

GENERAL CONDITIONS				
1	<p><b>Approved plans and supporting documentation</b></p> <p>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p>			
<b>Approved plans</b>				
Plan number	Plan title	Revision number	Date of plan	Drawn by
DA0629/23 Sheet 1 of 44	Dwg. 2231-A100 Cover sheet	C	15/2/23	Kasperek Architects
DA0629/23 Sheet 2 of 44	Dwg. 2231-A105 Site context/locality plan	F	14/3/24	Kasperek Architects
DA0629/23 Sheet 3 of 44	Dwg. 2231-A110 Site analysis/demolition plan	C	15/2/23	Kasperek Architects
DA0629/23 Sheet 4 of 44 <b>AS AMENDED IN RED</b>	Dwg. 2231-A120 Site plan	E	13/12/23	Kasperek Architects
DA0629/23 Sheet 5 of 44	Dwg. 2231-A126 Site plan w/survey overlay	A	Printed 4/6/24	Kasperek Architects
DA0629/23 Sheet 6 of 44 <b>AS AMENDED IN RED</b>	Dwg. 2231-A130 Site ground floor plan	H	14/3/24	Kasperek Architects
DA0629/23 Sheet 7 of 44 <b>AS AMENDED IN RED</b>	Dwg. 2231-A140 Site first floor plan	H	14/3/24	Kasperek Architects
DA0629/23 Sheet 8 of 44	Dwg. 2231-A150 Site second floor plan	C	15/2/23	Kasperek Architects
DA0629/23 Sheet 9 of 44 <b>AS AMENDED IN RED</b>	Dwg. 2231-A160 Site sections 1	E	13/12/23	Kasperek Architects
DA0629/23 Sheet 10 of 44 <b>AS AMENDED IN RED</b>	Dwg. 2231-A170 Site sections 2	C	15/2/23	Kasperek Architects
DA0629/23 Sheet 11 of 44 <b>AS AMENDED IN RED</b>	Dwg. 2231-A180 Overall elevations	C	15/2/23	Kasperek Architects
DA0629/23 Sheet 12 of 44 <b>AS AMENDED IN RED</b>	Dwg. 2231-A190 Roof plan	C	15/2/23	Kasperek Architects
DA0629/23 Sheet 13 of 44 <b>AS AMENDED IN RED</b>	Dwg. 2231-A200 Ground floor plan - commercial	E	13/12/23	Kasperek Architects
DA0629/23 Sheet 14 of 44	Dwg. 2231-A205 Floor plan – block A	C	15/2/23	Kasperek Architects
DA0629/23 Sheet 15 of 44	Dwg. 2231-A210 Floor plan – block B	C	15/2/23	Kasperek Architects

DA0629/23 Sheet 16 of 44	Dwg. 2231-A215 Floor plan – block C	C	15/2/23	Kasperek Architects
DA0629/23 Sheet 17 of 44	Dwg. 2231-A220 Floor plan – block D	C	15/2/23	Kasperek Architects
DA0629/23 Sheet 18 of 44	Dwg. 2231-A225 Floor plan – block E	C	15/2/23	Kasperek Architects
DA0629/23 Sheet 19 of 44	Dwg. 2231-A230 Floor plan – block F	C	15/2/23	Kasperek Architects
DA0629/23 Sheet 20 of 44	Dwg. 2231-A240 Floor plan – Type 1A	C	15/2/23	Kasperek Architects
DA0629/23 Sheet 21 of 44 <b>AS AMENDED IN RED</b>	Dwg. 2231-A245 Floor plan – Type 1B	C	15/2/23	Kasperek Architects
DA0629/23 Sheet 22 of 44 <b>AS AMENDED IN RED</b>	Dwg. 2231-A260 Elevations – Block A	C	15/2/23	Kasperek Architects
DA0629/23 Sheet 23 of 44 <b>AS AMENDED IN RED</b>	Dwg. 2231-A265 Elevations – Block B	C	15/2/23	Kasperek Architects
DA0629/23 Sheet 24 of 44 <b>AS AMENDED IN RED</b>	Dwg. 2231-A270 Elevations – Block C	C	15/2/23	Kasperek Architects
DA0629/23 Sheet 25 of 44 <b>AS AMENDED IN RED</b>	Dwg. 2231-A275 Elevations – Block D	C	15/2/23	Kasperek Architects
DA0629/23 Sheet 26 of 44 <b>AS AMENDED IN RED</b>	Dwg. 2231-A280 Elevations – Block E	C	15/2/23	Kasperek Architects
DA0629/23 Sheet 27 of 44 <b>AS AMENDED IN RED</b>	Dwg. 2231-A285 Elevations – Block F	C	15/2/23	Kasperek Architects
DA0629/23 Sheet 28 of 44	Dwg. 2231-A320 Electrical reticulation	D	15/2/23	Kasperek Architects
DA0629/23 Sheet 29 of 44	Dwg. 2231-A340 Accessibility Plan	C	15/2/23	Kasperek Architects
DA0629/23 Sheet 30 of 44	Dwg. 2231-A340 Accessibility Plan – 2 lift option	G	14/3/24	Kasperek Architects
DA0629/23 Sheet 31 of 44	Dwg. 2231-A355 Solar compliance	C	15/2/23	Kasperek Architects
DA0629/23 Sheet 32 of 44	Dwg. 2231-A356 Communal open space	C	15/2/23	Kasperek Architects
DA0629/23 Sheet 33 of 44	Dwg. 2231-A357 Height plane	C	15/2/23	Kasperek Architects
DA0629/23 Sheet 34 of 44	Dwg. 2231-A360 areas	E	13/12/23	Kasperek Architects
DA0629/23 Sheet 35 of 44	Dwg. 2231-A370 Areas 2	C	15/2/23	Kasperek Architects
DA0629/23 Sheet 36 of 44	Dwg. 2231-A380 Colours and Finishes	C	15/2/23	Kasperek Architects

DA0629/23 Sheet 37 of 44 <b>AS AMENDED IN RED</b>	Dwg. 2231-A390 Clothes line details	C	15/2/23	Kasperek Architects
DA0629/23 Sheet 38 of 44	Dwg. 2231-A395 BASIX 01	C	15/2/23	Kasperek Architects
DA0629/23 Sheet 39 of 44	Dwg. 2231-A395 BASIX 02	C	15/2/23	Kasperek Architects
<b>Landscape plans</b>				
DA0629/23 Sheet 40 of 44 <b>AS AMENDED IN RED</b>	Dwg. L-0147 – 147-L01 Landscape and planting plan ground floor	A	17/2/23	Sides Assembly
DA0629/23 Sheet 41 of 44 <b>AS AMENDED IN RED</b>	Dwg. L-0147 – 147-L02 Landscape and planting plan first floor	B	26/2/23	Sides Assembly
DA0629/23 Sheet 42 of 44	Dwg. L-0147 – 147-L03 Landscape and planting plan first floor	A	20/2/23	Sides Assembly
DA0629/23 Sheet 43 of 44	Dwg. L-0147 – 147-L04 Landscape perspective 1 – common space	C	26/2/23	Sides Assembly
DA0629/23 Sheet 44 of 44	Dwg. L-0147 – 147-L05 Landscape perspective 2 – common space	C	26/2/23	Sides Assembly

#### Approved documents

Document title	Title	Prepared by	Date /revision
DA0629/23 Document 1 of 12	Water NSW – Correspondence ref: A068953	Water NSW	8 August 2023
DA0629/23 Document 2 of 12	BASIX Certificate No. 1377366M	Gradwell consulting	10 March 2023
DA0629/23 Document 3 of 12	Design Verification statement	Kasperek Architects	16 March 2023
DA0629/23 Document 4 of 12	Clause 4.6 variation request	Candor Town planning	December 2023
DA0629/23 Document 5 of 12	Acid Sulphate Soil Investigation Report Reference: CE-0110.01 R1	D & N Geotechnical	24 April 2023
DA0629/23 Document 6 of 12	Preliminary Site Investigation Report Ref: CE-0110.00 R1	D & N Geotechnical	10 February 2023
DA0629/23 Document 7 of 12	Detailed Site Investigation Report Ref: CE-0110.02 R1	D & N Geotechnical	23 May 2023
DA0629/23 Document 8 of 12	Emergency Response Plan and Development of a Flood Warning System – Graham Street Narooma Ref: 23079 Report 001 Rev 1 FERP.doc	Rienco Consulting	Final 23 May 2024

