**NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION**

**DEVELOPMENT CONSENT**

Environmental Planning and Assessment Act, 1979
RA20/1002

**TO:**

Shoalhaven City Council

C/- Andrew McVey

Bridge Road, NOWRA

**being the applicant(s) for RA20/1002 relating to:**

**6 Flinders Road, SOUTH NOWRA - Lot 72 - DP 1032397**

**APPROVED USE AND OR DEVELOPMENT:**

Construction of a mixed use development consisting of an industrial building to be used for light industry, depot and ancillary office, additional parking, vehicle manoeuvring areas and landscaping to support the existing use of the site by Shoalhaven Water

**DETERMINATION DATE:**  **12 November 2020**

Pursuant to Section 4.18 of the Act, notice is hereby given that the above application has been determined by granting consent, subject to the conditions listed below.

**CONSENT TO OPERATE FROM**: **12 November 2020**

**CONSENT TO LAPSE ON:** **12 November 2025**

*This consent is valid for five years from the date hereon.*

*In accordance with Section 4.53 of the Act, development consent for the use of the land or the erection of a building does not lapse if building, engineering or construction work relating to the building or work or the use is physically commenced on the land to which the consent applies before the lapse date.*

**DETAILS OF CONDITIONS:**

The conditions of consent and reasons for such conditions are set out as follows:

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|  | PART CONDITIONS OF A GENERAL NATURE, INCLUDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT |  |
|  | ***General***This consent relates to **construction of a mixed use development consisting of an industrial building to be used for light industry, depot and ancillary office, additional parking, vehicle maneuvering areas and landscaping to support the existing use of the site by Shoalhaven Water** as illustrated on the plans (referenced in the table below), specifications and supporting documentation stamped with reference to this consent, as modified by the following conditions. The development must be carried out in accordance with this consent.Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions prevail to the extent of that inconsistency.

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| **STAMPED DOCUMENTS/PLANS** | **REF/SHEET NO.** | **PREPARED BY** | **DATED** |
| Site Plan | Project No. 17-0062Dwg No. S3/02  | Edmiston Jones  | 03/07/2020 |
| Plan - Depot | Project No. 17-0062Dwg No. S3/03  | Edmiston Jones  | 03/07/2020 |
| Roof Plan | Project No. 17-0062Dwg No. S3/04  | Edmiston Jones  | 03/07/2020 |
| Cross Sections | Project No. 17-0062Dwg No. S3/05  | Edmiston Jones  | 03/07/2020 |
| Elevations | Project No. 17-0062Dwg No. S3/06 Revision A | Edmiston Jones  | 01/10/2020 |
| Landscape Concept Plan | Project No. 17-0062Dwg No. S3/08  | Edmiston Jones  | 03/07/2020 |
| Schedule of External Finishes  | Project No. 17-0062 | Edmiston Jones  | 31/07/2009 |
| Site Plan | Dwg No. 19607/C02Revision A  | Westlake Punnett | 22/06/2020 |
| Stormwater Management Plan Sheet 1 | Dwg No. 19607/C03 Sheet 1Revision A | Westlake Punnett | 22/06/2020 |
| Stormwater Management Plan Sheet 2 | Dwg No. 19607/C04 Sheet 2 Revision A | Westlake Punnett | 22/06/2020 |
| Erosion & Sediment Control Plan | Dwg No. 19607/C05 Revision A  | Westlake Punnett | 22/06/2020 |
| Flora and Fauna Assessment  | Project Code: LE1113 | Lodge Environmental | 24/01/2020 |
| Waste Minimisation and Management Plan | Project No. 17-0062 | Edmiston Jones  | 3 July 2020 |

