

General Conditions

1.	Construction Certificate & PC Notification Before any site works, building or use is commenced, the person having the benefit of the development consent must: a. obtain a Construction Certificate from Shellharbour City Council or other accredited certifier, and b. appoint a Principal Certifier. Condition reason: To ensure that construction is carried out in accordance with relevant legislation.																																																																																
2.	Prescribed Conditions This development consent is subject to the prescribed conditions made under the <i>Environmental Planning & Assessment Regulation 2021</i>. Condition reason: To ensure that construction is carried out in accordance with relevant legislation.																																																																																
3.	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. <table><tr><th colspan="5">Approved plans</th></tr><tr><th>Plan number</th><th>Revision number</th><th>Plan title</th><th>Drawn by</th><th>Date of plan</th></tr><tr><td>DA-020-001</td><td>Revision C</td><td>Siteworks Staging Diagram</td><td>Turner</td><td>07.07.2025</td></tr><tr><td>DA-051-001</td><td>Revision F</td><td>Existing / Demolition Plans Site Demolition Plan</td><td>Turner</td><td>07.07.2025</td></tr><tr><td>DA-110-009</td><td>Revision L</td><td>GA Plans Ground Level</td><td>Turner</td><td>07.07.2025</td></tr><tr><td>DA-110-010</td><td>Revision M</td><td>GA Plans Level 01</td><td>Turner</td><td>07.07.2025</td></tr><tr><td>DA-110-020</td><td>Revision M</td><td>GA Plans Level 02</td><td>Turner</td><td>07.07.2025</td></tr><tr><td>DA-110-030</td><td>Revision K</td><td>GA Plans Level 03</td><td>Turner</td><td>07.07.2025</td></tr><tr><td>DA-110-040</td><td>Revision J</td><td>GA Plans Level 04</td><td>Turner</td><td>07.07.2025</td></tr><tr><td>DA-110-050</td><td>Revision K</td><td>GA Plans Level 05</td><td>Turner</td><td>07.07.2025</td></tr><tr><td>DA-110-060</td><td>Revision J</td><td>GA Plans Level 06</td><td>Turner</td><td>07.07.2025</td></tr><tr><td>DA-110-070</td><td>Revision J</td><td>GA Plans Level 7 Roof Level</td><td>Turner</td><td>07.07.2025</td></tr><tr><td>DA-210-101</td><td>Revision G</td><td>GA Elevations North Elevations</td><td>Turner</td><td>07.07.2025</td></tr><tr><td>DA-210-201</td><td>Revision H</td><td>GA Elevations East Elevations</td><td>Turner</td><td>07.07.2025</td></tr><tr><td>DA-210-301</td><td>Revision G</td><td>GA Elevations South Elevations</td><td>Turner</td><td>07.07.2025</td></tr><tr><td>DA-210-401</td><td>Revision H</td><td>GA Elevations West Elevations</td><td>Turner</td><td>07.07.2025</td></tr></table>	Approved plans					Plan number	Revision number	Plan title	Drawn by	Date of plan	DA-020-001	Revision C	Siteworks Staging Diagram	Turner	07.07.2025	DA-051-001	Revision F	Existing / Demolition Plans Site Demolition Plan	Turner	07.07.2025	DA-110-009	Revision L	GA Plans Ground Level	Turner	07.07.2025	DA-110-010	Revision M	GA Plans Level 01	Turner	07.07.2025	DA-110-020	Revision M	GA Plans Level 02	Turner	07.07.2025	DA-110-030	Revision K	GA Plans Level 03	Turner	07.07.2025	DA-110-040	Revision J	GA Plans Level 04	Turner	07.07.2025	DA-110-050	Revision K	GA Plans Level 05	Turner	07.07.2025	DA-110-060	Revision J	GA Plans Level 06	Turner	07.07.2025	DA-110-070	Revision J	GA Plans Level 7 Roof Level	Turner	07.07.2025	DA-210-101	Revision G	GA Elevations North Elevations	Turner	07.07.2025	DA-210-201	Revision H	GA Elevations East Elevations	Turner	07.07.2025	DA-210-301	Revision G	GA Elevations South Elevations	Turner	07.07.2025	DA-210-401	Revision H	GA Elevations West Elevations	Turner	07.07.2025
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Attachment G – Draft Conditions of Consent
PPSSTH-476 - DA0365/2024 – 171 Wattle Road, Shellharbour City Centre

DA-310-101	Revision G	GA Sections Section A	Turner	07.07.2025
DA-310-102	Revision F	GA Sections Section B	Turner	07.07.2025
DA-320-101	Revision I	Internal Elevations R3 & R4	Turner	07.07.2025
DA-320-201	Revision I	Internal Elevations R1 & R2	Turner	07.07.2025
DA-320-301	Revision I	Internal Elevations R1 & R3	Turner	07.07.2025
DA-890-001	Revision E	Materials & Finishes Board	Turner	07.07.2025
DA2.01	Revision C	Concept Soil and Water Management Plan – Sheet 1	Northrop	07.11.2024
DA2.02	Revision B	Soil and Water Management Details	Northrop	07.11.2024
DA2.03	Revision B	Concept Soil and Water Management Plan – Sheet 2	Northrop	07.11.2024
DA3.01	Revision D	Concept Bulk Earthworks Plan – Sheet 1	Northrop	21.05.2025
DA3.02	Revision C	Concept Bulk Earthworks Plan – Sheet 2	Northrop	21.05.2025
DA4.00	Revision C	Concept Stormwater Management and Level Plan – Ground Floor – Key Plan	Northrop	07.11.2024
DA4.01	Revision D	Concept Stormwater Management and Levels Plan Ground Floor – Sheet 1	Northrop	21.05.2025
DA4.02	Revision D	Concept Stormwater Management and Levels Plan Ground Floor – Sheet 2	Northrop	21.05.2025
DA4.03	Revision D	Concept Stormwater Management and Levels Plan Ground Floor – Sheet 3	Northrop	21.05.2025
DA4.10	Revision C	Concept Stormwater Management and Levels Plan – Level 01 and 02	Northrop	07.11.2024
DA4.11	Revision C	Concept Stormwater Management and Levels Plan Level 01 and 02 – Sheet 1	Northrop	07.11.2024
DA4.12	Revision D	Concept Stormwater Management and Levels Plan Level 01 and 02 – Sheet 2	Northrop	21.05.2025
DA4.20	Revision C	Concept Stormwater Management and	Northrop	07.11.2024

