NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

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| --- | --- |
| Application number | DA24/1326 |
| Applicant | Landcom |
| Description of development | Demolition of existing structures, lot consolidation and construction of two (2) x residential flat buildings comprising 60 build-to-rent apartments |
| Property | 2 Beinda Street BOMADERRY – Lot 5 DP 25566  4 Beinda Street BOMADERRY – Lot 4 DP 25566  6 Beinda Street BOMADERRY – Lot 3 DP 25566  8 Beinda Street BOMADERRY – Lot 2 DP 25566  10 Beinda Street BOMADERRY – Lot 1 DP 25566  53 Bolong Road BOMADERRY – Lot 1 DP 329959  55 Bolong Road BOMADERRY – Lot 6 DP 25566  57 Bolong Road BOMADERRY – Lot 7 DP 25566 |
| Determination | Approval |
| Date of determination |  |
| Date from which the consent operates |  |
| Date on which the consent lapses |  |

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

Reasons for Grant of Consent

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

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority’s decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

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

Dictionary

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

Person on behalf of the consent authority



**Peter Woodworth**

Lead – Development Assessment

Terms and Reasons for Conditions

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

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| GENERAL CONDITIONS | | |
| CONDITIONS | | REASON |
|  | **Approved plans and supporting documentation**  Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.   |  |  |  |  |  | | --- | --- | --- | --- | --- | | Approved Plans | | | | | | Plan Number | Revision Number | Plan Title | Drawn by | Date of Plan | | Job Number: 202312  Drawing Number: DA-00 | A | Cover Sheet | St. Clair Architecture | 12/4/2024 | | Job Number: 202312  Drawing Number: DA-01 | A | Site Analysis Plan | St. Clair Architecture | 12/4/2024 | | Job Number: 202312  Drawing Number: DA-02 | B | Site & Roof Plan | St. Clair Architecture | 29/4/2024 | | Job Number: 202312  Drawing Number: DA-11 | C | Ground Floor Plan | St. Clair Architecture | 13/6/2024 | | Job Number: 202312  Drawing Number: DA-12 | C | Level 1 Floor Plan | St. Clair Architecture | 13/6/2024 | | Job Number: 202312  Drawing Number: DA-13 | C | Level 2 Floor Plan | St. Clair Architecture | 13/6/2024 | | Job Number: 202312  Drawing Number: DA-14 | B | Level 3 Floor Plan | St. Clair Architecture | 29/4/2024 | | Job Number: 202312  Drawing Number: DA-21 | C | Elevations Sheet 1 | St. Clair Architecture | 13/6/2024 | | Job Number: 202312  Drawing Number: DA-22 | B | Elevations Sheet 2 | St. Clair Architecture | 29/4/2024 | | Job Number: 202312  Drawing Number: DA-31 | B | Sections | St. Clair Architecture | 29/4/2024 | | Job Number: 202312  Drawing Number: DA-81 | A | Demolition Plan | St. Clair Architecture | 12/4/2024 | | Job Number: 202312  Drawing Number: DA-91 | A | 3D Views | St. Clair Architecture | 12/4/2024 | | Job Number: 202312  Drawing Number: DA-00 | A | 3D Views | St. Clair Architecture | 12/4/2024 | | Job Number: 202312 | - | Type Studio 01 | St. Clair Architecture | - | | Job Number: 202312 | - | Type 1B 01 | St. Clair Architecture | - | | Job Number: 202312 | - | Type 2B 01 | St. Clair Architecture | - | | Job Number: 202312 | - | Type 2B 02 | St. Clair Architecture | - | | Job Number: 202312 | - | Type 2B 03 | St. Clair Architecture | - | | Job Number: 202312 | - | Type 2B 04 (lower level) | St. Clair Architecture | - | | Job Number: 202312 | - | Type 2B 04 (upper level) | St. Clair Architecture | - | | Job Number: 202312 | - | Type 2B 05 (lower level) | St. Clair Architecture | - | | Job Number: 202312 | - | Type 2B 05 (upper level) | St. Clair Architecture | - | | Job Number: 202312 | - | Type 2B 06 (pre-adaptation) | St. Clair Architecture | - | | Job Number: 202312 | - | Type 2B 06 (post-adaptation) | St. Clair Architecture | - | | Job Number: 202312 | - | Type 3B 01 | St. Clair Architecture | - | | Project #: 23-0065 | - | Drawing Schedule | Edmiston Jones | - | | Project #: 23-0065  Drawing No. DA/01 | D | Trees to be Retained and Removed Plan | Edmiston Jones | 30/4/2024 | | Project #: 23-0065  Drawing No. DA/02 | E | Landscape Concept Ground Floor Plan | Edmiston Jones | 13/6/2024 | | Project #: 23-0065  Drawing No. DA/03 | D | Landscape Concept L1 Floor Plan | Edmiston Jones | 30/4/2024 | | Project #: 23-0065  Drawing No. DA/04 | E | Detail Plan Central Spine | Edmiston Jones | 13/6/2024 | | Project #: 23-0065  Drawing No. DA/05 | D | Detail Plan Courtyard | Edmiston Jones | 30/4/2024 | | Project #: 23-0065  Drawing No. DA/06 | D | Landscape Concept Sections | Edmiston Jones | 30/4/2024 | | Project #: 23-0065  Drawing No. DA/07 | D | Street Elevations | Edmiston Jones | 30/4/2024 | | Project #: 23-0065  Drawing No. DA/08 | D | Landscape Access and Circulation Plan | Edmiston Jones | 30/4/2024 | | Project #: 23-0065  Drawing No. DA/09 | D | External Materials Schedule – Ground Level | Edmiston Jones | 30/4/2024 | | Project #: 23-0065  Drawing No. DA/10 | D | External Materials Schedule First Floor | Edmiston Jones | 30/4/2024 | | Project #: 23-0065  Drawing No. DA/11 | D | Planting Plan & Schedule Ground Floor | Edmiston Jones | 30/4/2024 | | Project #: 23-0065  Drawing No. DA/12 | D | Planting Plan & Schedule L1 Floor | Edmiston Jones | 30/4/2024 | | Project #: 23-0065  Drawing No. DA/13 | D | Indicative Species Palette | Edmiston Jones | 30/4/2024 | | Project #: 23-0065  Drawing No. DA/14 | D | Indicative Lighting Ground Floor Plan | Edmiston Jones | 30/4/2024 | | Project #: 23-0065  Drawing No. DA/15 | D | Indicative Lighting L1 Floor Plan | Edmiston Jones | 30/4/2024 | | Job Number: SY232949  Drawing Number C1.01 | B | Internal Civil Works Cover Sheet | NORTHROP | 18/4/2024 | | Job Number: SY232949  Drawing Number C2.01 | B | Internal Civil Works Soil & Water Management Plan | NORTHROP | 18/4/2024 | | Job Number: SY232949  Drawing Number C2.02 | B | Internal Civil Works Soil and Water Management Details | NORTHROP | 18/4/2024 | | Job Number: SY232949  Drawing Number C3.01 | B | Internal Civil Works Stormwater Management & Levels Plan | NORTHROP | 18/4/2024 | | Job Number: SY232949  Drawing Number C3.10 | B | Internal Civil Works Civil Long Sections Sheet 1 | NORTHROP | 18/4/2024 | | Job Number: SY232949  Drawing Number C5.01 | B | Internal Civil Works Civil Details Sheet 1 | NORTHROP | 18/4/2024 | | Job Number: SY232949  Drawing Number C6.01 | A | Bulk Earthworks Plan | NORTHROP | 18/4/2024 | | 3040-01019-100-001 | 01 | Plan Showing Proposed Consolidation of Lots 1 to 7 in DP 25566 & Lot 1 in DP 329959 | Stantec Australia Pty Ltd | 16/2/2024 | | Job Number: 202312 | DA01 | External Finishes Schedule | St. Clair Architecture | 19/4/2024 |  |  |  |  |  | | --- | --- | --- | --- | | Approved Documents | | | | | Document title | Version number | Prepared by | Date of document | | BASIX Certificate | 1744618M\_02 | Northrop Consulting Engineers Pty Limited | 23/4/2024 | | NatHers Certificate | 0009400040 | Northrop Consulting Engineers Pty Limited | 22/4/2024 | | Flora and Fauna Assessment | 23162RP1 | Cumberland Ecology | 19/4/2024 | | Arboricultural Impact Assessment | LANDCOM – Bomaderry – V1 2024 | Arboriculture Consultancy Australia | 19/4/2024 | | Acoustics Report | SY232949-00-AU-RP03, Rev 3 | Northrop | 9/4/2024 | | Data Gap Investigation | Rev 0 | Stantec Australia Pty Ltd | 19/4/2024 | | Water Cycle Management Plan | SY232949, Rev 2.0 | Northrop | 17/4/2024 | | Waste Management Plan | Job No. 223-101-33-75, Ver 1 | MRA Consulting Group | 17/4/2024 |   In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails. | To ensure compliance with the approved plans and documents. |
|  | **Concurrence and Referral – Endeavour Energy**  The advice/General Terms of Approval issued by the Endeavour Energy, Reference No: CNR-68940 dated 16/5/2024 are included as conditions of this consent and must be complied with. | To ensure compliance with external concurrence and referral advice. |
|  | **Existing Infrastructure**  Any required alterations or damage to existing infrastructure will be at the developer’s expense.  *Note: It is recommended prior to the issue of a Crown Certificate, all infrastructure, existing and proposed, is to be shown accurately on construction plans with clearances clearly labelled confirming that the proposed works do not affect any existing infrastructure. This will reduce the potential for unexpected costs and expenses.* | To ensure existing infrastructure is accounted for and any damage to infrastructure is suitably repaired. |
|  | **Housing and Productivity Contribution**  Before the issue of a relevant Crown Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.   |  |  | | --- | --- | | **Housing and productivity contribution** | **Amount** | | Housing and productivity contribution (base component) | $246,439.44 | | Transport project component | - | | **Total housing and productivity contribution** | **$246,439.44** |   The HPC must be paid using the NSW planning portal.  At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order).  The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the Environmental Planning and Assessment Act 1979 agrees.  The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the HPC Order exempts the development from the contribution.  The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025. | To require contributions towards the provision of regional infrastructure |
|  | **Local Infrastructure Contribution**  This development will generate a need for the additional services and/or facilities described in Shoalhaven Contributions Plan 2019 and itemised in the following table(s):  The total contribution, identified in the above table(s) or as indexed in future years, must be paid to Council prior to the issue of a relevant Crown Certificate. Evidence of payment must be provided to the Certifying Authority.  The Contributions Plan 2019 can be accessed on Councils website [www.shoalhaven.nsw.gov.au](http://www.shoalhaven.nsw.gov.au) or may be inspected on the public access computers at the libraries and the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla.  *Note: There are also provisions that may apply with respect to the timing of payments. See: Environmental Planning and Assessment (Local Infrastructure Contributions - Timing of Payments) Direction 2020 (nsw.gov.au)* | To ensure applicable local infrastructure contributions are collected. |
|  | Prescribed Conditions  The development must comply with Part 4, Division 2, Subdivision 1, of the *Environmental Planning and Assessment Regulation 2021*, as applicable. | To ensure compliance with prescribed conditions. |
|  | Shoalhaven Water – Compliance with Conditions  All conditions listed on the Shoalhaven Water Development Notice at each stage of work must be complied with as relevant to that stage. Written notification must be issued by Shoalhaven Water and evidence provided to the Certifier for each applicable stage. | To ensure compliance with Shoalhaven Water requirements. |
