

DETERMINATION AND STATEMENT OF REASONS

SOUTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	1 July 2025
DATE OF PANEL DECISION	1 July 2025
DATE OF PANEL MEETING	4 June 2025
PANEL MEMBERS	Chris Wilson (Chair), Juliet Grant, Grant Christmas
APOLOGIES	None
DECLARATIONS OF INTEREST	Council nominated panel members did not participate due to a Shoalhaven City Council having an interest in the development.

Papers circulated electronically on 27 May 2025.

MATTER DETERMINED

PPSSTH-273 - Shoalhaven - RA23/1001] – 124, 130, 132 Island Point Rd St Georges Basin 2540 - Proposed Re-Development of the Cooe Hotel.

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 site inspections listed at item 8 in Schedule 1.

Contravention of a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Shoalhaven Local Environmental Plan 2014 (LEP), the Panel was satisfied that the Applicant had demonstrated that:

- compliance with cl. 4.3 (height of building) is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard.

The Panel is further 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 building) of the LEP and the objectives for development in the MU1 Mixed Use zone; and
- the concurrence of the Secretary has been assumed.

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.

REASONS FOR THE DECISION

The Panel determined to uphold the request to contravene the development standard with regard to building height under Clause 4.6 and approve the application for the reasons outlined in the Council Assessment Report and the following:

- The development application has been considered in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and Regulations.

- A thorough assessment in terms of section 4.15 of the *Environmental Planning and Assessment Act 1979* has been undertaken.
- The Panel is satisfied that the preconditions to the grant of consent have been satisfied.
- The Panel is satisfied that matters relating to car parking, traffic, patron management and noise have been thoroughly considered and can be managed through appropriate conditions of consent including the need to prepare and adhere to a Plan of Management.
- The proposal is unlikely to result in any unacceptable amenity, environmental or land use safety impacts subject to the imposition of the conditions of consent as amended.
- Construction impacts can be managed through the imposition of standard conditions of consent.
- The proposal is considered appropriate with regard to the zoning of the site and the applicable provisions of the Shoalhaven LEP 2014 and other applicable environmental planning instruments.
- The development will facilitate an upgrade to the existing pub and the construction of a new hotel providing much needed visitor accommodation in the area. The re-development of the site will provide both local and broader economic benefits including improvements to tourist infrastructure.

The key issue for the application is car parking. Whilst the Panel acknowledges that the proposed development does not comply with Council's on-site car parking requirements, it is satisfied with the proposed parking provision taking into consideration:

- Car parking credits.
- The provision of a Green Travel Plan to encourage patron travel other than private vehicle.
- The provision of a regular courtesy bus service that patrons can book via the Hotel's app.
- The ability to impose additional management measures through the parking surveys required by condition 91 and the annual review of the Plan of Management.

Given the above, the Panel is satisfied that the proposal is in the public interest.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- Condition 100 was deleted and included as Condition 3. The Condition was also amended to require a revised POM prior to CC to Council's satisfaction specifying but not limited to:
 - Details of pub hours of operation and patron numbers
 - Noise management measures, including measures aimed at managing outdoor live music on the terrace area
 - Details regarding the operation of the courtesy bus including location of bus drop off and pick up area on plans
 - Parking management measures including any changes to operations following the surveys required by Condition 91
 - Requirement for ongoing annual review and any changes to operations to Council's satisfaction
- Condition 26 was a duplicate of Condition 24 and consequently deleted.
- Condition 35 was amended to clarify that the waste chute design only relates to the hotel accommodation.
- Condition 36 as amended to include at the end of the condition the words 'and recommendations complied with at all times'.
- Condition 59 was amended to specify that the Survey Report must be prepared by a Registered Surveyor.
- Condition 63 was deleted as superfluous.
- Condition 75 was deleted as it was covered by other conditions.
- Condition 88 (now 89) was amended to delete reference to "hotel use" so the condition only restricts operating hours for the pub use (not the hotel use).
- Condition 91 (now 92) was amended to reference the Plan of Management to ensure any changes required in terms of ongoing traffic and parking management are captured.

- Condition 94 (now 95) was amended to delete the first dot point to remove conflicting requirements noting it was not a recommendation of the acoustic report that there be no outdoor live music as the pub currently has outside music on the terrace.
- Condition 95 (now 96) was deleted as it is a duplicate of 94.
- Council undertook a review of all conditions to ensure consistency between relevant conditions and the POM obligations to ensure clarity of ongoing operational and management measures.



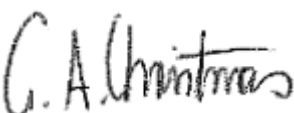
The final set of conditions approved by the Panel are attached in **Schedule 2**.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included:

- Height of building
- Impact of retaining wall on Village Green
- Noise
- Parking provision
- Stormwater management
- Infrastructure capacity

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and conditions of consent as amended.

PANEL MEMBERS	
 Chris Wilson (Chair)	 Juliet Grant
 Grant Christmas	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-273 - Shoalhaven - RA23/1001] – 124, 130, 132 Island Point Rd St Georges Basin
2	PROPOSED DEVELOPMENT	The demolition of existing structures, construction of hotel accommodation, food and drink premises (pub) and associated works.
3	STREET ADDRESS	124, 130 & 132 Island Point Rd, St Georges Basin – Cooe Hotel
4	APPLICANT/OWNER	L Carmichael & L.C Hawke (Applicant) St Georges Basin Holdings Pty Ltd (Owner) Shoalhaven City Council (Owner)
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulation 2021 Rural Fires Act 1997 Biodiversity Conservation Act 2016 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazard) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Shoalhaven Local Environmental Plan 2014 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Shoalhaven Development Control Plan 2014 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 27 May 2025 Contravention of a development standard under clause 4.6: Height of Building clause 4.3 Shoalhaven LEP 2014 Written submissions during public exhibition: 12 Total number of unique submissions received by way of objection: 8
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing and Site Inspection: 31 October 2023 <ul style="list-style-type: none"> <u>Panel members:</u> Briefing: Chris Wilson (Chair), Juliet Grant, Grant Christmas Site Visit Juliet Grant, Grant Christmas <u>Independent assessment planner:</u> Briefing: Jeremy Swan <u>Council assessment staff:</u> Briefing: Rebecca Lockart, Lachlan Jones, Cathy Bern Site Visit: Rebecca Lockart

		<ul style="list-style-type: none"> ○ DPHI: Briefing: Amanda Moylan, Tracey Gillet Site Visit: Amanda Moylan • Status Assessment Briefing (Council only): 9 April 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas ○ <u>Independent assessment planner</u>: Jeremy Swan ○ <u>Council assessment staff</u>: Elizabeth Downing, Bruce Gibbs ○ <u>DPHI</u>: Amanda Moylan, Nikita Lange • Final briefing to discuss council's recommendation: 4 June 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas ○ <u>Independent assessment planner</u>: Jeremy Swan ○ <u>Council assessment staff</u>: Elizabeth Downing, Bruce Gibbs ○ <u>Applicant representatives</u>: Lee Carmichael ○ <u>DPHI</u>: Amanda Moylan, Nikita Lange
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report

