

Southern Cross Community Housing
PO Box 2351
BOMADERRY NSW 2545

NOTICE OF DETERMINATION

under Section 4.18 of the *Environmental Planning and Assessment Act 1979* (as amended).

The development application has been determined by Bega Valley Shire Council granting consent subject to the conditions specified below.

DEVELOPMENT APPLICATION	2023.309
APPLICANT	Southern Cross Community Housing
LAND	Lot: 3 DP: 1187097 and Lot: 2 DP: 516738
LOCATION	108 and 114 Rawlinson Street BEGA
ZONE	R2 Low Density Residential
PROPOSED DEVELOPMENT	Demolition of Dwelling House and Construction of Residential Accommodation including a Residential Flat Building (28 Dwellings), Multi Dwelling Housing (21 Dwellings) and 2 Boarding Houses (13 Bedrooms) including, Tree Removal, Lot Consolidation and Associated Works
DETERMINATION MADE ON	-
CONSENT TO OPERATE FROM	-
CONSENT TO LAPSE ON	-

Conditions of approval

General

1. Approved development plans

The Development shall take place in accordance with the following plans, specifications and reports, except as may be amended in red on the approved plans and by the following conditions.

Plan, Specification or Report	Plan Reference and Date
DA01 – Site Analysis	Job No. 23-0044 – 25/10/2023
DA02 – Site Context	Job No. 23-0044 – 25/10/2023
DA03 – Site Context	Job No. 23-0044 – 25/10/2023
DA04 – Bulk and Scale Studies	Job No. 23-0044 – 25/10/2023
DA05 - Site Plan	Job No. 23-0044, Rev D – 09/10/2024
DA06 – Ground floor Site Plan & Hardstand Works	Job No. 23-0044, Rev C – 09/10/2024
DA07 – Site Sections	Job No. 23-0044, Rev A – 09/10/2024
DA08 – Boundary Elevations	Job No. 23-0044, Rev A – 09/10/2024
DA09 – Boarding Houses – Plans & Elevations	Job No. 23-0044, Rev C – 27/08/2024
DA10 – Townhouse – Block B & C – Plans & Elevations	Job No. 23-0044, Rev A – 31/01/2024
DA11 – Townhouse – Block D & E – Plans & Elevations	Job No. 23-0044, Rev C – 27/08/2024
DA12 – Residential Flat Building - Plans	Job No. 23-0044, Rev D – 09/10/2024
DA13 – Residential Flat Building - Elevations	Job No. 23-0044, Rev C – 09/10/2024
DA14 – External Materials	Job No. 23-0044, Rev A – 09/10/2024
DA15 – Solar and Ventilation Diagrams, Sun Angles	Job No. 23-0044, Rev A – 09/10/2024
DA16 – Solar and Ventilation Diagrams, Sun Angles	Job No. 23-0044, Rev A – 09/10/2024
DA17 – Winter Shadow Diagrams	Job No. 23-0044, Rev A – 09/10/2024
DA18 – Photomontage	Job No. 23-0044, Rev A – 27/11/2023
DA19 – Landscape Concept Plan	Job No. 23-0044, Rev A – 05/07/2024
DA20 – Planting Plan	Job No. 23-0044, Rev A – 05/07/2024
DA21 – Planting Schedule, Detail & Materials Palette	Job No. 23-0044, Rev A – 05/07/2024
DA22 – Landscaping Sections & Elevations	Job No. 23-0044, Rev A – 05/07/2024

DA23 – Demolition Plan, Retained & Removed Trees	Job No. 23-0044 – 25/10/2023
DA24 – Landscape Lighting Plan	Job No. 23-0044, Rev A – 05/07/2024
DA25 - Unnamed	Job No. 23-0044, Undated
DA26 - Unnamed	Job No. 23-0044, Undated
BASIX Certificate	No. 1793147M, 28 April 2025
Stormwater Concept Plans	Job No. M10487, 22/1/2025
Traffic Report	Project Ref: 2023-07 (50), 26/10/2023
Waste Management Plan	Project No. 23-0044
Arborists Assessment Report	ARB Planning, November 2023

2. A Construction Certificate must be obtained from Council or an Accredited Certifier prior to work commencing. A construction certificate certifies that the provisions of Clauses 79A-79H of the *Environmental Planning and Assessment Amendment Regulations, 1998* have been satisfied, including compliance with the Building Code of Australia and conditions of development consent.
3. The person having the benefit of the Development Consent and a Construction Certificate shall:
 - a) appoint a Principal Certifying Authority and notify Council of the appointment (if Council is not appointed), and
 - b) notify Council of their intention to commence the erection of the building (at least 2 days notice is required).
4. The Principal Certifying Authority shall determine when inspections and compliance certificates are required.
5. **Signs**
Signs are to be provided at the front of the property or in a prominent location, and shall contain the following details: -
 - owner's name, lot number and street number
 - a rural address number (when relevant) provided at the entrance of the property (eg. affixed to an entrance gate)
 - must clearly identify the Principal Certifying Authority (PCA) and contact number
 - that unauthorised entry to the work site is prohibited
 - details of the Principal Contractor (i.e. the coordinator of the building work).
6. **Screening and Amenity**
All mechanical plant and equipment including the proposed condenser shall be suitably screened and acoustically treated. Reason: To improve the amenity of the site and reduce the potential impact on neighbouring properties.