|  | Street Numbering  Street numbering must comply with the State Governments Comprehensive Property Addressing System (CPAS), and Council’s Property Address Numbering Policy.  Street numbering for the development must be as follows:   |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | ***Building*** | ***Map Reference*** | ***Council Allocated Unit Number:*** | ***Building*** | ***Map Reference*** | ***Council Allocated Unit Number:*** | | **4A** | 1-G01 | G01/4A | **4B** | 2-G01 | G04/4B | |  | 1-G02 | G02/4A |  | 2-G02 | G05/4B | |  | 1-G03 | G03/4A |  | 2-G03 | G06/4B | |  |  |  |  | Communal | G07/4B |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | ***Building*** | ***Map Reference*** | ***Council Allocated Unit Number:*** | ***Building*** | ***Map Reference*** | ***Council Allocated Unit Number:*** | | **4A** | 1-101 | 101/4A | **4B** | 2-101 | 114/4B | |  | 1-102 | 102/4A |  | 2-102 | 115/4B | |  | 1-103 | 103/4A |  | 2-103 | 116/4B | |  | 1-104 | 104/4A |  | 2-104 | 117/4B | |  | 1-105 | 105/4A |  | 2-105 | 118/4B | |  | 1-106 | 106/4A |  | 2-106 | 119/4B | |  | 1-107 | 107/4A |  | 2-107 | 120/4B | |  | 1-108 | 108/4A |  | 2-108 | 121/4B | |  | 1-109 | 109/4A |  | 2-109 | 122/4B | |  | 1-110 | 110/4A |  | 2-110 | 123/4B | |  | 1-111 | 111/4A |  | 2-111 | 124/4B | |  | 1-112 | 112/4A |  | 2-112 | 125/4B | |  | 1-113 | 113/4A |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | ***Building*** | ***Map Reference*** | ***Council Allocated Unit Number:*** | ***Building*** | ***Map Reference*** | ***Council Allocated Unit Number:*** | | **4A** | 1-201 | 201/4A | **4B** | 2-201 | 216/4B | |  | 1-202 | 202/4A |  | 2-202 | 217/4B | |  | 1-203 | 203/4A |  | 2-203 | 218/4B | |  | 1-204 | 204/4A |  | 2-204 | 219/4B | |  | 1-205 | 205/4A |  | 2-205 | 220/4B | |  | 1-206 | 206/4A |  | 2-206 | 221/4B | |  | 1-207 | 207/4A |  | 2-207 | 222/4B | |  | 1-208 | 208/4A |  | 2-208 | 223/4B | |  | 1-209 | 209/4A |  | 2-209 | 224/4B | |  | 1-210 | 210/4A |  | 2-210 | 225/4B | |  | 1-211 | 211/4A |  | 2-211 | 226/4B | |  | 1-212 | 212/4A |  | 2-212 | 227/4B | |  | 1-213 | 213/4A |  | 2-213 | 228/4B | |  | 1-214 | 214/4A |  | 2-214 | 229/4B | |  | 1-215 | 215/4A |  |  |  | | To ensure consistent and appropriate street numbering. |
| DEMOLITION WORK  Before Demolition Work Commences | | |
| CONDITIONS | | REASON |
|  | Biodiversity – Engagement of Project Arborist  Before the commencement of clearing and demolition work, a Project Arborist, (holding a minimum AQF Level 5 as a consulting arborist) must be appointed to:   1. oversee any activities within the Tree Protection Zones of the subject trees 2. supervise and inspect works as recommended in the Tree Protection Conditions (Appendix 4 of the approved Arboricultural Impact Assessment Report prepared by Arboriculture Consultancy Australia, 19 April 2024) 3. demarcate on site all trees approved for removal and verify with the site manager that all marked trees align with those identified in the Tree Location and Tree Protection Zone (TPZ) Incursion Plan (section 10.1 of the approved Arboricultural Impact Assessment Report prepared by Arboriculture Consultancy Australia, 19 April 2024) 4. implement TPZ fencing and any other protective barriers for trees that are to be retained in accordance with *AS 4970: Protection of trees on development site* 5. implement any other related conditions of consent 6. provide the Certifier with Compliance Certification upon completion of works to guarantee activities undertaken comply with regulatory requirements and prescribed standards.   Evidence of engagement must be submitted to the Certifier prior to the commencement of work. | To minimise biodiversity and tree impacts. |
|  | Biodiversity – Arborist Pre-Construction Phase Checkpoint  Before the commencement of work, the project arborist shall prepare a report detailing the Tree Protection Zones and retained trees’ conditions as per Appendix 4 of the approved Arboricultural Impact Assessment Report prepared by Arboriculture Consultancy Australia, 19 April 2024. The project arborist must:   1. Conduct a pre-construction inspection with all representatives prior to works commencing. 2. Review of the conditions of consent issued by the consent authority. 3. Ensure Trees approved for removal are clearly marked. 4. Ensure Tree Protection Zones (TPZ) are established, fenced and mulched. | To protect biodiversity values. |
|  | Biodiversity – Pre-clearance Survey  Before the commencement of clearing and demolition work, a project ecologist must be appointed to complete pre-clearing surveys and inspections:   1. In accordance with the requirements of the approved Flora and Fauna Report prepared by Cumberland Ecology dated 19 April 2024 and relevant conditions. 2. Following the demarcation of trees approved for removal, on the day/s before clearing commences the project ecologist will:    1. Conduct a thorough pre-clearance survey of vegetation to be removed to determine the presence of fauna within habitat features to be impacted, including, but not limited to, terrestrial habitat features such as fallen logs, large rocks, hollows and nests or dreys.    2. Inspect built structures to be demolished that may provide habitat for microbats and other native wildlife.    3. Oversee a staged approach to the vegetation clearing to allow wildlife to naturally flee the area.   If any fauna are confirmed to be nesting (such as hollow inspection, collection of nesting material) or showing signs of breeding activity, vegetation removal must not commence/proceed until relocation of nests of endangered fauna are completed by the project ecologist. | To minimise biodiversity impacts. |
|  | Biodiversity – Construction Environmental Management Plan  Before the commencement of clearing and demolition work, a Construction Environment Management Plan (CEMP) is to be prepared with input by a qualified ecologist outlining all measures to protect the biodiversity values at the site during construction including but not limited to preclearance surveys, tree and vegetation protection fencing, Flying-fox camp mitigation measures, unexpected finds protocol, erosion and sediment control measures, drainage, access, supervision and monitoring.  Before the commencement of any clearing or demolition works on site, the CEMP is to be provided to Certifier for review and approval.  The CEMP is to include all relevant environmental measures prescribed by these conditions and recommended in the approved Flora and Fauna Report prepared by Cumberland Ecology dated 19 April 2024, including, but not limited to specifications outlined in section 5.3 Mitigation Measures: Grey-headed Flying-fox of the approved Flora and Fauna Report. | To ensure a Construction Environmental Management Plan is prepared and approved. |
|  | Biodiversity – Tree Removal and Retention  Tree identified for retention in the approved Arboricultural Impact Assessment Report prepared by Arboriculture Consultancy Australia and dated 19 April 2024 must be retained unless otherwise agreed to by Shoalhaven City Council.  Trees identified for removal in approved Arboricultural Impact Assessment Report must be removed in accordance with the recommendations of that report as well as the requirements of any other relevant condition of this consent. | To minimise biodiversity and tree impacts. |
|  | Biodiversity – Tree Protection Measures  Tree protection measures are to be implemented in accordance with the approved Arboricultural Impact Assessment Report prepared by Arboriculture Consultancy Australia, 19 April 2024. TPZs and SRZs are to be established and appropriate signage installed. Tree protection measures are to include trunk, branch, and root protection. | To minimise biodiversity and tree impacts. |
|  | Demolition - Asbestos Removal  Asbestos removal must be carried out in accordance with *AS2601-2* [SafeWork NSW – Code of Practice, Demolition Work [ISBN 978-0-642-78415-5](https://www.safework.nsw.gov.au/__data/assets/pdf_file/0015/52161/demolition-work-work-code-of-practice-0916.pdf)*]* and as applicable, by a person holding the relevant licence issued by SafeWork NSW.  A licence is not required to remove less than 10m2 of non-friable asbestos, provided that the total amount of non-friable asbestos removed from the lot does not exceed 10m2.  Asbestos must be taken for disposal to the licensed Waste Management Facility identified in the approved Waste Management Plan.  Seven days before the commencement of any demolition works involving asbestos, all immediate neighbours must be notified in writing of the intention to carry out asbestos demolition works. Copies of these written notifications should be retained and submitted to Council  Post asbestos removal and before further work on the site, the following must be submitted to the Certifier:   1. A clearance certificate issued by a licensed asbestos assessor or competent person as required by the Work, Health and Safety Regulation 2017 for the specific type of asbestos removal work confirming that the area has been cleaned satisfactorily and is safe to be re-occupied for normal use. 2. A clearance certificate is required if the removal work involved any quantity of friable asbestos, or if it involved removal of more than a total of 10 square metres of non-friable asbestos from the lot. 3. Documentary evidence of the legitimate disposal of all asbestos in the form of tip receipts from an approved waste management facility. | To ensure demolition works are carried out appropriately. |
|  | Demolition - Decommissioning of Services  Before demolition work commences:   1. all existing internal sewer drainage pipework must be flushed, disconnected from the existing sewer junction and the sewer junction must be temporarily capped off. 2. internal water lines must be disconnected from the existing water meter currently servicing the property. 3. the capped off sewer junction and disconnected water lines must be inspected by Shoalhaven Water. For all inspections contact Shoalhaven Water on 4429 3547.   The developer must provide the Certifier with evidence of compliance with the above requirements on completion of works. | To ensure services are appropriately decommissioned and capped off where required. |
|  | Erosion and Sediment Controls – Implementation  Before any site work commences, the Certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any disturbed areas have been restabilised in accordance with Landcom’s publication Managing Urban Stormwater - Soils and Construction (2004) and approved plans (as amended from time to time). | To ensure appropriate erosion and sediment control measures are in place. |
|  | Shoalhaven Water – Application for Certificate of Compliance  Before commencement of any sewer and water infrastructure works, an application for a Certificate of Compliance must be made with Shoalhaven Water and where required a Water Development Notice is to be obtained.  Shoalhaven Water will determine if sewerage and/or water infrastructure and/or easements will be affected by any part of your development including what charges/fees apply. Please visit [https://shoalwater.nsw.gov.au/planning-building/developers-consultants/water-development-notice](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fshoalwater.nsw.gov.au%2Fplanning-building%2Fdevelopers-consultants%2Fwater-development-notice&data=04%7C01%7CRebecca.Lockart%40shoalhaven.nsw.gov.au%7C16d73ab61b844582288f08d903bba2ee%7C60d7eae907204d80900c96c36001d249%7C0%7C0%7C637544926684803652%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=n6RwjR6Nw04A7ysZHiQLPB%2FdvppBL4BFdNLQVBgWEsk%3D&reserved=0) to make application for a Certificate of Compliance or call (02) 4429 3214 to learn more about applying.  Upon the receipt of the application, Shoalhaven Water will assess the development and if required will issue a “Water Development Notice” document detailing all requirements which must be met.  *Note: As water and/or sewerage infrastructure may impact on part/s or all of the development such as building, provision of services, protection of water and/or sewer assets, etc., it is recommended that this application is made as early as possible during the development process.* | To ensure a Water Development Notice and Certificate of Compliance are obtained. |