***Note:*** *Any alteration to the plans and/or documentation must be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under Section 4.55 of the Act, or a fresh development application. No works, other than those approved under this consent,**must be carried out without the prior approval of Council.* | Select Comments |
|  | The approved development must not be occupied or the use must not commence until all relevant conditions of development consent have been met or unless other satisfactory arrangements have been made with Council (i.e. a security). | Select Comments |
|  | ***Prescribed Conditions***The development must comply with relevant prescribed conditions of consent as detailed in the *Environmental Planning and Assessment Regulation 2000*. (See Division 8A). |  |
|  | ***Occupation Certificate*** An Occupation Certificatemust be issued by the Principal Certifier (PC) before any of the approved development can be used or occupied.  |  |
|  | ***Native Vegetation and Habitat***The removal and/or disturbance of indigenous vegetation on the property, including canopy trees, understorey and groundcover vegetation, is restricted to that required to construct and maintain the approved development. |  |
|  | ***Shoalhaven Water - Certificate of Compliance*** A Certificate of Compliance must be obtained to verify that all necessary requirements for matters relating to water supply and sewerage (where applicable) for the development have been made with Shoalhaven Water. A Certificate of Compliance must be obtained from Shoalhaven Water after satisfactory compliance with all conditions as listed on the Notice of Requirements and prior to the issue of an Occupation Certificate. |  |
|  | PART CONDITIONS THAT MUST BE COMPLIED WITH BEFORE WORK CAN COMMENCE  |  |
|  | ***Principal Certifier, Construction Certificate and Notice of Commencement***The following must be undertaken prior to the commencement of any construction works:* 1. A Principal Certifier (PC) must be appointed,
	2. A Construction Certificate must be obtained from an Accredited Certifier,
	3. Notice must be given to Council at least two (2) days prior to the commencement of any works, and
	4. Council must be advised in writing of the name and 24hr contact number of the designated person/company nominated by the developer or their agent to be responsible for construction of all engineering works including erosion and sediment control measures and their maintenance.
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|  | ***Flora and Fauna Management*** Prior to the commencement of work(s) associated with this development, the person benefitting from this consent must:* 1. Amended the approved site plan to show all trees to be retained including the trees to be retained in the northern part of the site. Trees identified on the amended site plan to be retained are to be in accordance with Figure 4 in the approved *Flora and Fauna Assessment* prepared by Lodge Environmental dated 24 January 2020, Project Code: LE1113; and
	2. The approved erosion and sediment control measures must be implemented by the contractor, and inspected and approved by the PCA prior to the commencement of any other site works. The erosion and sediment measures must be maintained for the life of the construction period and until runoff catchments are stabilised.
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|  | Prior to the commencement of clearing work(s) associated with this development, the person benefitting from this consent must undertake the following:* 1. A suitably qualified and licensed environmental consultant must be engaged to guide and supervise the clearing work and protection of environmental features on the site. Evidence of engagement must be submitted to Council.
	2. Any trees indicated for removal on the approved site plan must be marked or tagged.
	3. The dripline of trees to be retained must be clearly identified and protected with temporary barrier fencing in accordance with AS 4970 Protection of trees on development sites.
	4. Two microbat and two medium sized bird nest fauna boxes fauna boxes must be installed as directed by a suitably qualified environmental consultant.
 |  |
|  | ***Builders’ Toilet***Before commencing building operations, a builder’s water closet accommodation must be provided to Council’s satisfaction.A chemical toilet may be used on the site or alternatively the site may be provided with temporary closet accommodation connected to Council’s sewer where sewer is available and operational. Under no circumstances will pit toilets or similar be accepted by Council. |  |