		Levels Plan – Level 03 – Key Plan		
DA4.21	Revision C	Concept Stormwater Management and Levels Plan Level 03 – Sheet 1	Northrop	07.11.2024
DA4.22	Revision D	Concept Stormwater Management and Levels Plan Level 03 – Sheet 2	Northrop	21.05.2025
DA5.01	Revision C	Long Sections – Sheet 1	Northrop	07.11.2024
DA5.02	Revision C	Long Sections – Sheet 2	Northrop	07.11.2024
DA5.03	Revision C	Long Sections – Sheet 3	Northrop	07.11.2024
DA6.01	Revision C	Civil Details – Sheet 1	Northrop	21.05.2025
DA6.02	Revision B	Civil Details – Sheet 2	Northrop	07.11.2024
LA00A	Revision F	Overall Site Masterplan	Taylor Brammer	-
LA00B	Revision F	Site Plan – Stage 1	Taylor Brammer	-
LA01	Revision C	Ground Floor Landscape Plan	Taylor Brammer	-
LA02	Revision F	Level 1 Landscape Plan	Taylor Brammer	-
LA08	Revision C	Level 1 Planting Plan	Taylor Brammer	-
LA03	Revision C	Level 2 Landscape Plan	Taylor Brammer	-
LA10	Revision C	Level 3 Landscape Plan	Taylor Brammer	-
LA10	Revision C	Level 3 Planting Plan	Taylor Brammer	-
LA06	Revision F	Level 5 Landscape Plan	Taylor Brammer	-
LA12	Revision C	Level 5 Planting Plan	Taylor Brammer	-
LA13	Revision E	Tree Retained and Removed	Taylor Brammer	-
LA14A	Revision B	Landscape Sections	Taylor Brammer	-
LA14B	Revision A	Landscape Section	Taylor Brammer	-

Approved documents			
Document title	Version number	Prepared by	Date of document
Traffic Impact Assessment, Signage, Linemarking, Swept Paths and Addendum	Revision v06	Traffix Traffic and Transport Planners	22 May 2025 4 June 2025
Arboricultural Impact Assessment	Version 4	Civica	18 November 2024
Demolition and Construction Waste Management Plan	As Lodged	Waste Audit & Consultancy Services	07 July 2025
Operational Waste Management Plan	As Lodged	Waste Audit & Consultancy Services	July 2025
Operational Management Plan	Revision B	Uniting	05.11.2024
Noise Impact Assessment	Revision 3	Octave Acoustics	07.11.2024
Access Report	Revision 2	Purple Apple Access	05.11.2024
Construction Management Plan	Revision C	Uniting	21.05.2025
BASIX Certificate	Certificate no. 1424971M_02	JHA Consulting Engineers (NSW) Pty Ltd	04.11.2024

	<table><tr><td>Services Infrastructure Report</td><td>Revision B</td><td>JHA Consulting Engineers (NSW) Pty Ltd</td><td>12.09.2024</td></tr><tr><td>Stage 1 Geotechnical Site Investigation & Groundwater Inflow Assessment Report</td><td>Revision 1</td><td>Tetra Tech Coffey</td><td>05.09.2024</td></tr></table>	Services Infrastructure Report	Revision B	JHA Consulting Engineers (NSW) Pty Ltd	12.09.2024	Stage 1 Geotechnical Site Investigation & Groundwater Inflow Assessment Report	Revision 1	Tetra Tech Coffey	05.09.2024
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Stage 1 Geotechnical Site Investigation & Groundwater Inflow Assessment Report	Revision 1	Tetra Tech Coffey	05.09.2024						
	* The approved BASIX Certificate may only be updated, without the need to lodge a modification to the development consent, where any change to the BASIX Commitments does not result in the proposal being inconsistent with this development consent and/or alter the approved application plans. In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails. Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.								
4.	Compliance with Notations on Drawings Works must comply with any notations highlighted on the approved plans specifications. Condition reason: To ensure that the design and siting of the development complies with the provisions of Environmental Planning Instruments and Council’s Codes and Policies.								
5.	Housing and Productivity Contributions Before (insert relevant timing from HPC Order), the housing and productivity contribution (HPC) set out in the table below is required to be made. <table><tr><td>Housing and productivity contribution</td><td>Amount</td></tr><tr><td>Housing and productivity contribution (base component)</td><td>\$886,377.22</td></tr><tr><td>Transport project component</td><td>NIL</td></tr><tr><td>Total housing and productivity contribution</td><td>\$886,377.22</td></tr></table> The HPC must be paid using the NSW planning portal. At the time of payment, the amount of the HPC is to be adjusted in accordance with the <i>Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024</i> (HPC Order). The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the <i>Environmental Planning and Assessment Act 1979</i> agrees. The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the <i>Environmental Planning and Assessment Act 1979</i> to the development, or the HPC order exempts the development from contribution. The amount of contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025. Condition reason: To require contributions toward the provision of regional infrastructure.	Housing and productivity contribution	Amount	Housing and productivity contribution (base component)	\$886,377.22	Transport project component	NIL	Total housing and productivity contribution	\$886,377.22
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6.	Utility Services The developer must meet the full costs to adjust/repair/relocate any affected utility services. The developer must make the necessary arrangements and upgrades with the service authorities. Condition reason: To minimise any possible adverse environmental impacts of the proposed development. Padmount Substation								

7.	In the event that the location of the new substation must be amended, the applicant shall consult with Council regarding the new location. Council must agree to the location of any padmount substation prior to its construction to ensure it is appropriately located.
	Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
8.	Separate Approval for Signs
	A separate development application for any proposed signs shall be provided to and approved by Council prior to the erection or display of those signs (unless the erection or display of those signs is exempt or complying development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008).
	Condition reason: To ensure that construction is carried out in accordance with relevant legislation.
9.	Roof Mounted Equipment
	All roof mounted equipment such as air conditioning units, etc., required to be installed shall be integrated into the overall design of the building and not appear visually prominent or dominant from any public view.
	Condition reason: To minimise any possible adverse environmental impacts of the proposed development.

Building Work Before Issue of a Construction Certificate

10.	Amendments to Approved Plans
	The following design changes must be incorporated into the plans prepared for the Construction Certificate prior to issue and to the Principal Certifier's satisfaction:
	a. a 1.8 metre high Colorbond metal, or similar, fence must be provided along the southern boundary of the site. Such fencing shall be erected at the full cost of the person acting on this consent. The height, materials and colour of the fencing may be revised by agreement with the neighbouring land owner which shares the relevant boundary, provided it complies with the requirements of the Shellharbour Development Control Plan 2013. No demolition or replacement of any existing boundary fencing is approved by this development consent unless agreed to in writing from the relevant neighbouring land owner; b. roof material colour must be silver or pale grey metal; and c. plans showing the location and details of garbage room(s) and room(s) used for the washing and storage of garbage receptacles shall be provided to the certifier for approval. Garbage room(s) are to be constructed of solid material and finished as a smooth even surface. Floors are to be impervious, coved, graded and drained to an appropriate floor waste connection. Walls are to be smooth impervious surfaces to ensure no moisture, oils or similar material can soak in. Ventilation, pest proofing and a hose tap must be provided.
	Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
11.	Amendments to Landscape Plan
	The Landscape Plan prepared by Taylor Brammer (Rev F not dated) must be amended to be in line with Chapter 4 of the NSW Planning and Environment Apartment Design Guidelines. The updated plan must include but is not limited to:
	a. an itemised table and corresponding key of all proposed trees, shrubs and groundcovers including specifications including but not limited to, botanical name, common name, size (litre or millimetres), max height x spread (width), if staking is required and the quantity of the individual trees, shrubs and groundcovers proposed; b. the large trees proposed to be planted within the deep soil (4323m²) must include large offset trees in order to offset the loss of the 16 trees to be removed as per Chapter 21 of the Shellharbour Development Control Plan (SDCP 2013). Due to the trees significance a 3:1 offset ratio is required, requiring a minimum of 48 offset trees to be planted across the site. Of the 48 offset trees required, 20 must be 75L Eucalyptus tereticornis (Forest Red Gum). The remaining trees must be species that reach a mature height and spread of at least 10 metres and are listed in Table A7.2 – Suitable Trees of the Shellharbour Development Control Plan 2013 (SDCP 2013);