|  | Waste Management Plan – an approved document of this consent  Before any demolition or vegetation removal works, a waste management plan for the relevant works must be provided to the Certifier. | To ensure an appropriate waste management plan is provided. |
| DEMOLITION WORK  During Demolition Work | | |
| CONDITIONS | | REASON |
|  | Biodiversity – Construction Environment Management Plan (During Works)  During Works, the appropriate measures specified in the approved Construction Environmental Management Plan must be implemented. | To protect biodiversity values. |
|  | Biodiversity – Fauna Rescue and Vegetation Removal Protocol  During works, in order to protect wildlife the following vegetation removal protocol is to be adhered to:   1. Before starting each morning, all vehicles and mechanical plant must be inspected for wildlife prior to operation. 2. All vegetation to be removed must be inspected for wildlife prior to removal. 3. All trenches must be inspected for wildlife prior to backfilling 4. Vegetation is to be removed using a staged approach to allow wildlife to naturally flee the area and overseen by the project ecologist: 5. **Stage 1** – All ground and shrub layer vegetation is to be removed in accordance with the approved plans. 6. **Stage 2** - A suitably qualified ecologist is to check if nests are present and carefully relocate them to nearby trees or nest boxes, as directed by the supervising ecologist/if nesting is present, advise that works must cease until relocation of nests of endangered fauna are completed by the project ecologist. Canopy trees that do not contain hollows are to be removed in accordance with the approved plans. 7. **Stage 3** – Where HBTs are approved for removal are to be checked for resident fauna prior to felling by a suitably qualified ecologist.    1. If nesting is present, the ecologist must advise that works must cease until relocation of nests of endangered fauna are completed by the project ecologist.    2. If fauna is residing, but not nesting within a hollow, the ecologist must either return at an appropriate time when the animal has vacated and block the hollow to prevent re-entry, or provide sound advise on how to appropriate remove the hollow without causing harm to residing wildlife.    3. Once it is confirmed that there is no roosting or nesting occurring within the hollow (or as advised by the ecologist), the hollow-bearing tree must be gently nudged with felling equipment prior to felling to encourage safe fauna evacuation. Hollow-bearing sections must be carefully lowered to the ground so as not to injure native fauna. Once the tree has been felled the hollows are to be inspected again for fauna and relocated in an appropriate location determined by the ecologist. The tree must be felled carefully in sections to allow the rescue of native fauna.    4. If animals are injured, they will need to be assessed and either taken to the nearest veterinary clinic or placed into care with South Coast Wildlife Rescue.   Within 10 days of completing clearing work, the project ecologist must provide to Council written evidence of any fauna detected during clearing. | To minimise biodiversity impacts. |
|  | Biodiversity - Fauna Boxes  On completion of clearing and demolition work, fauna boxes must be installed on a 1:1 ratio of confirmed number of hollow-bearing tree hollows as directed by a suitably qualified ecologist. The project ecologist must confirm in writing to the Certifier that the nest boxes are in place prior to construction works commencing.  Nest boxes must be maintained including repair and replacement where required, as instructed by a suitably qualified ecologist or Shoalhaven City Council. | To protect biodiversity values. |
|  | Demolition - Completion of Works  Demolition work, once commenced, must be completed within three (3) months. | To ensure demolition works are completed within an acceptable timeframe. |
|  | Demolition - Standards  Demolition work must be carried out in accordance with all applicable Australian Standards and SafeWork Code of Practice. | To ensure demolition works are carried out appropriately. |
| **BUILDING WORK**  **Before Issue of a Crown Certificate** | | |
| CONDITIONS | | REASON |
|  | Accessible Car Parking  Before the issue of a relevant Crown Certificate, amended plans must be provided to the Certifier for review and approval showing the redistribution of accessible car parking spaces to align with the number of adaptable housing apartments in that building. | To ensure accessible parking spaces are provided and aligned to the number of adaptable housing apartments in that building. |
|  | **Acoustic Performance of Exterior Materials**  Before the issue of a relevant Crown Certificate, detailed plans must be provided to the Certifier showing compliance with the specifications and materials as specified in the approved Acoustic Report (Rev: 3) prepared by Northrop and dated 9/4/2024 | To minimise impacts from and to the flying-fox camp |
|  | **Adaptable units**  Before the issue of the relevant Crown Certificate, a report prepared by a suitably qualified consultant and detailed pre- and post-adaptation plans must be obtained that demonstrates, to the certifier’s satisfaction, that any adaptable dwellings specified in the approved plans or documents comply with the provisions of AS 4299 Adaptable Housing Standards. | To ensure dwellings are capable of being adapted. |
|  | Amended Apartment Layouts  Before the issue of a relevant Crown Certificate, amended plans must be provided to the Certifier for review and approval showing appropriate privacy screening provided to the bathroom areas for apartments 1-105 and 1-205. | To ensure appropriate privacy is provided to apartments. |
|  | Car Parking Design Standards  Prior to the issue of a relevant Crown Certificate, certified engineering design plans and specifications must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.  The car parking and access design must comply with the following:   1. A minimum number of 70 spaces must be provided on site, generally in accordance with the approved plans. 2. AS2890.1 and AS2890.6 where relevant. 3. Electrical vehicle charging conduit provision to be provided to service the two carpark modules. 4. Pavement constructed in accordance with the following:    1. with a flexible pavement, surfaced with 30mm of AC10 asphaltic concrete, or    2. to a coloured, patterned or stamped concrete standard. 5. Pavement bordered in accordance with Council’s Standard Drawings by:    1. concrete kerbing, except where surface runoff is concentrated, in which case concrete integral kerb and gutter must be constructed. | To ensure carpark lighting is appropriately designed. |
|  | Carparking - Lighting Design  Before the issue of a relevant Crown Certificate, lighting design plans are to be submitted to the Certifier for approval. Lighting is to be provided to the internal driveway and car parking area in accordance with *AS/NZS 1158.3.1 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements.* | To ensure carpark lighting is appropriately designed. |
|  | Council Approvals - Evidence  A Crown Certificate must not be issued until the Certifier has received notification from, or evidence of, any Council approval that is required before the commencement of building works. | To ensure all required approvals are obtained. |
|  | Driveway – Design Standards (Urban)  Prior to the issue of a relevant Crown Certificate, engineering design plans must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by Council. The layback/footpath crossing design must comply with the following:   1. Council’s Engineering Design Standard Drawings and AS2890.1. 2. Generally located within the locations on the approved plans. 3. Constructed using 20 MPa reinforced concrete, reinforced with SL72 mesh, on a 75mm compacted fine crushed rock base with centrally placed slab of minimum 5.5 metres width and minimum 100mm depth. 4. Removal of sufficient width of existing road seal and pavement to allow placing of formwork and laying/compaction of suitable pavement material for the driveway layback with a minimum 300mm offset to the kerb lip line.   *Note: Once the information is submitted to Council, Council will endeavour to provide a determination within 28 days inclusive of any amendments required to ensure compliance.* | To ensure road and pavement infrastructure is appropriately designed. |
|  | Earthworks - Site Filling Design Standards  Before the issue of a relevant Crown Certificate certified engineering design plans and specifications must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.  The site filling design must comply with the following:   1. The site must be cut and filled in accordance with the Bulk Earthworks Plan, Ref. SY232949, Dwg. No. C6.01, Rev. A by Northrop Engineers and graded to have an absolute minimum grade of 0.5% unless within the building envelope. 2. The filling specification must be approved by the Certifier and require all allotment filling to be placed in accordance with AS 3798 Guidelines on earthworks for commercial and residential developments and compacted at least to the minimum relative compaction listed in the standard applicable to the type of development / subdivision. | To ensure site filling is designed appropriately. |
|  | Erosion and Sediment Controls - Soil and Water Management Plans  Before the issue of a relevant Crown Certificate, a Soil and Water Management Plan and specifications must be prepared in accordance with Landcom’s publication Managing Urban Stormwater - Soils and Construction (2004) by a Professional Engineer, (as defined in the National Construction Code) to the satisfaction of the Certifier.  All plans must include:   1. Area proposed to be exposed to the possibility of erosion as used in calculations; 2. Site access locations and stabilisation details and restrictions; 3. Erosion and sediment control locations and types; 4. Soil, water and drainage patterns and management plans; 5. Location of vegetated buffer strips, unstable slopes, boggy areas, and restricted “no access” areas; 6. Nature and extent of proposed clearing, excavation and filling; 7. Approximate location and proposed treatment of haul roads, borrow pits, site sheds and stockpiles; 8. Proposed staging of construction and SWMP measures; 9. Inspection and maintenance program for all soil and water management measures; 10. Disposal site for silt removed from sediment traps; 11. All design criteria and calculations used to size erosion and sediment control measures; 12. Site rehabilitation details including frequency of watering; 13. Identification of existing vegetation and site revegetation to have 70% cover established before plan is decommissioned; 14. Existing and final contours (clearly distinguished and adequately annotated); 15. Standard construction drawings for proposed soil, water and drainage management measures.   All implemented measures must ensure that a pollution incident must not occur as defined by the Protection of the Environment Operations Act (POEO).  All implemented measures must:   1. not cause water pollution as defined by the [Protection of the Environment Operations Act](https://www.legislation.nsw.gov.au/#/view/act/1997/156) (POEO). 2. be maintained at all times. 3. not be decommissioned until at least 70% revegetation cover has been established. Before the issue of a Crown Certificate, a Soil and Water Management Plan must be prepared by a Professional Engineer, (as defined in the National Construction Code) to the satisfaction of the Certifier. | To ensure an appropriate Soil and Water Management Plan has been prepared. |