|  | ***Existing Services/Damage to Public Assets (Dilapidation Report)***Prior to the commencement of any work(s) associated with this development, the person benefitting from this consent must:* 1. Check that the proposed works are not affected by any Council, electricity, telecommunications, gas or other services. All services, existing and proposed, above or below ground are to be shown accurately on the engineering plans including longitudinal sections with clearances to proposed infrastructure clearly labelled. Any required alterations to services as a consequence of undertaking works under this consent or any repair to services will be at the expense of the person benefitting from this consent; and
	2. Undertake a site inspection and document any evidence of damage to the public assets prior to commencement of work. Any damage to the adjacent kerbs, gutters, footpaths (formed or unformed), walkways (formed or unformed), carriageway, reserves and the like, that occurs during development works must be repaired by the person benefitting from this consent. Failure to adequately identify existing damage will result in all damage detected by Council after completion of the building work being repaired at the expense of the person benefitting from this consent. A copy of the inspection documentation is to be submitted to Council prior to the commencement of works.
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|  | ***Works within the Road Reserve*** Prior to undertaking any works within an existing road reserve, the contractor must obtain the consent of Council under section 138 of the *Roads Act, 1993* and have a set of Council approved plans and the letter of approval as per the development consent conditions. The following details must be submitted to Council to obtain the section138 consent:* 1. Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the vehicular and pedestrian public. The TCP must comply with the current RMS’s manual Traffic Control at Work Sites. Warning and protective devices must comply with the provisions of Australian Standard *AS 1742.3 – 2002 Traffic Control Devices for Works on Roads*. The plan must be prepared, signed and certified by a person holding the appropriate RMS accreditation, a copy of which is to be submitted with the plan.
	2. Insurance details.
	3. Name and contact information of the person/company appointed to supervise the construction.
	4. Should the contractor want a single section 138 approval to cover works additional to road, drainage and site regrading (e.g. water supply, sewerage, landscaping, etc), details of such works should be forwarded to the designer of the Traffic Control Plan. Copies of the layout plans and work method statements of these additional works are to be submitted to the Development Manager in conjunction with the section 138 application for road and drainage works.
 |  |
|  | ***Runoff and Erosion Controls***Prior to the commencement of site works, runoff and erosion controls must be implemented and maintained during construction to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:a) diverting uncontaminated runoff around cleared or disturbed areas.b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties.c) preventing the tracking of sediment by vehicles onto roads.d) stockpiling topsoil, excavated materials, construction and landscaping supplies and debris within the lot. |  |
|  | ***Sign – Supervisor Contact Details*** A sign must be erected in a prominent position on any site where any building work is being carried out:* 1. Showing the name, address and telephone number of the PC for the work;
	2. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
	3. Stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work is being carried out |  |
|  | ***Demolition***Demolition work must be carried out in accordance with *AS2601-2* [*SafeWork NSW – Code of Practice, Demolition Work [ISBN 978-0-642-78415-5]*](https://www.safework.nsw.gov.au/__data/assets/pdf_file/0015/52161/demolition-work-work-code-of-practice-0916.pdf) and [SafeWork NSW – Code of Practice, How to Safely Remove Asbestos [ISBN 978-0-642-33317-9]](http://www.safework.nsw.gov.au/__data/assets/pdf_file/0015/50082/safely-remove-asbestos-code-of-practice-0916-2.pdf) as applicable. |  |
|  | PART CONDITIONS THAT MUST BE COMPLIED WITH BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED |  |
|  | ***Shoalhaven Water – Prior to the Issue of a Construction Certificate***Prior to the issue of a Construction Certificate, all conditions listed on the Shoalhaven Water Notice of Requirements under the heading “Prior to the Issue of a Construction Certificate” must be complied with and accepted by Shoalhaven Water. Written notification must be issued by Shoalhaven Water and provided to the Certifier. |  |
