

COUNCIL ASSESSMENT REPORT

SOUTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSTH-415 – DA2024/1457
PROPOSAL	Construction and occupation of new single storey building for health services facility including landscaping, carparking and consolidation of two lots
ADDRESS	102 & 106 Hillcrest Avenue SOUTH NOWRA – Lot 72 DP31078 & Lot 4 DP561605
APPLICANT	Papesch Architecture
OWNER	Waminda South Coast Women's Health & Wellbeing Aboriginal Corp
DA LODGEMENT DATE	21/6/24
APPLICATION TYPE	DA
REGIONALLY SIGNIFICANT CRITERIA	Clause 5, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 202: Private infrastructure and community facilities over \$5 million</i>
CIV	\$21,598,000 (excluding GST)
CLAUSE 4.6 REQUESTS	N/A
KEY SEPP/LEP	<ul style="list-style-type: none"> • Shoalhaven Local Environmental Plan 2014 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	<p>The application was publicly exhibited in accordance with the requirements of the Environmental Planning and Assessment Regulations 2021 from 17 July 2024 to 14 August 2024.</p> <p>Five (5) submissions were received including the following:</p> <p>3 in objection and 2 submissions wanting clarification on the development contributions and consideration of an existing childcare facility during construction</p>

	<p>The key issues raised in submissions were:</p> <ul style="list-style-type: none"> • Noise • Incompatible use • Traffic & infrastructure • Impact on native wildlife • Potential reduced amenity & privacy
DOCUMENTS SUBMITTED FOR CONSIDERATION	<p>Architectural plans</p> <p>Landscape Concept Design</p> <p>Acoustic Report</p> <p>DCCEEW Concurrence</p>
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	N/A
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	YES
SCHEDULED MEETING DATE	22 October 2024
PREPARED BY	Bryan Netzler
DATE OF REPORT	11 October 2024

EXECUTIVE SUMMARY

The subject site relates to 2 allotments located on the south side of Hillcrest Avenue in South Nowra. The land is known as 102 & 106 Hillcrest Avenue and legally identified as Lots 72 DP31078 & Lot 4 DP561605.

The application is described as Construction and occupation of new single storey building for health services facility includes landscaping, carparking and consolidation of two lots.

The land is zoned R1 General Residential under Shoalhaven Local Environmental Plan 2014 (SLEP 2014). The proposal is best characterised as Health Services Facility under *Shoalhaven Local Environmental Plan 2014*. The proposal is prohibited within the zone.

Health services facility (Birthing centre) is not permissible within the R1 zone under SLEP 2014, however is permissible under section 2.60 of SEPP (Transport and Infrastructure) 2021.

The subject DA was lodged by Papesch Architecture on the 21 June 2024.

As the development has a capital investment value (CIV) of more than \$5 million, the application constitutes regionally significant development, and the Southern Regional Planning Panel is the determining authority for the application in accordance with Section 2.19 and Schedule 6(5b) of the State Environmental Planning Policy (Planning Systems) 2021.

The application was publicly exhibited in accordance with the requirements of the Environmental Planning and Assessment Regulations 17 July 2024 to 14 August 2024. Five (5) submissions were received. The issues outlined in the submissions related to noise, incompatible use, traffic & infrastructure, impact on native wildlife & potential reduced amenity & privacy.

An assessment of the development has been undertaken against the following Acts and environmental planning instruments:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Planning Systems) 2021;
- State Environmental Planning Policy (Resilience and Hazard) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Shoalhaven Local Environmental Plan 2014; and
- Shoalhaven Development Control Plan 2014.

The proposed development has been assessed against the relevant matters for consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act, 1979*, including likely impacts, the suitability of the site for the development, and the public interest.

The likely impacts of the proposed development on the natural and built environment have been considered as well as the social and economic impact. The site is considered to be suitable for the proposed development and the development is considered to be in the public interest.

This report recommends that the application be approved subject to recommended conditions of consent.

1. THE SITE AND LOCALITY

1.1 The Site

- The site is located on the southern side of Hillcrest Avenue approximately 177 metres west of Old Southern Road in South Nowra.
- The site consists of two lots and legally identified as Lot 72 in DP31078 (#102) and Lot 4 in DP 561605 (#106) Hillcrest Avenue South Nowra NSW.
- The site comprises two (2) separate lots, is irregular in shape, has an area of approximately 20,116m², and a combined frontage of 56 metres to Hillcrest Avenue. Vehicular access to the site is directly from Hillcrest Avenue.
- Topographically, the land is gently to moderately sloping with undulating slopes across the site falling to the west.
- The land is generally cleared, grassed with stands of mature trees and remnant native vegetation



Figure 1: Location Map

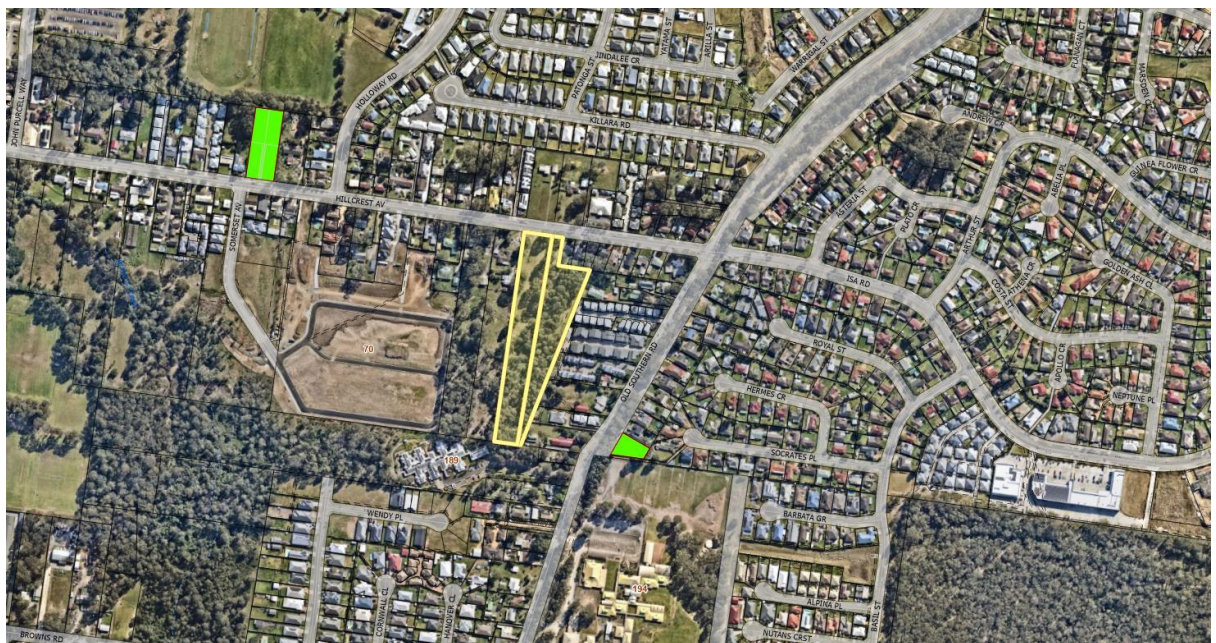


Figure 2: Aerial Photo

1.2 The Locality

- The surrounding land-use is typically low to medium density residential to the north, east and south (community facility – aged care), with some remnant rural-residential lots adjoining to the western boundary and cleared land for future residential subdivision further to the west.
- A 63-lot subdivision has been approved at 70 Hillcrest Ave, South Nowra.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

- The proposal for the construction and occupation of a new single storey building for the 'Gudjaga Gunyahlamai Birth Centre' including carparking and landscaping.
 - The proposal includes the consolidation of two lots into one new single Torrens Title lot.
 - The 'Gudjaga Gunyahlamai Birth Centre' is a purpose-designed space for Aboriginal women for 'Birthing on Country' and the provision of maternity care, health consulting rooms and ancillary administration functions.
 - The Birth Centre complements the wider activities of Waminda's vision to provide well-being and support services to the local Aboriginal community.
 - As detailed in the submitted SEE, the operation of the proposal is detailed as follows:
 - *The proposed Birth Centre will accommodate a maximum of four (4) Aboriginal women at any one time, with the ancillary spaces designed to allow for their support partners and children.*
 - *Clients attending associated health care consulting services vary from day to day but expected to be approximately thirty (30) at any one time.*
 - *The Birth Centre daytime operation is predominantly staffed by local Aboriginal women with appropriate community health qualifications and qualified medical practitioners:*
 - 28 x medical professionals.
 - 16 x Nabu staff.
 - **Total = 44 staff.**
- Additional local contractors will supply ongoing maintenance and servicing functions, using appropriately qualified Aboriginal persons where possible to do so.*
- *The Birthing Centre is staffed on a 24/7 basis – 365 days per year. The medical operational hours reflect the medical use of the Birth Centre, that is typically available on a 24/7 basis.*
 - *The Nabu support clinic and administrative functions are staffed during the hours of 8am – 6pm Monday to Friday.*

Table 1: Development Data

Control	Proposal
Site area	20116m ²
GFA	2007m ²
Class 5 Portion Class 9A Portion	1015m ² 990m ²
Clause 4.6 Requests	No
Max Height	4.5m
Car Parking spaces	66 including 2 accessible spaces

2.2 Background

A pre-lodgement meeting was held prior to the lodgement of the applicant on 5 December 2023 to discuss the merits of the development.

The development application was lodged on **21 June 2024**. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

Table 2: Chronology of the DA

Date	Event
21 June 2024	DA lodged
17 July 2024	Start of exhibition period
14 August 2024	End of exhibition period
11 September 2024	Panel briefing

2.3 Site Visit

A site visit was carried out on 9 July 2024.

Photos of the site and surrounding area are provided below.



Photo 1: View looking south to frontage of subject site



Photo 2: View looking south-east to frontage of subject site



Photo 3: View looking to eastern boundary of subject site



Photo 4: View looking to south



Photo 5: View looking southern portion of subject site



Photo 6: View looking east to existing residential development on eastern boundary



Photo 7: View looking southeast to existing residential development on eastern boundary



Photo 8: View looking north-west boundary



Photo 9: View looking east along frontage of subject site



Photo 10: View looking west along frontage of subject site

2.4 Site History

- There is no directly relevant history or background for this application.
- It is noted that a 63-lot subdivision has been approved at 70 Hillcrest Avenue (southwest of the subject site) and works have already been undertaken for the development of the site for the subdivision.
- There is also medium density development potentially proposed at 98 Hillcrest Avenue but is yet to be lodged at Council.

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*

- (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- (b) *that apply to the land to which the development application relates,*
- (c) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (d) *the suitability of the site for the development,*
- (e) *any submissions made in accordance with this Act or the regulations,*
- (f) *the public interest.*

These matters are further considered below.

It is noted that the proposal is considered to be:

- Integrated Development (s4.46)
- Requiring concurrence/referral (s4.13)

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Shoalhaven Local Environmental Plan 2014;*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 2: Vegetation in non-rural areas	Y
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development	Y

Section 4.15 Assessment Report - DA2024/1457

	<ul style="list-style-type: none"> Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 5 of Schedule 6 as it comprises private community facilities over \$5 million 	
State Environmental Planning Policy (Resilience and Hazards) 2021	<p>Chapter 4: Remediation of Land</p> <ul style="list-style-type: none"> Section 4.6 - Contamination and remediation has been considered in the Contamination Report and the proposal is satisfactory subject to conditions. 	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	<p>Chapter 2: Infrastructure</p> <ul style="list-style-type: none"> Division 10 Health Services Facilities <ul style="list-style-type: none"> Clause 2.6 Development permitted with consent Division 17 Roads & Traffic 	Y
Proposed Instruments	No compliance issues identified.	Yes
Shoalhaven LEP 2014	<p>Clause 2.3 – Permissibility and zone objectives</p> <p>Clause 4.3 – Height of buildings</p> <p>Clause 5.10 – Heritage Conservation</p> <p>Clause 7.1 – Acid sulfate soils</p> <p>Clause 7.2 – Earthworks</p> <p>Clause 7.6 – Riparian land and water courses</p> <p>Clause 7.11 – Essential Services</p>	Y
Shoalhaven DCP 2014	<p>Chapter G1 – Site Analysis, Site Design, and Building Materials</p> <p>Chapter G2 – Sustainable Stormwater Management & Erosion / Sediment Control</p> <p>Chapter G3 – Landscaping Design Guidelines</p> <p>Chapter G4 – Tree and Vegetation Management</p> <p>Chapter G5 – Biodiversity Impact Assessment</p> <p>Chapter G7 – Waste Minimisation and Management</p> <p>Chapter G11 – Subdivision</p> <p>Chapter G21 – Car Parking and Traffic</p> <p>Chapter G26 – Acid Sulphate Soils & Geotechnical (Site Stability) Guidelines</p>	Y

Consideration of the relevant SEPPs is outlined below

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

- The objective of the SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation. It is considered that the proposed development does not unduly impact upon any existing biodiversity or trees or vegetation on the site.

The proposal triggers entry into the Biodiversity Offset Scheme (BOS) as the area clearing threshold of 0.25 hectares (for minimum lot size of less than 1 ha) is exceeded.

The applicant is also seeking a 100% reduced credit obligation for the proposal.

This is based on the community gain from the ongoing use of the property as a cultural birthing centre as well as managing the property to manage and enhance biodiversity values.

In accordance with the requirements for applying for a reduced credit obligation, a letter prepared by Claron Consulting Pty Ltd describing the community gain from the proposal has been submitted to Council with the development application

Council has reviewed the submission and is in support of the reduced credit obligation.

Council have reviewed and accepted the Biodiversity Development Assessment Report (BDAR) prepared by Narla Environmental. In summary the offset obligation includes 11 ecosystem credits and 0 species credits.

Council is satisfied with the long-term community gain from supporting the development far outweighs the net loss of biodiversity and will benefit the Shoalhaven indigenous community.

Further the application was referred to the Department of Climate Change, Energy, The Environment and Water (DCCEEW) who have provided concurrence for a full credit obligation reduction.

State Environmental Planning Policy (Planning Systems) 2021

Chapter 2: State and Regional Development

- The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 5 of Schedule 6 of the Planning Systems SEPP as the proposal is development for private community facilities over \$5 Million. Accordingly, the Southern Regional Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4: Remediation of Land

- The application has been supported by a Preliminary Site Investigation (PSI) prepared to investigate the potential for site contamination and the suitability of the site for the proposed use.

The report prepared by Reditus Consulting Pty Ltd Ref 23300 9 November 2023 has been prepared in accordance with the NSW EPA Guidelines for consultants reporting on contaminated sites.

The report concludes that the site is suitable for the proposed commercial use but recommends further investigation of suspected fill areas and gully at development phase and

the development of an unexpected finds protocol. These requirements will be included as conditions of consent.

Subject to implementation of these conditions of consent, Council are satisfied that the requirements of this Chapter have been addressed.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Division 10 Health services facilities

- Clause 2.6 permits health services facilities in prescribed zones which includes R1 General Residential Zone.

Division 17 Roads & Traffic

- The development site has a frontage to a classified road. Council is satisfied that access to the site is safe and appropriate.

The proposed development is not considered to adversely affect the safety, efficiency or ongoing operation of the classified road.

The proposed development has been appropriately designed and located so as to minimise and/or ameliorate potential impacts from traffic noise or vehicle emissions arising from the adjacent classified road.

Shoalhaven Local Environmental Plan 2014

Zoning

The land is zoned R1 General Residential under the *Shoalhaven Local Environmental Plan 2014*.

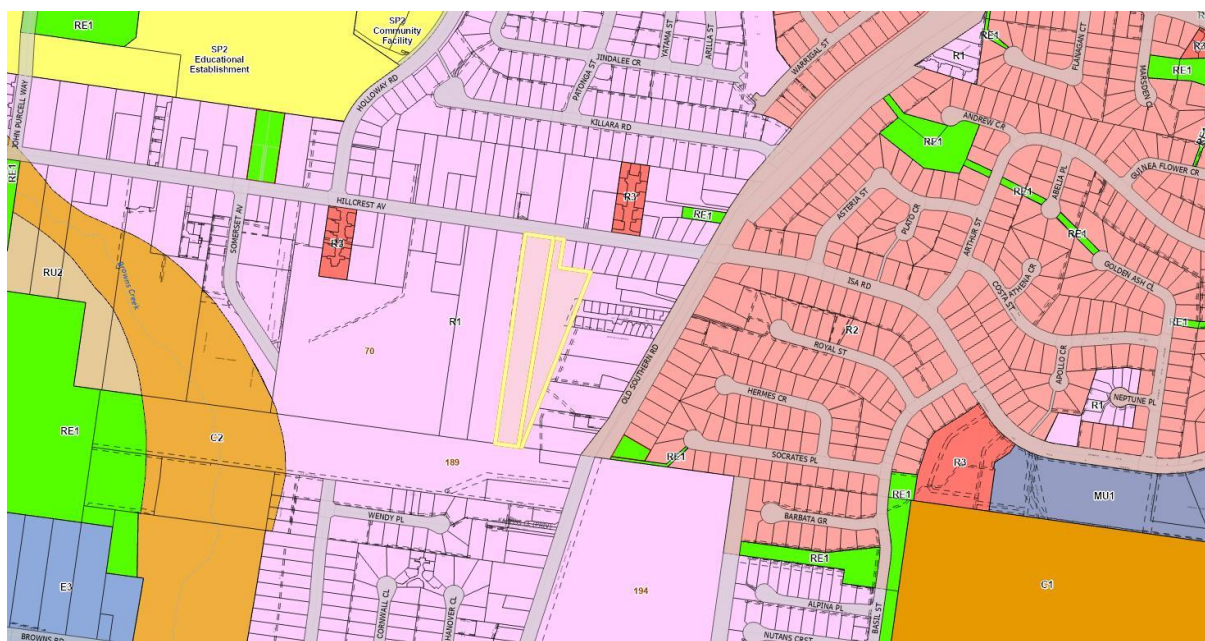


Figure 3 Zoning Map

Characterisation and Permissibility

The proposal is best characterised as Health Services Facility under *Shoalhaven Local Environmental Plan 2014*. The proposal is prohibited within the zone.

Health services facility (Birthing centre) is not permissible within the R1 zone under SLEP 2014, however is permissible under section 2.60 of SEPP (Transport and Infrastructure) 2021.

Zone Objectives

The zone objectives include the following:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To identify land suitable for future urban expansion.*

The proposal is consistent with these zone objectives for the following reason:

- The proposal enables a land use that provides facilities or services to meet the needs of the community

General Controls and Development Standards (Part 2, 4, 5 and 6)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below

Table 4: Consideration of the LEP Controls

Chapter 2 General and Environmental Considerations	
Potentially Contaminated Land	The subject site is not identified as potentially contaminated land
European Heritage	The subject site is not identified as containing any items of historical significance and is not located within a Conservation Area.
Aboriginal Cultural Heritage	The subject site is not identified as containing any items of Aboriginal heritage and is not identified as Cultural Lands.
Crime Prevention Through Environmental Design	<p>The proposed development is not considered to create a risk or increase risk of crime within the locale.</p> <p>The proposed development does not trigger a formal crime risk assessment or referral to NSW Police Local Area Command.</p>

Clause	Comments	Complies/ Consistent
Part 4 Principal development standards		

4.3 Height of buildings	The property is situated within an area where there is no maximum building height specified hence 4.3 (2A) is applicable where there is no maximum height for any land, the height of a building on the land is not to exceed 11 metres. The proposal has a maximum height of 4.5m and as such is consistent with the 11m height limit.	Complies
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	The site is not an identified heritage item, is not situated in the immediate vicinity of an item, or is situated in a heritage conservation area and as such the provisions of cl.5.10 do not apply to the proposal.	N/A
Part 7 Additional local provisions		
7.1 Acid sulfate soils	The site is mapped as being Class 5 meaning that development consent is required for any works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres AHD. The proposal is satisfactory with regard for the objectives and provisions of cl.7.1	Complies
7.2 Earthworks	The proposed building has been appropriately sited to minimise cut and fill with site disturbance being limited to the amount required to accommodate footings and services. The proposal is satisfactory in regard the objectives and provisions of cl.7.2	Complies
7.6 Riparian land and watercourses	The site is mapped as containing a category 2 watercourse. The proposed development area has been intentionally sited to provide sufficient separation. The proposed development will not result in any detrimental impacts upon this mapped watercourse.	Complies
7.11 Essential services	All essential services are available or can be made available to the proposed development.	Complies

The proposal is considered to be generally consistent with the LEP.

(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no draft environmental planning instruments that are on exhibition or have been exhibited but not yet gazetted that apply to the site or that relate to the proposed works.

(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- *Shoalhaven Development Control Plan 2014* ('the DCP')

Generic DCP Chapter
<u>G1:</u> Site Analysis, Sustainable Design and Building Materials

<p>A suitable site analysis plan and schedule of proposed materials has been submitted as part of the application and is deemed acceptable.</p>
<p><u>G2:</u> Sustainable Stormwater Management and Erosion/Sediment Control</p>
<p>Chapter G2 gives applicants guidance about how to implement sustainable stormwater management in the development application process, provide design principles for stormwater management that assist development and outline controls for the management of stormwater (including water quality, waterway stability, detention, erosion and sediment control). In this regard, Council's Development Engineer has reviewed the plans of the proposed development and provided conditions accordingly.</p> <p>Standard conditions regarding erosion and sediment control are to be included in any consent issued.</p>
<p><u>G3:</u> Landscaping Design Guidelines</p>
<p>The development is supported by a comprehensive landscape concept plan.</p> <p>The proposed landscaping is consistent with the local character and the DCP.</p> <p>The application proposes to retain as many as possible of the native trees currently upon the site, except where directly impacted by the works or otherwise unviable.</p>
<p><u>G4:</u> Tree and Vegetation Management</p>
<p>A total of 65 trees are proposed for retention and 128 trees for removal.</p> <p>Tree protection plans have been provided and must be implemented via conditions of consent.</p>
<p><u>G5:</u> Biodiversity Impact Assessment</p>
<p>The threshold for clearing has been triggered and a 'Biodiversity Impact Assessment Report' (BDAR) has been undertaken by Narla Environmental or details.</p> <p>A Biodiversity Impact Assessment report has been submitted in support of the application.</p> <p>The BDAR identifies the primary vegetation category being 'Illawarra Lowlands Grassy Woodland in the Sydney Basin Bioregion' as being impacted by the development, with 11 offset credits @ \$29,400 = \$323,400.</p> <p>A separate merit-based submission has been made by the proponent to waive this monetary contribution on the basis of 'public interest' as discussed further in the Report above.</p>
<p><u>G7:</u> Waste Minimisation and Management Controls</p>
<p>A Waste Management Plan has been submitted as part of the application. Issue have been raised regarding access for clients/patients whilst a waste removal vehicle is in the loading area. A condition will require that waste is relocated to an area where vehicles will not be impacted by a waste removal vehicle.</p>
<p><u>G11:</u> Subdivision</p>
<p>Consolidation of the lots is proposed into a new single torrens title lot.</p>

A condition of consent will require that retention of the future roads and drainage infrastructure remains untouched as per the Development Contributions Plan

G21: Car Parking and Traffic

NOTE: Council resolved on 30/10/18 to waive additional carparking requirements for a change of use in a shopping centre area. Assess the parking that would otherwise be required and enter the data into the spreadsheet (D18/394992) for later reporting to Council.

In accordance with the submitted Traffic Impact Assessment, car parking has been provided by the applicant at the following rates:

Land Use Type	Proposed GFA	DCP Car Parking Rate	Minimum Car Parking Requirement	Proposed Car Parking Provision
Medical Centre / Health Consult Rooms	306m ²	4 car parking spaces per professional staff member, or 4 car parking spaces per 100m ² , whichever is greater	20 ¹	37
Office (for staff)	435m ²	1 car parking space per 40m ²	11	
Land Use Type	Proposed GFA	Parking Evaluation	Minimum Car Parking Requirement	Proposed Car Parking Provision
Birthing Classes		In use by 12 couples and 2 staff	14	14
Elders / Cultural Mentor Space		4 rooms	4	4
Additional site visitors		General visitors to the site	11	11
Subtotal			29	29
TOTAL			60	66

The Development Engineer notes in their referral response that:

The parking quantities proposed typically comply with the DCP parking rates and have adopted further quantities for other uses of the site which are not covered by the DCP, which I consider to be appropriate.

It is agreed that the quantity of car parking provided on site is consistent with the requirements of SDCP 2014, Chapter G11 and Council finds that the proposed parking amount adequately responds to the needs of the site.

The remainder of provisions of this chapter have been considered by Council's Development Engineer, who has found the development to be compliant with these requirements, subject to imposition of conditions within any development consent.

G26: Acid Sulphate Soils and Geotechnical (Site Stability) Guidelines

The site is mapped as being Class 5 meaning that development consent is required for any works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres AHD.

A condition would be included in any consent identifying the procedure in the event of any unexpected finds.

Area Specific DCP Chapter

N10: Worrigeer Residential Area

Commentary

The proposal is consistent with the objectives of the DCP by identifying community facilities to meet the needs of the local community and ensure residential amenity is maintained at a high level.

Further the development footprint has been located specifically to retain as many of the existing trees upon the site as possible and incorporate these into a comprehensive landscaping scheme.

The front setback of 7.5 m allows for the retention of the majority of the existing stand of trees currently occupying the front boundary to Hillcrest Avenue, except where the driveway crossing is to be located.

The works have avoided any interference with the watercourse and maintained the associated riparian corridor intact.

Significant landscaping proposed to soften the appearance of the building and also to provide privacy for occupants of the site.

Shoalhaven Contribution Plan 2019

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- *Shoalhaven S7.11 Development Contributions Plan 2019*

The development is most aptly characterised as a 'Commercial Office' development for the purpose of calculating contributions under the Plan.

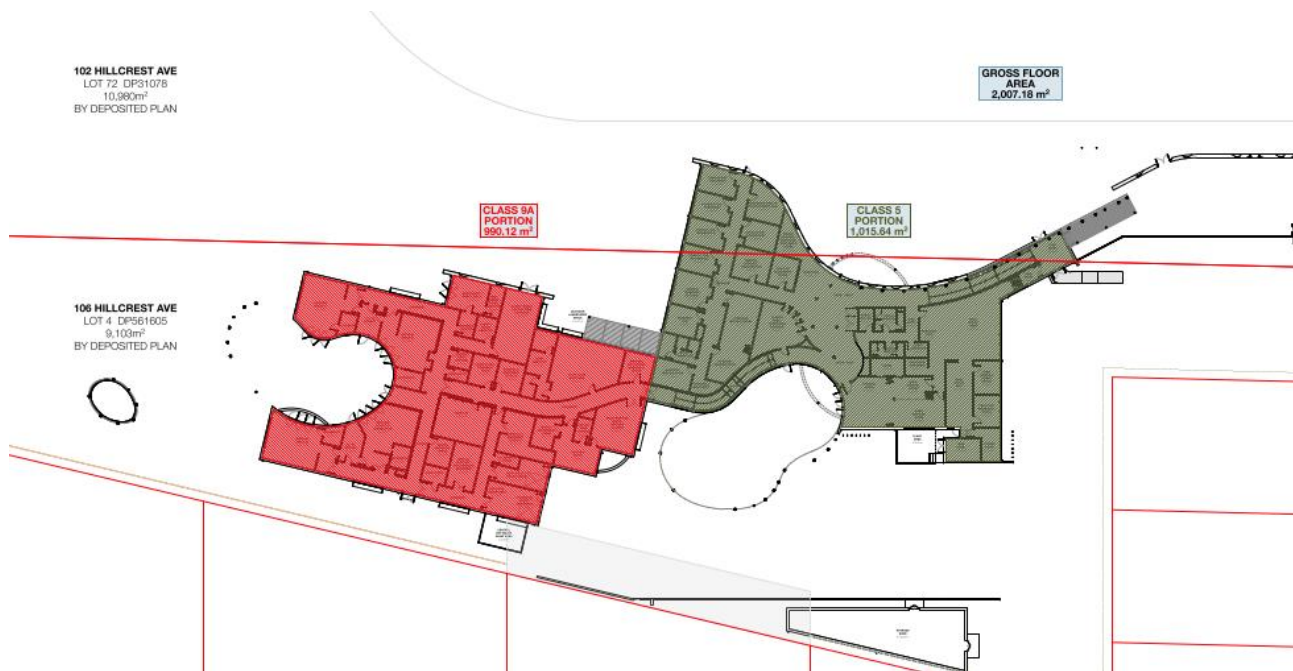
In accordance with the Shoalhaven Contributions Plan 2019, 10.09 ETs are considered to apply to the subject site.

Non Residential

Note: enter area in m2 and calculator will convert area to ETs.

Button

	Existing	Proposed
Retail (Gross Floor Area m2)	0	0
Commercial Office (Gross Floor Area m2)	0	2017
Hotel / Restaurant(Gross Floor Area m2)	0	0
Bulky Goods (Gross Floor Area m2)	0	0
Industrial (Gross m2, include parking/landscape)	0	0
Total ET		20.17
Management Project ETs		10.09



Project	Description	Rate	Qty	Total	GST	GST Incl
CWFIRE2001	Citywide Fire & Emergency services	\$162.05	10.09	\$1,635.08	\$0.00	\$1,635.08
CWFIRE2002	Shoalhaven Fire Control Centre	\$237.08	10.09	\$2,392.14	\$0.00	\$2,392.14
CWMGMT3001	Contributions Management & Administration	\$402.72	1.00	\$402.72	\$0.00	\$402.72

Sub Total: **\$4,429.94**

GST Total: **\$0.00**

Estimate Total: **\$4,429.94**

Housing and Productivity Contribution

State Contributions	
<p>Does the proposed development trigger the Housing and Productivity Contribution (HPC)?</p> <p>Note: if the development triggers an HPC, then a corresponding Contribution (CON) case is created as a related case in the Portal. The calculation needs to be reviewed and confirmed in the Portal.</p>	<p>Yes - Commercial Development</p>

Class of Development	Trigger for demand	Units of demand
Residential development	Subdivision of land for dwellings	New dwelling lot
	Strata subdivision of land or building for dwellings	New strata dwelling lot
	Build to Rent or Seniors Independent Living Units	New non strata dwelling
	Manufactured Home Estate	New dwelling site
Commercial development	Development for business, office or retail premises or specified commercial purposes	Square metre of new GFA
Industrial development	Development for industry or specified industrial purposes	Square metre of new GFA

5 Development for which a contribution is required

(1) A housing and productivity contribution is required for development for which development consent is granted if it involves development of any of the following classes—

(a) residential development,

(b) commercial development,

(c) industrial development.

(2) In this Order, **residential development** means any of the following—

(a) subdivision of land (other than strata subdivision) on which development for the purposes of residential accommodation is permitted with development consent by an environmental planning instrument applying to the land (**residential subdivision**),

(b) strata subdivision of residential accommodation (other than strata subdivision of high-density dwellings) (**residential strata subdivision**),

(c) high-density residential development,

(d) development for the purposes of a manufactured home estate.

(3) For the purposes of subclause (2)(a), development for the purposes of residential accommodation is not permitted with development consent by an environmental planning instrument if the only kinds of residential accommodation permitted with development consent are any of the following—

(a) build-to-rent housing,

(b) a manufactured home estate,

(c) seniors living.

(4) Schedule 2 sets out exemptions from the housing and productivity contribution. Development identified in Schedule 2 is not to be included in the determination of a housing and productivity contribution.

(5) For the purposes of this Order, each class of development referred to in subclauses (1) and (2) is a **HPC class of development** and any development involving development within a HPC class of development is **HPC development**.

(d) Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

(e) Section 4.15(1)(a)(iv) - Provisions of Regulations

These provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary).

3.2 Section 4.15(1)(b) - Likely Impacts of Development

The proposed development will not cause any unacceptable amenity impacts to neighbouring properties or visual impacts to the streetscape. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

Bushfire

The site has been previously mapped as bushfire prone due to the historic vegetation connection of a forest that was located to the west of the development site; this land has since been cleared as part of the subdivision works.

The land is no longer mapped as bushfire prone and existing vegetation is now considered to be 'low threat vegetation as described under A1.10 of the Planning for Bushfire Protection 2019. Accordingly, a bushfire assessment of the proposal is not required.

Head of Consideration	Comment
Natural Environment	<p>Impacts on the natural environment have been assessed as part of the development application. It was found that the proposal is unlikely to have a detrimental impact on the natural environment surrounding the subject site, or to any endangered and non-endangered species of flora and fauna.</p> <p>The proposal triggers entry into the Biodiversity Offset Scheme (BOS) as the area clearing threshold of 0.25 hectares, for minimum lot size of less than 1 ha is exceeded.</p> <p>The applicant is also seeking a 100% reduced credit obligation for the proposal.</p> <p>DCEEW have reviewed the proposal and support the reduction of the credit obligation to zero. As such, conditions of development consent would reflect that there is no credit obligation as agreed by DCEEW.</p> <p>On the basis of the above, Council is satisfied that the development would not have an adverse impact upon the natural environment.</p>
Built Environment	<p>The proposed development is considered to be of an appropriate scale and unlikely to create any detrimental impacts on the adjoining properties or the locality as a whole. The proposal will facilitate development consistent with the surrounding built form and the desired future built character of the locality.</p>
Social Impacts	<p>The proposal is to construct a new building and external landscaped spaces to accommodate a Birth Centre offering maternity accommodation and health care to Aboriginal women.</p> <p>The proponent, Waminda, is an experienced and active provider to the local Aboriginal women's community, and well positioned to understand the considerable demand for locally accessible health care and maternity services. The site has been specifically chosen due to its position relative to the local demand for such services.</p> <p>No adverse social impacts are envisaged to occur as a result of the proposal.</p>
Economic Impacts	<p>As previously stated, under normal operating conditions forty-four (44) full and part time employees are required to staff the Birth Centre, excluding contractors. It is likely that these employees and contractors will shop locally, thereby directly benefitting the local businesses.</p> <p>In its operations, Waminda prefers to source goods and services from local suppliers and contractors wherever possible.</p>

Head of Consideration	Comment
	The proposal would result in a positive economic impact in the locality through the capital investment value of the development and is unlikely to generate any adverse economic impacts.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

3.3 Section 4.15(1)(c) - Suitability of the site

The proposal is deemed to be a suitable development of the site and is not considered to give rise to any adverse amenity impacts to the adjoining properties or visual impacts to the streetscape.

- The development is permissible with Council consent within the zone.
- The proposal supports the local zoning objectives.
- The proposal is consistent with the objectives and requirements of the *Shoalhaven Local Environmental Plan 2014*.
- The proposal is consistent with the objectives and requirements of the *Shoalhaven Development Control Plan 2014*.
- The intended use is compatible with surrounding/adjoining land uses

3.4 Section 4.15(1)(d) - Public Submissions

These submissions are considered in Section 5 of this report.

3.5 Section 4.15(1)(e) - Public interest

The proposed health services facility is permitted in the R1 General Residential Zone as a 'prescribed zone' and complies with the objectives and provisions of environmental planning instruments that apply to the site. The proposal also complies with the provisions of Shoalhaven DCP 2014.

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 5.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

Table 5: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
N/A			N/A
Referral/Consultation Agencies			
Department of Climate Change, Energy, the Environment and Water	The applicant is seeking a 100% reduced credit obligation for the proposal.		Y
Integrated Development (S 4.46 of the EP&A Act)			
Water NSW	Dewatering	Water NSW has reviewed the information submitted with the application, no further investigation is required by Water NSW and advised that as part of this application, the applicant may need to provide a Dewatering Management Plan, Authority to Discharge groundwater as well as an updated Geotechnical Report that states volume of water to be taken, time frame of dewatering and basement construction (if relevant).	Y

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

Table 6: Consideration of Council Referrals

Officer	Comments	Resolved
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Section 4.15 Assessment Report - DA2024/1457

Engineering	Council's Engineering Officer reviewed the submitted stormwater concept plan and reviewed the parking and access and considered that there were no objections subject to compliance with imposition of conditions.	Y
Building	No objection subject to compliance with conditions of consent	Y
Environmental Health Officer	Noise A revised acoustic report will be required via condition of consent to demonstrate that with the addition of building plant and equipment noise (e.g. air handling, heating and cooling equipment), the proposed backup generator and the potential noise from the birthing suites that the development will not generate noise levels above the project specific criteria.	Y
Waste	The site is better suited for an onsite private waste collection service with a suitably licenced private waste collection contractor. A condition of consent will be imposed accordingly.	Y
Strategic Planning	<p>Advice provided on the contributions plan requirements</p> <ul style="list-style-type: none"> Contributions Plan project 01ROAD3144 and 01DRAI0005 directly affect the proposal. <ul style="list-style-type: none"> 102 Hillcrest Avenue includes the leg of the 01ROAD3144 internal access road that connects with Hillcrest Avenue. Both 102 and 106 Hillcrest Avenue includes drainage infrastructure to service the catchment. In terms of drainage infrastructure, the Shoalhaven Contributions Plan 2014 requires that: <p><i>For subdivision, drainage is calculated as per the total englobo land area within the relevant drainage catchment area. For building approvals, drainage is calculated as per the total development area (building footprint and/or car park/landscaped area) within the relevant drainage catchment area. Developments that provide onsite stormwater detention to pre-development flows are not required to pay a contribution towards drainage projects.</i></p> <p>Feedback from Council's Development Engineer will be required on whether the:</p> <ul style="list-style-type: none"> Development has provided onsite stormwater detention to pre-development flows. If this is not the case, monetary contributions for 01DRAI0005 would be required for the total combined site area, being approximately 20,116m². Proposed design adversely impacts the ability for Council to deliver the 01DRAI0005 drainage infrastructure as it relates to the two sites. Further discussion on this matter may be required. 	Y

	<p>The development proposal leaves the proposed 01ROAD3144 internal access road corridor undeveloped, enabling construction of this asset into the future, as/if required. The proposed development includes a separate driveway through 106 Hillcrest Avenue, which does not rely on the internal access road. Monetary contributions will still be payable for the 01ROAD3144 project.</p> <p>Development engineering response:</p> <ul style="list-style-type: none"> • <i>Council's DCP Chapter G2 requires all developments to attenuate the peak stormwater flows back to pre-development rates through the use of detention. Currently, the development proposes no method of attenuating stormwater flows and therefore it would not be DCP compliant and would attract development contributions in relation to this project. However, this could be conditioned if Council chooses for it to be a requirement of the development. Further discussion on this matter may be required.</i> • <i>agree that the plans provided demonstrate that the land proposed as part of the subject development does not impact on the ability to deliver the projects under both 01ROAD3144 and 01DRAI0005 contribution projects.</i> 	
Shoalhaven Water	No objection subject to compliance with Water Certificate	Y

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Consultation Policy from 17 July 2024 until 14 August 2024. The notification included the following:

- An advertisement in the local newspaper;
- Notification letters sent to adjoining and adjacent properties;

The Council received a total of 5 unique submissions, comprising 3 objections and 2 submissions wanting clarification on the development contributions and consideration of an existing childcare facility during construction. The issues raised in these submissions are considered in **Table 7**.

Table 7: Community Submissions

Issue	No of submissions	Council Comments
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Noise Submissions raised concern the development will adversely increase within the immediate surrounds.	3	<p>The application is supported by an Acoustic Assessment that uses modelling to predict the potential impact of the facility on the nearby residential premises.</p> <p>Additional information is required to demonstrate that, with the addition of building plant and equipment noise (e.g. air handling, heating and cooling equipment), the proposed backup generator and the potential noise from the birthing suites that the development will not generate noise levels above the project specific criteria.</p> <p>A condition will be applied to require an amended acoustic report to ensure noise from all sources is considered.</p>
Biodiversity Assessment Loss of fauna & flora	2	<p>The proposal has been reviewed by Council's Biodiversity section who have advised no objection to the proposal. Further the majority of the remainder of the site is to be left untouched and landscaping is proposed which is considered a significant enhancement of the site.</p>
Traffic Impact Increased traffic	2	<p>Council's development engineers have reviewed the proposal and advised no objection with regard to traffic, parking and access matters, subject to compliance with prescribed conditions.</p>
Compatibility with zone Incompatible use with zone	1	<p>The proposal is located in a prescribed zone hence is considered to be compatible with the zone. Impacts on surrounding uses have been considered and it is found that the proposed development is appropriate within the context of the locality.</p>
Loss of Amenity & Privacy	1	<p>Council's assessment finds that the predominant amenity relates impact will be noise. This has been addressed per the comment provided in relation to noise above.</p> <p>Council has undertaken an assessment regarding impacts of the development on the privacy of the surrounding locality. In this regard, it is found that the proposal would not have an adverse impact on privacy. In particular, outdoor spaces within the development which would be frequently occupied are not located directly adjacent to adjoining property boundaries, and/or are sufficiently buffered by proposed buildings or vegetation / landscaping.</p>

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

5.1 Noise

The application is supported by an Acoustic Assessment that uses modelling to predict the potential impact of the facility on the nearby residential premises.

The acoustic report has considered noise generated from –

- The car park
- Trucks and waste collection
- Events in the ceremonial space
- Kids play area

The acoustic report has not considered noise generated from other outdoor spaces as they are intended to be quiet places that would not significantly contribute to the overall noise level. Environmental Health agrees with this assessment.

The acoustic report has not considered noise generated from the birthing suites. It is noted that the birthing suites are shown with a significant area of opening windows and is located close to the eastern boundary.

The acoustic report notes that the selection of building plant and equipment has not been finalised to enable acoustic assessment. The report states that additional assessment is undertaken when this is complete to ensure suitable attenuation measures are utilised to achieve the project noise criteria.

The report concludes that exceedances of noise criteria will be expected at some residential receivers and recommends operational controls to minimise impact. These controls must be incorporated in the site Operational Management Plan referred to in the SEE.

A revised acoustic report will be required via a condition of consent to demonstrate that with the addition of building plant and equipment noise (eg. air handling, heating and cooling equipment), the proposed backup generator and the potential noise from the birthing suites that the development will not generate noise levels above the project specific criteria.

Resolution: The issue has been resolved through recommended conditions of consent as outlined in Attachment A.

5.2 Biodiversity Impacts

The applicant has sought a 100% reduced credit obligation for the proposal.

This is based on the community gain from a purpose designed space for 'Birthing on Country' and associated maternity health services for Aboriginal women and their families. As well as managing the property to manage and enhance biodiversity values.

The Birth Centre complements the broader activities of the Waminda South Coast Women's Health & Wellbeing Aboriginal Corporation's vision to provide health and wellbeing support services to the Shoalhaven and broader Aboriginal community. The Birth Centre will create spaces based on Waminda's culturally driven Model of Care, providing wrap-around services and cultural safety as a place for Birthing on Country.

In accordance with the requirements for applying for a reduced credit obligation, a letter prepared by Claron Consulting Pty Ltd describing the community gain from the proposal was submitted to Council with the development application

Council has reviewed the submission and supports the reduced credit obligation.

Council has reviewed and accepted the Biodiversity Development Assessment Report (BDAR) prepared by Narla Environmental. In summary the offset obligation is 11 ecosystem credits.

Council is satisfied with the long-term community gain from supporting the development far outweighs the net loss of biodiversity and will benefit the Shoalhaven indigenous community.

Further the application was referred to the Department of Climate Change, Energy, The Environment and Water (DCCEEW) who have yet to provide concurrence for a full credit obligation reduction.

Resolution: The issue has been resolved through support of DCEEW who have supported the reduced credit obligation.

6. CONCLUSION

Subject to the conditions of consent the proposal is considered to be consistent with regard to the Matters for Consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*. The proposed development is consistent with relevant SEPPs, and the provisions of *Shoalhaven LEP 2014* and *Shoalhaven DCP 2014* because the proposal will not generate any significant adverse impacts to surrounding neighbours or the environment. Accordingly, the proposal is recommended for approval.

7. RECOMMENDATION

That the Development Application DA2024/1457 for Construction and occupation of new single storey building for health services facility includes landscaping, carparking and consolidation of two lots at 102 & 106 Hillcrest Avenue SOUTH NOWRA– Lot 72 DP31078 & Lot 4 DP561605 be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Conditions of consent
- Attachment B: Architectural Plans

Attachment A – Conditions of Consent

GENERAL CONDITIONS

CONDITIONS					REASON	
1.	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.				To ensure compliance with the approved plans and documents.	
	Approved Plans					
	Plan Number	Revision	Plan Title	Drawn by		Date of Plan
	10.05	B	Site Plan	Papesch Architecture		11/6/24
	11.10	B	Waste Management Plan	Papesch Architecture		11/6/24
	13.01	B	Demolition Plan	Papesch Architecture		11/6/24
	13.02	B	Tree Removal Plan	Papesch Architecture		11/6/24
	20.01	B	Proposed Ground Floor Plan	Papesch Architecture		11/6/24
	20.02	B	Proposed Roof Plan	Papesch Architecture		11/6/24
	30.01	B	Elevations	Papesch Architecture		11/6/24
	31.01	B	Sections	Papesch Architecture		11/6/24
	80.01	B	Materials & Finishes	Papesch Architecture		11/6/24
	010	B	Planting Schedules	Cola Studio		22/5/24
	100	B	General Arrangement Plan	Cola Studio		22/5/24
	101	B	General Arrangement Plan	Cola Studio		22/5/24

102	B	General Arrangement Plan	Cola Studio	22/5/24																														
103	B	General Arrangement Plan	Cola Studio	22/5/24																														
104	B	General Arrangement Plan	Cola Studio	22/5/24																														
105	B	General Arrangement Plan	Cola Studio	22/5/24																														
500	B	Landscape Elevations	Cola Studio	22/5/24																														
501	B	Landscape Elevations	Cola Studio	22/5/24																														
502	B	Landscape Elevations	Cola Studio	22/5/24																														
650	B	Softworks Details	Cola Studio	22/5/24																														
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	<table><tr><td>Acoustics Report</td><td>1</td><td>Northrop</td><td>8/5/24</td></tr></table> <p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p>	Acoustics Report	1	Northrop	8/5/24	
Acoustics Report	1	Northrop	8/5/24			
2.	<p>Existing Infrastructure</p> <p>Any required alterations or damage to infrastructure will be at the developer's expense.</p> <p><i>Note: It is recommended prior to the issue of a Construction Certificate, all infrastructure, existing and proposed, is to be shown accurately on construction plans with clearances clearly labelled confirming that the proposed works do not affect any existing infrastructure. This will reduce the potential for unexpected costs and expenses.</i></p>	To ensure existing infrastructure is accounted for and any damage to infrastructure is suitably repaired.				
3.	<p>Prescribed Conditions</p> <p>The development must comply with Part 4, Division 2, Subdivision 1, of the <i>Environmental Planning and Assessment Regulation 2021</i>, as applicable.</p>	To ensure compliance with prescribed conditions.				
4.	<p>Shoalhaven Water – Compliance with Conditions</p> <p>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.</p>	To ensure compliance with Shoalhaven Water requirements.				
5.	<p>Pool depths</p> <p>The depth of the natural sand wading pool and shallow water feature in the birthing courtyard must not exceed 300mm at any point.</p>	To ensure pool is not defined as a swimming pool under Swimming Pools Act 1992				
6.	<p>Department of Climate Change, Energy, the Environment and Water (DCEEW)</p> <p>The concurrence issued by the DCEEW Reference No: DOC24/829519 dated 15 October 2024 for a full credit obligation reduction are included as part of the consent.</p>	To ensure compliance with DCEEW conditions				
DEMOLITION WORK						
Before demolition work commences						
CONDITIONS		REASON				

<p>7.</p>	<p>Tree Protection</p> <p>Before the commencement of any clearing works the following requirements must be met to the satisfaction of the Council:</p> <ul style="list-style-type: none"> a) A Project Arborist must be contracted to implement the recommendations and mitigation measures detailed in Section 6 and 7 of the approved Arbor Express Arboricultural Impact Assessment. b) Project Arborist to hold pre construction site induction with principle contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. c) Project Arborist to mark all trees approved for removal in accordance with the Demolition Plan Prepared by Papesch Architecture (Drawing 13.01). d) A temporary protective barrier or similar visible material must be installed in accordance with the approved Tree Protection Plan by Arbor Express to protect the tree protection zones for retained trees 5-12, 14-16, 87, 90-93, 96-99,101, 102-104, 126, 127, 133, 135, 136-144, 146, 147, 156-158 and 160-177 and retained until all works are complete. e) Project Arborist to assess and certify that tree protection has been installed in accordance with AS 4970-2009. f) Mulch ground cover protection is required over the TPZ (where viable) of Trees 5-12, 14-16, 87, 90-93, 96-99,101, 102-104, 126, 127, 133, 135, 136-144, 146, 147, 156-158 and 160-177. This is to consist of 100mm depth of clean and certified Eucalyptus mulch. <p>Evidence of compliance with the above requirements must be provided to Council prior to the commencement of any clearing works.</p> <p>Site works must not commence until the Director – City Development (or delegate) of Shoalhaven City Council has confirmed in writing that the above have been satisfied.</p>	<p>To minimise biodiversity impacts.</p>
<p>8.</p>	<p>Biodiversity Mitigation Measures</p> <p>Before the commencement of any clearing works, the following requirements must be met to the satisfaction of the Council:</p> <ul style="list-style-type: none"> a) A suitably qualified ecologist must be engaged to conduct pre clearance surveys as well as guide and supervise the clearing work and protection of environmental features on the site. b) A site map must be submitted to Council showing the location and design specifications of temporary Green and Golden Bell Frog exclusion fencing as well as fencing to delineate exclusion zones including areas of retained native vegetation within the riparian area and southern portion of the subject property. 	<p>To minimise biodiversity impacts.</p>

	<p>c) Green and Golden Bell Frog Exclusion Fencing and any additional fencing to delineate exclusion zones must be installed.</p> <p>d) The project ecologist must complete pre-clearing surveys and inspections.</p> <p>e) Vegetation removal must not commence if any fauna are confirmed to be nesting (such as hollow inspection, collection of nesting material) or showing signs of breeding activity. Subsequent pre-clearance surveys are to be undertaken following the completion of the nesting/breeding event, until it is confirmed that the site is clear of nesting/breeding activity.</p> <p>Tree and vegetation removal must not commence until the Director – City Development (or delegate) of Shoalhaven City Council has confirmed in writing that the above have been satisfied.</p>											
9.	<p>Biodiversity – Retirement of Ecosystem Credits</p> <p>Before any native vegetation removal commences, the class and number of ecosystem credits in the below table must be retired to offset the residual biodiversity impacts of the development. The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits as determined by the Biodiversity Conservation Trust. Alternatively, concurrence by the NSW Department of Climate Change Energy Environment and Water for any reduced biodiversity credit obligation is required.</p> <table><tr><th>Impacted plant community type</th><th>Number of ecosystem credits</th><th>Hollow-bearing trees present</th><th>Offset trading group (like-for-like credit retirement options)</th><th>IBRA sub-region</th></tr><tr><td>3269 – Shoalhaven Spotted Gum Paperbark Forest</td><td>11</td><td>No</td><td>Illawarra Lowlands Grassy Woodland This includes PCT's: 3266, 3267, 3268, 3269, 3327, 3330, 4052</td><td>Jervis, Bateman, Ettrema and Illawarra OR From a location within 100km of the impact site</td></tr></table> <p>Evidence of the retirement of credits, or payment to the Biodiversity Conservation Fund, or concurrence from DCCEEW for any biodiversity credit reduction in satisfaction of this condition must be provided to the Shoalhaven City Council for review and approval.</p>	Impacted plant community type	Number of ecosystem credits	Hollow-bearing trees present	Offset trading group (like-for-like credit retirement options)	IBRA sub-region	3269 – Shoalhaven Spotted Gum Paperbark Forest	11	No	Illawarra Lowlands Grassy Woodland This includes PCT's: 3266, 3267, 3268, 3269, 3327, 3330, 4052	Jervis, Bateman, Ettrema and Illawarra OR From a location within 100km of the impact site	<p>To ensure biodiversity/species credits are appropriately retired.</p>
Impacted plant community type	Number of ecosystem credits	Hollow-bearing trees present	Offset trading group (like-for-like credit retirement options)	IBRA sub-region								
3269 – Shoalhaven Spotted Gum Paperbark Forest	11	No	Illawarra Lowlands Grassy Woodland This includes PCT's: 3266, 3267, 3268, 3269, 3327, 3330, 4052	Jervis, Bateman, Ettrema and Illawarra OR From a location within 100km of the impact site								

	Before any native vegetation removal, approval must be obtained in writing from the Director – City Development of Shoalhaven City Council that this condition has been satisfied.	
DEMOLITION WORK During Demolition Work		
CONDITIONS		REASON
10.	<p>Biodiversity – Habitat Modification and Vegetation Removal</p> <p>The removal and/or disturbance of native vegetation and habitat on the property, including canopy trees, understorey, and groundcover vegetation must be undertaken strictly in accordance with the approved plans and be supervised by the project ecologist. Vegetation removal must be undertaken in accordance with the following:</p> <ul style="list-style-type: none"> a) Trees approved for removal must be felled into the development area carefully so as not to damage trees to be retained in or beyond the development footprint. b) Any hollow-bearing trees approved for removal must be felled carefully in sections utilising handheld tools to allow the rescue of native fauna. Hollow-bearing sections must be carefully lowered to the ground so as not to injure native fauna. c) All vegetation to be removed must be inspected for wildlife prior to removal. d) Pruning or trimming of any trees to be retained must be undertaken in accordance with AS 4373 Pruning of amenity trees. e) The removal or disturbance of native vegetation on the property including but not limited to canopy trees, understorey and groundcover vegetation beyond that approved within this consent is not permitted. f) If any native wildlife is identified as breeding on site, clearing works must stop immediately and must not recommence until the Director – City Development (or delegate) of Shoalhaven City Council has confirmed in writing that clearing works may recommence. g) If any wildlife is discovered during site works and is disoriented or injured, works must stop immediately, and the project ecologist is to advise on rescue and relocation of the animal(s). h) Within 10 days of completing clearing work, the engaged ecologist must provide to Council written evidence of any fauna detected during pre-clearance surveys and clearing works. 	To minimise biodiversity impacts.

BUILDING WORK Before Issue of a Construction Certificate		
CONDITIONS		REASON
11.	Council Approvals - Evidence A Construction Certificate / Subdivision Works 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.
12.	Erosion and Sediment Controls - Soil and Water Management Plans Before the issue of a Construction Certificate/ Subdivision Works 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: <ul style="list-style-type: none"> a) Area proposed to be exposed to the possibility of erosion as used in calculations; b) Site access locations and stabilisation details and restrictions; c) Erosion and sediment control locations and types; d) Soil, water and drainage patterns and management plans; e) e) Location of vegetated buffer strips, unstable slopes, boggy areas, and restricted "no access" areas; f) Nature and extent of proposed clearing, excavation and filling; g) Approximate location and proposed treatment of haul roads, borrow pits, site sheds and stockpiles; h) Proposed staging of construction and SWMP measures; i) Inspection and maintenance program for all soil and water management measures; j) Disposal site for silt removed from sediment traps; k) All design criteria and calculations used to size erosion and sediment control measures; l) Site rehabilitation details including frequency of watering; m) Identification of existing vegetation and site revegetation to have 70% cover established before plan is decommissioned; n) Existing and final contours (clearly distinguished and adequately annotated); 	To ensure an appropriate Erosion and Sediment Control Plan has been prepared.

	<p>o) Standard construction drawings for proposed soil, water and drainage management measures.</p> <p>All implemented measures must ensure that a pollution incident must not occur as defined by the Protection of the Environment Operations Act (POEO).</p> <p>All implemented measures must:</p> <p>a) not cause water pollution as defined by the Protection of the Environment Operations Act (POEO).</p> <p>b) be maintained at all times.</p> <p>c) c) not be decommissioned until at least 70% revegetation cover has been established. Before the issue of a Construction 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.</p>	
13.	<p>Access for People with a Disability</p> <p>Before the issue of a Construction Certificate, plans and specifications must be provided to the satisfaction of the Certifier, detailing how the building will comply with Access for People with a Disability in the National Construction Code (NCC) in force at the date of issue of the Construction Certificate.</p>	To ensure appropriate disabled access is provided.
14.	<p>Noise – Revised Acoustic Report</p> <p>An amended acoustic report must be prepared and submitted to the certifier in accordance with the recommendations of the Acoustic Report prepared by Northrop Consulting Engineers (Reference SY233386-00-AU-RP01 dated 8 May 2024) that demonstrates that the mechanical and building services equipment will not result in cumulative noise levels that exceed the project specific criteria.</p> <p>The amended report must also consider the potential noise generation from the birthing suites, considering scenarios with the windows opened or closed. All noise attenuation measures or controls must be shown on plans or incorporated into the Facility Operation and Management Plan as appropriate.</p>	To ensure the development does not cause offensive noise. To comply with legislation
15.	<p>Food</p> <p>An amended plan must be submitted to the certifier that includes a separate hand washing basin in the staff room/kitchen that is required in addition to the double bowl sink required for washing utensils.</p>	To protect food safety and comply with legislation.
16.	<p>Car Parking and Access Design Standards</p>	To ensure carpark lighting

	<p>Prior to the issue of a Construction Certificate, certified engineering design plans and specifications must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier and by Council.</p> <ul style="list-style-type: none"> a) A minimum number of 58 spaces must be provided on site (unless to address the following conditions) with the layout typically compliant with the approved plans. b) AS2890 where relevant for the accessway, parking spaces and manoeuvrability areas. c) The loading zone adjacent to the ambulance entry area is to be relocated to allow a minimum 5.8m access aisle for the accessible space. If this cannot be achieved, the accessible space in this location must be relocated to one of the adjacent spaces and the loading zone replacing the accessible space or shared space. On this basis, the number of spaces required to service the development it to be reduced by one space. d) The waste storage area is to be swapped with the 3 parking spaces to the north of the storage shed to the allow the waste servicing truck to service the bins without hindering the primary accessway. e) Constructed in accordance with the following for the areas only subject to light vehicular loading: <ul style="list-style-type: none"> i) with a flexible pavement, surfaced with 30mm of AC10 asphaltic concrete. ii) to a coloured, patterned or stamped concrete standard. f) Constructed in accordance with the following for the areas only subject to heavy vehicular loading: <ul style="list-style-type: none"> i) with a concrete or flexible pavement designed and constructed in accordance with Council's Engineering Design Specification for a minimum traffic loading of 1 x 106 ESA. g) Bordered in accordance with Council's Standard Drawings by: <ul style="list-style-type: none"> i) concrete kerbing, except where surface runoff is concentrated, in which case concrete integral kerb and gutter must be constructed. 	is appropriately designed.
17.	<p>Carparking - Lighting Design</p> <p>Before the issue of a Construction Certificate, lighting design plans are to be submitted to Council and the Certifier for approval. Lighting is to be provided to the internal driveway and car parking area in accordance with <i>AS/NZS 1158.3.1 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements</i>.</p>	To ensure carpark lighting is appropriately designed.

<p>18.</p>	<p>Earthworks - Site Filling Design Standards</p> <p>Before the issue of a Construction Certificate, certified engineering design plans and specifications for the proposed filling of the site must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.</p> <p>The site filling design must comply with the following:</p> <ul style="list-style-type: none"> a) The site must be filled in accordance with the approved plans and graded to have an absolute minimum grade of 0.5%. b) The filling specification must be approved by Certifier and require all 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. 	<p>To ensure site filling is designed appropriately.</p>
<p>19.</p>	<p>Structural Design – Major Structures</p> <p>Before the issue of a Construction Certificate, a detailed structural design for the following works must be certified professional engineer, (as defined in the National Construction Code) and approved by the Certifier.</p> <ul style="list-style-type: none"> a) Bridges and other major drainage structures, including pre-cast concrete culverts, headwalls, wing walls and stormwater pits / structures that require steel reinforcement. b) The structural design must comply with the Council's Engineering Design Specification – Chapter 3 – Structures/Bridge Design and relevant Australian Standards. 	<p>To ensure the development is accompanied by an appropriate engineered structural design.</p>
<p>20.</p>	<p>Stormwater - New Buildings Design Standards</p> <p>Before the issue of a Construction Certificate stormwater plans must be prepared by a Licensed Plumber or professional engineer (as defined in the National Construction Code) and submitted to the Certifier.</p> <p>Drainage must be designed and constructed in accordance with:</p> <ul style="list-style-type: none"> a) Generally, in accordance with the Concept Engineering Stormwater Plan, Ref. No: 25058, Dwg. No: C101, Rev. 02, dated 22/05/2024 for the internal drainage works within the site. b) the National Construction Code c) Council's Engineering Design Specifications d) Development Control Plan G2 	<p>To ensure stormwater infrastructure is designed appropriately.</p>
<p>21.</p>	<p>Stormwater – Major Development Design Standards (Urban)</p> <p>Before the issue of a Construction Certificate / Subdivision Works Certificate, certified engineering design plans, specifications, and</p>	<p>To ensure stormwater infrastructure is</p>

	<p>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.</p> <p>The stormwater drainage design for the carpark and accessway and the conveyance to the point of discharge must comply with the following:</p> <ul style="list-style-type: none"> a) 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. b) The minor and major systems must be designed for a 10% AEP and 1% Annual Exceedance Probability (AEP) rainfall events, respectively. c) Generally, in accordance with approved the Concept Engineering Stormwater Plan, Ref. No: 25058, Dwg. No: C101, Rev. 02, dated 22/05/2024, subject to the following: d) Provide a revised stormwater design in accordance with Council Contribution Plan 01DRAI0005, to allow a future connection into the proposed stormwater infrastructure west of the property. A temporary connection and discharge point to the natural watercourse may still be required until such time that the drainage infrastructure to the west has been constructed. e) Design of stormwater drainage is to include piping, swales and easements to facilitate future development of the site. f) Address any upstream stormwater overland flows to ensure that they do not impact the development or impede the existing flow regime. 	<p>designed appropriately.</p>
22.	<p>Stormwater - On-Site Detention Design Standards</p> <p>Before the issue of a Construction Certificate, details of on-site detention must be provided on the Construction Certificate plans and approved by the Certifier.</p> <p>On-site detention must be provided as:</p> <ul style="list-style-type: none"> a) Per certified engineering design plans and specifications prepared by a professional engineer, (as defined in the National Construction Code) or surveyor. The on-site stormwater detention (OSD) design must be designed such that stormwater runoff from the site for design storm events up to and including the 1% AEP does not exceed the pre-developed conditions. 	<p>To ensure stormwater infrastructure is designed appropriately.</p>
23.	<p>Water Sensitive Urban Design - Water Quality, Retention and Reuse</p> <p>Before issue of a Construction Certificate, an Integrated Water Cycle Management Plan and 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</p>	<p>To ensure stormwater infrastructure is designed appropriately.</p>

	<p>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.</p> <p>The stormwater treatment, retention and reuse design must comply with the following:</p> <ul style="list-style-type: none"> a) 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. b) The WSUD strategy must have appropriate stormwater retention storage that is equal to or greater than 8mm for increases in all impervious surfaces compared to the pre-development condition. NOTE: The storage depth must be taken from Table 2 in DCP Chapter G2 for the development type. c) The design of the proposed WSUD devices and retention measures must comply with Council's DCP Chapter G2. Any variations to Council's DCP must be accepted by Council's Development Manager or delegate. 	
24.	<p>Water Sensitive Urban Design - Operation and Maintenance Manual</p> <p>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 Construction Certificate. The manuals must be prepared by a suitably qualified professional in accordance with the objectives and criteria identified in the Integrated Water Cycle Management Plan.</p>	To ensure stormwater infrastructure is designed appropriately.
25.	<p>Footpath - Design Standards</p> <p>Before the issue of a Construction Certificate, certified engineering design plans must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by Council. The footpath design must comply with the following:</p> <ul style="list-style-type: none"> a) Councils Engineering Design Specifications Section D8 – Cycleway and Footpath Design. b) A 1.5 metre-wide concrete designed for the full Hillcrest Avenue frontage of the development with: <ul style="list-style-type: none"> i) 3% cross fall from the boundary to top of kerb. ii) match existing footpath levels of adjoining property frontages and be a uniform grade over the length of the development site frontage, or where this cannot be achieved, a longitudinal section must be designed. 	To ensure road and pavement infrastructure is appropriately designed.

26.

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):

Project	Description	Rate	Qty	Total	GST	GST Incl
CWFIRE 2001	Citywide Fire & Emergency services	\$162.05	10.09	\$1,635.08	\$0.00	\$1,635.08
CWFIRE 2002	Shoalhaven Fire Control Centre	\$237.08	10.09	\$2,392.14	\$0.00	\$2,392.14
CWMGM T3001	Contributions Management & Administration	\$402.72	1.00	\$402.72	\$0.00	\$402.72

Sub Total: \$4,429.94

GST Total: \$0.00

Estimate Total: \$4,429.94

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 Construction 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 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.

27.

Housing and productivity contribution

Before issue of any Construction 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)	\$63,777
Total housing and productivity contribution	\$63,777

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

To require contributions towards the provision of regional infrastructure

	<p>Minister administering the Environmental Planning and Assessment Act 1979 agrees.</p> <p>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.</p> <p>The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.</p>	
28.	<p>Construction Site Management Plan</p> <p>Before the issue of a construction certificate, a construction site management plan must be prepared, and be approved by the Certifier. The plan must include the following matters:</p> <ul style="list-style-type: none"> a) The location and materials for protective fencing and hoardings on the perimeter of the site; b) Provisions for public safety; c) Pedestrian and vehicular site access points and construction activity zones; d) Details of construction traffic management including: <ul style="list-style-type: none"> i) Proposed truck movements to and from the site; ii) Estimated frequency of truck movements; and iii) Measures to ensure pedestrian safety near the site; e) Details of bulk earthworks to be carried out; f) The location of site storage areas and sheds; g) The equipment used to carry out works; h) The location of a garbage container with a tight-fitting lid; i) Dust, noise and vibration control measures; j) The location of temporary toilets; k) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: <ul style="list-style-type: none"> i) AS 4970 – Protection of trees on development sites; ii) An arborist's report approved as part of this consent. <p>A copy of the construction site management plan must be kept on-site at all times while work is being carried out.</p>	<p>To ensure the site is maintained in a safe and secure manner</p>
29.	<p>Long Service Levy</p> <p>Before the issue of the relevant Construction Certificate /, the long service levy must be paid to the Long Service Corporation of Council under the Building and Construction industry <i>Long Service</i></p>	<p>To ensure compliance with long service</p>

	<i>Payments Act 1986</i> , section 34, and evidence of the payment is to be provided to the Certifier.	levy requirements.
30.	<p>Retaining Walls – Design Standards</p> <p>Before the issue of a Construction Certificate for approved retaining walls exceeding 600mm in height above ground level (existing) and/or within 1m of a property boundary, detailed design plans must be prepared and submitted to the Certifier for approval.</p> <p>The retaining walls must satisfy the following:</p> <ul style="list-style-type: none"> a) 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 b) 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. c) Retaining walls, footings and drainage must be contained wholly within the development site. d) Construction within a registered easement is prohibited. <p>Retaining walls not shown on the approved plan must meet the criteria for Exempt retaining walls and comply with the relevant criteria listed in <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> or be approved by way of Complying Development before construction and comply with the relevant criteria listed in <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>.</p>	To ensure retaining walls are appropriately designed.
31.	<p>Section 68 Application – Water Supply, Sewerage and Stormwater Drainage</p> <p>Before the issue of a Construction Certificate, an application for water supply, sewerage and stormwater drainage and/or sewage management facility must be approved under section 68 of the <i>Local Government Act 1993</i>.</p>	To ensure relevant approvals are obtained.
BUILDING WORK Before Building Work Commences		
CONDITIONS		REASON
32.	Appointment of Principal Certifier	To ensure a Principal Certifier is

	Before building/subdivision work commences a Principal Certifier must be appointed.	appointed where required.
33.	<p>Construction Certificate</p> <p>A Construction Certificate must be obtained from either Council or a certifier before any building work can commence.</p>	To ensure a appropriate building and Subdivision Certificates are obtained.
34.	<p>Potentially Contaminated Land</p> <p>Further environmental investigation of the suspected fill and gully must be undertaken in accordance with the Conclusions and Recommendations of the Preliminary Site Investigation prepared by Reditus Consulting Pty Ltd Ref 23300 9 November 2023.</p> <p>Where contamination is found, the site must be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) Guidelines.</p>	To ensure the site is suitable for the proposed development and to implement the recommendations of the PSI
35.	<p>Dilapidation Report (Minor)</p> <p>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.</p> <p>The dilapidation report must consider the impact of any excavation work that extends below the level of the base of the footings of any structure within 900mm of the shared boundary.</p> <p>Before works commence, a copy of the dilapidation report must be provided to the Certifier and Council. The dilapidation report will be the benchmark for necessary repairs to damage caused during the development works. All repairs must be completed by the developer at the developer's cost.</p> <p>Not less than seven (7) days before works commence, the developer must notify the owner of any affected property of the intention to carry out approved works. The developer must also furnish the owner with details of the approved work.</p> <p>However, if the occupier or owner of any neighbouring dwelling does not permit reasonable access for the purposes for the preparation of the dilapidation report, written evidence of the efforts taken to secure access may be submitted to the Principal Certifier and the Principal Certifier may waive the requirement in relation to the relevant property.</p> <p><i>Note: A dilapidation report can comprise of video footage and photos of adjacent public infrastructure and relevant structures on adjoining properties.</i></p>	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.

36.	<p>Erosion and Sediment Controls – Implementation</p> <p>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).</p>	To ensure appropriate erosion and sediment control measures are in place.
37.	<p>Notice of Commencement</p> <p>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 <u>'Commencement Notice for Building or Subdivision Work and Appointment of Principal Certifying Authority'</u>.</p>	To ensure appropriate notice is given to Council.
38.	<p>Shoalhaven Water – Application for Certificate of Compliance</p> <p>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.</p> <p>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 <u>https://shoalwater.nsw.gov.au/planning-building/developers-consultants/water-development-notice</u> to make application for a Certificate of Compliance or call (02) 4429 3214 to learn more about applying.</p> <p>Upon the receipt of the application, Shoalhaven Water will assess the development and if required will issue a "Water Development Notice" document detailing all requirements which must be met.</p> <p><i>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.</i></p>	To ensure a Water Development Notice and Certificate of Compliance are obtained.
39.	<p>Construction Traffic Management Plan</p> <p>Before the commencement of works, a Construction Traffic Management Plan detailing the proposed method of dealing with construction traffic and parking must be approved by Council.</p> <p>Details must include, but are not limited to:</p> <ul style="list-style-type: none"> a) Stabilised site construction access location b) Proposed haulage routes for delivery of materials to the site c) Proposed haulage routes for spoil disposal from the site 	To ensure construction traffic is managed in a safe and appropriate manner.

	<ul style="list-style-type: none"> d) Traffic control planning for each of the various phases of construction and/or vehicle movements associated with construction e) Parking arrangements for construction employees and contractors f) Proposed maintenance of the haulage routes and access locations g) Name of the person responsible for such maintenance h) Loading / unloading areas i) Requirements for construction or work zones j) Pedestrian and cyclist safety k) Speed zone restrictions. 	
40.	<p>Works within the Road Reserve – Submissions to Council</p> <p>Before undertaking any works within an existing road reserve, the developer must obtain the consent of Council under <i>section 138 of the Roads Act, 1993</i>.</p> <p>The following details must be submitted to Council as part of the application:</p> <ul style="list-style-type: none"> a) Any civil works design required by this consent. b) Evidence of the contractor's Public Liability Insurance to an amount of \$20 million. c) Name and contact information of the person responsible for all relevant works. d) A Traffic Control Plan prepared, signed, and certified by a person holding the appropriate Transport for NSW (TfNSW) accreditation. e) Where the Traffic Control Plan requires a reduction of the speed limit, a 'Application for Speed Zone Authorisation' must be obtained from the relevant road authority. 	To ensure relevant approvals are obtained.
41.	<p>Driveway – Design Standards (Urban)</p> <p>Prior to the commencement of works in the road reserve, engineering design plans must be prepared by a suitably qualified person and approved by Council. The layback/footpath crossing design must comply with the following:</p> <ul style="list-style-type: none"> a) Council's Engineering Design Standard Drawings. b) Constructed using 20 MPa reinforced concrete, reinforced with SL72 mesh, on a 150mm compacted road base with centrally placed slab of minimum 6 metres width and minimum 150mm depth. c) Designed using turning paths for the longest vehicle expected to use the site as the check vehicle. A B99 vehicle is to be used 	To ensure road and pavement infrastructure is appropriately designed.

	<p>as the design vehicle to stay within the lanes of the road carriageway.</p> <p>d) Removal of sufficient width of existing road seal and pavement to allow placing of formwork and laying/compaction of suitable pavement material for the driveway layback with a minimum 300mm offset to the kerb lip line.</p> <p>e) Removal or trimming of the required vegetation along the Hillcrest Avenue road reserve to achieve sight distance compliant with AS2890.1 for non-domestic properties.</p>	
42.	<p>Toilet Facilities – Temporary</p> <p>Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:</p> <p>a) be a standard flushing toilet connected to a public sewer, or</p> <p>b) have an on-site effluent disposal system approved under the <i>Local Government Act 1993</i>, or</p> <p>c) be a temporary chemical closet approved under the <i>Local Government Act 1993</i>.</p>	To ensure suitable toilet facilities are provided.
43.	<p>Waste Management Plan – an approved document of this consent</p> <p>Before the commencement of site works a waste management plan for the development must be provided to the Certifier for review and approval.</p>	To ensure an appropriate waste management plan is provided.
<p>BUILDING WORK</p> <p>During Building Work</p>		
CONDITIONS		REASON
44.	<p>Acid Sulfate Soils - Unexpected Finds</p> <p>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</p>	To ensure acid sulfate soils are appropriately managed.

	Management Plan is required to be prepared and implemented, before works can recommence.	
45.	<p>Discovery of relics and Aboriginal objects</p> <p>While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:</p> <ul style="list-style-type: none"> a) the work in the area of the discovery must cease immediately. b) the following must be notified for a relic – the Heritage Council; or c) 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. d) Site work may recommence at a time confirmed in writing by: <ul style="list-style-type: none"> i) 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.
46.	<p>Potentially Contaminated Land - Unexpected Finds</p> <p>If unexpected, contaminated soil and/or groundwater is encountered during any works:</p> <ul style="list-style-type: none"> a) all work must cease, and the situation must be promptly evaluated by an appropriately qualified environmental consultant. b) the contaminated soil and/or groundwater must be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) Guidelines. <p>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 commencement of works. The verification documentation must be provided to the satisfaction of the Certifier and Shoalhaven City Council before the commencement of any works.</p> <p>If contaminated soil or groundwater is to be removed from the site, it must be transported to an appropriately licensed waste facility by an NSW EPA licensed waste contractor in accordance with relevant NSW EPA guidelines including the Waste Classification Guidelines (2014).</p> <p><i>Note: An appropriately qualified environmental consultant will have qualifications equivalent to CEnvP “Site Contamination” (SC) Specialist - by Certified Environmental Practitioner or ‘Certified</i></p>	To ensure any detected contaminants are appropriately managed.

	<i>Professional Soil Scientist' (CPSS CSAM) by Soil Science Australia (SSA).</i>	
47.	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.
48.	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.
49.	Site Management - Maintenance of Site and Surrounds During works, the following maintenance requirements must be complied with: <ul style="list-style-type: none"> a) All materials and equipment must be stored and delivered wholly within the work site unless an approval to store them elsewhere is held. b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility. c) Where tree or vegetation protection measures are in place, the protected area must be kept clear of materials and / or machinery. d) The developer must maintain the approved soil water management / erosion and sediment control measures to the satisfaction of the Certifier for the life of the construction period and until runoff catchments are stabilised. e) During construction: <ul style="list-style-type: none"> i) all vehicles entering or leaving the site must have their loads covered, and ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads. f) At the completion of the works, the work site must be left clear of waste and debris. 	To ensure the site is maintained in a safe and secure manner.
50.	Site Management – Noise The noise from all site work, demolition and construction activities associated with the approved development must comply with the	To protect the amenity of

	work practices as outlined in the NSW Department of Environment & Climate Change Interim Construction Noise Guideline. The LAeq noise level measured over a period of not less than 15 minutes During works must not exceed the background (LA90) noise level by more than 10dB(A) when assessed at any sensitive noise receiver.	neighbouring properties.
51.	<p>Stormwater – Overland Flow, Redirecting and/or Concentrating Stormwater</p> <p>All excavation, backfilling and landscaping works must not result in:</p> <ul style="list-style-type: none"> a) any change to the overland stormwater flow path on your property and or a neighbouring property. If any change to the overland flow path occurs on a property, the stormwater runoff must be collected and directed to a legal point of discharge. b) the redirection and/or concentration of stormwater flows onto neighbouring properties. 	To ensure stormwater is appropriately managed.
52.	<p>Tree Protection – During Building Works</p> <p>Tree protection during building works for trees to be retained as shown on the Demolition Plan Prepared by Papesch Architecture (Drawing 13.01) should be conducted in accordance with the following:</p> <ul style="list-style-type: none"> a) The Project Arborist should carryout regular site inspections to ensure works are carried out in accordance with the recommendations from the Arboricultural Impact Assessment (Arbor Express). b) The Project Arborist to supervise all manual excavations and root pruning inside the TPZ of any tree to be retained. Project Arborist to approve all pruning of roots greater than 30mm inside TPZ. All root pruning of roots greater than 30mm in diameter must be carried out by an AQF level 5 Arborist. c) Project Arborist to certify that all underground services including storm water inside TPZ of any tree to be retained have been installed in accordance with AS 4970-2009. d) Project Arborist to approve relocation of tree protection for landscaping. All landscaping works within the TPZ of trees to be retained are to be undertaken in consultation with the Project Arborist to minimise the impact to trees. <p>No over-excavation, battering, or benching shall be undertaken beyond the building footprint of any structure unless approved by the Project Arborist.</p>	To ensure protection of retained trees
53.	Biodiversity – Site Preparation and Stockpiling	To protect biodiversity

	<p>During building works, there must be no vegetation clearing or disturbance, site preparation or stockpiling within the following exclusion areas:</p> <ul style="list-style-type: none"> a) Tree protection zones for trees to be retained as shown in Section 5 of the Arboricultural Impact Assessment (Arbor Express). b) The riparian area including 10m either side of the first order stream shown on the Site Plan Prepared by Papesch Architecture (Drawing 10.05) and the area to the south of the riparian area. <p>The dripline of all retained trees and native vegetation as shown on the Site Plan Prepared by Papesch Architecture (Drawing 10.05)</p>	
54.	<p>Wildlife Protection Measures</p> <p>During building/subdivision works, the following wildlife protection measures are to be followed:</p> <ul style="list-style-type: none"> a) All vegetation to be removed must be inspected for wildlife prior to removal. b) Structures proposed for demolition may provide habitat for microbats and other native wildlife and must be inspected prior to removal. c) Works must cease until any wildlife present has relocated. d) All vehicles and mechanical plant must be inspected for wildlife prior to operation. e) All trenches must be inspected for wildlife prior to backfilling. <p>If any wildlife is discovered during site works and is disoriented or injured, works must stop immediately, and the project ecologist is to advise on rescue and relocation of the animal(s).</p>	To protect biodiversity
<p>BUILDING WORK</p> <p>Before Issue of an Occupation Certificate</p>		
CONDITIONS		REASON
55.	<p>Completion of Public Utility Services</p> <p>Before the issue of the relevant Occupation Certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier.</p>	To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements,

		before occupation.
56.	<p>Works in the Road Reserve – Evidence of Completion</p> <p>Before the issue of a full Occupation 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 <i>Roads Act 1993</i>.</p>	To ensure works in the road reserve are completed appropriately.
57.	<p>Works in the Road Reserve – Works as Executed</p> <p>Before the issue of an Occupation Certificate, Works as Executed Plans for works within the road reserve must be prepared by a registered surveyor / professional engineer, (as defined in the National Construction Code) and approved by Council demonstrating compliance with the approved design plans.</p> <p>The Works as Executed dimensions and levels must be shown in red on a copy of the approved plans and comply with the following requirements:</p> <ul style="list-style-type: none"> a) Council's Development Engineering Construction Specification. b) Show compliance with the approved design plans of all road and drainage works. c) Show any retaining walls including footings and agricultural drainage lines. d) Show the location of all underground service conduits. e) Include all deviations from the approved Civil Engineering Plans. 	To ensure works as executed plans are prepared and provided.
58.	<p>Maintenance Bond for Civil Works</p> <p>Before the issue of the Occupation 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 for a minimum period of 12 months to provide security and assurance that the developer will repair any defective works or re-establish ground cover where this has not been maintained.</p>	To ensure any damage or defective work is suitably repaired.
59.	<p>Retaining Walls – Certification</p> <p>Before the issue of an Occupation Certificate, certification must be provided to the Certifier prepared by a professional engineer, (as defined in the National Construction Code), certifying that retaining walls within 1m of the property boundary or exceeding 1m in height above ground level (existing) are constructed in accordance with the approved engineering design plans.</p>	To ensure retaining walls have been constructed appropriately.

	<p>The Certifier must be satisfied that all retaining walls have been constructed in accordance with the relevant retaining wall plans and specifications, and in accordance with the requirements of any other conditions of this consent.</p> <p><i>Note: This condition does not prevent a partial Occupation Certificate to be issued for the parts of the development that have been completed.</i></p>	
60.	<p>On-site Detention System</p> <p>Before the issue of an Occupation Certificate, the developer must:</p> <ol style="list-style-type: none"> provide a certificate from a professional engineer, (as defined in the National Construction Code) to verify the structural adequacy of the on-site detention facility and that the facility has been constructed in accordance with the approved Construction Certificate plans. create a restriction on use under the Conveyancing Act 1919 over the on-site detention system naming the authority having the power to release, vary or modify the restriction referred to as Shoalhaven City Council and provide it to the Certifier as follows: <ol style="list-style-type: none"> the property owner(s) are to undertake maintenance in accordance with the Construction Certificate approved On-Site Stormwater Detention System and Maintenance Schedule (application number to be referenced). the registered proprietor of the lot burdened must not make or permit or suffer the making of any alterations to any on-site stormwater detention system on the lot(s) burdened without the prior consent in writing of the authority benefited. The expression 'on-site stormwater detention system' must include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to those structures. 	<p>To ensure required on site detention infrastructure is provided and requirements registered on the title of the land.</p>
61.	<p>Stormwater – gWorks as Executed</p> <p>Before the issue of an Occupation Certificate, a Works as Executed Plans and certification must be submitted to the Certifier and Council by a registered surveyor / professional engineer (as defined in the National Construction Code) certifying compliance of all drainage works with the approved design plans and the National Construction Code.</p> <p>The Works as Executed be shown in red on a copy of the approved plans. This plan must verify fulfillment of relevant construction notes, as well as the construction locations, invert levels & sizes of all pipelines.</p>	<p>To ensure works as executed plans are prepared and provided.</p>

	Where the system includes an underground tank, a certificate of structural adequacy must be prepared and provided by a professional engineer (as defined in the National Construction Code).	
62.	Driveway – Redundant Driveways and Crossings Before the issue of an Occupation Certificate all redundant vehicle crossings and lay backs rendered unnecessary by this development must be reconstructed to match the existing 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.
63.	Driveway – Evidence of Completion Before the issue of an Occupation 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
64.	Dilapidation Report (Minor) – Evidence of Completion Before the issue of an Occupation Certificate, the developer must provide the Certifier and Council with evidence that any damage to neighbouring premises or adjacent public infrastructure, not previously identified as existing damage in the Dilapidation Report, has been repaired by the developer to the satisfaction of Council.	To ensure any damage not previously identified in the Dilapidation Report is suitably repaired.
65.	Waste – Private Collection Service Before the issue of an Occupation Certificate, the developer/owner must provide evidence to the Certifier of a formal agreement with a licenced private waste contractor to service the development. A copy of the contract must be forwarded to Council. The agreement must ensure: <ol style="list-style-type: none"> the removal of all waste from the developed property. the service is functional and meets the operational requirements for the developed property. the service minimises environmental nuisances including noise and other adverse impacts on the safety and amenity of residents and the public. the developer/owner indemnifies Council against claims for loss or damages, should Council take over provision of the service at some point in the future. 	To ensure an appropriate waste management agreement is entered into.

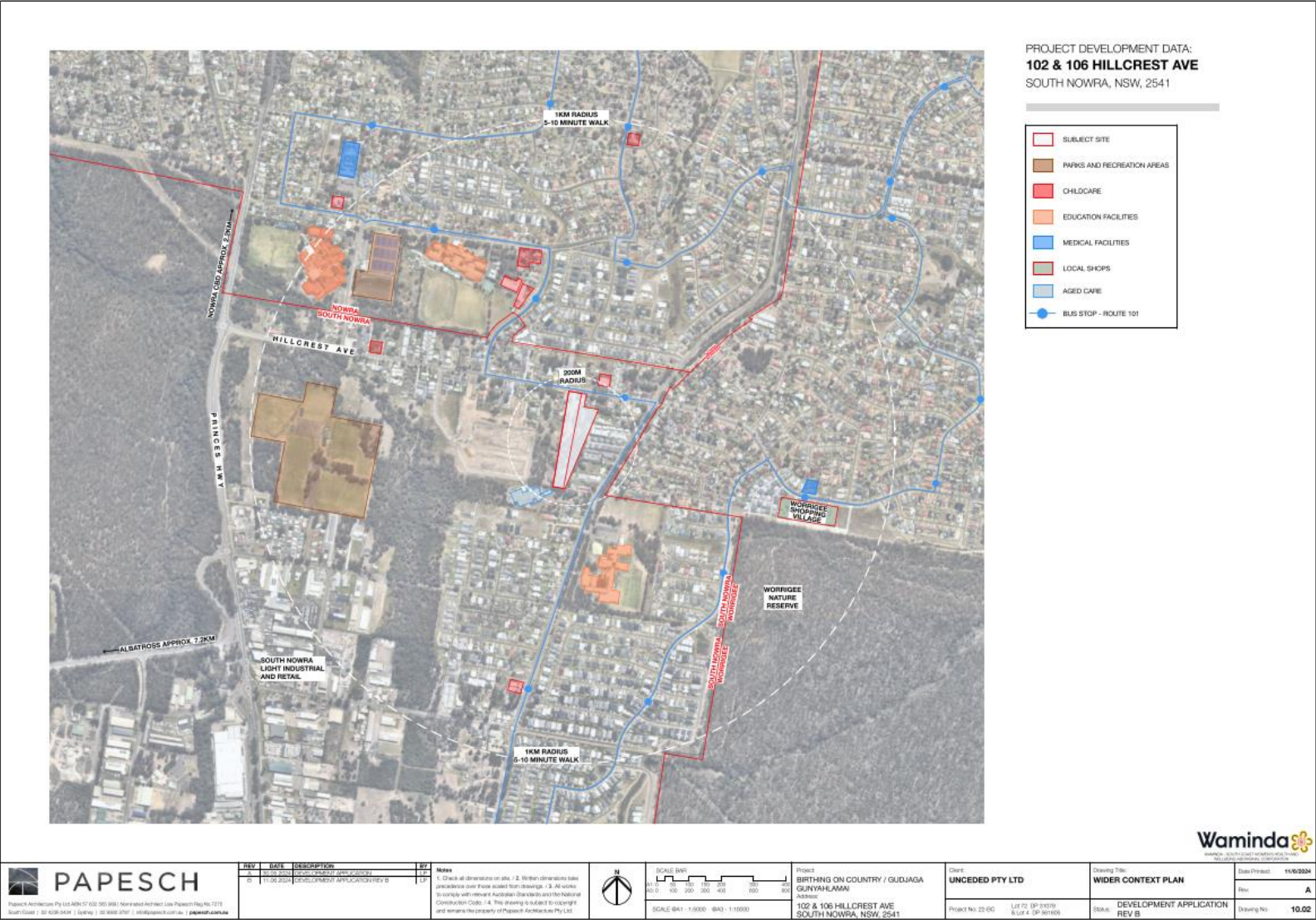
66.	Section 68 Approvals – Evidence of Completion All the conditions under the approval o section 68 of the <i>Local Government Act 1993</i> are to be complied with before the issue of an Occupation Certificate.	To ensure compliance with section 68 approval.
67.	Fire Safety – Evidence of Compliance Before the issue of an Occupation Certificate the Certifier must be provided with a Final Fire Safety Certificate showing compliance with the Fire Safety Schedule.	To ensure compliance with the Fire Safety Schedule.
68.	Shoalhaven Water – Certificate of Compliance Before the issue of any Occupation Certificate, a Certificate of Compliance under section 307 of the <i>Water Management Act 2000</i> 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.
69.	Tree Protection Certification and Reporting After all demolition, construction and landscaping works are complete the Project Arborist must: a) Assess the condition of retained trees and provide recommendations for remediation works if required. b) Provide a final project report to the certifier that demonstrates tree protection measures required by the consent have been implemented and any recommended remediation measures following final inspection.	To protect existing trees
70.	Warm Water Supply The warm water system must be notified to Council in writing in accordance with the NSW Public Health Act 2010 and Public Health Regulation 2022.	Legionella control to protect public health and comply with legislation.
71.	Landscaping Before the issue of an Occupation Certificate, the landscaping as shown on Landscape Plan General Arrangement Set (Cola Studio Drawings 100-105) must be completed. Evidence of completion	To ensure landscaping is completed in accordance

	must be submitted to the Director – City Development (or delegate) of Shoalhaven City Council for review and approval.	with the landscape plan
72.	Land Consolidation Consolidation of the land into one lot is required. Plan of consolidation to be registered with NSW Land Registry prior to issue of an Interim or Final Occupation Certificate	To ensure consolidation of lots
BUILDING WORK Occupation and Ongoing use		
CONDITIONS		REASON
73.	Occupation – Satisfaction of Conditions of Consent The development must not be occupied or used before an Occupation Certificate has been issued by the Principal Certifier. If an Occupation Certificate is not required, the use must not commence until all conditions of development consent have been met or other satisfactory agreements have been made with Council (i.e., a security).	To ensure conditions of consent are complied with or other satisfactory arrangement made.
74.	Site Management - Commercial/Industrial Development The owner or operator must at all times be responsible for on-going site management and maintenance in accordance with the following: <ol style="list-style-type: none"> loading and unloading in relation to the use of the premises must occur in the designated loading areas or within the road reserve under an approved traffic control plan. goods or machinery must be stored, and all activities must occur, inside the building(s) and not in the carpark or driveway areas. maintenance and replacement (if necessary) of all landscaping in accordance with the approved landscape plan. maintenance of vehicular movement areas including driveways, carparking, manoeuvring areas, line marking, pedestrian facilities, lighting, to the standard specified by this consent. ongoing waste and recycling must be managed in accordance with the approved Waste Management Plan. Waste bins are not to be stored within the loading area/space that is visible from a public place. maintenance of stormwater drainage pipes and systems to ensure efficient discharge of stormwater in accordance with the approved stormwater drainage plan. 	To ensure the site is maintained and operated in a safe and appropriate manner.

	<p>g) maintenance of buildings, fencing, signage/markings to the standards specified in this consent.</p> <p>h) the removal of all graffiti within a maximum of 14 days of being notified by Council.</p> <p>i) Maintenance of noise attenuation measures from the approved Acoustic Report for the life of the development.</p>	
75.	<p>Noise – Commercial/Industrial Development</p> <p>The use of the approved development must not give rise to transmission of unacceptable vibration or an offensive noise to any place of different occupancy or the public in accordance with the NSW Environment Protection Authority's <i>Noise Policy for Industry</i> and <i>Noise Guide for Local Government</i> (guideline) and the <i>Protection of the Environment Operations Act</i> (POEO Act).</p>	To protect the amenity of neighbouring properties
76.	<p>Warm Water Supply</p> <p>The premises shall comply with the requirements of NSW Health Policy Directive PD2015_008 Water – Requirements for the provision of cold and heated water and Part 3 Division 2 of the NSW Public Health Act 2010 – Legionella Control.</p>	Legionella control to protect public health and comply with legislation.
77.	<p>Public Swimming Pool</p> <p>Any swimming pool, including an interactive water feature or other recreational aquatic structure intended to be bathed in for recreational purposes must be designed and operated in accordance with the requirements of the NSW Public Health Act 2010, must be disinfected in such a way as to minimise the transmission of disease and must be notified to Council before it is used. A notification form is available from Council's website.</p>	To protect public health and to comply with legislation
78.	<p>Stormwater – Maintenance of Stormwater Infrastructure</p> <p>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.</p>	To ensure stormwater infrastructure is maintained for the life of the development.
79.	<p>Contribution Project Corridor</p> <p>For the life of the development and until the project is constructed or deleted, the area identified under Contribution Plan 01ROAD3144 (designed as a 20m road easement) is to be kept clear of construction or development for the existence of this approval.</p>	To ensure that the contribution plan can be delivered by Council or a future developer.

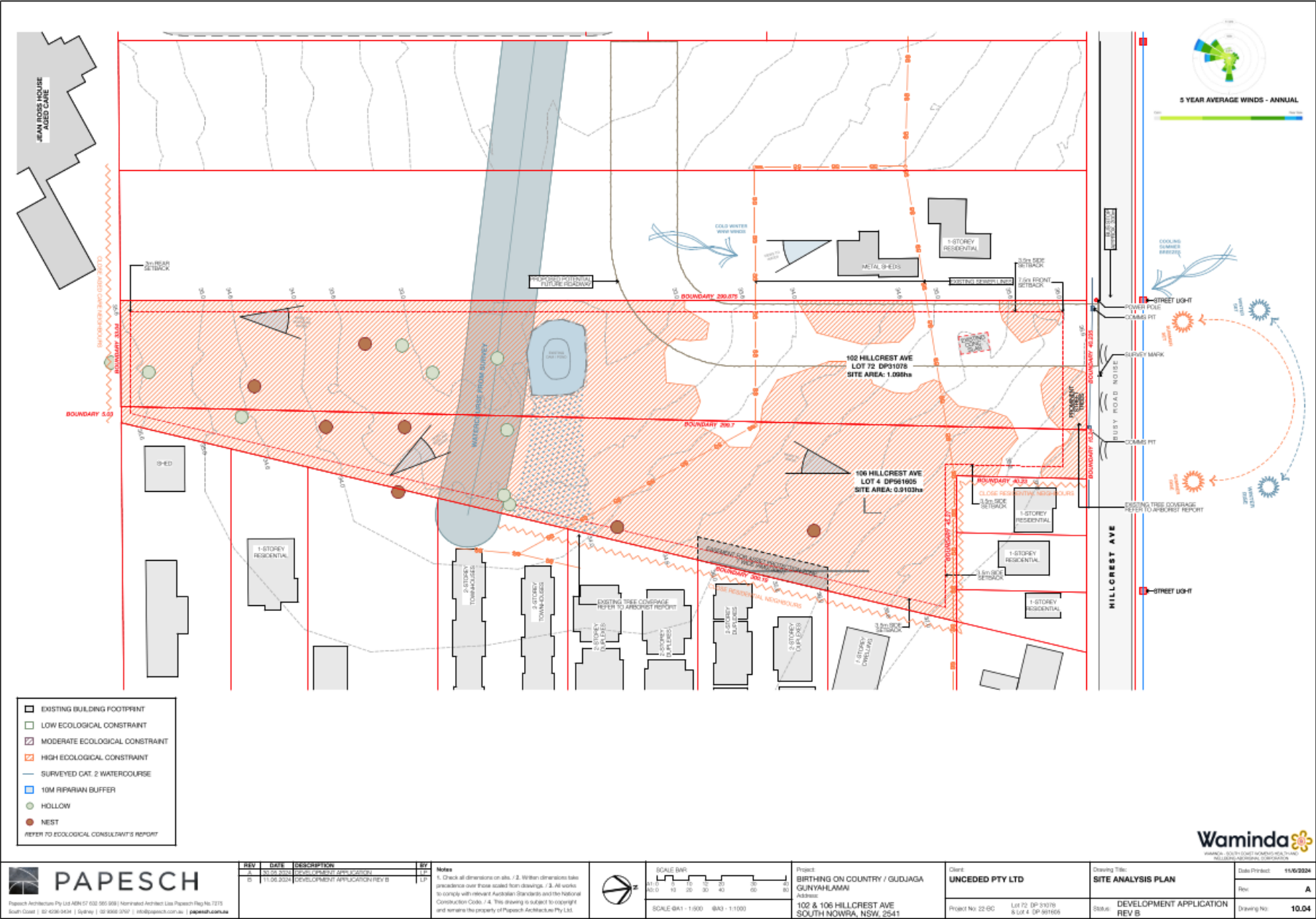
<p>80.</p>	<p>Fire Safety – Annual Statement</p> <p>A building owner must ensure that an annual fire safety statement prepared by a competent fire safety practitioner is issued each year and that a copy of the statement is provided to the Shoalhaven City Council and the Commissioner of Fire and Rescue NSW. An application form is available on Council’s website.</p> <p><i>Note: An annual fire safety statement is a declaration by, or on behalf of a building owner that a competent fire safety practitioner (CFSP) has:</i></p> <ul style="list-style-type: none"> a) assessed, inspected and verified the performance of each existing essential fire safety measure that applies to the building b) 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 <p><i>Failure to give Council an annual fire safety statement by the due date constitutes a separate offence for each week beyond that date for which the failure continues. Substantial penalties for non-compliance apply under the Environmental Planning and Assessment Act 1979.</i></p>	<p>To ensure an annual fire safety statement is prepared.</p>
<p>81.</p>	<p>Waste – Waste and Recycling Bin Collection Point</p> <p>The nominated collection point is 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.</p>	<p>To ensure an appropriate waste collection point is dedicated.</p>
<p>82.</p>	<p>Pool Depths – Maintenance</p> <p>The depth of the natural sand wading pool and shallow water feature in the birthing courtyard must be maintained so that it does not exceed 300 mm at any point.</p>	<p>To ensure that the proposal cannot be used as a swimming pool.</p>

Attachment B – Architectural Plans



Section 4.15 Assessment Report - DA2024/1457





SITE PLAN NOTES

- REFER TO ARBORIST REPORT FOR FURTHER INFORMATION REGARDING TREE PROTECTION ZONES
- REFER TO CERTIFIED SURVEY AND BYVA DOCS FOR FURTHER INFORMATION REGARDING EXISTING SERVICES ON SITE

REVISIONS

REV	DATE	DESCRIPTION	BY
1	10/10/2024	FOR DEVELOPMENT APPLICATION	P
2	11/02/2024	DEVELOPMENT APPLICATION REV 2	P

Notes

- Check all dimensions on site. / 2. Written dimensions take precedence over those scaled from drawings. / 3. All works to comply with relevant Australian Standards and the National Construction Code (NCC). / 4. This drawing is a plan drawing.

Project: BIRTHING ON COUNTRY / GUDJAGA GNYAHLAMNI
Address:

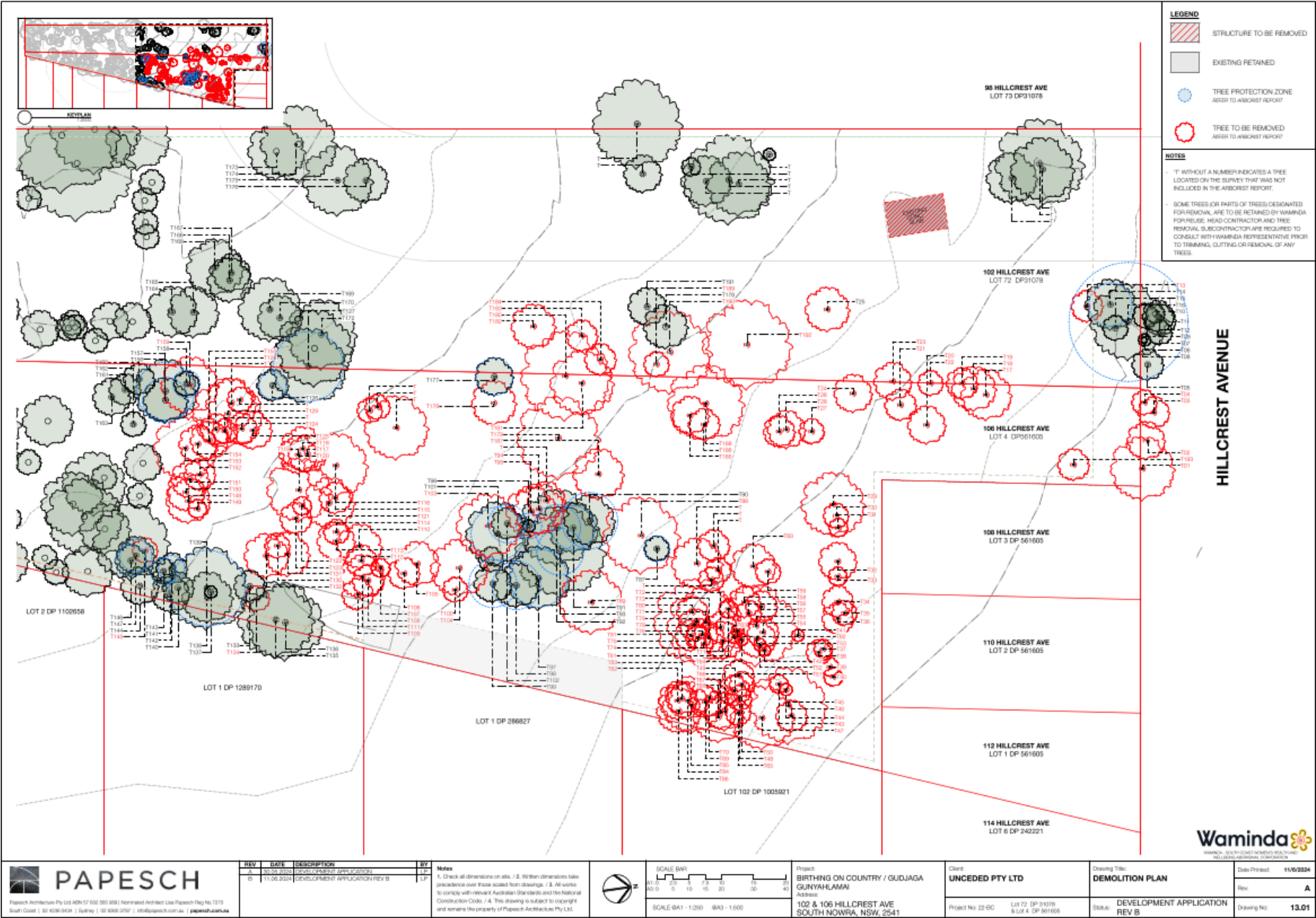
Client: UNCEDED PTY LTD

Drawing Title: SITE PLAN

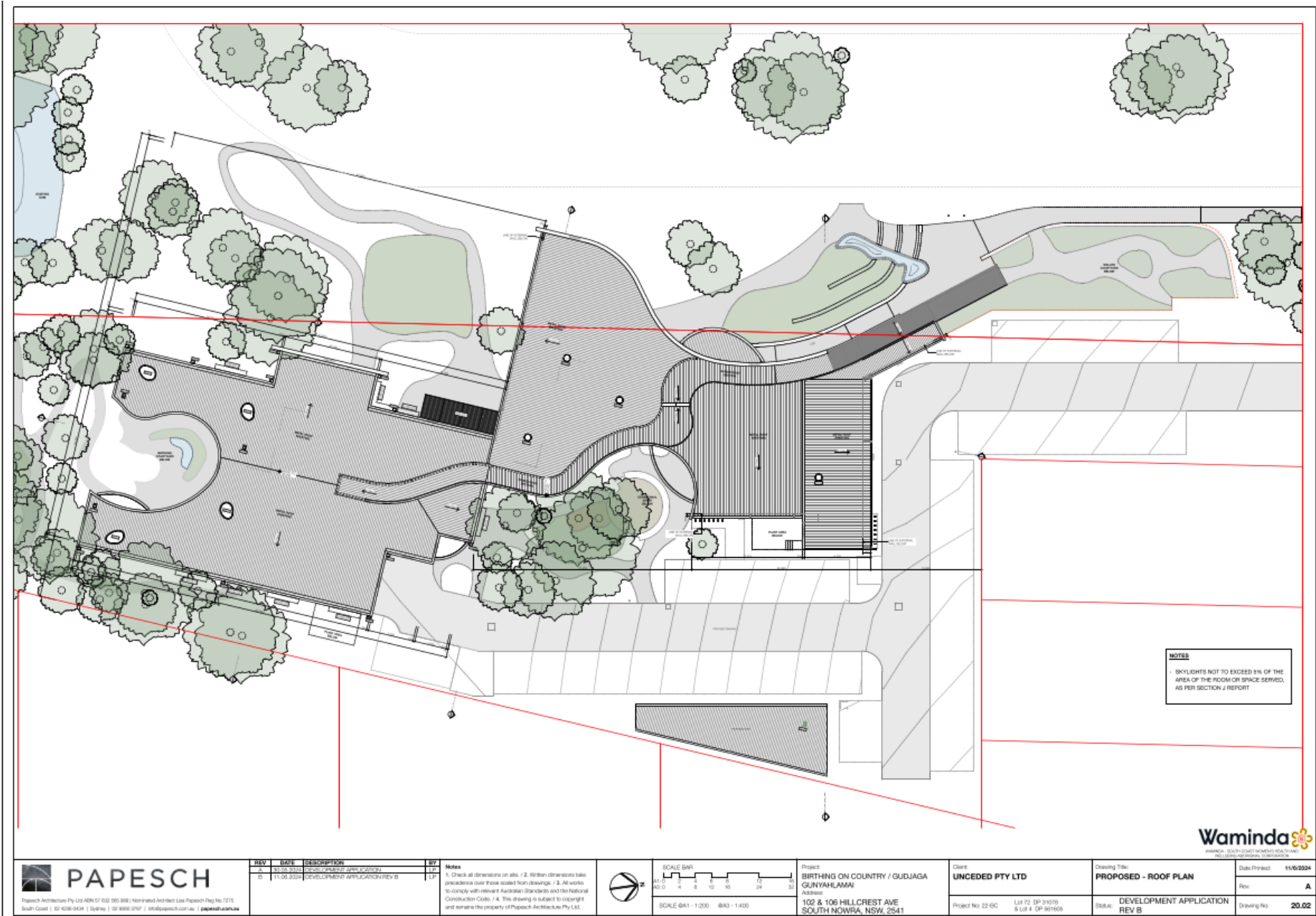
Date Printed: 11/02/2024

Rev:

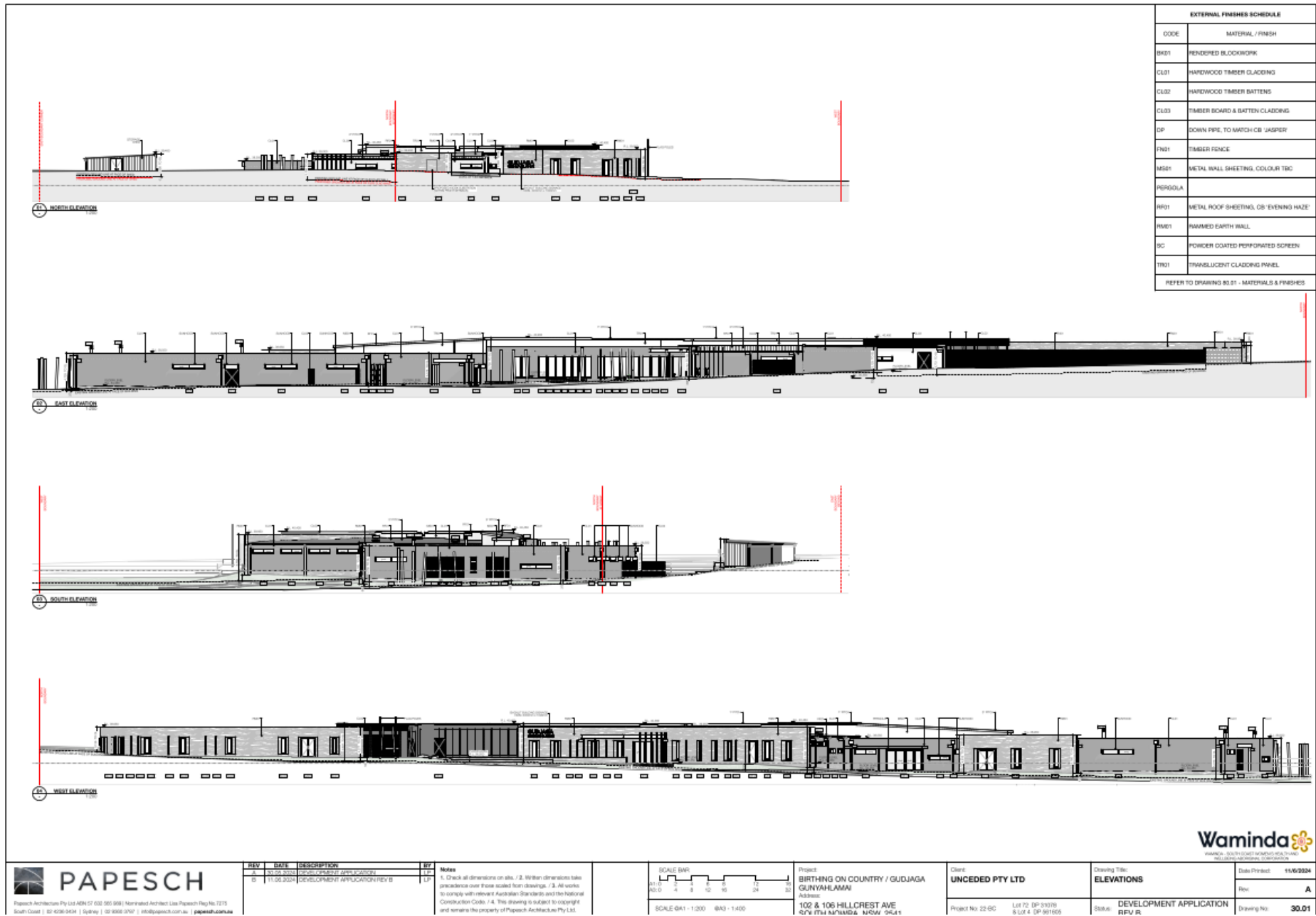
Section 4.15 Assessment Report - DA2024/1457







Section 4.15 Assessment Report - DA2024/1457



Section 4.15 Assessment Report - DA2024/1457

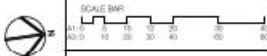




JOB SUMMARY	
NUMBER OF SITE AREA	= 10,000.00
NUMBER OF SITE AREA	= 10,000.00
TOTAL SITE AREA	= 30,000.00
PROPOSED FLOOR SPACE RATIO	= 0.5:1
PROPOSED FLOOR AREA	= 15,000.00
PROPOSED FLOOR SPACE RATIO	= 0.5:1

REV	DATE	DESCRIPTION	BY
A	10.06.2024	GROUND FLOOR FSR PLAN	DAVID K. JONES
B	11.06.2024	DEVELOPMENT APPLICATION REV B	

Notes
1. Check all dimensions on site. / 2. Written dimensions take precedence over those scaled from drawings. / 3. All works to comply with relevant Australian Standards and the National Construction Code. / 4. This drawing is issued in compliance with the relevant Australian Standards and the National Construction Code.



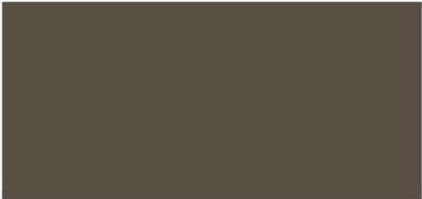
Project:
BIRTHING ON COUNTRY / GUDJAGA GUNYALAMAI
Address:
100-101 GUDJAGA RD

Client:
UNCEDED PTY LTD


Drawing Title:
GROUND FLOOR FSR PLAN

Date Printed: **15/06/2024**
Rev: **A**

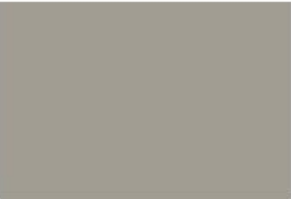
Section 4.15 Assessment Report - DA2024/1457




GUTTERS AND DOWNPIPES
JASPER



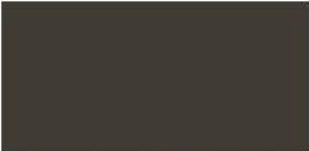
FIBRE CEMENT EAVES



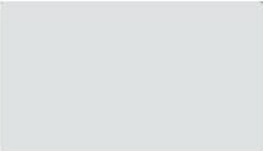
RF01 - ROOFING
EVENING HAZE




TR01 - TRANSLUCENT PANELS




WINDOW FRAMES, HOODS, DOORS & EXT. FEATURES
INTERPON SABLE ASTEROID - POWDERCOAT




GLAZING
LOW-E OR DOUBLE GLAZED & DOUBLE GLAZED
AND TINT




OUT BUILDINGS
MONUMENT




FEATURE CLADDING




RM01 - EARTH-TONED MASONRY




CL01 - TIMBER CLADDING
HARDWOOD TONGUE AND GROOVE




CL02 - TIMBER SCREENING
HARDWOOD BATTENS




CL03 - TIMBER BATTEN
HARDWOOD BATTENS



BK01 - RENDERED MASONRY
EARTH TONED TO MATCH





PAPESCH
Papesch Architecture Pty Ltd ABN 57 002 585 888 | Memorised Architectural Line Papesch Reg No 7173
South Coast | Tel: 0800 000000 | Sydney | Tel: 02 9000 0707 | info@papesch.com.au | papesch.com.au

REV	DATE	DESCRIPTION	BY
A	20.05.2024	DEVELOPMENT APPLICATION REV B	LP
B	11.05.2024	DEVELOPMENT APPLICATION REV B	LP

Notes

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Project
BIRTHING ON COUNTRY / GUDJAGA
GURUYAHAMAN
Address
102 & 106 HILLCREST AVE
SOUTH NOWRA, NSW, 2541

Client
UNCEDED PTY LTD

Project No: 22-00 Lot 72 (DP 29378) & Lot 4 (DP 361656)

Drawing Title:
MATERIALS & FINISHES

Status: DEVELOPMENT APPLICATION
REV B

Date Printed: 11/05/2024

Rev: A

Drawing No: 80.01



Perspective 01



Perspective 02



Perspective 03



Perspective 04



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South Coast | 02 43603404 | Sydney | 02 9368 0267 | info@papesch.com.au | papesch.com.au

REV	DATE	DESCRIPTION	BY
A	20.05.2024	DEVELOPMENT APPLICATION	LP
B	21.05.2024	DEVELOPMENT APPLICATION REV B	LP

Notes

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Project
BIRTHING ON COUNTRY / GUDJAGA
GUNYAHLAMAI
Address
102 & 106 HILLCREST AVE
SOUTH NOWRA, NSW, 2541

Client
UNCEDED PTY LTD

Project No. 22-60

Lot 72 DP 33376
S/L 4 DP 30165

Drawing Title
3D PERSPECTIVES 01

Stage
DEVELOPMENT APPLICATION
REV B



WAMINDA - SOUTH COAST WAMINDA REAL ESTATE
WILLIAM MARRAS CONSULTANTS

Date Printed
19/6/2024

Rev
A

Drawing No.
80.02

Section 4.15 Assessment Report - DA2024/1457



General Arrangement Plan

Legend:

- Reduced Levels
- Secure Fence Line
- Ski Boundary
- Tree QTY + Tag
- Existing Tree - To Be Retained
- Existing Tree - To Be Removed (Refer Arbores Report)
- Proposed Tree Planting (Refer Submittal Plans and Schedule)
- Proposed Tree Planting (Refer Submittal Plans and Schedule)
- Planting (Low Shrub)
- Planting (Mid Shrub)
- Planting (Turf)
- Watercourse
- [P1] Timber Deck Platform
- [P2] Asphalt Road - Refer Civil Documentation
- [P3] Permeable Vehicle Paving - 'Grassform' or similar
- [P4] Compacted local aggregate
- [P5] Permeable Laid Paving
- [P6] Playground Muck

General Notes:

- Drawings to be read in conjunction with details, specifications, and related documents.
- Do not scale drawings. Refer to signed dimensions only.
- Changes to be made in consultation with the client.
- Locality and position of underground services prior to any excavation. Make good all damage to existing works caused by the works of these works.

FOR DEVELOPMENT APPLICATION ONLY

REV	DATE	BY	DESCRIPTION
1	20/09/2024	PC	DR Issue
2	10/10/2024	PC	Drawn for issue

Project Information:

Project: Gudjaga Gunyahlamai
 Site Address: 102 - 106 HILLCREST AVENUE, SOUTH NOWRA
 Client: LOT 72 DP 31078 + LOT 4 DP 561605
 Client: WAMINDA
 Project Title: General Arrangement Plan

Drawn: PC
Checked: KS
Scale: 1:100
DWG NO.: 101

[illegible]



Section 4.15 Assessment Report - DA2024/1457





501



PROJECT
Gudjaga Gonyahlamaj
SITE ADDRESS
102 - 106 HILLCREST AVENUE, SOUTH
NOWRA
LOT 72 DP 31078 + LOT 4 DP 561605
CLIENT
WAMINDA
SHEET TITLE
Landscape Elevations
DRAWN PC
CHECKED KS
SCALE 1:50
DWG NO. 502



ACOUSTICS REPORT

Gudjaga Gunyahlamai Birth Centre

102–106 Hillcrest Avenue South Nowra NSW 2541

Ref: SY233386-00-AU-RP01
Rev: 1
Date: 08 May 24

PREPARED FOR
Papesch
4 Tingira Crescent
Kiama NSW 2533

Acoustics Report

Revision Information

Project:	Gudjaga Gunyahlamai Birth Centre
Document Title:	Acoustics Report
Client:	Papesch
Revision:	1
Status:	Preliminary Issue
Revision Date:	08 May 2024
Author:	J. Ameli
Verifier:	I. Adlington

Northrop Consulting Engineers Pty Ltd

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1. Introduction

Northrop Consulting Engineers Pty Ltd (Northrop) have been engaged by Papesch to provide an acoustic report for development application for Gudjaga Gunyahlamai Birth Centre (the Project) to be located at 102-106 Hillcrest Ave. South Nowra, NSW 2541 (the Site).

Based on the ambient noise measurements and requirements of the EPA NSW Noise Policy for Industry, the noise criteria were established. Noise emission levels to the surrounding sensitive receivers from the development were assessed against the project criteria. Where exceedances occurred, recommendations were provided for compliance.

Noise emissions to the surrounding sensitive receivers were assessed against the project criteria. Vehicular noise impacts from the carparks and in terms of impact upon the surrounding road network were considered. Where exceedances occurred, recommendations were provided for compliance.

Provided the recommendations are implemented, noise emissions from the subject development are predicted to comply with the acoustic requirements of Shoalhaven City Council, NSW EPA Noise Policy for Industry and relevant Australian standards and guidelines.

1.1 Referenced Documents

This assessment has been prepared considering the following documentation:

1.1.1 Project Documents:

- Architectural drawings issued by Papesch – see Appendix A
- Traffic Impact Assessment by ptc dated 8th April 2024.
- Waste Collection Plan WMP01, issued by LID dated 18th March 2024
- Waminda **Wellness Retreat** – Acoustic DA Report SY233386-01-AU-RP01-2 issued 9th February 2024

1.1.2 Consent Authority, Design Guidelines and Standards:

- Shoalhaven Development Control Plan (DCP), 2014
- NSW Noise Policy for Industry (NPfI), 2017, issued by NSW Environmental Protection Authority
- AAAC Guideline for Child Care Centre Acoustic Assessment v3.0 2021
- NSW Road Noise Policy (RNP), 2011

1.1.3 Books, Research Papers, Scientific Journals:

- “Vocal effort levels in anechoic conditions” by Cushing et al. 2011

1.2 Project Understanding

The project involves the development of a Birthing Centre to be operated by Waminda-South Coast Women's Health & Wellbeing Aboriginal Corporation. The centre will include a mixture of medical and social services available to the local aboriginal community.

The building is proposed to be 1 level and located at the northern end of the Site facing Hillcrest Ave. The project will comprise:

- Welcome space/entry.
- Administration areas including reception, offices, meeting rooms, training rooms and staff amenities

- Medical and non-medical consultation rooms
- Birthing suites (4)
- Multi-purpose space
- Medical treatment rooms
- Medical offices
- Ambulance entry and resuscitation area
- Patient amenities
- Back-of-house medical areas
- External areas including a ceremonial space, kids play area, walled courtyard and birthing courtyard

The hours of operation of the birthing centre will be as follows:

- Office areas: 8 am – 6 pm Monday – Friday
- Medical areas: 24 hours, seven days a week

Northrop have been engaged to undertake the following scope:

- Establish existing acoustic environment and applicable noise criteria from noise monitoring data captured at a nearby site (94 Hillcrest Avenue – future **Wellness Retreat**)
- Acoustic assessment for development application

1.3 Site Description

The Site is located at 102-106 Hillcrest Avenue South Nowra, NSW 2541.

The Site is zoned R1 – Residential and is surrounded by other R1 zoned land. The Site is currently a vacant green field site.

The Site is bordered by Hillcrest Avenue to the north, residences and future **Wellness Retreat** to the west, an existing aged care facility to the south, and residential buildings on the east. Some east boundary residences are accessed from Hillcrest Avenue and some from Old Southern Road. The Site, its surrounding most sensitive receivers and measurement locations are shown in Figure 1.

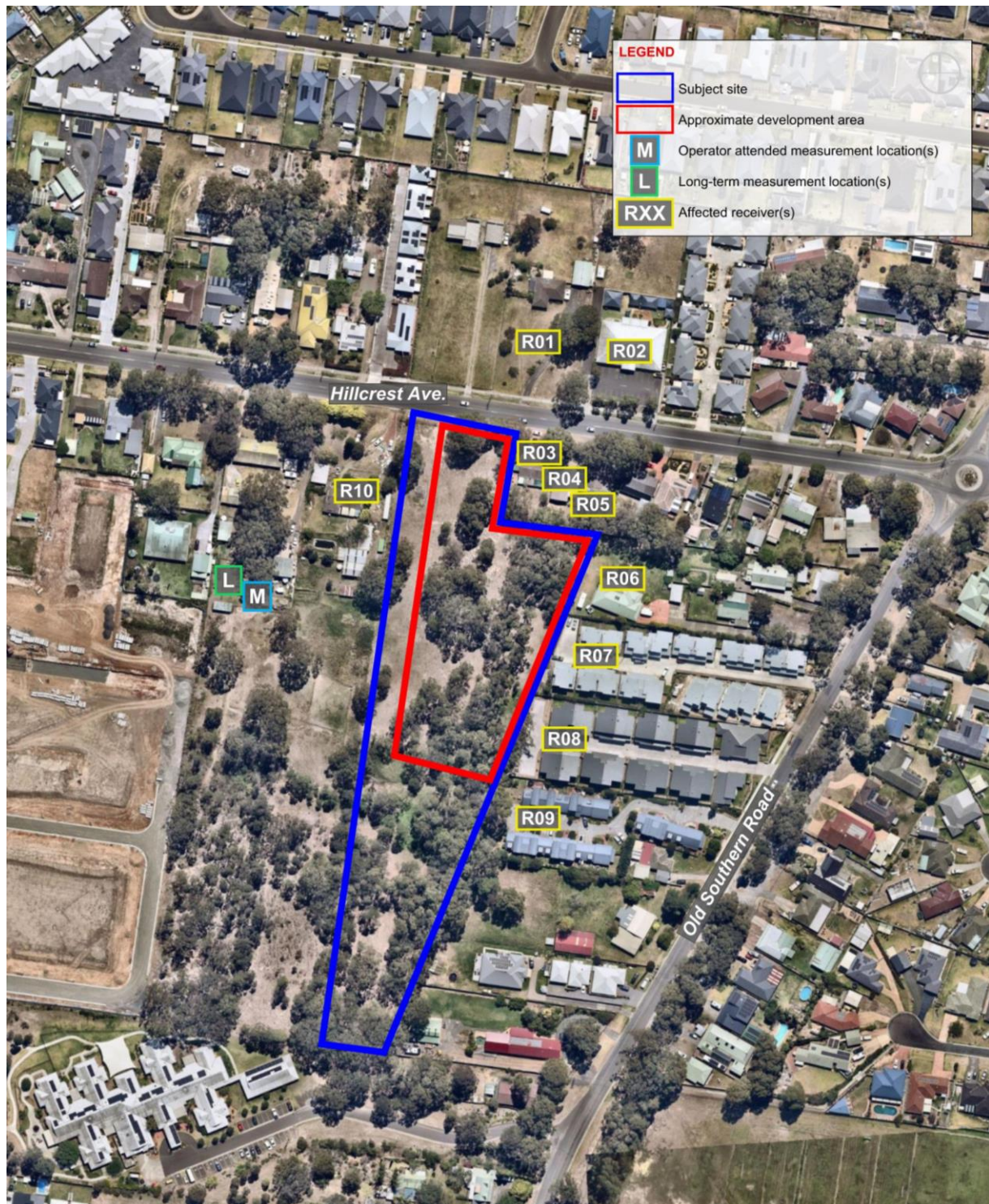


Figure 1: Aerial view of Site including nearest affected noise receivers, long term noise logger location L and operator attended measurement shown M

1.4 Sensitive Receivers

The nearest noise sensitive receivers which have potential for noise impact from the Project have been identified, summarised in Table 1 below.

Table 1: Noise sensitive receivers

Receiver ID	Address	Land use	Approximate location
R01	103 Hillcrest Ave.	Residential	20m North of Site (directly opposite on Hillcrest Avenue)
R02	107 Hillcrest Ave.	Early Learning Centre	20m North of Site (directly opposite on Hillcrest Avenue)
R03	108 Hillcrest Ave.	Residential	Directly adjoining eastern and northern boundaries of Site
R04	110 Hillcrest Ave.	Residential	Directly adjoining northern boundary of Site
R05	112 Hillcrest Ave.	Residential	Directly adjoining northern boundary of Site
R06	169 Old Southern Road	Residential	Directly adjoining eastern boundary of Site
R07	171 Old Southern Road	Residential	Directly adjoining eastern boundary of Site
R08	175 Old Southern Road	Residential	Directly adjoining eastern boundary of Site
R09	177A Old Southern Road	Residential	Directly adjoining eastern boundary of Site
R10	96 Hillcrest Ave.	Residential	Directly adjoining western boundary of Site

1.5 Acoustic Considerations

The following acoustic considerations have been taken into account for the assessment:

- Noise emissions from building services and mechanical equipment
- Noise emissions from car park movements at the site
- Maximum noise level assessment for night-time car park operations
- Noise from operational activities associated with outdoor areas
- Vehicular noise impact from the generated traffic

Site measurements indicate a low ambient noise environment. Therefore, noise intrusion from external noise sources (i.e. road traffic noise) has not been considered further.

2. Existing Environment

A noise survey was undertaken as part of the noise assessment for the development application of the future **Wellness Retreat** nearby the Site located at 94 Hillcrest Avenue. During the survey, the existing noise environment was established. The survey included long term unattended ambient noise monitoring and operator attended noise measurements. Details are presented in the acoustic report issued for the **Wellness Retreat** Centre development application (SY233386-01-AU-RP01-1 Waminda **Wellness Retreat** - Acoustic DA Report).

As the acoustic environment of these two Sites are similar and the noise monitoring is recent, these noise monitoring results have been adopted for this project. The results of these investigations have been used to derive the noise emission criteria applicable to the project in accordance with the NSW EPA Noise Policy for Industry 2017.

2.1 Instrumentation

The survey was conducted with the following instruments:

- Rion NL-52 Type 1 noise logging sound level meter, serial number 00386740.
- NTI Precision Integrating Octave Band Sound Level Meter, Type XL2, A2A-15765-E0 with 1/3 Oct band filter unit, which conforms to applicable standards of IEC 61672-1:2002-05 CLASS1 & IEC 60651 TYPE1.

All equipment was calibrated before and after the measurements. No calibration deviations were recorded. All equipment carry traceable calibration certificates.

2.2 Long-term Noise Logging

The long-term (unattended) noise monitoring survey was conducted with a Rion NL52 noise logging sound level meter and windshield at location *L* shown in Figure 1 from 16th January 2024 to 24th January 2024. The monitor was calibrated before and after the measurements and there was no significant drift in calibration recorded.

During monitoring, the weather was generally calm and dry. For the occasional periods where adverse weather conditions prevailed, the sound data was disregarded.

The results from the sound monitoring are presented in Table 2, while the graphic form of monitoring results are presented in the Appendix C.

Table 2: Long-term noise logging results

Time period	Ambient Noise Levels, L_{eq} dBA	Rating Background Noise Levels (RBL), L_{90} dBA
Day (7am-6pm)	52	43
Evening (6pm-10pm)	49	40
Night (10pm-7am)	44	37

2.3 Operator Attended Measurements

Fifteen minute samples were recorded by operator attended measurements during the day time to verify unattended background sound levels and to characterise the acoustic environment around the Site.

The operator attended sound measurements were performed on 16th January 2024 and 24th January 2024 at location *M*, shown in Figure 1. Results are presented in Table 3.

Table 3: Operator attended measurement results

Location	Date	Start Time	Finish Time	Sound Pressure Level, dBA					Notes
				L _{eq}	L _{max}	L ₁₀	L ₉₀	L _{min}	
<i>M</i>	16.01.24	11:43 am	11:58 am	58	69	60	55	52	Some insects, intermittent landscaping equipment noise, distant low density traffic

3. Noise Emission Assessment

3.1 Shoalhaven City Council Development Control Plan (2014)

The following acoustic controls have been obtained from Shoalhaven City Council DCP's *Chapter G12 – Dwelling Houses* which shall be considered for the project:

5.5 Visual and Acoustic Privacy

The specific objectives are to:

- i. Ensure the design of the site and buildings minimises impacts on the amenity of future and adjoining/adjacent living areas and principal private open space in relation to visual privacy, overlooking and noise.*
- ii. Reduce the impacts of freestanding privacy screens on surrounding development.*
- iii. Ensure the thoughtful location of noise generating plant, equipment and sources.*

Performance Criteria

P9 Site layout and building design:

- Protects and minimises noise transfer and nuisance.*
- Does not adversely impact the amenity of residents or adjoining properties.*

Acceptable Solutions

A9.1 The noise level generated by any equipment must not exceed an $L_{Aeq}(15min)$ of 5dB(A) above background noise at the property boundary.

A9.2 All noise generating (mechanical) plant and equipment must be:

- Acoustically screened (where appropriate).*
- Sited to minimise noise impacts.*
- Located at least 3m away from bedroom windows. Note: Noise generating equipment includes, but is not limited to, air conditioning units, swimming pool filters, hot water systems, fixed vacuum systems, mechanical gates and garage doors.*

A9.3 Dwellings adjacent to high levels of external noise shall be designed to minimise the entry of that noise. Note: High levels of external noise may be generated from sources such as classified/main roads, railway line, aircraft noise, industrial land uses.

It is noted that the DCP specifies that mechanical plant noise must not exceed the background noise level by more than 5 dBA. This criterion is also considered in the NPfI noise emission criteria determined below. Therefore, compliance with the NPfI criteria will also satisfy this requirement within the council DCP.

3.2 NSW EPA Noise Policy for Industry 2017

The NPfI sets out noise criteria to control the noise emission from industrial noise sources. Operational noise from the development will be assessed in accordance with the NPfI.

The NPfI assessment procedure has two components:

- Controlling intrusive noise into nearby residences (Intrusiveness Criteria)
- Maintaining noise level amenity for particular land uses (Amenity Criteria)

The Project Noise Trigger Level is the lower (that is, the more stringent) value from between the project intrusiveness noise level and project amenity noise level determined above. The Project Noise Trigger Level provides a benchmark for assessing the noise emissions from a development.

3.2.1 Project Intrusiveness Noise Level

The intrusiveness noise level aims to limit the change in the existing environment due to the introduction of a new noise source. The intrusiveness noise level is defined as:

$$L_{Aeq,15min} = RBL + 5 \text{ dB}$$

The rating background noise level (RBL) is determined through the background noise monitoring undertaken in Section above.

From the attended noise monitoring results presented in Table 2, it is evident that the background sound levels measured at location *M* are consistent with the unattended measurements and therefore the RBLs measured at the logger location has been adopted for all the surrounding residential receivers.

The project intrusiveness noise levels are presented in Table 4 below.

Table 4: Project intrusiveness noise level (residential receivers only)

Receiver	Time period ¹	Background RBL, dBA	Project intrusiveness noise level – $L_{Aeq,15min}$ dBA
Residential	Day	43	48
	Evening	40	45
	Night	37	42

¹Time periods defined as: Day 7am to 6pm Monday to Saturday and 8am to 6pm Sunday; Evening 6pm to 10pm Monday to Sunday; Night 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and public holidays

3.2.2 Project Amenity Noise Level

For the purpose of limiting continual increase in noise levels, recommended noise levels are defined to maintain acoustic amenity for different types of land uses. The recommended amenity noise levels are described in Table 2.2 of the NPfI.

Based on the RBLs presented in and Table 2.3 of the NPfI, the residential receivers can be considered as suburban. The recommended amenity noise levels applicable to the Project are detailed in Table 5.

Table 5: Amenity noise levels

Receiver	Time period ¹	Recommended amenity noise level – $L_{eq, period}$ dBA	Project amenity noise level – $L_{eq, period}$ dBA ²	Project amenity noise level – $L_{eq,15min}$ dBA ³
Residential (suburban)	Day	55	50	53
	Evening	45	40	43
	Night	40	35	38
School classroom – internal ⁴	Noisiest 1 hour period when in use	35	–	–

Active recreation area	When in use	55	–	–
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¹Time periods defined as: Day 7am to 6pm Monday to Saturday and 8am to 6pm Sunday; Evening 6pm to 10pm Monday to Sunday; Night 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and public holidays

²Recommended amenity noise level minus 5 dB

³In accordance with the NPfI, a 3 dBA correction has been applied to convert from a period level to a 15 minute level

⁴Applicable for early learning centre

3.2.3 Project Noise Trigger Levels

The Project Noise Trigger Level is the more stringent of the project intrusiveness noise level and project amenity noise level. The site-specific Project Noise Trigger Levels have been determined for the nearby sensitive receivers and have been detailed in Table 6 apply for residential receivers. For non-residential receivers, recommended amenity levels (Table 5) apply.

Table 6: Project Noise Trigger Levels

Land use	Time period ¹	Project intrusiveness noise level – $L_{eq,15min}$ dBA	Project amenity noise level – $L_{eq,15 min}$ dBA	Project Trigger Levels – $L_{eq,15min}$ dBA
Residential	Day	48 (43 + 5)	53 (55 – 5 + 3)	48
	Evening	45 (40 + 5)	43 (45 – 5 + 3)	43
	Night	42 (37 + 5)	38 (40 – 5 + 3)	38

¹Time periods defined as: Day 7am to 6pm Monday to Saturday and 8am to 6pm Sunday; Evening 6pm to 10pm Monday to Sunday; Night 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and public holidays

3.3 Operational Noise Emissions

3.3.1 Noise Sources

3.3.1.1 Car Park Movements

The following noise sources shown in Table 7 have been used in the assessment of car park movements within the Site, based on previous measurements in Northrop's database.

Table 7: Car noise source levels

Noise source	Sound Power Level, dB
Car driving at 10km/h	81 $L_{eq,15min}$
Car door slam	92 L_{max}

The traffic report issued by ptc predicts 47 car park movements each for both AM and PM peak hours. Considering the opening hours for the office areas are 8am – 6pm, it has been assumed that the AM peak hour occurs during day period and PM peak hour occurs during evening period. The assessment has assumed a maximum of 47 car park movements over 1 hour in both day and evening periods, spread evenly over 1 hour. No figures have been provided for night time car park movements, the assessment has assumed a maximum of 10 car park movements over 1 hour during night period, spread evenly over 1 hour.

3.3.1.2 Trucks and Waste Collection

Waste Collection Plan WMP01, issued by LID shows two waste collection areas proposed within the Site, both of which have been considered in the assessment. Noise emissions from truck movements and reverse alarms have been considered in the assessment. It has been assumed that only 1 truck will be on Site at any given time, and that truck movements will occur during day period only. A 5 dB penalty has been applied to the reverse alarm for tonality. It has been assumed that a truck would reverse for a maximum of 7 seconds, so the reverse alarm has been adjusted to a 15 minute level.

Table 8 below presents octave band sound power levels for ceremonial space used in the assessment.

Table 8: Truck noise source levels

Noise source	Sound Power Level, $L_{eq,15min}$ dBA
Truck	103
Reverse alarm	86

3.3.1.3 Ceremonial Space

The ceremonial space is proposed for gatherings to be held approximately quarterly during the day time. Noise emissions for people speaking in this area have been considered in the assessment. Noise source levels from people's voices have been derived from the levels provided in Cushing et. al. The number of people attending the gatherings is not known, the assessment has assumed 20 people speaking at a normal vocal level, and a 50% mix each of female and male voices. For a conservative assessment, the noise levels at lower frequencies (i.e. 63 Hz) have been assumed to be the same as the values presented at 125 Hz.

Table 9 below presents octave band sound power levels for ceremonial space used in the assessment.

Table 9: Ceremonial space noise source levels

SWL, dB (per octave band)	63	125	250	500	1000	2000	4000	8000
20 speakers at normal vocal level	72	72	80	80	77	72	68	63

3.3.1.4 Kid's Play Area

The kid's play area is proposed for use during the day period for "nature play". Approximately 10 kids are anticipated in the area when in use. The AAAC Guideline v3.0 for Child Care Centre Acoustic Assessment provides effective sound power levels for groups of 10 children playing, which have been used in the assessment. It has been assumed that "nature play" involves passive play only. The ages of the children are not known. To be conservative, sound power levels for children aged 3-5 years have been used in the assessment.

Table 10 below presents octave band sound power levels for kid's play area used in the assessment.

Table 10: Kid's play area noise source levels

SWL, dB (per octave band)	63	125	250	500	1000	2000	4000	8000
10 children 3-5 years (passive play)	58	64	69	75	77	74	70	66

3.3.1.5 Other Outdoor Areas

The birthing courtyard is proposed to be a private quiet and peaceful space and the walled courtyard is proposed to be a staff breakout / lunch space. Noise emissions are expected to be minimal so these areas have not been assessed.

3.3.2 Noise Modelling Methodology

Using Cadna-A (version 2023) noise modelling program, noise emissions from the Site have been assessed and calculated to the nearest affected receivers.

The noise model takes the following into account:

- Distance from source to receiver
- Ground type between the source and the receiver
- Shielding from buildings and structures

Noise modelling inputs are shown in Table 11.

Table 11: Noise modelling inputs

Modelling Inputs	Description
Calculation method	ISO 9613
Source height	Cars – 0.5 m above ground level Trucks – 1.5 m above ground level Adults in external areas – 1.8 m above ground level Kids in external areas – 1 m above ground level
Receiver height	1.5m above ground level 4.5m above ground level for 1 st floor windows
Receiver location	As shown in Figure 1
Ground contours	1m ground contours obtained from ELVIS
Ground absorption	0.5

3.3.3 Predicted Noise Levels

Resultant sound pressure levels from noise sources within the Site have been calculated to the nearest affected receivers. Modelled noise emission results are summarised in Table 12.

Table 12: Modelling results – untreated case

Receiver	Type	Period	Calculated $L_{Aeq, 15min}$, dB(A)	Criteria, dB(A)	Complies?
R1	Residential	Day	47	48	Yes
		Evening	32	43	Yes
		Night	< 30	38	Yes
R2	Early Learning Centre	Day (internal)	< 30 ¹	35 (internal)	Yes
		Day (external)	42	55 (external)	Yes
R3	Residential	Day	58	48	No
		Evening	43	43	Yes
		Night	36	38	Yes
R4	Residential	Day	53	48	No
		Evening	39	43	Yes
		Night	32	38	Yes

R5	Residential	Day	50	48	No
		Evening	36	43	Yes
		Night	<30	38	Yes
R6	Residential	Day	45	48	Yes
		Evening	31	43	Yes
		Night	< 30	38	Yes
R7	Residential	Day	51	48	No
		Evening	36	43	Yes
		Night	< 30	38	Yes
R8	Residential	Day	52	48	No
		Evening	32	43	Yes
		Night	< 30	38	Yes
R9	Residential	Day	45	48	Yes
		Evening	< 30	43	Yes
		Night	< 30	38	Yes
R10	Residential	Day	47	48	Yes
		Evening	33	43	Yes
		Night	< 30	38	Yes

¹10dB loss through façade has been applied to derive internal level

Calculation results indicate exceedance over the noise emission criteria at some receivers. Mitigation measures are required to ensure Project Noise Trigger Levels are not exceeded.

3.3.3.1 Mitigation Measures

The following mitigation measures are recommended to comply with noise emission criteria:

- Schedule on-site waste collection for day period only (7 am – 6 pm)
- If amplified speech or music is proposed for the gathering space, speakers shall be limited such that noise emissions do not exceed that criteria at the boundary. As use of speakers is not yet determined for the project, it is recommended that an assessment is undertaken at detailed design when details are known
- Install an acoustically rated boundary fence at the eastern boundary and walled courtyard minimum $R_w + C_{tr}$ 25 to a height of 1.8 m to obstruct line of sight between noise sources and nearest affected receivers. Fence shall have no gaps, including to the bottom. Extent of fences are shown in Figure 2, below.



Figure 2: Site markup showing the extent of the recommended acoustically rated boundary fences

The noise levels after application of the acoustically rated boundary fences show compliance with the noise emission criteria, modelled results are summarised in Table 13.

Table 13: Modelling results – with mitigation measures applied

Receiver	Type	Period	Calculated $L_{Aeq, 15min}$, dB(A)	Criteria, dB(A)	Complies?
R1	Residential	Day	47	48	Yes
		Evening	32	43	Yes
		Night	25	38	Yes
R2	Early Learning Centre	Day (internal)	< 30 ¹	35 (internal)	Yes
		Day (external)	40	55 (external)	Yes
R3	Residential	Day	50	48	No
		Evening	34	43	Yes
		Night	< 30	38	Yes
R4	Residential	Day	46	48	Yes
		Evening	31	43	Yes
		Night	< 30	38	Yes
R5	Residential	Day	43	48	Yes
		Evening	< 30	43	Yes
		Night	< 30	38	Yes
R6	Residential	Day	39	48	Yes
		Evening	< 30	43	Yes

		Night	< 30	38	Yes
		Day	50	48	No
R7	Residential	Evening	34	43	Yes
		Night	< 30	38	Yes
		Day	50	48	No
R8	Residential	Evening	< 30	43	Yes
		Night	< 30	38	Yes
		Day	44	48	Yes
R9	Residential	Evening	< 30	43	Yes
		Night	< 30	38	Yes
		Day	43	48	Yes
R10	Residential	Evening	< 30	43	Yes
		Night	< 30	38	Yes

¹10dB loss through façade has been applied to derive internal level

Based on results presented in Table 12, the predicted noise levels exceed the day criteria at Receivers R3, R7 and R8. The model shows this exceedance occurs for garbage truck collections, which occur 1-2 times per week. An exceedance of up to 2 dBA is considered a marginal exceedance which is not noticeable to the human ear so is considered acceptable in this case.

3.3.4 Building Services Equipment Noise Emissions

At the time of writing, the mechanical and building services equipment have not been finalised. It is recommended that an assessment of noise emissions from the mechanical plant is undertaken at detailed design stage to ensure cumulative noise from the plant comply with the Project Noise Trigger Levels as shown in Table 6.

It is anticipated that in principle noise engineering measures can be utilised to meet the noise criteria if required. Examples of engineering measures are:

- Selection of low noise equipment
- Locating noisy equipment as far from sensitive internal and external areas as much as possible – minimum 3m from any bedroom windows as required by Shoalhaven council DCP
- Installing internally lined ductwork
- Use of duct attenuators
- Wrapping equipment in mass loaded vinyl
- Acoustic barrier that obstructs line of sight between plant and affected receivers
- Housing plant equipment in acoustic enclosures

It is anticipated that the project plant noise can be controlled using standard engineering control measures.

3.3.5 Maximum Noise Level Assessment

As the Centre is proposed to be operational 24 hours, the potential for sleep disturbance at the residential receivers during the night period has been considered using the NPfI maximum noise level event assessment.

3.3.5.1 Maximum Noise Level Criteria

In accordance with the NPfI, where the subject development/premises night-time noise levels at a residential location exceed the following screening levels, a detailed further assessment should be undertaken.

- $L_{eq,15min}$ 40 dBA or the prevailing RBL plus 5 dB, whichever is the greater, and/or
- L_{Fmax} 52 dBA or the prevailing RBL plus 15 dB, whichever is the greater.

The maximum noise screening levels are detailed in Table 14.

Table 14: Maximum noise level criteria

Receiver type	Screening level – $L_{eq,15min}$ dBA	Screening level – L_{Fmax} dBA
Residential	$37 + 5 = 42$	52

3.3.5.2 Maximum Noise Level Predictions

It is anticipated that the maximum noise level from the development during night time would likely be from a car door slam from the car park area.

Based on previous measurements, a car door slam can produce a maximum sound power of 92 L_{Fmax} dBA. The Cadna-A noise model was used to predict the noise level at the affected external receivers. The calculation takes the recommended acoustically rated boundary fences into consideration.

Modelling results predict a worst case sound pressure level of 54 dBA at R6, which exceeds the sleep disturbance screening level. In accordance with the NPfI, further investigation is required. Based on studies as presented in the RNP the following shall be considered:

From the research on sleep disturbance to date it can be concluded that:

- *maximum internal noise levels below 50–55 dB(A) are unlikely to awaken people from sleep*
- *one or two noise events per night, with maximum internal noise levels of 65–70 dB(A), are not likely to affect health and wellbeing significantly.*

The maximum noise level events are not predicted to exceed 60 dBA externally therefore sleep disturbance is not anticipated.

4. Road Traffic Noise

4.1 NSW Road Noise Policy

Noise on the surrounding road network from the vehicles associated with the development should be assessed in accordance with NSW Road Noise Policy (RNP), criteria presented in Table 15.

Table 15: Road traffic noise criteria for residential receivers affected by additional traffic from land use developments

Receiver type	Road category	Road traffic noise criteria (dBA)	
		Day time ¹	Night time ¹
Residential	Local roads	55 L _{eq,1hr}	50 L _{eq,1hr}

¹Day time defined as 7am to 10pm and night time is 10pm to 7am.

Additionally, the RNP further states:

For existing residences and other sensitive land uses affected by additional traffic on existing roads generated by land use developments, any increase in the total traffic noise level should be limited to 2 dB above that of the corresponding 'no build option'.

Therefore, if the road traffic noise associated with additional traffic from the development exceeds the road traffic noise criteria in Table 15 and the relative increase is more than 2 dBA, then mitigation measures should be considered for the affected receivers.

4.2 Road Traffic Noise Impact Assessment

The operation of the development is expected to increase the traffic noise levels on surrounding roads. As site access is via Hillcrest Avenue, this road is expected to experience the highest increase in traffic noise generated from the development within the surrounding road network. The traffic report issued by ptc has determined the existing and generated peak traffic volumes for the project. AM and PM peak traffic counts at the intersection of Hillcrest Avenue and Holloway Road were used to obtain the traffic volumes on Hillcrest Avenue. Existing and generated peak traffic volumes for the project are summarised in Table 16 below.

Table 16: Peak traffic volumes

Road	Period	Vehicles during peak hour (v/h)	
		Existing	Generated by development
Hillcrest Ave	AM peak	1028	47
	PM peak	770	47

The relative noise levels at Hillcrest Avenue have been calculated, results are presented in Table 17.

Table 17: Generated traffic noise increase

Road	Period	Existing traffic (v/h)	Generated traffic (v/h)	Resulting noise increase, dBA	Permitted noise increase dBA	Complies?
Hillcrest Ave	AM peak	1028	47	0.19	2	Yes
	PM peak	770	47	0.25	2	Yes

The above results indicate that the noise increase from the generated traffic will be within the 2 dBA permitted level of NSW RNP, hence mitigation measures will not be required.

5. Conclusion

This report forms part of the development application submission for the proposed Gudjaga Gunyahlamai Birth Centre located at 102-106 Hillcrest Avenue, South Nowra to Shoalhaven City Council.

A noise survey was recently conducted on a nearby site to measure the ambient noise. As the acoustic environment of these two Sites are similar and the noise monitoring is recent, these noise monitoring results have been adopted for this project. The results of these investigations have been used to derive the noise emission criteria applicable to the project in accordance with the NSW EPA Noise Policy for Industry 2017.

Provided the recommendations are implemented, noise emissions from the subject development are predicted to comply with the acoustic requirements of Shoalhaven City Council, NSW EPA Noise Policy for Industry and relevant Australian standards and guidelines.

5.1 Summary of Assessment and Recommendations

- **Operational activities** – exceedances over the noise emission criteria are expected at some residential receivers. Recommendations include:
 - Schedule on-site waste collection for day period only (7 am – 6 pm)
 - Limiting any use of speakers for the gathering space, such that noise emissions do not exceed that criteria at the boundary. It is recommended that an assessment is undertaken at detailed design when details of speaker use and type are known
 - Installation of acoustically rated boundary fences is recommended on parts of the western and eastern boundary.

See Section 3.3.3.1 for details.

- **Building services equipment** – an assessment of noise emissions from the mechanical and building services equipment should be undertaken at detailed design stage to ensure cumulative noise does not exceed the project specific criteria at the nearest affected receivers. Noise generating equipment shall be located minimum 3m from any bedroom windows as required by Shoalhaven DCP. Details in Section 3.3.4.
- **Maximum noise levels / sleep disturbance** – maximum noise level events are not predicted to exceed 60 dBA externally therefore sleep disturbance is not anticipated. Details in Section 3.3.5.
- **Road traffic noise** – vehicular noise impacts upon the surrounding road network were assessed. Results indicate that no impacts from generated traffic due to the development.

Appendix A: Drawings

The following drawings were used in the preparation of this report.

Architectural Drawings

Architectural drawings issued by Papesch

Drawing No.	Title	Revision	Date Issued
00.01	COVER PAGE	A - WIP	20.05.2024
10.01	DCP AND LEP ANALYSIS	A - WIP	20.05.2024
10.02	WIDER CONTEXT PLAN	A - WIP	20.05.2024
10.03	LOCAL CONTEXT PLAN	A - WIP	20.05.2024
10.04	SITE ANALYSIS PLAN	A - WIP	20.05.2024
10.05	SITE PLAN	A - WIP	20.05.2024
11.01	SITE SURVEY	A - WIP	20.05.2024
11.10	WASTE MANAGEMENT PLAN	A - WIP	20.05.2024
13.01	DEMOLITION PLAN	A - WIP	20.05.2024
13.02	TREE REMOVAL PLAN	A - WIP	20.05.2024
20.01	PROPOSED - GROUND FLOOR PLAN	A - WIP	20.05.2024
20.02	PROPOSED - ROOF PLAN	A - WIP	20.05.2024
30.01	ELEVATIONS	A - WIP	20.05.2024
31.01	SECTIONS	A - WIP	20.05.2024
60.01	WINDOW SCHEDULE	A - WIP	20.05.2024
60.02	WINDOW & SKYLIGHT SCHEDULE	A - WIP	20.05.2024
61.01	EXTERNAL DOOR SCHEDULE	A - WIP	20.05.2024
70.10	SECTION J COMMITMENTS	A - WIP	20.05.2024
70.20	SHADOW PLANS	A - WIP	20.05.2024
70.60	NOTIFICATION PLAN	A - WIP	20.05.2024
80.01	MATERIALS & FINISHES	A - WIP	20.05.2024
80.02	3D PERPECTIVES 01	A - WIP	20.05.2024

Appendix B: Glossary of Acoustic Terminology

Decibel – dB – relative unit of measurement for acoustic power, pressure and intensity defined by the ratio of square of the sound pressure, power or intensity to a reference sound pressure, power, or intensity value (usually the threshold of human hearing at 1 kHz). Any value expressed as “level” will use decibels as units. Humans have a large sound-sensitivity range, so values are expressed in decibels for a more practical range. Values expressed in decibels such as sound pressure level and sound power level cannot be added arithmetically, as their pressure or power values are expressed as a logarithmic ratio. Two equal sound levels combined will result in a sound pressure level of 3dB higher than the sound level of one source (e.g., 60 dB + 60 dB = 63 dB). Levels with 10 or more dB difference will not be added (e.g., 50 dB + 60 dB = 60 dB). All values in this report expressed in decibels assume reference pressure of 20 μ Pa.

A-weighted decibel – dB(A), dBA – frequency weighted sound levels in decibels correlated with perceived human hearing at low and medium levels. dB(A) and dBA are used to express the units; A used as a subscript e.g., L_{Aeq} or L_{A90} denotes an A-weighting applied to that value.

Sound Pressure Level – SPL, L – sound pressure measured in decibels. Logarithmic values relative to a reference value are used to convert the large range of sound pressure (in Pascals) audible to humans to a more practical range. Sound pressure level is a measured value and is dependent on distance from the sound source(s) and acoustic environment.

Sound Power Level – SWL – sound power in decibels. Logarithmic values relative to a reference value are used to convert the large range of sound power (in Watts) audible to humans to a more practical range. Sound power level is a calculated value that is inherent to a sound source and is independent of distance and acoustic environment.

Octave band (and centre frequency) – octave bands divide the spectrum of audible sound into equal parts. An octave band is denoted by its “centre frequency,” in Hertz, Hz. Each octave or octave band includes a range of frequencies whose upper frequency limit is twice that of its lower frequency limit. For example, the 1000 Hz octave band contains sound energy at all frequencies from 707 Hz to 1414 Hz, rounded to 710 Hz and 1410 Hz for practical reasons. One-third octave bands span one-third of an octave and are often used for more precise applications.

L_{eq} or $L_{eq,T}$ – The equivalent continuous sound level is the energy average of the varying noise over the sample period (often specified in the subscript) and is equivalent to the level of a constant noise which contains the same energy as the varying noise environment. This measure is also a common measure of environmental noise and road traffic noise. L_{eq} is measured in dB.

L_{Aeq} or $L_{Aeq,T}$ – A-weighted L_{eq} measured in dBA.

L_{90} or $L_{90,T}$ – The noise level which is exceeded for 90% of the sample period. During the sample period, the noise level is below the L_{90} level for 10% of the time. This measure is commonly referred to as the background noise level or RBL. L_{90} is measured in dB.

L_{A90} or $L_{A90,T}$ – A-weighted L_{90} measured in dBA.

L_{max} or $L_{max,T}$ – The Maximum Noise Level over a sample period (often specified in the subscript) is the maximum level, measured on fast response, during the sample period.

L_{Amax} or $L_{Amax,T}$ – A-weighted L_{max} measured in dB(A).

L_{10} or $L_{10,T}$ – The noise level which is exceeded for 10% of the sample period (often specified in the subscript). During the sample period, the noise level is below the L_{A10} level for 90% of the time. The L_{10} is a common noise descriptor for environmental noise and road traffic noise.

L_{A10} or $L_{A10,T}$ – A-weighted L_{max} measured in dB(A).

L_{\min} or $L_{\min,T}$ – The Minimum Noise Level over a sample period (often specified in the subscript) is the minimum level, measured on fast response, during the sample period.

$L_{A\min}$ or $L_{A\min,T}$ – A-weighted L_{\min} measured in dB(A).

Rating Background Noise Level – RBL – as defined in the Noise Policy for Industry, the median measured $L_{A90,15\text{minute}}$ over the given measurement period (day, evening or night) at a given potentially sensitive noise receiver.

Intrusiveness Noise Level – as defined by the Noise Policy for Industry, is used to determine the Project Noise Trigger Levels for residential areas. The Intrusiveness Noise Level aims to protect against significant changes in noise levels. The Intrusiveness Noise Level, $L_{Aeq,15\text{minute}}$ equals the Rating Background Noise Level plus 5 dB(A).

Amenity Noise Level – ANL – as defined by the Noise Policy for Industry 2017, the Amenity Noise Level represents the objective for total industrial noise at a given receiver location, depending on the receiver category and land use zoning. ANLs for various receiver categories are found in Table 2.2 of the Noise Policy for Industry 2017.

Project Amenity Noise Level – as defined by the Noise Policy for Industry 2017, the Amenity Noise Level represents the objective for a single industrial noise source at a given receiver location, depending on the receiver category and land use zoning. The Recommended Amenity Noise Level for industrial developments equals the Amenity Noise Level minus 5 dB(A). The Project Amenity Noise Level is used to determine the Project Noise Trigger Level.

Project Noise Trigger Level – PNTL – the site-specific noise benchmark for assessing a proposal for a new “industrial” development as determined through Noise Policy for Industry 2017 methodology. The PNTL represents the level, if exceeded, would indicate potential noise impact on the surrounding community and so “trigger” a management response.

Acoustic insulation – a general term to describe the ability or effectiveness of a building element such as a wall, window, door, or floor to reduce sound transmission depending on its composition and construction. Insulation materials such as fiberglass and polyester – often referred to as “insulation” – can be used in walls, floors, ceilings etc. to reduce interstitial reflections in the cavity which may increase the acoustic insulation performance.

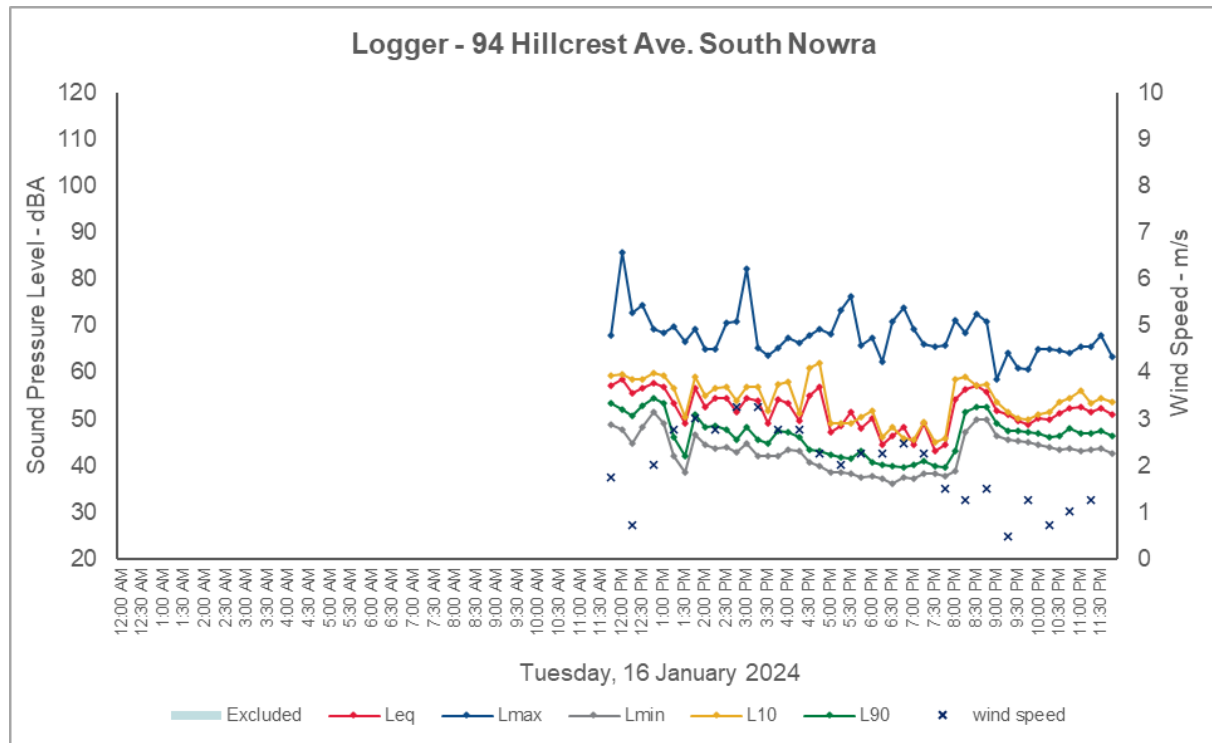
R_w – Weighted Sound Reduction Index – the design value representing the effective sound reduction of a building element. Each increasing increment in R_w is equivalent to 1 dB of noise reduction. R_w is based on laboratory measurement, where negligible flanking is present. Spectrum adaptation terms C and C_{tr} are often added to the measured R_w result to account for low frequency noise. R_w is measured in (linear) dB.

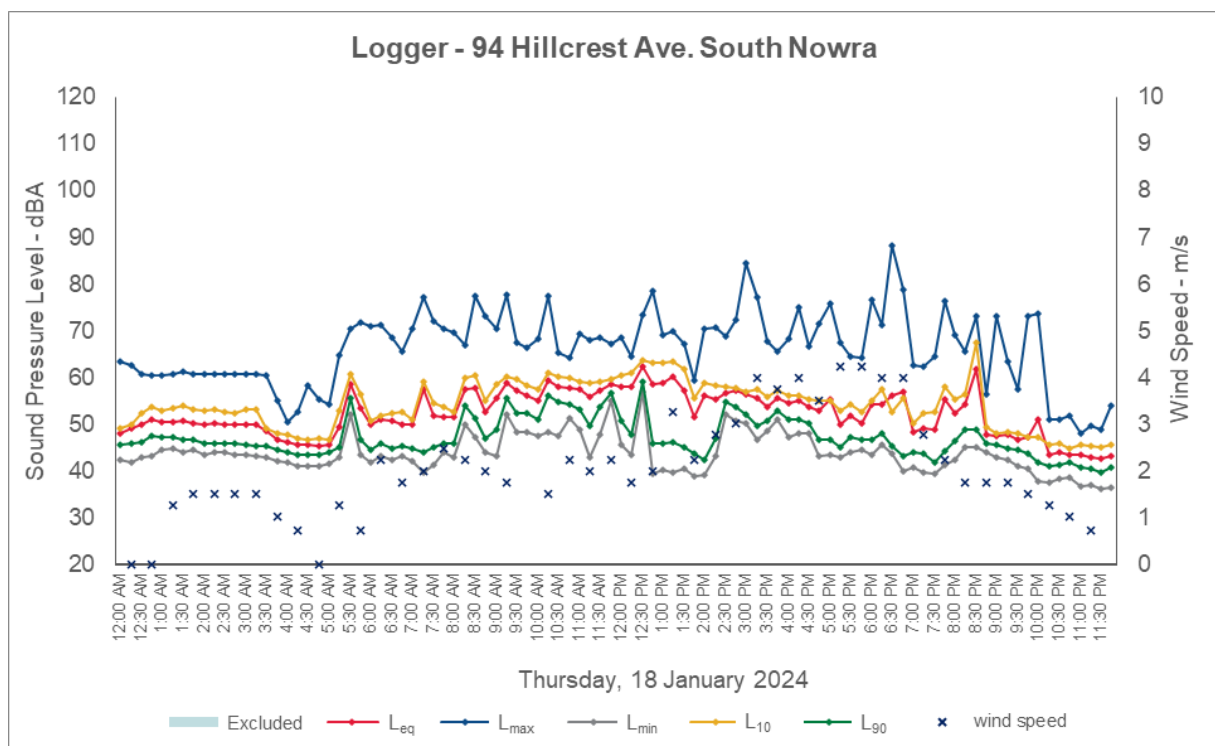
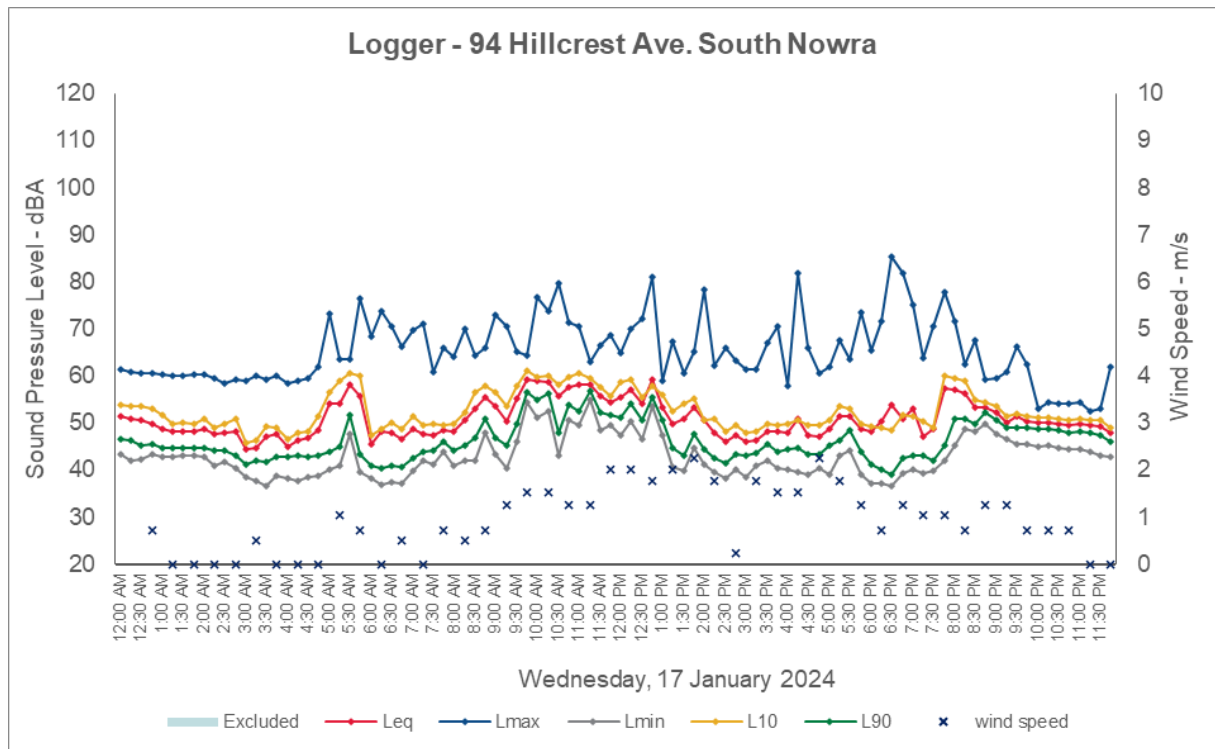
Appendix C: Long Term Noise Monitoring Results

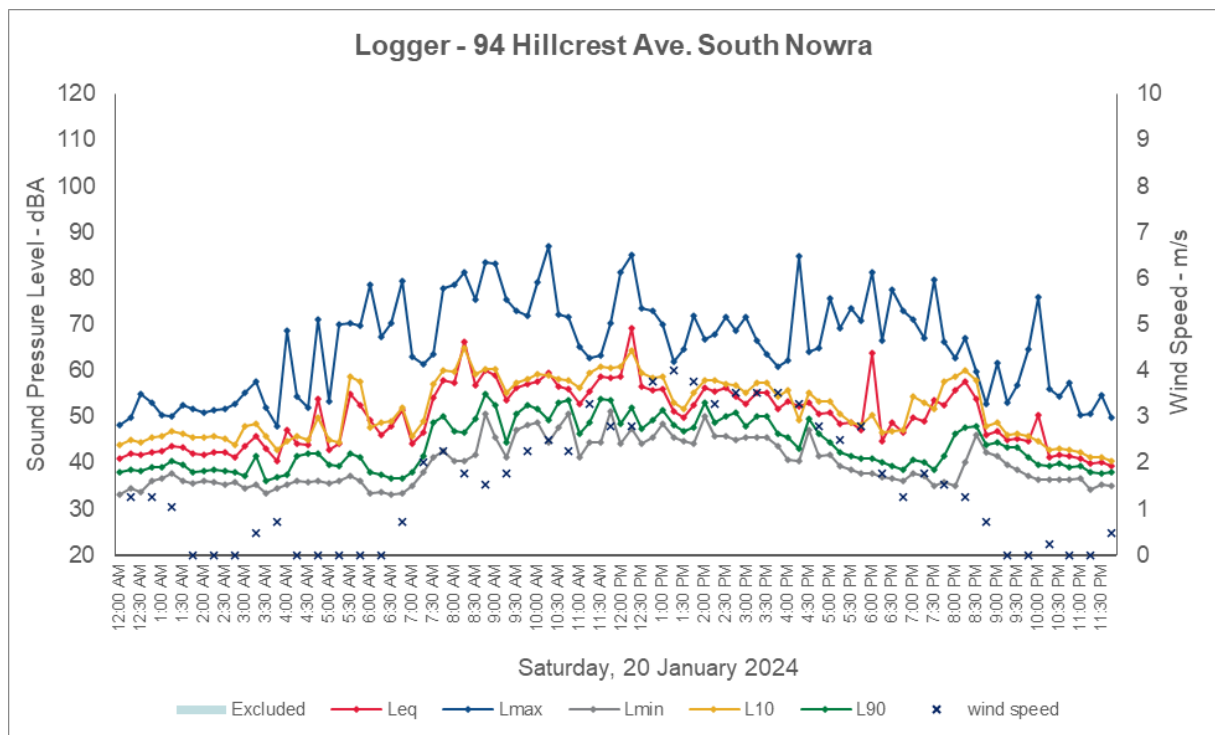
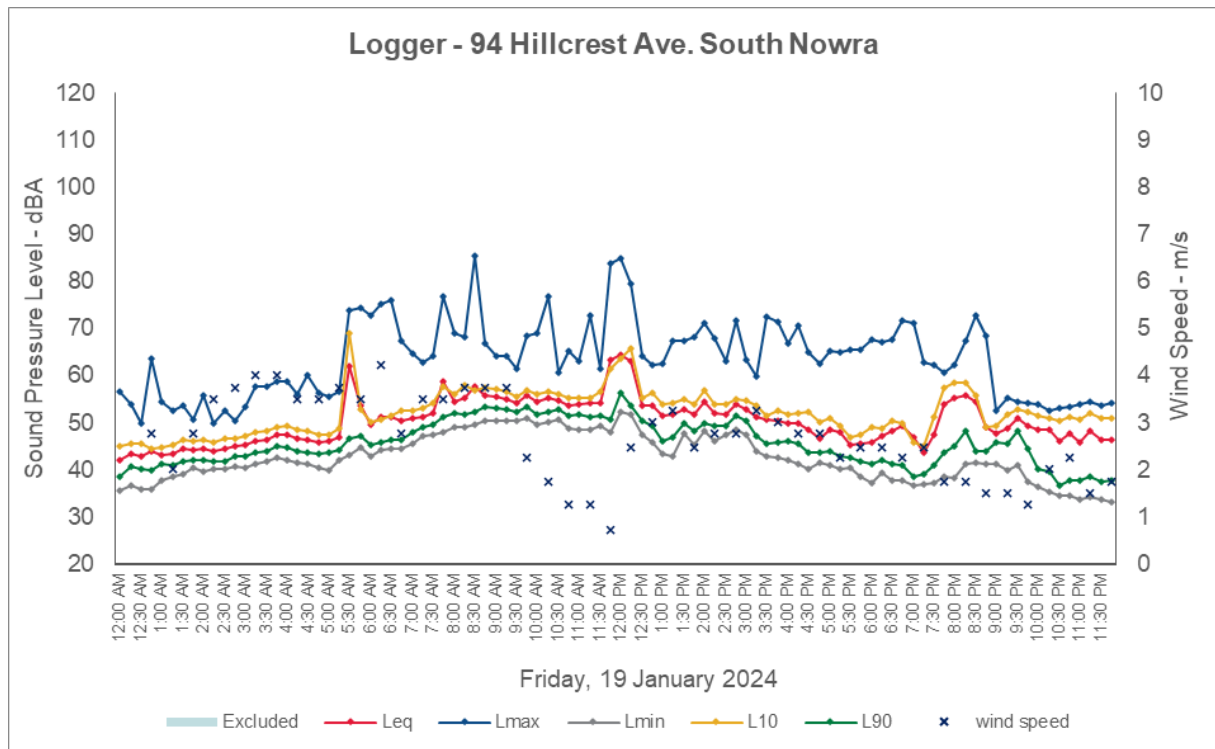
The details of the noise logging measurements are shown below. The measurements are in accordance with the NSW EPA Noise Policy for Industry (2017).

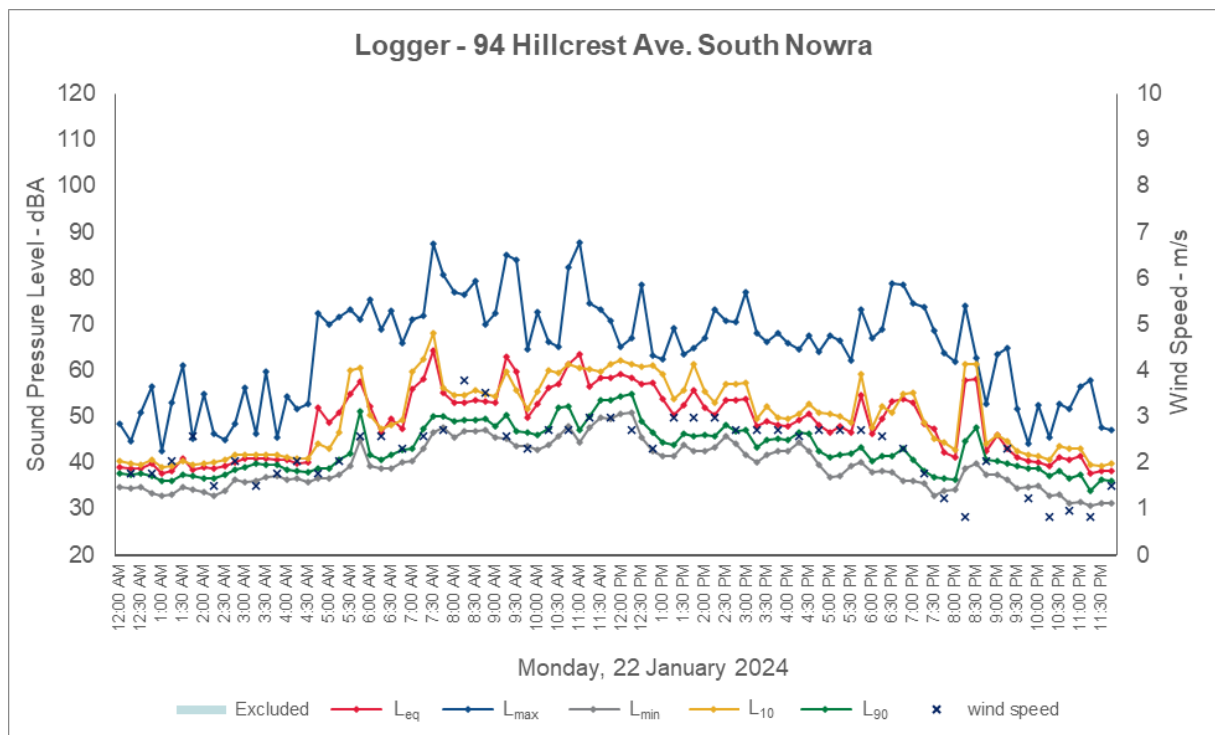
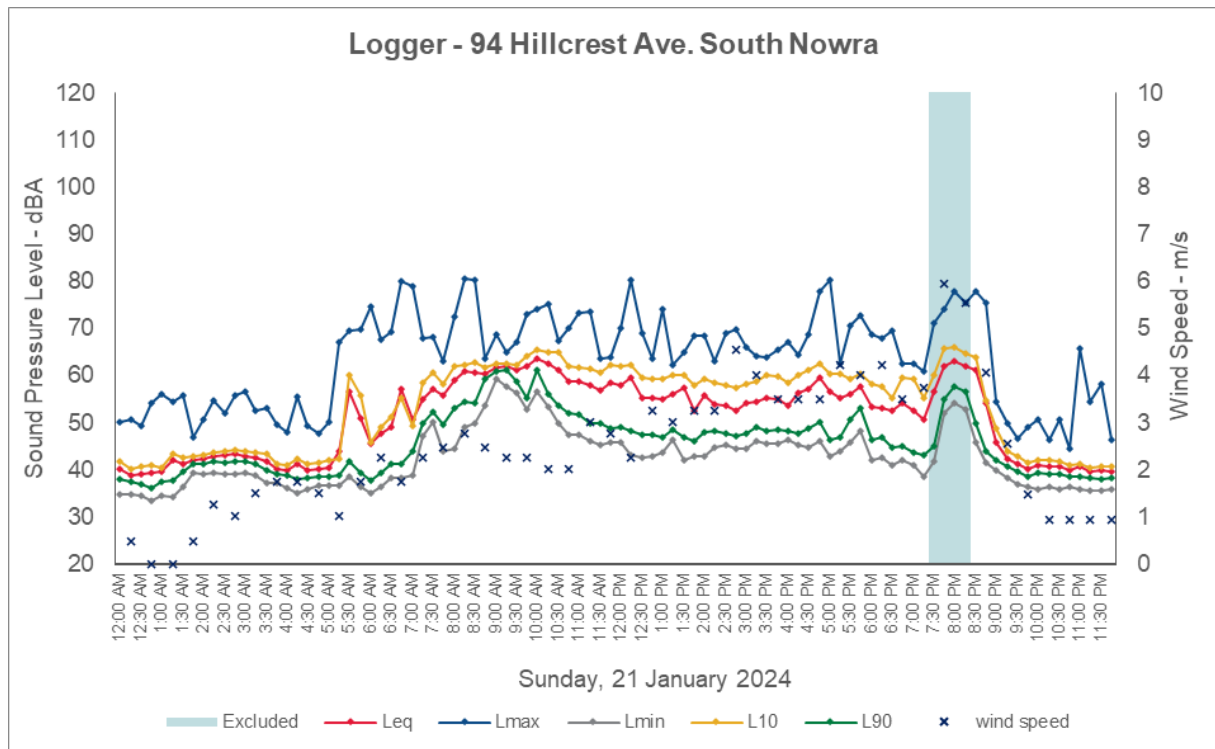
To describe the overall noise environment, a number of noise descriptors have been developed and these involve statistical and other analysis of the varying noise over sampling periods, typically taken as 15 minutes. These descriptors, which are plotted in the graphs below, are here defined.

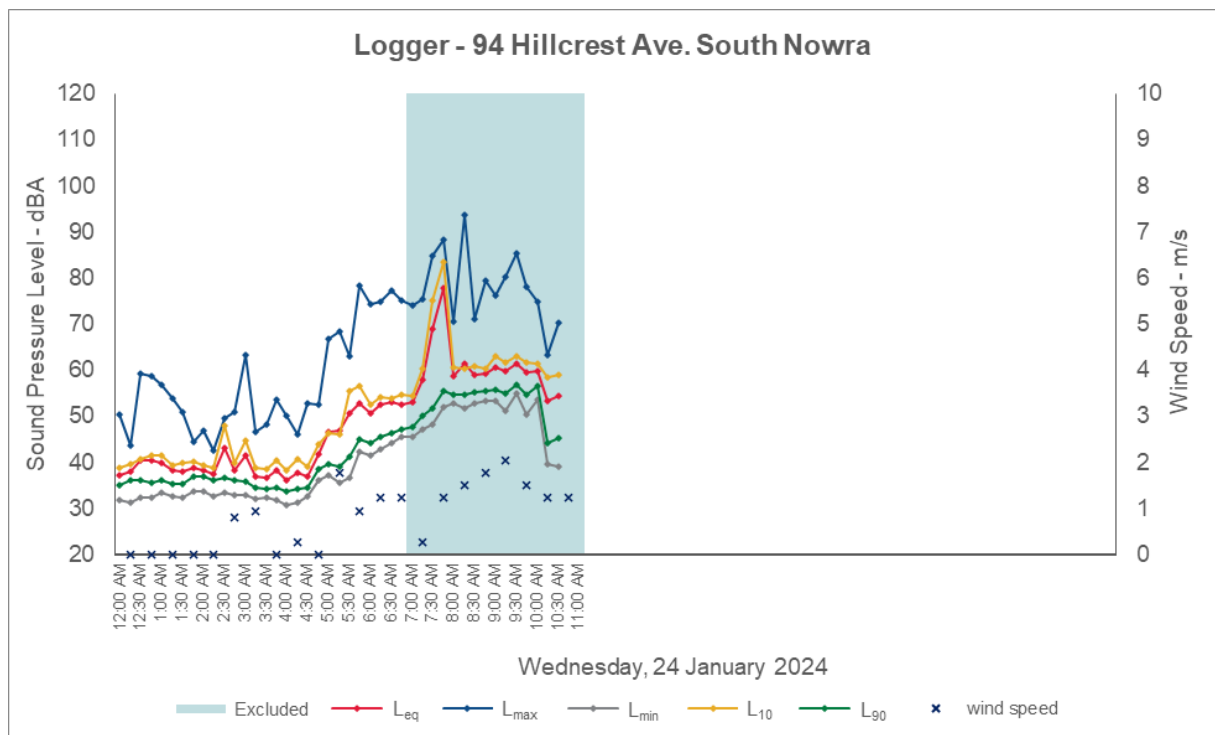
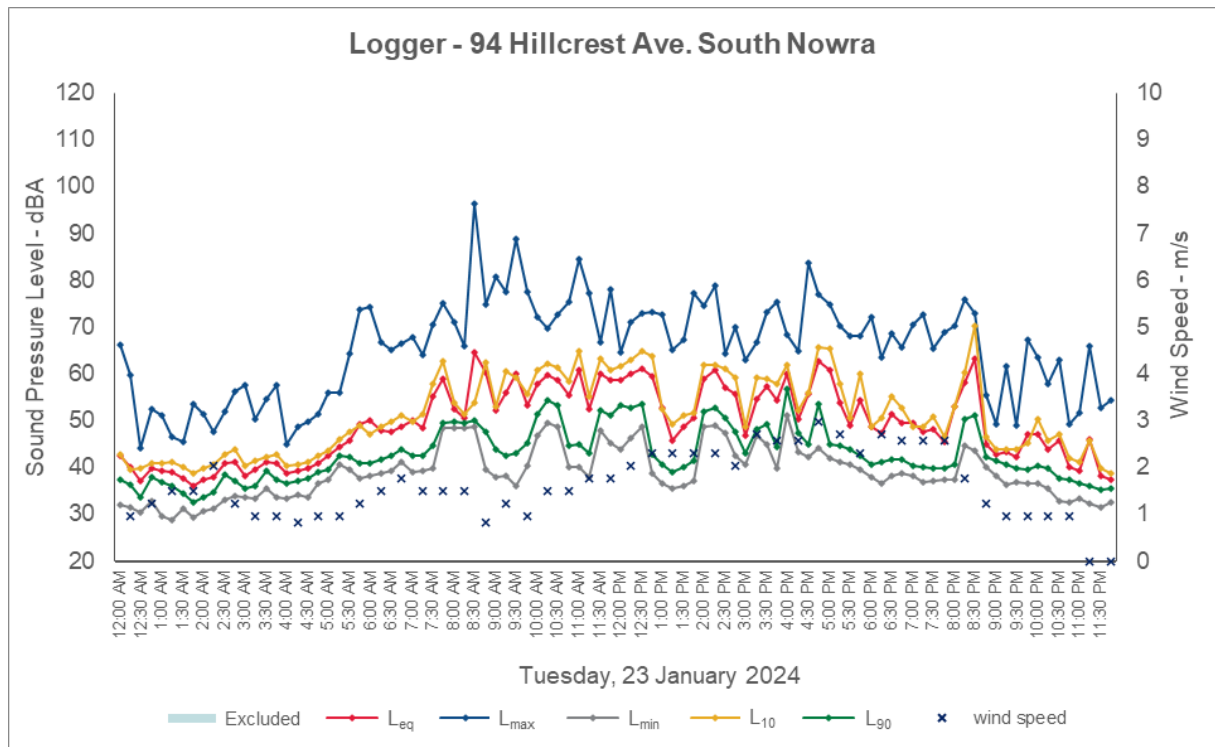
The sections marked in blue have been omitted due to rain that may have affected the measurements.











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Your ref: DA2024/1457
Our ref: DOC24/829519

The Chief Executive Officer
Shoalhaven City Council
PO Box 42
Nowra NSW 2541

By email: council@shoalhaven.nsw.gov.au (and via NSW Planning Portal)

Attention: Mr Bryan Netzler

Subject: Request for Department concurrence for a reduced credit obligation for DA2024/1457 at 102 & 106 Hillcrest Avenue South Nowra

I refer to the above request dated 4 September 2024 for the construction and occupation of a new single storey building for 'Gudjaga Gunyahlamai Birth Centre' including carpark, landscaping and consolidation of two lots into one single Torrens lot (i.e. Lot 72 DP31078 and Lot 4 DP 561605) at 102 and 106 Hillcrest Avenue Nowra NSW 2541.

I am pleased to advise you that as delegate for the Secretary of the Department, I have granted concurrence for a full credit obligation reduction for DA2024/1457 under section 7.12 of the *Biodiversity Conservation Act 2016* (BC Act). Please see **Attachment A** for the biodiversity credits that do not need to be retired.

In making my decision, I have reviewed the information provided in support of the request for concurrence and have had regard to the matters listed in section 7.12(5) of the BC Act. The reasons for my decision are:

- Shoalhaven City Council have supported the streamlined Biodiversity Development Assessment Report (BDAR) without requiring further information or survey
- a review of the BDAR indicates it meets the requirements of the Biodiversity Assessment Method 2020
- the proposed development has been located within the edge of the subject property to avoid fragmenting the vegetation present by limiting vegetation removal to the edge of a large patch and to avoid the riparian corridor located within the centre of the subject property
- mitigation measures have been identified in the BDAR and in addition to these other mitigation methods are proposed as consent conditions by Council
- the proposed development that facilitates 'Birthing on Country' is supported through Federal and State government policy and through grant funding, reflecting government commitment to Closing the Gap
- the estimated development cost of \$21.5 million to be funded by the \$22 million Federal Government grant is based on construction commencement of January 2025, leaving limited funds for unexpected costs

- the proponent 'Waminda – South Coast Women's Health and Wellbeing Aboriginal Corporation' is a registered not-for-profit enterprise with the Office of the Registrar of Indigenous Corporations, providing a culturally safe and holistic service, giving Aboriginal women and their families an opportunity to belong and receive quality healthcare and well-being support over the last 40 years
- 6.5% of Shoalhaven LGA consists of Aboriginal and/or Torres Strait Islander people, near double the NSW and National percentages (ABS, 2021).

If you have any queries regarding this matter, please contact Mr Chris Page, Senior Team Leader, Planning (Illawarra) at chris.page@environment.nsw.gov.au.

Yours sincerely,



Michael Saxon
Director South East Branch
Regional Delivery Division
Biodiversity, Conservation & Science
As delegate for the Secretary of the Department of Climate Change, Energy, the Environment and Water

15 October 2024

Attachment A – Biodiversity credits that do not need to be retired for DA2024/1457

Number of credits	Name of plant community type/ID	Type of credit
11	3269-Shoalhaven Lowland Spotted Gum-Paperbark Forest	Ecosystem credit