|  | Exterior Materials  Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Certifier before the issue of a relevant Crown Certificate. | To ensure colours and materials are appropriate. |
|  | Flooding – Building Design  Before the issue of a relevant Crown Certificate, a flood evacuation plan prepared by a professional engineer, (as defined in the National Construction Code) must submitted to the Certifier, certifying that permanent, fail-safe, maintenance-free measures are incorporated in the development to ensure that the timely, orderly and safe evacuation of people is possible from the area and that it will not add significant cost and disruption to the community or the SES. This plan is to consider for pre-flood event planning the use of Flood Warning Products available from the Bureau of Meteorology. | To ensure the development is appropriately designed responding to flood constraints. |
|  | **Lighting of Common Areas**  Prior to the issue of a relevant Crown Certificate details of lighting of all communal areas is to be submitted to the Principal Certifier. Details are to consider lighting for internal driveways, parking areas, around the building entrances and communal areas, and communal open space areas.  The details are to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents. All lighting is to comply with the following requirements:   1. Lighting is to be designed and installed in accordance with the relevant Australian and New Zealand Lighting Standards. 2. Lighting is to be provided to all common areas including all car parking levels, stairs and access corridors and communal open space areas. 3. Sensor lighting should be installed into areas that may be areas of concealment. 4. Lighting is to be automatically controlled by time clocks and where appropriate, sensors for energy efficiency and a controlled environment for residents. | To ensure appropriate lighting is provided to common areas. |
|  | Long Service Levy  Before the issue of the relevant Crown Certificate the long service levy must be paid to the Long Service Corporation of Council under the Building and Construction industry *Long Service Payments Act 1986*, section 34, and evidence of the payment is to be provided to the Certifier. | To ensure compliance with long service levy requirements. |
|  | **Pedestrian Access and Mobility Plan – Design Standards**  Appropriate pedestrian access pathways must be provided within Beinda Street in accordance with the approved plans, or an alternative arrangement to the satisfaction of Council made for the provision of pedestrian/shared pathways in accordance with Council’s Pedestrian Access and Mobility Plan.  Details of the pedestrian/shared pathways must be provided to Shoalhaven City Council’s Director – City Development (or delegate) for review and approval before the issue of a relevant Crown Certificate.  Where a pedestrian footpath is provided on the southern side of Beinda Street it must comply with the following=:   1. A 1.2 metre-wide concrete (or alternative material accepted by Council) footpath is to be designed along the Beinda Street frontage of the development, in the location shown on the approved plans with: 2. a minimum offset to the property boundary of 500mm. 3. this footpath may be omitted in locations to Council’s satisfaction that there is a connection to the shared user path outlined in a). 4. cross section design provided from road centreline to the carpark/garage floor level at each driveway access point. 5. 3% cross fall from the boundary to top of kerb. 6. match existing footpath levels of adjoining property frontages and be a uniform grade over the length of the alignment, or where this cannot be achieved, a longitudinal section must be designed. 7. kerb ramps at intersections in accordance with Council’s Engineering Design Specifications.   All cycleway and footpath designs must comply with Council’s Engineering Design Specifications Section D8 – Cycleway and Footpath Design or an alternative as accepted by Council. All variations to standards and specifications must be accepted by Council.  *Note: Once the information is submitted to Council, Council will endeavour to provide a determination within 28 days inclusive of any amendments required to ensure compliance.* | To ensure appropriate pedestrian infrastructure is provided. |
|  | **Retaining Walls – Design Standards**  Before the issue of a relevant Crown Certificate for approved retaining walls exceeding 600mm in height above ground level (existing) and/or within 1m of a property boundary, detailed design plans must be prepared and submitted to the Certifier for approval.  The retaining walls must satisfy the following:   1. For retaining walls exceeding 600mm in height above natural ground level (existing) a professional engineer has certified the retaining walls as structurally sound, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load; and 2. For retaining walls less than 600mm in height above natural ground level (existing) the Certifier must be satisfied that the retaining walls are structurally sound, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load. 3. Retaining walls, footings and drainage must be contained wholly within the development site. 4. Construction within a registered easement is prohibited.   Retaining walls not shown on the approved plan must meet the criteria for Exempt retaining walls and comply with the relevant criteria listed in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or be approved by way of Complying Development before construction and comply with the relevant criteria listed in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.* | To ensure retaining walls are appropriately designed. |
|  | Road - Design Standards (Urban)  Before the issue of a relevant Crown Certificate, certified road design engineering plans must be prepared by a suitably qualified engineer or surveyor and approved by Council. The road design must comply with the following:   1. Councils Engineering Design Specifications Sections D1 – Geometric Road Design and D2 – Flexible Pavement Design. 2. AUSTROADS Design Requirements and Specifications and relevant Australian Standards. 3. Upright integral kerb and gutter in accordance with Council’s Standard Drawings with alignment match the existing kerb and gutter alignment on Beinda Street, for the remaining complete Beinda Street frontage of the development lot/s. Any existing kerb and gutter which is damaged is also required to be removed and re-instated across the entire frontage of the development. 4. Signposted loading zones in accordance with the approved Waste Management Plan prepared by MRA Consulting and dated 13/6/2024 is provided along the frontage for waste management and other loading vehicle use such as deliveries, removalists, etc.. The loading zone is to be sized for the largest vehicle expected to utilise the zone. 5. A road shoulder pavement constructed from the gutter crossing to 300mm beyond the edge of existing bitumen seal on a pavement having a minimum compacted thickness of 300mm and be constructed with a minimum 30mm AC10 on a primer seal. 6. The kerb and gutter must have a minimum grade of 0.5% and the longitudinal design must extend a minimum of 30 metres each end of the development and at least 60m if the grade is <0.5% or ≥ 0.3%. 7. The road table drain either side of the proposed development is to be reconstructed as required to match the kerb and gutter and to prevent ponding of water, including any adjustment or reconstruction of nearby driveways. 8. Subsoil drainage is to be provided behind the kerb line where an outlet to existing underground drainage (or other alternative suitable to Council) is available. Subsoil drainage is to be placed on the high side of the road or both sides if the cross-fall is neutral.   *Note: Once the information is submitted to Council, Council will endeavour to provide a determination within 28 days inclusive of any amendments required to ensure compliance.* | To ensure road and pavement infrastructure is appropriately designed. |
|  | **Section 68 Application – Water Supply, Sewerage and Stormwater Drainage**  Before the issue of a relevant Crown Certificate, an application for water supply, sewerage and stormwater drainage must be approved under section 68 of the *Local Government Act 1993*. | To ensure relevant approvals are obtained. |
|  | Stormwater – Major Development Design Standards (Urban)  Before the issue of a relevant Crown Certificate, certified engineering design plans, specifications, and DRAINS model (or approved alternative) must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier and Council (under Section 68 of the Local Government Act and for works within the road reserve).  The stormwater drainage design must comply with the following:   1. Major and minor drainage systems in accordance with Council’s Engineering Design Specifications - Section D5 - Stormwater Drainage Design and utilising Australian Rainfall and Runoff (ARR, 2019) Guidelines. 2. The National Construction Code and relevant Australian Standards. 3. The minor and major systems must be designed for a 18.13% AEP and 1% Annual Exceedance Probability (AEP) rainfall events, respectively. 4. Generally, in accordance with approved concept stormwater design plan. 5. The existing stormwater drainage system is to be adjusted/upgraded to suit the new works. In this regard the following is required:    1. existing drainage systems through lots draining public roads are to be upgraded where necessary to contain flows in accordance with Council’s Engineering Design Specifications - Section D5.04.    2. all relevant calculations are to be noted on the drainage plans to confirm the adequacy of the existing system, or the upgraded design. 6. Design of stormwater drainage is to include piping, swales and easements to facilitate future development of the site. | To ensure stormwater infrastructure is designed appropriately. |
|  | **Stormwater – On-Site Detention Design Standards**  Before the issue of a relevant Crown Certificate, details of on-site detention must be provided on the plans and approved by the Certifier.  On-site detention must be provided as per certified engineering design plans and specifications prepared by a professional engineer, (as defined in the National Construction Code) or surveyor. The on-site stormwater detention (OSD) design must be designed such that stormwater runoff from the site for design storm events up to and including the 1% AEP does not exceed the pre-developed conditions. | To ensure stormwater infrastructure is designed appropriately. |