|  | ***Design Standards*** Engineering design plans and specifications for civil works within the road reserve must be submitted to Council for approval, prior to the issue of a Construction Certificate. All work must be carried out in accordance with the approved plans. ***Note:*** *Plan checking and inspection fees will be required to be paid for the works within the road reserve as per Council’s standard fees and charges.*  |  |
|  | Engineering design plans and specifications for all internal civil works referred to in this consent must be submitted to the nominated accredited certifier for approval with the Construction Certificate. |  |
|  | All civil works are to be in accordance with Council’s Engineering Design Specifications and Development Construction Specifications current at the time of construction unless otherwise specified in this consent. |  |
|  | ***Amended Landscape Plan*** Prior to the issue of a Construction Certificate associated with this development, the person benefitting from this consent must amend the approved Landscape Concept Plan to include additional native tree planting along the northern boundary of the property as compensation for the loss of native vegetation. A minimum 10 additional trees are to be planted. The tree planting is to be with species from the PCT and present at the site, including *Corymbia maculata, Eucalyptus panicultata subsp panicultata, Eucalyptus longifolia, Eucalyptus botryoides, Allocasuarina littoralis* and *Eucalyptus pilularis.*  |  |
|  | ***Retaining Walls*** Prior to the issue of a Construction Certificate associated with this development, the person benefitting from this consent must:a) submit detailed design plans for approved retaining walls exceeding 0.6m in height above ground level (existing) must be prepared and submitted to the Certifier for approval.b) where an approved retaining wall exceeds 1m in height, engineering plans and specifications must be prepared by a suitably qualified professional engineer, (as defined in the National Construction Code and submitted to the Certifier for approval.Retaining walls, footings and drainage must be contained wholly within the development site. |  |
|  | **Existing Infrastructure** Prior to the issue of a Construction Certificate, all infrastructure, existing and proposed, is to be shown accurately on the engineering plans including longitudinal sections with clearances clearly labelled confirming that the proposed works do not affect any existing infrastructure. Any required alterations to infrastructure will be at the developer’s expense. |  |
|  | ***Access Driveway Design Standards*** Prior to the issue of a Construction Certificate, certified engineering design plans must be prepared (as defined in the National Construction Code) and approved by SCC Development Engineer or Delegate. The access driveway design must comply with the following:* 1. Council’s Engineering Design Standard Drawings.
	2. Westlake Punnett Proposed Depot Building – Civil Works Plans - Drawing Nos 19607/C01-C01 Rev A Dated 22-06-20
	3. Constructed using 20 MPa reinforced concrete, reinforced with SL72 mesh, on a 75mm compacted fine crushed rock base with centrally placed slab of minimum 3 metres width and minimum 100m depth.
	4. Removal of sufficient width of existing road seal and pavement to allow placing of formwork and laying/compaction of suitable pavement material for the driveway layback with a minimum 300mm offset to the kerb lip line.
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|  | ***Structural* Design – Major Structures**Prior to the issue of a Construction Certificate, a detailed structural design for the following works must be certified professional engineer, (as defined in the National Construction Code) and approved by Council. * 1. Major drainage structures, including OSD, stormwater pits / structures that require steel reinforcement.
	2. The structural design must comply with the Council’s Engineering Design Specification – Chapter 3 – Structures/Bridge Design and relevant Australian Standards.
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|  | ***Stormwater Drainage Design Standards (Urban)*** Prior to the issue of a Construction Certificate, certified engineering design plans, specifications, and DRAINS model (or approved alternative) must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.The stormwater drainage design must comply with the following:* 1. Major and minor drainage systems in accordance with Council’s Engineering Design Specifications - Section D5 - Stormwater Drainage Design and utilising Australian Rainfall and Runoff (ARR, 2019) Guidelines.
