DETERMINATION AND STATEMENT OF REASONS

SOUTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	3 December 2025
DATE OF PANEL DECISION	3 December 2025
DATE OF PANEL BRIEFING	2 December 2025
PANEL MEMBERS	Chris Wilson (Chair), Juliet Grant, Grant Christmas, Luciano Casmiri
APOLOGIES	Peter Wilkins
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 20 November 2025.

MATTER DETERMINED

PPSSTH-473 – SHOALHAVEN – DA2024/2322 at 369 Jacks Corner Road KANGAROO VALLEY (Lot 27 DP881838) - Staged Concept Development for an existing educational facility including establishing building envelopes for new dormitory and ancillary education buildings including Stage 1 works. (as described in **Schedule 1**).

PANEL CONSIDERATION AND DECISION

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

Development application

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

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report. The Panel was satisfied that:

- The development application had been considered in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and Regulations.
- A thorough assessment in terms of section 4.15 of the *Environmental Planning and Assessment Act 1979* had been undertaken.
- The preconditions to the grant of consent had been satisfied.
- The proposal is unlikely to result in any unacceptable amenity, environmental or land use safety impacts subject to the imposition of the conditions of consent as amended.
- The proposal is considered appropriate, having regard to the zoning of the site, the provisions of the Shoalhaven LEP 2014, and other applicable environmental planning instruments.
- The development will deliver key amenity, environmental and learning benefits to an existing educational facility.

CONDITIONS

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

- Condition 1 was amended to clarify the scope of the approval being granted, specifically, that the approval is given for the concept plan and stage 1 of that concept plan only. Approval for Stage 2 is to be the subject of a further development application.

- To ensure concurrences and General Terms of Approval form part of the instrument of consent, they have been appended to the instrument (and the conditions therein). They include:
    - Water NSW concurrence
    - NSW Fire Service GTA's
    - Endeavour Energy concurrence
- A new condition (66) has been incorporated, requiring all drinking water to be safe and comply with the NSW Public Health Act. The condition also requires that a drinking water quality assurance plan be prepared and submitted to NSW Health.

Council confirmed the applicant agreed to the draft conditions provided to the Panel.

The final conditions endorsed by the Panel are attached as **Schedule 2.**

CONSIDERATION OF COMMUNITY VIEWS
In reaching its decision, the Panel considered written submissions made during the public exhibition and noted that no objections to the application were received.

PANEL MEMBERS	
Christopher Wilson (Chair)	Juliet Grant
Grant Christmas	Luciano Casmiri

SCHEDULE 1		
1	**PANEL REF – LGA – DA NO.**	PPSSTH-473 – SHOALHAVEN - DA2024/2322
2	**PROPOSED DEVELOPMENT**	Staged Concept Development for an existing educational facility including establishing building envelopes for new dormitory and ancillary education buildings including Stage 1 works.
3	**STREET ADDRESS**	369 Jacks Corner Road KANGAROO VALLEY (Lot 27 DP881838)
4	**APPLICANT/OWNER**	Applicant: Allen Price Pty Ltd Owner: Presbyterian Church (NSW) Property Trust
5	**TYPE OF REGIONAL DEVELOPMENT**	Private infrastructure and community facilities over $5 million

6	**RELEVANT MANDATORY CONSIDERATIONS**	• Environmental planning instruments:
		  ○ 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
		• Draft environmental planning instruments: Nil
		• Development control plans:
		  ○ Shoalhaven Development Control plan 2014
		• Planning agreements: Nil
		• Relevant provisions of the *Environmental Planning and Assessment Regulation 2021*
		• Coastal zone management plan: Nil
		• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality
		• The suitability of the site for the development
		• Any submissions made in accordance with the *Environmental Planning and Assessment Act 1979* or regulations
		• The public interest, including the principles of ecologically sustainable development

7	**MATERIAL CONSIDERED BY THE PANEL**	• Council Assessment Report: 19 November 2025 • Written submissions during public exhibition: 2 • Total number of unique submissions received by way of objection: 0

8	**MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL**	• Council and Applicant Briefing: 26 March 2025
		  ○ Panel members: Chris Wilson (Chair), Juliet Grant, Grant Christmas, Luciano Casmiri, Peter Wilkins
		  ○ Council assessment staff: Bryan Netzler, Bruce Gibbs
		  ○ Applicant representatives: **R**ebecca Lockart (Allen Price), Georgia Wright (Allen Price), Leith Schmidt (Baxter & Jacobson Architects), Mark Baxter (Baxter & Jacobson Architects), Peter Moulds (Scots College)
		• Site inspection: 16 April 2025
		  ○ Panel members: Chris Wilson (Chair), Juliet Grant, Grant Christmas, Peter Wilkins
		  ○ Council assessment staff: Bryan Netzler
		  ○ Applicant representatives: Rebecca Lockart (Allen Price), Leith Schmidt (Baxter & Jacobson Architects
		• Panel final discussion**:** 2 December 2025
		  ○ Panel members: Chris Wilson (Chair), Juliet Grant, Grant Christmas, Luciano Casmiri

		○ Council assessment staff: Bryan Netzler (part only) ○ DPHI: Amanda Moylan
9	**COUNCIL RECOMMENDATION**	Approval
10	**DRAFT CONDITIONS**	Attached to the Council Assessment Report

SCHEDULE 2 – Approved Conditions of Consent

Refer next pages.

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 and stage 1 of the concept development. 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 – (refer Appendix 1)** **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.
66.	**Private drinking water supply** Drinking water at the property shall be safe for human consumption and comply with the NSW Public Health Act. In this regard, a drinking water quality assurance plan must be prepared for your system that meets the requirements of the Public Health Regulation and be submitted to NSW Health. Adequate supply of drinking water that is safe for human consumption must be provided for Stages1 & 2.	To ensure drinking water is safe for human consumption at commercial premises

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.

APPENDIX 1

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Level 14, 169 Macquarie Street
Parramatta NSW 2150
www.waternsw.com.au
ABN 21 147 934 787

26 May 2025

Water NSW Ref: DAR 25012-a1
Council Ref: DA2024/2322

General Manager
Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

Attention: Bryan Netzler

Subject: Part 6.5 of SEPP Biodiversity & Conservation (2021)
DA2024/2322; Lot 27 DP881838 Lot 1 DP1261829; 369 Jacks Corner Road, Kangaroo Valley

Dear Mr Netzler

I refer to NSW Planning Portal referral received on 22 January 2025 requesting the concurrence of Water NSW under Part 6.5 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (the SEPP) for a proposal for a staged Masterplan including detailed design and construction of Stage 1 for redevelopment of an existing educational facility (Scots College). Water NSW received additional information 30 January and 9 April 2025.

Current/future stages of development informed by the Master Plan include:

- The Stage 1 works (this DA):
  - demolition of two existing dormitories – including the dismantling and repurposing of an existing dormitory to be used for the new facilities maintenance and outdoor education storage building
  - conversion of existing dormitory to staff housing and construction of three new dormitory buildings (D1, D2 and D3)
  - construction of an outdoor education storage building and canoe shed, and
  - construction of a clinic building and associated landscaping, and vehicular access and service upgrades including upgraded wastewater and stormwater management infrastructure.
- The Stage 2 works (future DA):
  - demolition of existing dining room and kitchen facilities and administration building, and replacement with new, modern facilities in the same location, and
  - demolition of existing classrooms and construction of a new Student Common Room and Multipurpose Room.

The subject property, which has been inspected by Water NSW, is in the Shoalhaven catchment forming part of Sydney's water supply.

Water NSW notes the following from its assessment:

- detailed design of the commercial wastewater treatment system and effluent irrigation area is yet to be finalised and should be prepared in consultation with Water NSW. Particularly, the selection of a suitable commercial wastewater treatment system that can demonstrably achieve the design parameters outlined in the Soil and Site Assessment for Onsite Wastewater Disposal report

- the proposed irrigation area and will need to ensure effluent run-off does not concentrate via the existing accessway located directly adjacent to the proposed irrigation area
- the existing effluent treatment (reed bed) and detention ponds shall be decommissioned as part of the system upgrade and shall ensure no overflows / discharges occur across the surface irrigation area. This shall require a suitable decommissioning plan, that outlines a timeline of works (with consideration of existing system transition), staging and end points, and sign off by suitably qualified contractor in consultation with Council and Water NSW. Dewatering / desludging requirements shall be included in accordance with the *Environmental Guidelines: Use and Disposal of Biosolids Products* (NSW EPA, 2000).
- given the nature of the facility, variable occupancy, and use of the site, Water NSW considers upfront balance tanks and monitoring of wastewater loads (including the commercial kitchen facility) is required to equalise the wastewater load entering the treatment system to ensure continued performance
- continual long-term operational management and maintenance of the proposed commercial wastewater treatment and effluent irrigation system for the development is essential. This shall include an Operational Environmental Management Plan to ensure the system can be maintained in the long term with clear pathways if the nominated agent / authority is no longer able to manage the system, and
- the stormwater plans appear to show a fourth (HW 04) swale connected to the proposed detention basin. The plans also show the proposed swales (HW 02 and 03) partially traversing down the contours and thus increasing concentrated flow. This should be resolved in the final stormwater drainage plans.

These items have been addressed in the attached conditions.

A separate submission was prepared by Water NSW (Water NSW Ref: D2025/12442, dated 16/02/2025) as the site is located adjacent to Water NSW lands (Lot 4 DP1129355) and the Shoalhaven Special Area.

Based on the site inspection and the information provided, Water NSW is satisfied the proposed development can achieve a neutral or beneficial effect (NorBE) on water quality provided appropriate conditions are included in any development consent based on consultation with Council and Water NSW (as part of later design stages) and are subsequently implemented.

Water NSW concurs with Council granting consent to the application subject to the following conditions:

General

1. The development layout, works, and staging shall be implemented in accordance with the plans and supporting documents set out in the following table.

Plan Title	Reference	Vers/ Issue	Prepared By	Dated
Masterplan: Existing Site Plan	Job No: 433.02 Dwg No: MP 1.03	5	Baxter & Jacobson Architects	28/11/2024
Proposed Masterplan	Job No: 433.02 Dwg No: MP 1.05			
Stage 1	Job No: 433.02 Dwg No: MP 1.06			

Existing Facilities Plan	Job No: 433.02 Dwg No: S-10	A		28/11/2024
Site Plan	Job No: 433.02 Dwg No: S-12			
Site Sections	Job No: 433.02 Dwg No: S-20			
D1 Roof Plan	Job No: 433.02 Dwg No: D1-13	3		17/12/2024
D1 Sections	Job No: 433.02 Dwg No: D1-30 & 31			
D3 Elevations	Job No: 433.02 Dwg No: D3-20			
Facilities/ Maintenance - Roof Plan	Job No: 433.02 Dwg No: FM.12	1		28/10/2024
Facilities/ Maintenance – Elevations 1 & 2	Job No: 433.02 Dwg No: FM.20 & FM.21			
Outdoor Education – Roof plan	Job No: 433.02 Dwg No: OE.12			
Outdoor Education – Elevations 1 & 2	Job No: 433.02 Dwg No: OE.20 & OE.21			
Glengarry Clinic – Roof plan	Job No: 433.02 Dwg No: GC.11	1		18/11/2024
Glengarry Clinic – Elevations	Job No: 433.02 Dwg No: GC.20			
Canoe Shed – Roof Plan	Job No: 433.02 Dwg No: CS.11	1		28/10/2024
Canoe Shed – Elevations	Job No: 433.02 Dwg No: CS.20			
Sketch Plan Showing Detail	Ref No: 101811/20 Sheets 1 to 7	C	SET Consultants Pty Ltd	6/09/2024
Typical Cross Sections & Details	Project No: 23P00240 Dwg No: C011	A	MIEngineers	16/10/2024
Bulk Earthworks Plan	Project No: 23P00240 Dwg No: C051	A		16/10/2024
Site Plan	Project No: 23P00240 Dwg No: C100	A		16/10/2024
General Arrangement Plan Sheets 1 & 2	Project No: 23P00240 Dwg No: C102 & C103	A		16/10/2024
Stormwater Catchment Plan -Pre Development	Project No: 23P00240 Dwg No: C105	A		16/10/2024
Stormwater Catchment Plan -Post Development	Project No: 23P00240 Dwg No: C106	A		16/10/2024
Demolition Plan Stage 01	Project No: 23P00240 Dwg No: C110	A		16/10/2024
MC10 Longitudinal Sections	Project No: 23P00240 Dwg No: C111	A		16/10/2024
MC10 Cross Sections Sheet 1 & 2	Project No: 23P00240 Dwg No: C121 & C122	A		16/10/2024

Stormwater Plan	Project No: 23P00240 Dwg No: C201	A		16/10/2024
Erosion & Sediment Control Plan	Project No: 23P00240 Dwg No: C501	A		16/10/2024
Erosion & Sediment Control Details Sheet	Project No: 23P00240 Dwg No: C502	A		16/10/2024
WSUD Site Area Break-Up Pre Verse Post	-	-		15/10/2024
Landscape Plans: North and South	Drawing No. GG-DA-2A & 2B, Sheets 1&2	DA2	Thompson Berrill Landscape Design P/L	29/10/2024
Supporting Documentation				
Statement of Environmental Effects	Project Ref: N25855	1	Allen Price Pty Ltd	6/12/2024
Soil and Site Assessment for Onsite Wastewater Disposal	Ref: 6440WW	1.1	Harris Environmental Consulting	8/04/2025
NorBE Assessment	Report No: 23P00240.1	1	MIEngineers	18/11/2024

No revisions to site layout, works or staging that will have any impact on water quality shall be permitted without the agreement of Water NSW.

Reason for Condition 1 - Water NSW has based its assessment under the State Environmental Planning Policy (Biodiversity and Conservation) 2021 on this version of the development.

Commercial Wastewater Management

2. The commercial wastewater treatment system including effluent irrigation areas shall have detailed design of the system in accordance with the Soil and Site Assessment for Onsite Wastewater Disposal set out in the table in Condition 1 and *Designing and Installing On-Site Wastewater Management Systems* (WaterNSW, 2023). The detailed design including the final location of irrigation areas shall be prepared in consultation with Water NSW prior to the issuance of a Construction Certificate for Stage 1 and shall have:
   - sanitary drainage from all amenities to the pump station / treatment system, process flow design, treatment tank design / arrangement, and emergency monitoring systems
   - a suitably sized and hydraulically designed pump station/s to collect and convey sewage to the treatment system, to be fitted with a suitably designed control system including controller, solenoids, telemetry, standby pumps and provision for emergency power and associated infrastructure
   - a treatment system with minimum treatment capacity of 26,500 litres per day
   - storage / balance tank(s) with a minimum total capacity of 190,000 litres installed for wet weather
   - collection and pump wells with an alarm system (visual, audible and remote messaging) that is triggered when the pump fails or when the storage / balance and treatment tanks are at 75% capacity
   - a total irrigation area of 11,650 square metres consisting of:
     - 7,000 square metres of surface irrigation area, and
     - 4,650 square metres of downslope nutrient uptake area

- the irrigation area divided into a series of subfields, consisting of fifteen (15) surface irrigation sprayers which shall consist of areas no greater than 490 square metres, subject to detailed design
- a pump (duty and stand-by) with sufficient capacity and design to ensure effective and even delivery of effluent to and throughout the effluent irrigation area surface irrigation with fixed sprinkler points using quick-coupling valves or similar, with sprinklers to be rotated throughout the irrigation area (movable or semi-movable sprinklers shall not be used)
- the irrigation system fitted with an auto-sequencing valve or a series of valves that enable different fields of the effluent irrigation area to be utilised at any one time
- switching valves and/or dosing / distribution mechanisms installed to ensure the effluent is evenly distributed across all effluent irrigation subfields
- the irrigation system hydraulically designed and clean water tested to ensure there is uniform delivery to all parts of the effluent irrigation area
- all distribution pipework from the treatment tanks to the effluent irrigation areas that are:
  - buried at a minimum depth of 300 mm (500 mm under an access way), and
  - laid in a manner that provides protection against mechanical damage or deformation
- all upslope stormwater run-on diverted away from the wastewater treatment system and effluent irrigation areas, e.g. by means of a suitably sized and designed stabilised bund or drain with provision for energy dissipation at the outlet to prevent scouring or erosion subject to detailed design, and
- all effluent fully assimilated within the boundaries of the property.

3. The effluent irrigation area shall be:
   - fenced off permanently from residents, visitors, livestock and vehicles, and
   - mowed regularly with grass clippings to be disposed of outside the effluent irrigation area.

4. The redundant components of the existing wastewater treatment and management system on site including the effluent treatment (reed bed) and detention ponds shall be decommissioned by a suitably qualified contractor in accordance with a suitable decommissioning plan. The decommissioning plan shall:
   - be prepared in consultation with Council and Water NSW prior to the issuance of a Construction Certificate for Stage 1
   - outline a timeline of works (with consideration of existing system transition), staging and end points
   - include dewatering / desludging requirements in accordance with the *Environmental Guidelines: Use and Disposal of Biosolids Products* (NSW EPA, 2000), and
   - have decommissioning works signed off in accordance with the plan by a suitably qualified contractor in consultation with Council and Water NSW prior to issuance of an Occupation Certificate for Stage 1.

5. Maximum use of the site shall be as described in section 4 of the Soil and Site Assessment for Onsite Wastewater Disposal report set out in the table in Condition 1. No changes to site usage that will have any impact on water quality shall be permitted without the agreement of Water NSW.

6. Should an event be held onsite that involves more than the proposed maximum use on the site, portable toilets shall be used for wastewater disposal. The number and type shall be hired for the event in accordance with the supplier's recommendation and as specified in https://www.nsw.gov.au/departments-and-agencies/premiers-department/community-engagement/event-starter-guide/health.
7. No changes to the wastewater treatment and effluent irrigation systems that may have any impact on water quality, shall be permitted without the agreement of Water NSW.
8. Appliances and fixtures with at least a four-star rating shall be installed in the new buildings to minimise the volume of wastewater produced.
9. These conditions of consent relating to wastewater management shall be provided to the installer/s of the wastewater treatment and effluent irrigation systems.
10. The installer/s of the wastewater treatment and effluent irrigation systems shall certify, in consultation with the relevant wastewater management system design consultant, to Council in writing that the new wastewater treatment system and effluent irrigation area have been:
    - constructed and installed as per these conditions of consent and in accordance with *Designing and Installing On-Site Wastewater Management Systems* (WaterNSW, 2023), and
    - tested and are functioning properly.
11. The on-site wastewater management system shall be maintained according to the *Onsite Wastewater Management Guidelines* (Department of Planning, Housing and Infrastructure, 2025), AS/NZS 1547:2012 *On-site Domestic Wastewater Management, Environmental Guidelines: Use of Effluent by Irrigation* (NSW Department of Environment and Conservation, 2004), and the manufacturer's specifications.
12. The Principal Certifier shall not issue an Occupation Certificate for Stage 1 until Council has received certification from the installer/s and approved the on-site wastewater management systems under the *Local Government Act 1993* as being consistent with these conditions.

Reason for Conditions 2 to 12 - To ensure that an appropriate commercial on-site wastewater management system is designed, located and managed to have an overall and sustainable neutral or beneficial effect on water quality over the longer term.

Solids Management

13. All sewage screen and solid waste from the wastewater treatment system shall be managed in accordance with an Operational Environmental Management Plan to be prepared in consultation with Water NSW.

Reason for Condition 13 - To ensure that sewage solids are appropriately managed to have an overall and sustainable neutral or beneficial effect on water quality over the longer term.

Stormwater Management

14. All stormwater management measures specified in the NorBE Assessment and Civil and Stormwater Plans set out in the table in Condition 1 shall be incorporated into the final drainage plan. The final stormwater drainage plan shall:
    - be prepared prior to the issuance of the Construction Certificate for Stage 1 and shall be approved by the Principal Certifier

- have suitably located and hydraulically sized stormwater management measures including:
  - pits and pipes
  - rainwater tanks
  - grassed buffer areas and swales (HW 02, 03 and 04)
  - existing dam and detention basin
  - new detention basin with minimum surface area of 100 square metres and permeant storage volume of 100 kL, and
- be implemented.

15. The new unsealed internal roads and parking areas shall be located and constructed as shown in the Site Plan, General Arrangement Plans and Stormwater Catchment Plan - Post Development set out in the table in Condition 1. The unsealed roads and areas shall:
    - be gravel-paved and constructed and maintained in accordance with Council's engineering standards and be consistent with the *Unsealed Roads Best Practice Guide* (ARRB, March 2020)
    - provide 2-metre wide vegetated swales and planted / mulched buffers as recommended, for the entire length of the accessways, driveways, and car parking areas with appropriately spaced cross drains, level spreaders, sills or mitre drains that divert water to the three grassed swales (HW 02, 03 and 04) to provide for efficient sediment trapping and energy dissipation. Where the outlets of swales discharge into drainage depressions or watercourses, they shall be stabilised by an energy dissipater, and
    - ensure all swales, grassed buffer, batters and verges associated with the accessways, driveways and car parking areas be vegetated and stabilised with bitumen and jute matting or equivalent as soon as possible after construction. In steeper areas where the slope is in excess of 10%, the swales shall be armoured with coarse gravel, cobbles or rock.
16. A rainwater collection and reuse system shall be installed that:
    - includes rainwater tanks with a minimum total capacity of 60,000 litres above any volume required for mains top-up
    - ensures roofs and gutters designed to maximise the capture of rainwater in the tanks
    - ensures that the tanks are plumbed to toilets, showers and other areas for non-potable use including landscape watering, and
    - ensures that all rainwater tank overflow is directed to either a grassed swale or detention basin, as per the final stormwater drainage plan.
17. No variation to stormwater treatment and management that will have any impact on water quality, shall be permitted without the agreement of Water NSW.
18. A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and the Principal Certifier prior to the issuance of an Occupation Certificate for Stage 1 that all stormwater management measures have been installed as per these conditions of consent and are in a functional state.

Reason for Conditions 14 to 18 - To ensure appropriate stormwater management measures are installed and managed to ensure a sustainable neutral or beneficial impact on water quality particularly during wet weather over the longer term for the development as a whole.

Monitoring Program

19. A monitoring program for the performance of the wastewater treatment and effluent irrigation systems shall be prepared in consultation with Water NSW prior to the issuance of an Occupation Certificate for Stage 1. The monitoring program shall:
    - include monitoring of the following parameters at a minimum:
        - the recommendations outlined in section 12 of the Soil and Site Assessment for Onsite Wastewater Disposal report set out in the table in Condition 1
        - the number of people attending the facility and associated daily wastewater flow including the commercial kitchen facilities
        - effluent levels in the various wastewater treatment systems and available storage (daily)
        - volume of wastewater pumped to the effluent irrigation areas (daily)
        - effluent quality (weekly)
        - system control and irrigation scheduling (weekly)
        - quantity of sewage solids produced (weekly)
        - desludging frequency of primary sedimentation tanks
        - signs of system failure and management measures (daily), and
        - irrigation area soil moisture (probes), and phosphorus and nitrogen levels (weekly)
    - specify any and all management measures that will be implemented if the wastewater system is not operating effectively or may be causing adverse environmental impacts.

20. The monitoring and performance reports, prepared by a person with knowledge and experience in the preparation of such reports, shall be submitted to Council and Water NSW. These reports shall be submitted initially on a six-monthly basis for the first two years with future requirements to be determined by system performance.

Operational Environmental Management Plan

21. An Operational Environmental Management Plan shall be prepared, in consultation with Water NSW, by a person with knowledge and experience in the preparation of such plans prior to the issuance of an Occupation Certificate for Stage 1. The Plan shall:
    - include details on the location and nature of all wastewater treatment components and effluent irrigation areas such as pipes, pits, pumps, tanks (including wet weather storage), grease traps (for the commercial kitchen facilities) control system (including controller, alarm system, solenoids, telemetry, standby pumps), provision for emergency power, filters, sequencing valves, and surface effluent irrigation area
    - include details on the location and nature of sewage solids management and measures
    - include details on the nature of all stormwater management measures such as pits, pipes, rainwater tanks, grassed buffers / swales, detention basins and dams
    - outline the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all water quality / wastewater management structures (as per conditions 19 & 20 above) and stormwater management measures, including the frequency of such activities
    - identify the individuals or positions responsible for inspection, monitoring and maintenance activities including a reporting protocol and hierarchy, and procedures for managing and notification of water quality emergencies (including appropriate references to Water NSW Incident line 1800 061 069), and

- include checklists for recording inspections, monitoring and maintenance activities, including the detention basins and dam.

22. The activities and operations shall be monitored, maintained and managed as per the Operational Environmental Management Plan, after all comments made by Water NSW during the consultation process have been appropriately resolved and incorporated in the final Operational Environmental Management Plan.

Reason for Conditions 19 to 22 – To ensure appropriate management and monitoring of all wastewater and stormwater management measures to ensure the development has a sustainable neutral or beneficial impact on water quality particularly during wet weather over the longer term.

Construction Activities

23. A Soil and Water Management Plan for Stage 1 shall be prepared, for all works required as part of the Stage 1 development by a person with knowledge and experience in the preparation of such plans. The Plan shall:
    - incorporate the recommendations outlined in Erosion & Sediment Control Plan and Details set out in the table in Condition 1
    - be prepared prior to the issuance of a Construction Certificate for Stage 1 and be to the satisfaction of the Principal Certifier
    - meet the requirements outlined in Chapter 2 of NSW Landcom's *Managing Urban Stormwater: Soils and Construction (2004)*
    - be updated appropriately to reflect the progressive works on the site
    - include details of managing any disturbance from the new detention basin construction
    - include controls that prevent sediment or polluted water leaving the site or entering any stormwater drain or natural drainage system, and
    - specify how suitable groundcover will be achieved within required timeframes.

24. The Soil and Water Management Plan shall be implemented, and no works shall commence until effective erosion and sediment controls have been installed. The controls shall be regularly inspected, maintained, and retained until works have been completed and ground surface stabilised or groundcover re-established.

Reason for Conditions 23 & 24– To manage adverse environmental and water quality impacts during the construction phase of the development to minimise the risk of erosion, sedimentation and pollution within or from the site during this phase.

Under section 6.64 (3) of the SEPP, Council must provide Water NSW with a copy of its determination of the application within 10 days of the determination.

If you wish to discuss this matter further, please contact Jack Sharples via environmental.assessments@waternsw.com.au

Yours sincerely

JURI JUNG
Catchment Protection Manager

Development Application and Planning Proposal Review
NSW Planning Portal Concurrence and Referral

Endeavour Energy

Authority	Authority's Reference	Agency Concurrence and Referral	Authority Contact	Authority Notification	Submission Due	Submission Made
Shoalhaven City Council	DA2024/2322	CNR-77992	Bryan Netzler	20/01/2025	10/03/2025	30/01/2025

Address	Land Title
369 JACKS CORNER ROAD KANGAROO VALLEY 2577	Lot 27 DP 881838 Lot 1 DP 12611829

Scope of Development Application or Planning Proposal

Concept and Detailed (Stage 1) Development Application for an Educational Establishment

Endeavour Energy's G/Net master facility model indicates:

Within or adjacent to the property the electrical network used in the distribution / supply of electricity are:

Electricity Infrastructure / Apparatus	Statutory allocation (road verge / roadway*)	Easement (or other form of property tenure**)	Protected works***	Freehold (adjoining or nearby)
Overhead Power Lines				
Low voltage	☒	☐	☐	☐
High voltage	☒	☒	☒	☐
Transmission voltage	☐	☐	☐	☐
Pole / tower	☒	☒	☒	☐
Underground Cables				
Low voltage	☐	☐	☐	☐
High voltage	☐	☐	☐	☐
Transmission voltage	☐	☐	☐	☐
Streetlight / pillar	☐	☐	☐	☐
Substation				
Pole mounted	☒	☒	☒	☐
Padmount	☐	☐	☐	☐
Indoor	☐	☐	☐	☐
Zone	☐	☐	☐	☐
Transmission	☐	☐	☐	☐
Switch	☐	☐	☐	☐
Other	☐	☐	☐	☐

Low voltage extra low voltage up to 1,000 volts alternating current (a.c.).
High voltage above 1,000 volts a.c and less than 33,000 volts a.c. [33 kilovolts (kV)].
Transmission voltage 33 kV up to 132,000 volts a.c. (132 kV).
*Rights provided in a public road or reserve. The allocation depends on the classification and date of roadway dedication.
** Other form of property tenure includes but is not limited to restriction, covenant, lease, licence etc.
***Protected works under Section 53 'Protection of certain electricity works' of the *Electricity Supply Act 1995* (NSW).
Other: provide detail of electricity infrastructure / apparatus.

POWER together

Endeavour Energy
ABN 11 247 365 823
T 133 718
Level 40-42, 8 Parramatta Square,
10 Darcy Street Parramatta NSW 2150
PO Box 811, Seven Hills NSW 1730
endeavourenergy.com.au

Relevant / applicable clause numbers from Endeavour Energy's Standard Conditions for Development Applications and Planning Proposals indicated by ☒ .

Cond-ition	Advice	Clause No.	Issue	Detail
☐	☐	1	Adjoining Sites	Adjoining or nearby development / use should be compatible with the use of Endeavour Energy's sites.
☐	☐	2	Asbestos	Area identified or suspected of having asbestos or asbestos containing materials (ACM) present in the electricity network.
☐	☒	3	Asset Planning	Applicants should not assume adequate supply is immediately available to facilitate their proposed development.
☐	☐	4	Asset Relocation	Application must be made for an asset relocation / removal to determine possible solutions to the developer's requirements.
☐	☒	5	Before You Dig	Before commencing any underground activity the applicant must obtain advice from the Before You Dig service.
☒	☐	6	Bush Fire	Risk needs to be managed to maintain the safety of customers and the communities served by the network.
☐	☐	7	Construction Management	Integrity of electricity infrastructure must be maintained and not impacted by vehicle / plant operation, excessive loads, vibration, dust or moisture penetration.
☐	☐	8	Contamination	Remediation may be required of soils or surfaces impacted by various forms of electricity infrastructure.
☐	☒	9	Demolition	All electricity infrastructure shall be regarded as live and care must be taken to not interfere with any part of the electricity network.
☐	☐	10	Dispensation	If a proposal is not compliant with Endeavour Energy's engineering documents or standards, the applicant must request a dispensation.
☐	☐	11	Driveways	For public / road safety and to reduce the risk of vehicle impact, the distance of driveways from electricity infrastructure should be maximised.
☒	☐	12	Earthing	The construction of any building or structure connected to or in close proximity to the electrical network must be properly earthed.
☒	☐	13	Easement Management	Preference is for no activities to occur in easements and they must adhere to minimum safety requirements.
☐	☐	14	Easement Release	No easement is redundant or obsolete until it is released having regard to risks to its network, commercial and community interests.
☐	☐	15	Easement Subdivision	The incorporation of easements into to multiple / privately owned lots is generally not supported.
☐	☒	16	Emergency Contact	Endeavour Energy's emergency contact number 131 003 should be included in any relevant risk and safety management plan.
☐	☐	17	Excavation	The integrity of the nearby electricity infrastructure shall not be placed at risk by the carrying out of excavation work.
☐	☒	18	Flooding	Electricity infrastructure should not be subject to flood inundation or stormwater runoff.
☐	☐	19	Hazardous Environment	Electricity infrastructure can be susceptible to hazard sources or in some situations be regarded as a hazardous source.
☒	☐	20	Look up and Live	Before commencing any activity near overhead power lines the applicant must obtain advice from the Look Up and Live service.
☐	☐	21	Modifications	Amendments can impact on electricity load and the contestable works required to facilitate the proposed development.
☐	☒	22	Network Access	Access to the electricity infrastructure may be required at any time particularly in the event of an emergency.
☒	☐	23	Network Asset Design	Design electricity infrastructure for safety and environmental compliance consistent with safe design lifecycle principles.

Cond-ition	Advice	Clause No.	Issue	Detail
☒	☐	24	Network Connection	Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.
☒	☐	25	Protected Works	Electricity infrastructure without an easement is deemed to be lawful for all purposes under Section 53 'Protection of certain electricity works' of the *Electricity Supply Act 1995* (NSW).
☐	☒	26	Prudent Avoidance	Development should avert the possible risk to health from exposure to emissions form electricity infrastructure such as electric and magnetic fields (EMF) and noise.
☐	☒	27	Public Safety	Public safety training resources are available to help general public / workers understand the risk and how to work safely near electricity infrastructure.
☐	☐	28	Removal of Electricity	Permission is required to remove service / metering and must be performed by an Accredited Service Provider.
☐	☒	29	Safety Clearances	Any building or structure must comply with the minimum safe distances / clearances for the applicable voltage/s of the overhead power lines.
☐	☐	30	Security / Climb Points	Minimum buffers appropriate to the electricity infrastructure being protected need to be provided to avoid the creation of climb points.
☒	☐	31	Service Conductors	Low voltage service conductors and customer connection points must comply with the 'Service and Installation Rules of NSW'.
☐	☒	32	Solar / Generation	The performance of the generation system and its effects on the network and other connected customers needs to be assessed.
☐	☒	33	Street Infrastructure	Streetlighting should be reviewed and if necessary upgraded to suit any increase in both vehicular and pedestrian traffic.
☐	☒	34	Sustainability	Reducing greenhouse gas emissions and helping customers save on their energy consumption and costs through new initiatives and projects to adopt sustainable energy technologies.
☐	☐	35	Swimming Pools	Whenever water and electricity are in close proximity, extra care and awareness is required.
☐	☐	36	Telecommunications	Address the risks associated with poor communications services to support the vital electricity supply network Infrastructure.
☒	☐	37	Vegetation Management	Landscaping that interferes with electricity infrastructure is a potential safety risk and may result in the interruption of supply.
Decision				Approve (with conditions)

Environmental Services Team

P 133 718
E Property.Development@endeavourenergy.com.au

Endeavour Energy | POWER together

Endeavour Energy respectfully acknowledges the Traditional Custodians on whose lands we live, work, and operate and their Elders past and present.

Reason(s) for Conditions or Objection (If applicable)

Bush Fire

Endeavour Energy has comprehensive plans in place to manage bushfire risk to maintain the safe and reliable operation of the electricity distribution network. The vegetation management works are not intended to provide a defendable space / asset protection zone (APZ) for an adjoining development / dwelling. Property owners also have a role to play and must have regard to NSW Rural Fire Service Planning for Bush Fire Protection 2019 and the performance criteria and acceptable solutions for electricity services.

Earthing

Earthing systems provide safety functions by supplying the electrical installation with a low impedance path for any faults in the electricity distribution network. The earthing system should be designed by an Accredited Service Provider (ASP) and consider the likelihood that areas may be wet eg. pool zones, above ground / open onsite stormwater detention (OSD) basins, rain water gardens, dams etc. or the presence of conductive materials eg. metal fencing, water taps etc. (which may increase the area the fault voltage is dissipated to) and potential exposure to / access by people. These situations should not occur near electricity infrastructure or in easements / restrictions and may affect the integrity of any electricity infrastructure and cause difficulty for access for electricity workers.

Easement Management

All encroachments, activities and / or works (including subdivision and even if not part of the Development Application) whether temporary or permanent within or affecting an easement, restriction, right of access or protected works (other than those approved / certified by Endeavour Energy's Customer Network Solutions Branch as part of an enquiry / application for load or asset relocation project) need to be referred to Endeavour Energy's Easements Officers for assessment and possible approval if they meet the minimum safety requirements and controls. However please note that this does not constitute or imply the granting of approval by Endeavour Energy to any or all of the proposed encroachments and / or activities.

For further information please refer to the following list of Endeavour Energy's documents for both general and specific advice for different types of electricity distribution infrastructure:
- Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights' which deals with activities / encroachments within easements.
- Living with Easements brochure.
- General Restrictions for Overhead Power Lines.
- General Restrictions for Underground Cables.
- Guide to Fencing, Retaining Walls and Maintenance Around Padmount Substations.

Look up and Live

The Look Up and Live app shows the approximate overhead power line locations and imagery via an interactive geospatial map with some details of the conductors to assist in planning and raising awareness of safe working requirements near power lines and provides specific information on how to minimise the risk of contact. The actual network, and other conditions may differ from the content displayed and if there is any doubt further advice should be sought from Endeavour Energy or an Accredited Service Provider (ASP).

Network Asset Design

Endeavour Energy's network asset design policy is generally to progressively underground all new urban developments. All new cabling / reticulation infrastructure must be of an underground construction type. Where existing overhead construction is present on or in proximity of the site, it may require undergrounding as the development proceeds. Endeavour Energy's preference is for the utilisation of padmount distribution substations except where they are not practicably possible.

Network Connection

Applicants should not automatically assume that the presence of electricity infrastructure in the locality and / or nearby similar development means that adequate supply is immediately available to facilitate their proposed development.

If the premises already have a suitable connection to the network where no augmentation or extension to the mains is required, the connection will need to be arranged by the applicant by contacting their electricity retailer to set up a contract and account. A basic connection service in an urban area is generally for a low voltage load up to 100 amps single phase or 63 amps three phase.

If a new connection, or change to the existing connection (moving or increasing the load capacity), to ensure an adequate connection, the applicant should engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation to assess the electricity load and the proposed method of supply for the development.

Existing distribution substations in the area are likely to have some spare capacity but it is not unlimited and may not always be sufficient to provide for any additional load from the proposed development. Other factors such as the size and rating / load on the conductors and voltage drop (which can affect the quality of supply particularly with long conductor runs) etc. need to be assessed.

The extent of any required extension or augmentation of the existing electricity distribution network will not be determined until the final load assessment is completed. If a distribution substation/s is required it will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling not located within a public road / reserve) with an appropriate form of property tenure as detailed in the attached copy of Endeavour Energy's 'Land Interest Guidelines For Network Connection'.

Generally it is the Level 3 Accredited Service Provider's (ASP) responsibility (engaged by the developer) to make sure substation location and design complies with Endeavour Energy's standards the suitability of access, safety clearances, fire ratings, flooding etc. If the substation does not comply with Endeavour Energy's standards, the applicant must request a dispensation.

Protected Works

Under Section 53 'Protection of certain electricity works' of the Electricity Supply Act 1995 (NSW), owners of property where existing electricity works are located but not protected by a registered easement, cannot take any legal action against a network operator in respect of the presence, operation or use of the existing works and may be managed as if an easement is in place. Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure', Table 1 'Minimum easement widths' provides details of the easements required for different types of electricity distribution infrastructure.

The encroachment of protected works can be rectified but would need to be done with the agreement of the benefitting owner and at the cost of the applicant. Conversely, if the site benefitted by the encroachment was to be redeveloped, unless provided with an easement, the encroachment would need to be rectified.

Service Conductors

Low voltage service conductors and customer connection points must comply with the 'Service and Installation Rules of NSW' and be appropriately designed and located eg. not encroach adjoining properties (unless provided with a suitable easement or are existing / legacy assets to which Clause 25 'Protected Works' may apply), maintain minimum clearances above ground, and from trees, shrubs and structures etc.

Vegetation Management

The planting of large / deep rooted trees near electricity infrastructure is opposed by Endeavour Energy. Fallen power lines will often occur when trees or branches fall onto or lean on the overhead power lines causing power outages. Invasive roots may damage underground cables. Existing trees which are of low ecological significance in proximity of electricity infrastructure should be removed and if necessary replaced by an alternative smaller planting. The landscape designer will need to ensure any planting near electricity infrastructure achieves Endeavour Energy's vegetation management requirements.

Endeavour Energy's HxGN NetWorks Core master facility model

The advice provided regarding the extent of the electricity network within or adjacent to the property is based on a desk top review of Endeavour Energy's HxGN NetWorks Core master facility model. This is a computer based geospatial data system which holds the data on and is used to map the electricity network but is indicative only and based on the data available at the time. It only shows the Endeavour Energy electricity network and does not show electricity infrastructure belonging to other authorities or customers owned electricity equipment beyond the customer connection point / point of supply to the property.

Due to privacy and security requirements, certain aspects of Endeavour Energy's geospatial data are protected information. Additional plans and details of the electricity network within or adjacent to the property are available by the arrangements provided to the relevant referral services in accordance with the applicable legislation, licences, regulations and codes of practice etc.

Easement (or other form of property tenure)

Title searches will confirm the current owners of a property and shows any registered interests affecting the property such as an easement. Not all interests eg. short term leases and licences are registered on the title. Not all easements for electricity infrastructure will necessarily benefit Endeavour Energy eg. there may be interallotment / easements appurtenant to the land particularly for low voltage service conductors / customer connections. For further advice please refer to Endeavour Energy's:

- Land Interest Guidelines for Network Connection Works.
- Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'.

Standard Conditions

Due to the high number of notifications / referrals received by Endeavour Energy, the use of the 'Standard Conditions' is needed to enable responses / submissions to be made with the reasonably available resource allocation and within the statutory / requested time frames. The ability to provide more specific and detailed individual consideration to every notification / referral is limited.

Whilst all reasonable care and effort has been made to address the matters affecting the Development Application or Planning Proposal related to the electricity distribution network, the determining authority / applicant will need to consider their own specific knowledge, needs or circumstances, objectives and requirements in consideration of the response / submission to take appropriate corrective action.

This may require the determining authority / applicant to review the information provided for the application / proposal to verify the issue / risk included as either a 'Condition' or 'Advice' in the response / submission. For example, if Clause 37 'Vegetation Management' is marked as a 'Condition', the landscape plans / planting schedule should be referred to and reviewed to validate the risk associated with the matter as described in the 'Standard Conditions' eg. the mature height and /or spread of the proposed plantings may interfere with overhead power lines and require the use of smaller alternative planting.

Condition or Advice

With Endeavour Energy's Development Application and Planning Proposal Review process / system the intent of the 'Standard Conditions' being indicated as either a 'Condition' or 'Advice' depends on the risk associated with the matter. If the matter is one that is likely or very likely to be an issue / needed to be addressed by the applicant and may require corrective action, then it is marked as a 'Condition'. If the matter is less likely and the consequences of the applicant not addressing it are lower or can be readily rectified, then it is marked as 'Advice'. If the matter is not applicable / relevant then it is not marked as either.

For example, the obtaining advice from the Before You Dig service in accordance with the requirements of the Electricity Supply Act 1995 (NSW) and associated Regulations is a standard / regulatory requirement and will be indicated as 'Condition'. If the Site Plan from Endeavour Energy's HxGN NetWorks Core master facility model indicates there is no underground electricity infrastructure it will be indicated as 'Advice' as a precaution regarding any other underground utilities.

Not all the matters may be directly or immediately relevant or significant to the Development Application or Planning Proposal. However, Endeavour Energy's preference is to alert proponents / applicants of the potential matters that may arise should development within closer proximity of the existing and/or required electricity infrastructure needed to facilitate the proposed development on or in the vicinity of the site occur. Even if a matter is not indicated a 'Condition' or 'Advice', applicants are encouraged to review all of the 'Standard Conditions' as some matters may not have been evident from the information provided with the Development Application and of which the applicant may have additional knowledge.

Decision

In the NSW Planning Portal for the 'Agency response', as Endeavour Energy is not a concurring authority under the provision of the *Environmental Planning and Assessment Act 1979* (NSW), it does not 'Approve' or 'Refuse' a Development Application in the Portal.

It will 'Approve (with conditions)' if there are any matters in the submission marked for 'Condition'.

If all the matters in the submission are marked for 'Advice', the outcome of the assessment will also be 'Advice'.

Objection

Submissions that 'Approve (with conditions)' in the NSW Planning Portal may be indicated as 'Object' in Endeavour Energy's submission if the matters may substantially impact the proposed development or are regarded as a significant risk to the electricity distribution network. For example, if a building or structure encroaches and easement, restriction or safety clearances, either the encroaching parts of the building or structure will need to be redesigned or alternatively an asset relocation / removal required.

If indicated as 'Object', the submission details the reason/s subject to the satisfactory resolution of which, Endeavour Energy will have no further objection to the Development Application. To resolve these matters the applicant will need to make direct contact with the relevant Endeavour Energy's Contact (who do not have access to the NSW Planning Portal) via the contact details provided below. Re-referral via the NSW Planning Portal is not required and the matters can rest on the further correspondence.

In most instances even if the submission has been marked as 'Object', Endeavour Energy is not necessarily opposed to the Development Application. Whilst the determining authority may appropriately condition or defer these matters, Endeavour Energy recommends that whenever reasonably possible they be resolved before rather than as conditions of any development consent. This can assist in avoiding the need to later seek modification of an approved Development Application.

Information Provided

Please note Endeavour Energy can only assess the Development Application or Planning Proposal based on the information provided by the applicant and determining authority. Due to time and resource constraints it is not possible to refer all development application notifications to the relevant internal stakeholders for review and advice or to request additional information from the applicant or determining authority. Applicants should be providing proper detailed plans of the electricity infrastructure / easements on or near the site (including current photographs) and address the potential impacts of the proposed development thereon in the Statement of Environmental Effects / Environmental Impact Statements. The provision of inadequate detail may result in Endeavour Energy objecting to the Development Application or Planning Proposal.

Applicants should also provide details of any early engagement or consultation undertaken with Endeavour Energy eg. Technical Review Requests, Connection of Load Applications, approval from Easements Officers etc. as this will assist in expediting the submission.

Accredited Service Providers

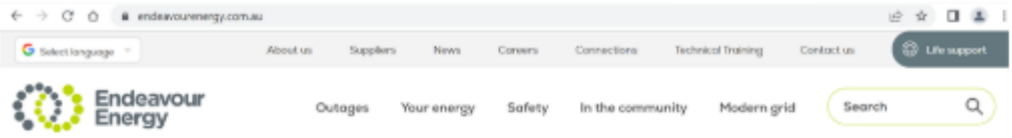
The Accredited Service Provider (ASP) scheme accredits organisations to perform contestable work on the NSW electricity distribution network. Contestable works are works that are required for the electricity distribution network provider to supply the load in the power lines where a new or altered connection is being requested.

Endeavour Energy is urging applicants / customers to engage with an ASP prior to finalising plans to assess and incorporate any required electricity infrastructure as well as addressing safety issues such as safety clearances. In so doing the consideration can also be given to its impact on the other aspects of the proposed development. This can assist in avoiding the making of amendments to the plan or possibly the need to later seek modification of an approved development application.

Details of the ASP Scheme which accredits organisations to perform contestable work on the NSW electricity distribution network are available via the following link to the Energy NSW website at https://www.energysaver.nsw.gov.au/get-energy-smart/dealing-energy-providers/installing-or-altering-your-electricity-service .

Further Advice

The 'Standard Conditions' include additional advice and contact details and further information is also available on Endeavour Energy's website at https://www.endeavourenergy.com.au/ .



To resolve any objection or to seek further advice the following are the main contacts and can be reached by calling Endeavour Energy via Head Office enquiries on business days from 9am - 4:30pm on telephone: 133 718. For other matters the contact details are included in Endeavour Energy's standard conditions for Development Application and Planning Proposal Review. Whilst the Environmental Services Team can provide the initial assessment and general advice or guidance, the resolution / approval of any matter/s rests with the relevant contact related to the matter/s and is not subject to the usual statutory notice requirements and response times

Branch / Section	Matters	Email
Customer Network Solutions	Electricity supply or asset relocation who are responsible for managing the conditions of supply with the applicant and their Accredited Service Provider (ASP).	CWAdmin@endeavourenergy.com.au
Easements Officers	Easement management or protected works / assets.	Easements@endeavourenergy.com.au
Property	Property tenure eg. the creation or release of easements.	network_property@endeavourenergy.com.au
Field Operations (to the relevant Field Service Centre).	Safety advice for building or working near the electricity network in public areas (including zone and transmission substations).	Construction.Works@endeavourenergy.com.au

Please note Endeavour Energy's above contacts do not have access to the NSW Planning Portal. To resolve any matters direct contact should be made with the responsible contact. This will avoid double handling and possible delays in responding to the applicant / Council.

In some circumstances further advice or guidance may need to be obtained by the applicant from an independent and appropriately qualified and / or experienced person / consultant before making any determination / decisions.

Connections Portal

For new enquiries or work requests, applicants can use the online Connections Portal. After signing up, applicants can sign in and submit requests by clicking on the relevant tile for the service required shown below. Hovering over the tiles provides a preview of the services provided or please refer to the quick reference guides:

- Connections Portal User Guide for Construction Works Services - a step by step guide for the new application process.
- User registration, log in and password reset guide .

Duty of Care

All individuals have a duty of care they must observe when working in the vicinity of electricity infrastructure. Before you do anything:

1) Contact Before You Dig and Look Up and Live to obtain the details of the electricity infrastructure on or near the site noting they are a guide only to what might be in the area and may not be entirely accurate.
2) Comply with the conditions and consider the advice provided above.
3) If needed contact Endeavour Energy on 133 718 or the contacts provided above for assistance. In case of an emergency call 131 003.
4) **DO NOT** attempt any work near electricity infrastructure until all required approvals and safety measures are in place.
5) Proceed only if you have satisfied yourself it is safe.
6) Always remember, even the briefest contact with electricity at any voltage can have serious consequences to a person's health and safety and can be fatal.

Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

Your reference: (CNR-77992) DA2024/2322
Our reference: DA20250120000247-Original-1

ATTENTION: Bryan Netzler

Date: Thursday 13 March 2025

Dear Sir/Madam,

Integrated Development Application
s100B – SFPP – School
369 JACKS CORNER ROAD KANGAROO VALLEY 2577, 27//DP881838, 1//DP1261829

I refer to your correspondence dated 28/01/2025 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

General Conditions

1. This response relates to approval of the Concept Plan and is a Bush Fire Safety Authority (BFSA) for Stage 1. Future Stages within the approved Concept Plan will require issue of separate BFSAs.

2. The development proposal is to generally comply with the following plans/documents except where amended by the conditions of this Bush Fire Safety Authority.
- The plan set titled "Glengarry Campus, Masterplan" revision 5 dated 28/11/24. Job no. 433.02
- The bushfire assessment prepared by Building Code & Busfire Hazard Solutions, dated 25th Oct 2024.

3. A Bush Fire Emergency Management and Evacuation Plan must be prepared in accordance with Table 6.8d of *Planning for Bush Fire Protection 2019* and be consistent with the following:
- The NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan;
- the provisions outlined in the above referenced bushfire report;

The Emergency Management and Evacuation Plan must include:
- planning for the early relocation of occupants;
- detailed plans of all emergency assembly areas, including on-site and off-site arrangements as stated in AS 3745 '*Planning for emergencies in facilities*', are clearly displayed, and an annually emergency evacuation is conducted.

Postal address
NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address
NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to the occupation of the development.

Asset Protection Zones

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

4. At the commencement of building works, and for the life of the development, all existing managed grounds and for a minimum distance of 88 metres to the north, 84 metres to the east, 100 metres to the southwest (as per existing management and as shown by the green line in attachment 01 of the above referenced bushfire assessment report) and for a minimum distance of 142 metres to the west of the proposed Dormitory buildings (as shown by the purple shading in attachment 01 of the above referenced bushfire assessment report) shall be managed as an inner protection area (IPA) as outlined within Appendix 4 of 'Planning for Bush Fire Protection 2019' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Construction Standards

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

5. New construction must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the *NASH Standard - Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

6. The existing buildings, where not previously compliant, must be upgraded to improve ember protection by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any subfloor areas, openable windows, vents, weep holes and eaves. External doors are to be fitted with draft excluders and garage doors are to be fitted with 'Brush Seals'.

Access – Property Access

The intent of measure is to provide safe operational access for emergency services personnel in suppressing a bush fire while residents are accessing or egressing an area.

7. Access roads for special fire protection purpose (SFPP) developments must comply with general requirements of Table 6.8b of *Planning for Bush Fire Protection 2019* and the following:

- SFPP access roads are two-wheel drive, all-weather roads;
- access is provided to all structures;
- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- the capacity of road surfaces and any bridges/ causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges and causeways are to clearly, indicate load rating;
- minimum 6m carriageway width;
- curves of roads have a minimum inner radius of 6m;
- the maximum grade road is 15 degrees and average grade of not more than 10 degrees;

- the road crossfall does not exceed 3 degrees;
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided, and
- access roads must provide suitable turning areas in accordance with Appendix 3.
- passing bays are to be provided as shown in attachment 2 of the above referenced bushfire assessment report (240583_BUSHFIRE SFPP ACCESS & PASSING OPPORTUNITIES REV: H; Dated: 16/10/20-24)

8. The internal loop road must comply with general requirements of Table 6.8b of *Planning for Bush Fire Protection 2019:*

- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
- curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
- the cross fall is not more than 10 degrees;
- maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads;
- Vehicular access must be capable of providing continuous access for emergency vehicles to enable travel in a forward direction from a public road around the site;
- Must have a minimum unobstructed width of 6m and in no part of the 6m width be built upon or used for any purpose other than vehicular or pedestrian movement; and,
- Must provide reasonable pedestrian access from the vehicular access to the building.
- Must be consistent with attachment 01of the above referenced bushfire assessment report (240583_BUSHFIRE SFPP CONSTRAINTS OVERLAY MANAGEMENT FROM PROPOSED SFPP FOOTPRINTS REV: H; Dated: 16/10/20-24)

Note: Compliance with Specification 43 provisions for S43C14 Vehicular access of NCC 2022 is modified by RFS in condition 8 above, as a performance-based solution. The proposal is for alterations and additions to an existing SFPP and the proposal does not seek to increase potential occupancy. The engineering constraints and topography of the site do not allow for compliance with the prescriptive provisions of Specification 43.
In considering a construction certificate application for building work, it is a matter for the certifier to be satisfied whether the building will comply with the relevant development consent (including conditions in that development consent reflecting any general terms of approval) and the Building Code of Australia which comprises Volumes 1 and 2 of the National Construction Code 2022 (NCC 2022).

Water and Utility Services

The intent of measure is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

9. The provision of water, electricity and gas must comply with the following in accordance with Table 6.8c of *Planning for Bush Fire Protection 2019:*

- The existing 3x100,000 litre static water supply tanks are to be maintained, and appropriate SWS signage installed;
- The existing hydrant system is to be maintained;
- 65mm Storz connections to be provided in conjunction with the hydrant system;
- a hardened ground surface for truck access is supplied within 4m of the water outlet;
- above-ground tanks are manufactured from concrete or metal;
- unobstructed access can be provided at all times;

- all exposed water pipes external to the building are metal, including any fittings;
- any hose and reel for firefighting connected to the pump must be 19mm internal diameter;
- fire hose reels are constructed in accordance with AS/NZS 1221:1997, and installed in accordance with the relevant clauses of AS 2441:2005;
- A Static Water Supply (SWS) sign must be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:
  - Markers must be fixed in a suitable location to be highly visible, and
  - Markers should be positioned adjacent to the most appropriate access for the water supply;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
  - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
  - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 *Guideline for Managing Vegetation Near Power Lines;*
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal;
- polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

Landscaping Assessment

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

10. Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:
- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do no touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid climbing species to walls and pergolas:
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

General Advice – Consent Authority to Note

These General Terms of Approval are provided on the understanding (as per the above referenced bushfire assessment report and the provided Statement of Environmental Effects) that the development does not seek to increase the potential occupancy of the site.

For any queries regarding this correspondence, please contact David Webster on 1300 NSW RFS.

Yours sincerely,

Martha Dotter
Manager Planning & Environment Srv (Sth)
Built & Natural Environment

BUSH FIRE SAFETY AUTHORITY

SFPP – School
369 JACKS CORNER ROAD KANGAROO VALLEY 2577, 27//DP881838, 1//DP1261829
RFS Reference: DA20250120000247-Original-1
Your Reference: (CNR-77992) DA2024/2322

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997.*

Martha Dotter
Manager Planning & Environment Srv (Sth)
Built & Natural Environment

Thursday 13 March 2025