|  | Stormwater - Rainwater Facility  Before the issue of a relevant Crown Certificate, details of rainwater tanks must be provided to the Certifier.  Water stored in the tank must be plumbed into the dwelling such that it is supplied to each of the fixtures listed in the BASIX Certificate for the property. Plumbing must be in accordance with the current edition of AS 3500.1 Water Services – Section 16.  It will be necessary to install, maintain and repair the facility so that it functions in a safe and efficient manner in accordance with the current editions of AS 3500.1 Water Services, the New South Wales Code of Practice Plumbing and Drainage and in accordance with the following:   1. The tank inlet must be located a minimum of 500mm below the outlet of the eave gutter. 2. The tank is to be installed on a firm flat and stable platform in accordance with manufacturer’s recommendations. Tanks located over fill material should be placed on a concrete slab. 3. Pumps must be located and installed to minimize any potential noise nuisance to surrounding residents, and in the case of a permanent electric pump, must be installed by a licensed electrician. Pump performance must achieve a minimum 300 Kpa output. 4. Overflow from the tank must be directed into the approved storm water system. 5. Any town water top-up of the tank must be by indirect connection by means of a visible “air gap”, external to the rainwater tank, in accordance with the provisions of the National Plumbing and Drainage Code, AS3500.1 – Minimum air gap requirements. 6. Marking and labelling of rainwater services must be in accordance with AS 3500.1 Section 16. 7. The charged line to the rainwater tank is to have a flush point installed at the lowest reduced level (RL) into a 450mm x 450mm pit to enable the line to be flushed. This is to prevent the line becoming blocked. 8. For partially buried or fully buried rainwater tanks the property owner is required to have a dual check valve with atmospheric port valve installed at the boundary water meter. Zone protection will be required at the tank or cross connection point to be installed in accordance with AS3500.1 – Section 4*.* | To ensure rainwater tanks are appropriately installed where required. |
|  | Waste - Storage Room  Before the issue of a relevant Crown Certificate, detailed plans must be submitted to the Certifier that demonstrate that the waste storage room has been designed to be constructed in accordance with the [Waste Minimisation and Management Guidelines](https://doc.shoalhaven.nsw.gov.au/displaydoc.aspx?record=POL16/171), and that:   1. the floor to be constructed of concrete at least 75mm thick and adequately graded to drain to a Shoalhaven Water approved drainage fitting. 2. the floor to be finished so that it is non-slip and has a smooth and even surface covered at all intersections. 3. the ceilings and walls to be finished with smooth faced non-absorbent material capable of being cleaned. 4. the room to be provided with artificial light controllable within the room and adequate ventilation. 5. the room to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock. | To ensure appropriate waste storage areas are provided. |
|  | Water Sensitive Urban Design – Private Devices  Before the issue of a relevant Crown Certificate, detailed design of permanent stormwater quality improvement devices must be certified by a professional engineer, (as defined in the National Construction Code) demonstrating the appropriateness of the proposed design for the site in accordance with Council’s Engineering Design and Construction Specifications and approved by the Certifier. Specifications can be found on Council’s web site.  The drainage design must also not include any uncoated metal (i.e. Copper etc.) surfaces such as roofs, facades and/or downpipes. | To ensure stormwater infrastructure is designed appropriately. |
|  | Water Sensitive Urban Design - Water Quality, Retention and Reuse  Before issue of a relevant Crown Certificate, a detailed design of permanent water quality, retention and reuse devices must be certified by a professional engineer, (as defined in the National Construction Code) who can demonstrate the appropriateness of the proposed design for the site in accordance with Council’s Engineering Design and Construction Specifications and is to be approved by Council. Specifications can be found on Council’s website.  The stormwater treatment, retention and reuse design must comply with the following:   1. The proposed WSUD strategy must comprise one Ocean Protect Cascade Separator CS-1200 GPT (or approved equivalent by Council), 6 x 690mm Psorb StormFilter (or approved equivalent by Council), and 42kL rainwater tank storage for reuse. 2. Six (6) 7kL rainwater tanks in accordance with BASIX requirements. 100% of the roof area as far as feasibly possible is to contribute to the rainwater tanks. 3. The WSUD strategy must be able to remove 80% of Total Suspended Solids (TSS), 45% of Total Nitrogen (TN) and 45% of Total Phosphorus (TP) for the total site area as demonstrated using MUSIC software. The detailed MUSIC model must be provided to Council for acceptance. 4. The WSUD strategy must have appropriate stormwater retention storage that is equal to or greater than 9mm for increases in all impervious surfaces compared to the pre-development condition. 5. Council’s Engineering Design Specification where relevant. | To ensure stormwater infrastructure is designed appropriately. |
| **BUILDING WORK**  **Before Building Work Commences** | | |
| CONDITIONS | | REASON |
|  | **Appointment of Principal Certifier**  Before building work commences a Principal Certifier must be appointed. | To ensure a Principal Certifier is appointed where required. |
|  | Crown Certificate  A relevant Crown Certificate must be obtained from a certifier before any building work can commence. | To ensure a appropriate building and subdivision certificates are obtained. |
|  | Construction Traffic Management Plan  Before the commencement of works, a Construction Traffic Management Plan detailing the proposed method of dealing with construction traffic and parking must be approved by Council (for traffic impacts external to the site) and the Certifier (for site access, parking and loading/unloading impacts internal to the site).  Details must include, but are not limited to:   1. Stabilised site construction access location 2. Proposed haulage routes for delivery of materials to the site 3. Proposed haulage routes for spoil disposal from the site 4. Traffic control planning for each of the various phases of construction and/or vehicle movements associated with construction 5. Parking arrangements for construction employees and contractors 6. Proposed maintenance of the haulage routes and access locations 7. Name of the person responsible for such maintenance 8. Loading / unloading areas 9. Requirements for construction or work zones 10. Pedestrian and cyclist safety 11. Speed zone restrictions.   *Note: Once the information is submitted to Council, Council will endeavour to provide a determination within 31 days inclusive of any amendments required to ensure compliance.* | To ensure construction traffic is managed in a safe and appropriate manner. |
|  | Detailed Site Investigation – Contamination and Hazardous Gases  As per the recommendations of the Data Gap Investigation Report prepared by Stantec (Rev: 1) and dated 12/6/2024, further investigation across the site is warranted to identify the sources of hazardous gas. Further investigation in accordance with these recommendations must occur prior to the commencement of any building work.   1. **Remediation Action Plan (RAP) -** If detailed site investigations require the preparation of a RAP, this must be prepared prior to the commencement of building works.   The RAP must be prepared by a suitably qualified person and in accordance with the EPA *Guidelines for Consultants Reporting on Contaminated Sites*. The RAP should include management of ground gases during construction work as well as management of ground gases during occupation of the proposed development. Consultation with SafeWork NSW is recommended as part of the RAP. The RAP must be submitted to Shoalhaven City Council for review and approval prior to the commencement of building works.   1. **Validation Report (VR) -** Where a RAP has been required and after completion of any remedial works required by the RAP, a Validation Report (VR) must be prepared by an appropriately qualified and experienced environmental consultant verifying that the site has been remediated in accordance with the approved RAP and in accordance with, but not limited to, the EPA *Guidelines for Consultants Reporting on Contaminated Sites.* The VR must be submitted to Shoalhaven City Council for review and approval prior to the commencement of building works. 2. **Environmental Management Plan (EMP) –** Where detailed site investigations require ongoing management of contaminants and/or hazardous gases, an Environmental Management Plan (EMP) must be prepared by an appropriately qualified and experienced environmental consultant. The EMP must be prepared in accordance with the relevant NSW legislation and EPA guidelines. The EMP shall describe the nature and location of the contamination and prescribe how the contaminants will be managed and the responsible parties for this management in the long-term. The EMP shall be submitted for review by a Site Auditor prior to the commencement of building works. Any ongoing maintenance, monitoring and reporting that may be required shall be undertaken in accordance with the requirements of the EMP.   Shoalhaven City Council reserves the right to call for a Site Audit Statement in accordance with the NSW Environment Protection Authorities’ (EPA) *Guidelines for NSW Site Auditor Scheme.*  *Note: Once the information is submitted to Council, Council will endeavour to provide a determination within 28 days inclusive of any amendments required to ensure compliance.* | To ensure sources of hazardous gases are identified and appropriately managed. |
|  | Dilapidation Report  Before the commencement of work, the developer must engage a competent person to prepare a dilapidation report in respect of the neighbouring premises and adjacent public infrastructure, including adjacent kerbs, gutters, footpaths (formed or unformed), driveways (formed or unformed), carriageway, reserves and the like to document evidence of any existing damage.  The dilapidation report must consider the impact of any excavation work that extends below the level of the base of the footings of any structure within 900mm of the shared boundary.  Before works commence, a copy of the dilapidation report must be provided to the Certifier and Council. The dilapidation report will be the benchmark for necessary repairs to damage caused during the development works. All repairs must be completed by the developer at the developer’s cost.  Not less than seven (7) days before works commence, the developer must notify the owner of any affected property of the intention to carry out approved works. The developer must also furnish the owner with details of the approved work.  However, if the occupier or owner of any neighbouring dwelling does not permit reasonable access for the purposes for the preparation of the dilapidation report, written evidence of the efforts taken to secure access may be submitted to the Principal Certifier and the Principal Certifier may waive the requirement in relation to the relevant property.  *Note: A dilapidation report can comprise of video footage and photos of adjacent public infrastructure and relevant structures on adjoining properties.* | To ensure a suitable dilapidation report is prepared and the status of existing infrastructure and adjoining structures is recorded prior to the commencement of work. |
|  | Erosion and Sediment Controls – Implementation  Before any site work commences, the Certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any disturbed areas have been restabilised in accordance with Landcom’s publication Managing Urban Stormwater - Soils and Construction (2004) and approved plans (as amended from time to time). | To ensure appropriate erosion and sediment control measures are in place. |
|  | Geotechnical Report – Building Works​  Before the commencement of works, a certificate from a Professional Engineer -Geotechnical (as defined in the National Construction Code) is to be provided to the Certifier certifying:   1. that the site is stable and will not be affected by landslide or subsidence at, above or below the site when the building is erected prepared in accordance with AS 1726 Geotechnical site investigations. 2. The development is in accordance with the recommendations of the geotechnical report prepared by Stantec, Ref. No 304001019-GI-R001, dated 29/02/2024. | To ensure the development is compatible with the geotechnical constraints of the site. |
|  | Notice of Commencement  Notice must be given to Council at least two (2) days before the commencement of building or subdivision work by completing and returning the form [‘Commencement Notice for Building or Subdivision Work and Appointment of Principal Certifying Authority’](http://doc.shoalhaven.nsw.gov.au/displaydoc.aspx?record=FM18/162). | To ensure appropriate notice is given to Council. |
|  | Plumbing – Sewer Junction  The builder must locate the position and depth of the sewer junction before commencing construction, to ensure that the top of the overflow gully is a minimum of 900mm above the soffit of the sewer main. Copies of sewer main diagrams issued by Council must be treated as a guide only when locating the junction position. | To ensure compliance with relevant plumbing controls. |
|  | Shoalhaven Water – Application for Certificate of Compliance  Before commencement of works, an application for a Certificate of Compliance must be made with Shoalhaven Water and where required a Water Development Notice is to be obtained.  Shoalhaven Water will determine if sewerage and/or water infrastructure and/or easements will be affected by any part of your development including what charges/fees apply. Please visit [https://shoalwater.nsw.gov.au/planning-building/developers-consultants/water-development-notice](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fshoalwater.nsw.gov.au%2Fplanning-building%2Fdevelopers-consultants%2Fwater-development-notice&data=04%7C01%7CRebecca.Lockart%40shoalhaven.nsw.gov.au%7C16d73ab61b844582288f08d903bba2ee%7C60d7eae907204d80900c96c36001d249%7C0%7C0%7C637544926684803652%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=n6RwjR6Nw04A7ysZHiQLPB%2FdvppBL4BFdNLQVBgWEsk%3D&reserved=0) to make application for a Certificate of Compliance or call (02) 4429 3214 to learn more about applying.  Upon the receipt of the application, Shoalhaven Water will assess the development and if required will issue a “Water Development Notice” document detailing all requirements which must be met.  *Note: As water and/or sewerage infrastructure may impact on part/s or all of the development such as building, provision of services, protection of water and/or sewer assets, etc., it is recommended that this application is made as early as possible during the development process.* | To ensure a Water Development Notice and Certificate of Compliance are obtained. |
|  | Toilet Facilities – Temporary  Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:   1. be a standard flushing toilet connected to a public sewer, or 2. have an on-site effluent disposal system approved under the *Local Government Act 1993*, or 3. be a temporary chemical closet approved under the *Local Government Act 1993*. | To ensure suitable toilet facilities are provided. |
|  | Traffic Committee  Before issue of a relevant Crown Certificate, details of proposed traffic management and traffic control devices must be submitted to the satisfaction of Council for referral and endorsement of the Shoalhaven Traffic Committee.  *Note: Once the information is submitted to Council, the Shoalhaven Traffic Committee will endeavour to provide a determination within 31 days inclusive of any amendments required to ensure compliance.* | To ensure proposed traffic management and traffic control devices are endorsed by the Shoalhaven Traffic Committee. |
|  | Works within the Road Reserve – Submissions to Council  Before undertaking any works within an existing road reserve, the developer must obtain the consent of Council under section 138 of the *Roads Act 1993*.  The following details must be submitted to Council as part of the application:   1. Any civil works design required by this consent. 2. Evidence of the contractor’s Public Liability Insurance to an amount of $20 million. 3. Name and contact information of the person responsible for all relevant works. 4. A Traffic Control Plan prepared, signed, and certified by a person holding the appropriate Transport for NSW (TfNSW) accreditation. 5. Where the Traffic Control Plan requires a reduction of the speed limit, a ‘Application for Speed Zone Authorisation’ must be obtained from the relevant road authority. | To ensure relevant approvals are obtained. |
| **BUILDING WORK**  During Building Work | | |
| CONDITIONS | | REASON |
|  | Acid Sulfate Soils - Unexpected Finds  If acid sulfate soils are encountered during excavation and/or construction works, all work must cease, and Shoalhaven City Council notified immediately. The extent of acid sulfate soil must be evaluated by a qualified environmental consultant with experience in the assessment of acid sulfate soils and a preliminary assessment provided to Council. Council will determine an appropriate response, including if an Acid Sulfate Soils Management Plan is required to be prepared and implemented, before works can recommence.  *Note: If required, once the information is submitted to Council, Council will endeavour to provide a determination within 28 days inclusive of any amendments required to ensure compliance.* | To ensure acid sulfate soils are appropriately managed. |
|  | Biodiversity – Construction Environment Management Plan (During Works)  During Works, the appropriate measures specified in the approved Construction Environmental Management Plan must be implemented. | To protect biodiversity values. |
|  | Biodiversity – Fauna Rescue and Vegetation Removal Protocol  During works, in order to protect wildlife the following vegetation removal protocol is to be adhered to:   1. Before starting each morning, all vehicles and mechanical plant must be inspected for wildlife prior to operation. 2. All vegetation to be removed must be inspected for wildlife prior to removal. 3. All trenches must be inspected for wildlife prior to backfilling | To minimise biodiversity impacts. |
|  | Biodiversity – Arborist Construction Phase Checkpoint  The project arborist shall prepare a report detailing the Tree Protection Zones and retained trees’ conditions as per Appendix 4 of the approved Arboricultural Impact Assessment Report prepared by Arboriculture Consultancy Australia, 19 April 2024. Certify:   1. Briefing with all relevant representatives by the project arborist prior to the commencement of works. 2. Inspection of all equipment is as specified in the Tree Protection Conditions. 3. All works within the TPZ are to be supervised by the project arborist. 4. The area of trenching has been restored and mulched. 5. Remediation works are undertaken if required. | To protect biodiversity values. |
|  | Discovery of relics and Aboriginal objects  While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:   1. the work in the area of the discovery must cease immediately. 2. the following must be notified for a relic – the Heritage Council; or 3. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.   Site work may recommence at a time confirmed in writing by:   1. for a relic – the Heritage Council; or for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. | To ensure the protection of objects of potential significance during works. |
|  | Earthworks - Cut, Fill and Grading  The maximum grading of cut or fill must be 2H:1V where there is no retaining wall or no other method of stabilising cut or fill during construction. Earthworks and retaining walls must be constructed as per the approved plans. | To ensure earthworks are appropriately retained. |
|  | Potentially Contaminated Land - Unexpected Finds  If unexpected, contaminated soil and/or groundwater is encountered during any works:   1. all work must cease, and the situation must be promptly evaluated by an appropriately qualified environmental consultant. 2. the contaminated soil and/or groundwater must be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) Guidelines.   If unexpected, contaminated soil, or groundwater is treated and/or managed on-site an appropriately qualified environmental consultant must verify that the situation was appropriately managed in accordance with relevant NSW EPA guidelines before recommencement of works. The verification documentation must be provided to the satisfaction of the Certifier and Shoalhaven City Council before the recommencement of any works.  If contaminated soil or groundwater is to be removed from the site, it must be transported to an appropriately licensed waste facility by an NSW EPA licensed waste contractor in accordance with relevant NSW EPA guidelines including the Waste Classification Guidelines (2014).  *Note: An appropriately qualified environmental consultant will have qualifications equivalent to CEnvP “Site Contamination” (SC) Specialist - by Certified Environmental Practitioner or ‘Certified Professional Soil Scientist’ (CPSS CSAM) by Soil Science Australia (SSA).* | To ensure any detected contaminants are appropriately managed. |
|  | **Site Management - Hours for Construction**  Construction may only be carried out between 7.00am and 5.00pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday. Proposed changes to hours of construction must be approved by Council in writing. | To ensure site work occurs within appropriate construction hours. |
|  | Site Management - Maintenance of Site and Surrounds  During works, the following maintenance requirements must be complied with:   1. All materials and equipment must be stored and delivered wholly within the work site unless an approval to store them elsewhere is held. 2. Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility. 3. Where tree or vegetation protection measures are in place, the protected area must be kept clear of materials and / or machinery. 4. The developer must maintain the approved soil water management / erosion and sediment control measures to the satisfaction of the Certifier for the life of the construction period and until runoff catchments are stabilised. 5. During construction:    1. all vehicles entering or leaving the site must have their loads covered, and    2. all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads. 6. At the completion of the works, the work site must be left clear of waste and debris. | To ensure the site is maintained in a safe and secure manner. |
|  | Site Management - Noise  The noise from all site work, demolition and construction activities associated with the approved development must comply with the work practices as outlined in the NSW Department of Environment & Climate Change Interim Construction Noise Guideline. | To protect the amenity of neighbouring properties. |
|  | Stormwater - Overland Flow, Redirecting and/or Concentrating Stormwater  All excavation, backfilling and landscaping works must not result in:   1. any change to the overland stormwater flow path on your property and or a neighbouring property. If any change to the overland flow path occurs on a property, the stormwater runoff must be collected and directed to a legal point of discharge. 2. the redirection and/or concentration of stormwater flows onto neighbouring properties. | To ensure stormwater is appropriately managed. |
|  | Stormwater - Connections in Road Reserve  Before the completion of works, the site supervisor must ensure that stormwater connections between the property boundary and the new kerb and gutter are inspected and approved by Council and backfilled as soon as possible. Kerb connections are only to be made using adaptors/convertors approved by Council.  *Note: A section 138 approval under the Roads Act 1993 will be required for any works within the road reserve.* | To ensure stormwater connections are appropriately installed. |
|  | Soil Management  While site work is being carried out, the Certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:   1. All excavated material removed from the site must be classified in accordance with the EPA’s Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the Certifier 2. All fill material imported to the site must be:    1. Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997, or    2. a material identified as being subject to a resource recovery exemption by the NSW EPA, or    3. a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 and a material identified as being subject to a resource recovery exemption by the NSW EPA. | To ensure excavated material is appropriately disposed of and all fill material is appropriate for usage on site. |
|  | Surveys by a Registered Surveyor  While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier:   1. All footings / foundations in relation to the site boundaries and any registered and proposed easements 2. At other stages of construction – any marks that are required by the principal certifier. | To ensure buildings are sited and positioned in the approved location. |
|  | Surveys by a Registered Surveyor – Height  In order to ensure compliance with approved plans, a Survey Certificate to Australian Height Datum must be prepared by a Registered Surveyor as follows:   1. At the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries. 2. At the completed height of the building, prior to the placement of concrete inform work, or the laying of roofing materials. 3. At completion of the building.   Progress certificates in response to points (a) through to (c) must be provided to the Certifier at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveal discrepancies between the approved plans and the proposed works. | To ensure adherence to the approve plans. |
| **BUILDING WORK**  **Before Issue of a BCA Compliance Certificate** | | |
| CONDITIONS | | REASON |
|  | BASIX Certificate – Evidence of Completion  Before the issue of a relevant BCA Completion Certificate, documentary evidence prepared by a suitably qualified person must be submitted to the Certifier confirming that all commitments listed in the BASIX Certificate(s) are fulfilled in accordance with Clause 97A of the *Environmental Planning and Assessment Regulation 2021*. | To ensure compliance with the approved BASIX Certificate. |
|  | Biodiversity – Construction Environment Management Plan (Evidence of Completion)  Before the issue of a relevant BCA Completion Certificate, all works required under the approved Construction Environment Management Plan must be completed, including but not limited to confirmation that:   1. permanent outdoor lighting to be restricted to face away from the camp and have a sensor to limit the time light is turned on overnight 2. permanent educational signage based on Shoalhaven City Council’s educational brochure (available from [Shoalhaven City Council’s website](https://doc.shoalhaven.nsw.gov.au/LinkGeneratorAPI/record/5380310/preview_latest_final_version_pdf)) is to be erected on the western border of the subject site closest to the camp is erected to describe the ecology of the Grey-headed Flying-fox, potential health risks, and contact details for South Coast Wildlife Rescue in the event of an encounter with an injured individual. The design and information contained in the educational signage is to be submitted to Shoalhaven City Council’s Director – City Development (or delegate) for review and approval prior to installation.   Evidence of completion must be submitted to the Certifier for review and approval. | To protect biodiversity values. |
|  | Biodiversity – Arborist Post-Construction Phase Checkpoint  The Project Arborist shall prepare a report and submit to the Certifier detailing the Tree Protection Zones and retained trees’ conditions as per Appendix 4 of the approved Arboricultural Impact Assessment Report prepared by Arboriculture Consultancy Australia, 19 April 2024. Certify:   1. Final inspection of trees by Project Arborist after all construction works have been completed. 2. All landscaping- remedial works have been undertaken. 3. Removal of TPZ fencing. | To protect biodiversity values. |
|  | Completion of Landscape and Tree Works  Before the issue of a relevant BCA Completion Certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent. | To ensure the approved landscaping works have been completed. |
|  | Completion of Public Utility Services  Before the issue of the relevant BCA Completion Certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including water, sewer, electricity and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier. | To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation. |
|  | Consolidation of Land  Before the issue of a relevant BCA Completion Certificate, the lots identified in the Plan Showing Proposed Consolidation of Lots 1 to 7 in DP 25566 & Lot 1 in DP 329959, prepared by Stantec (Rev: 01) and dated 16/2/2024 must be consolidated into a single allotment. | To ensure all allotments are consolidated. |
|  | Colours and Materials  The development must be constructed in accordance with the approved schedule of colours and building materials and finishes. | To ensure colours and materials are appropriate. |
|  | Dilapidation Report – Evidence of Completion  Before the issue of a relevant BCA Completion Certificate, the developer must provide the Certifier and Council with evidence that any damage to neighbouring premises or adjacent public infrastructure, not previously identified as existing damage in the Dilapidation Report, has been repaired by the developer to the satisfaction of Council. | To ensure any damage not previously identified in the Dilapidation Report is suitably repaired. |
|  | Fire Safety – Evidence of Compliance  Before the issue of a relevant BCA Completion Certificate the Certifier must be provided with a Final Fire Safety Certificate showing compliance with the Fire Safety Schedule. | To ensure compliance with the Fire Safety Schedule. |
|  | Privacy Screens – Installation  All privacy screens as shown on the approved plans must be installed before the issue of a BCA Completion Certificate.  The privacy screens shown on the southern elevation for apartments 2-105, 2-106, 2-107, 2-205, 2-206 & 2-207 must be a minimum of 1m high and must be installed at 1m above finished floor level of that apartment with the top of the screen at 2m above finished floor level. | To ensure appropriate privacy screens are installed before the issue of an Occupation Certificate. |
|  | Registered Community Housing Provider  Evidence of an agreement with a registered community housing provider for the management of the affordable housing component must be given to the Registrar of Community Housing, including the name of the registered community housing provider before the issue of a BCA Completion Certificate.  Evidence of this agreement must be provided to Shoalhaven City Council before the issue of a relevant BCA Completion Certificate. | To ensure details of the registered community housing provider are provided to the Registrar of Community Housing and the consent authority. |
|  | Restrictions – Easements and Restrictions on Use of Land  An Instrument must be prepared under section 88E of the Conveyancing Act 1919 providing the following Restrictions/Covenants and must be registered on the title of the land before the issue of a relevant BCA Completion Certificate:   1. the affordable housing component of the development must be used for affordable housing for a period of at least 15 years commencing the day on which an BCA Compliance Certificate is issued for all parts of the building or buildings to which the development consent for DA2024/1326 relates, and 2. the affordable housing component must be managed by a registered community housing provide 3. Where detailed site investigations or a Remediation Action Plan (RAP) identify ongoing management of contamination and the preparation of an Environmental Management Plan (EMP) is required, a positive covenant must be registered on the title of the land providing information regarding the delineation of the contamination and a requirement to comply with the EMP as relevant to this consent.   The Instrument must contain a provision that it cannot be varied, modified or released without the consent of the relevant parties as appropriate and without the consent of the Shoalhaven City Council.  Evidence of registration of the above 88E instrument must be provided to Shoalhaven City Council before the issue of a relevant BCA Completion Certificate. | To ensure affordable housing requirements are reflected on the title of the land. |
|  | Retaining Walls – Certification  Before the issue of a relevant BCA Completion Certificate, certification must be provided to the Certifier prepared by a professional engineer, (as defined in the National Construction Code), certifying that retaining walls within 1m of the property boundary or exceeding 1m in height above ground level (existing) are constructed in accordance with the approved engineering design plans.  The Certifier must be satisfied that all retaining walls have been constructed in accordance with the relevant retaining wall plans and specifications, and in accordance with the requirements of any other conditions of this consent.  *Note: This condition does not prevent a partial BCA Compliance Certificate to be issued for the parts of the development that have been completed.* | To ensure retaining walls have been constructed appropriately. |
|  | Section 68 Approvals – Evidence of Completion  All the conditions under the approval of section 68 of the *Local Government Act 1993* are to be complied with before the issue of a relevant BCA Completion Certificate. | To ensure compliance with section 68 approval. |
|  | Shoalhaven Water – Certificate of Compliance  Before the issue of a BCA Completion Certificate, a Certificate of Compliance under section 307 of the *Water Management Act 2000* must be obtained from Shoalhaven Water to verify satisfactory compliance with all conditions for the supply of water and sewerage, as listed on the Water Development Notice.  If the development is to be completed in approved stages, or application is subsequently made for staging of the development, separate Compliance Certificates must be obtained for each stage of the development. | To ensure compliance with Shoalhaven Water requirements. |
|  | Stormwater - Works as Executed  Before the issue of a relevant BCA Completion Certificate, a Works as Executed Plans and certification must be submitted to the Council by a licenced plumber/ registered surveyor / professional engineer (as defined in the National Construction Code) certifying compliance of all drainage works with the approved design plans and the National Construction Code.  The Works as Executed be shown in red on a copy of the approved plans. This plan must verify locations & sizes of all pipelines.  Where the system includes an underground tank, a certificate of structural adequacy must be prepared and provided by a professional engineer (as defined in the National Construction Code). | To ensure works as executed plans are prepared and provided. |
|  | Waste - Private Collection Service  Before the issue of a relevant BCA Completion Certificate, the developer/owner must provide evidence to the Certifier of a formal agreement with a licenced private waste contractor to service the development. A copy of the contract must be forwarded to Council.  The agreement must ensure:   1. the removal of all waste from the developed property. 2. the service is functional and meets the operational requirements for the developed property. 3. the service minimises environmental nuisances including noise and other adverse impacts on the safety and amenity of residents and the public. | To ensure appropriate waste collection for the development. |
|  | Water Sensitive Urban Design - Operation and Maintenance Manual  Adopted WSUD Management, Operation, Maintenance and Monitoring Manual/s for the permanent water quality facilities must be submitted to Council before the issue of the relevant BCA Completion Certificate. The manuals must be prepared by a suitably qualified professional in accordance with the objectives and criteria identified in the approved Integrated Water Cycle Management Plan. | To ensure stormwater infrastructure is designed appropriately. |
|  | Works in the Road Reserve - Evidence of Completion  Before the issue of a relevant BCA Completion Certificate, the developer must provide the Certifier with a construction inspection ticket / completion of works in road reserve letter provided by Council, confirming compliance with the requirements of section 138 of the *Roads Act 1993*. | To ensure works in the road reserve are completed appropriately. |
| **BUILDING WORK**  **Occupation and Ongoing use** | | |
| CONDITIONS | | REASON |
|  | Affordable Housing  Following the commencement of a relevant BCA Completion Certificate being issued, the development must comply with the following for a period of at least 15 years:   1. Provide at least 10% of apartments (the affordable housing component) as an affordable housing. 2. the affordable housing component must be managed by a registered community housing provider. 3. notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change. 4. the registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines. | To ensure the development provides the affordable housing component for the required period. |
|  | **Directional Signage**  Detailed directional signage must be provided to assist residents and agencies such as Emergency Services and Australia Post. | To enable appropriate wayfinding within the development. |
|  | Driveway - Evidence of Completion  Before the issue of a relevant BCA Completion Certificate, all driveway works internal to the site as shown on the approved plans must be completed. | To ensure the completion of the driveway in a timely manner |
|  | Driveway - Redundant Driveways and Crossings  Before the issue of a relevant BCA Completion Certificate, all redundant vehicle crossings and lay backs rendered unnecessary by this development must be reconstructed to match the existing the required kerb and gutter. The verge must be appropriately graded, top soiled and turfed in a manner that conforms with adjoining road reserve.  The area forward of the front boundary must be kept smooth, even and free from any trip hazards.  All alterations of public infrastructure where necessary are at the developer's expense. | To ensure redundant vehicle crossings and laybacks are appropriately removed. |
|  | **Educational Signage and Brochures**  Educational signage related to Grey-headed Flying-fox camp installed on site must remain maintained and in good working order.  Educational brochures related to the Grey-headed Flying-fox camp (available from [Shoalhaven City Council’s website](https://doc.shoalhaven.nsw.gov.au/LinkGeneratorAPI/record/5380310/preview_latest_final_version_pdf)) to be provided to all new occupants of the building. | To protect biodiversity values. |
|  | Fire Safety – Annual Statement  A building owner must ensure that an annual fire safety statement prepared by a competent fire safety practitioner is issued each year and that a copy of the statement is provided to the Shoalhaven City Council and the Commissioner of Fire and Rescue NSW. An [application form](https://shoalhaven.nsw.gov.au/Planning-amp-Building/Development-forms) is available on Council’s website.  *Note: An annual fire safety statement is a declaration by, or on behalf of a building owner that a competent fire safety practitioner (CFSP) has:*   1. assessed, inspected and verified the performance of each existing essential fire safety measure that applies to the building 2. inspected the exit systems serving the building and found that the exit systems within the building do not contravene the Environmental Planning and Assessment Regulation 2021   Failure to give Council an annual fire safety statement by the due date constitutes a separate offence for each week beyond that date for which the failure continues. Substantial penalties for non-compliance apply under the Environmental Planning and Assessment Act 1979. | To ensure an annual fire safety statement is prepared. |
|  | Landscaping – Noxious and Environmental Weeds  The planting of plant species listed in the South East Regional Strategic Weed Management Plan 2017 – 2022 is prohibited for the life of the development. No exotic perennial grasses listed on the ‘Final Determination of the NSW Scientific Committee for the key threatening process Invasion of native plant communities by exotic perennial grasses’ must be sown within the outer protection area or the asset protection zone for the life of the development. Native grasses must be sown in these areas, as this is the interface between disturbed areas and the remaining native vegetation for the life of the development. | To protect biodiversity values. |
|  | Maintenance Bond for Civil Works  Before the issue of a relevant BCA Completion Certificate, the developer must submit a cash bond or irrevocable bank guarantee equal to 5% of the cost of the civil works (excluding water supply and sewerage) to Council to provide security and assurance that the developer will repair any defective works or re-establish ground cover where this has not been maintained, for a period of 12 months. | To ensure any damage or defective work is suitably repaired. |
|  | Noise - Air-Conditioning Units  Any air-conditioning unit must be installed in accordance with manufacturer’s instructions and operated at all times so as not to cause “Offensive Noise” as defined by the *Protection of the Environment Operations Act (POEO Act).*  Air-conditioning units not shown on the approved plan must comply with the relevant criteria listed in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. | To protect the amenity of neighbouring properties. |
|  | Occupation – Satisfaction of Conditions of Consent  The development must not be occupied or used before a relevant BCA Completion Certificate has been issued by the Principal Certifier.  If an a relevant BCA Completion Certificate is not required, the use must not commence until all conditions of development consent have been met or other satisfactory agreements have been made with Council (i.e., a security). | To ensure conditions of consent are complied with or other satisfactory arrangement made. |
|  | Outdoor Lighting  Lighting is to be provided at pedestrian entry points and car parking areas. It must not be directed to shine or cause nuisance to neighbouring properties and must be installed in accordance with AS4282 “Control of the obtrusive effects of outdoor lighting”. | To ensure outdoor lighting does not cause nuisance. |
|  | Stormwater- Maintenance of Stormwater Infrastructure  The approved stormwater design and any associated on-site detention must be maintained for the life of the development in accordance with the approved documents and maintenance programs. | To ensure stormwater infrastructure is maintained for the life of the development. |
|  | Waste – Waste and Recycling Bin Collection Points  The nominated collection points are to be utilised to facilitate the collection of waste and recycling bins for the property. The collection point is to be kept clear of obstructions at all times so not to restrict the collection of waste and recycling bins. A building management plan must be created at the earliest opportunity, to reflect the private waste management collection requirements and outline the building managers responsibilities to place bins to the nominated kerbside bin collection points and return to the waste storage rooms immediately after collection as documented in the approved Waste Management Plan. | To ensure appropriate waste management for the development. |

General advisory notes

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

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

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

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

Dictionary

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

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

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

**BCA Compliance Certificate** means a certificate to certify that the completed building work complies with the requirements of the Building Code of Australia in accordance with Section 6.28 of the EP&A Act 1979.

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

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

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

**Council** means Shoalhaven City Council.

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

**Crown Certificate** means a certificate that must be issued before building work is commenced to verify that Crown subdivision, building, demolition and incidental work has been designed to comply with the Building Code of Australia in accordance with Section 6.28 of the EP&A Act 1979.

**EPA** means the NSW Environment Protection Authority.

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

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

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

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

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

**Site work** means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

**Stormwater drainage system** means all works and facilities relating to:

- the collection of stormwater

- the reuse of stormwater

- the detention of stormwater

- the controlled release of stormwater, and

- connections to easements and public stormwater systems.

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