	2. The minor and major systems must be designed for a 18.13% AEP and 1% Annual Exceedance Probability (AEP) rainfall events, respectively.
	3. Generally, in accordance with concept stormwater drainage plan Drawing No 19607/C03-C04 Rev A prepared by Westlake Punnett on 22-06-20
 |  |
|  | ***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:* 1. Westlake Punnett Proposed Depot Building – Civil Works Plans - Drawing Nos 19607/C01-C01 Rev A Dated 22-06-20
	2. Constructed for light or heavy vehicular loading with a flexible pavement, surfaced with 30mm of AC10 asphaltic concrete or two coat bitumen seal using 14mm and 7mm aggregate and /or to a concrete standard.
	3. Bordered in accordance with Council’s Standard Drawings by concrete kerbing, except where surface runoff is concentrated, in which case concrete integral kerb and gutter must be constructed.
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|  | **On-Site Detention** Prior to the issue of a Construction Certificate, certified engineering design plans and specifications must be prepared by professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.The on-site stormwater detention (OSD) 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. |  |
|  | ***Local Government Act 1993 – Section 68 Approval***Approval for water, sewer and drainage works is required to be obtained under section 68 of the Local Government Act prior to the issue of a Construction Certificate. |  |
|  | *National Construction Code Upgrade*Council considers that pursuant to clause 94 of the *Environmental Planning and Assessment Regulation 2000* that it is appropriate to require the existing building to be upgraded to partial compliance with the National Construction Code (NCC). Prior to the issue of a Construction Certificate, plans and specifications must be provided to the satisfaction of the Certifier, detailing how the existing building will be upgraded to partial conformity with the BCA in force at the date of issue of the Construction Certificate. In this regard, the entire building is required to meet compliance with Sections C, D, & E of the performance requirements of the NCC. |  |
|  | PART CONDITIONS RELATING TO THE APPROVED WORK AND SITE MANAGEMENT |  |
|  | Building Code of AustraliaAll building work must be carried out in accordance with the requirements of the Building Code of Australia.***Note:*** *This condition is prescribed under the Environmental Planning and Assessment Regulation 2000.* |  |
|  | ***Colours and Materials*** The development must be constructed in accordance with the approved schedule of colours, building materials and finishes unless otherwise approved by Council in writing. |  |
|  | ***Lighting*** Any lighting to be installed must not result in any unacceptable level of glare or illumination for surrounding properties or road users (including pedestrians and cyclists). In this regard, the person benefitting from this development consent will be required to make adjustments to any lighting (e.g. by way of a mechanism adjusting the level of illumination) that Council deems is a nuisance or hazard. |  |
|  | ***Rainwater Facility – Aboveground***Water stored in the tank must be plumbed into the building such that it is supplied to each of the fixtures. Plumbing must be in accordance with the current edition of the *Australian New Zealand Standard AS/NZS 3500 National Plumbing & Drainage Code.* |  |
|  | It will be necessary to install, maintain and repair the facility so that it functions in a safe and efficient manner in accordance with the current editions of *Australian New Zealand Standard AS/NZS 3500 National Plumbing & Drainage Code*, the New South Wales Code of Practice Plumbing and Drainage and in accordance with the following:* 1. The tank inlet must be located a minimum of 500mm below the outlet of the eave gutter.
	2. The tank is to be installed on a firm flat and stable platform in accordance with manufacturer’s recommendations. Tanks located over fill material should be placed on a concrete slab.
	3. Pumps must be located and installed to minimize any potential noise nuisance to surrounding residents, and in the case of a permanent electric pump, must be installed by a licensed electrician. Pump performance must achieve a minimum 300 Kpa output.
	4. Overflow from the tank must be directed into the approved storm water system.
