: none"> <li>• ground floor habitable level RL3.6m AHD;</li> <li>• building height roof level: Roof level RL16.200m and lift overrun RL17.400m AHD.</li> </ul> <p>The floor levels and roof level must be certified by a registered surveyor. Evidence is to be submitted to the satisfaction of the Principal Certifier, prior to continuing construction. Construction is not to continue until the Principal Certifier has signed off that the floor level or ridge level is in accordance with the approved levels outlined in this condition.</p> <p><b>Reason:</b> To ensure the development does not conflict with the public interest. [23.33]</p>
	<p><b>DURING CONSTRUCTION</b></p>
104	<p><b><i>Concurrence and Referral – Water NSW</i></b></p> <p>During construction the matters required to be satisfied in the <b>General Terms of Approval (GTAs) (AIDAS1149440) issued by Water NSW - Reference No. IDAS1157780 dated 26 July 2023</b> are to be completed to the satisfaction of the Principal Certifier including submission of supporting evidence that each condition has been complied with.</p> <p><b>Reason:</b> To comply with legislative requirements and to ensure environmental safety.</p>
105	<p><b><i>Recommendations of reports</i></b></p> <p>During construction works, the management measures, mitigation measures and recommendations of reports (as approved as part of Condition 1) relevant to this stage of the development must be implemented in to the construction phase of the development, with documentary evidence submitted to the satisfaction of the Principal Certifier, including but not limited to the following environmental matters:</p> <ul style="list-style-type: none"> <li>- Noise Impact Assessment</li> <li>- Acid sulfate soils</li> <li>- Accessibility</li> <li>- Arborist</li> <li>- Geotechnical</li> <li>- Hydrogeological</li> <li>- Aboriginal Heritage</li> <li>- Site contamination</li> <li>- Traffic and parking</li> <li>- Flood management</li> <li>- BCA/Fire Engineering</li> </ul>

	<p><b>Reason:</b> To comply with State Environmental Planning Policy requirements and to ensure environmental safety.</p>
106	<p><b><i>Approved Plans to be On-Site</i></b></p> <p>A copy of the consent, the approved and certified plans, specifications and documents shall be kept on the site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifier.</p> <p><b>Reason:</b> To ensure the development is undertaken in accordance with the conditions of approval and complies with legislative requirements and Council policy. [2.22]</p>
107	<p><b><i>Construction Hours - NOISE</i></b></p> <p>Site work must only be carried out between the following times -</p> <ul style="list-style-type: none"> <li>- from 7am to 6pm on Monday to Friday</li> <li>- from 8am to 1pm on Saturday</li> <li>- No work on Sundays or public holidays</li> </ul> <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p> <p><b>Reason:</b> To protect the amenity of the surrounding area. [20.01]</p>
108	<p><b><i>Implementation of the site management plans</i></b></p> <p>While site work is being carried out:</p> <p>a) the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times, and</p> <p>b) a copy of these plans must be kept on site at all times and made available to council officers upon request.</p> <p><b>Reason:</b> To ensure site management measures are implemented during the carrying out of site work (NSW Std. Condition).</p>
109	<p><b><i>Procedure for critical stage inspections</i></b></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><b>Reason:</b> To require approval to proceed with building work following each critical stage inspection (NSW Std. Condition).</p>
110	<p><b><i>Loading and Unloading of Construction Vehicles</i></b></p> <p>All loading and unloading associated with construction must be accommodated on-site. If this is not feasible, an application may be made for the provision of a construction zone, during the specified hours of work.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [0131]</p>
111	<p><b><i>Deliveries</i></b></p>

	<p>While site work is being carried out, deliveries of material and equipment must only be carried out between—</p> <ul style="list-style-type: none"> <li>- from 7am to 6pm on Monday to Friday</li> <li>- from 8am to 1pm on Saturday</li> <li>- No deliveries on Sundays or public holidays</li> </ul> <p><b>Reason:</b> To protect the amenity of neighbouring properties (NSW Std. Condition).</p>
112	<p><b>Noise and Vibration requirements</b></p> <p>While site work is being carried out, noise generated from the site must not exceed an LAeq (15 min) of less than 5db (A) above background noise, when measured at a lot boundary of the site</p> <p><b>Reason:</b> To protect the amenity of the neighbourhood during construction (NSW Std. Condition).</p>
113	<p><b>Responsibility for Changes to public infrastructure</b></p> <p>While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.</p> <p><b>Reason:</b> To ensure payment of approved changes to public infrastructure. [0210]</p>
114	<p><b>Potential Acid Sulphate Soils</b></p> <p>All earthworks on the site must be carried out in accordance with the <i>Acid Sulphate Soil (ASS) Investigation and Management Plan Report</i> prepared by <b>CEC Geotechnical</b>, dated 03/09/2024.</p> <p>Ongoing monitoring of soil and water quality, as specified in the report, must be conducted throughout the duration of the works. A report detailing compliance with the ASSMP, monitoring results, and any corrective actions taken must be submitted to Council and Principal Certifier prior to the removal, disposal, or discharge of all material from site.</p> <p>Failure to comply with the ASSMP or this condition of consent may result in penalties, suspension of works, or other regulatory actions as deemed necessary by the consent authority.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [10.05a]</p>
115	<p><b>Shoring and Adequacy of Adjoining Property</b></p> <p>If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:</p>

	<p>(a) Protect and support the adjoining premises from possible damage from the excavation, and</p> <p>(b) Where necessary, underpin the adjoining premises to prevent any such damage.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [11.04]</p>
116	<p><b><i>Spoil Removal</i></b></p> <p>No spoil to be deposited on public roads during the cartage of materials from or to the site. The deposition spoil shall cease, as directed by Council, if the Council determines that excessive deposition of spoil onto the road is taking place.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [11.12]</p>
117	<p><b><i>Excess Fill</i></b></p> <p>Any excess clean fill (inert clean waste) removed from the site is to be taken to either:</p> <p>(a) a public waste disposal facility or</p> <p>(b) a site approved by Council.</p> <p>If option (b) is to be used the persons enacting this consent are to advise Council, in writing, of the chosen site and are not to commence any dumping until written approval is granted.</p> <p><b>Note:</b> all excavated materials are to be removed from site. No materials are to remain on site unless <u>certified</u> as clean waste by a suitably qualified person.</p> <p><b>Note:</b> <i>Council may carry out random inspections and take photographic records to ensure the integrity of the fill.</i></p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [11.14]</p>
118	<p><b><i>Discovery of Relics and Aboriginal Objects</i></b></p> <p>While site work is being carried out, if a person reasonable suspects a relic of Aboriginal object is discovered:</p> <p>a) The work in the area of the discovery must cease immediately</p> <p>b) The following must be notified</p> <p>i. for a relic - the Heritage Council; or</p> <p>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 <i>National Parks and Wildlife Act 1974</i>, section 85.</p> <p>Site work may recommence at a time confirmed in writing by:</p> <p>a) for a relic - the Heritage Council; or</p>



	<p>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 <i>National Parks and Wildlife Act 1974</i>, section 85.</p> <p><b>Reason:</b> To ensure the protection of objects of potential significance during works. [13.07]</p>
119	<p><b><i>Construction Works Inspection - modified.</i></b></p> <p>Council is to be notified two (2) days prior to the commencement of any works for stormwater and footpath construction within the road reserve. Telephone [02] 44741393 to make arrangements for inspection.</p> <p><b>Note:</b> <i>Inspection fees apply in accordance with Council's adopted fees and charges</i></p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [14.08]</p>
120	<p><b><i>Public Way to be Unobstructed</i></b></p> <p>The public way shall not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances at any time during construction.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [14.10]</p>
121	<p><b><i>Use of Mobile Cranes</i></b></p> <p>Mobile cranes operating from within the road reserve require a separate approval to be obtained from Council under s138/139 of the Roads Act (refer Condition 97). Special operations and the use of mobile cranes shall comply with the approved hours of construction.<b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [14.11]</p>
122	<p><b><i>Public Footpaths</i></b></p> <p>A safe pedestrian circulation route a minimum of 1.5 metres wide and with a pavement free of trip hazards shall be maintained at all times on, or adjacent to the site including in for any public footpaths fronting the construction site. Where the footpath is damaged, repair works shall be carried out when directed by Council officers and in accordance with the relevant clauses of the current edition of Council's Development Specifications.</p> <p>Where circulation is diverted on to the roadway, clear directional signage and protective barricades shall be installed in accordance with Australian Standard AS1742-3 1996 <i>Traffic Control Devices for Work on Roads</i>.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [14.12]</p>
123	<p><b><i>Surveys by a registered surveyor</i></b></p> <p>While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier:</p> <p>a) all footings / foundations in relation to the site boundaries and any registered and proposed easements</p>

	<p>b) at other stages of construction - any marks that are required by the principal certifier.</p> <p><b>Reason:</b> To ensure buildings are sited and positioned in the approved location. [23.05]</p>
124	<p><b><i>Site Lighting</i></b></p> <p>The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [23.16]</p>
125	<p><b><i>Protection of Adjoining Areas</i></b></p> <p>If site or building works will:</p> <ul style="list-style-type: none"> <li>• cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or unsafe; or</li> <li>• involve the enclosure of a public place; or</li> <li>• have the potential to damage adjoining private land by way of falling objects</li> </ul> <p>then a temporary hoarding, fence or awning must be erected between the work site and the adjoining area before the works begin. Any such hoarding, fence or awning must be removed when the work has been completed.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [23.17]</p>
126	<p><b><i>Implementation of BASIX commitments</i></b></p> <p>While building work is being carried out, the applicant must undertake the development strictly in accordance with commitments listed in BASIX certificate(s) approved by this consent, for the development to which the consent applies, and any updated certificate(s) if amendments are made.</p> <p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [23.26]</p>
127	<p><b><i>Floor Level – modified</i></b></p> <p>The Principal Certifier is to ensure the following levels are certified by a registered land surveyor before proceeding past the nominated level:</p> <ul style="list-style-type: none"> <li>• Building A Ground Level Finished Floor Level 3.43m AHD.</li> <li>• Building B Ground Level Finished Floor Level 3.43m AHD.</li> <li>• Building A Units A-G03 and A-G04 Balconies: Protected by a wall with a minimum Top of Wall of 3.70m AHD.</li> <li>• Building C Ground Level Finished Floor Level 3.60m AHD.</li> <li>• Basement Driveway Crest Level and all basement entries 3.43m AHD.</li> </ul> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised.</p>

128	<p><b><i>Tree protection during work</i></b></p> <p>While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with:</p> <ul style="list-style-type: none"> <li>a) the construction site management plan</li> <li>b) the relevant requirements of AS 4970 Protection of trees on development sites,</li> <li>c) Section 6 of of council's relevant development control plan (in force as at the date of determination of this consent) and associated Tree Preservation Code</li> <li>d) any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.</li> </ul> <p><b>Reason:</b> To protect trees during the carrying out of site (NSW Std. Condition).</p>
129	<p><b><i>Waste management</i></b></p> <p>While site work is being carried out:</p> <ul style="list-style-type: none"> <li>a) all waste management must be undertaken in accordance with the waste management plan, and</li> <li>b) upon disposal or removal of the waste, records of the disposal or other fate (such as re-use on site) must be compiled and provided to &lt; insert the principal certifier OR council (where a principal certifier is not required)&gt;, detailing the following: <ul style="list-style-type: none"> <li>i) The name and contact details of the person(s) who removed the waste,</li> <li>ii) The waste carrier vehicle registration,</li> <li>iii) The date and time of waste collection,</li> <li>iv) A description of the waste (type of waste, classification and estimated quantity) and whether the waste is to be reused, recycled, go to landfill or other fate.</li> <li>v) The contact details and address of the disposal location or other offsite location(s) where the waste was taken,</li> <li>vi) 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.</li> </ul> </li> <li>c)The waste generated on site during construction must be classified in accordance with the Environment Protection Authority's Waste Classification Guidelines, 2014 (as amended from time to time) and disposed of to an approved waste management facility or otherwise lawfully managed.</li> </ul> <p>If waste has been removed from the site where the waste is under an Environment Protection Authority Resource Recovery Order or Exemption, records in relation to and required by that Order or Exemption must be maintained and provided to the principal certifier and council.</p> <p>To require records to be provided, during site work, documenting the lawful disposal of waste.(NSW Std. Condition).</p>
	<p><b>PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE</b></p>

130	<p><b><i>Occupation Certificate</i></b></p> <p>The development must not be used or occupied until an occupation certificate has been issued by the Principal Certifier.</p> <p><i>Note: The development consent does not include subdivision which is subject to separate development consent.</i></p> <p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [2.14]</p>
131	<p><b><i>Before Occupation/Use Compliance Inspection</i></b></p> <p>Before the use or occupation of the development an inspection will be required to ensure formal compliance with the conditions of this consent. In this respect the Principal Certifier, or if no building work is required then Council should be contacted to arrange for an inspection.</p> <p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [2.15]</p>
132	<p><b><i>Concurrence and Referral – Water NSW</i></b></p> <p>Prior to issue of any occupation certificate the matters required to be satisfied in the <b>General Terms of Approval (GTAs) (AIDAS1149440) issued by Water NSW - Reference No. IDAS1157780 dated 26 July 2023</b> are to be completed to the satisfaction of the Principal Certifier including submission of supporting evidence that each condition has been complied with.</p> <p><b>Reason:</b> To comply with legislative requirements and to ensure environmental safety.</p>
133	<p><b><i>Recommendations of reports</i></b></p> <p>Prior to the issue of any Occupation Certificate the management measures, mitigation measures and recommendations of reports (as approved as part of Condition 1) relevant to this stage of the development must be completed with documentary evidence submitted to the satisfaction of the Principal Certifier prior to issue of any Occupation Certificate, including but not limited to the following environmental matters:</p> <ul style="list-style-type: none"> <li>- Noise Impact Assessment</li> <li>- Acid sulfate soils</li> <li>- Accessibility</li> <li>- Arborist</li> <li>- Geotechnical</li> <li>- Hydrogeological</li> <li>- Aboriginal Heritage</li> <li>- Site contamination</li> <li>- Traffic and parking</li> <li>- Flood management</li> <li>- BCA/Fire Engineering</li> </ul> <p><b>Reason:</b> To comply with State Environmental Planning Policy requirements and to ensure environmental safety.</p>

134	<p>Prior to the issue of any occupation certificate the existing 'Easement for Water Supply' on the site is to be realigned (registered on Title and 88B instruments) and the water supply easement is to be consistent and align with the on-site location (the exact location as surveyed as per prior to CC conditions of this consent) of the water main along /within the site at Bavarde Avenue.</p> <p>The registration of the relocated 'Easement for Water Supply' is to be registered on Title.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority.</p>
135	<p><b><i>Completion of public utility services</i></b></p> <p>Before the issue of the relevant occupation certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier.</p> <p><b>Reason:</b> To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation. [0209]</p>
136	<p><b><i>Reinstatement of Kerb</i></b></p> <p>Prior to the issue of any Occupation Certificate, provision of a "Insert Details" m wide layback gutter crossing and reinstatement of kerb over redundant laybacks to <a href="#">Council's Infrastructure Design Standards</a> Plan No 4400-A-0001-b-1.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority.</p>
137	<p><b><i>Survey Confirmation of Access</i></b></p> <p>Prior to issue of any Occupation Certificate, submission to the Principal Certifier of plans prepared by a registered survey that the access driveway and Basement Crest has been constructed in accordance with the approved design.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority.</p>
138	<p><b><i>Standard Footpath Construction</i></b></p> <p>Prior to issue of any Occupation Certificate provide construction of Council's standard concrete footpath paving for the full road frontage of the property in accordance with <a href="#">Council's Infrastructure Design Standards</a> Plan No. 4400-A-002-a-2 and to the satisfaction of Council. The area of the footpath not paved shall be topsoiled and turfed. The paving shall provide a safe transition in level and width to connect with any existing paved footpath beyond the frontage of the property to the satisfaction of Council. Contact Council on (02) 44741393 to arrange an inspection prior to occupation of the development.</p>

	<p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority.</p>
139	<p><b><i>Work Within Road Reserve</i></b></p> <p>Prior to issue of any Occupation Certificate all works within the road reserve (road, nature strip &amp; footpath areas) are to be completed in accordance with the plans and any conditions of approval. All work is to be inspected and passed by Council, an inspection may be booked by phoning 44741393 (inspection fees may apply in accordance with Council's adopted fees and charges). Earthworks adjacent to the driveway are to be grades no steeper than 12%. All service covers are to match the finished ground level within the footpath/road reserve. The vehicle crossing is to be maintained in accordance with Council standards or other approved plan and in sound condition for the life of the development to the satisfaction of Council all at no cost to Council.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority.</p>
140	<p><b><i>Waste Collection Vehicle</i></b></p> <p>The development shall not be serviced by any waste collection vehicles exceeding 8.8m in length. The developer must ensure that all waste management plans, service contracts, and associated arrangements for the development are designed to comply with this requirement.</p> <p>The waste collection contractor engaged for the development must be informed of this restriction and shall use appropriately sized vehicles for servicing the site.</p> <p>Permanent and clearly visible signage indicating the maximum allowable waste collection vehicle length of 8.80 metres must be installed at the waste collection point before the issue of an Occupation Certificate and maintained in perpetuity.</p> <p><b>Reason:</b> To prevent waste collection vehicles from obstructing the Heradale Parade Footpath, and sight lines from the driveway of the development.</p>
141	<p><b><i>Identification of Accessible Carparking Spaces</i></b></p> <p>Prior to the issue of any Occupation Certificate for the development, each accessible car parking space shall be marked in accordance with AS 2890.6:2022. Each visitor parking space allocated for people with disabilities shall be marked by a symbol of access in accordance with Clause 3.1.1 of AS 2890.6:2022. The accessible car parking spaces assigned to each adaptable unit are not to be marked by a symbol of access in accordance with Clause 3.1.2 of AS 2890.6:2022. All shared areas adjacent to all accessible car parking spaces shall be marked in accordance with AS 2890.6:2022, including the provision of a bollard, post, or column.</p> <p><b>Reason:</b> To ensure that the development complies with the relevant legislation and standards.</p>

142	<p><b>Identification of Carparking Spaces</b></p> <p>Prior to the issue of any Occupation Certificate for the development, each car parking space shall be clearly marked to identify the applicable unit assigned to each parking space or designated for visitor use. The markings shall be legible, permanent, and in compliance with AS 1742 Set.</p> <p><b>Reason:</b> To ensure that the development complies with the relevant legislation and standards.</p>
143	<p><b>Post-construction dilapidation report</b></p> <p>Before the issue of an occupation certificate a post-construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the principal certifier, detailing whether:</p> <p>a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and</p> <p>b) where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent, and</p> <p>c) a copy of the post-construction dilapidation report must be provided to council (where council is not the principal certifier or a principal certifier is not required) and to the relevant adjoining property owner(s)</p> <p><b>Reason:</b> To identify any damage to adjoining properties resulting from site work on the development site. (NSW Std. Condition).</p>
144	<p><b>Preservation of survey marks</b></p> <p>Before the issue of an occupation certificate documentation must be submitted by a registered surveyor to the Principal Certifier, which demonstrates that:</p> <p>a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or</p> <p>b) any survey mark(s) that were damaged, destroyed, obliterated or defaced have been re-established in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure</p> <p><b>Reason:</b> To protect the state's survey infrastructure (NSW Std. Condition).</p>
145	<p><b>Release of securities</b></p> <p>When Council receives an occupation certificate an application may be lodged to release the securities (infrastructure/road work bond) held in accordance with Council policy paid as required by the imposed conditions of this consent.</p> <p><b>Reason:</b> To allow release of securities where the terms and conditions for the securities have been met to council's satisfaction (NSW Std. Condition).</p>

146	<p><b><i>Removal of waste upon completion</i></b></p> <p>Before the issue of an occupation certificate</p> <p>a) all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan, and</p> <p>b) written evidence of the waste removal must be provided to the satisfaction of the Principal Certifier.</p> <p>c) Any chemical waste generated throughout construction must be disposed of to an approved waste management facility or otherwise lawfully managed.</p> <p><b>Reason:</b> To ensure waste material is appropriately disposed or satisfactorily stored (NSW Std. Condition).</p>
148	<p><b><i>Road Damage</i></b></p> <p>The cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the applicant/developer prior to issue of any Occupation Certificate.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [14.15]</p>
149	<p><b><i>Car Park Signage</i></b></p> <p>Signage shall be installed at the entry to the car park to warn pedestrians of vehicles exiting the car park. Further signage shall be installed near the car park exit to warn drivers of the presence of pedestrians using the footpath. The signage shall be installed prior to occupation of the building(s).</p> <p><b>Reason:</b> To ensure the development does not conflict with the public interest. [14.34]</p>
150	<p><b><i>Geotechnical Certification Prior to Occupation Certificate</i></b></p> <p>A Geotechnical Engineer or Engineering Geologist is to provide written confirmation that they have inspected the site during construction or reviewed information relating to the construction and that they are satisfied that development referred to in the development consent has been constructed in accordance with the intent of the Geotechnical Report referenced in Condition 1 of this consent.</p> <p>Written certification is to be provided to the Principal Certifier prior to the issue of the Occupation Certificate.</p> <p><b>Reason:</b> To ensure geotechnical risk is mitigated appropriately.</p>
151	<p><b><i>Completion of landscape and tree works</i></b></p> <p>Before the issue of an occupation certificate the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and</p>



	<p>documents and any relevant conditions of this consent and inclusive of the following conditions:</p> <ul style="list-style-type: none"> <li>i) landscape works are to be contained within the legal property boundaries,</li> <li>ii) planting shall be installed as indicated on the approved amended Landscape Plan(s) unless otherwise imposed by any conditions,</li> <li>iii) all tree planting shall be a minimum pre-ordered planting size of 75 litres or as otherwise scheduled if greater in size; meet the requirements of Natspec - Specifying Trees; planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and shall be located within garden bed,</li> <li>iv) tree planting shall be considered in relation to sufficient clearances and offsets from underground and overhead infrastructure including and offset from common boundaries and buildings – to be typically located at least 3.0m from buildings or more than 1.5m from common boundaries.</li> </ul> <p>Prior to the issue of an Occupation Certificate, details (from a landscape architect, landscape designer or qualified horticulturalist) shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.</p> <p><b>Reason:</b> To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s). [16.04]</p>
152	<p><b><i>Acoustic Certification</i></b></p> <p>Prior to issue of any Occupation Certificate for the development, certification shall be obtained from an acoustic consultant confirming the development (commercial and residential uses) have been constructed with the acoustic treatment referred to in the Acoustic Report approved under Condition 1.</p> <p><b>Reason:</b> To protect the amenity of the local area. [20.10]</p>
153	<p><b><i>Removal of Temporary Structures</i></b></p> <p>Any hoarding or similar barrier that was erected to protect a public place, temporary toilet facilities, Erosion &amp; Sediment Control Devices or Builder's Signs used during construction phases shall be removed from the site prior to the occupation of the building(s) or commencement of the use.</p> <p><b>Reason:</b> To protect the amenity of the local area. [23.18]</p>
154	<p><b><i>Removal of Temporary Structures - Site Access</i></b></p> <p>Any temporary site access provided for the purpose of construction works is to be removed, and the kerb and gutter and/or previous roadworks reinstated in a satisfactory manner prior to the occupation of the building(s) or commencement of the use. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works, a separate approval from Council is to be obtained at the applicant's expense prior to such works commencing.</p> <p><b>Reason:</b> To protect the amenity of the local area. [23.22]</p>

155	<p><b><i>Adaptable Housing</i></b></p> <p>The Principal Certifier is to ensure prior to the issue of any Occupation Certificate that fifteen (15) residential units are compliant with the requirements of AS4299-Adaptable Housing.</p> <p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [23.28]</p>
156	<p><b><i>Garbage, waste areas and Recycling Facilities</i></b></p> <p>All internal walls of the waste rooms shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.</p> <p>Waste rooms shall be clear of any other services or utilities infrastructure such as gas, electricity air-conditioning, plumbing, piping ducting or equipment.</p> <p><b>Reason:</b> To prevent pollution of the environment, provide a safe workplace for contractors and residents and to protect the amenity of the area.</p>
157	<p><b><i>Works as Executed Plans and any other Documentary Evidence</i></b></p> <p>Before the issue of the relevant Occupation Certificate, the applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:</p> <ul style="list-style-type: none"> <li>a) All stormwater drainage systems and storage system</li> <li>b) The following matters that Council requires to be documented <ul style="list-style-type: none"> <li>- asbestos clearance</li> <li>- completion reports (confirming recommendations of specialist report requirements as outlined in consent conditions have been implemented in to the design and construction of the development)</li> </ul> </li> <li>c) A copy of the plans must be provided to council with the occupation certificate.</li> </ul> <p>The principal certifier must provide a copy of the plans to Council with the occupation certificate.</p> <p><b>Reason:</b> To confirm the location of works once constructed that will become Council assets. [6.06]</p>
158	<p><b><i>Fire Safety Matters</i></b></p> <p>At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW.</p>

	<p>Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of a part Occupation Certificate or Occupation Certificate. Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.</p> <p><b>Reason:</b> Statutory requirement under Parts 10, 11 &amp; 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.</p>
	<b>OCCUPATION AND ONGOING USE</b>
159	<p><b><i>Concurrence and Referral – Water NSW</i></b></p> <p>The post-occupation (on-going use) matters required to be satisfied in the <b>General Terms of Approval (GTAs) (AIDAS1149440) issued by Water NSW - Reference No. IDAS1157780 dated 26 July 2023</b> are to be completed to the satisfaction of the Principal Certifier including submission of supporting evidence that each condition has been complied with.</p> <p><b>Reason:</b> To comply with legislative requirements and to ensure environmental safety.</p>
160	<p><b><i>Recommendations of reports</i></b>The management measures, mitigation measures and recommendations of reports (as approved as part of Condition 1) relevant to this stage of the development ( on-going use and management of the development)are to be complied with, including but not limited to the following environmental matters:</p> <ul style="list-style-type: none"> <li>- Noise Impact Assessment</li> <li>- Acid sulfate soils</li> <li>- Accessibility</li> <li>- Arborist</li> <li>- Geotechnical</li> <li>- Hydrogeological</li> <li>- Aboriginal Heritage</li> <li>- Site contamination</li> <li>- Traffic and parking</li> <li>- Flood management</li> <li>- BCA/Fire Engineering</li> </ul> <p><b>Reason:</b> To comply with State Environmental Planning Policy requirements and to ensure environmental safety.</p>
161	<p><b><i>Location of mechanical ventilation</i></b></p> <p>During occupation and ongoing use of the building, all mechanical ventilation system(s) or other plant and equipment that generates noise must be located on the site (including in a soundproofed area where necessary) to ensure the noise generated does not exceed 5 dBa above the ambient background noise at the boundary adjacent to any habitable room of adjoining residential premises.</p> <p><b>Reason:</b> To protect the residential amenity of neighbouring properties (NSW Std Condition)</p>
162	<b><i>Maintenance of wastewater and stormwater treatment device</i></b>

	<p>During occupation and ongoing use of the building, all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) must be regularly maintained to remain effective and be in accordance with any positive covenant (if applicable).</p> <p><b>Reason:</b> To protect sewerage and stormwater systems (NSW Std Condition)</p>
163	<p><b><i>Waste collection</i></b></p> <p>Waste collection is to be undertaken by a private waste contractor.</p> <p>The development shall not be serviced by any waste collection vehicles exceeding 8.8m in length. The developer must ensure that all waste management plans, service contracts, and associated arrangements for the development are designed to comply with this requirement.</p> <p><b>Reason:</b> To protect the residential amenity of neighbouring properties.</p>
164	<p><b><i>Noise from Deliveries/Waste Collection</i></b></p> <p>Waste collections and deliveries from any vehicle or truck are not permitted on any part of the premises between 10pm and 7am Monday to Saturday inclusive or between 10pm and 9am on Sundays and Public Holidays.</p> <p><b>Reason:</b> To protect the amenity of the local area. [20.07]</p>
165	<p><b>Landscape Maintenance</b></p> <ul style="list-style-type: none"> <li>a) if any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components.</li> <li>b) trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.</li> <li>c) if any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan(s) and any conditions of consent.</li> <li>d) a maintenance activity schedule for on-going maintenance of planters on slab shall be incorporated to monitor and replenish soil levels as a result of soil shrinkage over time.</li> <li>e) the approved landscape planted areas, whether containing lawn, gardens or planters shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.</li> </ul> <p><b>Reason:</b> To maintain local environmental amenity.</p>
166	<p><b>Geotechnical Recommendations</b></p> <p>Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.</p>

<b>Reason:</b> To ensure geotechnical risk is mitigated appropriately.
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### 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 determination (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 Eurobodalla Shire Council.

**Court** means the Land and Environment Court of NSW.

**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.

**Subdivision certificate** means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

**Subdivision works certificate** means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

**Sydney district or regional planning panel** means Southern Regional Planning Panel.[Title]



Contact: David Murphy

Email: [david.murphy@waternsw.com.au](mailto:david.murphy@waternsw.com.au)

Eurobodalla Shire Council

Our ref: IDAS1157780

Your ref: A-66260

[kristy.robinson@esc.nsw.gov.au](mailto:kristy.robinson@esc.nsw.gov.au)

17 October 2024

Dear Applicant,

**RE: Proposed Development DA0593/23**

**Lot 1 DP1135117**

**ADDRESS 20 Heradale Parade Batemans Bay 2536**

I refer to your recent referral regarding Integrated Development Application (DA0593/23) for additional information submitted on the Portal on the 3rd and 8th October. WaterNSW has reviewed the proposed amendments. The information provided indicates that there are no changes to the water supply work to take groundwater.

The General Terms of Approval (IDAS1149440) issued on 26 July 2023 are still current and we have no objections to the proposed amendments.

Should you have any further questions, please do not hesitate to contact me by email to [david.murphy@waternsw.com.au](mailto:david.murphy@waternsw.com.au).

Yours sincerely

**David Murphy**  
**Water Regulation Officer**  
**WaterNSW**



## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1149440  
Issue date of GTA: 26 July 2023  
Type of Approval: Water Supply Work  
Description: 80mm submersible pump  
Location of work/activity: 20 Heradale Parade Batemans Bay  
DA Number: DA0593/23  
LGA: Eurobodalla Shire Council  
Water Sharing Plan Area: South Coast Groundwater Sources 2016

The GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to WaterNSW for the relevant approval **after** development consent has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
<b>Dewatering</b>	
GT0115-00001	Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
GT0116-00001	Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity. Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.
GT0117-00001	A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.
GT0118-00001	If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waterNSW.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of

Level 6, 384 Hunter Street, Newcastle, NSW 2830 | PO BOX 2157, Dangar, NSW 2309  
water.enquiries@waterNSW.com.au | www.waterNSW.com.au



<b>Reference Number:</b>	IDAS1149440
<b>Issue date of GTA:</b>	26 July 2023
<b>Type of Approval:</b>	Water Supply Work
<b>Description:</b>	80mm submersible pump
<b>Location of work/activity:</b>	20 Heradale Parade Batemans Bay
<b>DA Number:</b>	DA0593/23
<b>LGA:</b>	Eurobodalla Shire Council
<b>Water Sharing Plan Area:</b>	South Coast Groundwater Sources 2016
	the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
GT0119-00001	All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
GT0120-00001	The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.
GT0121-00001	Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.
GT0122-00001	Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)
GT0123-00001	(a) Prior to the issuing of the occupation certificate, and following the completion

## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

**Reference Number:** IDAS1149440

**Issue date of GTA:** 26 July 2023

**Type of Approval:** Water Supply Work

**Description:** 80mm submersible pump

**Location of work/activity:** 20 Heradale Parade Batemans Bay

**DA Number:** DA0593/23

**LGA:** Eurobodalla Shire Council

**Water Sharing Plan Area:** South Coast Groundwater Sources 2016

of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website [www.waternsw.com.au/customer-service/water-licensing/dewatering](http://www.waternsw.com.au/customer-service/water-licensing/dewatering)

- GT0150-00001 The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
- GT0151-00001 Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- GT0152-00001 This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- GT0155-00001 The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

## **SCHEDULE 1**

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by WaterNSW for integrated development associated with DA0593/23 as provided by Council:

- Geotechnical Report/SEE Report/Architectural Plans-Segments 1-9/Civil Engineering Plans/Other Searches & Maps.



Department of Climate Change,  
Energy, the Environment and Water



Our ref: DOC24/867530

Ms Kristy Robinson  
Eurobodalla Shire Council  
89 Vulcan Street  
MORUYA 2537  
kristy.robinson@esc.nsw.gov.au  
Letter uploaded to the NSW Planning Portal

Address: 20 Heradale Parade BATEMANS BAY 2536

**Proposal:** Demolition of existing buildings and construction of three, four level apartment blocks and associated works

**Development Application no:** DA0593/23, CNR-55321, A-90798

**Received:** 21 October 2024

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**Subject:** Advice for Integrated Development Application, *National Parks and Wildlife Act 1974*

Dear Kristy,

Thank you for referring the above integrated development application to our office. We understand that Council is seeking our general terms of approval pursuant to s4.46 of the *Environmental Planning and Assessment Act 1979*.

Documentation provided by the applicant in support of this application states that there are no known Aboriginal objects within the subject land.

It is stated in s.4.46(2)(a) of the *Environmental Planning and Assessment Act 1979* that development is not integrated development in respect of an Aboriginal Heritage Impact Permit under Part 6 of the *National Parks and Wildlife Act 1974* unless an Aboriginal object is known, immediately before the development application is made, to exist on the land to which the development application applies.

Accordingly, our understanding is that since there are no known Aboriginal objects on the subject site, the development is not integrated for the purposes of the *National Parks and Wildlife Act 1974*, and we cannot provide general terms of approval.

If Council considers approving the development, Heritage NSW have provided recommended conditions of consent for Aboriginal cultural heritage matters in **Attachment A**.

If you have any questions in relation to this matter, please contact Kosta Contos, Senior Assessments Officer, at Heritage NSW on 9873 8500 or [kosta.contos@environment.nsw.gov.au](mailto:kosta.contos@environment.nsw.gov.au).

Yours sincerely

*Nicole Davis*

Nicole Davis  
Strategic Manager, Heritage Referrals  
Heritage NSW  
Department of Climate Change, Energy, the Environment and Water  
As Delegate under *National Parks and Wildlife Act 1974*  
13 November 2024

**Attachment A - Recommended Conditions of Consent for 20 Heradale Parade,  
Development Application: DA0593/23, CNR-55321**

If Council consider approving the Development Application, Heritage NSW recommend the following conditions to ensure the protection of known Aboriginal sites and ensure that no additional harm is caused should Aboriginal cultural heritage be encountered:

- No Aboriginal objects may be harmed without an approval from Heritage NSW under the *National Parks and Wildlife Act 1974*.
- If any Aboriginal object(s) are discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:
  - Not further harm the object(s)
  - Immediately cease all work at the particular location
  - Secure the area so as to avoid further harm to the Aboriginal object(s)
  - Notify NSW Environment Line as soon as practical by calling 131 555 or emailing: [info@environment.nsw.gov.au](mailto:info@environment.nsw.gov.au), providing any details of the Aboriginal object(s) and its location
  - Not recommence any work at the particular location unless authorised in writing by Heritage NSW.
- If harm to Aboriginal objects cannot be avoided, an application for an Aboriginal Heritage Impact Permit must be prepared and submitted to Heritage NSW before work may continue.
- In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted.