

<b>GENERAL CONDITIONS</b>					
1	<b>Approved plans and supporting documentation</b>				
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.				
	<b>Approved plans</b>				
	Plan number	Revision number	Plan title	Drawn by	Date of plan
	DA0518/24 – Sheet 1	N	Proposed Site Analysis Plan	Bokor architecture + interiors	5 August 2024
	DA0518/24 – Sheet 2	M	Proposed Ground Floor Plan GFL1	Bokor architecture + interiors	29 July 2024
	DA0518/24 – Sheet 3	M	Proposed Ground Floor Plan GFL2	Bokor architecture + interiors	29 July 2024
	DA0518/24 – Sheet 4	N	Proposed Lower ground Floor Carpark Plan	Bokor architecture + interiors	29 July 2024
	DA0518/24 – Sheet 5	J	Proposed Roof Plan	Bokor architecture + interiors	7 August 2024
	DA0518/24 – Sheet 6	M	Proposed Site Elevations Plan	Bokor architecture + interiors	5 August 2024
	DA0518/24 – Sheet 7	L	Proposed Elevation Plan – Tenancy A	Bokor architecture + interiors	5 August 2024
	DA0518/24 – Sheet 8	L	Proposed Elevation Plan – Tenancy B	Bokor architecture + interiors	5 August 2024
	DA0518/24 – Sheet 9	L	Proposed Site Sections 1	Bokor architecture + interiors	5 August 2024
DA0518/24 – Sheet 10	M	Proposed Site Sections 2	Bokor architecture + interiors	7 August 2024	
DA0518/24 – Sheet 11	E	Proposed Pylon Signage	Bokor architecture + interiors	8 April 2024	

	DA0518/24 – Sheet 12	B	Landscape Plan DA01	Edmiston Jones	9 April 2024
	DA0518/24 – Sheet 13	B	Landscape Plan DA02	Edmiston Jones	9 April 2024
<b>Approved documents</b>					
	Document title	Version number	Prepared by	Date of Document	
	Document 1: DPE- Water GTA's	-	DPE-Water	28 August 2024	
	Document 2: NSW RFS advice	-	NSW RFS	25 June 2024	
	Document 3: TransportforNSW advice	-	TransportforNSW	13 August 2024	
	Document 4: Flora and Fauna Assessment	-	Southeast Environmental Consulting	November 2024	
	Document 5: Riparian Assessment Report	-	Southeast Environmental Consulting	April 2024	
	Document 6: Vegetation Management Plan	-	Southeast Environmental Consulting	April 2024	
	Document 7: Bushfire Assessment Report	-	Apical Bushfire Planning	16 July 2024	
	<p>In the event of any inconsistency between the approved plans and documents, the approved plans prevail.</p> <p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails. [0001]</p> <p><b>Reason:</b> To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>				
2	<p><b>Concurrence and Referral</b></p> <p>The advice/General Terms of Approval issued by the:</p> <ul style="list-style-type: none"> <li>• Department of Planning and Environment - Water dated 28 August 2024,</li> <li>• NSW Rural Fire Service dated 25 June 2024, and</li> <li>• Transport for NSW dated 13 August 2024</li> </ul> <p>are included as conditions of this consent and must be complied with.</p>				

	<p>Conditions provided by DPE-Water, NSW Rural Fire Service and TransportforNSW prevail over recommendations contained within any of the approved Documents 4-7.</p> <p><b>Reason:</b> To ensure compliance with the legislation. [0002]</p>
3	<p><b><i>Specialised Retail Premises</i></b></p> <p>This consent permits the construction of two buildings for use as a specialised retail premises as defined in the Eurobodalla Local Environmental Plan 2012 as follows:</p> <p><b><i>specialised retail premises</i></b> means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires—</p> <p>(a) a large area for handling, display or storage, or</p> <p>(b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,</p> <p>but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.</p> <p><b>Note—</b></p> <p>Examples of goods that may be sold at specialised retail premises include automotive parts and accessories, household appliances and fittings, furniture, homewares, office equipment, outdoor and recreation equipment, pet supplies and party supplies. Specialised retail premises are a type of <b>retail premises</b>—see the definition of that term in this Dictionary.</p> <p><b>Reason:</b> To ensure the use of the development operates in accordance with the development consent.</p>
4	<p><b><i>Earthworks, retaining walls and structural support</i></b></p> <p>Any earthworks (including any structural support or other related structure for the purposes of the development):</p> <p>(a) 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, and</p> <p>(b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and</p> <p>(c) that if 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, and</p> <p>(d) that if excavated soil is to be removed from the site - it must be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation 2005.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [11.16]</p>

5	<p><b>Requirement to Notify about New Evidence</b> Any new information which comes to light during remediation, excavation or construction works which has the potential to alter previous conclusions about site contamination, heritage significance, threatened species or other relevant matters must be immediately notified to Council and the Certifier. Remediation is at the full cost of the owner.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [11.19]</p>
6	<p><b>Vehicle Direction</b> All vehicles to enter and exit the development in a forward direction to avoid possible conflict with through traffic on Highcliffe Road.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [14.25]</p>
7	<p><b>Access Construction</b> Where excavated and/or filled banks are required for the access construction they must be suitably retained or stabilised, entirely within the subject property boundaries, to prevent the movement of soil and in accordance with appropriate professional standards. The construction of the access is not to direct or concentrate stormwater flows to adjoining properties.</p> <p><b>Reason:</b> To protect the amenity of the local area. [14.39]</p>
8	<p><b>Sealed Traffic Areas</b> Prior to the issue of a Construction Certificate submission to and approval by the Principal Certifier of satisfactory plans for sealed car parking spaces, manoeuvring areas and access driveways all conforming to AS2890.1 &amp; 2. Drainage and pavement designs are to be prepared by a qualified engineer and are to address expected vehicle loadings and any fill compaction requirements. Disabled parking is to be designed in accordance with AS2890.6:2009 and constructed prior to release of any Occupation Certificate.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [15.01]</p>
9	<p><b>Loading and Unloading</b> All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site at all times.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [15.07]</p>
10	<p><b>Carpark/Road/Public Space Lighting</b> All external lighting shall be installed and operated in accordance with the Australian Standard AS1158.1 'Lighting for roads and public spaces' and AS4282:1997 'Control of</p>

	<p>the obtrusive effects of outdoor lighting’.</p> <p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [15.09]</p>
11	<p><b><i>Protection of Street Trees</i></b></p> <p>All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced to the satisfaction of Council.</p> <p><b>Reason:</b> To ensure the development does not conflict with the public interest. [16.10]</p>
12	<p><b><i>Tree Removal/Replacement/Protection</i></b></p> <p>Native vegetation removal is to be to the minimum extent necessary to achieve the proposal.</p> <p>landscaping required in condition 29 and 61 is to be continuously maintained in accordance with the approved Plan. Landscaping must comply with Planning for Bushfire Protection 2019 requirements.</p> <p>Maintenance is the landowner's responsibility.</p> <p>All trees not specifically approved for removal are to be suitably protected by way of tree guards, barriers or other measures as to protect root system, trunk and branches during construction.</p> <p><b>Reason:</b> To protect the amenity of the local area. [16.11]</p>
13	<p><b><i>Business Identification Signs</i></b></p> <p>This consent authorises business identification signage as shown on the approved plans only. The signage is not to be a flashing type and its illumination shall not distract passing motorists or impact on residential amenity. The lighting of the sign(s) shall be so positioned and focused so that no direct light or glare shall be visible from any roadway or from any adjoining property. The sign and structure shall be maintained to the satisfaction of Council. The content of the sign shall not cause offence to the public.</p> <p><b>Reason:</b> To protect the amenity of the local area. [17.03]</p>
14	<p><b><i>Water &amp; Sewer Inspections</i></b></p> <p>All plumbing and drainage works (water supply, sanitary plumbing and drainage, stormwater drainage and hot water) are to comply with Plumbing and Drainage Act 2011 and the Plumbing Code of Australia. Works must only be installed by a licensed person and must be inspected and given final clearance from Council before the issue of any Occupation Certificate.</p> <p>The following inspections are required to be carried out by Council in regard to the installation of plumbing and drainage works. Inspections may be arranged by</p>

	<p>contacting Council:</p> <p>(a) Sanitary drainage under hydrostatic test and before backfilling trenches or covering;</p> <p>(b) Hot and cold water plumbing under pressure test before covering;</p> <p>(c) Internal stackwork under hydrostatic test before covering; and</p> <p>(d) The installation of the septic tank and any sillage trenches before backfilling or covering.</p> <p>(e) Issue of final satisfactory inspection.</p> <p><b>Reason:</b> To ensure that the development complies with the Water Authority's standards. [2.16]</p>
15	<p><b>Noise from Deliveries/Waste Collection</b></p> <p>Waste collections and deliveries from any vehicle or truck are not permitted on any part of the premises between 10pm and 7am Monday to Saturday inclusive or between 10pm and 9am on Sundays and Public Holidays.</p> <p><b>Reason:</b> To protect the amenity of the local area. [20.07]</p>
16	<p><b>Comply with BCA</b></p> <p>All building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).</p> <p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [23.01]</p>
17	<p><b>Safer by Design in Business Areas</b></p> <p>The development shall incorporate appropriate design measures to minimise any crime risk to patrons or staff and motor vehicles within the car parking areas, including (but not limited to) the following:</p> <ul style="list-style-type: none"> <li>• Landscape treatment which allows visibility from the road way and other public areas landscaping at ground level provided which is difficult or uncomfortable to hide in or traverse,</li> <li>• Provide clearly marked and sign posted visitor car parking signs (including security/intercom system)</li> <li>• Ensure that fire rated doors in the car park have a clear glass panel located no more than 1.5m from the floor. The panel shall have a minimum dimension of 300 mm x 300 mm to allow visual surveillance within the stairwell and/or next room/space.</li> <li>• The area of the subject site which can be accessed by the public must have lighting provided in accordance with AS 1158:1999 or AS 4360:1999 (only appropriate if the land is in public ownership).</li> <li>• Windows fronting the pedestrian walkways on each elevation shall use and maintain transparent clear glass and not be covered with any medium that prevents surveillance and visibility.</li> </ul>

	<p>These requirement shall be reflected on the Construction Certificate plans.</p> <p><b>Reason:</b> To ensure the development does not conflict with the public interest. [24.03]</p>
18	<p><b><i>Sewerage Manhole</i></b></p> <p>Any alterations to the ground surface adjacent to the sewerage manhole in the vicinity or within the property will require application and payment to Council for alterations to the manhole level to match the new ground surface level. Manholes within driveways will require provision of a trafficable lid at the applicants cost.</p> <p><b>Reason:</b> To ensure that the development complies with the standards and policy of the Water &amp; Sewer Authority. [4.02]</p>
19	<p><b><i>Discharge of Liquid Trade &amp; Factory Waste</i></b></p> <p>Liquid trade and factory waste or chemicals or other impurities from any business, trade or manufacturing process other than domestic sewage is not permitted to be discharged into Council’s sewerage system without application and approval by Council. The application for approval must be in accordance with Council’s Liquid Trade Waste (LTW) Policy.</p> <p><b>Reason:</b> To ensure that the development complies with the standards and policy of the Water &amp; Sewer Authority. [4.14]</p>
20	<p><b><i>Water Supply - Backflow Prevention</i></b></p> <p>Before connecting to Council’s reticulated potable water supply, a Backflow Protection and Cross Connection Survey is to be conducted in accordance with Council’s Backflow Prevention Policy, AS 3500.1 and Plumbing Code of Australia. A copy of the Plumbing Survey is to be submitted to Council before occupation.</p> <p>A backflow prevention device suitable to the degree of hazard is to be installed in accordance with the before mentioned Policy and Codes.</p> <p>If a testable backflow prevention device is installed then a Backflow Prevention Device Inspection and Maintenance Report Initial Test Certificate is to be lodged with Council within two (2) days of installation.</p> <p>The quoted meter connection fee includes connection of the water meter only. Council’s preferred reduced pressure zone device is a watts 009 and is to be shown on the layout plan for the service.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Water Authority. [5.12]</p>
21	<p><b><i>Bushfire Requirements</i></b></p> <p>The development is located in bush prone land and therefore is subject to the requirements of Planning for Bush Fire Protection 2019 and the Australian Standard AS 3959-2018 Construction of Buildings in Bushfire-Prone Areas. Attached to this consent is the NSW Rural Fire Service conditions that must be complied with prior to the commencement of building works. These required bushfire protection measures are to be maintained in perpetuity.</p>

	<p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [9.03a]</p>
	<p><b>PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE</b></p>
22	<p><b><i>Requirements of Public Authorities for Connection to Services</i></b>  The applicant shall comply with the requirements of any public authorities (eg Essential Energy, NBN, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the applicant. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the Principal Certifier prior to the issue of the Construction Certificate.</p> <p><b>Reason:</b> To ensure the development is adequately serviced by appropriate infrastructure. [0240]</p>
23	<p><b><i>Erosion and sediment control plan</i></b>  Before the issue of a construction certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the Principal Certifier:</p> <ul style="list-style-type: none"> <li>a) Council's relevant development control plan;</li> <li>b) the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended), and</li> <li>c) the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended).</li> </ul> <p><b>Reason:</b> To ensure no substance other than rainwater enters the stormwater system and waterways. [11.01]</p>
24	<p><b><i>Batter Slopes and Earthworks</i></b>  An engineer's report on the stability of the batter slopes or earthworks/benching is to be submitted to the Registered Certifier prior to the issue of the Construction Certificate.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [11.09]</p>
25	<p><b><i>Access</i></b>  Prior to release of the Construction Certificate, submission to the Principal Certifier of a plan showing details of the access driveway construction addressing the following:</p> <ul style="list-style-type: none"> <li>(a) The location of the driveway within the site and extending to the existing road;</li> <li>(b) A long section showing existing and final levels along the centre line of the driveway from the road centre line to the back of the vehicle standing area, with</li> </ul>



	<p>final levels providing grades conforming to '<a href="https://www.esc.nsw.gov.au/data/assets/pdf_file/0010/143983/Infrastructure-Design-Standard-IDS.pdf">Councils Infrastructure Design Standard &lt;https://www.esc.nsw.gov.au/ data/assets/pdf file/0010/143983/Infrastructure-Design-Standard-IDS.pdf&gt;</a> or to AS/NZS 2890.1:2004 ;</p> <p>(c) Any design not compliant with Council's Infrastructure Design Standard is to be certified by the designer for compliance with AS/NZS 2890.1:2004;</p> <p>(d) Method of containing all fill and excavation associated with the driveway within the lot;</p> <p>(e) The extent of earthworks within the footpath area adjacent to the driveway to provide a maximum slope of 1 in 8 (12.5%);</p> <p>(f) The location of all services in plan and elevation and any alterations required to conform to the standards of the service provider;</p> <p>(g) The method of controlling water flows to address safety, short and long term erosion to industry standards;</p> <p>(h) Pavement designs;</p> <p>(i) The driveways are to be designed by an engineer and should accommodate the turning movement of the largest expected design vehicle. The vehicle crossings are to comply with Council's Infrastructure Design Standard and applicable codes.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [14.04]</p>
26	<p><b>Footpath Construction</b></p> <p>Prior to the issue of the Construction Certificate submission to and approval by the Road Authority under a Section 138 (of the Roads Act 1993) application, of a detailed plan for footpath construction for development frontage along Highcliffe Road and the property frontage along Old Punt Road, as directed by Council, to enable connection to the existing foot path on the southern side of the Old Punt Road providing accessibility compliant ramps, refuge area, signage, pavement marking, tactiles etc.</p> <p>Design any modification required for the existing road infrastructure as required.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [14.06]</p>
27	<p><b>Car Parking details</b></p> <p>Before the issue of the Construction Certificate, written evidence prepared by a suitably qualified engineer must be obtained that demonstrates, to the certifier's satisfaction, the plans for parking facilities comply with the relevant parts of AS 2890.1 Parking Facilities - Off-Street Carparking and Council's Parking and Access Code.</p> <p>The plans must show a minimum of Basement 104 car parking and 50 at grade car parking spaces.</p> <p>At least 5 of these spaces are to be made available for disabled persons and are to be located in close proximity to the entry of the building.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads</p>

	Authority. [15.03]
28	<p><b>Number of Loading Bays</b></p> <p>A minimum of two loading bays are to be provided for the development. Both of these bays shall be capable of accommodating 19m Articulated Vehicle. Details of the loading arrangements shall be submitted in accordance with the approved development application and in accordance with the relevant Development Control Plan or as subsequently approved by Council, prior to the issue of the Construction Certificate.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [15.05]</p>
29	<p><b>Landscape Plan (Professional)</b></p> <p>Prior to the issue of a Construction Certificate a detailed Landscape Plan for the development shall be prepared by a qualified landscape architect or landscape designer, shall be submitted to and approved by Council.</p> <p><b>Reason:</b> To protect the amenity of the local area. [16.02]</p>
30	<p><b>Payment of Building &amp; Construction Industry Levy</b></p> <p>Before the issue of the Construction Certificate, the long service levy, as calculated at the date of this consent, must be paid to the Long Service Corporation under the <i>Building and Construction Industry Long Service Payments Act 1986</i>, section 34, and evidence of the payment is to be provided to the Certifier. The levy rate is 0.25% of the cost of building and construction works of \$250,000 or more (incl GST).</p> <p><b>Reason:</b> To ensure the developer complies with NSW legislative requirements. [2.03]</p>
31	<p><b>Construction Site Management Plan</b></p> <p>Before the issue of a Construction Certificate, a construction site management plan must be provided and provided to the Certifier. The plan must include the following matters:</p> <ol style="list-style-type: none"> <li>a) The location and materials for protective fencing and hoardings on the perimeter of the site;</li> <li>b) Provisions for public safety;</li> <li>c) Pedestrian and vehicular site access points and construction activity zones;</li> <li>d) Details of construction traffic management, including: <ol style="list-style-type: none"> <li>i. Proposed truck movements to and from the site;</li> <li>ii. Estimate frequency of truck movements, and</li> <li>iii. Measures to ensure pedestrian safety near the site;</li> </ol> </li> <li>e) Details of bulk earthworks to be carried out;</li> <li>f) The location of site storage areas and sheds;</li> <li>g) The equipment used to carry out works;</li> <li>h) The location of temporary toilets;</li> <li>i) Dust, noise and vibration control measures;</li> <li>j) The location of temporary toilets;</li> <li>k) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:</li> </ol>

	<ul style="list-style-type: none"> <li>i. AS4970 - Protection of trees on Development sites;</li> <li>ii. An applicable Development Control Plan;</li> <li>iii. An arborist’s report approved as part of this consent.</li> </ul> <p>A copy of the construction site management plan must be kept on-site at all times while work is being carried out.</p> <p><b>Reason:</b> To require details of measures that will protect the public, and the surrounding environment, during site works and construction. [23.14]</p>
32	<p><b><i>Water and Sewer Developer Contributions</i></b></p> <p>Before the issue of a Section 68 Approval/Construction Certificate, the developer/consent holder will have to be eligible to obtain a Section 307 Certificate of Compliance under the Water Management Act 2000/ compliance with Section 64 of the Local Government Act 1993. To be eligible, the developer/consent holder will have to contribute the determined Equivalent Tenements (ET) for both water and sewer.</p> <p>In order to determine the number of ET’s the applicant is to provide a report assessing the documented titled “Section 64 Determination of Equivalent Tenements Guidelines” dated April 2017 by the Water Directorate and provide to Council for assessment. The report will need to address chapter 6.3 – (Advice on Determining a Non-Typical Development ET)</p> <p>The contribution shall be paid to the Eurobodalla Shire Council. Evidence of the payment shall be submitted to Principal Certifier before the issue of the Construction Certificate.</p> <p><b>Note:</b> <i>The above contributions are reviewed at least annually and may be subject to increases as a result of indexation or other forces. Contributions can be paid before each stage of the development.</i></p> <p><b>Reason:</b> To ensure the development contributes to the increased demand of public amenities and infrastructure services. [3.11a]</p>
33	<p><b><i>Payment of Section 7.12 Contributions</i></b></p> <p>Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, and the Eurobodalla Shire Council Section 7.12 Contributions Plan 2012, a development contribution is required to be paid to Council prior to issue of the Construction Certificate.</p> <p>Where the cost of the development exceeds \$1million the Contribution Plan requires a cost estimate report prepared by a registered Quantity Surveyor to be forwarded to Council with payment of the contribution.</p> <p>The contribution amount is calculated at the rate of 1% of the total development cost and shall be used by Council in the provision, extension or augmentation of public amenities or public services. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Contribution</p>

	<p>plan. Note: Development costs include GST and are to be calculated in accordance with the definition of development costs in cl.25J of the Environmental Planning and Assessment Regulations 2000 at current prices.</p> <p><b>Reason:</b> To ensure the development contributes to the increased demand of public amenities and infrastructure services.</p> <p><b>Reason:</b> To address the increased demand for regional infrastructure resulting from the approved development. [3.12]</p>
34	<p><b><i>Building near Sewer</i></b></p> <p>Before the issue of Construction Certificate, submission to, and approval by Council of designs prepared by a suitably qualified engineer for special footing adjacent to Council's sewer main. The design is to be consistent with Council's Policy "Build in the Vicinity of Sewer Mains". Construction is to conform to the approved design and in accordance with Council Policy. Attached to the approval is a sewer diagram and the relevant manhole levels for the required engineer's footing design, adjacent to Council's sewer line.</p> <p><b>Reason:</b> To ensure that the development complies with the standards and policy of the Water &amp; Sewer Authority. [4.05]</p>
35	<p><b><i>Retaining Wall near Sewer</i></b></p> <p>Before the issue of Construction Certificate, submission to, and approval by Council of designs prepared by a suitably qualified engineer for special footings for the retaining wall adjacent to Council's sewer main. The design is to be consistent with Council's policy "Build in the Vicinity of Sewer Mains". Construction is to conform to the approved design and in accordance with Council policy. Attached to the approval is a sewer diagram and the relevant manhole levels for the required engineer's footing design, adjacent to Council's sewer line.</p> <p><b>Reason:</b> To ensure that the development complies with the standards and policy of the Water &amp; Sewer Authority. [4.06]</p>
36	<p><b><i>Water Meter - Industrial / Commercial Development</i></b></p> <p>Prior to issue of a Construction Certificate, submission to Council of certification and a layout plan for the service by a suitably qualified hydraulic engineer/consultant on the recommended water meter size required for the development in accordance with AS 3500.1:2003 National Plumbing and Drainage Code and AS2441-2005 Installation of Fire Hose reels.</p> <p><b>Note:</b> <i>All fire hose reels must be supplied through the metered supply.</i></p> <p>Council will provide a quote to construct the water service complete with meter with prepayment required before works being scheduled. The meter is to be located so as to be accessible to Council's Water Meter Reader at all times. Any work required to Council's infrastructure to extend the main or allow installation of the meter other than a standard meter connection, is to be undertaken at full cost to the applicant.</p>

	<p><b>Note:</b> <i>A backflow prevention device is to be installed and certified by a private plumber in accordance with Council's Backflow Prevention policy.</i></p> <p>A standard meter connection is where the water main is located on the same side of the street as the property, the meter is to be located approximately 2.4 metres from the water main to just inside the property boundary and laid in a non-hard surface area (grassed). Please contact Council's Water and Sewerage Project Engineer on 44741342 to arrange the quote and prepayment will be required to be receipted at Council Administration Centre at Vulcan Street Moruya, the Batemans Bay or Narooma depot.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Water Authority. [5.05a]</p>
37	<p><b>Sewer Junction</b></p> <p>Prior to issue of a Construction Certificate the applicant shall enter into a Private Works Agreement with Council for provision of a sewer junction to serve the proposed development.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Water Authority.</p>
38	<p><b>Stormwater Management - Industrial</b></p> <p>Before the issue of a Construction Certificate, submission to and approval by the Principal Certifier of plans addressing stormwater management for the development. The plans are to be certified by a suitably qualified drainage consultant or engineer for compliance with the following:</p> <ul style="list-style-type: none"> <li>i) AS/NZS 3500.3:2015.</li> <li>ii) 70% retention of the typical urban annual load for gross pollutants.</li> <li>iii) Provide a sediment trap at the site extremity.</li> <li>iv) Point of discharge from the site is to be via the watercourse located on site in accordance with Council's Infrastructure Design Standard. Scour protection to be provided.</li> </ul> <p><b>Note:</b> <i>Notwithstanding the above minimum requirements, in accordance with the Protection of the Environment Operations Act 1997, a person who pollutes any waters (pollute waters includes cause or permit any waters to be polluted) is guilty of an offence and is liable under that Act.</i></p> <p><b>Reason:</b> To ensure stormwater runoff from the development does not impact on adjoining land. [6.32]</p>
39	<p><b>Bushfire Protection Construction Details required</b></p> <p>Prior to the issue of the Construction Certificate detailed plans and specifications of the building construction shall be submitted to the Principal Certifier demonstrating compliance with the BAL levels stipulated in this consent.</p>

	<p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [9.02]</p>
40	<p><b>Road Works - Highcliffe Road</b></p> <p>Certified and detailed drawings prepared by an appropriately qualified and practising Civil Engineer, must be submitted to, and approved by the Road Authority, under a Section 138 (of the Roads Act 1993) application, prior to the issue of the Construction Certificate.</p> <p>The detailed design is for a 7.5m wide carriageway along the development frontage of Highcliffe Road to the 'local street' standard of the road hierarchy and generally in accordance with the Council's Infrastructure Design Standard. The works must be designed and constructed in compliance with the following: -</p> <ul style="list-style-type: none"> <li>a) Pavement investigation and upgrade;</li> <li>b) Barrier kerb and gutter on both sides of the road;</li> <li>c) Grass verge on each side;</li> <li>d) Underground stormwater drainage with and connection to the upstream and table drain transition works to the north to ensure free draining of stormwater;</li> <li>e) Localised pavement widening around the intersection with Old Punt Road to accommodated the turning movement of the Articulated Vehicle.</li> <li>f) Re-location of any infrastructure and signage to relevant standards as applicable;</li> <li>g) Street lighting;</li> <li>h) Median treatments at appropriate sections of the road;</li> <li>i) Traffic Signage in accordance with the Manual of Uniform Traffic Control Devices - Part 13: Local Area Traffic Management and linemarking.</li> </ul> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority.</p>
41	<p><b>Road Works - Old Punt Road</b></p> <p>Certified and detailed drawings prepared by an appropriately qualified and practising Civil Engineer, must be submitted to, and approved by the Road Authority, under a Section 138 (of the Roads Act 1993) application, prior to the issue of the Construction Certificate.</p> <p>The detailed design is for road widening along the full frontage Old Punt Road to the standard of the road hierarchy and generally in accordance with the Council's Infrastructure Design standards. The works must be designed and constructed in to achieve, but not limited to, the following: -</p> <ul style="list-style-type: none"> <li>a) Pavement investigation and upgrade;</li> <li>b) Barrier kerb and gutter;</li> <li>c) Grassed verge and batters;</li> <li>d) Underground stormwater drainage;</li> <li>e) Localised pavement widening around the intersection with Highcliffe Road to accommodated the turning movement of the Articulated Vehicle;</li> </ul>

	<p>f) Re-location of any infrastructure and signage to relevant standards as applicable;</p> <p>g) Street lighting;</p> <p>h) Linemarking.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority.</p>
42	<p><b>Tree Removal and Retention Plan</b></p> <p>Before the issue of the construction certificate, or prior to the commencement of any clearing (whichever is sooner) an accurately drawn Tree Removal Plan showing trees to be removed and those to be retained is to be submitted to the consent authority for approval. When nominating trees to be retained, it must be demonstrated that due consideration is given to the following:</p> <ul style="list-style-type: none"> <li>• Native vegetation removal is to be to the minimum extent necessary to achieve the proposal.</li> <li>• Planning for Bushfire Protection 2019 requirements</li> <li>• Recommendations in the approved flora and fauna assessment (South Coast Environmental Consulting, Aug 2024).</li> <li>• AS 4970-2009 Protection of trees on development sites</li> </ul> <p><b>Reason:</b> To ensure tree removal is limited to the minimum extent necessary to achieve the proposal.</p>
	<p><b>PRIOR TO COMMENCEMENT OF WORKS</b></p>
43	<p><b>Imported Fill</b></p> <p>Prior to the importation of fill onto the development site details of the origin/quality of the material are to be provided to the Principal Certifier. The fill is to be certified as virgin excavated natural material (VENM) of similar material to the existing soil type on the land, and is to be tested for suitability to achieve the required 98% dry density compaction of a subgrade material, the material is to comply with AS3798-2007 and AS1289-2000.</p> <p>Reason: To ensure the environmental, social and economic impact of the development are minimised.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [11.15]</p>
44	<p><b>Erosion and Sediment Controls - Installation</b></p> <p>The Principal Contractor or Owner-builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:</p> <ol style="list-style-type: none"> <li>a) The Soil and Water Management Plan if required under this consent;</li> <li>b) “Do it Right On Site, Soil and Water Management for the Construction Industry” published by the Southern Sydney Regional Organisation of Councils, 2001; and</li> <li>c) “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book).</li> </ol>

	<p>Where there is any conflict, The Blue Book takes precedence.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [11.20]</p>
45	<p><b><i>Construction in a Road Reserve</i></b></p> <p>Prior to commencement of any works within the road reserve a separate approval is to be obtained from Council under section 138/139 of the Roads Act. The application would consider:</p> <ul style="list-style-type: none"> <li>• Public safety, WH&amp;S issues, risk assessment, public liability insurance, control of vehicle and pedestrian traffic, location of plant and equipment, inspections bonding and an application fee.</li> <li>• Where a traffic control plan is required, the plan is to be prepared by a suitably qualified consultant, certified by the Roads and Maritime Service (RMS), in work site traffic control plan preparation.</li> <li>• Where the Traffic control plan requires a reduced speed, or temporary traffic signals, a Speed Zone Authorization (SZA) is to be obtained from Council for the specific days of work</li> <li>• Where works are on a Roads and Maritime Services (RMS) road or would impact traffic on an RMS road, a Road Occupancy Licence (ROL). is to be obtained from the RMS Ms Peta Smith (02 42212509) or email. rol_southern@rta.nsw.gov.au</li> </ul> <p>Where works are undertaken by other than the applicant, the supervisor of the works is to be advised of this condition. Details for an application form and fees are available by contacting council Engineering Development Assessment Officer (44741254) &amp; form available from  <a href="http://www.esc.nsw.gov.au/media/395951/Section_138_Roads_Act.pdf">http://www.esc.nsw.gov.au/media/395951/Section_138_Roads_Act.pdf</a></p> <p>Carrying out works contrary to this condition will result in a penalty being issued under the roads act and works being suspended until such time as a Section 138 consent being issued.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [14.09]</p>
46	<p><b><i>Tree protection measures</i></b></p> <p>Before any site work commences, the principal certifier, must be satisfied the measures for tree protection detailed in the construction site management plan are in place.</p> <p><b>Reason:</b> To protect and retain trees. [16.08]</p>
47	<p><b><i>Tree Removal on Council land</i></b></p> <p>Prior to commencement of any works involving tree removal in Council’s public road reserve or Council controlled land, a separate application and approval under Section 138 of the Roads Act is required.</p> <p><a href="https://www.esc.nsw.gov.au/data/assets/pdf_file/0020/134075/Section-138-Application-Form.pdf">https://www.esc.nsw.gov.au/data/assets/pdf_file/0020/134075/Section-138-Application-Form.pdf</a></p>



	<p>Such application is to nominate the details of a suitably qualified tree management contractor who will be carrying out the work. Any application would consider but not be limited to the following:</p> <ul style="list-style-type: none"> <li>(a) Public safety and provision of a Safe Work Method Statement;</li> <li>(b) The extent of works to be carried out by an insured company, prequalified by Council; (currently Skyline Tree Services, 44716927, Eurobodalla Tree Services, 44787229, Narooma Tree Lopping, 44763767 and Horizon Tree Service 44715016 or 0488 585563 are the only approved contractors available)</li> <li>(c) Provision of a Traffic Control Plan, prepared by a suitably qualified person;</li> <li>(d) Payment of the current application fee in accordance with Council's current fees and charges;</li> <li>(e) Payment of a performance deposit (bonding) for restoration of works.</li> </ul> <p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [16.19]</p>
48	<p><b>Construction Certificate</b></p> <p>The construction works subject of this development consent <b>MUST NOT</b> be commenced until:</p> <ul style="list-style-type: none"> <li>(a) Detailed plans/specifications of the building have been endorsed with a Construction Certificate by a registered certifier, and</li> <li>(b) The person having the benefit of the development consent has appointed a Principal Certifier, and has notified the Council of the appointment, and</li> <li>(c) The person having the benefit of the development consent has given at least two (2) day's notice to the Council of the person's intention to commence the erection of the building; and</li> <li>(d) Builders name and licence number has been supplied to Council or the Principal Certifier; and</li> <li>(e) A report describing how compliance with Section J of the National Construction Code addressing the energy efficiency requirements for Class 3-9 buildings has to be submitted to the Principal Certifier before the issue of a Construction Certificate. If the Section J report was approved with issue of the development consent a further report is not required to be provided; and</li> <li>(f) A sign has been erected on site in a prominent position containing the information prescribed by Clause 98A(2) &amp; (3) of the EP &amp; A Regulations being the name, address and telephone number of the Principal Certifier for the work, and name of the principal contractor (if any) for the work and telephone number on which that person may be contacted outside working hours, and stating that unauthorised entry to the site is prohibited. This sign must be maintained on site while work is being carried out and removed when the work has been completed.</li> </ul> <p><b>Reason:</b> To ensure compliance with legislative requirements. [2.06a]</p>

49	<p><b>Site Waste Management</b></p> <p>A site rubbish enclosure must be provided prior to commencement of any work for the period of the proposed work and remain in place for the duration of all works. All waste materials from the site must be disposed of at an authorised waste facility.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [22.01]</p>
	<p><b>DURING CONSTRUCTION</b></p>
50	<p><b>Loading and Unloading of Construction Vehicles</b></p> <p>All loading and unloading associated with construction must be accommodated on-site. If this is not feasible, an application may be made for the provision of a construction zone, during the specified hours of work.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [0131]</p>
51	<p><b>Responsibility for Changes to public infrastructure</b></p> <p>While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.</p> <p><b>Reason:</b> To ensure payment of approved changes to public infrastructure. [0210]</p>
52	<p><b>Spoil Removal</b></p> <p>No spoil to be deposited on public roads during the cartage of materials from or to the site. The deposition spoil shall cease, as directed by Council, if the Council determines that excessive deposition of spoil onto the road is taking place.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [11.12]</p>
53	<p><b>Excess Fill</b></p> <p>Any excess clean fill (inert clean waste) removed from the site is to be taken to either:</p> <ul style="list-style-type: none"> <li>(a) a public waste disposal facility or</li> <li>(b) a site approved by Council.</li> </ul> <p>If option (b) is to be used the persons enacting this consent are to advise Council, in writing, of the chosen site and are not to commence any dumping until written approval is granted.</p> <p><b>Note:</b> Council may carry out random inspections and take photographic records to ensure the integrity of the fill.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are</p>

	<p>minimised. [11.14]</p>
54	<p><b><i>Discovery of Relics and Aboriginal Objects</i></b></p> <p>While site work is being carried out, if a person reasonable suspects a relic of Aboriginal object is discovered:</p> <ol style="list-style-type: none"> <li>a) The work in the area of the discovery must cease immediately</li> <li>b) The following must be notified <ol style="list-style-type: none"> <li>i. for a relic - the Heritage Council; or</li> <li>ii. for an Aboriginal object - the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85.</li> </ol> </li> </ol> <p>Site work may recommence at a time confirmed in writing by:</p> <ol style="list-style-type: none"> <li>a) for a relic - the Heritage Council; or</li> <li>b) for an Aboriginal object - the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85.</li> </ol> <p><b>Reason:</b> To ensure the protection of objects of potential significance during works. [13.07]</p>
55	<p><b><i>Public Footpaths</i></b></p> <p>A safe pedestrian circulation route a minimum of 1.5 metres wide and with a pavement free of trip hazards shall be maintained at all times on, or adjacent to the public footpaths fronting the construction site. Where the footpath is damaged, repair works shall be carried out when directed by Council officers and in accordance with the relevant clauses of the current edition of Council’s Development Specifications.</p> <p>Where circulation is diverted on to the roadway, clear directional signage and protective barricades shall be installed in accordance with Australian Standard AS1742-3 1996 <i>Traffic Control Devices for Work on Roads</i>.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [14.12]</p>
56	<p><b><i>Approved Plans to be On-Site</i></b></p> <p>A copy of the consent, the approved and certified plans, specifications and documents shall be kept on the site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifier.</p> <p><b>Reason:</b> To ensure the development is undertaken in accordance with the conditions of approval and complies with legislative requirements and Council policy. [2.22]</p>
57	<p><b><i>Commercial/Industrial Construction Hours - NOISE</i></b></p> <p>Construction may only be carried out between 7.00am and 6.00pm on Monday to Friday, and between 8.00am to 5.00pm on Saturdays. No construction activity on Sundays and Public Holidays.</p> <p>Work may be carried out outside of the above standard hours for construction if the work only generates noise that is:</p>

	<p>(a) no louder than 5dB(A) above the rating background level at any residence in accordance with the Interim Construction Noise Guidelines (ISBN 9781742322179) published by the NSW Dept of Environment and Climate Change, July 2009.</p> <p>(b) no louder than the noise management levels specified in Table 3 of the Guideline at other sensitive receivers.</p> <p><b>Reason:</b> To protect the amenity of the local area. [20.01a]</p>
58	<p><b><i>Implementation of the vegetation and habitat management commitments</i></b>  While work is being carried out, the commitments and measures required by the approved Vegetation Management Plan and the recommendations in the approved Flora &amp; Fauna Assessment (South Coast Environmental Consulting, Aug 2024) and Riparian Assessment (South Coast Environmental Consulting, Apr 2024) and must be implemented at all times and impacts do not encroach into areas of retained native vegetation and habitat.</p> <p>A copy of the approved plan and assessments is kept on site at all times and made available to Council officers upon request.</p> <p><b>Reason:</b> To ensure the required biodiversity management measures to avoid and minimise biodiversity impacts are implemented during construction.</p>
	<b>PRIOR TO OCCUPATION OR COMMENCEMENT OF USE</b>
59	<p><b><i>Batter stabilisation</i></b>  Prior to the issue of any Occupation Certificate, all exposed embankments must be stabilised by the installation of vegetation or similar materials to the satisfaction of the Principal Certifier. Measures for stabilisation of embankments must be contained wholly within the property boundaries and prevent erosion and soil movement onto the adjoining land.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [11.18]</p>
60	<p><b><i>Landscaping</i></b>  Completion of landscaping in accordance with the approved Landscape Plan in condition 29 prior to commencement of use of the site and such landscaping is to be continuously maintained in accordance with the approved Plan. Landscaping must comply with Planning for Bushfire Protection 2019 requirements.</p> <p>Maintenance is the landowner's responsibility.</p> <p><b>Reason:</b> To protect the amenity of the local area. [16.11]</p>
61	<p><b><i>Car Park Signage</i></b>  Signage shall be installed at the entry to the car park to warn pedestrians of vehicles exiting the car park. Further signage shall be installed near the car park exit to warn</p>

	<p>drivers of the presence of pedestrians using the footpath. The signage shall be installed prior to occupation of the building(s).</p> <p><b>Reason:</b> To ensure the development does not conflict with the public interest. [14.34]</p>
62	<p><b><i>Work Within Road Reserve</i></b></p> <p>Prior to issue of any Occupation Certificate, all works within the road reserve, including driveway, footpath or verge works are to be completed in accordance with the approved plans and <a href="https://www.esc.nsw.gov.au/data/assets/pdf_file/0010/143983/Infrastructure-Design-Standard-IDS.pdf">Councils Infrastructure Design Standards</a> &lt;<a href="https://www.esc.nsw.gov.au/data/assets/pdf_file/0010/143983/Infrastructure-Design-Standard-IDS.pdf">https://www.esc.nsw.gov.au/data/assets/pdf_file/0010/143983/Infrastructure-Design-Standard-IDS.pdf</a>&gt;.</p> <p>Earthworks adjacent to the driveway within the road reserve are to be at grades no steeper than 12%. All service covers are to match the finished ground level within the footpath/road reserve. Verification of the satisfactory completion of such works to be carried out by Council.</p> <p>The vehicle crossing is to be maintained in accordance with Council relevant standards and plans in sound condition for the life of the development to the satisfaction of Council, at no cost to Council.</p> <p>Any damage caused to Council's infrastructure in the vicinity of the subject land as a result of construction works associated with the approved development is to be met in full by the applicant/developer prior to issue of any Occupation Certificate.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [14.37]</p>
63	<p><b><i>Occupation Certificate</i></b></p> <p>The development shall not be used or occupied until an Occupation Certificate has been issued by the Principal Certifier.</p> <p><b>Reason:</b> To ensure compliance with legislative requirements. [2.14]</p>
64	<p><b><i>Works as Executed Plans and any other Documentary Evidence</i></b></p> <p>Before the issue of the relevant Occupation Certificate, the applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:</p> <p>a) All stormwater drainage systems and storage system</p> <p>The principal certifier must provide a copy of the plans to Council with the occupation certificate.</p> <p><b>Reason:</b> To confirm the location of works once constructed that will become Council assets. [6.06]</p>
65	<p><b><i>Fire Safety Certificate</i></b></p> <p>A Fire Safety Certificate shall be furnished to the Registered Certifier for all the "Essential Fire or Other Safety Measures" forming part of this approval prior to issue of an Occupation Certificate. A copy of the Fire Safety Certificate must be submitted to Council by the Registered Certifier prior to issue of an Occupation Certificate.</p>

	<p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [8.01]</p>
66	<p><b><i>Annual Fire Safety Statement</i></b></p> <p>(a) A final Fire Safety Certificate shall state that each essential fire safety measure specified in the current Fire Safety Schedule for the building to which the Certificate relates:</p> <ul style="list-style-type: none"> <li>(i) has been assessed by a properly qualified person; and</li> <li>(ii) was found, when it was assessed, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building for which the Certificate is issued.</li> </ul> <p>(b) The assessment must have been carried out within the period of three (3) months prior to the date on which the final Fire Safety Certificate is issued.</p> <p>(c) The choice of person to carry out the assessment is up to the owner of the building.</p> <p>(d) The person who carries out the assessment:</p> <ul style="list-style-type: none"> <li>(i) must inspect and verify the performance of each fire safety measure being assessed; and</li> <li>(ii) must test the operation of each new item of equipment installed in the building premises that is included in the current Fire Safety Schedule for the building.</li> </ul> <p>(e) As soon as practicable after a final Fire Safety Certificate is issued, the owner of the building to which it relates:</p> <ul style="list-style-type: none"> <li>(i) must cause a copy of the Certificate (together with a copy of the current Fire Safety Schedule) to be given to the Commissioner of New South Wales Fire Brigades; and</li> <li>(ii) must cause a further copy of the Certificate (together with a copy of the current Fire Safety Schedule) to be prominently displayed in the building.</li> </ul> <p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [8.02]</p>
67	<p><b><i>Roads Act Approval</i></b></p> <p>Prior to the issue of any Occupation Certificate the footpath and road construction works, required under this consent and subject of Section 138 of the Roads Act 1993 application, are to be completed in accordance with all requirements of the Roads Act approval, to the satisfaction of the Roads Authority.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority.</p>
68	<p><b><i>Verification of vegetation and habitat management commitments</i></b></p> <p>Before the issue of an Occupation Certificate provide a report to the consent authority, prepared by a suitably qualified person verifying that all commitments and harm</p>

	<p>minimisation measures required by the approved Vegetation Management Plan (South Coast Environmental Consulting, Apr 2024) and the recommendations in the approved Flora &amp; Fauna Assessment (South Coast Environmental Consulting, Aug 2024) and Riparian Assessment (South Coast Environmental Consulting, Apr 2024) have been satisfied.</p> <p><b>Reason:</b> To ensure that the required biodiversity management measures to avoid and minimise biodiversity impacts were implemented prior to issue of the Occupation Certificate.</p>
69	<p><b><i>Ongoing vegetation and habitat management</i></b></p> <p>During the ongoing use, all commitments and harm minimisation measures required by the approved Vegetation Management Plan and the recommendations in the approved Flora &amp; Fauna Assessment (South Coast Environmental Consulting, Aug 2024) and Riparian Assessment (South Coast Environmental Consulting, Apr 2024) must be met.</p> <p><b>Reason:</b> To ensure the required vegetation and habitat management measures to avoid and minimise</p>
70	<p><b><i>Hours of Operation</i></b></p> <p>The hours of operation for the development shall be restricted to 8.00 to 9pm daily. Any alteration to the approved hours of operation will require separate Council approval.</p> <p><b>Reason:</b> To protect the amenity of the neighbourhood.</p>
71	<p><b><i>Fire Safety</i></b></p> <p>All new and existing fire safety measures shall be maintained in working condition at all times.</p> <p><b>Reason:</b> To ensure fire safety measures are in good working order.</p>
72	<p><b><i>Noise Levels and Monitoring</i></b></p> <p>The noise (LAeq (15min)) emanating from industrial developments must not exceed 5 dB(A) above the background noise level (LA90 (15min)) of the area at any boundary of the land.</p> <p>Should noise complaints be received as a result of operation of the development, council may request the manager /license hold of the business to submit an acoustic report prepared by a member of the Australian Acoustic Society (AAS) or the Association of Australian Acoustic Consultants (AAAC).</p> <p><b>Reason:</b> To protect the amenity of the neighbourhood.</p>
73	<p><b><i>Maintenance of Asset Protection Zone</i></b></p> <p>During occupation and ongoing use of the building, the applicant must ensure the asset</p>

	<p>protection zone is managed in perpetuity site in accordance with Planning for Bushfire Protection 2019 and the NSW Rural Fire Service's document Standards for Asset Protection Zones.</p> <p><b>Reason:</b> To ensure bushfire protection in perpetuity.</p>
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### 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.

**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 Eurobodalla Shire 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.

**Subdivision certificate** means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

**Subdivision works certificate** means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

**Sydney district or regional planning panel** means Southern Regional Planning Panel.[Title]