	5. Marking and labelling of rainwater services must be in accordance with *Australian Standard AS 1345 – Identification of the contents of pipes, conduits and ducts,* including distribution pipes, rainwater pipes and tank outlets.
	6. The charged line to the above ground rainwater tank is to have a flush point installed at the lowest reduced level (RL) into a 450mm x 450mm pit to enable the line to be flushed. This is to prevent the line becoming blocked.
 |  |
|  | ***Flora and Fauna Management***To protect the significant environmental features on the site all clearing works are to be supervised on site by a suitably qualified environmental consultant. |  |
|  | The removal of hollow bearing trees (HBTs) at the site is to be undertaken in accordance with the following protocols, as described in the approved *Flora and Fauna Assessment* prepared by Lodge Environmental Rev.1 24/01/20:* 1. A suitably qualified and licensed ecologist is to be present during the removal of all hollow bearing trees.
	2. The hollow bearing trees and surrounding the trees are to be checked for fauna before clearing and any fauna are to be scared off or removed before commencing clearance.
	3. Non-HBTs are to be removed prior to removal of the HBTs.
	4. Leave the HBTs standing for at least one night after other non-HBT clearing to allow any fauna the opportunity to remove themselves after site disturbance.
	5. After clearing, the site is to be checked again to ensure no fauna have become trapped or injured during clearing operations. Any fauna found should be moved to adjacent habitat.
	6. Before felling the HBTs, tap trunk using heavy machinery to scare fauna from the hollows. Repeat several times. The aim is to ‘substantially’ shake the tree and encourage fauna to exit
	7. Carefully fell the HBT by gently lowering the tree to the ground using an excavator arm fitted with grapples. Alternatively, arrange for qualified tree surgeons to fell the HBT using chainsaws and pulleys. HBTs are to be removed in sections. Sections are to be carefully lowered to the ground to avoid injuring any fauna.
	8. After felling the tree, thoroughly check the tree for fauna in the case that any have become trapped or injured during clearing operations. Any fauna should be safely moved into adjacent habitat.
	9. If the tree is being taken down in stages, the non-hollow bearing branches should be removed before the hollow bearing branches are removed.
	10. Fell trees into the already disturbed areas to avoid damaging adjacent vegetation.
	11. Take care when moving equipment near vegetation to be retained.
	12. Logs from felled trees should be distributed into areas of vegetation so that they can continue to provide habitat for fauna such as terrestrial reptiles and mammals.
 |  |
|  | Within 10 days of completing clearing work, the engaged environmental consultant must provide to Council written evidence of any fauna detected during clearing. |  |
|  | There are to be no earthworks during heavy rain or if heavy rain is forecast, to reduce the risk of soil erosion.  |  |
|  | Fenced areas including the drip line of trees and areas of native vegetation must be managed as exclusion zones during works. No storage of materials, tools, machinery, waste, disposal of liquid waste or washing of tools or equipment is to occur within these areas. |  |
|  | ***Heritage*** Should any historical relics be unexpectedly discovered in any areas of the site, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 146 of the *Heritage Act 1977*. |  |
|  | Should any Aboriginal relics be unexpectedly discovered in any areas of the site, then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service (NPWS) should be informed in accordance with Section 89A of the *National Parks and Wildlife Act, 1974*. |  |
|  | ***Contamination***If unexpected contaminated soil and/or groundwater is encountered during any works; all work must cease and the situation must be promptly evaluated by an appropriately qualified and experienced environmental consultant. The contaminated soil and/or groundwater must then 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 onsite; the supervising environmental consultant must verify that the situation was appropriately managed in accordance with relevant NSW EPA guidelines. The verification documentation must be provided to the satisfaction of the PC and Council’s Senior Environmental Health Officer, prior to the recommencement of any works. |  |
|  | ***Earthworks and Excavation**** 1. Approved earthworks (including any structural support or other related structure for the development):

(i) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot.(ii) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property.(iii) that is fill brought to the site, must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997* (POEO Act).(iv) that is excavated soil to be removed from the site, must be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation 2005.(v) any excess excavated soil material proposed to be exported off the site as part of the construction work be accompanied by either a VENM certificate or Waste Classification Report. This work must be undertaken by a certified professional soil scientist or equivalent* 1. Any excavation must be carried out in accordance with *Excavation Work: Code of Practice* (ISBN 978-0-642-785442), published in July 2012 by Safe Work Australia.”
 |  |
|  | ***Waste Minimisation and Management Plan*** All waste must be contained within the site during construction and then be recycled in accordance with the approved Waste Minimisation and Management Plan (WMMP) or removed to an authorised waste disposal facility. No waste must be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site.Compliance with the WMMP must be demonstrated by the retention of relevant receipts. These must be submitted to Council, upon request. ***Note****: “Waste” has the same meaning as the definition of “Waste” in the Protection of the Environment Operations Act 1997.* |  |
|  | Road Reserve, Footpath & GuttersThe road reserve adjoining the development site must be kept clear of soil and debris. |  |
|  | ***Work Hours and Noise***The following must be complied with during construction works:1. To limit the impact of the development on adjoining owners, all construction work must be restricted to the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 3.00pm Saturday. No work is to take place on Sunday or Public Holidays. Any proposed change to hours must be approved by Council in writing; and
2. The noise from all activities associated with construction of the approved development must comply with the work practices as outlined in the NSW Department of Environment & Climate Change *Interim Construction Noise Guideline*. The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed at any sensitive noise receiver.
 |  |
|  | PART CONDITIONS THAT MUST BE COMPLIED WITH BEFORE AN OCCUPATION CERTIFICATE CAN BE ISSUED |  |
|  | ***Verification of Works*** Prior to the issue of an Occupation Certificate, certification must be obtained from Council to verify that all works in the road reserve have been completed in accordance with the approved plans and construction specifications. |  |
|  | Prior to the issue of an Occupation Certificate, certification must be obtained from the nominated accredited certifier to verify that all inspections required by the PC have been completed in accordance with the approved plans and construction specifications. |  |
|  | ***Retaining Walls - Certification***Prior to the issue of an Occupation Certificate, certification must be provided to the Certifier prepared by a professional engineer, (as defined in the National Construction Code), certifying that retaining walls exceeding 1m in height above ground level (existing) are constructed in accordance with the approved engineering design plans. |  |
|  | ***Works as Executed - Stormwater Drainage*** Prior to the issue of the Occupation Certificate, Works as Executed Plans and certification must be submitted to the Council by a 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 dimensions and levels must be shown in red on a copy of the approved Construction Certificate plans. This plan must verify surface and invert levels on all pits, invert levels and sizes of all pipelines, and finished surface levels on all paved areas. All levels must relate to Australian Height Datum.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). |  |
|  | ***Shoalhaven Water – Certificate of Compliance*** Prior to the issue of any Occupation Certificate, a Certificate of Compliance under section 307 of the *Water Management Act 2000* must be obtained from Shoalhaven Water to verify satisfactory compliance with all conditions for the supply of water and sewerage, as listed on the Notice of Requirements.If the development is to be completed in approved stages, or application is subsequently made for staging of the development, separate Compliance Certificates must be obtained for each stage of the development. |  |
|  | ***Fire Safety***Prior to the issue of an Occupation Certificate the Certifier must be provided with a Final Fire Safety Certificate showing compliance with the Fire Safety Schedule. |  |
|  | ***Dilapidation Report – Evidence***Prior to the issue of an Occupation Certificate, the developer must provide the Certifier and Council with evidence that any damage to neighbouring premises or adjacent public infrastructure, not previously identified as existing damage in the Dilapidation Report, has been repaired by the developer to the satisfaction of Council.  |  |
|  | ***Landscaping Compliance***Prior to the issue of an Occupation Certificate, the developer must provide the Certifier with written evidence from a suitably qualified landscape professional that all landscape works have been completed in accordance with the approved landscape plans.The Certifier must be satisfied that any required street trees have been installed in accordance with requirements. |  |
|  | PART CONDITIONS THAT RELATE TO THE ONGOING MANAGEMENT OF THE APPROVED DEVELOPMENT |  |
|  | ***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:** 1. *assessed, inspected and verified the performance of each existing essential fire safety measure that applies to the building*
	2. *inspected the exit systems serving the building and found that the exit systems within the building do not contravene the provisions of Division 7 of Part 9 of the Environmental Planning and Assessment Regulation 2000*

*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.* |  |
|  | ***Overland Stormwater 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 the overland flow path occurs on a property, the stormwater runoff shall be collected and directed to a legal point of discharge. b) the redirection and/or concentration of stormwater flows onto neighbouring properties. |  |
|  | ***Site Maintenance*** The owner or operator must at all times be responsible for on-going site management and maintenance in accordance with the following:* 1. Goods or machinery must be stored, and all activities must occur, inside the building and not in the carpark or driveway areas;
	2. No hazardous and valuable goods are to be stored below the 1% AEP Flood Level;
	3. Maintenance and replacement (if necessary) of all landscaping in accordance with the approved landscape plan;
	4. The telecommunications facility is not to cause adverse radio frequency interference with any airport, port or Commonwealth Defence navigational or communications equipment;
	5. The telecommunications facility and ancillary facilities are to be carried out in accordance with the applicable specifications (if any) of the manufacturers for the installation of such equipment;
	6. Maintenance of vehicular movement areas including driveways, carparking, manoeuvring areas, and any lighting, to the standard specified by this consent; and
	7. Maintenance of stormwater drainage pipes and systems to ensure efficient discharge of stormwater in accordance with the approved stormwater drainage plan.
 |  |
|  | ***Noise***The use of any machinery, plant and/or equipment within, on or in connection with the construction, operation and use of the premises is to be carried out so as not to cause:1. Transmission of vibration to any place of different occupancy; or
2. ‘Offensive Noise’ as defined in the Protection of the Environment Operations Act 1997.
 |  |
|  | ***Preventing Spills***Oils, chemicals, paints and solvents must be stored in areas that will not allow spills to escape to the environment, either in a bunded area of the workshop, on bunded pallets or trays in a covered area, or in a chemical storage unit. The construction of a bund must comply with the requirements of *AS 1940 The storage and handling of flammable and combustible liquids.* |  |
|  | ***Landscaping*** The planting of plant species listed on the Shoalhaven City Council’s weeds lists (https://shoalhaven.nsw.gov.au/Environment/Weed-management ) is prohibited for the life of the development. |  |
|  | ***Flora and Fauna Management*** There shall be no removal or disturbance of indigenous vegetation on the property, including canopy trees, understorey and groundcover vegetation, without the prior written consent of the Shoalhaven City Council Director of Development & Environmental Services or as specified in approved consents. |  |
|  | ***Telecommunication Tower***In the event that the telecommunication tower is no longer required to support the approved use of the site, the tower is to be removed and the site restored, to a condition that is similar to its condition before the facility was constructed.***Reason:*** *this condition is imposed in accordance with the recommendations of the NSW Telecommunications Facilities Guideline including Broadband, which requires the removal of disused telecommunication towers from the land and reinstatement of the site in the event that the tower is no longer required* |  |
|  | PART STATEMENT OF REASONS |  |
|  | Reasons for Approval |  |
|  | The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, notably the Shoalhaven Local Environmental Plan 2014 (SLEP 2014). |  |
|  | The proposed development is, subject to the recommended conditions, consistent with the objectives of the Shoalhaven Development Control Pan 2014 (SDCP 2014). |  |
|  | The proposed development is considered to be suitable for the site. |  |
|  | The proposed development, subject to the recommended conditions will not result in unacceptable adverse impacts on the natural and built environments. |  |
|  | Conditions of Consent Have Been Imposed to: |  |
|  | Ensure the proposed development:a) achieves the objects of the *Environmental Planning and Assessment Act, 1979*;b) complies with the provisions of all relevant environmental planning instruments;c) is consistent with the aims and objectives of Council’s Development Control Plans, Codes and Policies. |  |
|  | Ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities. |  |
|  | Meet the increased demand for public amenities and services attributable to the development in accordance with Section 7.11 of the Environmental Planning and Assessment Act, 1979. |  |
|  | Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development. |  |
|  | Minimise any potential adverse environmental, social or economic impacts of the proposed development. |  |
|  | Ensure that all traffic, carparking and access requirements arising from the development are addressed. |  |
|  | Ensure the development does not conflict with the public interest. |  |
|  | PART ADVICE ABOUT RIGHTS OF REVIEW AND APPEAL |  |
|  | ***Determination under Environmental Planning and Assessment Act, 1979***Division 8.2 of the EP&A Act, 1979 confers on an applicant who is dissatisfied with the determination a right to request the council to review its determination. The request must be made **within three (3) months** of the date of the receipt of the determination to allow Council time to undertake the review within the prescribed period of six (6) months and be accompanied by the prescribed fee.Division 8.3 of the EP&A Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised within 6 months after the applicant has been notified of the decision.  |  |
|  | **PART** **GENERAL ADVICE TO APPLICANT** |  |
|  | ***Privacy Notification***Personal information contained on this Development Consent and any associated documents will be published on Council’s website as required by the *Government Information (Public Access) Act 2009* (GIPAA). |  |
|  | ***Trees Located on Public Land***Please note that any works carried out on the subject property or within the road reserve, such as construction of a driveway, that damages or otherwise detrimentally impacts on the health or safety of any tree located on public land may result in the applicant incurring the costs of any remedial action or removal of the tree(s). If you are proposing to carry out any works that may impact on any tree on public land, it is recommended that you contact Council for advice before carrying out those works. |  |
|  | Disability Discrimination Act 1992This application has been assessed in accordance with the *Environmental Planning & Assessment Act, 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992.*The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references *Australian Standard AS1428.1 - “Design for Access and Mobility”*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act currently available in Australia. |  |
|  | Disclaimer –Conveyancing Act 1919 – Division 4 – Restrictions on the Use of LandThe applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work. |  |
|  | ***DBYD Enquiry - ‘Dial Before You Dig’*** In order to avoid risk to life and property it is advisable that an enquiry be made with “Dial Before You Dig” on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au/) prior to any excavation works taking place to ascertain the location of underground services. You must also contact your Local Authority for locations of Water and Sewer Mains. |  |
|  | InspectionsIf Council is the appointed Principal Certifier for this project, a minimum twenty-four (24) hours notice must be given to Council to make an inspection of the work. |  |

**SIGNED** on behalf of Shoalhaven City Council: