Shoalhaven City Council

Address all correspondence to: The Chief Executive Officer,
PO Box 42, Nowra NSW 2541 Australia
shoalhaven.nsw.gov.au/contact | 1300 293 111
shoalhaven.nsw.gov.au

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA24/2322
Applicant	Allen Price Pty Ltd
Description of development	Staged Concept Development for an existing educational facility including establishing building envelopes for new dormitory and ancillary education buildings including Stage 1 works.
Property	369 Jacks Corner Road KANGAROO VALLEY Lot 27 DP881838
Determination	Approval
Date of determination	[#Consent Start Date#]
Date from which the consent operates	[#Consent Start Date#]
Date on which the consent lapses	[#Consent End Date#]

DA24/2322 (PPSSTH-473) was determined by the Southern Regional Planning Panel on ????.

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

Reasons for Grant of Consent

a) The development proposal, subject to the recommended conditions is consistent with:

b) the objects of the Environmental Planning and Assessment Act, 1979.

c) the aims, objectives and provisions of the applicable environmental planning instruments,

d) the aims, objectives and provisions of applicable development control plans

e) the aims, objectives and provisions of relevant Council policies.

f) The likely impacts of the proposed development are considered acceptable.

g) The site is suitable for the proposed development.

h) Any submissions received during the public notification period have been considered and issues and concerns raised by the community in submissions have been addressed in the assessment.

i) The proposed development does not conflict with the public interest.

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

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

Rights to appeal

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

Dictionary

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

Person on behalf of the consent authority

Bryan Netzler

Senior Development Planner

Terms and Reasons for Conditions

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

Part 1 – Concept Approval

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on the Concept Plan Approval for the site.

CONDITIONS		REASON
A.	**Concept Development Application.** Pursuant to Clause 88 of the Environmental Planning and Assessment Regulation 2021, this Notice of Determination relates to a concept development application applying to the subject site. Subsequent development application(s) are required for any work on the site for Stage 2. Part 2 of this Notice of Determination provides the conditions of consent for the development of the Stage 1 site.	To ensure all parties are aware of the status and application of concept development applications.
B.	**Approved Plans/Documents – Concept DA Plan.** Pursuant to Clause 4.22 of the Environmental Planning and Assessment Act 1979 this Notice of Determination approves the concept proposal for the development of the site in accordance with the following plans:	

Approved Plans

Plan Number	Rev	Plan Title	Drawn by	Date of Plan
MP 1.02 Job No. 433.02	5	Site Access Plan	Baxter & Jacobson Architects	28/11/24
MP 1.03 Job No. 433.02	5	Existing Site Plan	Baxter & Jacobson Architects	28/11/24

MP 1.04 Job No. 433.02	5	Site Analysis	Baxter & Jacobson Architects	28/11/24
MP 1.05 Job No. 433.02	5	Proposed Masterplan	Baxter & Jacobson Architects	28/11/24
MP 1.06 Job No. 433.02	5	Stage 1	Baxter & Jacobson Architects	28/11/24
MP 1.07 Job No. 433.02	5	Stage 2	Baxter & Jacobson Architects	28/11/24
MP 2.01 Job No. 433.02	5	Site Sections	Baxter & Jacobson Architects	28/11/24

C.

Staging of Development

Consent is given for the concept development in accordance with the approved staging plan.

Stage 1:

a) Demolition of existing buildings H1 (current multi-purpose room) and M1 (two buildings for storage and maintenancefacilities),

b) Demolition of existing dorm rooms D1 and D2, including the dismantling and repurposing of an existing dormitory (D2) to be used for the construction of a new facilities maintenance and outdoor education storage building.

c) Change of use of the existing D3 Dormitory to be used forstaff accommodation.

d) Construction of three new dormitory buildings (D1, D2 & D3):

   i. Dorm 1 – three storey dormitory building, including four ground floor class rooms, level 1 accommodation for 40 students, and level 2 staff accommodation with 2 bedrooms and self-contained facilities.

To ensure development is carried out in appropriate stages.

	ii. Dorm 2 – three storey dormitory building, including four ground floor classrooms, level 1 accommodation for 40 students, and level 2 staff accommodation with 2 bedrooms and self-contained facilities. iii. Dorm 3 – two storey dormitory building, including ground floor accommodation for 40 students, and level 2 staff accommodation with 2 bedrooms and self-contained facilities e) Construction of a canoe store, replacing the past structuredestroyed by the 2020 fires. This storage building will be used for the safe storage of canoes and associated trailersfor recreational activities. f) Upgrade of existing perimeter road with associated car parking facilities to improve site accessibility and traffic management. See accompanying Internal Road Plan prepared by MI Engineers Stage 2: g) Demolition of existing dining room and kitchen facilities andadministration building, and replacement with new, modernfacilities in the same location. h) Demolition of existing classrooms. i) New Student Common Room and Multipurpose Room. The conditions in Part A of this consent apply to all stages unlessotherwise specified.	
D.	**Matters Approved – Concept DA.** The following items are approved and form part of this concept development consent for Stages 1 and 2: (a) Bushfire: a. safety outcomes under Planning for Bushfire Protection 2019 (PBP); b. construction requirements for Stage 2; and c. asset protection zones; (b) Building footprints and envelopes; (c) Biodiversity impacts and vegetation removal; (d) Traffic, access and egress to/from and within the site; (e) Parking requirements (f) Waste water management disposal. The building design for the Stage 2 buildings are not approved and are subject to a future development application.	To ensure all parties are aware of the status and application of concept development applications

E.	**Stage 1 completion requirements prior to Stage 2 occupation** Stage 2 must not be occupied until Stage 1 is complete and an Occupation Certificate has been issued for Stage 1.	To ensure approved access, bushfire, waste water and biodiversity measures of Stage 1 are in place to support the future Stage 2 development.
F.	**Tree Retention – Future Stages.** The future Stage 2 DA is to ensure all trees nominated for retention are appropriately retained and protected in accordance with the Concept Masterplan, the trees as referenced within the Arboricultural Impact Assessment prepared by Gummifera, 10 October 2024, are to be retained as part of any future Development Application associated with this Concept Masterplan.	To minimise biodiversity impacts.
G.	**Biodiversity- Vegetation Removal** 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.	To minimise biodiversity impacts
H.	**Onsite Wastewater** Any Stage 2 DA must be consistent with the scope and capacity outlined in the Site and Soil Assessment for onsite wastewater disposal, prepared by Harris Environmental, dated 25 November 2024, reference number 6440WW.	To ensure sewage management facility and associated areas are located in the areas identified in the development application.
I.	**Consistency of future development applications.** While this consent remains in force, the determination of any further development application in respect of the site cannot be inconsistent with this consent.	

J.	**Concurrence and Referral** The following GTAs apply insofar as they relate to the concept Development approval of Stages 1 and 2. **NSW Rural Fire Service (RFS)** a) The advice/General Terms of Approval issued by the NSW RFS, Reference No: DA20250120000247, dated 13 March 2025 are included as conditions of this consent and must be complied with. **Water NSW** b) The advice/General Terms of Approval issued by Water NSW, Reference No: DAR25012-a1, dated 26 May 2025 are included as conditions of this consent and must be complied with. **Endeavour Energy** c) The advice/General Terms of Approval issued by Endeavour Energy, dated 20 January 2025 are included as conditions of this consent and must be complied with.	To ensure compliance with external concurrence and referral advice.

Part 2 – Stage 1 General Conditions

The following conditions of consent include in this Part identify the requirements, terms and limitation imposed on the construction of the Stage 1 part of the site

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	Rev	Plan Title	Drawn by	Date of Plan
DA S-12 Job No. 433.02	A	Site Plan	Baxter & Jacobson Architects	28/11/24

DA S-13 Job No. 433.02	A	Waste Management Plan	Baxter & Jacobson Architects	28/11/24
GC.01 Job No. 433.02	1	Glengarry Clinic - Site Plan	Baxter & Jacobson Architects	18/11/24
GC.02 Job No. 433.02	1	Glengarry Clinic – Layout plan	Baxter & Jacobson Architects	18/11/24
GC.10 Job No. 433.02	1	Glengarry Clinic – Floor Plan	Baxter & Jacobson Architects	18/11/24
GC.11 Job No. 433.02	1	Glengarry Clinic - Roof Plan	Baxter & Jacobson Architects	18/11/24
GC.20 Job No. 433.02	1	Glengarry Clinic – Elevations	Baxter & Jacobson Architects	18/11/24
GC.30 Job No. 433.02	1	Glengarry Clinic - Sections	Baxter & Jacobson Architects	18/11/24
DA D1-01 Job No. 433.06	3	D1 Site Plan	Baxter & Jacobson Architects	17/12/24
DA D1-10 Job No. 433.06	3	D1 Level 1 Floor Plan	Baxter & Jacobson Architects	17/12/24
DA D1-11 Job No. 433.06	3	D1 Level 2 Floor Plan	Baxter & Jacobson Architects	17/12/24
DA D1-12 Job No. 433.06	3	D1 Level 3 Floor Plan	Baxter & Jacobson Architects	17/12/24

DA D1-13 Job No. 433.06	3	D1 Roof Plan	Baxter & Jacobson Architects	17/12/24
DA D1-20 Job No. 433.06	3	D1 Elevations	Baxter & Jacobson Architects	17/12/24
DA D1-21 Job No. 433.06	3	D1 Elevations	Baxter & Jacobson Architects	17/12/24
DA D1-30 Job No. 433.06	3	D1 Sections	Baxter & Jacobson Architects	17/12/24
DA D1-31 Job No. 433.06	3	D1 Sections	Baxter & Jacobson Architects	17/12/24
DA D1-32 Job No. 433.06	3	D1 Sections	Baxter & Jacobson Architects	17/12/24
DA D2-01 Job No. 433.06	2	D2 Site Plan	Baxter & Jacobson Architects	23/10/24
DA D2-10 Job No. 433.06	2	D2 Level 1 Floor Plan	Baxter & Jacobson Architects	23/10/24
DA D2-11 Job No. 433.06	2	D2 Level 2 Floor Plan	Baxter & Jacobson Architects	23/10/24
DA D2-12 Job No. 433.06	2	D2 Level 3 Floor Plan	Baxter & Jacobson Architects	23/10/24

DA D2-13 Job No. 433.06	2	D2 Roof Plan	Baxter & Jacobson Architects	23/10/24
DA D2-20 Job No. 433.06	2	D2 Elevations	Baxter & Jacobson Architects	23/10/24
DA D2-21 Job No. 433.06	2	D2 Elevations	Baxter & Jacobson Architects	23/10/24
DA D2-30 Job No. 433.06	2	D2 Sections	Baxter & Jacobson Architects	23/10/24
DA D2-31 Job No. 433.06	2	D2 Sections	Baxter & Jacobson Architects	23/10/24
DA D3-01 Job No. 433.06	2	D3 Site Plan	Baxter & Jacobson Architects	23/10/24
DA D3-10 Job No. 433.06	2	D3 Level 1 Floor Plan	Baxter & Jacobson Architects	23/10/24
DA D3-11 Job No. 433.06	2	D3 Level 2 Floor Plan	Baxter & Jacobson Architects	23/10/24
DA D3-12 Job No. 433.06	2	D3 Roof Plan	Baxter & Jacobson Architects	23/10/24
DA D3-20 Job No. 433.06	2	D3 Elevations	Baxter & Jacobson Architects	23/10/24

DA D3-21 Job No. 433.06	2	D3 Elevations	Baxter & Jacobson Architects	23/10/24
DA D3-30 Job No. 433.06	2	D3 Sections	Baxter & Jacobson Architects	23/10/24
DA D3-31 Job No. 433.06	2	D3 Sections	Baxter & Jacobson Architects	23/10/24
DA FM.01 433.02	1	Facilities/Maintenance Site Plan	Baxter & Jacobson Architects	28/10/24
DA FM.10 433.02	1	Facilities/Maintenance Floor Plan	Baxter & Jacobson Architects	28/10/24
DA FM.11 433.02	1	Facilities/Maintenance Storage Plan	Baxter & Jacobson Architects	28/10/24
DA FM.12 433.02	1	Facilities/Maintenance Roof Plan	Baxter & Jacobson Architects	28/10/24
DA FM.20 433.02	1	Facilities/Maintenance Elevations 1	Baxter & Jacobson Architects	28/10/24
DA FM.21 433.02	1	Facilities/Maintenance Elevations 2	Baxter & Jacobson Architects	28/10/24
DA FM.30 433.02	1	Facilities/Maintenance Sections	Baxter & Jacobson Architects	28/10/24
DA OE.01 433.02	1	Outdoor Education – Site Plan	Baxter & Jacobson Architects	28/10/24
DA OE.10	1	Outdoor Education – Floor Plan	Baxter & Jacobson Architects	28/10/24

433.02				
DA OE.11 433.02	1	Outdoor Education – Storage Plan	Baxter & Jacobson Architects	28/10/24
DA OE.12 433.02	1	Outdoor Education – Roof Plan	Baxter & Jacobson Architects	28/10/24
DA OE.20 433.02	1	Outdoor Education – Elevations 1	Baxter & Jacobson Architects	28/10/24
DA OE.21 433.02	1	Outdoor Education – Elevations 2	Baxter & Jacobson Architects	28/10/24
DA OE.30 433.02	1	Outdoor Education – Sections	Baxter & Jacobson Architects	28/10/24
DA CS.01 433.02	1	Canoe Shed- Site Plan	Baxter & Jacobson Architects	28/10/24
DA CS.10 433.02	1	Canoe Shed- Floor Plan	Baxter & Jacobson Architects	28/10/24
DA CS.11 433.02	1	Canoe Shed- Roof Plan	Baxter & Jacobson Architects	28/10/24
DA CS.20 433.02	1	Canoe Shed- Elevations	Baxter & Jacobson Architects	28/10/24
DA CS.30 433.02	1	Canoe Shed- Sections	Baxter & Jacobson Architects	28/10/24
-	-	Colours & materials	Baxter & Jacobson Architects	6/11/24
GG-DA-01	DA2	Overall Landscape Plan	Thompson Berill Landscape Design	29/10/24

GG-DA-2A	DA2	Landscape Plan North	Thompson Berill Landscape Design	29/10/24
GG-DA-2B	DA2	Landscape Plan South	Thompson Berill Landscape Design	29/10/24
GG-DA-3A	DA2	Landscape Section AA Plan	Thompson Berill Landscape Design	29/10/24
GG-DA-3B	DA2	Landscape Section BB Plan	Thompson Berill Landscape Design	29/10/24
LCP-02-V2	-	Dorm 2 Concept Landscape Plan	Thompson Berill Landscape Design	Oct 2024

Approved Documents			
Document title	Version number	Prepared by	Date of document
Bushfire Assessment Report	Ref: 240583	Building Code & Bushfire Hazard Solutions Pty Ltd	25/10/24
Flora & Fauna Assessment Report	Final v3.0	Narla Environmental	September 2025
Koala Assessment Report	Final v2.0	Narla Environmental	September 2025
Soil & Ste Assessment for Onsite Wastewater Disposal	Ver 1-6440WW	Harris Environmental	25 November 2024

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

2.	**Staging of Development** In accordance with Section 4.22(4) of the EP & A Act, Consent is given for the development in accordance with the approved staging plan. Stage 1: a) Demolition of existing buildings H1 (current multi-purpose room) and M1 (two buildings for storage and maintenance facilities). b) Demolition of existing dorm rooms D1 and D2, including the dismantling and repurposing of an existing dormitory (D2) to be used for the construction of a new facilities maintenance and outdoor education storage building. c) Change of use of the existing D3 Dormitory to be used for staff accommodation. d) Construction of three new dormitory buildings (D1, D2 & D3): i. Dorm 1 – three storey dormitory building, including four ground floor class rooms, level 1 accommodation for 40 students, and level 2 staff accommodation with 2 bedrooms and self-contained facilities. ii. Dorm 2 – three storey dormitory building, including four ground floor classrooms, level 1 accommodation for 40 students, and level 2 staff accommodation with 2 bedrooms and self-contained facilities. iii. Dorm 3 – two storey dormitory building, including ground floor accommodation for 40 students, and level 2 staff accommodation with 2 bedrooms and self-contained facilities e) Construction of a canoe store, replacing the past structure destroyed by the 2020 fires. This storage building will be used for the safe storage of canoes and associated trailers for recreational activities. f) Upgrade of existing perimeter road with associated car parking facilities to improve site accessibility and traffic management as per Proposed Internal Access Road Plans prepared by MI Engineers dated 16/10/24 (Project No. 23P00240 Rev A) g) access driveway passing bays for RFS/ emergency vehicle access. h) Site services upgrade: i) Fire safety hydraulics including fire hydrant ring main, fire water supply tanks (halfway up the access driveway) new pipework etc.	To ensure development is carried out in appropriate stages.

	ii) Hydraulic water supply to new and altered buildings from existing supply iii) Waste water treatment system iv) Electrical and data supply to new and altered buildings including lighting to carparking + landscaping v) Stormwater relative to new and existing roads and new and altered buildings vi) Landscaping works relating to new and altered buildings and civil works	
3.	**Concurrence and Referral –** **NSW Rural Fire Service (RFS)** The advice/General Terms of Approval issued by the NSW RFS, Reference No: DA20250120000247, dated 13 March 2025 are included as conditions of this consent and must be complied with. **Water NSW** The advice/General Terms of Approval issued by Water NSW, Reference No: DAR25012-a1, dated 26 May 2025 are included as conditions of this consent and must be complied with. **Endeavour Energy** The advice/General Terms of Approval issued by Endeavour Energy, dated 20 January 2025 are included as conditions of this consent and must be complied with.	To ensure compliance with external concurrence and referral advice.
4.	**Existing Infrastructure** Any required alterations or damage to infrastructure will be at the developer's expense. *Note: It is recommended prior to the issue of a Construction Certificate, all infrastructure, existing and proposed, is to be shown accurately on construction plans with clearances clearly labelled confirming that the proposed works do not affect any existing infrastructure. This will reduce the potential for unexpected costs and expenses.*	To ensure existing infrastructure is accounted for and any damage to infrastructure is suitably repaired.
5.	**Biodiversity- Vegetation Removal** The removal or disturbance of native vegetation on the property including but not limited to canopy trees, understorey	To ensure consistency with approved plans.

	and groundcover vegetation beyond that approved within this consent is not permitted.	
6.	**Prescribed Conditions** The development must comply with Part 4, Division 2, Subdivision 1, of the *Environmental Planning and Assessment Regulation 2021*, as applicable.	To ensure compliance with prescribed conditions.
DEMOLITION WORK **Before Demolition Work Commences**		
CONDITIONS		REASON
7.	**Demolition - Decommissioning of Services** Before demolition work commences: a) All existing internal sewer drainage pipework must be flushed, disconnected from the existing sewer junction and the sewer junction must be temporarily capped off. b) Internal water lines must be disconnected from the existing water meter currently servicing the property. c) The capped off sewer junction and disconnected water lines must be inspected by Shoalhaven Water. For all inspections contact Shoalhaven Water on 4429 3569. The developer must provide the Certifier with evidence of compliance with the above requirements on completion of works.	To ensure services are appropriately decommissioned and capped off where required.
8.	**Biodiversity – Engagement of Ecologist** Before the commencement of clearing work, a suitably qualified ecologist must be engaged during pre-clearing surveys, initial demarcation of clearing boundaries, toolbox inductions, and the removal of high-risk features such as mature trees, Koala use trees or known fauna shelter sites.	To minimise biodiversity impacts.
9.	**Biodiversity-Project Arborist** Prior to the commencement of clearing works, a project arborist is to be engaged and must comply with the recommendations in section 8 Arboriculture Method Statement of the Arboriculture Impact Assessment Report prepared by Gummifera dated 10/10/2024.	To minimise biodiversity impacts.

10.	**Biodiversity - Tree and Vegetation Protection** Before the commencement of any clearing works the following requirements must be met to the satisfaction of the Council: a) A temporary protective barrier or similar visible material must be installed along the boundary of the clearing works. The barrier must remain in place until all works are complete. b) Temporary Koala exclusion fencing must be installed along the boundary of clearing works. Vegetation Protection and Koala Exclusion Fencing must be certified by the project ecologist prior to the commencement of clearing works. c) The Tree Protection Zone of trees to be retained within the development area must be clearly identified and protected with temporary barrier fencing in accordance with AS 4970: Protection of trees on development sites and the approved Tree Protection Plan. Tree protection must be certified by the project arborist. d) If temporary access for machinery is required within the TPZ, ground protection measures will be required. The purpose of ground protection is to prevent root damage and soil compaction within the TPZ. Ground protection may include a permeable membrane such as geotextile fabric beneath a layer of mulch, crushed rock, or rumble boards- if this is required consultation with the project arborist is required prior to access and upon completion of the access. e) Any additional construction activities within the TPZ of the subject trees which hasn't been disclosed by the development proposal must be assessed and approved by the project arborist and must comply with *AS 4970-2009 - Protection of trees on development sites*. f) The site ecologist must physically mark trees to be removed with the APZ. Trees to be removed within the APZ are to be in accordance with the approved Arboriculture Impact Assessment Report (Gummifera 10/10/2024) and Flora and Fauna Assessment (Narla Environmental, Sept 2025). Trees and other vegetation must be retained where it meets the specifications in Planning for Bushfire Protection 2019. Any hollow bearing and glider scar trees must be retained. Evidence of compliance with the above requirements must be provided to Council prior to the commencement of any clearing works.	To minimise biodiversity impacts.

11.	**Biodiversity – Pre-clearance Survey** Before the commencement of any on site work, the project ecologist must complete pre-clearing surveys and inspections: a) On the day before clearing commences the project ecologist thorough pre-clearance survey of vegetation to be removed to determine the presence of fauna within habitat features to be impacted, including, but not limited to, terrestrial habitat features such as fallen logs, large rocks, hollows and nests or dreys. 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 for new work areas only. b) A targeted Koala pre-clearance survey must be undertaken in accordance with the approved Koala Assessment Report by Narla environmental Sept 2025.	To minimise biodiversity impacts.
12.	**Biodiversity- Arborist Plans** Before the commencement of clearing work, plans that include the following, must be submitted and approved in writing by the Director – City Development (or delegate) of Shoalhaven City Council: a) A Tree Protection Plan prepared by a suitably qualified arborist (min AQF level 5) for all impacted trees to be retained in accordance with the Arboriculture Impact Assessment Reports by Gummifera (10/10/2024) and Redgum Horticultural (13/06/2025) and approved plans.	
DEMOLITION WORK **During Demolition Work**		
CONDITIONS		REASON
13.	**Demolition – Standards** Demolition work must be carried out in accordance with all applicable Australian Standards and SafeWork Code of Practice.	To ensure demolition works are carried out appropriately.
14.	**Demolition - Asbestos Removal**	To ensure demolition

	Asbestos removal must be carried out in accordance with *AS2601-2* SafeWork NSW – Code of Practice, Demolition Work [ISBN 978-0-642-78415-5*]* and as applicable, by a person holding the relevant licence issued by SafeWork NSW. A licence is not required to remove less than 10m^2 of non-friable asbestos, provided that the total amount of non-friable asbestos removed from the lot does not exceed 10m^2. Asbestos must be taken for disposal to the licensed Waste Management Facility identified in the approved Waste Management Plan. Post asbestos removal and before further work on the site, the following must be submitted to the Certifier: d) A clearance certificate issued by a licensed asbestos assessor or competent person as required by the *Work, Health and Safety Regulation 2017* for the specific type of asbestos removal work confirming that the area has been cleaned satisfactorily and is safe to be re-occupied for normal use. e) A clearance certificate is required if the removal work involved any quantity of friable asbestos, or if it involved removal of more than a total of 10 square metres of non-friable asbestos from the lot. f) Documentary evidence of the legitimate disposal of all asbestos in the form of tip receipts from an approved waste management facility. Seven (7) days before the commencement of any demolition works involving asbestos, all immediate neighbours must be notified in writing of the intention to carry out asbestos demolition works. Copies of these written notifications should be retained and submitted to Council	works are carried out appropriately.
15.	**Demolition - Completion of Works** Demolition work, once commenced, must be completed within three (3) months.	To ensure demolition works are completed within an acceptable timeframe.
16.	**Biodiversity – Habitat Modification and Vegetation Removal** 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	To protect biodiversity values.

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<td>accordance with the approved plans. Vegetation removal must be undertaken in accordance with the following:
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) Pruning or trimming of any trees to be retained must be undertaken in accordance with AS 4373 Pruning of amenity trees.
c) Trees and vegetation must be retained within the APZ where it complies with the prescriptions for Planning for Bushfire Protection APZ requirements. Methods of vegetation removal within the APZ must not disturb vegetation to be retained. The methods must be approved by the project ecologist.
d) In accordance with the recommendation in the following reports:
<table>
<tr><td>Flora & Fauna Assessment Report</td><td>Final v3.0</td><td>Narla Environmental</td><td>September 2025</td></tr>
<tr><td>Koala Assessment Report</td><td>Final v2.0</td><td>Narla Environmental</td><td>September 2025</td></tr>
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<td>17.</td>
<td>Biodiversity – Fauna Rescue and Vegetation Removal Protocol
During works, in order to protect wildlife the following vegetation removal protocol is to be adhered to:
a) Before starting each morning, all vehicles and mechanical plant must be inspected for wildlife prior to operation.
b) All vegetation to be removed must be inspected for wildlife prior to removal.
c) A suitably qualified ecologist (including licensed wildlife handler, fauna spotter-catcher or equivalent appropriately qualified person acting under the direction of the project ecologist) must be on site prior to, and during the removal of any habitat trees, and during clearing for the Asset Protection Zone, in order to rescue any impacted fauna.
d) All trenches must be inspected for wildlife prior to backfilling.
e) Vegetation is to be removed using a staged approach to allow wildlife to naturally flee the area:</td>
<td>To minimise biodiversity impacts.</td>
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	Stage 1 - All ground and shrub layer vegetation is to be removed in accordance with the approved plans. **Stage 2** - On a subsequent day, canopy trees can then be removed. **Stage 3** – Where HBTs are approved for removal are to be checked for resident fauna prior to felling by a suitably qualified ecologist. i. If nesting is present, the ecologist must advise that works must cease until nesting it complete. ii. If fauna is residing, but not nesting within a hollow, the ecologist must either return at an appropriate time when the animal has vacated and block the hollow to prevent re-entry, or provide sound advise on how to appropriate remove the hollow without causing harm to residing wildlife. iii. Once it is confirmed that there is no roosting or nesting occurring within the hollow (or as advised by the ecologist), the hollow-bearing tree must be gently nudged with felling equipment prior to felling to encourage safe fauna evacuation. Hollow-bearing sections must be carefully lowered to the ground so as not to injure native fauna. Once the tree has been felled the hollows are to be inspected again for fauna and relocated in an appropriate location determined by the ecologist. The tree must be felled carefully in sections to allow the rescue of native fauna. iv. If animals are injured, they will need to be assessed and either taken to the nearest veterinary clinic or placed into care with South Coast Wildlife Rescue. f) Any wombat burrows located in proximity to the approved development footprint must be managed as follows: i. Avoid burrows wherever possible. ii. For burrows that cannot be avoided a qualified ecologist must supervise the following process: iii. Set up a motion detector camera on each burrow to monitor use and confirm activity for a minimum of 72 hours. iv. Block passage to any inactive burrows.	

	v. For active burrows, install a gate at the entrances (frame with a one-way exit and no re-entry) with follow up camera footage to ensure wombat has not re-entered the burrow. g) If any wildlife is disoriented or injured during clearing works, works must stop immediately, and any injured wildlife must be referred to a local Veterinary Clinic or into the care of Wildlife Rescue South Coast (0418 427 214). h) Within 10 days of completing clearing work, the engaged ecologist must provide to Council written evidence of any fauna detected during clearing.	
BUILDING WORK **Before Issue of a Construction Certificate**		
CONDITIONS		REASON
18.	**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.
19.	**Access for People with a Disability** Before the issue of a Construction Certificate, detailed 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.	To ensure appropriate disabled access is provided.
20.	**Erosion and Sediment Controls - Erosion and Sediment Control Plan** Before issue of a Construction Certificate / Subdivision Works Certificate, an Erosion and Sediment Control Plan (ESCP) and specifications must be prepared in accordance with Landcom's publication Managing Urban Stormwater - Soils and Construction (2004) by a suitably qualified person, (as defined in the National Construction Code) to the satisfaction of the Certifier. All plans must include: i) Site access location and stabilisation details and restrictions;	To ensure an appropriate Erosion and Sediment Control Plan has been prepared.

	j) Erosion control locations and types; k) Sediment control locations and types; l) Soil, water and drainage management plans; m) Site rehabilitation details; n) Inspection and maintenance details; o) Identification of existing vegetation and site revegetation to have 70% cover established before plan is decommissioned; p) Existing and final contours (clearly distinguished and adequately annotated); q) Standard construction drawings for proposed soil, water and drainage management measures. r) All implemented measures must ensure that a pollution incident must not occur as defined by the Protection of the Environment Operations Act (POEO). All implemented measures must: s) not cause water pollution as defined by the Protection of the Environment Operations Act (POEO). t) be maintained at all times. u) not be decommissioned until at least 70% revegetation cover has been established.	
21.	**Car Parking Design Standards** Prior to the issue of a Construction Certificate, certified engineering design plans and specifications must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier. The car parking and access design must comply with the following: a) Generally, in accordance with the approved plans b) AS2890.1 and AS2890.6 where applicable. c) Constructed in accordance with the following: i) for light vehicular loading ii) for a 25-year pavement life, adopting 1 x 10^5 ESA's as per SCC D2 "Flexible Pavement Design" for a Local Access Road <100 dwellings. A 2-coat tar spray seal should be applied. d) Bordered in accordance with Council's Standard Drawings by:	To ensure carparking has been appropriately designed.

	i) concrete kerbing, except where surface runoff is concentrated, in which case concrete integral kerb and gutter must be constructed. ii) a concrete edge strip (min 150mm wide and 300mm deep).	
22.	**Bushfire - Building works and road construction** All new construction and proposed access road design must comply with: a) the report submitted by Building Code and Bushfire Hazard Solutions Pty Ltd dated 24th October 2024 b) Generally, in accordance with the approved concept access road plans c) Planning for Bush Fire Protection 2019 d) AS3959 Construction of Buildings in Bushfire Prone Areas	To ensure compliance with applicable bushfire controls.
23.	**Stormwater – Car Park Drainage Design Standards** Before the issue of a Construction Certificate, certified engineering design plans and specifications must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier. The stormwater drainage design must comply with the following: a) The approved stormwater concept plans prepared by MI Engineers (Plan No: 23P00240, Rev A) on 16th October 2024 b) Major and minor drainage systems in accordance with Council's Engineering Design Specifications - Section D5 - Stormwater Drainage Design. c) The minor and major systems must be designed for a 10% AEP and 1% AEP rainfall events, respectively.	To ensure stormwater infrastructure is designed appropriately.
24.	**Stormwater – Major Development Design Standards (Rural)** Before the issue of a Construction Certificate, certified engineering design plans, specifications, and DRAINS model (or an approved alternative) must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier. The stormwater drainage design for any table drains and culverts within the site must comply with the following:	To ensure stormwater infrastructure is designed appropriately.

	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) Designed for a minimum 10% AEP rainfall event. Table drains must not have a depth of flow for the 18.13% AEP higher than the bottom of the road pavement. c) Maximum batter grades for table drains must be maximum 1:3 towards the edge of shoulder and towards the property boundary. d) Be protected against erosion by the provision of: i) For grades <5%: a uniform trapezoidal cross section placed with 75-100mm of topsoil, track machine rolled, fertilised and grass seeded with suitable native species. ii) For grades 5 to 10%: a uniform trapezoidal cross section placed with 75-100mm of topsoil with a layer of Jutemaster TM, Fire Mulch or equivalent product. iii) For grades >10%: be uniformly shaped and lined with concrete, rock and cement grout or spraycrete or similar approved treatment. The road bitumen seal for grades ≥12% is to be widened to the edge of the lining. e) Withstand the pressure of the maximum AEP stored upstream before the culvert/roadway is overtopped. f) Resist scour and erosion within the table drains and the roadway/driveway caused by overtopping of any culvert. Where culverts are 1m high or greater (roadway to invert) they are to be provided with guard rail in accordance with Australian Standards.	
25.	**Stormwater - On-Site Detention Design Standards** Before the issue of a Construction Certificate, details of on-site detention must be provided on the Construction Certificate plans and approved by the Certifier. On-site detention must be provided as per certified engineering design plans and specifications prepared by a professional engineer, (as defined in the National Construction Code) or surveyor. The on-site stormwater detention (OSD) design must be designed such that stormwater runoff from the site for design storm events up to and including the 1% AEP does not exceed the pre-developed conditions.	To ensure stormwater infrastructure is designed appropriately.

26.	**Water Sensitive Urban Design – Private Devices** Before the issue of a Construction Certificate, detailed design of permanent stormwater quality improvement devices must be certified by a professional engineer, (as defined in the National Construction Code) demonstrating the appropriateness of the proposed design for the site in accordance with Council's Engineering Design and Construction Specifications and approved by the Council's Development Manager (or delegate). Specifications can be found on Council's web site. The drainage design must also not include any uncoated metal (i.e. Copper etc.) surfaces such as roofs, facades and/or downpipes.	To ensure stormwater infrastructure is designed appropriately.
27.	**Water Sensitive Urban Design - Water Quality, Retention and Reuse** Before issue of a Construction Certificate, a detailed design of permanent water quality, retention and reuse devices must be certified by a professional engineer, (as defined in the National Construction Code) who can demonstrate the appropriateness of the proposed design for the site in accordance with Council's Engineering Design and Construction Specifications and is to be approved by Council's Development Manager (or delegate). Specifications can be found on Council's website. The stormwater treatment, retention and reuse design must comply with the following: a) The approved stormwater concept plans prepared by MI Engineers(Plan No: 23P00240, Rev A) on 16th October 2024 with associated water quality report, and demonstrate compliance with the following further requirements. b) No stormwater infrastructure is permitted in land zoned as Environmental Conservation without Council approval. c) The WSUD strategy must be able to remove 80% of Total Suspended Solids (TSS), 45% of Total Nitrogen (TN) and 65% 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. d) 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.	To ensure stormwater infrastructure is designed appropriately.

	e) The 50% AEP pre-development peak discharge must be maintained. f) The post-development duration of stream forming flows must be no greater than a stream erosion index of 2.	
28.	**Water Sensitive Urban Design – Vegetated Swale** Before issue of a Construction Certificate, a detailed design of vegetated swale stormwater quality improvement devices must be certified by a professional engineer, (as defined in the National Construction Code) who can demonstrate the appropriateness of the proposed design for the site in accordance with Council's Engineering Design and Construction Specifications and is to be approved by Council's Development Manager (or delegate). Specification can be found on Council's website. The vegetated swale design must comply with the following: a) Side slopes of 1:8 are preferred with a 1:5 maximum side slope permitted. b) Minimum longitudinal grade of 1%. c) Maximum longitudinal grade of 5% unless a steeper grade is approved by Council. d) Maximum Velocity x Depth product of 0.3 m2/s. Calculations are to be provided to Council. e) Councils Engineering Design Specification where relevant. Where vegetated swales are designed as infiltration swales; the in-situ soil profile, depth to groundwater, measured infiltration rate (in device location) and details of any potentially contaminated soil and/or groundwater must be submitted.	To ensure stormwater infrastructure is designed appropriately.
29.	**Water Sensitive Urban Design - Operation and Maintenance Manual** Adopted WSUD Management, Operation, Maintenance and Monitoring Manual/s for the permanent water quality facilities must be submitted to Council before the issue of the 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 and other relevant documents.	To ensure stormwater infrastructure is designed appropriately.
30.	**Earthworks - Site Filling Design Standards** Before the issue of a Construction Certificate, certified engineering design plans and specifications must be prepared	To ensure site filling is designed appropriately.

	by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier. The filling specification must be approved by Council and require all allotment filling to be placed in accordance with AS 3798 Guidelines on earthworks for commercial and residential developments and compacted at least to the minimum relative compaction listed in the standard applicable to the type of development.	
31.	**Onsite Wastewater** Before the issue of a Construction Certificate, an application for installation of an on-site sewage management system must be approved by Council under section 68 of the *Local Government Act 1993.* The application must be consistent with the Site and Soil Assessment for onsite wastewater disposal, prepared by Harris Environmental, dated 25 November 2024, reference number 6440WW and include the following details: a) Detailed site plan with all components of the system identified, including the location of all filters, valves and distribution lines. b) The specifications of the sewage management facility to be installed and a copy of the NSW Health Accreditation if applicable. **c)** The operation and maintenance requirements of the sewage management facility. The location and construction details of any stormwater and flow path diversion berms required by the onsite wastewater report.	To ensure required approval is obtained.
32.	**Landscape Plan** Before the issue of a Construction Certificate, a Landscape Plan must be submitted and approved in writing by the Director – City Development (or delegate) of Shoalhaven City Council. The Landscape Plan must: a) The Landscape Plan must be prepared as per Shoalhaven DCP Chapter G3 and the recommendations of the Flora and Fauna Assessment (Narla Environmental, Sept 2025) and Koala Assessment Report (Narla Environmental, Sept 2025). Revegetation must utilise local provenance native species representative of the pre-clearing vegetation community, including approximately 30–40% Koala browse species consistent with Schedule 3 of the Biodiversity Conservation SEPP 2021. A 1:2	To provide Koala habitat in accordance with the Koala Assessment Report.

	replacement ratio (two trees planted for each native canopy tree removed) must be achieved. Planting must aim to restore floristic diversity using stock sizes suited to successful establishment (typically tube to 5 L), rather than fixed large-container stock." b) Show the species, planting location and identify planting densities. c) Comply with Planning for Bush Fire Protection 2019 where appropriate.	
33.	**Long Service Levy** Before the issue of the relevant Construction Certificate / Subdivision Works Certificate, the long service levy must be paid to the Long Service Corporation of Council under the Building and Construction industry *Long Service Payments Act 1986*, section 34, and evidence of the payment is to be provided to the Certifier.	To ensure compliance with long service levy requirements.
34.	**Section 68 Application – Water Supply, Sewerage and Stormwater Drainage / Sewage Management Facility** 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 *Local Government Act 1993*.	To ensure relevant approvals are obtained.
BUILDING WORK **Before Building Work Commences**		
CONDITIONS		REASON
35.	**Appointment of Principal Certifier** Before building/subdivision work commences a Principal Certifier must be appointed.	To ensure a Principal Certifier is appointed where required.
36.	**Construction Certificate** A Construction Certificate must be obtained from either Council or a certifier before any building work can commence.	To ensure a appropriate building and Subdivision Certificates are obtained.

37.	**Dilapidation Report (Minor)** Before the commencement of work, the developer must engage a competent person to prepare a dilapidation report in respect of adjacent public infrastructure, including adjacent kerbs, gutters, footpaths (formed or unformed), driveways (formed or unformed), carriageway, reserves and the like to document evidence of any existing damage. The dilapidation report must consider the impact of any excavation work that extends below the level of the base of the footings of any structure within 900mm of the shared boundary. Before works commence, a copy of the dilapidation report must be provided to the Certifier and Council. The dilapidation report will be the benchmark for necessary repairs to damage caused during the development works. All repairs must be completed by the developer at the developer's cost. *Note: A dilapidation report can comprise of video footage and photos of adjacent public infrastructure and relevant structures on adjoining properties.*	To ensure a suitable dilapidation report is prepared and the status of existing infrastructure and adjoining structures is recorded prior to the commencement of work.
38.	**Erosion and Sediment Controls – Implementation** Before any site work commences, the Certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any disturbed areas have been restabilised in accordance with Landcom's publication Managing Urban Stormwater - Soils and Construction (2004) and approved plans (as amended from time to time).	To ensure appropriate erosion and sediment control measures are in place.
39.	**Notice of Commencement** Notice must be given to Council at least two (2) days before the commencement of building or subdivision work by completing and returning the form 'Commencement Notice for Building or Subdivision Work and Appointment of Principal Certifying Authority'.	To ensure appropriate notice is given to Council.
40.	**Construction Traffic Management Plan** Before the commencement of works, a Construction Traffic Management Plan detailing the proposed method of dealing with construction traffic and parking must be approved by Council. Details must include, but are not limited to: a) Stabilised site construction access location	To ensure ongoing compliance.

	b) Proposed haulage routes for delivery of materials to the site c) Proposed haulage routes for spoil disposal from the site 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.	
41.	**Toilet Facilities – Temporary** Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must: a) be a standard flushing toilet connected to a public sewer, or b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or c) be a temporary chemical closet approved under the *Local Government Act 1993*.	To ensure suitable toilet facilities are provided.
BUILDING WORK **During Building Work**		
CONDITIONS		REASON
42.	**Stormwater - Overland Flow, Redirecting and/or Concentrating Stormwater** All excavation, backfilling and landscaping works must not result in: a) any change to the overland stormwater flow path on your property and or a neighbouring property. If any change	To ensure ongoing compliance.

	to the overland flow path occurs on a property, the stormwater runoff must be collected and directed to a legal point of discharge. the redirection and/or concentration of stormwater flows onto neighbouring properties.	
43.	**Biodiversity- Arborist Inspections** During building works, the Project Arborist is to: a) Carry out regular site inspections to ensure works are carried out in accordance with approved plans. No less than monthly inspections are recommended. The arborist is only required for tree-sensitive works. b) Supervise any earth works inside the TPZ of any trees to be retained including all manual excavations and root pruning. c) Ensure works are carried out in accordance with the approved Tree Protection Plan and Arboriculture Impact Assessment Reports by Gummifera (10/10/2024) and Redgum Horticultural (13/06/2025). d) Certify that any underground services including stormwater inside of TPZ of any tree to be retained have been installed in accordance with AS4070-2009. e) Approve relocation of tree protection measures for landscaping. All landscaping works within the TPZ of any trees to be retained are to be undertaken in consultation with the project arborist to minimise impact to trees.	
44.	**Biodiversity - Parking and Storing of Building Equipment and Materials** During building/subdivision works, the parking of machinery and vehicles or the storing of building or landscaping materials, soil, spoil, or rubbish, within the fenced area around trees and vegetation to be retained is prohibited.	
45.	**Discovery of relics and Aboriginal objects** While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered: 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	To ensure the protection of objects of potential significance during works.

	places in New South Wales under the National Parks and Wildlife Act 1974, section 85. Site work may recommence at a time confirmed in writing by: d) 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.	
46.	**Potentially Contaminated Land - Unexpected Finds** If unexpected, contaminated soil and/or groundwater is encountered during any works: e) all work must cease, and the situation must be promptly evaluated by an appropriately qualified environmental consultant. f) the contaminated soil and/or groundwater must be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) Guidelines. If unexpected, contaminated soil, or groundwater is treated and/or managed on-site an appropriately qualified environmental consultant must verify that the situation was appropriately managed in accordance with relevant NSW EPA guidelines before recommencement of works. The verification documentation must be provided to the satisfaction of the Certifier and Shoalhaven City Council before the recommencement of any works. If contaminated soil or groundwater is to be removed from the site, it must be transported to an appropriately licensed waste facility by an NSW EPA licensed waste contractor in accordance with relevant NSW EPA guidelines including the Waste Classification Guidelines (2014). *Note: An appropriately qualified environmental consultant will have qualifications equivalent to CEnvP "Site Contamination" (SC) Specialist - by Certified Environmental Practitioner or 'Certified Professional Soil Scientist' (CPSS CSAM) by Soil Science Australia (SSA).*	To ensure any detected contaminants are appropriately managed.
47.	**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.

48.	**Site Management - Maintenance of Site and Surrounds** During works, the following maintenance requirements must be complied with: g) All materials and equipment must be stored and delivered wholly within the work site unless an approval to store them elsewhere is held. h) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility. i) Where tree or vegetation protection measures are in place, the protected area must be kept clear of materials and / or machinery. j) 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. During construction: k) all vehicles entering or leaving the site must have their loads covered, and l) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads. m) 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.
49.	**Site Management - Noise** The noise from all site work, demolition and construction activities associated with the approved development must comply with the work practices as outlined in the NSW Department of Environment & Climate Change Interim Construction Noise Guideline. The 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.	To protect the amenity of neighbouring properties.
BUILDING WORK **Before Issue of an Occupation Certificate**		
CONDITIONS		REASON

50.	**Stormwater - Works as Executed** Before the issue of an Occupation Certificate, a Works as Executed Plans and certification must be submitted to the Council by a licenced plumber/ registered surveyor / professional engineer (as defined in the National Construction Code) certifying compliance of all drainage works with the approved design plans and the National Construction Code. The Works as Executed be shown in red on a copy of the approved plans. This plan must verify locations & sizes of all pipelines. Where the system includes an underground tank, a certificate of structural adequacy must be prepared and provided by a professional engineer (as defined in the National Construction Code).	To ensure ongoing compliance
51.	**On-site Detention System** Before the issue of an Occupation Certificate, the developer must: a) 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. b) 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: i) 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). ii) 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.	To ensure required on site detention infrastructure is provided and requirements registered on the title of the land.

52.	**Biodiversity- Arborist final inspection.** Before the issue of a occupation certificate, and after all clearing demolition construction and landscaping works are complete, the project arborist must: a) assess that the subject trees have been retained in the same condition and vigour. If changes to retained tree condition are identified, the project arborist should provide recommendations for remediation and report to Council once remediation is complete with evidence. b) certify that all tree protections are removed.	
53.	**Biodiversity –Landscape Plan (Evidence of Completion)** Before the issue of an Occupation Certificate, all works required under the approved Landscape Plan, including Koala tree planting, must be completed. Evidence of completion must be submitted to the Director – City Development (or delegate) of Shoalhaven City Council for review and approval.	To ensure compliance with the Landscape Plan and Koala Assessment Report.
54.	**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.
55.	**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: a) the removal of all waste from the developed property. b) the service is functional and meets the operational requirements for the developed property. c) the service minimises environmental nuisances including noise and other adverse impacts on the safety and amenity of residents and the public. d) 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.

56.	**Onsite Wastewater** Before the issue of an Occupation Certificate an application for approval to operate an onsite sewage management facility must be approved by Council under section 68 of the *Local Government Act 1993.* The sewage management facility, including all works associated with the effluent disposal area, must be completed in accordance with the installation approval to enable Council to issue an approval to operate this facility.	To ensure system is installed to satisfaction of Council and ensure required approval is obtained.
57.	**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 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.
BUILDING WORK **Occupation and Ongoing use**		
CONDITIONS		REASON
58.	**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.
59.	**Stormwater – Maintenance of Stormwater Infrastructure** The approved stormwater design and any associated on-site detention must be maintained for the life of the development in accordance with the approved documents and maintenance programs.	To ensure ongoing compliance
60.	**Biodiversity- Koala Monitoring** During the ongoing use of the development Koala monitoring must be undertaken in accordance with the monitoring	To ensure compliance with the Koala

	schedule in Table 2 of the approved Koala Assessment Report Sept 2025. A written summary report must be submitted to Council after each monitoring round.	Assessment Report.
61.	**Biodiversity – Fencing in Environmental and Rural Zones** All boundary and internal fences to be erected on the property, must comply with the following: a) To protect native gliding and flying mammals the use of barbed-wire for fences is prohibited. b) The removal of vegetation for fence construction must be undertaken with hand tools only (e.g. brushcutters, lawn mowers), and must be limited to a maximum width of 1 metre. c) Canopy trees must not be removed for fence construction or maintenance	To protect biodiversity values.
62.	**Biodiversity – Exotic Grasses Adjoining Bushland Areas** In order to maintain the interface between disturbed areas and the remaining native vegetation, the property where it directly adjoins bushland areas it must be managed for the life of the development as follows: a) no exotic perennial grasses listed on the Final Determination of the NSW Scientific Committee for the key threatening process Invasion of native plant communities by exotic perennial grasses, must be sown. b) where new grass is provided it must be native grasses or include a barrier to prevent spreading to bushland.	To protect biodiversity values.
63.	**Fire Safety – Annual Statement** A building owner must ensure that an annual fire safety statement prepared by a competent fire safety practitioner is issued each year and that a copy of the statement is provided to the Shoalhaven City Council and the Commissioner of Fire and Rescue NSW. An application form is available on Council's website. *Note: An annual fire safety statement is a declaration by, or on behalf of a building owner that a competent fire safety practitioner (CFSP) has:* a) assessed, inspected and verified the performance of each existing essential fire safety measure that applies to the building	To ensure an annual fire safety statement is prepared.

	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 *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.*	
64.	**Onsite Wastewater Management** - The proponent shall prepare and submit to Council an Operational Management Plan for the onsite sewage management system. - The proponent shall prepare and submit to Council an annual report on the performance and compliance of the onsite sewage management system each year that the system is in operation. - The onsite sewage management system will be subject to a period of verification testing and ongoing monitoring as specified in section 10 of the Site and Soil Assessment.	To ensure ongoing safe operation and monitoring of the system for protection of the environment and health
65.	**Waste – Waste and Recycling Bin Collection Point** 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.	To ensure an appropriate waste collection point is dedicated.

General advisory notes

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

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

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

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

Dictionary

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

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

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

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

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

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

Council means Shoalhaven City Council.

Court means the NSW Land and Environment Court.

EPA means the NSW Environment Protection Authority.

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

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

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

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

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

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

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater
- the reuse of stormwater
- the detention of stormwater
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

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