



DETERMINATION AND STATEMENT OF REASONS
SOUTHERN REGIONAL PLANNING PANEL

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| DATE OF DETERMINATION | 25 June 2025 |
| DATE OF PANEL DECISION | 25 June 2025 |
| DATE OF PANEL MEETING | 4 June 2025 |
| PANEL MEMBERS | Chris Wilson (Chair), Juliet Grant, Grant Christmas |
| APOLOGIES | None |
| DECLARATIONS OF INTEREST | Council Interest |

Public meeting held by teleconference on 4 June 2025, opened at 3pm and closed at 3:35pm.
Papers circulated electronically on 23 May 2025.

MATTER DETERMINED

PPSSTH-324– BEGA VALLEY– DA2023.309 at 114 & 108 Rawlinson Street BEGA 2550 – 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) (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

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

Development application

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

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report and the following:

- The development application has been considered in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and Regulations.
- The Panel is satisfied that the preconditions to the grant of consent have been satisfied. Notably, the panel is satisfied that the land can be made suitable for residential development in accordance with the Hazards and Resilience SEPP.
- The proposal is unlikely to result in any unacceptable amenity or environmental impacts subject to the imposition of the conditions of consent as amended.
- Construction impacts can be managed through the imposition of appropriate conditions of consent.
- The proposal is considered appropriate with regard to the zoning of the site and the applicable provisions of the Bega LEP 2010 and other applicable environmental planning instruments.
- The panel carefully considered all the relevant issues raised in submissions and concludes they have been resolved through additional information, careful design and through the conditions of consent as amended.
- The proposal will have positive social and economic benefits by increasing diverse housing supply (including affordable and social housing) in Bega Valley, creating employment through construction, and facilitating greater expenditure in the area in general.

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

CONDITIONS

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

- The Instrument of Consent was amended to include reasons for the imposition of conditions of all conditions
- Condition 6 was amended to remove the reason for imposition noting no other conditions had reasons
- Condition 7 was deleted as condition 8 (now condition 7) has the same purpose.
- Condition 7 (formerly condition 8) was amended to ensure the boarding and affordable housing components are managed by a certified housing provider
- Condition 9 has been incorporated to ensure the final landscape plan provides additional landscaping along interfaces and a variety of species.
- Condition 11 (formerly condition 10) has been amended to reference the recommendations of the Detailed Site Investigation Report.
- Condition 63 has been incorporated to require the development to be operated at all times in accordance with an approved Plan of Management. The condition also requires an annual review to ensure it remains contemporary.



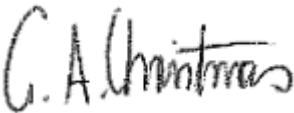
The final instrument of consent approved by the panel, which includes the above amendments can be found attached in Schedule 2 (Approved Conditions of Consent)

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Traffic/ Car parking spaces
- Drainage
- Access/Street frontage
- Increase in crime
- Amenity concerns including privacy, overshadowing, noise and lightening
- Character and density
- Distance to town centre
- Overshadowing
- Inadequate proposal

The panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and conditions of consent and that no new issues requiring assessment were raised during the public meeting.

| PANEL MEMBERS | |
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|  Chris Wilson (Chair) |  Juliet Grant |
|  Grant Christmas | |

| SCHEDULE 1 | | |
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| 1 | PANEL REF – LGA – DA NO. | PPSSTH-324– BEGA VALLEY– DA2023.309 |
| 2 | PROPOSED DEVELOPMENT | The proposal seeks development consent for 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 over Lot 2 DP 516738 and Lot 3 DP 1187097. |
| 3 | STREET ADDRESS | 108 and 114 Rawlinson Street, Bega |
| 4 | APPLICANT/OWNER | Edmiston Jones / Southern Cross Community Housing |
| 5 | TYPE OF REGIONAL DEVELOPMENT | Council related development over \$5 million |
| 6 | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development State Environmental Planning Policy (Industry and Employment) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Bega Valley Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Bega Valley Development Control Plan 2013 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development |
| 7 | MATERIAL CONSIDERED BY THE PANEL | <ul style="list-style-type: none"> Council Assessment Report: 22 May 2025 Written submissions during public exhibition: 12 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Ryan Kosolofski Council assessment officer – Robert Quick Total number of unique submissions received by way of objection: 10 |
| 8 | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> Briefing: 24 May 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas <u>Council assessment staff</u>: Cecily Hancock, Rob Quick <u>Applicant representatives</u>: Alex Pontello (CEO, Southern Cross Community Housing), Gabe Reed (Architect, Edmiston Jones), Anthony Blood (Town Planner, ARB Planning) <u>DPHI</u>: Amanda Moylan, Tracey Gillett |

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| | | <ul style="list-style-type: none"> • Site inspection: 24 May 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas ○ <u>Council assessment staff</u>: Cecily Hancock, Rob Quick • Final Briefing to discuss councils' recommendations: 4 June 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas ○ <u>Council assessment staff</u>: Cecily Hancock, Rob Quick, Mark Fowler, Emily Harrison, William Nichols ○ <u>Applicant representatives</u>: Alex Pontello (CEO, Southern Cross Community Housing), Stephen King (Southern Cross Community Housing) Gabe Reed (Architect, Edmiston Jones), Anthony Blood (Town Planner, ARB Planning), Eric Coulter (Southern Cross Community Housing) ○ <u>DPHI</u>: Amanda Moylan, Nikita Lange |
| 9 | COUNCIL RECOMMENDATION | Approval |
| 10 | DRAFT CONDITIONS | Attached to the Council Assessment Report |

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 |

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| 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 |
| Draft Plan of Management | Southern Cross Housing, May 2024 |

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.

7. 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 by a certified community housing provider for a period of not less than 15 years from the date of consent in accordance with the requirements of the Housing SEPP 2021.

Prior to issue of Construction Certificate

8. 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.

9. Detailed landscape plan by qualified person

A detailed landscape plan shall be submitted and approved by Council. The landscape plan shall be prepared by a person possessing qualifications acceptable to Council in the field of horticulture or landscape design and shall be consistent with Council's adopted Landscaping Guidelines.

Please Note: Plant species with an advanced height of 1 metre at the time of planting with a height of three metres at maturity must be incorporated into the proposed landscaping treatment across the southern boundary and plant species with an advanced height of 0.5m with a height of 1 metre at maturity adjacent to both driveway entrances.

10. 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.

11. 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 if it is recommended in the Detailed Site Investigation Report. The RAP shall be submitted to Council for approval prior to works commencing on site.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

20A. 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 Councils 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. Plan of Management

A revised Plan of Management relating to the operation of the Boarding Houses shall be submitted to Bega Valley Shire Council and endorsed prior to the issue of any Occupation Certificate for the Boarding Houses. The Boarding Houses must be managed and operated in accordance with the approved Plan of Management at all times. The Plan of Management is to be a working document with any new issues identified from the previous year's operation and mitigation measures incorporated into a revised Plan of Management where relevant. A copy of the Plan of Management shall be maintained by Southern Cross Housing or any future service provider for the site and be provided, on request.

64. 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.

65. 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.

66. 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.

67. 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.

68. 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.

69. 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.

70. 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.

71. 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".

72. 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.

73. 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.

74. 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.

75. 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.

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

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

77. Landscape works completed

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

78. 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.

79. 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.

80. 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.

81. 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.

82. 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.

83. 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.

84. 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.