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# NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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| Application number | RA2023/1004 |
| Applicant | Terrior Pty Ltd |
| Description of development | Waste and Resource Management Facility (ancillary waste resource learning centre) |
| Property | 120 Flatrock Road MUNDAMIA – Lot 1 DP 1018193 |
| Determination | Approval |
| Date of determination | To Be Confirmed |
| Date from which the consent operates | To Be Confirmed |
| Date on which the consent lapses | To Be Confirmed |

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

# Reasons for Grant of Consent

1. The development proposal, subject to the recommended conditions is consistent with:
   1. the objects of the Environmental Planning and Assessment Act, 1979.
   2. the aims, objectives and provisions of the applicable environmental planning instruments,
   3. the aims, objectives and provisions of applicable development control plans
   4. the aims, objectives and provisions of relevant Council policies.
2. The likely impacts of the proposed development are considered acceptable.
3. The site is suitable for the proposed development.
4. Any submissions received during the public notification period have been considered and issues and concerns raised by the community in submissions have been addressed in the assessment.
5. The proposed development does not conflict with the public interest.

# Right of appeal / review of determination

If you are dissatisfied with this determination:

# Request a review

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# Rights to appeal

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

# Dictionary

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

**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.

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| --- | --- | --- | --- |
| **GENERAL** **CONDITIONS** | | | |
| CONDITIONS | | | REASON |
|  | | **Approved** **plans**  Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.   |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | **Plan Number** | | **Revision Number** | **Plan Title** | **Plan Date** | **Drawn By** | | DA 00-02 | 01 | | Site Plan | 07/06/2023 | Terrior Pty Ltd | | DA 00-03 | 01 | | Site Analysis | | DA 21-01 | 01 | | Ground Floor | | DA 22-01 | 01 | | Elevations | | DA 22-02 | 01 | | Elevations | | DA 23-01 | 01 | | Site Sections | | DA 23-02 | 01 | | Building Sections | | C1.01 | 2 | | Civil Plans Cover Sheet | 24/05/2024 | Warren Smith Consulting Engineers | | C1.02 | 2 | | Specification Notes | 24/05/2024 | | C1.03 | 1 | | Existing Survey | 14/07/2023 | | C2.01 | 1 | | Sediment & Erosion Control Plan | 14/07/2023 | | C2.02 | 1 | | Sediment & Erosion Control Details | 14/07/2023 | | C4.01 | 2 | | Siteworks Plan | 24/05/2024 | | C4.10 | 1 | | Typical Sections | 14/07/2023 | | C4.11 | 1 | | Siteworks Details | 14/07/2023 | Warren Smith Consulting Engineers | | C4.21 | 1 | | Pavement Plan | 14/07/2023 | | C6.01 | 2 | | Stormwater Layout Plan | 24/05/2024 | | C6.11 | 2 | | Stormwater Pit Schedule | 24/05/2024 | | C6.21 | 2 | | Stormwater Catchment Plan | 24/05/2024 | | C6.41 | 2 | | OSD & Bioretention Plan & Section | 24/05/2024 | | C6.51 | 1 | | Stormwater Drainage Details | 14/07/2023 | | C6.52 | 2 | | Stormwater Drainage Details - Sheet 2 | 24/05/2024 | | 22449-00-L001 | B | | Landscape Overall Plan | 29/06/2023 | Realm Studios | | 22449-00-L101 | B | | Landscape General Arrangement Plan | | 22449-00-L102 | B | | Landscape General Arrangement Plan | | 22449-00-L201 | A | | Landscape Sections | | 22449-00-L202 | A | | Landscape Sections | | A1 Sheets 1-6 | A | | Sketch Plan (over survey plan) | 14/11/2022 | Set Consultants | | TLP.01 | 00 | | Tree Location Plan | 28/11/2022 | Tree Management Services |  |  |  |  | | --- | --- | --- | | **Document Title** | **Prepared by** | **Document Date** | | Acoustic Letter | S Skavo FLOTH | 16/05/2023 | | Arboricultural Impact Assessment | Tree Management Strategies | 18/07/2024 | | Flora & Fauna Surveys and Biodiversity Impact Assessment | ACS Environmental | 28/08/2023 | | Bushfire Assessment Report | Set Consultants | 06/09/2023 | | Geotechnical Report | J K Geotechnics | 27/02/2023 | | Letter | Terrior Pty Ltd | Undated | | Operational Management Plan | Shoalhaven City Council Waste Services | 07/12/2023 | | Preliminary Site Investigation | JK Environments | 13/03/2023 | | Traffic Parking and Access Report Issue A | People Trans | 15/09/2023 | | Tree Data Schedule | Tree Management Strategies | Undated | | Waste Management Plan | Terrior Pty Ltd | 20/09/2023 | | Waste Water Management Plan 3001-WW-A-02 | Broadcrest Consulting | 20/11/2023 |   In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails. | To ensure compliance with the approved plans and documents. |
|  | | **Prescribed Conditions**  The development must comply with Part 4, Division 2, Subdivision 1, of the Environmental Planning and Assessment Regulation 2021, as applicable. | To ensure compliance with prescribed conditions. |
|  | | **Concurrence and Referral – NSW Rural Fire Service**  The advice issued by the NSW Rural Fire Service, Reference: DA20231024004786-Original-1, dated 7 November 2023 is included as a condition of this consent and must be complied with. | To ensure compliance with external referral advice. |
|  | | **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. |
|  | | **Biodiversity – Habitat Modification and Vegetation Removal**  The removal and/or disturbance of native vegetation and habitat on the property, including canopy trees, understory, and groundcover vegetation must be undertaken strictly in accordance with the approved plans. Vegetation removal must be undertaken in accordance with the following:   1. Trees approved for removal must be felled into the development area carefully so as not to damage trees to be retained in or beyond the development footprint. 2. Any hollow-bearing trees approved for removal must be felled carefully in sections utilising handheld tools to allow the rescue of native fauna. Hollow-bearing sections must be carefully lowered to the ground so as not to injure native fauna. 3. Pruning or trimming of any trees to be retained must be undertaken in accordance with AS 4373 Pruning of amenity trees. 4. Trees and vegetation must be retained within the APZ where it complies with the prescriptions for Planning for Bushfire Protection APZ requirements. 5. The removal or disturbance of native vegetation on the property including but not limited to canopy trees, understory and groundcover vegetation beyond that approved within this consent is not permitted. 6. If any wildlife is discovered during site works and is disoriented or injured, works must stop immediately. A suitably qualified wildlife handler is to be contacted to responsibly rescue and relocate the animal(s). | To protect biodiversity values. |
|  | | **Maintenance Period of WSUD Devices**  The developer is responsible for all maintenance of the stormwater infrastructure; including trash racks, GPT devices, sediment basins / forebays, constructed wetlands, bioretention basins, water quality ponds, infiltration basins, swales etc. up until Council’s acceptance that the WSUD devices and associated stormwater assets are of a satisfactory condition at the end of the maintenance period.  The maintenance period will be determined once Council approves the final WSUD design (as required by these conditions of consent) and provided in that approval.  Approaching handover at the conclusion of the maintenance period, a site meeting with Council must be arranged by the developer. The objective of the meeting will be to identify any outstanding actions that require rectification by the developer before asset handover. Annual reports documenting implementation measures and containing all monitoring results are to be submitted to Council during this phase. | To ensure stormwater infrastructure will be maintained appropriately. |
|  | | **Handover of WSUD Assets to Council**  The following conditions are required to be met for WSUD devices to be handed over to Council:   1. The WSUD infrastructure has been designed and constructed in accordance with Council guidelines, the approved design drawings and specifications. 2. All WSUD infrastructure has been maintained in accordance with the approved WSUD Operation and Maintenance Manual. This includes, but not limiting, to the removal of all sediment and litter from trash racks / GPT devices, removal of any weeds and reinstatement of any dead or unhealthy plants. 3. Any accumulated sediment has been removed to the as-built invert levels of sediment basins/forebays, constructed wetlands / water quality ponds and lakes. 4. For bioretention and infiltration basins, an infiltration test has been undertaken to validate the saturated hydraulic conductivity is in accordance with the approved design. The infiltration test must be observed by Council’s Development Engineering Coordinator or delegate. | To ensure any WSUD infrastructure to be handed over to Council has been designed and installed appropriately. |
|  | | **Existing Infrastructure**  Any required alterations or damage to infrastructure will be at the developer’s expense.  *Note: It is recommended prior to the issue of a Construction Certificate, all infrastructure, existing and proposed, is to be shown accurately on construction plans with clearances clearly labelled confirming that the proposed works do not affect any existing infrastructure. This will reduce the potential for unexpected costs and expenses.* | To ensure existing infrastructure is accounted for and any damage to infrastructure is suitably repaired. |
| **COMMENCMENT OF WORKS**  **Before** **Any** **Clearing** **Commences** | | | |
| CONDITIONS | | | REASON |
|  | | **Waste** **Management** **Plan** **–** **approved** **document** **of** **this** **consent**  Before the commencement of any site works, the waste management plan for demolition and construction waste must be provided to the Certifier. | To ensure an appropriate waste management plan is provided. |
|  | | **Erosion** **and** **Sediment** **Controls** **–** **Implementation**  Before any site work commences, the 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 disturbed areas have been restabilised in accordance with Landcom’s publication Managing Urban Stormwater - Soils and Construction (2004) and approved plans (as amended from time to time). | To ensure appropriate erosion and sediment control measures are in place. |
|  | | **Biodiversity – Project Arborist and Tree Protection**  Before the commencement of clearing work, a Project Arborist, (holding a minimum AQF Level 5 as a consulting arborist) must be appointed to:   1. Physically demarcate on site all trees approved for removal and verify with the site manager that all marked trees align with those identified in the approved Tree Management Plan contained within the Arborist Report prepared by Tree Management Strategies 19 July 2024. 2. Implement TPZ fencing and the following protective barriers and measures, as per the Tree Management Plan:    1. Trunk Battening and Ground Protection – To ensure the protection of trees potentially affected by the proposed development. Trees 1, 2, 8 and 9 require trunk protection and ground protection as per the Tree Management Plan within the approved Arborist Report by Tree Management Strategies, dated 19 July 2024.    2. Gabion Wall Construction – The Gabion Wall shall be constructed using a pier and beam design. The Project Arborist must supervise the gabion wall installation and certify no damage occurs to Trees 1, 2, 8 and 9.    3. GEOHEX Carpark Construction – The carpark alignment within the TPZ of Trees 1 and 2 is to be constructed on ground level using GEOHEX, a permeable alternative to concrete or asphalt as per the specifications of Appendix 4 in the approved Arborist Report.    4. Building Construction – the building is to be designed on piers to minimise root disturbance to Tree 1 and should be hand dug under the supervision of an AQF minimum Level 5 project arborist. The project arborist must certify no damage occurs to the root system of Tree 1.    5. Monitoring – The Project arborist must inspect all trees to be retained on a monthly basis unless otherwise specified by the Project Arborist, for the duration of the project to ensure tree protection measures are being adhered to and the health of all trees are not being adversely affected. 3. Supervise and inspect works as per the Tree Management Plan. 4. Oversee the general exclusions within the TPZ as listed in the Tree Management Plan any activities within the Tree Protection Zones of the subject trees. 5. Implement any other related conditions of consent and provide the Certifier with Compliance Certification upon completion of works to guarantee activities undertaken comply with regulatory requirements and prescribed standards.   Evidence of compliance with the above requirements must be provided to Council prior to the commencement of any clearing works. Site works must not commence until the Director – City Development (or delegate) of Shoalhaven City Council has confirmed in writing that the above have been satisfied.  Where a Council inspection is considered necessary by Shoalhaven City Council to verify the installation of tree/environmental protection measures, an inspection fee may apply. | To minimise biodiversity impacts. |
|  | | **Biodiversity - Tree Protection Measures (Evidence of Installation)**  Before the commencement of any site work, the project arborist must confirm in writing to the Director – City Development (or delegate) of Shoalhaven City Council that all required tree/environmental protection measures detailed in this consent, including the Tree Management Plan are in place.  Site works must not commence until the Director – City Development (or delegate) of Shoalhaven City Council has confirmed in writing that the installed protection measures are satisfactory.  Where a Council inspection is considered necessary by Shoalhaven City Council to verify the installation of tree/environmental protection measures, an inspection fee may apply. | To ensure tree / environmental protection measures are adequately installed. |
|  | | **Biodiversity – Pre-clearance Surveys and HBT Removal Protocol**  Before the commencement of any on site work, the project ecologist must complete pre-clearing surveys and inspections of the hollow-bearing trees identified for removal:   1. On the day/s before clearing commences the project ecologist thorough pre-clearance survey of vegetation to be removed to determine the presence of fauna within habitat features to be impacted, including, but not limited to, terrestrial habitat features such as fallen logs, large rocks, hollows and nests or dreys. 2. Where hollow bearing trees (HBTs) are approved for removal, they must be identified and clearly marked by a suitably qualified ecologist prior to works commencing. Approved clearing of vegetation and removal of HBTs must be undertaken using a staged approach to allow wildlife to flee the area:   **Stage 1** – All ground and shrub layer vegetation is to be removed in accordance with the approved plans.  **Stage 2** - On a subsequent day, a suitably qualified ecologist is to check if nests are present and carefully relocate them to nearby trees or nest boxes, as directed by the supervising ecologist/if nesting is present, advise that works must cease until nesting it complete. Canopy trees that do not contain hollows are to be removed in accordance with the approved plans.  **Stage 3** – Where HBTs are approved for removal are to be checked for resident fauna prior to felling by a suitably qualified ecologist.   * 1. If nesting is present, the ecologist must advise that works must cease until nesting it complete.   2. If fauna is residing, but not nesting within a hollow, the ecologist must either return at an appropriate time when the animal has vacated and block the hollow to prevent re-entry, or provide sound advise on how to appropriate remove the hollow without causing harm to residing wildlife.   3. Once it is confirmed that there is no roosting or nesting occurring within the hollow (or as advised by the ecologist), the hollow-bearing tree must be gently nudged with felling equipment prior to felling to encourage safe fauna evacuation. Hollow-bearing sections must be carefully lowered to the ground so as not to injure native fauna. Once the tree has been felled the hollows are to be inspected again for fauna and relocated in an appropriate location determined by the ecologist. The tree must be felled carefully in sections to allow the rescue of native fauna.   4. If animals are injured, they will need to be assessed and either taken to the nearest veterinary clinic or placed into care with South Coast Wildlife Rescue.  1. If any native wildlife is identified as breeding on site, clearing works must stop immediately and must not recommence until the Director – City Development (or delegate) of Shoalhaven City Council has confirmed in writing that clearing works may recommence. 2. If any wildlife is disoriented or injured during clearing works, works must stop immediately, and any injured wildlife must be referred to a local Veterinary Clinic or into the care of Wildlife Rescue South Coast (0418 427 214).   Evidence of pre-clearance survey results must be submitted by the project ecologist to The Director – City Development (or delegate) of Shoalhaven City Council prior to the commencement of work. | To minimise biodiversity impacts. |
|  | | **Biodiversity - Fauna Boxes**  Before commencement of any clearing work, 2 fauna boxes per hollow removed must be installed as directed by a suitably qualified ecologist. The Director – City Development (or delegate) of Shoalhaven City Council must inspect and certify in writing the nest boxes are in place prior to works commencing (an inspection fee may apply).  Nest boxes must be maintained, including repair and replacement where required, as instructed by a suitably qualified ecologist or Shoalhaven City Council. | To protect biodiversity values. |
| **DEMOLITION** **WORK**  **Before** **Demolition** **Work** **Commences** | | | |
| CONDITIONS | | | REASON |
|  | **Demolition** **-** **Asbestos** **Removal**  Asbestos removal must be carried out in accordance with *AS2601-2* SafeWork NSW – Code of Practice, Demolition Work [ISBN 978-0-642-78415-5*]* and as applicable, by a person holding the relevant licence issued by SafeWork NSW.  A licence is not required to remove less than 10m2 of non- friable asbestos, provided that the total amount of non-friable asbestos removed from the lot does not exceed 10m2.  Asbestos must be taken for disposal to the licensed Waste Management Facility identified in the approved Waste Management Plan.  Seven days before the commencement of any demolition works involving asbestos, all immediate neighbours must be notified in writing of the intention to carry out asbestos demolition works. Copies of these written notifications should be retained and submitted to Council  Post asbestos removal and before further work on the site, the following must be submitted to the Certifier:   1. 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. 2. 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. 3. 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. |
|  | | **Demolition - Decommissioning of Services**  Before demolition work commences:   1. All existing internal sewer drainage pipework must be flushed, disconnected from the existing sewer junction and the sewer junction must be temporarily capped off. 2. Internal water lines must be disconnected from the existing water meter currently servicing the property. 3. The capped off sewer junction and disconnected water lines must be inspected by Shoalhaven Water. For all inspections contact Shoalhaven Water on 4429 3547. 4. The developer must provide the Certifier with evidence of compliance with the above requirements on completion of works. | To ensure services are appropriately decommissioned and capped off where required. |
| **DEMOLITION** **WORK**  **During** **Demolition** **Work** | | | |
| CONDITIONS | | | REASON |
|  | | **Demolition** **-** **Standards**  Demolition work must be carried out in accordance with all applicable Australian Standards and SafeWork Code of Practice. | To ensure demolition works are carried out appropriately. |
|  | | **Demolition - Completion of Works**  Demolition work, once commenced, must be completed within three (3) months. | To ensure demolition works are completed within an acceptable timeframe. |
| **REMEDIATION WORK**  **Before remediation work commences** | | | |
| CONDITIONS | | | REASON |
|  | | **Contamination Report**  All recommendations from the *Preliminary (Stage 1) Site Investigation – Proposed Resource Recovery Learning centre – 114 & 120 Flatrock Rd, Mundamia – 13 March 2023 – Ref: E35556PDrpt* – prepared by JK Environments (“the PSI Report”) must be implemented where applicable. | To ensure compliance with the approved Preliminary Site Investigation (PSI). |
|  | | **Detailed Site Investigation**  A Detailed Site Investigation (DSI) must be undertaken by a suitably qualified person and in accordance with the NSW Environment Protection Authority (EPA) - *Guidelines for Consultants Reporting on Contaminated Sites*. The DSI must be submitted to Council’s Senior Environmental Health Officer for review prior to works being undertaken. | PSI identifies contaminating activities requiring further investigations |
|  | | **Remedial Action Plan**  A Remedial Action Plan (RAP) must be prepared for the site (subject to the findings of the DSI) by an appropriately qualified and experienced environmental consultant in accordance with relevant NSW EPA Guidelines including, but not limited to, Guidelines for Consultants Reporting on Contaminated Sites.  The RAP must include an environmental/site management plan, a work health & safety plan and an unexpected finds protocol. The remedial action plan must also set remediation goals to ensure the site will be made suitable for the proposed use and will not pose any unacceptable risk to human health or the environment.  The RAP must be submitted to the satisfaction of Shoalhaven City Council’s Senior Environmental Health Officer prior to construction or the issue of any construction certificate.  Council reserves the right to require the applicant to engage an independent contaminated land site auditor, accredited by the EPA, depending on the findings of the RAP. | PSI identifies contaminating activities requiring further investigations |
| **REMEDIATION WORK**  **On completion of remediation work** | | | |
| CONDITIONS | | | REASON |
|  | | **Validation Report**  After completion of the remedial works required by the RAP, a Validation Report (VR) must be prepared by a suitably qualified person in accordance with the EPA *Guidelines for Consultants Reporting on Contaminated Sites.* The VR must be submitted to Council’s Senior Environmental Health Officer for review. | PSI identifies contaminating activities requiring further investigations |
| **BUILDING** **WORK**  **Before** **Issue** **of** **a** **Construction** **Certificate** | | | |
| CONDITIONS | | | REASON |
|  | | **Council** **Approvals** **-** **Evidence**  A Construction Certificate must not be issued until the Certifier has received notification from, or evidence of, any Council approval that is required before the commencement of building works. | To ensure all required approvals are obtained. |
|  | | **Landscape Plan**  Before the issue of a Construction Certificate, the existing Landscape Plan prepared by Realm Studios 29 June 2023 must be amended as follows and submitted to the Director – City Development (or delegate) of Shoalhaven City Council for approval in writing. The Landscape Plan must:   1. incorporate native species from the vegetation community PCT 3954. 2. Be prepared in accordance with Shoalhaven Development Control Plan: Chapter G3 Landscaping Design Guidelines. 3. Comply with Planning for Bush Fire Protection 2019. | To protect biodiversity values |
|  | | **Accessible Buildings**  An access report prepared by a suitably qualified access consultant must accompany the application for a Construction Certificate. Before the issue of a construction certificate, plans and specifications must be provided to the satisfaction of the Certifier demonstrating that the proposed development will comply with the requirements for access for people with a disability in the National Construction Code (NCC) in force at the date of issue of the Construction Certificate. | To ensure ongoing compliance. |
|  | | **Section 68 Application - Plumbing**  Before the issue of a construction certificate, an application for installation of plumbing must be approved under section 68 of the *Local Government Act 1993*. | To ensure ongoing compliance. |
|  | | **Section 68 Application – Sewage Management Facility**  Before the issue of a Construction Certificate, an application for sewage management facility must be approved under section 68 of the *Local Government Act 1993* | To ensure relevant approvals are obtained. |
|  | | **Retaining Walls - Design Standards**  Before the issue of a Construction Certificate for approved retaining walls exceeding 600mm 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:   1. For retaining walls exceeding 600mm 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 2. For retaining walls less than 600mm 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. 3. Retaining walls, footings and drainage must be contained wholly within the development site. 4. Construction within a registered easement is prohibited.   Retaining walls not shown on the approved plan must meet the criteria for exempt retaining walls and comply with the relevant criteria listed in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or be approved by way of Complying Development before construction and comply with the relevant criteria listed in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. | To ensure retaining walls are appropriately designed. |
|  | | **Erosion and Sediment Control Plan**  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. All plans must include:   1. Site access location and stabilisation details and restrictions; 2. Erosion control locations and types; 3. Sediment control locations and types; 4. Soil, water and drainage management plans; 5. Site rehabilitation details; 6. Inspection and maintenance details; 7. Identification of existing vegetation and site revegetation to have 70% cover established before plan is decommissioned; 8. Existing and final contours (clearly distinguished and adequately annotated); 9. Standard construction drawings for proposed soil, water and drainage management measures. 10. All implemented measures must ensure that a pollution incident must not occur as defined by the *Protection of the Environment Operations Act 1997*.   All implemented measures must:   1. not cause water pollution as defined by the Protection of the Environment Operations Act 1997. 2. be maintained at all times. 3. not be decommissioned until at least 70% revegetation cover has been established. | To ensure an appropriate erosion and sediment control plan has been prepared. |
|  | | **Car Parking and Access Design Standards**  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 National Construction Code) or surveyor and approved by the Certifier. The car parking and access design must comply with the following:   1. The approved architectural plans. 2. AS2890.1 and AS2890.6 where relevant. 3. Turning paths are to be provided to the satisfaction to the Certifier. The turning paths to be used for the bus lane are to be a 14.5m long rigid bus. The turning paths to be used for the passenger vehicle carpark is to be a B99 passenger vehicle. 4. Constructed in accordance with the following for areas subject to light vehicular loading:    1. with a flexible pavement, surfaced with 30mm of AC10 asphaltic concrete, or    2. to a coloured, patterned or stamped concrete standard. 5. Constructed in accordance with the following for areas subject to heavy vehicular loading:    1. with a concrete pavement designed and constructed for a minimum traffic loading of 1 x 106 ESA. 6. Bordered in accordance with Council’s Standard Drawings by:    1. concrete kerbing, except where surface runoff is concentrated, in which case concrete integral kerb and gutter must be constructed.    2. a concrete edge strip (min 150mm wide and 300mm deep). 7. A stop sign and hold line compliant with Australian Standards is to be provided at the intersection of the passenger vehicle carpark access and the access to the existing sheds to the south (adjacent to proposed splitter island). 8. The use of pavers such as permeable paving is prohibited, with the strict exception of the area within the trees protection zone of Tree No. 1 to be retained – where permeable paving is permitted in accordance with the approved Arboricultural Impact Assessment. | To ensure carpark lighting is appropriately designed. |
|  | | **Carparking - Lighting Design**  Before the issue of a Construction Certificate, lighting design plans are to be submitted to Council’s Lead Development Engineer for approval. Lighting is to be provided to the internal driveway and car parking area in accordance with AS/NZS 1158.3.1 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements. | To ensure carpark lighting is appropriately designed. |
|  | | **Stormwater – Major Development Design Standards (Urban)**  Before the issue of a Construction Certificate, certified engineering design plans, specifications, and DRAINS model (or Council approved alternative) must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by Council’s Lead Development Engineer The stormwater drainage design must comply with the following:   1. 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. 2. The minor and major systems must be designed for a 10% AEP and 1% Annual Exceedance Probability (AEP) rainfall events, respectively. 3. Generally, in accordance with approved concept stormwater design plan 4. The existing stormwater drainage system is to be adjusted to suit the new works. In this regard the following is required:    1. all relevant calculations are to be noted on the drainage plans to confirm the adequacy of the existing system, or the upgraded design. 5. Design of stormwater drainage is to include piping, swales and easements to facilitate future development of the site. | To ensure stormwater infrastructure is designed appropriately. |
|  | | **Stormwater - On-Site Detention Design Standards**  Before the issue of a Construction Certificate, details of on-site detention must be provided on the Construction Certificate plans and approved by Council’s Development Engineer. On-site detention must be provided as:   1. 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 |
|  | | **WSUD Measures – Water Quality, Retention and Reuse**  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 is to be approved by Council’s Floodplain and Stormwater Quality Engineer. Specifications can be found on Council’s website. The stormwater treatment, retention and reuse design must comply with the following:   1. The WSUD measures must comprise of three (3) vegetated swales, and an end-of-line stormwater facility that comprises a trash rack, sediment forebay and bioretention basin in accordance with the Siteworks Plan (WSce Pty Ltd, July 2023). 2. No stormwater infrastructure is permitted in land zoned as Environmental Conservation. 3. The WSUD strategy must be able to remove all litter greater than 40mm for flows up to the 4 exceedances per year (EY) event, 80% of Total Suspended Solids (TSS), 45% of Total Nitrogen (TN) and 45% of Total Phosphorus (TP) for the total site area as demonstrated using MUSIC software. The detailed MUSIC model must be provided to Council for approval. 4. The 50% AEP pre-development peak discharge must be maintained. 5. The post-development duration of stream forming flows must be no greater than a stream erosion index of 2. | To ensure stormwater infrastructure is designed appropriately. |
|  | | **WSUD Measures – Bioretention Basins**  Before issue of a Construction Certificate, a detailed design of bioretention basin stormwater quality improvement 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 is to be approved by Council’s Floodplain and Stormwater Quality Engineer. Specification can be found on Council’s website. The bioretention basin design must comply with the following:   1. The bioretention basin must be located in a treatment train configuration immediately downstream of a trash rack and sediment forebay that is offline from the stormwater network to allow flows exceeding a 4 Exceedances per Year (EY) event to bypass the sediment basin. 2. A graduated trash rack configuration is required to prevent litter overtopping the trash rack if it becomes fully blocked. The trash rack must be designed to retain litter greater than 40mm for flows up to the 4 EY event. The invert of the trash rack must be located above the permanent water level of the sediment basin. 3. The sediment forebay must be designed to capture sediment coarser than 0.125mm for flows up to the 4 EY prior to entering the bioretention basin. 4. The bioretention basin must have a 300mm maximum Extended Detention Depth (EDD). The saturated hydraulic conductivity must be between 100 and 300mm/hour, with a 100mm/hour value adopted for design in MUSIC. 5. Erosion protection must be provided in the sediment basin / forebay and bioretention basin inlet and outlets locations, in accordance with Council’s Engineering Design Specification. 6. The bioretention basin must be designed in accordance with the latest version of the Adoption Guidelines for Stormwater Biofiltration Systems (CRC for Water Sensitive Cities) or a demonstrated equivalent approved by Council. 7. The bioretention basin must be established offline from inflows until it is fully established and not before at least 90% of upstream catchment is fully developed and disturbed land has been stabilised. 8. Every part of the basin shall be reachable by an excavator with a 9m reach. A filter media width of no greater than 15m is required. 9. An inflow distribution system approved by Council is required. 10. Underdrains must comprise slotted or drilled PVC pipes sized in accordance with the latest version of the Adoption Guidelines for Stormwater Biofiltration Systems (CRC for Water Sensitive Cities). A flushing point must be installed at the upstream end of each underdrain line with a screw on cap. 11. An impervious liner must be provided beneath the drainage layer in accordance with the latest version of the Adoption Guidelines for Stormwater Biofiltration Systems (CRC for Water Sensitive Cities). 12. Land must be retained around the stormwater system to allow Council to access stormwater infrastructure and conduct maintenance activities. A minimum 3m average width buffer around the stormwater devices (measured from the top of batter) are required for access, landscaping and safety requirements unless an alternative setback is approved by Council. All surfaces with a grade steeper than 1V:4H must be planted. 13. Batter slopes for the sediment basin / forebay and bioretention basin that are steeper than 1V:4H, including vertical retaining walls, are not permitted unless approved by Council. 14. A vehicle access ramp must be provided to all trash rack, GPT, sediment basin / forebay and bioretention basin treatment devices for maintenance and operation requirements, such as debris, litter and sediment removal and vegetation reinstatement. Access slopes for maintenance vehicles should not exceed 1V:8H for trucks and 1V:5H for excavators and other maintenance vehicles. Access turnings paths must be demonstrated to comply with AS2890.2 for a medium rigid vehicle (MRV). 15. Land must be made available for decanting in accordance with the Water Management and Disposal requirements of the Guidelines for the Maintenance of Stormwater Treatment Measures. 16. Landscape details for the bioretention basin and surrounds are to be included on the Landscape Plan and submitted to Council for approval. 17. Stormwater detention is to be provided above the bioretention basin footprint with a staged outlet structure. The maximum permitted depth of stormwater detention (EDD and OSD) is 1200mm. Stormwater bypass flows above the 4 EY event can only enter the OSD storage after the treatment EDD has been filled but the bioretention device must be able to fully drain within 24 hours. The DRAINS model (or approved alternative software accepted by Council) must be provided to Council for approval of the OSD modelling. 18. Required OSD for the development is to be provided up-front prior to construction of impervious surfaces. An interim/staged OSD strategy may be required if OSD is proposed combined with WSUD devices, and these water quality devices are not to go online until 90% of the development has been completed. 19. Council’s Engineering Design Specification where relevant. | To ensure stormwater infrastructure is designed appropriately. |
|  | | **WSUD Measures – Vegetated Swale**  Before issue of a Construction Certificate, a detailed design of vegetated swale stormwater quality improvement 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 is to be approved by Council’s Floodplain and Stormwater Quality Engineer. Specification can be found on Council’s website. The vegetated swale design must comply with the following:   1. Side slopes of 1:8 are recommended with a 1:5 maximum side slope permitted. 2. Minimum longitudinal grade of 2%. 3. Maximum longitudinal grade of 5% unless a steeper grade is approved by Council. 4. Maximum Velocity x Depth product of 0.3 m2/s. Calculations are to be provided to Council. 5. Where vegetated swales are provided beside roadways, property access must traverse the swale e.g. culvert, bridge or dish crossing (depending on depth of swale). 6. Council’s Engineering Design Specification where relevant. 7. Where vegetated swales are designed as infiltration swales; the in-situ soil profile, depth to groundwater, measured infiltration rate (in device location) and details of any potentially contaminated soil and/or groundwater must be submitted. | To ensure stormwater infrastructure is designed appropriately. |
|  | | **Waste - Waste and Recycling Management**  Before issue of a construction certificate, the architectural plans are to be amended to include an appropriate location for kerbside waste/recycling bin presentation and collection, an appropriate bin storage area, and appropriate bin maneuvring. The amended plans are to demonstrate consideration of the distance that would be required to wheel bins to the kerb and how patrons or workers of the site will access and manoeuvre the bins.  Alternatively, the developer can elect to arrange for a private waste collection contractor to provide the ongoing waste management.  Council’s Waste Officer must give written approval of the amended plans/private waste management prior to issue of a construction certificate. Council’s written approval is to be provided to the Principal Certifier. | To ensure appropriate waste management and collection. |
|  | | **Exterior** **Materials**  Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifier before the issue of a Construction Certificate. | To ensure colours and materials are appropriate. |
| **BUILDING** **WORK**  **Before** **Building** **Work** **Commences** | | | |
| CONDITIONS | | | REASON |
|  | | **Appointment** **of** **Principal** **Certifier**  Before building work commences a Principal Certifier must be appointed. | To ensure a Principal Certifier is appointed where required. |
|  | | **Construction** **Certificate**  A Construction Certificate must be obtained from either Council or an accredited certifier before any building work can commence. | To ensure an appropriate certificate is obtained. |
|  | | **Notice** **of** **Commencement**  Notice must be given to Council at least two (2) days before the commencement of building work by completing and returning the form ‘Commencement Notice for Building or Subdivision Work and Appointment of Principal Certifying Authority’. | To ensure appropriate notice is given to Council. |
|  | | **Toilet** **Facilities** **–** **Temporary**  Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:   1. be a standard flushing toilet connected to a public sewer, or 2. have an on-site effluent disposal system approved under the *Local* *Government* *Act* *1993*, or 3. be a temporary chemical closet approved under the *Local* *Government* *Act* *1993*. | To ensure suitable toilet facilities are provided. |
|  | | **Shoalhaven Water – Application for Certificate of Compliance**  Before commencement of any 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.  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.  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. | To ensure a Water Development Notice and Certificate of Compliance are obtained. |
|  | | **Construction Traffic Management Plan**  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. Details must include, but are not limited to:   1. Stabilised site construction access location 2. Proposed haulage routes for delivery of materials to the site 3. Proposed haulage routes for spoil disposal from the site 4. Traffic control planning for each of the various phases of construction and/or vehicle movements associated with construction 5. Parking arrangements for construction employees and contractors 6. Proposed maintenance of the haulage routes and access locations 7. Name of the person responsible for such maintenance 8. Loading / unloading areas 9. Requirements for construction or work zones 10. Pedestrian and cyclist safety 11. Speed zone restrictions. | To ensure construction traffic is managed in a safe and appropriate manner. |
| **BUILDING** **WORK**  **During** **Building** **Work** | | | |
| CONDITIONS | | | REASON |
|  | | **Shoalhaven Water – Certificate of Compliance**  Before the issue of any Occupation, a Certificate of Compliance under section 307 of the Water Management Act 2000 must be obtained from Shoalhaven Water to verify satisfactory compliance with all conditions for the supply of water and sewerage, as listed on the Water Development Notice.  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. | To ensure compliance with Shoalhaven Water Requirements |
|  | | **Acid** **Sulfate** **Soils** **-** **Unexpected** **Finds**  If acid sulfate soils are encountered during excavation and/or construction works, all work must cease, and Shoalhaven City Council notified immediately. The extent of acid sulfate soil must be evaluated by a qualified environmental consultant with experience in the assessment of acid sulfate soils and a preliminary assessment provided to Council. Council will determine an appropriate response, including if an Acid Sulfate Soils Management Plan is required to be prepared and implemented, before works can recommence. | To ensure acid sulfate soils are appropriately managed. |
|  | | **Discovery** **of** **relics** **and** **Aboriginal** **objects**  While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:   1. the work in the area of the discovery must cease immediately. 2. the following must be notified for a relic – the Heritage Council; or 3. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.   Site work may recommence at a time confirmed in writing by:   1. for a relic – the Heritage Council; or for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. | To ensure the protection of objects of potential significance during works. |
|  | | **Archaeology Discovered During Excavation**  If any object having interest due to its age or association with the past is uncovered during the course of the work all work must stop immediately in that area.  In accordance with the Heritage Act 1997, the Office of Environment, Energy and Science must be advised of the discovery. | To ensure the protection of objects of potential significance during works. |
|  | | **Biodiversity – Fauna Rescue and Vegetation Removal Protocol**  During works, in order to protect wildlife, the following vegetation removal protocol is to be adhered to:   1. Before starting each morning, all vehicles and mechanical plant must be inspected for wildlife prior to operation. 2. All vegetation to be removed must be inspected for wildlife prior to removal. 3. All trenches must be inspected for wildlife prior to backfilling.   If any wildlife is disoriented or injured during works, works must stop immediately, and any injured wildlife must be referred to a local Veterinary Clinic or into the care of Wildlife Rescue South Coast (0418 427 214). | To minimise biodiversity impacts. |
|  | | **Biodiversity – Arborist Construction Phase Checkpoint**  The project arborist shall prepare a report detailing the Tree Protection Zones and retained trees’ conditions associated with the Tree Management Plan. Certify:   1. Briefing with all relevant representatives by the project arborist prior to the commencement of works. 2. All works within the TPZ are to be supervised by the project arborist. 3. The area of trenching has been restored and mulched. 4. Remediation works are undertaken if required. | To minimise biodiversity impacts. |
|  | | **Biodiversity – Storage and Stockpiling (Soils and Materials)**  During works, in order to avoid indirect impacts on biodiversity values:   1. all storage, stockpile and laydown sites must be located away from any vegetation that is planned for retention, and outside of any TPZs. 2. avoid importing soil from outside of the site to reduce opportunity for weed and pathogen introduction. Where materials are required to be imported for landscaping works, there are to be sterilised according to industry standards. | To minimise biodiversity impacts. |
|  | | **Earthworks** **-** **Cut,** **Fill** **and** **Grading**  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. | To ensure earthworks are appropriately retained. |
|  | | **Stormwater - Overland Flow, Redirecting and/or Concentrating Stormwater**  All excavation, backfilling and landscaping works must not result in:   1. 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. 2. the redirection and/or concentration of stormwater flows onto neighbouring properties’ | To ensure stormwater is appropriately managed. |
|  | | **Site** **Management** **-** **Hours** **for** **Construction**  Construction may only be carried out between 7.00am and 5.00pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday. Proposed changes to hours of construction must be approved by Council in writing. | To ensure site work occurs within appropriate construction hours. |
|  | | **Site** **Management** **-** **Maintenance** **of** **Site** **and** **Surrounds**  During works, the following maintenance requirements must be complied with:   1. All materials and equipment must be stored and delivered wholly within the work site unless an approval to store them elsewhere is held. 2. Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility. 3. Where tree or vegetation protection measures are in place, the protected area must be kept clear of materials and / or machinery. 4. 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. 5. During construction:    1. all vehicles entering or leaving the site must have their loads covered, and    2. all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads. 6. At the completion of the works, the work site must be left clear of waste and debris. | To ensure the site is maintained in a safe and secure manner. |
|  | | **Site** **Management** **-** **Noise**  The noise from all site work, 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. | To protect the amenity of neighbouring properties. |
|  | | **Soil** **Management**  While site work is being carried out, the Certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:   1. All excavated material removed from the site must be classified in accordance with the EPA’s Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the Certifier 2. All fill material imported to the site must be:    1. Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997, or    2. a material identified as being subject to a resource recovery exemption by the NSW EPA, or    3. a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 and a material identified as being subject to a resource recovery exemption by the NSW EPA. | To ensure excavated material is appropriately disposed of and all fill material is appropriate for usage on site. |
| **BUILDING** **WORK**  **Before** **Issue** **of** **an** **Occupation** **Certificate** | | | |
| CONDITIONS | | | REASON |
|  | | **Biodiversity – Arborist Post-Construction Phase Checkpoint**  The Project Arborist shall prepare a report and submit to the Director – City Development (or delegate) of Shoalhaven City Council Certifier detailing the Tree Protection Zones and retained trees’ conditions as per the Tree Management Plan. Certify:   1. Final inspection of trees by Project Arborist after all construction works have been completed. 2. All landscaping- remedial works have been undertaken. 3. Removal of TPZ fencing. | To minimise biodiversity impacts. |
|  | | **Section 68 Approval - Plumbing**  All the conditions of the approval under section 68 of the *Local Government Act 1993* for plumbing are to be complied with before the issue of an Occupation Certificate. | To ensure compliance with section 68 approval |
|  | | **Section 68 Approval – Sewage Management Facility**  All the conditions of the approval under section 68 of the Local Government Act 1993 for the sewage management system are to be complied with before the issue of an Occupation Certificate. | To ensure compliance with section 68 approval |
|  | | **Operational Approval - Sewage Management Facility**  The sewage management facility, including all works associated with collection well and pump out system, must be completed in accordance with the On-Site Wastewater Report – 120 Flatrock Road, Mundamia NSW – Nov 2023 – Ref: 3001-WW-A-02 – prepared by Broadcrest Consulting Pty Ltd (“the WW Report”) and to the satisfaction of Council to enable Council to issue an Operational Approval for this facility. | To ensure the sewage management facility is appropriately installed. |
|  | | **Fire Safety**  Before the issue of an Occupation Certificate the Certifier must be provided with a Final Fire Safety Certificate showing compliance with the Fire Safety Schedule. | Compliance with Fire Safety Regulation |
|  | | **Shoalhaven Water – Certificate of Compliance**  Before the issue of any Occupation Certificate, a Certificate of Compliance under section 307 of the Water Management Act 2000 must be obtained from Shoalhaven Water to verify satisfactory compliance with all conditions for the supply of water and sewerage (where proposed), as listed on the Water Development Notice.  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. | To ensure compliance with Shoalhaven Water requirements. |
|  | | **Retaining** **Walls** **–** **Certification**  Before the issue of an 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.  The Certifier must be satisfied that all retaining walls have been constructed in accordance with the relevant retaining wall plans and specifications, and in accordance with the requirements of any other conditions of this consent.  *Note: This condition does not prevent a partial Occupation Certificate to be issued for the parts of the development that have been completed.* | To ensure retaining walls have been constructed appropriately. |
|  | | **Stormwater** **-** **Works** **as** **Executed**  Before the issue of an 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.  The Certifier must be satisfied that all retaining walls have been constructed in accordance with the relevant retaining wall plans and specifications, and in accordance with the requirements of any other conditions of this consent.  *Note: This condition does not prevent a partial Occupation Certificate to be issued for the parts of the development that have been completed.* | To ensure works as executed plans are prepared and provided. |
|  | | **Water Sensitive Urban Design Operation and Maintenance Manual**  Adopted WSUD Management, Operation, Maintenance and Monitoring Manual/s for the permanent water quality facilities must be submitted to Council prior to issue of the Occupation Certificate. The manuals must be prepared by a suitably qualified professional in accordance with the objectives and criteria identified in the approved Integrated Water Cycle Management Plan. | To ensure stormwater infrastructure will be maintained appropriately. |
|  | | **Water Sensitive Urban Design Checklists**  Compliance checklists are to be prepared by the WSUD Designers and submitted to Council before the issue of the relevant Occupation Certificate. The checklists must incorporate all checks and certifications that are required to be carried out during the civil construction phase, asset protection phase, landscape practical completion phase and final compliance inspection before final handover. | To ensure stormwater infrastructure will be maintained appropriately. |
|  | | **Evidence of Compliance with Bushfire Measures**  Before the issue of the Occupation Certificate, details must be provided to the Certifier by an accredited consultant that the bushfire measures required by the approval have been installed. | To ensure compliance with bushfire applicable requirements |
|  | | **Section 68 Approval to Operate**  Before the use of the sewage management facility:   1. Approval must be obtained under section 68 of the *Local Government Act 1993* to operate the sewage management facility; and 2. Written confirmation from Council must be obtained providing confirmation that the sewage management facility has been installed, constructed or altered in substantial accordance with this approval. | To ensure an approval to operate is obtained where required. |
| **BUILDING** **WORK**  **Occupation** **and** **Ongoing** **use** | | | |
| CONDITIONS | | | REASON |
|  | | **Occupation** **–** **Satisfaction** **of** **Conditions** **of** **Consent**  The development must not be occupied or used before an Occupation Certificate has been issued by the Principal Certifier.  If an Occupation Certificate is not required, the use must not commence until all conditions of development consent have been met or other satisfactory agreements have been made with Council (i.e., a security). | To ensure conditions of consent are complied with or other satisfactory arrangement made. |
|  | | **Biodiversity – Annual Inspection of Trees**  The remnant trees on site, Tree 1 and 2 (as per the approved Arborist Report) are to be inspected annually to ensure their health, structure and the safety of people and property within their vicinity. | To minimise biodiversity impacts. |
|  | | **Fire Safety – Annual Statement**  A building owner must ensure that an annual fire safety statement prepared by a competent fire safety practitioner is issued each year and that a copy of the statement is provided to the Shoalhaven City Council and the Commissioner of Fire and Rescue NSW. An [application form](https://shoalhaven.nsw.gov.au/Planning-amp-Building/Development-forms) is available on Council’s website.  Note: An annual fire safety statement is a declaration by, or on behalf of a building owner that a competent fire safety practitioner (CFSP) has:   1. assessed, inspected and verified the performance of each existing essential fire safety measure that applies to the building. 2. inspected the exit systems serving the building and found that the exit systems within the building do not contravene the Environmental Planning and Assessment Regulation 2021   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. | To ensure an annual fire safety statement is prepared. |
|  | | **Site Management**  The owner or operator must at all times be responsible for on-going site management and maintenance in accordance with the following:   1. loading and unloading in relation to the use of the premises must occur in the designated loading areas or within the road reserve under an approved traffic control plan. 2. goods or machinery must be stored, and all activities must occur, inside the building(s) and not in the carpark or driveway areas. 3. maintenance and replacement (if necessary) of all landscaping in accordance with the approved landscape plan. 4. maintenance of vehicular movement areas including driveways, carparking, manoeuvring areas, line marking, pedestrian facilities, lighting, to the standard specified by this consent. 5. 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. 6. maintenance of stormwater drainage pipes and systems to ensure efficient discharge of stormwater in accordance with the approved stormwater drainage plan. 7. maintenance of buildings, fencing, signage/markings to the standards specified in this consent. 8. the removal of all graffiti within a maximum of 14 days of being notified by Council. | To ensure the site is maintained and operated in a safe and appropriate manner. |

# 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.