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	a. to obtain sub-addressing for this development, contact is to be made with Council's Spatial Technology Team prior to release of Construction Certificate approval. Contact is to be made by sending an email request to council@shellharbour.nsw.gov.au and quoting the Development Application and Construction Certificate numbers; b. effective, visible building address signage, using the street numbers specified in the table above, are to be used in the Building Identification signage zones as identified on plans. The signage must be clear and effective (eg. black numbers on a white background). This is to include the provision of name and address signage to be visible from Wattle Road and the new road; c. location points for mail delivery must satisfy the requirements of Australia Post; d. the new road must be signposted at both entrances; and e. the allocated street numbers must be displayed prominently prior to issue of final occupation certificate. Where plans and details are provided to service suppliers, numbers must be in accordance with the addresses provided. Condition reason: To ensure each unit has a registered address
14.	Road No.1 Naming and Numbering The following shall be undertaken in relation to Road No. 1: a. the proposed name for the new road shall be submitted for Council's consideration and be approved prior to release of the Construction Certificate. The naming must comply with Council's policy 'Naming and Addressing Policy' and NSW Address Policy and User Manual. Application for road names can be made using Council's Road Naming Application form; and b. primary street numbers should be noted on the approved DA plans. Condition reason: To ensure each unit has a registered address.
15.	Building Plan Approval - Sydney Water The approved plans must be submitted to a <i>Sydney Water Tap In</i> agent to determine whether the development will affect Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. Sydney Water's Tap In online service is available at: https://www.sydneywater.com.au/plumbing-building-developing/building/sydney-water-tap-in.html The Principal Certifier must ensure that <i>Sydney Water Tap In</i> has issued the appropriate electronic approval prior to the commencement of any works. Condition reason: To ensure Sydney Water's requirements are provided to the Principal Certifier.
16.	Long Service Levy The Long Service Levy must be paid prior to the issue of the Construction Certificate for work exceeding a value of \$250,000.00. Note: This is a levy imposed by the NSW Government and administered by the Long Service Payments Corporation for the purpose of long service payments to building and construction workers. Condition reason: To ensure the Long Service Levy is paid in accordance with relevant legislation.
17.	Payment of Security Deposits Before the issue of the relevant Construction Certificate or before demolition work commences, the applicant must pay the following deposits in accordance with Council's Fees & Charges: a. new street tree bond for 13 new street trees; and

	b. street tree inspection fee for: - street tree inspection prior to occupation of the development. - street tree inspection following completion of the maintenance period. Written evidence of the payment and amount paid is to be provided to the Principal Certifier. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
18.	Soil and Water Management Plan (SWMP) Prior to the issue of the Construction Certificate, the applicant must submit to and obtain the Certifying Authority approval of a Soil and Water Management Plan. The SWMP must clearly identify site features, constraints and soil types together with the nature of the proposed land disturbing activities and also specifies the type and location of erosion and sediment control measures. In addition, rehabilitation techniques that are necessary to deal with such activities should be referred to. The SWMP must take into account the requirements of Landcom’s publication Managing Urban Stormwater - Soils and Construction (2004) thus ensuring the following objectives are achieved, namely: a. minimise the area of soils exposed at any one time, b. conserve topsoil for reuse on site, c. identify and protect proposed stockpile locations, d. preserve existing vegetation and identify revegetation techniques and materials. e. control surface water flows through the development construction site on a manner that: i. diverts clean run-off around disturbed areas. ii. minimises slope gradient and flow distance within disturbed areas. iii. ensures surface run-off occurs at non-erodible velocities. iv. ensures disturbed areas are promptly rehabilitated. f. trap sediment on site to prevent off site damage. Hay bales are not to be used as sediment control devices. To ensure regular monitoring and maintenance of erosion and sediment control measures and rehabilitation works until the site is stabilized (includes landscaping). g. specifies measures to control dust generated as a result of construction activities on site. h. temporary sediment ponds must be fenced where the batter slope exceeds 1 vertical to 5 horizontal, i. design scour protection for the 10 year ARI event at all inlet and outlet structures. j. including measures to prevent the tracking of sediment off the site. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
19.	Initial Geotechnical Report

	A geotechnical report, prepared by a suitably qualified and experienced geotechnical engineer must be submitted to the Certifying Authority, for approval prior to the issue of the Construction Certificate. The report must cover, but not be limited to the following: a. extent and stability of proposed embankments including those acting as retarding basins; b. recommended Geotechnical testing requirements; c. level of geotechnical supervision for each part of the works as defined under AS 3798 - 2007 Guidelines on Earthworks for Commercial and Residential Developments or subsequent amendments; d. an analysis of the level of risk to existing adjacent structures/buildings including the scenario of a construction contractor using vibratory rollers or rock hammering equipment anywhere within the site the subject of these works. In the event that vibratory rollers or rock hammering could affect adjacent structures/buildings, high risk areas must be identified on a plan and indicate that no vibratory rollers or rock hammers shall be used within that zone; e. the impact of the installation of services on overall site stability and recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during installation; f. the recommended treatment of any unstable areas within privately owned allotments; g. requirement for subsurface drainage lines; and h. overall assessment of the engineering plans for the proposed development and their suitability in relation to the site's geotechnical characteristics. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
20.	Easement & Engineer's Details The walls of any structure adjoining the easement boundary must be designed by a suitably qualified engineer to withstand all forces should the easement be excavated to existing pipe invert level. Details to be submitted to the Certifying Authority prior to issue of the Construction Certificate. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
21.	Retaining Wall Structural Engineer Where a retaining wall exceeds 600mm in height, the wall must be designed by a practising structural engineer and a Construction Certificate must be obtained prior to the commencement of work on the retaining wall. Plans demonstrating compliance with this and the following matters must be submitted to and approved by the certifier prior to the issue of the Construction Certificate: All retaining walls must be located wholly within the subject property, including footings and aggregate drainage lines. The construction of retaining walls must be located wholly within the subject property, including footings and aggregate drainage lines. Aggregate drain pipes must be connected to legal point of discharge. Construction of the retaining wall must not compromise the integrity of any existing sewer line, inter-allotment drainage line, or other infrastructure. Footings must not be located within a drainage easement. Revised footing locations or deeper footings may be required to prevent impacting on this existing infrastructure. Any damage to this infrastructure arising from the construction or presence of a retaining wall must be rectified by the owner of the land at their full cost. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
22.	Detailed Drainage Design

	A detailed drainage design of the site must be submitted and approved prior to the release of the Construction Certificate. The detailed plan must: a. be generally in accordance with the Concept Stormwater Plan, SY230307 rev D, prepared by Northrop on 21/05/2025; b. drain to the Council stormwater network in Lot 2001 DP 1250959 and confirm new connections to existing stormwater infrastructure in the Council detention basin does not adversely impact on the operation of the basin or cause surcharge upstream outside of the basin extents; c. indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines; d. be to the satisfaction of the Certifying Authority; e. minor system to be designed to cater for a minimum 1 in 20 year Average Recurrence Interval storm event; f. major system and overflow drainage paths are to be provided and be designed to cater for 1 in 100 year Average Recurrence Interval storm event; g. comply with Council's Shellharbour Development Control Plan unless variation is specifically noted and approved on DA concept drainage plan; and h. include an operations and maintenance manual for the proposed stormwater quality improvement devices that must be adhered to for the life of the development. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
23.	Structural Capacity of Stormwater Pipes Pipes under buildings shall be structurally designed to withstand all applied forces. Pipes with a grade of greater than 12% require anchor blocks at the top and bottom of the inclined section and at a maximum interval of 3 metres. Details to this effect shall be incorporated on the detailed drainage design that is submitted to the certifying authority for the Construction Certificate. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
24.	Structural Design of Deep Pits All pits deeper than 0.9 metres must be designed by a certified structural engineer and be in accordance with AS3600-2009. Pits deeper than 1.2 metres must have galvanised steel step irons (plastic coated black steel step irons will not be accepted) and pits deeper than 1.8 metres are to be reinforced concrete. Step irons at 300mm interval spacing from bottom of pit. Top step minimum 500mm below top surface level. Details to this effect shall be incorporated on the detailed drainage design that is submitted to the certifying authority for the Construction Certificate. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
25.	Protection of Public Places Where the work involves the erection or demolition of a building and the work is likely to or will cause pedestrian or vehicular traffic in public places (e.g. a footpath) to be obstructed, diverted, rendered inconvenient and enclosed, or similar, a Class B hoarding must be erected between the work site and/or over the public place. If existing pedestrian access is impeded or obstructed, safe alternate provision must be provided. If a hoarding is not necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any hoarding, fence or awning must be removed when the work has been completed. Any proposed hoarding, fence or awning proposed within the road reserve will require a specific approval under section 138 of the Roads Act 1993. An application fee will apply in accordance with Council's Fees and Charges. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.

26.	Footpath Prior to issue of a Construction Certificate, plans should be submitted to the certifier showing details of a 2.4m wide concrete footpath to be constructed along the Wattle Road frontage of the Stage 1 site. This work must be carried out by Council, or a Council approved contractor, at the developer's expense, including all alterations of public infrastructure where necessary. The path must be constructed in accordance with the following minimum requirements: a. 25Mpa concrete 100mm thick and steel reinforced, b. Connelly key joints are to be used every 3m with the appropriate plastic strip in place on top to ensure a good finish, c. an expansion joint is to be placed every 12m and must have the reinforcing pass through it and, d. all connections to existing paths and gutters must be dowelled. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
27.	Bespoke Vehicle Entry and Exit from Commercial Property Prior to the issue of a Construction Certificate, amended civil engineering and/or signage and linemarking plans must be prepared demonstrating the following inclusions: a. the painted median at the southern entry shall be replaced with a mountable raised median; and b. additional advanced warning signage on Wattle Road to prevent access by large vehicles to TfNSW and Australian Standards, (e.g. No Left Turn / Vehicles under 6m excepted). Details of regulatory signage and linemarking on public roads and road-related areas must be submitted to Council for referral to the Shellharbour Local Traffic Committee, prior to the issue of the Construction Certificate. The plans must be approved by the Local Traffic Committee prior to implementation of the regulatory signage and linemarking and occupation of the site. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
28.	Engineer Designed Pavement All car parking areas, manoeuvring areas and the access aisle must be paved, drained and marked. The pavement must be designed by a qualified civil engineer and certified to be satisfactory for the expected traffic loadings from a development of this size and type. AUSTROADS Guide to Pavement Technology can be used as the design guideline for the pavement design. The laybacks and crossings must be designed to accommodate expected traffic loadings. In this regard they must be constructed to a commercial/industrial standard with the work carried out by Council or a Council approved contractor at the Developer's expense, including all alteration to public infrastructure where necessary. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
29.	Appointment of a Project Arborist Appointment of a Project Arborist with a minimum AQF Level 5 qualification is required. A letter with the appointed arborist's name, details and relevant qualification is to be submitted to Council prior to the commencement of works. The Project Arborist will be responsible for ongoing arborist services throughout the construction (prior, during and post). These services include but are not limited to, initial site meeting, sign off of the installed tree protection measures prior construction and maintenance during construction, onsite supervision of works within the tree protection zone (TPZ) and structural root zone (SRZ) of trees during works, providing on ground advice during works and sign off on the tree health and protection measures once all works have ceased. Documentation of each milestone within a stage (prior, during and post) of the project is required and is to be submitted to the Principal Certifier as outlined in the Arboricultural Impact Assessment prepared by CIVICA dated 18 November 2024. All documentation is to contain a summary of works supervised by the Project Arborist, site photos and a compliance statement of works undertaken. A copy of the Australian Standard AS4970-2025 Protection of trees on development sites is to be available on site at all times for reference.

	Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
30.	Appointment of a Project Ecologist Appointment of a suitably qualified Project Ecologist is required. A letter with the appointed ecologist's name, details and relevant qualification is to be submitted to Council prior to issue of the Construction Certificate. The Project Ecologist will be responsible for ongoing ecologist services throughout the stages of construction (prior, during and post). These services include but are not limited to, consultation the locations of the nest boxes and/or bat boxes to be installed on trees to be retained if required, onsite meetings, pre-clearance surveys, clearance supervision and marking trees for the nest box installation if required. Documentation of each milestone within a stage (prior and during) of the project is required and is to be submitted to Council. All documentation is to contain a summary of works supervised by the Project Ecologist site photos and a compliance statement of works undertaken. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
31.	Flood Planning Level for Critical Uses Development The Flood Planning Level (FPL) (PMF + 500mm Freeboard) for this site is RL 31.3m AHD. The Probable Maximum Flood (PMF) Level for this site is RL 30.8m AHD The development shall comply with the following restrictions: - All floor levels shall be equal to or greater than the FPL, - All structures to have flood compatible components up to and including the FPL in accordance with Appendix 9 of Shellharbour City Councils Development Control Plan, - An IEAust NER Structural Engineer's certificate certifying that structures are designed to withstand forces of floodwaters, debris and buoyancy up to and including the FPL is to be submitted with the Construction Certificate Application, and - There shall be NO external storage of materials below the design floor level which may cause pollution or be potentially hazardous during the PMF flood. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
32.	Open Car Parking Vehicles must not cause a nuisance in the PMF event by being caught in flood waters and becoming moving objects. In this regard, vehicle bollards or similar method of containment are required in areas where the flood velocity and depth exceed vehicle stability limits. Details of vehicle containment methods are to be certified by a professional engineer with experience hydraulic engineering and provided on plan to the satisfaction of the PCA. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
33.	Lighting Plan A lighting plan must be prepared and submitted to the Principal Certifier for approval. The lighting plan must include the following as a minimum, in accordance with the requirements of the SEPP (Housing) 2021: - lighting should illuminate driveways, pathways, wayfinding signage, building entrances and all communal areas to ensure wayfinding throughout the site; and - lighting colour must be white to minimise visual distortion and increase light distribution. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
34.	Compliance with Schedule 4 of the State Environmental Planning Policy (Housing) 2021 Documentation demonstrating compliance with Schedule 4 of the <i>State Environmental Planning Policy (Housing) 2021</i> shall be submitted to the Principal Certifier prior to the issue of a Construction Certificate.

	Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
35.	Construction Traffic Management Plan (CTMP) Prior to the release of a Construction Certificate, a CTMP detailing vehicle routes, number of trucks, access arrangements, impact on pedestrians and traffic control must be submitted and approved by the certifier. The Plan must include measurements to ensure all construction related vehicles are parked and queued on site, in a manner than does not prevent site access to 15 Benson Avenue, Shellharbour City Centre as well as how access to the northern driveway (to facilitate a right turn into Wattle Road) will be retained during construction when possible It is the developer's responsibility to adequately inform all construction workers, sub- contractors and supervisors to ensure that the Construction Traffic Management Plan procedures are adhered to at all times. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
36.	Residential - Waste Management General waste, recycling and FOGO waste facilities are to be provided in accordance with the approved Waste Management Plan. All waste, recycling and FOGO bins are to be stored in the approved waste storage areas. The size of the waste storage areas must be large enough to store the required number of bins, appropriate for the number of units and intended uses of the building. Details of the Waste Storage Area must be shown on the plans submitted to the Principal Certifier for approval, prior to the issue of the Construction Certificate. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
37.	Slip Resistance - Commercial Retail & Residential Developments All pedestrian surfaces in areas such as foyers, public corridors/hallways, stairs and ramps as well as floor surfaces of the wet rooms in any commercial/retail/residential units must have slip resistance classifications, as determined using test methods in either wet or dry conditions, appropriate to their gradient and exposure to wetting. The classifications of the new pedestrian surface materials, in wet or dry conditions, must comply with AS/NZS4586:2004 – Slip Resistance Classifications of New Pedestrian Materials and must be detailed on the plans submitted with the Construction Certificate application. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
38.	Substation & Visual Impact Any substation must be screened from all street frontages and public places by the use of screen enclosures and/or landscaping. Screening measures must not compromise the requirements of the electricity supplier. The substation and screening must be contained wholly within the property boundary. Details must be submitted with the Construction Certificate application. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.

Before Building Work Commences

39.	Structural Details Condition reason: To ensure works are constructed in accordance with Council requirements.
40.	Public Liability Prior to the commencement of works, the owner or contractor must provide evidence to Council of a Public Risk Insurance Policy with a minimum cover of \$20M in relation to the occupation of and works within Council's Road reserve, for the full duration of the proposed works. The Policy is to note Council as an interested party.

	Condition reason: To ensure works are constructed in accordance with Council requirements.
41.	Erosion & Sediment Control Erosion and sediment controls must be provided to ensure: a. compliance with the approved Erosion & Sediment Control Plan; b. removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval); c. all clean water run-off is diverted around cleared or exposed areas; d. silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways; e. all erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works; f. controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway; g. all disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar; h. compliance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and the 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure) (dated 2024, as amended from time to time); and i. These measures are to be implemented before the commencement of work (including demolition or excavation) and must remain until the issue of the occupation certificate. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
42.	Dilapidation Report Before any site work commences, a dilapidation report must be prepared by a suitably qualified person detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the Principal Certifier or Council. Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Principal Certifier or Council, that all reasonable steps were taken to obtain access to the adjoining properties. No less than seven (7) days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to Council (where Council is not the principal certifier) at the same time. Condition reason: To minimise any possible adverse environmental impacts of the proposed development
43.	Site Management Plan Prior to the commencement of works, the applicant must submit to and obtain approval for a construction and site management plan from the Certifying Authority that clearly sets out the following: a. construction sequencing to maintain pedestrian and vehicular access through the site including to 15 Benson Avenue, in accordance with the Preliminary Construction Management Plan (rev. C) prepared by Uniting on 21/05/2025;

	b. what actions are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like; c. the proposed method of loading and unloading excavation machines, building materials and formwork within the site; d. the proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period; e. sediment and erosion control measures as per Landcom's publication 'Managing Urban Stormwater - Soils and Construction (2004)' also known as the 'Blue Book' or subsequent revisions; f. how it is proposed to ensure that soil/excavated materials are not transported on wheels or tracks of vehicles or plant and deposited on the roadway and; and g. the proposed method of support to any excavation adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by an appropriately qualified and experienced engineer.
	Condition reason: To minimise any possible adverse environmental impacts on the proposed development.
44.	Open or Occupy a Roadway or Footpath (Section 138 Roads Act 1993) Prior to any physical works within Council's road reserve such as (but not limited to) installing a driveway or connecting stormwater facilities you will need to apply for approval under Section 138 of the <i>Roads Act 1993</i>. To lodge your application, you will need to submit the following information: a. details of the proposed works in the road and footpath area; b. traffic management plan; c. provision of public risk insurance; and d. details of timing and length of works.
	Condition reason: To ensure works are undertaken in accordance with the Roads Act 1993
45.	Project Arborist – Tree Protection Measures Tree protection measures must be installed around the 14 trees (Trees 1, 2, 3, 4, 10, 11, 19, 34, 35, 36, 37, 38, 39 & 40) to be retained as per section 7 of the Arboricultural Impact Assessment prepared by CIVICA dated 18 November 2024. These measures must be installed prior to commencement of works and must be in line with AS4970-2025 Protection of trees on development sites. The Project Arborist must undertake a site inspection and document the installed tree protection measures including photographs and a compliance statement with this condition. All non-compliances and rectification work must be detailed. The document is to be submitted to the Principal Certifier for endorsement prior to issue of the Construction Certificate.
	Condition reason: To minimise any possible adverse environmental impacts of the proposed development
46.	Preclearance Survey The Project Ecologist is required to complete a preclearance survey no more than 48 hours prior to the commencement of tree clearing works. The purpose of this survey is to identify any hollows and/or roosting and/or nesting fauna (including birds, arboreal mammals, microbats, etc.) which are present within the 16 trees (Trees 5, 6, 7, 8, 12, 13, 24, 25, 26, 27, 28, 29, 30, 31, 32 & 33) to be removed. At the discretion of the Project Ecologist, nest boxes may be required to be installed on trees to be retained. The Project Ecologist must conduct a thorough inspection of all 16 trees for removal and mark those which are observed to contain roosting or nesting fauna. Any native fauna discovered prior to commencement, must be relocated under the supervision of the Project Ecologist in accordance with relevant guidelines and licences required in accordance with the Biodiversity

	Conservation Act 2016. Any trees with active nests cannot be removed until fledglings have left the nest; any trees with other fauna temporarily present (e.g. roosting) cannot be removed until the fauna has left the tree. The Project Ecologist is to document all preclearance works, including photographs and must confirm that the procedures specified have been complied with, along with notes on any fauna encountered and the outcome of salvage. If required by the Project Ecologist, the document is to also include nest box locations and installation procedures. The document letter must be submitted to the Principal Certifier for approval prior to issue of the Construction Certificate and Council may request the document for review. Condition reason: To minimise any possible adverse environmental impacts of the proposed development
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During Building Work

47.	Demolition – WorkCover, AS3601 & Work Health and Safety Act 2011 Demolition work must: a. be carried out in accordance with the requirements of the WorkCover Authority of New South Wales; b. be carried out in accordance with the Work Health and Safety Act 2011; c. be carried out by a WorkCover licensed contractor where demolition work involves the removal of any materials containing asbestos; and d. be carried out in accordance with the provisions of AS 2601-2001: The Demolition of Structures (or subsequent edition/s). Condition reason: To ensure that demolition is carried out in accordance with WorkCover, AS2601 & Work Health and Safety Act 2011.
48.	Hours of Work Site work must only be carried out between 7am and 5pm on Monday to Saturday and no site work is to be carried out at any time on a Sunday or public holiday. Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority. Condition reason: To minimise any possible adverse environmental impacts of the proposed development
49.	Unexpected Finds Contingency a. Should any contamination or suspect material be encountered during site preparation, earth works, construction or any other stage of the development, then works must cease immediately and a suitably qualified consultant engaged to conduct a thorough contamination assessment. In the event that contamination remediation is required, all works must cease and the Council must be notified immediately. The contamination assessment must be submitted to Council for Approval. All recommendations provided in the contamination assessment must be followed as stipulated. b. If any Aboriginal archaeological artefacts are encountered during construction works, all ground disturbance in the area of the find must cease and the Department of Industry and Environment (DPIE) be contacted immediately to determine an appropriate course of action in line of relevant legislation. Condition reason: To minimise any possible adverse environmental impacts of the proposed development
50.	Retaining Walls The cut and filled areas associated with the building work must be suitably retained or battered in accordance with the Shellharbour Development Control Plan.

	Any retaining wall must be located wholly within the property, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing structures.
	Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
51.	Survey Certification A report from a registered surveyor must be provided to the Principal Certifier. The report must certify all of the following: a. the distance of the structure to all boundaries of the allotment are in accordance with the approved plans; b. the height of the floor level/s in relation to the natural ground level are in accordance with the approved plans; and c. the basement carparking levels complies with the basement carparking levels shown on the approved plans, and grades comply with Council's gradient standards. Condition reason: To minimise any possible adverse environmental impacts of the proposed development
52.	Flood Survey Certification A survey certificate, signed by a Registered Surveyor, shall be submitted for approval when the formwork for the main floor area is completed. This certificate shall certify that the main floor and any habitable floor levels shall be constructed at or above the Flood Planning Level R.L 31.3m AHD. Condition reason: To minimise any possible adverse environmental impacts of the proposed development
53.	Building Heights A survey report prepared by a registered land surveyor confirming that the building height complies with the approved plans or as specified by the development consent, shall be provided to the principal certifier prior to the development proceeding beyond frame stage. Condition reason: To minimise any possible adverse environmental impacts of the proposed development
54.	Implementation of the site management plans While site work is being carried out: a. the measures required by the construction site management plan and the erosion and sediment control plan must be implemented at all times; and b. a copy of these plans must be kept on site at all times and made available to council officers upon request. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
55.	Waste Management Facility All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the Principal Certifier and a copy provided to Council. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
56.	Storage of Materials Building materials and equipment must not be stored on the road reserve/footpath area.

	Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
57.	Cut/Fill The cut and fill areas must: a. be suitably retained; b. be in accordance with the approved plans; c. have a maximum grade of 45o (1:1) where there is no retaining wall or no other method of stabilising the cut/fill area; and d. not exceed 1m in depth outside the external walls of a building, unless otherwise approved in writing by Council. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
58.	Imported Fill Any imported fill to be used on site must be: a. VENM (virgin excavated natural material) classified as such in accordance with the Waste Classification Guidelines, Part 1: Classifying Waste (EPA 2014), or ENM (excavated natural material) meeting the requirements of the Excavated Natural Material Exemption 2014, and compatible with the existing soil characteristics of the site; OR b. Any other waste derived material the subject of a resource recovery exemption under Part 9, Clause 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014- The coal washery rejects exemption 2014 that is permitted to be used as fill material. Excavated material from the site can only be reinstated supported by National Association of Testing Authorities testing to confirm National Environment Protection Measure suitability for the proposed land use. Any waste derived material the subject of resource recovery exemption received by the development site must comply with the conditions of the EPA exemption and be accompanied by documentation as to the materials compliance with the exemption conditions and must be provided to the principle Certifying Authority on request. Note 7.3 of the Coal Wash Rejects Exemption 2014 states the consumer can only apply coal washer rejects to land where it is not applied in or beneath water, including groundwater. With regard to this, coal wash must not be applied below the upper bank of any riparian area. The intent of this requirement is to ensure that imported fill is of an acceptable standard for environmental protection purposes. <u>Note:</u> The application of waste derived material to land is an activity that may require a licence under the Protection of the Environment Operations Act. However, a licence is not required by the occupier of the land if the only material applied to the land is virgin excavated natural material (VENM) or waste derived material the subject of a resource recovery exemption under Part 9, Clause 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
59.	Maintenance of Soil and Water Management Plan (SWMP) The soil and water management controls must be maintained at all times during each stage of the development and checked for adequacy daily. The controls must not be removed until the development is completed and the disturbed areas have been stabilised. Maintenance must include but is not limited to ensuring: a. all sediment fences, sediment traps and socks are properly placed and are working effectively; and b. drains, gutters and roads are maintained clear of sediment at all times.

	Note: It is an offence under the Protection of the Environment Operations Act 1997 to allow soil or other pollutants to fall or be washed into any waters or be placed where it is likely to fall or be washed into any waters. Substantial penalties may be issued for any offence. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
60.	Excavation and Drainage Easement There must be no loss of support of the drainage easement as a result of excavation of the site. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
61.	Connection to Council Pit and/or Pipe Any new proposed pit and pipe connection to an existing Council stormwater line must: a. be approved by Shellharbour City Council prior to the issue of a Construction Certificate; b. be designed and certified following construction by a certified structural engineer and be in accordance with AS3600-2009; c. pits deeper than 1.2 metres must have galvanised steel step irons (plastic coated black steel step irons will not be accepted) and pits deeper than 1.8 metres are to be reinforced concrete; and d. have all junctions finished with 2:1 cement mortar. All construction is to be carried out as per the Shellharbour Engineering Code requirements. The Certifying Authority must arrange for a satisfactory inspection by Shellharbour City Council prior to backfilling. At least one working day's notice is required for the inspection and is to be arranged through Council's Customer Services. An inspection fee will apply in accordance with Council's Fees & Charges. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
62.	Driveway and Layback – From Kerb to Property Boundary A residential standard vehicular concrete driveway and layback must be constructed between the kerb and the property boundary. The driveway must: a. maintain a perpendicular alignment from the kerb to the property boundary line; b. be in accordance with the approved plans; c. not interfere with existing public utility infrastructure; d. be located 500mm clear of all drainage structures and 2m from any street trees; e. be finished with a slip resistant coating; and f. be constructed by Council, or a Council approved contractor, at the developer's expense, including all alterations of public infrastructure where necessary. Where there is conflict between the location of the proposed driveway and the assets of a service utility, such as Telstra pits/manholes, the relevant service provider must be contacted prior to any driveway works commencing. It is an offence to modify or tamper with the assets of a service provider. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
63.	Protection of Native Fauna and Flora

	Measures to minimise risk to native fauna and flora during construction must be implemented including: a. inspecting in and around all vehicles and machines to ensure no native fauna is present prior to turning on or recommencing work; b. for any injured wildlife a local vet or South Coast Wildlife Rescue on 0418 427 214 are contacted immediately; c. any native fauna discovered during works must be relocated under the supervision of a qualified ecologist in accordance with relevant guidelines and licences required in accordance with the Biodiversity Conservation Act 2016; d. areas of native vegetation beyond the development boundary will be designated 'No Go Zones' for machinery and equipment and will be clearly delineated with construction fencing; e. any exotic vegetation removed from the study area will be disposed of at an approved facility; and f. implement hygiene protocols to be outlined in the CEMP to prevent the spread of weeds or pathogens between infected areas and uninfected areas. Adopt the 'come clean, leave clean' (NSW DPI) process for all construction vehicles and personnel. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
64.	Project Arborist – Tree Protection Measures All tree protection measures installed around the 14 trees (Trees 1, 2, 3, 4, 10, 11, 19, 34, 35, 36, 37, 38, 39 & 40) to be retained as per section 7 of the Arboricultural Impact Assessment prepared by CIVICA dated 18 November 2024 must remain in place and be maintained during the course of demolition and construction. No other works are to be completed within the tree protection zone (TPZ) or structural root zone (SRZ) of trees to be retained. As per section 20.8.6 of the Shellharbour Development Control Plan 2013 the Project Arborist is to complete three (3) site inspections during the construction phase of the works in order to assess the overall health and condition of the trees to be retained and verify the tree protection measures are still in place. The Project Arborist must document the observed works and include photographs and a compliance statement with this condition. All non-compliances and rectification work must be detailed within the document. The document is to be submitted to Council. If the tree/s identified for retention above are damaged or destabilised during construction then works must cease and Council's Environment Team must be contacted. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
65.	Project Arborist - Removal of Trees A total of 16 trees (Trees 5, 6, 7, 8, 12, 13, 24, 25, 26, 27, 28, 29, 30, 31, 32 & 33) are to be removed as outlined within the Arboricultural Impact Assessment prepared by CIVICA dated 18 November 2024. Trees are to be removed as part of the proposed works; no other trees are to be removed, pruned, or otherwise damaged. Tree removal must be completed by an arborist with a minimum AQF Level 3 qualification in accordance with the relevant Australian Standards and under the supervision of the Project Arborist. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
66.	Protection of Property The structural integrity of adjoining properties and structures must be protected at all times during construction. All costs associated to any ramification works are strictly borne on the developer. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.

Before Issue of an Occupation Certificate

67.	Occupation Certificate
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	Compliance with all conditions in this section, and in prior sections of this consent, must be verified by the Principal Certifier prior to the issue of a final Occupation Certificate. The building must not be used until the Principal Certifier issues and Occupation Certificate. Condition reason: To ensure the construction complied with relevant legislation.
68.	BASIX All commitments listed in the BASIX Certificate/s for the development must be carried out prior to the issue of an Occupation Certificate. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
69.	Works As Executed Plans Works As Executed plans must be submitted to the Principal Certifying Authority by a Registered Surveyor with the Subdivision Certificate application. The Works As Executed dimensions and levels must be shown in red on a copy of the approved Construction Certificate plans. As a minimum the plan must show: a. compliance with the approved design plans of all drainage works within council land, road reserve and drainage easements including connection into the subject lot/s, surface and invert levels of all pits, invert levels and sizes of all pipelines; b. certification from a registered surveyor that all storm water pipes and other services are wholly within an appropriate easement; c. compliance with the approved design plans of paved areas within rights of carriageway and road reserve; d. the extent, depth and final levels of filling; e. the location of all underground service conduits; and f. all deviations from the approved Civil Engineering Plans. All levels must relate to Australian Height Datum. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
70.	Survey Certification A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the principal certifier. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
71.	Building Height A registered surveyor shall certify that the maximum height of the buildings is consistent with the height in the approved plans and this consent. The certification/verification shall be provided to the satisfaction of the principal certifier. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
72.	Compliance with Acoustic Assessment Documentary evidence shall be provided to the principal certifier confirming the building/s has been constructed in accordance with the approved Noise Impact Assessment, Revision 3 prepared by Octave Acoustics dated 7 November 2024. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
73.	Final Geotechnical Report

	A final geotechnical report prepared by a suitably qualified and experienced geotechnical consultant must be submitted to the Certifying Authority prior to the issue of the Occupation Certificate. The report must include, but is not necessarily limited to: a. all earthwork operations; b. a fill plan showing extent and depth of fill; c. certification that all earthworks within the site have complied with the Shellharbour Subdivision Design Code. This must include appropriate test results, and test location diagram and date of testing; d. certification that all recommendations contained in geotechnical reports lodged in support of this development have been satisfied; e. the exact extent of any restricted building zones or any other restrictions affecting any of the allotments; f. identification of all land affected by landslip or instability constraints (if applicable); and g. verification that the pipe trench bedding and backfill complies with the requirements for HS3 bedding/backfill.
	Condition reason: To minimise any possible adverse environmental impacts of the proposed development
74.	Services & 88B Instrument Lots affected by new or existing utility services must be burdened with easements and restrictions on the use of land to the satisfaction of the Principal Certifying Authority and the relevant utility provider. Restrictions on title must be included or modified with respect to: a. removal of any redundant easements and creation of new easements for drainage over realigned infrastructure, including overland flow paths; b. rights of carriageway benefitting 15 Benson Ave (Lot 1 DP 1043053) over the new roadway; and c. positive covenants regarding maintenance of stormwater quality improvement devices in accordance with the CC approved operation and maintenance manuals. Condition reason: To minimise any possible adverse environmental impacts of the proposed development
75.	Restriction on Use of Land – SEPP (Housing) 2021 A Restriction as to User shall be created pursuant to Section 88B of the Conveyancing Act 1919. The Restriction requires that the site be used for the purpose of seniors housing being in-fill self-care housing (independent living units) with the Restrictions including the following wording: a. The lot burdened shall not be occupied by any other person other than: (a) people who are at least 60 years of age; and (b) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider. The terms referenced above are as defined in the <i>State Environmental Planning Policy (Housing) 2021</i>. Council is to be nominated as the Authority to release, vary or modify this covenant. This Restriction shall burden the entire site and benefit Council. The Restrictions as to User shall be registered on the title of the land, prior to of the issue of any Occupation Certificate for the development (Interim or Final Occupation Certificate). Condition reason: To minimise any possible adverse environmental impacts of the proposed development.

76.	Flood Risk Signage
	Signage is to be provided in the basement carpark to warn people that the site may be subject to flooding and to follow the designated evacuation routes from the basement car park including vehicle exit ramp, fire stairs and travelator.
	Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
77.	Flooding Storage of Materials
	The Probable Maximum Flood (PMF) for this site is RL 30.8m AHD.
	During Occupation at no time shall materials be stored externally which may cause pollution or be potentially hazardous during a PMF event.
78.	Verification of Waste Management
	Documentation verifying that all waste streams were managed in accordance with the Waste Management Plan must be provided to the Principal Certifier prior to the issue of an Occupation Certificate. All records, such as waste disposal dockets or photographic evidence, must be retained by the Principal Certifier.
	Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
79.	Offset Planting
	In order to offset the loss of the 16 trees (Trees 5, 6, 7, 8, 12, 13, 24, 25, 26, 27, 28, 29, 30, 31, 32 & 33) to be removed, a minimum of 48 trees must be planted within the site prior to issue of the Occupation Certificate. Of the 48 offset trees required, 20 must be 75L pot size Eucalyptus tereticornis (Forest Red Gum). The remaining trees must have 45L pot sizes and be species that reach a mature height and spread of at least 10 metres and are listed in Table A7.2 – Suitable Trees of the Shellharbour Development Control Plan 2013 (SDCP 2013). The tree must be planted a minimum of 3 metres away from any driveway, building or structure, and a minimum of 2 metres away from services, telecommunications and stormwater infrastructure. A Final Landscape Inspection must be carried out and a certificate issued by the Landscape Designer or Landscape Architect via the Private Certifying Authority prior to occupation or the issue of an Occupation Certificate. Ongoing monitoring and maintenance may be required at the discretion of the Landscape Professional and/or Council.
	Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
80.	Project Arborist – Sign Off
	Once all demolition, construction and landscaping works have ceased and all tree protection measures have been removed, the Project Arborist is required to provide certification of the health and condition of the 14 trees (Trees 1, 2, 3, 4, 10, 11, 19, 34, 35, 36, 37, 38, 39 & 40) to be retained as per the Arboricultural Impact Assessment prepared by CIVICA dated 18 November 2024.
	The Project Arborist must document tree health inspection and include photographs, assessment of tree health and condition in addition to a compliance statement with this condition. Ongoing inspections may be required to improve tree health and conditions at the discretion of the Project Arborist. Any recommendations and rectification work must be detailed within the document. All documentation is to be submitted to the Principal Certifier after the completion of works. If the tree/s identified for retention above are damaged or destabilised during construction then works must cease and Council's Environment Team must be contacted.
81.	Street Tree Pre-occupation Inspection
	The street trees (13) must be inspected prior to the occupation of the development. It is the responsibility of the developer to notify Council for the street tree inspection.
	Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
82.	Completion Of Landscape and Tree Works

	Before the issue of an occupation certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of consent.
	Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
83.	Footpath Completion
	Prior to the issue of any Occupation Certificate, the pedestrian footpath along the stage 1 portion of the site along Wattle Road shall be completed in accordance with the requirements of clause 93 of the State Environmental Planning Policy (Housing) 2021 and as per the specifications approved by Councils Asset Team. Evidence demonstrating that the footpath has been inspected and completed to Council's satisfaction shall be submitted with the Occupation Certificate documentation.
	Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
84.	Post-Construction Dilapidation Report
	Before the issue of an Occupation Certificate a post-construction dilapidation report must be prepared by a suitably qualified person, to the satisfaction of the Principal Certifier or Council, detailing whether: a. after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; b. where there has been structural damage to any adjoining buildings, that is a result of the work approved under this development consent; and c. a copy of the post-construction dilapidation report must be provided to Council (where Council is not the principal certifier or a principal certifier is not required) and to the relevant adjoining property owner(s).
	Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
85.	Repairs To Public Infrastructure
	Before the issue of an Occupation Certificate: a. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction, and at no cost to Council; or b. if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent.
	Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
86.	Compliance with Schedule 4 of the State Environmental Planning Policy (Housing) 2021
	Documentation demonstrating compliance with Schedule 4 of the <i>State Environmental Planning Policy (Housing) 2021</i> shall be submitted to the certifier prior to the issue of an Occupation Certificate.
	Condition reason: To minimise any possible adverse environmental impacts of the proposed development
87.	Fence Installation
	The fencing along the southern boundary between 15 Benson Avenue, Shellharbour City Centre to be installed in accordance with the approved architectural plans must be installed prior to the issue of an Occupation Certificate.
	Condition reason: To minimise any possible adverse environmental impacts of the proposed development
88.	Section 73 Certificate
	A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. This Section 73 Certificate must be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

	It is recommended that applicants apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design. Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 2092. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
89.	Electricity Supply Prior to the release of the Occupation Certificate for the development, the relevant electricity provider must provide written advice to the Principal Certifier that all requirements for the supply of electricity to the proposed allotments have been satisfied. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
90.	Fibre-ready Facilities/Telecommunications Infrastructure Documentary evidence must be provided to the certifier demonstrating that satisfactory arrangements have been made for: a. the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. The carrier must confirm in writing that they are satisfied that the fibre ready facilities are fit for purpose; and b. the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier. This condition does not apply where an applicable exemption exists under Commonwealth law. Documentary evidence of any exemption relied upon must be provided to the certifier. Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
91.	Residential Operational Waste Management Plan An Operational Waste Management Plan for the residential development which addresses all operational waste management procedures to be employed must be prepared and approved by the Principal Certifier prior to the issue of the Occupation Certificate. Matters to be addressed include (but are not limited to): a. the collection of waste, recycling and FOGO must only occur between 7.00am and 8.00pm weekdays, to avoid noise disruption to the surrounding area; b. waste/recycling/FOGO collection must be collected on-site by a private waste collection company; c. waste collection vehicles must enter and leave the site in a forward direction; d. at no time are any residential bins be presented the kerbside of Wattle Road; e. the residential bin storage areas must be in compliance with approved plans; f. requirement that all bins must be cleaned on a regular basis by building management; g. practical measures are also to be taken to ensure that odour emission from the garbage storage area does not cause offensive odour as defined under the provision of the Protection of the Environment Operations Act, 1997 (as amended); and h. the Waste Management Plan - Operational must be available to the private waste collection company, all residents and Warrigal Care management.

	Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
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**Prior to issue of subdivision certificate
Not Applicable**

Occupation and ongoing use

92.	BASIX Commitments
	All commitments listed in the BASIX Certificate/s for the development must be maintained for the life of the development.
	Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
93.	Street Tree Bond Refund
	The street tree bond will be refunded following a six-month maintenance period commencing from the date of the issue of the Occupation Certificate, provided the street trees remain in a satisfactory condition. In the event that any street trees are found damaged, dying or removed, Council will have the option to retain the whole or part of the bond. The developer/Certifying Authority must notify Council for a reinspection of the street tree/s.
	Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
94.	Allocation of Visitor Parking
	The visitor car parking spaces must always be available for visitor parking and must not at any time be allocated, sold or leased to an individual owner/occupier. In this regard, the visitor car parking spaces must form part of the common property.
	Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
95.	Waste – Responsibility of Uniting Care or Owners Corporation
	The Owners Corporation or Uniting Care shall be responsible for presenting waste, recycling and FOGO bins for collection, and returning to the waste storage area of each building as soon as practicable after they have been serviced.
	The Owners Corporation or Uniting Care shall also be responsible for maintaining all equipment, systems, facilities and storage areas used in conjunction with the provision of waste management services in accordance with all applicable regulatory requirements, relevant health and environmental standards, and to the satisfaction of Council.
96.	Restriction on Occupation
	For the ongoing life of the development, the development must only be occupied and provide accommodation for senior's or people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.
	The use of the site is approved for seniors housing being in-fill self-care housing (independent living units).
97.	Operation of Clubroom Facilities
	The clubroom and associated facilities shall only be used by residents of the senior's living development as a community space. No commercial events shall occur within the clubroom.

	Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
98.	Graffiti Management
	The owner/manager of the site is responsible for the removal of all graffiti from the buildings, retaining walls and fences within 48 hours of its application.
	Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
99.	Lighting
	Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads.
	Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
100.	Landscaping
	All landscaping on site is to be maintained in perpetuity.
	Condition reason: To minimise any possible adverse environmental impacts of the proposed development.
101.	Privacy Screen
	Any privacy screen/s shall be permanently maintained in accordance with the approved plans for the life of the development.
	Condition reason: To minimise any possible adverse environmental impacts of the proposed development.

Other Approvals

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 determination (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.

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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 SHELLHARBOUR CITY COUNCIL.

Court means the Land and Environment Court of NSW.

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.

Sydney district or regional planning panel means Southern Regional Planning Panel.

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