Terms and Reasons for Conditions

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

GENERAL CONDITIONS																																																																	
CONDITIONS				REASON																																																													
1.	<p>Approved plans and supporting documentation</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> <table><tr><th>Stamped Plans / Documents</th><th>Reference</th><th>Rev</th><th>Prepared by</th><th>Dated</th></tr><tr><td>Site & Roof Plan</td><td>Project No. 1452022 Sheet No. 1 of 29</td><td>H</td><td>ERA Architects</td><td>23/10/024</td></tr><tr><td>Site Analysis Plan</td><td>Project No. 1452022 Sheet No. 3 of 29</td><td>H</td><td>ERA Architects</td><td>23/10/024</td></tr><tr><td>Stormwater Drainage Concept Plan</td><td>Project No. 1452022 Sheet No. 6 of 29</td><td>H</td><td>ERA Architects</td><td>23/10/024</td></tr><tr><td>Proposed Lower Ground Plan A</td><td>Project No. 1452022 Sheet No. 7 of 29</td><td>H</td><td>ERA Architects</td><td>23/10/024</td></tr><tr><td>Proposed Ground Plan A</td><td>Project No. 1452022 Sheet No. 8 of 29</td><td>H</td><td>ERA Architects</td><td>23/10/024</td></tr><tr><td>Proposed Ground Plan B</td><td>Project No. 1452022 Sheet No. 9 of 29</td><td>H</td><td>ERA Architects</td><td>23/10/024</td></tr><tr><td>Proposed Ground Plan C</td><td>Project No. 1452022 Sheet No. 10 of 29</td><td>H</td><td>ERA Architects</td><td>23/10/024</td></tr><tr><td>Proposed 1st Plan C</td><td>Project No. 1452022 Sheet No. 11 of 29</td><td>H</td><td>ERA Architects</td><td>23/10/024</td></tr><tr><td>(Pub) Eastern & Northern Elevations</td><td>Project No. 1452022 Sheet No. 12 of 29</td><td>H</td><td>ERA Architects</td><td>23/10/024</td></tr><tr><td>(Pub) Western & Southern Elevations</td><td>Project No. 1452022 Sheet No. 13 of 29</td><td>H</td><td>ERA Architects</td><td>23/10/024</td></tr><tr><td>(Pub) Sections S/01 & S/03</td><td>Project No. 1452022 Sheet No. 14 of 29</td><td>H</td><td>ERA Architects</td><td>23/10/024</td></tr></table>				Stamped Plans / Documents	Reference	Rev	Prepared by	Dated	Site & Roof Plan	Project No. 1452022 Sheet No. 1 of 29	H	ERA Architects	23/10/024	Site Analysis Plan	Project No. 1452022 Sheet No. 3 of 29	H	ERA Architects	23/10/024	Stormwater Drainage Concept Plan	Project No. 1452022 Sheet No. 6 of 29	H	ERA Architects	23/10/024	Proposed Lower Ground Plan A	Project No. 1452022 Sheet No. 7 of 29	H	ERA Architects	23/10/024	Proposed Ground Plan A	Project No. 1452022 Sheet No. 8 of 29	H	ERA Architects	23/10/024	Proposed Ground Plan B	Project No. 1452022 Sheet No. 9 of 29	H	ERA Architects	23/10/024	Proposed Ground Plan C	Project No. 1452022 Sheet No. 10 of 29	H	ERA Architects	23/10/024	Proposed 1st Plan C	Project No. 1452022 Sheet No. 11 of 29	H	ERA Architects	23/10/024	(Pub) Eastern & Northern Elevations	Project No. 1452022 Sheet No. 12 of 29	H	ERA Architects	23/10/024	(Pub) Western & Southern Elevations	Project No. 1452022 Sheet No. 13 of 29	H	ERA Architects	23/10/024	(Pub) Sections S/01 & S/03	Project No. 1452022 Sheet No. 14 of 29	H	ERA Architects	23/10/024	To ensure compliance with the approved plans and documents.
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	<p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p>																																														
2.	<p>Prescribed Conditions</p> <p>The development must comply with Part 4, Division 2, Subdivision 1, of the <i>Environmental Planning and Assessment Regulation 2021</i>, as applicable.</p>	To ensure compliance with prescribed conditions.																																													
3.	<p>Plan of Management</p> <p>The applicant is to prepare an updated Plan of Management for the approval of Council prior to the issue of a Construction Certificate that includes the following measures:</p> <ul style="list-style-type: none">• Includes the pub hours of operation and patron numbers.• Noise management measures, including measures aimed at managing outdoor live music on the terrace.• A green travel plan that encourages transport options other than private vehicles and encourages the use of taxi's, uber/car share, local bus services and courtesy bus services.• Inclusion of a Courtesy bus service that includes the following features:	To ensure the pub and accommodation is managed appropriately.																																													

	<ul style="list-style-type: none"> a) 2 x 12 seat commuter vans (or similar) are to be put into service. b) A Cooee Hotel App will be available to download for any patron who wishes to book a courtesy bus service. The app will require users to enter their name, number of passengers, and collection address. c) Patrons wishing to leave the venue will be able to use the App or notify staff at the bar that they wish to catch the next bus departing. d) Buses are to operate at a minimum every 30 minutes on Wednesday, Thursday, Friday and Saturday between the hours of 3pm and 11:30pm. e) Buses are to operate at a minimum hourly on Sunday, Monday and Tuesday between 3pm and 11:30pm. f) Courtesy bus services will be regularly promoted to patrons using, signage throughout the hotel, emails to members providing information on improved services, announcements within the hotel using the PA system. Marketing campaigns for live entertainment will also include information on courtesy bus services. g) Details regarding the location of bus drop off and pick up areas (bus stop at front of property). h) The Plan of Management is to include a requirement for ongoing annual review and include any changes to operations to Council's satisfaction. i) The Plan of Management at its annual review is to review the parking management measures following receipt of survey's required by condition 92 to the satisfaction of Council to ensure the ongoing traffic and parking management is appropriately managed. j) The Plan of Management is to include all acoustic measures recommended in Condition 7, 36, 94 and 95. 	
4.	<p>Tree Protection Compliance</p> <p>The applicant is to submit for the approval of Council's Tree Management Officer a detailed revised Tree Management Plan and Tree Protection Plan for the site and the protected trees on adjacent Council land. These tree management documents must be in accordance with AS 4970-2009 - Protection of trees on development sites, prepared by a suitably qualified AQF Level 5-8 consultant arborist.</p> <p>In this regard these tree protection documents are to provide specific root, trunk and branch protection pruning and care requirements, details for pruning and staging of tree works for each protected tree, all hold and inspection points, locations of fencing, access points within the root protection area and</p>	<p>To ensure suitable protection measures are provided for retained trees.</p>

	any mulching, fertilizing watering and care during demolition, construction and post construction. Recommendations for rootzone soil and tree diagnostic testing. A tree care plan for the post construction period, to ensure that the protected trees remain healthy and safe and adapt to the new site conditions.	
5.	Shoalhaven Water – Compliance with Conditions All conditions listed on the Shoalhaven Water Development Notice at each stage of work must be complied with as relevant to that stage. Written notification must be issued by Shoalhaven Water and evidence provided to the Certifier for each applicable stage.	To ensure compliance with Shoalhaven Water requirements.
6.	Construction within Boundary All approved construction including but not limited to footings, walls, roof barges and guttering are to be constructed wholly within the boundaries of the premises.	To ensure the development is constructed wholly within the subject land
7.	Acoustic Impacts All recommendations as outlined in the Acoustical Report – Proposed Pub Development – No.124 Island Point Road, St Georges Basin 2540 – 15 December 2023 – File Ref: 5540R20221014asCoeHotel_DA(3– prepared by Koikas Acoustics must be implemented for the development.	
INTEGRATED DEVELOPMENT AND CONCURRENCE CONDITIONS		
CONDITIONS		REASON
8.	NSW RFS General Terms of Approval The development shall be carried out in accordance with the General Terms of Approval issued by NSW Rural Fire Service dated 24 August 2023 (Reference: DA20230801003371-Original-1)	To ensure compliance with external concurrence and referral advice.
BUILDING WORK Before Building Work Commences		
CONDITIONS		REASON
9.	Construction Certificate A Construction Certificate must be obtained from either Council or an accredited certifier before any building work can commence.	To ensure a appropriate building and Subdivision

		Certificates are obtained.
10.	<p>Appointment of Principal Certifier</p> <p>Prior to the commencement of building or subdivision work, a Principal Certifier must be appointed.</p>	To ensure a Principal Certifier is appointed where required.
11.	<p>Notice of Commencement</p> <p>Notice must be given to Council at least two (2) days prior to the commencement of building or subdivision work by completing and returning the form 'Commencement Notice for Building or Subdivision Work and Appointment of Principal Certifying Authority'</p>	To ensure appropriate notice is given to Council.
12.	<p>Toilet Facilities - Temporary</p> <p>Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:</p> <ul style="list-style-type: none"> a) be a standard flushing toilet connected to a public sewer, or b) have an onsite effluent disposal system approved under the <i>Local Government Act 1993</i>, or c) be a temporary chemical closet approved under the <i>Local Government Act 1993</i>. 	To ensure suitable toilet facilities are provided.
13.	<p>Tree Protection Compliance</p> <p>Before demolition work commences, all tree protection fencing will be installed in accordance with AS 4970-2009 - Protection of trees on development sites, and with the approved tree management plans, and arborist reports by suitably qualified AQF Level 5-8 consultant arborist.</p> <p>In this regard the nominated consultant arborist is to assist in work supervision and issue appropriate binding instructions, for the protection of these protected trees.</p>	To minimise off-site impacts.
14.	<p>Waste Management Plan</p> <p>A Demolition and Construction Waste Management Plan (WMP) must be prepared in accordance with Chapter G7 of Shoalhaven Development Control Plan 2014. The WMP must be approved by Council or the Certifier prior to any demolition or construction works commencing.</p> <p>The WMP is to outline how staff or contractors will that the recyclable materials is free from contamination prior to taking the bins to the collection point for servicing.</p>	To ensure an appropriate waste management plan is provided.

15.	<p>Asbestos Removal</p> <p>Asbestos removal must be carried out in accordance with AS2601-2 <u>SafeWork NSW – Code of Practice, Demolition Work [ISBN 978-0-642-78415-5]</u> and <u>SafeWork NSW – Code of Practice, How to Safely Remove Asbestos [ISBN 978-0-642-33317-9]</u> as applicable, by a person holding the relevant licence issued by SafeWork NSW.</p> <p>A licence is not required to remove less than 10m² of non-friable asbestos, provided that the total amount of non-friable asbestos removed from the lot does not exceed 10m².</p> <p>Asbestos must be taken for disposal to the licensed Waste Management Facility identified in the approved Waste Management Plan.</p> <p>Post asbestos removal and prior to further work on the site, the following must be submitted to the Certifier:</p> <ul style="list-style-type: none"> a) A clearance certificate issued by a licensed asbestos assessor or competent person as required by the Work, Health and Safety Regulation 2017 for the specific type of asbestos removal work confirming that the area has been cleaned satisfactorily and is safe to be re-occupied for normal use. b) A clearance certificate is required if the removal work involved any quantity of friable asbestos, or if it involved removal of more than a total of 10 square metres of non-friable asbestos from the lot. c) Documentary evidence of the legitimate disposal of all asbestos in the form of tip receipts from an approved waste management facility. 	To ensure demolition works are carried out appropriately.
16.	<p>Asbestos – Notification of Neighbours</p> <p>Seven (7) days prior to the commencement of any demolition works involving asbestos, all immediate neighbours must be notified in writing of the intention to carry out asbestos demolition works. Copies of these written notifications should be retained and submitted to Council.</p>	To ensure demolition works are carried out appropriately.
17.	<p>Demolition</p> <p>Demolition work must be carried out in accordance with AS2601-2 <u>SafeWork NSW – Code of Practice, Demolition Work [ISBN 978-0-642-78415-5]</u> and <u>SafeWork NSW – Code of Practice, How to Safely Remove Asbestos [ISBN 978-0-642-33317-9]</u> as applicable.</p>	To ensure demolition works are carried out appropriately.
18.	<p>Demolition - Completion of Works</p> <p>Demolition work, once commenced, must be completed within three (3) months.</p>	To ensure demolition works are completed within an acceptable timeframe.

<p>19.</p>	<p>Demolition - Decommissioning of Services</p> <p>Prior to the commencement of demolition work:</p> <ul style="list-style-type: none"> a) All existing internal sewer drainage pipework must be flushed, disconnected from the existing sewer junction and the sewer junction must be temporarily capped off. b) Internal water lines must be disconnected from water metres currently servicing the property. c) The capped off sewer junction and disconnected water lines must be inspected by Shoalhaven Water. For all inspections contact Shoalhaven Water on 4429 3547. 	<p>To ensure services are appropriately decommissioned and capped off where required.</p>
<p>20.</p>	<p>Run-off and Erosion Controls</p> <p>Prior to the commencement of site works, run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:</p> <ul style="list-style-type: none"> a) Diverting uncontaminated run-off around cleared or disturbed areas. b) Erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties. c) Preventing the tracking of sediment by vehicles onto roads. d) Stockpiling topsoil, excavated materials, construction and landscaping supplies and debris within the lot. <p><i>Note: all implemented measures must not cause water pollution as defined by the Protection of the Environment Operations Act (POEO).</i></p>	<p>To ensure appropriate erosion and sediment control measures are in place.</p>
<p>21.</p>	<p>Works within the Road Reserve</p> <p>Before undertaking any works within an existing road reserve, the developer must obtain the consent of Council under <i>section 138 of the Roads Act, 1993</i>.</p> <p>The following details must be submitted to Council as part of the application:</p> <ul style="list-style-type: none"> a) Any civil works design required by this consent. b) Evidence of the contractor's Public Liability Insurance to an amount of \$20 million. c) Name and contact information of the person responsible for all relevant works. d) A Traffic Guidance Scheme prepared, signed, and certified by a person holding the appropriate Transport for NSW (TfNSW) accreditation. e) Where the Traffic Guidance Scheme requires a reduction of the speed limit, a 'Application for Speed Zone Authorisation' must be obtained from the relevant road authority. 	<p>To ensure relevant approvals are obtained.</p>

<p>22.</p>	<p>Shoalhaven Water – Application for Certificate of Compliance.</p> <p>Prior to commencement of works, an application for a Certificate of Compliance must be made with Shoalhaven Water and where required a Water Development Notice is to be obtained. Shoalhaven Water will determine if sewerage and/or water infrastructure and/or easements will be affected by any part of your development including what charges/fees apply. Please visit https://shoalwater.nsw.gov.au/planning-building/developers-consultants/water-development-notice to make application for a Certificate of Compliance or call (02) 4429 3214 to learn more about applying.</p> <p>Upon the receipt of the application, Shoalhaven Water will assess the development and if required will issue a “Water Development Notice” document detailing all requirements which must be met.</p> <p>Note: As water and/or sewerage infrastructure may impact on part/s or all of the development such as building, provision of services, protection of water and/or sewer assets, etc., it is recommended that this application is made as early as possible during the development process.</p>	<p>To ensure a Water Development Notice and Certificate of Compliance are obtained</p>
<p>23.</p>	<p>Dilapidation Report</p> <p>Prior to the commencement of work, the developer must engage a competent person to prepare a dilapidation report in respect of the neighbouring premises and adjacent public infrastructure, including adjacent kerbs, gutters, footpaths (formed or unformed), driveways (formed or unformed), carriageway, reserves and the like to document evidence of any existing damage.</p> <p>The dilapidation report must consider the impact of any excavation work that extends below the level of the base of the footings of any structure within 0.9metres of the shared boundary.</p> <p>Before works commence, a copy of the dilapidation report must be provided to the Certifier and Council. The dilapidation report will be the benchmark for necessary repairs to damage caused during the development works. All repairs must be completed by the developer at the developer’s cost.</p> <p>Not less than seven (7) days before works commence, the developer must notify the owner of any affected property of the intention to carry out approved works. The developer must also furnish the owner with details of the approved work.</p> <p>However, if the occupier or owner of any neighbouring dwelling does not permit reasonable access for the purposes for the preparation of the dilapidation report, written evidence of the efforts taken to secure access may be submitted to the <i>Principal Certifier</i> and the <i>Principal Certifier</i> may waive the requirement in relation to the relevant property.</p>	<p>To ensure a suitable dilapidation report is prepared and the status of existing infrastructure and adjoining structures is recorded prior to the commencement of work.</p>

	<p><i>Note: A dilapidation report can comprise of video footage and photos of adjacent public infrastructure and relevant structures on adjoining properties.</i></p>	
24.	<p>Construction Traffic Management Plan</p> <p>Before the commencement of works, a Construction Traffic Management Plan detailing the proposed method of dealing with construction traffic and parking must be approved by Council.</p> <p>Details must include, but are not limited to:</p> <ul style="list-style-type: none"> a) Stabilised site construction access location b) Proposed haulage routes for delivery of materials to the site. c) Proposed haulage routes for spoil disposal from the site. d) Traffic control planning for each of the various phases of construction and/or vehicle movements associated with construction. e) Parking arrangements for construction employees and contractors. f) Proposed maintenance of the haulage routes and the name of the person responsible for such maintenance. g) Loading / unloading areas h) Requirements for construction or work zones i) Pedestrian and cyclist safety j) Speed zone restrictions 	<p>To ensure construction traffic is managed in a safe and appropriate manner.</p>
25.	<p>Works within the Road Reserve – Submissions to Council</p> <p>Before undertaking any works within an existing road reserve, the developer must obtain the consent of Council under <i>section 138 of the Roads Act, 1993</i>.</p> <p>The following details must be submitted to Council as part of the application:</p> <ul style="list-style-type: none"> a) Any civil works design required by this consent. b) Evidence of the contractor's Public Liability Insurance to an amount of \$20 million. c) Name and contact information of the person responsible for all relevant works. d) A Traffic Control Plan prepared, signed, and certified by a person holding the appropriate Transport for NSW (TfNSW) accreditation. e) Where the Traffic Control Plan requires a reduction of the speed limit, a 'Application for Speed Zone Authorisation' must be obtained from the relevant road authority. 	<p>To ensure relevant approvals are obtained.</p>
26.	<p>Deleted</p> <ul style="list-style-type: none"> a) 	

27.	Geotechnical Report – Building Works Before the commencement of works, a certificate from a Professional Engineer - Geotechnical (as defined in the National Construction Code) is to be provided to the Certifier certifying: <ul style="list-style-type: none"> a) that the site is stable and will not be affected by landslide or subsidence at, above or below the site when the building is erected prepared in accordance with AS 1726 Geotechnical site investigations. 	To ensure the development is compatible with the geotechnical constraints of the site.
28.	Stormwater – Overland Flow, Redirecting and/or Concentrating Stormwater All excavation, backfilling and landscaping works must not result in: <ul style="list-style-type: none"> a) any change to the overland stormwater flow path on your property and or a neighbouring property. If any change to the overland flow path occurs on a property, the stormwater runoff must be collected and directed to a legal point of discharge. b) the redirection and/or concentration of stormwater flows onto neighbouring properties. 	To ensure stormwater is appropriately managed.

BUILDING WORK

Before Issue of a Construction Certificate

CONDITIONS		REASON
29.	Evidence A Construction Certificate must not be issued until the Certifier has received notification from, or evidence of, any Council approval that is required Prior to the Commencement of Works.	To ensure all required approvals are obtained.
30.	Design Standards – Works Within Road Reserve Before issue of a Construction Certificate, all civil works proposed within road reserves must be approved by Council.	To ensure all required approvals are obtained.
31.	Amended Landscape Plans Before issue of a Construction Certificate, amended Landscape Plans are to be provided to the Certifier for approval incorporating the following: <ul style="list-style-type: none"> • A legend connecting each plant quantity and acronym with their respective symbol and hatch. • Details of mulch to be used, including type and depth. • Details for installation of plants, trees, turf (if any), edging (if any) and any other necessary landscape details. 	To ensure compliance with relevant DCP provisions.

	<ul style="list-style-type: none">Details of the plant species denoted as 'Pa-xa'																																																																																																										
32.	<p>Long Service Levy</p> <p>Prior to the issue of a Construction Certificate any long service levy payable under the Building and Construction Industry Long Service Payments Act 1986 and prescribed by the Building and Construction Industry Long Service Payments Regulation 2022 must be paid or, where such a levy is payable by instalments, the first instalment of the levy must be paid. Council is authorised to accept payment. Proof of payment must be submitted to the Certifying Authority.</p>	To ensure compliance with long service levy requirements																																																																																																									
33.	<p>Local Infrastructure Contribution</p> <p>This development will generate a need for the additional services and/or facilities described in Shoalhaven Contributions Plan 2019 and itemised in the following table(s):</p> <p><u>Hotel</u></p> <table><tr><th>Project</th><th>Description</th><th>Rate</th><th>Qty</th><th>Total</th><th>GST</th><th>GST Incl</th></tr><tr><td>03AREC0005</td><td>Planning Area 3 - Recreation facilities upgrade various locations</td><td>\$328.73</td><td>8.80</td><td>\$2,892.82</td><td>\$0.00</td><td>\$2,892.82</td></tr><tr><td>03AREC3003</td><td>Bay and Basin Leisure Centre</td><td>\$492.77</td><td>8.80</td><td>\$4,336.38</td><td>\$0.00</td><td>\$4,336.38</td></tr><tr><td>03OREC0012</td><td>St Georges Basin Village Green</td><td>\$1,045.59</td><td>8.80</td><td>\$9,201.19</td><td>\$0.00</td><td>\$9,201.19</td></tr><tr><td>03ROAD2023</td><td>St Georges Basin Village Access Road & Traffic Facilities</td><td>\$9,309.98</td><td>8.80</td><td>\$81,927.82</td><td>\$0.00</td><td>\$81,927.82</td></tr><tr><td>03ROAD4021</td><td>The Wool Road Bypass, St Georges Basin</td><td>\$1,239.71</td><td>8.80</td><td>\$10,909.45</td><td>\$0.00</td><td>\$10,909.45</td></tr><tr><td>CWA REC5005</td><td>Shoalhaven Community and Recreational Precinct SCArP Cambewarra Road Bomaderry</td><td>\$2,940.78</td><td>8.80</td><td>\$25,878.86</td><td>\$0.00</td><td>\$25,878.86</td></tr><tr><td>CWFI RE2001</td><td>Citywide Fire & Emergency services</td><td>\$162.05</td><td>8.80</td><td>\$1,426.04</td><td>\$0.00</td><td>\$1,426.04</td></tr><tr><td>CWFI RE2002</td><td>Shoalhaven Fire Control Centre</td><td>\$237.08</td><td>8.80</td><td>\$2,086.30</td><td>\$0.00</td><td>\$2,086.30</td></tr><tr><td>CWGMT3001</td><td>Contributions Management & Administration</td><td>\$673.90</td><td>8.80</td><td>\$5,930.32</td><td>\$0.00</td><td>\$5,930.32</td></tr><tr><td colspan="6">Sub Total:</td><td>\$144,589.18</td></tr><tr><td colspan="6">GST Total:</td><td>\$0.00</td></tr><tr><td colspan="6">Estimate Total:</td><td>\$144,589.18</td></tr></table> <p><u>Pub</u></p> <table><tr><th>Project</th><th>Description</th><th>Rate</th><th>Qty</th><th>Total</th><th>GST</th><th>GST Incl</th></tr><tr><td>03ROAD2023</td><td>St Georges Basin Village Access Road</td><td>\$9,309.98</td><td>11.13</td><td>\$103,620.08</td><td>\$0.00</td><td>\$103,620.08</td></tr></table>	Project	Description	Rate	Qty	Total	GST	GST Incl	03AREC0005	Planning Area 3 - Recreation facilities upgrade various locations	\$328.73	8.80	\$2,892.82	\$0.00	\$2,892.82	03AREC3003	Bay and Basin Leisure Centre	\$492.77	8.80	\$4,336.38	\$0.00	\$4,336.38	03OREC0012	St Georges Basin Village Green	\$1,045.59	8.80	\$9,201.19	\$0.00	\$9,201.19	03ROAD2023	St Georges Basin Village Access Road & Traffic Facilities	\$9,309.98	8.80	\$81,927.82	\$0.00	\$81,927.82	03ROAD4021	The Wool Road Bypass, St Georges Basin	\$1,239.71	8.80	\$10,909.45	\$0.00	\$10,909.45	CWA REC5005	Shoalhaven Community and Recreational Precinct SCArP Cambewarra Road Bomaderry	\$2,940.78	8.80	\$25,878.86	\$0.00	\$25,878.86	CWFI RE2001	Citywide Fire & Emergency services	\$162.05	8.80	\$1,426.04	\$0.00	\$1,426.04	CWFI RE2002	Shoalhaven Fire Control Centre	\$237.08	8.80	\$2,086.30	\$0.00	\$2,086.30	CWGMT3001	Contributions Management & Administration	\$673.90	8.80	\$5,930.32	\$0.00	\$5,930.32	Sub Total:						\$144,589.18	GST Total:						\$0.00	Estimate Total:						\$144,589.18	Project	Description	Rate	Qty	Total	GST	GST Incl	03ROAD2023	St Georges Basin Village Access Road	\$9,309.98	11.13	\$103,620.08	\$0.00	\$103,620.08	To ensure applicable local infrastructure contributions are collected.
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34.	<p>Waste Storage Room</p> <p>Prior to the issue of a Construction Certificate, detailed plans must be submitted to the Certifier that demonstrate that the waste storage room and bulky waste room are designed to be constructed in accordance with the Waste Minimisation and Management Guidelines, and that:</p> <ul style="list-style-type: none">a) the floor to be constructed of concrete at least 75mm thick and adequately graded to drain to a Shoalhaven Water approved drainage fitting.b) the floor to be finished so that it is non-slip and has a smooth and even surface covered at all intersections.c) the walls to be finished with smooth faced non-absorbent material capable of being cleaned.d) the room to be provided with artificial light controllable within the room and adequate ventilation.e) The area to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.	To ensure waste management infrastructure is appropriately designed.																																																								
35.	<p>Waste Chute Design – Hotel Accommodation</p>	To ensure waste management																																																								

	<p>Before the issue of a construction certificate, detailed plans must be submitted to the Certifier confirming that the waste chute in the Hotel Accommodation building will be constructed to satisfy the Waste Minimisation and Management Guidelines, and that:</p> <ul style="list-style-type: none"> a) chutes, service openings and charging devices are to be constructed of metal or a smooth faced surface which is fire resistant and of impervious material; b) chutes are to be cylindrical in section, vertical and without bends as they pass through the floors; c) chutes will terminate in the waste storage room and discharge into a waste bin; and d) chutes will comply with manufacturers' technical specifications and operational limitations. <p>A contingency plan is in place for the development to allow for the continual disposal and collection of waste if the chute or chutes cannot be operated.</p>	infrastructure is appropriately designed.
36.	<p>Acoustic Noise Assessment – Mechanical Plant</p> <p>An acoustic noise assessment must be completed by a suitably qualified acoustic consultant for all mechanical plant proposed for the development prior to the issue of a construction certificate. The report must be submitted to Shoalhaven City Council for review and recommendations complied with at all times.</p>	To minimise acoustic impact
37.	<p>Disabled Access</p> <p>Prior to the issue of a Construction Certificate a Disability Access Audit must be carried out by an accredited access auditor. The recommendations from the audit are to be detailed on the Construction Certificate plans and provided to the Principal Certifier.</p>	To ensure appropriate disabled access is provided.
38.	<p>Crime Prevention Through Environmental Design</p> <p>The development must include security measures. Such measures are to include the following:</p> <ul style="list-style-type: none"> i. use sensor lights to encourage user safety and illuminate potential offenders after dark, ii. incorporate additional lighting below awnings to adequately illuminate footpath areas, iii. illuminate possible concealment and entrapment areas particularly in car parks, iv. lighting strategies that enable users to identify a face from within 15 metres to assist with personal safety, v. light access routes for user safety and to encourage surveillance, 	To ensure ongoing safety.

	<p>vi. the development is to ensure appropriate security and locking mechanisms on all entry/exit points including main doors, roller doors and fire escapes,</p> <p>vii. Access control shall be installed to the car parking area, hotel areas and foyers to permit admission of authorised persons only (including employees of the commercial premises and patrons). An intercom system shall be installed to enable controlled access for visitors.</p> <p>Graffiti resistant surfaces and paint must be used at the ground level of the development. Details of such surfaces and paint are to be shown on plan or included in building specifications and are to be submitted with the Construction Certificate application to the satisfaction of the Principal Certifying Authority.</p> <p>Full details concerning the above security arrangements for the site must be provided on plan and/or written submission with the Construction Certificate and is to be approved by the Principal Certifier.</p>	
39.	<p>Retaining Walls - Design</p> <p>Before the issue of a construction certificate for approved retaining walls exceeding 0.6m in height above ground level (existing) and/or within 1m of a property boundary, detailed design plans must be prepared and submitted to the Certifier for approval. The retaining walls must satisfy the following:</p> <p>For retaining walls exceeding 0.6m in height above natural ground level (existing) a professional engineer has certified the retaining walls as structurally sound, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load; and</p> <p>For retaining walls less than 0.6m in height above natural ground level (existing) the Certifier must be satisfied that the retaining walls are structurally sound, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load.</p> <p>Retaining walls, footings and drainage must be contained wholly within the development site.</p> <p>Construction within a registered easement is prohibited.</p> <p>Retaining walls not shown on the approved plan must meet the criteria for Exempt retaining walls and comply with the relevant criteria listed in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, or be approved by way of Complying Development before construction and comply with the relevant criteria listed in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p>	<p>To ensure retaining walls are appropriately designed.</p>

40.	<p>Shoalhaven Water – Prior to the Issue of a Construction Certificate</p> <p>Prior to the issue of a Construction Certificate, all conditions listed on the Shoalhaven Water Notice of Requirements under the heading “Prior to the Issue of a Construction Certificate” must be complied with and accepted by Shoalhaven Water. Written notification must be issued by Shoalhaven Water and provided to the Certifier.</p>	To ensure a Water Development Notice and Certificate of Compliance are obtained.
41.	<p>Section 68 Application</p> <p>Prior to the issue of a Construction Certificate, an application to carry out water supply works, sewerage works, and stormwater drainage works must be obtained from Council under Section 68 of the Local Government Act 1993.</p>	To ensure relevant approvals are obtained.
42.	<p>Network Connection – Endeavour Energy</p> <p>Prior to the issue of a Construction Certificate, an appropriate application will need to be submitted to Endeavour Energy based on the maximum demand for electricity for connection of load.</p>	To ensure utilities and services are appropriately provided.
43.	<p>Erosion and Sediment Controls - Erosion and Sediment Control Plan</p> <p>Before issue of a Construction Certificate, an Erosion and Sediment Control Plan (ESCP) and specifications must be prepared in accordance with Landcom's publication Managing Urban Stormwater - Soils and Construction (2004) by a suitably qualified person, (as defined in the National Construction Code) to the satisfaction of the Certifier.</p> <p>All plans must include:</p> <ul style="list-style-type: none"> Site access location and stabilisation details and restrictions; Erosion control locations and types; Sediment control locations and types; Soil, water and drainage management plans; Site rehabilitation details; Inspection and maintenance details; Identification of existing vegetation and site revegetation to have 70% cover established before plan is decommissioned; Existing and final contours (clearly distinguished and adequately annotated); Standard construction drawings for proposed soil, water and drainage management measures. <p>All implemented measures must ensure that a pollution incident must not occur as defined by the Protection of the Environment Operations Act (POEO).</p>	To ensure an appropriate Erosion and Sediment Control Plan has been prepared.

	<p>All implemented measures must:</p> <p>not cause water pollution as defined by the Protection of the Environment Operations Act (POEO).</p> <p>be maintained at all times.</p> <p>not be decommissioned until at least 70% revegetation cover has been established.</p>	
44.	<p>Road – Design Standards (Urban)</p> <p>Before the issue of a Construction Certificate, certified road design engineering plans must be prepared by a suitably qualified engineer or surveyor and approved by Council. The road design must comply with the following:</p> <p>Councils Engineering Design Specifications Sections D1 – Geometric Road Design and D2 – Flexible Pavement Design.</p> <p>AUSTROADS Design Requirements and Specifications.</p> <p>Relevant Australian Standards.</p> <p>2 x pedestrian crossing points are to be designed and constructed on Island Point Road in consultation with and to the satisfaction of Council. These crossing points may be required to be raised thresholds (i.e. wombat crossings) at the discretion of Council.</p> <p>Any costs associated with relocation of services or infrastructure is to be borne by the developer.</p>	<p>To ensure road and pavement infrastructure is appropriately designed.</p>
45.	<p>Driveway – Design Standards (Urban)</p> <p>Before the issue of a Construction Certificate, certified engineering design plans must be prepared by a professional engineer, (as defined in the National Construction Code), and approved by Council. The layback/footpath crossing design must comply with the following:</p> <p>Council's Engineering Design Standard Drawings.</p> <p>Constructed using 20 MPa reinforced concrete, reinforced with SL72 mesh, on a 150mm compacted road base with concrete slab minimum 5.5 metres width and minimum 125m depth.</p> <p>Removal of sufficient width of existing road seal and pavement to allow placing of formwork and laying/compaction of suitable pavement material for the driveway layback with a minimum 300mm offset to the kerb lip line.</p>	<p>To ensure road and pavement infrastructure is appropriately designed.</p>
46.	<p>Car Parking Design Standards</p> <p>Prior to the issue of a Construction Certificate, certified engineering design plans and specifications must be prepared by a professional engineer, (as defined in the</p>	<p>To ensure carpark is appropriately designed.</p>

	<p>National Construction Code) or surveyor and approved by the Certifier.</p> <p>The car parking and access design must comply with the following:</p> <ul style="list-style-type: none"> a) The approved architectural plans. b) A minimum number of 54 spaces must be provided on site. c) AS2890.1, AS2890.2 and AS2890.6 where relevant. d) Constructed in accordance with the following: <ul style="list-style-type: none"> i. with a flexible pavement, surfaced with 30mm of AC10 asphaltic concrete using 14mm and 7mm aggregate, designed and constructed for a minimum traffic loading of 1×10^6 ESA. ii. with a concrete pavement designed and constructed for a minimum traffic loading of 1×10^6 ESA. e) Bordered in accordance with Council's Standard Drawings by: <ul style="list-style-type: none"> i. concrete kerbing, except where surface runoff is concentrated, in which case concrete integral kerb and gutter must be constructed. 	
47.	<p>Shared Path – Design Standards</p> <p>Before the issue of a Construction Certificate, certified engineering design plans must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier. The cycleway and footpath design must comply with the following:</p> <p>Councils Engineering Design Specifications Section D8 – Cycleway and Footpath Design.</p> <p>A 1.5 metre-wide concrete footpath is to be designed and constructed between the Island Point Road / St Georges Road intersection and the St Georges Road / Graham Avenue intersection with:</p> <ul style="list-style-type: none"> i) cross section design provided from road centreline to the carpark/garage floor level at each driveway access point. ii) 3% cross fall from the boundary to top of kerb, unless otherwise approved by Council. iii) match existing footpath levels of adjoining property frontages and be a uniform grade over the length of the development site frontage, or where this cannot be achieved, a longitudinal section must be designed. iv) kerb ramps at intersections in accordance with Council's Engineering Design Specifications. 	<p>To ensure road and pavement infrastructure is appropriately designed.</p>

	<p>A 2.0 metre-wide concrete shared user path is to be designed and constructed between the existing path adjacent to 27 Bruce Street and the Island Point Road / Collett Place intersection (roundabout) with:</p> <ul style="list-style-type: none"> i) cross section design provided from road centreline to the carpark/garage floor level at each driveway access point. ii) 3% cross fall from the boundary to top of kerb, unless otherwise approved by Council. iii) match existing footpath levels of adjoining property frontages and be a uniform grade over the length of the development site frontage, or where this cannot be achieved, a longitudinal section must be designed. iv) kerb ramps at intersections in accordance with Council's Engineering Design Specifications. 	
48.	<p>Carparking – Lighting Design</p> <p>Before the issue of a Construction Certificate, lighting design plans are to be submitted the Certifier for approval. Lighting is to be provided to the internal driveway and car parking area in accordance with <i>AS/NZS 1158.3.1 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements</i>, and other relevant Australian Standards.</p>	To ensure carpark lighting is appropriately designed.
49.	<p>Stormwater – Major Development Design Standards (Urban)</p> <p>Before the issue of a Construction Certificate, certified engineering design plans, specifications, and DRAINS model (or approved alternative) must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier and by Council.</p> <p>The stormwater drainage design must comply with the following:</p> <p>Major and minor drainage systems in accordance with Council's Engineering Design Specifications - Section D5 - Stormwater Drainage Design and utilising Australian Rainfall and Runoff (ARR, 2019) Guidelines.</p> <p>The minor and major systems must be designed for a 10% AEP and 1% Annual Exceedance Probability (AEP) rainfall events, respectively.</p> <p>Generally, in accordance with approved concept stormwater design plan and Integrated Water Cycle Management Strategy by MI Engineers, dated 18th January 2023.</p> <p>The design is to comply with the existing easement arrangement within the site and ensure any impacts to the existing drainage scenario are mitigated through the design.</p>	To ensure stormwater infrastructure is designed appropriately.

	<p>The existing stormwater drainage system is to be adjusted to suit the new works. In this regard the following is required:</p> <ul style="list-style-type: none"> i) all relevant calculations are to be noted on the drainage plans to confirm the adequacy of the existing system, or the upgraded design. <p>Design of stormwater drainage is to include piping, swales and easements to facilitate future development of the site.</p>	
50.	<p>Stormwater – On-Site Detention Design Standards</p> <p>Before the issue of a Construction Certificate, details of on-site detention must be provided on the Construction Certificate plans and approved by the Certifier.</p> <p>On-site detention must be provided as:</p> <ul style="list-style-type: none"> a) Per certified engineering design plans and specifications prepared by a professional engineer, (as defined in the National Construction Code) or surveyor. The on-site stormwater detention (OSD) design must be designed such that stormwater runoff from the site for design storm events up to and including the 1% AEP does not exceed the pre-developed conditions. 	To ensure stormwater infrastructure is designed appropriately.
51.	<p>Water Sensitive Urban Design – Private Devices</p> <p>Before the issue of a Construction Certificate, detailed design of permanent stormwater quality improvement devices must be certified by a professional engineer, (as defined in the National Construction Code) demonstrating the appropriateness of the proposed design for the site in accordance with Council's Engineering Design and Construction Specifications and approved by the Certifier. Specifications can be found on Council's web site.</p> <p>The drainage design must also not include any uncoated metal (i.e. Copper etc.) surfaces such as roofs, facades and/or downpipes.</p>	To ensure stormwater infrastructure is designed appropriately.
52.	<p>Water Sensitive Urban Design – Water Quality, Retention and Reuse</p> <p>Before issue of a Construction Certificate, a detailed design of permanent water quality, retention and reuse devices must be certified by a professional engineer, (as defined in the National Construction Code) who can demonstrate the appropriateness of the proposed design for the site in accordance with Council's Engineering Design and Construction Specifications and is to be approved by the Certifier. Specifications can be found on Council's website.</p> <p>The stormwater treatment, retention and reuse design must comply with the following:</p>	To ensure stormwater infrastructure is designed appropriately.

	<p>a) The Integrated Water Cycle Management Strategy by MI Engineers, dated 18th January 2023.</p> <p>b) The WSUD strategy must be able to remove 80% of Total Suspended Solids (TSS), 45% of Total Nitrogen (TN) and 65% of Total Phosphorus (TP) for the total site area as demonstrated using MUSIC software. The detailed MUSIC model must be provided to Council for acceptance.</p> <p>c) The WSUD strategy must have appropriate stormwater retention storage that is equal to or greater than 8mm for increases in all impervious surfaces compared to the pre-development condition. NOTE: The storage depth must be taken from Table 2 in DCP Chapter G2 for the development type.</p>	
BUILDING WORK During Building Work		
CONDITIONS		REASON
53.	<p>Hours for Construction</p> <p>Construction may only be carried out between 7.00am and 5.00pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday. Proposed changes to hours of construction must be approved by the Director of City Development, Shoalhaven City Council, or their delegate, in writing.</p>	To ensure site work occurs within appropriate construction hours.
54.	<p>Waste Management</p> <p>While site work is being carried out:</p> <ul style="list-style-type: none"> a) all waste management must be undertaken in accordance with the waste management plan, and b) upon disposal of waste, records of the disposal must be compiled and provided to the principal certifier or council (where a principal certifier is not required), detailing the following: <ul style="list-style-type: none"> i) The contact details of the person(s) who removed the waste ii) The waste carrier vehicle registration iii) The date and time of waste collection iv) A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill v) The address of the disposal location(s) where the waste was taken 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. 	To ensure approved waste management plan is complied with.

	<p>If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and council</p>	
55.	<p>Tree Protection Compliance</p> <p>A suitably qualified AQF Level 5-8 consultant arborist that all tree protection works are completed and maintained in accordance with approved plans and documents, and in particular the arborist report and tree protection plans, prepared in accordance with AS 4970-2009 - Protection of trees on development sites and any relevant conditions of this consent.</p> <p>The appointed AQF Level 5-8 consultant must attend the site for all inspection or hold points and any time cranes are used within 5 metres of a protected tree's branches or canopy, or when any excavation is carried out within the root protection area of retained and protected trees. In this regard the nominated consultant arborist is to assist in work supervision and issue appropriate binding instructions, for the protection of these protected trees</p>	<p>To ensure compliance with tree protection works and plans.</p>
56.	<p>Noise</p> <p>The noise from all demolition and construction activities associated with the approved development must comply with the work practices as outlined in the NSW Department of Environment & Climate Change Interim Construction Noise Guideline. The LA10 level measured over a period of not less than 15 minutes during works must not exceed the background (LA90) noise level by more than 10dB(A) when assessed at any sensitive noise receiver.</p>	<p>To protect the amenity of neighbouring properties.</p>
57.	<p>Aboriginal Objects Discovered During Excavation</p> <p>If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:</p> <ol style="list-style-type: none"> All excavation or disturbance of the area must stop immediately. Additional assessment and approval pursuant to the National Parks and Wildlife Act 1974 may be required prior to works continuing the affected areas(s) based on the nature of the discovery. <p>Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required (or once any required assessment has taken place or any required approval has been given).</p> <p>The Heritage NSW must be advised of the discovery in accordance with section 89A of the National Parks and Wildlife Act 1974</p>	<p>To ensure the protection of objects of potential significance during works.</p>

<p>58.</p>	<p>Archaeology Discovered During Excavation</p> <p>If any object having interest due to its age or association with the past is uncovered during the course of the work:</p> <p>a) All work must stop immediately in that area.</p> <p>Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required (or once any required assessment has taken place or any required approval has been given).</p> <p>In accordance with the <i>Heritage Act 1997</i>, the Heritage NSW must be advised of the discovery.</p>	<p>To ensure the protection of objects of potential significance during works.</p>
<p>59.</p>	<p>Survey Report by Registered Surveyor – Height</p> <p>In order to ensure compliance with approved plans, a Survey Certificate to Australian Height Datum must be prepared by a Registered Surveyor as follows:</p> <p>a) At the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries.</p> <p>b) At the completed height of the building, prior to the placement of concrete in form work, or the laying of roofing materials.</p> <p>c) At completion, the relationship of the building and any penetrations thereto, to the boundaries.</p> <p>d) Progress certificates in response to points (a) through to (c) must be provided to the Certifier at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveal discrepancies between the approved plans and the proposed works.</p>	<p>To ensure adherence to the approved plans</p>
<p>60.</p>	<p>Survey Certification</p> <p>A survey must be undertaken by a registered surveyor and provided to the Certifier on completion of the basement floor slab formwork prior to the concrete being poured.</p> <p>The surveyor must certify all of the following the distance of the structure to all boundaries of the allotment are in accordance with the approved plans.</p>	<p>To ensure adherence to the approved plans</p>
<p>61.</p>	<p>Tree Removal</p> <p>No trees are approved for removal on neighbouring sites.</p> <p>Trees approved for removal must be carefully so as not to damage trees to be retained in or beyond the development footprint.</p>	<p>To ensure protection of trees on adjoining land.</p>
<p>62.</p>	<p>Maintenance of Site and Surrounds</p> <p>During works, the following maintenance requirements must be complied with:</p>	<p>To ensure the site is maintained in</p>

	<ul style="list-style-type: none"> a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held. b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility. c) Where tree or vegetation protection measures are in place, the protected area must be kept clear of materials and / or machinery. d) The developer must maintain the approved soil water management / erosion and sediment control measures to the satisfaction of the Certifier for the life of the construction period and until runoff catchments are stabilised. e) During construction: <ul style="list-style-type: none"> i. all vehicles entering or leaving the site must have their loads covered, and ii. all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads. f) at the completion of the works, the work site must be left clear of waste and debris. 	a safe and secure manner.
63.	Deleted	
64.	<p>Earthworks and Excavation</p> <ul style="list-style-type: none"> a) Approved earthworks (including any structural support or other related structure for the purposes of the development): <ul style="list-style-type: none"> i. 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. ii. must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property. iii. that is fill brought to the site, must contain only virgin excavated natural material (VENM) or excavated natural material (ENM) as defined in Part 3 of schedule 1 to the <i>Protection of the Environment Operations Act 1997 (POEO Act)</i>. Documentation must be provided to the Certifier certifying that imported fill material is not contaminated and does not contain contaminants such as asbestos, chemicals or building waste. iv. that is excavated soil to be removed from the site, must be disposed of in accordance with any requirements under the <i>Protection of the Environment Operations (Waste) Regulation 2005</i>. 	

	b) Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-78544-2) published by Safe Work Australia in October 2018	
65.	<i>Deleted</i>	
66.	<p>Contamination - Unexpected Finds</p> <p>a) If unexpected contaminated soil and/or groundwater is encountered during any works:</p> <ol style="list-style-type: none"> all work must cease, and the situation must be promptly evaluated by an appropriately qualified environmental consultant. the contaminated soil and/or groundwater must be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) Guidelines. <p>b) If unexpected contaminated soil or groundwater is treated and/or managed on-site; an appropriately qualified environmental consultant must verify that the situation was appropriately managed in accordance with relevant NSW EPA guidelines prior to recommencement of works. The verification documentation must be provided to the satisfaction of the Certifier and Shoalhaven City Council prior to the recommencement of any works.</p> <p>c) If contaminated soil or groundwater is to be removed from the site, it must be transported to an appropriately licensed waste facility by an NSW EPA licensed waste contractor in accordance with relevant NSW EPA guidelines including the Waste Classification Guidelines (2014).</p> <p><i>Note: An appropriately qualified environmental consultant will have qualifications equivalent to CEnvP "Site Contamination" (SC) Specialist - by Certified Environmental Practitioner or 'Certified Professional Soil Scientist' (CPSS CSAM) by Soil Science Australia (SSA).</i></p>	To ensure any detected contaminants are appropriately managed.
67.	<p>Occupation - Satisfaction of Conditions of Consent</p> <p>The development must not be occupied or used before an Occupation Certificate has been issued by the Principal Certifier.</p>	To ensure conditions of consent are complied with or other satisfactory arrangement made.
68.	<p>Earthworks – Cut, Fill and Grading</p> <p>The maximum grading of cut or fill must be 2H:1V where there is no retaining wall or no other method of stabilising cut or fill during construction. Earthworks and retaining walls must be constructed as per the approved plans.</p>	To ensure earthworks are appropriately retained.

69.	<p>Stormwater – Connections in Road Reserve</p> <p>Before the completion of works, the site supervisor must ensure that stormwater connections between the property boundary and the new kerb and gutter are inspected and approved by Council and backfilled as soon as possible. Kerb connections are only to be made using adaptors/convertors approved by Council.</p> <p><i>Note: A section 138 approval under the Roads Act 1993 will be required for any works within the road reserve.</i></p>	To ensure relevant approvals are obtained.
<p>BUILDING WORK</p> <p>Before Issue of an Occupation Certificate</p>		
CONDITIONS		REASON
70.	<p>Occupation - Satisfaction of Conditions of Consent</p> <p>The development must not be occupied or used before an Occupation Certificate has been issued by the Principal Certifier.</p>	To ensure conditions of consent are complied with or other satisfactory arrangement made.
71.	<p>Compliance</p> <p>The Occupation Certificate must not be issued until all relevant conditions of development consent have been met or other satisfactory arrangements have been made with Council (i.e. a security).</p>	To ensure compliance with Consent.
72.	<p>Noise</p> <p>Prior to the issue of an Occupation Certificate a 1.8 metre noise barrier is to be installed along the eastern boundary in accordance with the Acoustic Report prepared by Koikas Acoustic. The barrier material shall be solid with no gaps and have a minimum surface density of 15kg/m².</p>	To ensure compliance with approved Acoustic Report.
73.	<p>Private Waste Collection Service</p> <p>Before the issue of an Occupation Certificate, the developer/owner must provide evidence to the Certifier of a formal agreement with a licenced private waste contractor to service the development. A copy of the contract must be forwarded to Council.</p> <p>The agreement must ensure:</p> <ul style="list-style-type: none"> a) the removal of all waste from the developed property. b) the service is functional and meets the operational requirements for the developed property. 	To ensure an appropriate waste management agreement is entered into.

	<p>c) the service minimises environmental nuisances including noise and other adverse impacts on the safety and amenity of residents and the public.</p> <p>d) the developer/owner indemnifies Council against claims for loss or damages, should Council take over provision of the service at some point in the future.</p>	
74.	<p>Shoalhaven Water – Liquid Trade Waste</p> <p>Before the issue of an Occupation Certificate, approval to discharge liquid trade waste to sewer must be obtained in accordance with Shoalhaven Water's Liquid Trade Waste Discharge to Sewerage System policy.</p> <p>Please contact Shoalhaven Water Regulatory Team for further information.</p>	To ensure relevant approvals are obtained.
75.	Deleted	
76.	<p>Project Arborist – Final Inspection</p> <p>A final inspection of all the adjacent neighbouring <i>protected trees</i> by the project arborist with a report submitted to Shoalhaven City Council to confirm their successful protection, retainment and health.</p>	To ensure compliance with tree protection works and plans.
77.	<p>Colours and Materials</p> <p>The development must be constructed in accordance with the approved schedule of colours and building materials and finishes.</p>	To ensure colours and materials are appropriate.
78.	<p>Landscaping Compliance</p> <p>Prior to the issue of an Occupation Certificate, the developer must provide the Certifier with written evidence from a suitably qualified landscape professional that all landscape works have been completed in accordance with the approved landscape plans.</p> <p>The Certifier must be satisfied that any required Street trees have been installed in accordance with requirements.</p>	To ensure compliance with approved Landscaping Plans.
79.	<p>Letter Boxes</p> <p>A letterbox structure(s) must be provided and be designed to comply with the requirements of Australia Post, located close to the major pedestrian entry to the site, and built from materials that are non-reflective and blend in with the approved development.</p>	To ensure compliance with the requirements of Australia Post.
80.	Section 68 of the Local Government Act	To ensure compliance

	All the conditions under the approval of Section 68 of the Local Government Act 1993 are to be complied with prior to the issue of an occupation certificate.	with section 68 approval.
81.	<p>Shoalhaven Water – Certificate of Compliance</p> <p>Prior to the issue of any Occupation Certificate, a Certificate of Compliance under section 307 of the Water Management Act 2000 must be obtained from Shoalhaven Water to verify satisfactory compliance with all conditions for the supply of water and sewerage, as listed on the Notice of Requirements.</p> <p>If the development is to be completed in approved stages, or application is subsequently made for staging of the development, separate Compliance Certificates must be obtained for each stage of the development.</p>	To ensure compliance with Shoalhaven Water requirements.
82.	<p>Works in the Road Reserve - Evidence of Completion</p> <p>Before the issue of an Occupation Certificate, the developer must provide the Certifier with a Completion of Works in Road Reserve Letter provided by Council, confirming compliance with the requirements of section 138 of the <i>Roads Act 1993</i>.</p>	To ensure works in the road reserve are completed appropriately.
83.	<p>Works in the Road Reserve – Works as Executed</p> <p>Before the issue of an Occupation Certificate, Works as Executed Plans must be prepared by a registered surveyor / professional engineer, (as defined in the National Construction Code) and approved by Council demonstrating compliance with the approved design plans.</p> <p>The Works as Executed dimensions and levels must be shown in red on a copy of the approved plans and comply with the following requirements:</p> <ol style="list-style-type: none"> Council's Development Engineering Construction Specification. Show compliance with the approved design plans of all road and drainage works. Show any retaining walls including footings and agricultural drainage lines. Show the location of all underground service conduits. <p>Include all deviations from the approved Civil Engineering Plans</p>	To ensure works as executed plans are prepared and provided.
84.	<p>Stormwater Works as Executed</p> <p>Before the issue of an Occupation Certificate, a Works as Executed Plans and certification must be submitted to the Certifier and Council (for any works in the road reserve) by a licenced plumber/ registered surveyor / professional engineer (as defined in the National Construction Code) certifying compliance of all drainage works with the approved design plans and the National Construction Code.</p>	To ensure works as executed plans are prepared and provided.

	<p>The Works as Executed be shown in red on a copy of the approved plans. This plan must verify locations & sizes of all pipelines.</p> <p>Where the system includes an underground tank, a certificate of structural adequacy must be prepared and provided by a professional engineer (as defined in the National Construction Code).</p>	
85.	<p>Dilapidation Report – Evidence</p> <p>Prior to the issue of an Occupation Certificate, the developer must provide the Certifier and Council with evidence that any damage to neighbouring premises or adjacent public infrastructure, not previously identified as existing damage in the Dilapidation Report, has been repaired by the developer to the satisfaction of Council.</p>	<p>To ensure any damage not previously identified in the Dilapidation Report is suitably repaired.</p>
86.	<p>Retaining Walls - Certification</p> <p>Before the issue of any Occupation Certificate, certification must be provided to the Certifier prepared by a professional engineer, (as defined in the National Construction Code), certifying that retaining walls within 1m of the property boundary or exceeding 1m in height above ground level (existing) are constructed in accordance with the approved engineering design plans.</p> <p>The Certifier must be satisfied that all retaining walls have been constructed in accordance with the relevant retaining wall plans and specifications, and in accordance with the requirements of any other conditions of this consent.</p> <p>Note: This condition does not prevent a partial Occupation Certificate to be issued for the parts of the development that have been completed.</p>	<p>To ensure retaining walls have been constructed appropriately.</p>
87.	<p>Driveway – Redundant Driveways and Crossings</p> <p>Before the issue of any Occupation Certificate all redundant vehicle crossings and lay backs rendered unnecessary by this development must be reconstructed to match the existing the kerb and gutter. The verge must be appropriately graded, top soiled and turfed in a manner that conforms with adjoining road reserve. The area forward of the front boundary must be kept smooth, even and free from any trip hazards. All alterations of public infrastructure where necessary are at the developer's expense.</p>	<p>To ensure redundant vehicle crossings and laybacks are appropriately removed.</p>
88.	<p>Driveway – Evidence of Completion</p> <p>Before the issue of any Occupation Certificate, all driveway works internal to the site as shown on the approved plans must be completed.</p>	<p>To ensure the completion of the driveway in a timely manner.</p>

BUILDING WORK**Occupation and Ongoing use**

CONDITIONS		REASON
89.	Hours of Operation The pub is to operate as follows: <ul style="list-style-type: none">Monday, Tuesday, Thursday and Sunday 10am – 10pmWednesday, Friday and Saturday 10am to Midnight	To limit the hours of operation for the development.
90.	Maximum Number of Patrons The maximum number of patrons within the licenced area of the pub is limited to 290 people at any one time.	To limit the maximum number of people.
91.	Stormwater – Maintenance of Stormwater Infrastructure The approved stormwater design and any associated on-site detention must be maintained for the life of the development in accordance with the approved documents and maintenance programs.	To ensure stormwater infrastructure is maintained for the life of the development.
92.	Ongoing Parking Impact Management The development in consultation with an appropriately experienced and qualified Traffic Engineer must conduct patronage and parking surveys to confirm the 85th percentile parking demand on Wednesdays, Fridays and Saturdays, during the first 12 months operation of the development. These surveys must be submitted to Council within one month of the expiry of the 12 month survey period. Following receipt of these survey's, the applicant is required to update the Plan of Management prepared in accordance with Condition 3 to the satisfaction of Council to ensure the ongoing traffic and parking management is appropriately managed.	To ensure that traffic and parking is appropriately managed and on street parking is minimised.
93.	Post-construction monitoring, removal and replacement of protected trees Each 12 months, for a period of 3 years (following the issue of the occupation certificate), the applicant, or if the property is sold, the new owner, will engage a AQF Level 5-8 consultant arborist (at no cost to Council) to inspect and	To ensure landscaping is able to be established

	<p>certify that all retained protected trees are in a healthy and safe condition, having completed a TRAQ: Tree Risk Assessment Qualification (ISA) assessment of each protected tree.</p> <p>Trees that are unsafe, unhealthy, or in decline are to be removed and replaced with Council approval, at the full cost of the applicant or new owner. Two (2) replacement trees of the same or similar species for each tree removed. All trees will be planted from 45-100 litre containers that comply with AS 2303:2018 Tree stock for landscape use in locations identified by Council staff.</p>	
94.	<p>Noise</p> <p>The use of the approved development must not give rise to transmission of unacceptable vibration or an offensive noise to any place of different occupancy or the public in accordance with the NSW Environment Protection Authority's <i>Noise Policy for Industry</i> and <i>Noise Guide for Local Government</i> (guideline) and the <i>Protection of the Environment Operations Act (POEO Act)</i>.</p>	To ensure the facility is operated to minimise impacts.
95.	<p>Noise Management</p> <p>To ensure the appropriate management of noise impacts associated with the approved use the following noise controls are to be implemented:</p> <ul style="list-style-type: none"> a) Music in the outdoor terrace is limited to background music from 3 speakers and shall not exceed LA10 80dB when measured at 1 metre in front of any speaker. b) The front terrace is to be closed to patrons by 10pm. c) Windows and doors shall remain closed to contain the noise within the club building. 	To ensure the facility is operated to minimise impacts.
96.	Deleted	
97.	<p>Landscaping – Noxious and Environmental Weeds</p> <p>The planting of plant species listed in the South East Regional Strategic Weed Management Plan 2017 – 2022 is prohibited for the life of the development. No exotic perennial grasses listed on the 'Final Determination of the NSW Scientific Committee for the key threatening process Invasion of native plant communities by exotic perennial grasses' must be sown within the outer protection area or the asset protection zone for the life of the development. Native grasses must be sown in these areas, as this is the interface between disturbed areas and the remaining native vegetation for the life of the development.</p>	To ensure weeds are minimised.
98.	Maintenance of wastewater and stormwater treatment devices	To ensure the facility is

	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 in accordance with all approved documents.	operated to minimise impacts.
99.	<p>Site Maintenance</p> <p>The owner or operator must at all times be responsible for on-going site management and maintenance in accordance with the following:</p> <ul style="list-style-type: none"> a) loading and unloading in relation to the use of the premises must occur in the designated loading areas. b) goods or machinery must be stored, and all activities must occur, inside the building(s) and not in the carpark or driveway areas. c) maintenance and replacement (if necessary) of all landscaping in accordance with the landscape plan approved. d) maintenance of vehicular movement areas including driveways, carparking, manoeuvring areas, line marking, pedestrian facilities, lighting, to the standard specified by this consent. e) ongoing waste and recycling must be managed in accordance with the approved Waste Management Plan. Waste bins are not to be stored within the loading area/space that is visible from a public place. f) maintenance of stormwater drainage pipes and systems to ensure efficient discharge of stormwater in accordance with the approved stormwater drainage plan. g) maintenance of buildings, fencing, signage/markings to the standards specified in this consent. h) the removal of all graffiti within a maximum of 14 days of being notified by Council. i) management of communal indoor spaces of the development, including the communal indoor space on Level 1 and ensuring it is in a clean and functioning condition. 	To ensure the facility is operated to minimise impacts
100.	<p>Fire Safety – Annual Statement</p> <p>A building owner must ensure that an annual fire safety statement prepared by a competent fire safety practitioner is issued each year and that a copy of the statement is provided to the Shoalhaven City Council and the Commissioner of Fire and Rescue NSW. An application form is available on Council's website.</p> <p><i>Note: An annual fire safety statement is a declaration by, or on behalf of a building owner that an accredited practitioner – fire safety (APFS) has:</i></p> <ul style="list-style-type: none"> a) assessed, inspected and verified the performance of each existing essential fire safety measure that applies to the building 	To ensure an annual fire safety statement is prepared.

	<p>b) inspected the exit systems serving the building and found that the exit systems within the building do not contravene the provisions of Division 3 of Part 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</p> <p><i>Failure to give Council an annual fire safety statement by the due date constitutes a separate offence for each week beyond that date for which the failure continues. Substantial penalties for non-compliance apply under the Environmental Planning and Assessment Act 1979.</i></p>	
101.	<p>Operational Plan of Management & Noise Management Plan</p> <p>The use of the development must always be operated / managed in accordance with the approved Plan of Management, signed and dated by the premise's operator/manager.</p>	<p>To ensure the facility is operated to minimise impacts.</p>

General advisory notes

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

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

Building work or subdivision work must not be carried out until a Construction Certificate or Subdivision Works Certificate, respectively, has been issued and a principal certifier has been appointed.

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

Dictionary

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

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

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

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

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

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

Council means Shoalhaven City Council.

Court means the NSW Land and Environment Court.

EPA means the NSW Environment Protection Authority.

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

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

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

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

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

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not

limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

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

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