Prior to issue of Construction Certificate

7. Comply with Housing SEPP 2021

Full and strict compliance with the provisions of Housing SEPP 2021. Prior to the issue of any subsequent Construction Certificate, the contracted architect / designer for the project shall certify in writing that the proposed development is compliant with the Policy.

Documentation to this effect is to be submitted to the Principal Certifying Authority at the time of lodgement of Construction Certificate Application.

8. Affordable Housing

The Boarding Houses and 50% of the Residential Flat Building (Block A) must be maintained and managed for the purpose of Affordable Housing for a period of not less than 15 years from the date of consent in accordance with the requirements of the Housing SEPP 2021.

9. Site Contamination Investigation/Contaminated Site Audit

- a) Prior to the approval of a Construction Certificate, a detailed site investigation with the objective to define the nature, extent and degree of uncontrolled fill shall be submitted to Council for approval to assess potential risk posed by contaminants to health and obtain sufficient information to develop a Remedial Action Plan (if needed). The investigation shall include a Site Audit Statement and Site Audit Report prepared by an NSW Environment Protection Authority accredited Site Auditor. The Site Audit Statement and Site Audit Report must include any restrictions or management requirements for the site.
- b) All contaminated site reports provided to Council must exempt Council from any claim for copyright that may restrict Council’s ability to provide information to the public in accordance with the Government Information (Public Access) Act 2009.

10. Remediation Action Plan (RAP)

A Remediation Action Plan (RAP) shall be prepared and submitted to Council in accordance with the Managing Contaminated Land Planning Guidelines under State Environmental Planning Policy (Resilience and Hazards) 2021 and the Contaminated Land Management Act 1997 as per the recommendation of the Site Investigation report. The RAP shall be received at Council and be approved prior to works commencing on site.

11. Section 7.11 contributions

Payment to Council of the following contributions pursuant to *Section 7.11 or 7.12 (formerly Section 94 and 94A) of the Environmental Planning and Assessment Act and Bega Valley Shire Council Local Infrastructure Contributions Plan 2024 - 2036.*

Contribution type	\$ Total	Allocation No.
Section 7.11 contribution	\$407,729	W5307.1651.1417

Indexation: Where the monetary contribution is not paid before the first anniversary of the date of this development consent, the contribution amount must be indexed between the date of the consent and the date of payment, in accordance with annual movements in the Consumer Price Index (All Groups Index) for Sydney published by the Australian Statistician.

12. **Payment of Long Service Levy**

The payment of a long service levy is required under Part 5 of the *Building and Construction Industry Long Service Payments Act 1986*.

Proof of payment is to be submitted to Council.

The levy can be paid through the LSL Portal at www.longservice.nsw.gov.au

Note: The Long Service Levy is a State Government Levy, not a Council fee.

13. **Carparking areas designed in accordance with Bega Valley DCP 2013**

All on-site car parking, loading/unloading areas and their associated driveways shall be constructed and clearly defined or line marked for the approved use in accordance with the Approved Development Plan and Council's Development Control Plan.

14. **Accessible car parking**

Car parking spaces provided for people with disabilities shall be designed and constructed to comply with requirements of AS/NZS 2890.6:2009 (Off-street parking for people with disabilities). Note: An accessible path of travel is required from the designated car space to the principal entrance of the building.

15. **Engineering design plans for carparking areas**

Engineering design plans for all on-site car parking, loading/unloading areas and their associated driveways shall be prepared and certified by a suitably qualified and experienced chartered professional engineer (or equivalent) and submitted to Council.

16. **Details of earthworks**

The applicant shall submit full details of earthworks associated with construction of the development, including all proposed and existing ground levels and details of any proposed retaining structures for approval of Council.

17. **Excess fill to be deposited at approved site**

Any excess fill arising from the proposed development shall be deposited at a Council approved site. Notification and prior arrangement to this Council approved site may be required prior to any fill being deposited. The details of the composition and volume of the fill and the site of disposal are to be forwarded to Council.

18. **Protection of infrastructure assets (building over or within the zone of influence)**

Protection of Council's infrastructure system is required. The following shall be provided to Council:

- a. Site survey information (by registered surveyor) accurately showing the vertical and horizontal proximity (details to include offsets, Australian Height Datum invert levels and pre and post surface levels) of the infrastructure to the proposed development.

Note: Please contact Council for access to Council's infrastructure.

- b. Detailed design by a suitably qualified and experienced chartered professional Engineer (or equivalent) that ensures no loading is imposed on or transmitted to the sewer

pipeline by the proposed development. This may require complete relocation of the infrastructure.

- c. A letter of certification indicating that the proposed building and/or structure/s will not impact on Council's infrastructure. The accompanying letter shall be prepared by a suitably qualified and experienced chartered professional Engineer (or equivalent) and submitted to Council.

OR

- d. Design plans shall be submitted for the relocation of the sewer line to be outside the zone of influence of the building. All costs for the relocation shall be at the developer's expense.

19. Multi-unit water service

Design for the provision of a new single bulk Council meter service feeding separate 20mm Ø meters for each unit mounted on a manifold assembly at the boundary of the lot. The size of the bulk service line and manifold shall be determined by a suitably qualified person and is subject to approval. The qualified person shall undertake the required calculation in accordance with the current Australian Standard 3500 and the New South Wales Code of Practice – Plumbing and Drainage. Certification shall be lodged with Council confirming compliance prior to making application for the metered service.

Note: If water is required for use on common property, an additional meter shall be installed to service the common property.

20. Section 68 LG Act approval required to carry out stormwater drainage works

Before the issue of the relevant Construction Certificate obtain approval under Section 68 of the Local Government Act for stormwater drainage works within Lot 94 DP529595 and the connection to Council's system.

A detailed stormwater management plan must be prepared by a qualified hydraulic or civil engineer and provided to council in accordance with the following documents –

- a) DA stormwater concept plans by **Geoff Metzler & Associates, Revision B, 22/01/2025.**
- b) AS3500.3 – Plumbing and Drainage, Part 3.1 – Stormwater Drainage.
- c) Council's stormwater guidelines for development.
- d) Council's Development Design Specification D5

The plan is to be accompanied by a design compliance certificate.

21. Stormwater quality management plan – WSUD and SQIDs - Private

Prior to the issue of a Construction Certificate:

A detailed stormwater quality management plan, incorporating water sensitive urban design principles and including facilities to reduce the volume of gross pollutants discharged downstream of the development, must be prepared by a qualified hydraulic or civil engineer and provided to the **Principal Certifier**.

The plan must be prepared in accordance with

- a) DA stormwater concept plans by **Geoff Metzler & Associates, Revision B, 22/01/2025.**

- b) AS3500.3 – Plumbing and Drainage, Part 3.1 – Stormwater Drainage.
- c) Council’s stormwater guidelines for development
- d) Council’s Development Design Specification D5,

The SQMP must include design of stormwater quality improvement devices (SQIDs) to meet the following water quality discharge targets. These may be achieved through one or more treatment types.

- 80% retention of the typical urban annual load for Total Suspended Solids (TSS)
- 45% retention of the typical urban annual load for Total Phosphorus (TP)
- 45% retention of the typical urban annual load for Total Nitrogen (TN)
- 70% retention of the typical urban annual load for gross pollutants (>5mm)
- Litter > 50mm Retention up to the 4EY peak flow

The location, design, and maintenance requirements for each treatment type must be clearly specified. The plan is to be accompanied by a design compliance certificate.

22. **Payment of security deposits – Damage Bond**

Before the issue of a Construction Certificate, the applicant must:

- a) make payment **per BVSC adopted fees and charges** for a security deposit (damage bond) to the consent authority, and
- b) if a principal certifier is required to be appointed for the development – provide the principal certifier with written evidence of the payment and the amount paid.

23. **Waste storage facilities**

Details of the type and location of waste storage facilities shall be submitted to Council for approval.

24. **Fence along rear and side boundaries**

Prior to occupation of the building the property shall be fenced at the developer’s cost along the side and rear boundaries using materials that complement the proposed development. Details are to be submitted to Council for approval prior to the issue of the Construction Certificate.

25. **Certificate of compliance (building)**

A Certificate of Compliance under Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000* must be obtained.

Prior to demolition

26. **Demolition**

- a) Two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of any demolition work, notice in writing is to be given to the Council. Such written notice is to include:
 - The date when demolition will commence
 - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer

- The licence number of the demolisher, and relevant WorkCover licenses (see minimum licensing requirements in (d) below
 - Copies of the demolisher's current public liability/risk insurance policy indicating a minimum cover of \$20 million.
- b) Demolition of buildings and structures must comply with all current and relevant Australian Standards.
- c) If the works require a construction certificate, work shall not commence until the Principal Certifying Authority (PCA) has inspected the site. Should the building to be demolished be found to be wholly or partly clad with or contain asbestos cement products, approval to commence demolition shall not be given until the PCA is satisfied that all measures are in place so as to comply with WorkCover's *Guide to Working with Asbestos*.

Note: A copy of this publication can be obtained from WorkCover Authority's website www.workcover.nsw.gov.au

- d) Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover 'Demolition Licence' and a current WorkCover 'Class 2 (Restricted) Asbestos Licence'.
- e) In addition to the above provisions, any work carried out on asbestos cement products must be in accordance with those provisions relating to asbestos cement within the NSW Construction Safety Act 1912 Regulations 84A-J *Construction Work Involving Asbestos or Asbestos Cement 1983, as amended 1984*.
- f) Works shall be confined to normal working hours, being 7.00am to 6.00pm Mondays to Fridays and 8.00am to 5.00pm Saturdays, (no work on Sundays or Public Holidays) and in a manner so as not to cause a nuisance (by the generation of unreasonable noise or other activity) to the owners and/or residents of adjoining and adjacent properties.
- Variations to these hours or days may be approved by the consent authority on a case by case basis.
- g) No materials shall be burnt or buried onsite.
- h) Where practical, any building materials that are not being reused for the purpose of this development shall be disassembled in a manner that minimises damage and made available for reuse through local salvage operators.

27. **Water meter capped off**

The existing water meter shall be capped off and made available to the future dwellings on proposed development site.

28. **Protection of sewer assets – full demolition**

Prior to any individual demolition works occurring, all internal sewer drainage pipework shall be flushed and disconnected ('capped off') at the point of connection to Council's sewer main to avoid any demolition materials entering Councils reticulated sewerage system. All works to be undertaken by a qualified licenced plumber.

Note: Lodgement of appropriate 'Application to Disconnect' forms will be required.

Prior to construction work commencing

29. Erosion and sediment control – less than 2,500m² site disturbance

Erosion and sedimentation control measures are to be applied during site development in accordance with Council's Guidelines as follows: -

- a) Erosion and sediment control measures shall be installed prior to the clearing of any site vegetation.
- b) Site clearing and disturbance shall be confined to the base area of the approved structure, sites of permanent access ways, and land extending a maximum of three (3) metres beyond the building envelope.
- c) Topsoil shall only be stripped from approved areas and stockpiled for re-use during site rehabilitation and landscaping.
- d) Uncontaminated runoff shall be intercepted and diverted around all disturbed areas.
- e) The capacity and effectiveness of erosion and sedimentation control measures shall be maintained at all times.
- f) All disturbed areas shall be progressively revegetated or stabilized to prevent erosion.
- g) Stormwater from roof areas shall be collected and linked to a Council approved disposal system immediately after completion of the roof.
- h) All disturbed areas shall be rendered erosion resistant by turfing, mulching, paving or otherwise suitably stabilized within thirty (30) days of completion and before erosion and sedimentation controls are removed.

30. Removal of excavated material

No excavated material is to leave the site until Council has been provided with the following information for approval:

- a) a complete list of all destination sites for the excavated material;
- b) a report providing details as to how material will be transported, so there is no dust nuisance and/or material deposited along public roads;
- c) a transport route for cartage vehicles.

31. Vegetation removal

No vegetation shall be removed or destroyed unless:

- a) identified on the approved plans, or
- b) required to comply with any other condition of this consent in relation to such matters as servicing or provision of Asset Protection Zones.

32. Protect trees during construction

Before starting any site works, all trees to be retained must be assessed for structural integrity and enclosed with protective fencing to prevent them being damaged during the construction period in accordance with Australian Standard 4970:2009 Protection of Trees on Development Sites.

33. Home warranty insurance or owner-builder permit

In accordance with the *Home Building Act 1989* no residential building work, may commence until a contract of insurance is entered into and in force. If the work is to be carried out by an

owner builder, an owner-builder permit is required. Where the Council is not the Principal Certifying Authority (PCA), the PCA is responsible for notifying Council of the above matters.

Note: This means that you will be required to send a copy of the contract of insurance or a copy of the owner-builder permit to your nominated Principal Certifying Authority prior to commencing any building work.

34. **Contractor's insurance (Public Works)**

Each contractor engaged in the construction of public works (such as road work, kerb and guttering, footway construction, stormwater drainage, water supply, sewerage works and environmental controls) must provide evidence of public liability insurance (minimum \$20,000,000.00) endorsed to note the contractor and Council for their rights and interests.

35. **Section 138 approval for minor works**

The following works within Council's road reserve are required:

- Driveway crossovers,
- Reconstruction of footpath area,
- Restoration of redundant vehicular crossovers.

An application for approval under Section 138 of the Roads Act, 1993 for these works shall be submitted to Council for approval. The Section 138 application shall be accompanied by plans and/or specifications of the proposed works.

36. **Traffic Guidance Scheme**

No work shall be carried out within six metres of the carriageway of a public road subject to motor vehicle traffic until Council has sighted a satisfactory Traffic Guidance Scheme relating to that work, and the relevant Roads Authority has issued any associated Roadworks Speed Limit. The Traffic Guidance Scheme shall be prepared by a person who is authorised by the Roads and Maritime Services to prepare these plans.

Evidence of Certification must be submitted with the Traffic Guidance Scheme. All measures described in the Traffic Guidance Scheme shall be implemented and maintained for the duration of any work within/adjacent to the road carriageway.

During construction

37. **Construction hours**

Works shall be confined to normal working hours, being 7.00am to 6.00pm Mondays to Fridays and 8.00am to 5.00pm Saturdays, (no work on Sundays or Public Holidays) and in a manner so as not to cause a nuisance (by the generation of unreasonable noise or other activity) to the owners and/or residents of adjoining and adjacent properties. Variations to these hours or days may be approved by the consent authority on a case by case basis.

38. **Copy of plans onsite**

The builder must at all times maintain on the job, a legible copy of the all the relevant plans and specifications bearing the stamp and development consent of Council.

39. Maintenance of site

- 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) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- d) During construction:
 - 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.
- e) At the completion of the works, the work site must be left clear of waste and debris.

40. Earthworks, retaining walls and structural support

- a) Any earthworks (including any structural support or other related structure for the purposes of the development):
 - 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, and
 - ii) Must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
 - iii) That is fill brought to the site – must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, and
 - iv) That is excavated soil to be removed from the site – must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.
- b) Any excavation must be carried out in accordance with *Excavation Work: Code of Practice* (ISBN 978-0-643-785442) published in July 2012 by Safe Work Australia.

41. Drainage connections

Roof storm water is to be disposed of to the satisfaction of Council.

42. Support and protection for neighbouring buildings

If an excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent must, at the person's own expense, comply with the requirements of Clause 98E of the *Environmental Planning and Assessment Regulation 2000*, including:

- (a) protect and support the adjoining premises from possible damage from excavation, and
- (b) where necessary, underpin adjoining premises to prevent any such damage.

The condition does not apply if the person having benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Compliance with the requirements of WorkCover NSW is required and a copy of such requirements is to be submitted to the Principal Certifying Authority.

43. Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of works if the works:

- (a) Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) Could cause damage to adjoining lands by falling objects, or
- (c) Involve the enclosure of a public place or part of a public place.

44. Toilet facilities

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:

- (a) Be a standard flushing toilet connected to a public sewer, or
- (b) Have an on-site effluent disposal system approved under the Local Government Act 1993, or
- (c) Be a temporary chemical closet approved under the Local Government Act 1993.

45. Garbage receptacle

- (1) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- (2) The garbage receptacle must have a tightfitting lid and be suitable for the reception of food scraps and papers.

46. Kitchen exhaust

Kitchen exhaust not to be ducted into roof cavity. Any ductwork through roof cavity to be of non-combustible material.

47. Wet areas

The floors of wet areas shall be of an approved impervious material, properly graded and drained. The junctions of the floors with the walls shall be so treated as to prevent the penetration of moisture into the walls.

48. Conceal pipework

All waste pipes, stack work and vents to be concealed.

49. Responsibility for changes to public infrastructure

While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter,

light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.

50. **Certification and inspection of public engineering works**

All public engineering works (driveway crossover, footpaths, roadworks, stormwater works etc) must be inspected and tested by Council's inspector in accordance with Council's Development Design and Construction Specifications.

Typically, inspections are required at, but not limited to, the following stages.

- a. After placement of all signs and control measures in accordance with the approved Traffic Guidance Scheme
- b. After stripping of topsoil from roads and fill areas, all Soil & Water Management Plan controls shall be in place at this stage
- c. After completion of road subgrade
- d. After placement and compaction of each layer of gravel pavement material
- e. During application of bitumen seal or asphaltic concrete wearing surface
- f. After laying and jointing of all stormwater pipelines prior to backfilling
- g. After surface preparation, placing reinforcement and prior to pouring concrete for roads and driveways
- h. After completion of works
- i. As otherwise required to confirm that the works are satisfactorily executed and in conformity with environmental controls

It should be noted that Council charges fees for inspections and certificates.

The developer must complete quality assurance testing of all public asset works in accordance with the inspection and testing plans detailed in Council's Development Construction Specifications. Testing results shall be provided throughout the construction phase of the development.

51. **Concrete vehicular crossover**

The construction of concrete vehicular crossovers is required between the kerb line and the road boundary, in accordance with Council's standard drawings and the approved development plans.

52. **Redundant vehicular entrance**

Removal of any redundant vehicular entrances and restoration of kerb and gutter and footpath area to match the surroundings is required.

53. **Reconstruction of footpath area**

Reconstruction of footpath area fronting Lot 3 DP 1187097 and lot 2 DP 516738 and repairs as necessary to the footpath fronting the adjacent lots to include the following:

- Concrete pavement similar to the adjacent footpath area,
- paving shall extend from the back of the kerb to the street boundary,
- minimum concrete thickness 100mm,
- minimum concrete strength grade 32MPa,
- minimum reinforcement SL72 steel mesh,
- materials, colours and workmanship must be to the satisfaction of the Council.

54. Private stormwater drainage

Construction of stormwater drainage works as necessary to convey runoff from roof and paved areas of the development to public roads or Council controlled drainage systems. Any design shall be in accordance with Council's Development Specification D5, Stormwater Drainage Design and AS3500.3 – Plumbing and Drainage, Part 3.1 – Stormwater Drainage.

55. Water supply construction

Construction of all water supply reticulation works and associated facilities necessary to service the proposed development. All construction shall be as per the approved design plans. Any construction must be carried out by Bega Valley Shire Council approved contractor(s) and in accordance with WSAA Codes and Australian Standards.

56. Sewer construction

Construction of all sewerage reticulation works including sewerage junction works and any associated facilities necessary to service the development. All construction shall be in accordance with the approved design plans. Any construction shall be carried out by Council approved contractor(s) and in accordance with WSAA Codes and Australian Standards.

57. Stabilised access to construction site

During construction, vehicular access must be confined to approved areas. Where practicable, access must be stabilised and confined to one location.

58. Topsoil to be stockpiled for later use

Where possible, topsoil must be stripped only from those areas designated on the approved plan and must be stockpiled for later use in rehabilitation and landscaping.

Stockpiles (topsoil, spoil, subsoil, sand, or otherwise) must be:

- located at least 2 metres from any hazard areas, including surfaces with grades greater than 1.5 per cent, zones of concentrated flow, driveways, footpaths, nature strips, kerb line gutter, swales or standing vegetation;
- protected from upslope stormwater surface flows;
- provided with sediment filters downslope; and
- provided with a protective cover where they are likely to be worked for more than 20 working days.

59. Maintain control measures at or above design capacity

All sediment control measures must be maintained at, or above their design capacity.

60. Progressively stabilise and rehabilitate site works

All ground disturbed because of the development must be progressively stabilised and rehabilitated so that it no longer acts as a source of sediment.

61. Manage stormwater

When building roof structures are in place, roof water is to be managed in a manner that reduces the likelihood of erosion. The stormwater system must prevent sediment from being eroded from the site and deposited downstream. The roof water system must be functional before roof runoff begins.

Prior to Occupation or Use

62. Occupation Certificate must be obtained

An **Occupation Certificate** must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 6.9 of the *Environmental Planning and Assessment Act 1997* have been satisfied.

If you have obtained an Occupation Certificate that only covers part of the development a further Occupation Certificate for the whole development must be obtained within 5 years of the partial Occupation Certificate being issued.

63. Public Engineering Works Completion Certificate

All public engineering works (driveway crossover, footpaths, roadworks, stormwater works etc) shall be constructed in accordance with the accepted construction plans, Council's Development Construction Specifications and conditions of this consent.

In this regard a Completion of Engineering Works Certificate (Compliance Certificate) must be obtained from Council prior to the issue of an Occupation Certificate.

64. Certification of OSD and/or SQID system as constructed

Before the issue of an occupation certificate:

A compliance certificate, signed by a qualified hydraulic or civil engineer must be provided to the **Principal Certifier**.

The certificate must include:

- a) Certification that the OSD/SQID system will function in accordance with the approved design, or
- b) Identification of any deviations from the approved design and their impact on the performance of the OSD/SQID system(s). If there is detrimental impact on the performance of the OSD/SQID system(s) then the steps to mitigate the impacts must be stated in a letter by the certifying consultant. The mitigating measures must be put in place and the system certified as above.
- c) Or certification that the deviations from the approved design will not impair the performance of the OSD/SQID system(s).

Document on-going maintenance requirements.

65. Engineer's certification – for works within downstream stormwater easement

Council shall be provided with certification from a suitably qualified and experienced civil or hydraulic engineering confirming that the stormwater works within Lot 94 DP 529595 satisfy the specified performance and acceptance criteria.

66. Works as executed plans

Council shall be provided with the following works as executed plans for all public assets constructed:

- a) A PDF copy of the construction certificate plans clearly marked up to show all variations from the approved design.
- b) AutoCAD DWG or DXF file that includes the as-built details of all works. The map projection in the drawing shall be GDA2020 zone 55 and different infrastructure elements shall be delineated into different drawing layers.

Works as executed plans must be prepared and certified by an experienced Surveyor or Professional Engineer as a complete and accurate record of the work.

67. Easement to contain privately owned drainage works

Establishment of inter-allotment drainage easement(s) not less than 1.0 metre wide across the subject development to contain stormwater drainage works to connect the development to a Council controlled drainage system. The easement(s) shall be established to benefit all allotment(s) with the potential to discharge water into these drainage works. A copy of the plan registered with the NSW Land and Property Information creating this easement shall be provided to the Council demonstrating compliance with this requirement.

68. Release of securities

When Council receives an occupation certificate, an application may be lodged to release the securities held in relation to the Damage Bond.

69. Repair of infrastructure

Before the issue of an occupation certificate:

- a) any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of council, and at no cost to council, or
- b) if the works in (a) are not carried out to council's satisfaction, council may carry out the works required and the costs of any such works must be paid as directed by council and in the first instance will be paid using the security deposit required to be paid under this consent.

70. Registration of OSD on title – Positive Covenant and Restriction On The Use of Land

Before the issue of an occupation certificate

Provide council with evidence the Instrument setting out the terms of the Restriction On The Use Of Land and Positive Covenant have been created pursuant to Section 88B or Section 88E of the Conveyancing Act, 1919.

The location of the "Onsite Stormwater Detention System", where provided, must be shown on the Deposited Plan or included as a site plan attached to the appropriate documents, which may be obtained from the LRS.

Standard wording for each instrument is available within the "BVSC Stormwater drainage guidelines for development".

71. Vehicular access

If the work involved the construction of a vehicular access point, the access point must be completed before the final occupation certificate for the work on the site is obtained.

72. BASIX and NatHERS certificates

All the commitments listed in each relevant BASIX and/or NatHERS Certificate for the development are to be fulfilled. In this condition:

- a) relevant BASIX and NatHERS Certificate means a BASIX and/or NatHERS Certificate that was applicable to the development when this development consent was granted (or, if this development consent is modified under section 4.55 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); and
- b) BASIX and NatHERS Certificates has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

Note: The commitments contained within the relevant BASIX and NatHERS certificate shall be maintained over the life cycle of the development.

73. Street numbering

An application for street addresses shall be submitted to Council for each individual choose dwelling within the development in accordance with Section 5.2 of the NSW Address Policy.

74. Revegetation of disturbed areas

Minimal site disturbance shall be caused to the site during construction works. Any disturbed areas are to be reinstated and revegetated to the satisfaction of Council.

75. Development finished in accordance with approved colour/materials schedule

The development shall be finished in accordance with the approved colour and building materials schedule.

76. Landscape works completed

All landscape works shall be completed and maintained at all times in accordance with the approved landscape plan.

77. Carparking in accordance with design plans

All works required in the construction of any on-site car parking, loading/unloading areas and their associated driveways shall be undertaken and completed in accordance with the certified engineering design plans.

On completion, the works are to be certified by a suitably qualified and experienced chartered professional engineer (or equivalent). Documentation to this effect shall be submitted to Council.

78. Consolidation

The proposal as submitted shall require consolidation of both allotments. A copy of the registered plan for the amalgamation of Lot 2 DP 516738 and Lot 3 DP 1187097 shall be submitted to Council prior to occupation of any part of any building.

79. Disturbed sites to be stabilised

The certifier must ensure sediment and erosion controls remain in place until all disturbed areas are stabilised to prevent erosion and soil loss, prior to issuing the occupation certificate.

80. Rehabilitation of disturbed areas associated with infrastructure works

For infrastructure works trenches must be backfilled, compacted to 95 percent standard compaction, and capped with topsoil up to the adjoining ground level. The ground then must be turfed or sown with an approved seed and fertiliser mix.

81. Easement to contain Council sewer mains

Establishment of easements to drain sewage not less than 3.0 metres wide in favour of Council within the development site to contain sewerage reticulation works within a Council-controlled sewerage system. A copy of the plan registered with the NSW Land and Property Information creating this easement shall be provided to the Council demonstrating compliance with this requirement.

82. Lighting of premises to be shielded

The lighting of the premises shall be shielded and directed so as not to cause annoyance to the owners or occupiers of adjoining premises or glare to motorists on adjoining or nearby roads.

83. Off-street parking spaces

A minimum of **73** off-street car parking spaces shall be provided and made available for car parking at all times in accordance with Council's Development Control Plan.

Advisory notes**Essential Energy**

- a) If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
- b) Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
- c) Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;
- d) Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW); and
- e) It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

Water Management Act Certificate of Compliance

- a. Section 64 of the Local Government Act authorises the Council to issue Certificates of Compliance under section 305 of the Water Management Act 2000.

- b. The development has been assessed as imposing an additional load of **22.5 Water ET** to the water supply system and **22.5 Sewer ET** to the sewerage network. The payment due will be calculated at the rate specified in Council's adopted Fees and Charges at the time of payment.
- c. This non-residential development has had its water and sewerage ET (equivalent tenement) credits assessed for implementation of the high consumption charge, as outlined in Council's operational plan. The ET credits can be found on the Water Management Act 2000-Certificate of Compliance, once issued.

Location of building

It is the owner's responsibility to ensure that the building is located on the correct block of land is located free of any easements/services and satisfies the necessary setbacks as specified by Council's Codes for Local Government Legislation.

Utility services

If the work requires alteration to, or the relocation of, utility services on, or adjacent to, the lot on which the work is carried out, the work is not complete until all such works are carried out.

Existing structures

No approval of existing buildings or structures is granted or implied by this consent.

Dial before you dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW).

If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

National Parks and Wildlife Act

The developer's attention is drawn to the requirements of the National Parks and Wildlife Act 1974 with respect to the conservation of Aboriginal archaeology. As a landowner and/or developer you have a responsibility to not disturb or destroy any such item.

If any objects which are suspected of being Aboriginal, including human remains, are identified during development, the following procedure must be followed;

- Immediately cease all work at the particular location
- The find and the immediate area must not be unnecessarily disturbed
- The area of the find must be marked as a no-go area to ensure no inadvertent impacts occur
- Notify the Heritage NSW via the Environment Line on 131 555
- Not recommence any work at the particular location unless authorised in writing by Heritage NSW

Carparking calculations

Car parking requirements have been calculated on the basis of the specified use. Should any change of use be contemplated car parking requirements may need to be re-assessed.

Biosecurity Act 2015

All landowners should be aware of their General Biosecurity Duty under the provisions of the Biosecurity Act 2015 which states; *“any person who deals with biosecurity matter or a carrier and who knows, or ought reasonably to know, the biosecurity risk posed or likely to be posed by the biosecurity matter, carrier or dealing has a biosecurity duty to ensure that, so far as is reasonably practicable, the biosecurity risk is prevented, eliminated or minimised”*.

For information on Priority Weeds and the South East Regional Strategic Weed Management Plan contact Council’s Vegetation Management Team on 6499 2222.

Change of contact details

It is the applicant’s responsibility to advise Council of any changes to contact details in a timely manner. Council will not be held responsible for any lost documents, delays or missed inspections if any of the details are in any way not up-to-date. Should duplicate documents be required they will incur an additional fee in this circumstance.

Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra’s network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra’s infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra’s assets in any way, you are required to contact:

Telstra’s Network Integrity Team on Phone Number 1800 810 443

Reasons for the Determination and Consideration of Community Views

- The proposed development, subject to the specified conditions, is consistent with the objectives of the applicable environmental planning instruments, being;
 - Bega Valley Local Environmental Plan 2013
 - State Environmental Planning Policy (Resilience and Hazards) 2021
 - State Environmental Planning Policy (Sustainable Buildings) 2022
 - State Environmental Planning Policy (Biodiversity and Conservation) 2021

- State Environmental Planning Policy (Transport and Infrastructure) 2021
- The proposed development is, subject to the specified conditions, consistent with the objectives of the Bega Valley Development Control Plan 2013
- The variations proposed have been found to be reasonable in the specific circumstances of this application and have been taken account in the Assessment Report.
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality
- The proposed development, subject to specified conditions, will not result in unacceptable adverse impacts upon the natural or built environments
- The proposed development is a suitable and planned use of the site and its approval is in the public interest
- Any submission issues raised have been taken into account in the Assessment Report and where appropriate, conditions of consent have been included. Council has given due consideration to community views when making the decision to determine the application.

Reasons for conditions

The above conditions are in the public interest to reduce any potential environmental impact and to ensure the proposed development complies with:

- the provisions of the *Environmental Planning and Assessment Act 1979* and Regulations
- any environmental planning instruments applying to the subject land
- Council's codes and policies
- *Section 94/94A Development Contribution Plan.*

Right of appeal

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you, the applicant, the right to appeal to the Land and Environment Court. Section 8.10 of the Act specifies the time within which appeals may be made.

Section 8.7 of the *Environmental Planning and Assessment Act 1979* does not apply to the determination of a development application for local development that has been the subject of a Commission of Inquiry.

For the purposes only of Section 8.7 of the *Environmental planning and Assessment Act 1979*, if this consent is a deferred commencement consent under Section 4.16 of the Act, Council is deemed to have notified the applicant that Council is not satisfied as to the deferred commencement conditions after 28 days from the date the applicant has provided the applicant' evidence."

Review of determination

Section 8.2 of the *Environmental Planning and Assessment Act 1979* gives you, the applicant, the right to request the Council to review the determination of your application. This request must be made within sufficient time so as to allow Council to determine the application within the time prescribed by Section 8.3 and be accompanied by the fee prescribed by Section 257 of the *Environmental Planning and Assessment Regulation 2000*. Review provisions do not apply to a determination:

- a) to issue or refuse to issue a complying development certificate, or
- b) in respect of designated development, or
- c) in respect of integrated development, or
- d) made by the Council under Section 116E in respect of an application by the Crown.

Robert Quick

Senior Town Planner

FOR BEGA VALLEY SHIRE COUNCIL

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