	DA0629/23 Document 9 of 12	Noise Impact Assessment Ref: 240161_9-19 Graham St, Narooma_Noise Impact Assessment_BW_RO	Pulse White Noise Acoustics Pty Ltd	27 March 2024
	DA0629/23 Document 10 of 12	Waste management plan Project No. 9215-10 Dwg. 030-6	Indesco	Issue 6 09.04.24
	DA0629/23 Document 11 of 12 <b>AS AMENDED BY CONSENT CONDITIONS – updated report required</b>	Accessibility Report Ref. 10664-01	Purely Access	16 February 2023
	DA0629/23 Document 12 of 12 <b>AS AMENDED BY CONSENT CONDITIONS</b>	Traffic Impact Assessment Reference: 601 rep 230721 final	Amber Traffic & Transport Direction	21 July 2023
<b>For information/reference purposes only</b>				
	<b>Document title</b>	<b>Version number</b>	<b>Prepared by</b>	<b>Date of Document</b>
	Survey plan – plan showing features and contours	Dwg. S#199389 Sheet 1 of 1	Intrax consulting group	6/12/22
	<p>In the event of any inconsistency between the approved plans and documents, the <b>conditions of consent prevail</b>.</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>Authority requirements – Water NSW</b></p> <p>If groundwater is encountered during the development and requires removal, the proponent should contact WaterNSW immediately and apply for a construction dewatering Water Supply Works Approval.</p> <p><i>Note: Failure to do so may result in NRAR taking compliance action under the Water Management Act 2000. As part of this application, they may need to provide a Dewatering Management Plan, Authority to Discharge groundwater as well as an updated Geotechnical Report that states volume of water to be taken, time frame of dewatering and basement construction (if relevant).</i></p> <p><b>Reason:</b> To ensure that the development complies with legislation and standards.</p>			
3	<p><b>Authority requirements – Essential Energy</b></p> <p>(a) A distance of 2.3m from the nearest part of the development to Essential Energy’s infrastructure (measured horizontally) is required to ensure that there is no safety risk. Low voltage power lines located on Graham Street.</p>			

	<p>It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 - Work Near Essential Energy's Underground Assets.</p> <p><i>Note: Information relating to developments near electrical infrastructure is available on the website Development Applications (essentialenergy.com.au). If the applicant believes the development complies with safe distances or would like to submit a request to encroach then they will need to complete a Network Encroachment Form via Essential Energy's website Encroachments (essentialenergy.com.au) and provide supporting documentation. Applicants are advised that fees and charges will apply where Essential Energy provides this service.</i></p> <p><i>Attention is also drawn to Section 49 of the Electricity Supply Act 1995 (NSW). Relevantly, Essential Energy may require structures or things that could destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed.</i></p> <p><b>General Requirements:</b></p> <p>(b) If the proposed development changes, there may be potential safety risks and it is required that Essential Energy is consulted for further comment.</p> <p>(c) Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.</p> <p>(d) Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as <i>ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure</i>;</p> <p>(e) Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); the location of overhead and underground powerlines are also shown in the Look Up and Live app essentialenergy.com.au/lookupandlive.</p> <p><b>Reason:</b> To comply with the Essential Energy requirements, applying to the development.</p>
4	<p><b>Authority requirements – underground services</b></p> <p>All electrical services (existing and proposed) to be undergrounded in the vicinity of the site including from the proposed building on the site to the appropriate power pole(s) or other connection point must consider Essential Energy and Council requirements including:</p> <ul style="list-style-type: none"> <li>• Undergrounding of services must not disturb the root system of existing trees that are proposed to be retained within proximity of the site boundaries and shall be undertaken in accordance with the requirements of the relevant service provided.</li> </ul> <p>Documentary evidence that the relevant service provider has been consulted and that their requirements have been met is to be provided to the Principal Certifier prior to the issue of the relevant Construction Certificate. Any redundant poles are to be removed.</p> <p><b>Reason:</b> To provide infrastructure that facilitates that comply with the Essential Energy requirements, applying to the development.</p>

5	<p><b>Subdivision</b></p> <p>No subdivision is approved under this application. A separate development application is required for subdivision.</p> <p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land.</p>
6	<p><b>Approved Development</b></p> <p>This development has been approved based on the Design Verification Statement prepared by Fred Kasparek of Kasparek Architects Pty Ltd as identified in condition 1 of this consent.</p> <p>The development as approved consists of 36 x 2 bedroom units and associated car parking. The 'multi-purpose/rumpus room' (Units 19 – 36) is not approved for use as a bedroom.</p> <p><b>Reason:</b> To comply with the provisions of State Environmental Planning Policy (Housing) 2021 – Design Quality of Residential Development.</p>
7	<p><b>Colours and Materials</b></p> <p>The building has been approved based on the colours and materials demonstrated on stamped approved plans as listed in condition 1 of this consent. Any proposed material change must be submitted to and approved by Council, prior to the change occurring.</p> <p>Final design details of the proposed external materials and finishes, including schedules and a sample board of materials and colours shall be submitted for approval by Council prior to the issue of a Construction Certificate.</p> <p><b>Reason:</b> To ensure that the proposed development is constructed in accordance with the approved colours and finishes.</p>
8	<p><b>Discharge of Liquid Trade &amp; Factory Waste</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 of the Water Authority. [4.14]</p>
9	<p><b>Mechanical Ventilation</b></p> <p>To ensure adequate levels of health and amenity to the occupants of the building and environmental protection, all mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 "<i>Microbial Control of Air Handling and Water Systems of Building</i>". Details shall be submitted in accordance with the approved development application or as subsequently approved by Council.</p> <p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [0219]</p>
10	<p><b>Earthworks, retaining walls and structural support</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>
11	<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>
12	<p><b>Tree Removal/Replacement/Protection</b></p> <p>Completion of landscaping in accordance with the approved Landscape Plan (as amended by consent conditions) prior to commencement of the use of the site and such landscaping is to be continuously maintained in accordance with the approved Plan. Maintenance is the landowner's responsibility. 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>Vehicle Direction</b></p> <p>All vehicles to enter and exit the development in a forward direction to avoid possible conflict with through traffic on Graham Street.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [14.25]</p>
14	<p><b>Service vehicles</b></p> <p>Access to the development is restricted to a service vehicle type SRV of up to 6.4m long, 2.5m wide with a travel and operational height of 3.0m, in accordance with the Waste Management Plan approved under condition 1 of this consent.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised.</p>
15	<p><b>Loading and Unloading</b></p> <p>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>

16	<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.</p>
17	<p><b>Water &amp; Sewer Inspections</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 contacting Council:</p> <ul style="list-style-type: none"> <li>(a) Sanitary drainage under hydrostatic test and before backfilling trenches or covering;</li> <li>(b) Hot and cold water plumbing under pressure test before covering;</li> <li>(c) Internal stackwork under hydrostatic test before covering; and</li> <li>(d) The installation of the septic tank and any sullage trenches before backfilling or covering.</li> <li>(e) Issue of final satisfactory inspection.</li> </ul> <p><b>Reason:</b> To ensure that the development complies with the Water Authority's standards. [2.16]</p>
18	<p><b>Demolition Standards</b></p> <p>Building demolition works are to be carried out in accordance with AS 2601 (2001) - <i>The Demolition of Structures</i>.</p> <p><b>Note:</b> <i>Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.</i></p> <p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [21.01]</p>
19	<p><b>Demolition Works</b></p> <p>All demolition works must be carried out totally within the allotment boundaries and must not extend onto footpath area, public roadway or adjoining properties.</p> <p><b>Reason:</b> To ensure the development does not conflict with the public interest. [21.02]</p>
20	<p><b>Storage of Materials</b></p> <p>Storage of materials is not permitted on the public footpath area or roadway unless an approved hoarding is provided.</p> <p><b>Reason:</b> To ensure the development does not conflict with the public interest. [21.03]</p>

21	<p><b>Demolition - Damage to adjacent Properties</b></p> <p>Demolition works are to be carried out so as not to cause damage to adjacent and adjoining properties. All damage arising from the removal of the building is to be made good and any necessary repairs and renovations are carried out within six (6) months. The existing site to be left in a clear, clean condition with all existing plumbing and drainage lines terminated to the satisfaction of Council's Plumbing and Drainage Inspector.</p> <p><b>Reason:</b> To protect the amenity of the local area. [21.04]</p>
22	<p><b>Demolition Materials</b></p> <p>Demolition materials, excavated materials and the like must be kept clear of the sewer manhole on the site at all times.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Water Authority. [21.05]</p>
23	<p><b>Demolition - Removal of Buildings</b></p> <p>All damage arising from the removal of buildings is to be made good and any necessary repairs and renovations are carried out within six (6) months. The existing site to be left in a clear, clean condition with all existing plumbing and drainage lines terminated to the satisfaction of Council's Plumbing and Drainage Inspector.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [21.06]</p>
24	<p><b>Demolition - Damage to Footpath etc</b></p> <p>In the event of any damage being caused to the existing kerb, guttering, footpath, water mains, sewer mains or public roadway during demolition works, the applicant shall reimburse the Council for the full costs of repairing and making good. Any temporary cross-over material must not remain in the street gutter.</p> <p><b>Reason:</b> To ensure the development does not conflict with the public interest. [21.07]</p>
25	<p><b>Disconnection of services before demolition work</b></p> <p>Before demolition works commences, all services, such as water, telecommunications, gas, electricity and sewerage, must be disconnected in accordance with the relevant authority's requirements.</p> <p><b>Reason:</b> To protect life, infrastructure and services. [21.08]</p>
26	<p><b>Comply with BCA – Prescribed condition (Residential)</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>
27	<p><b>Safer by Design in Business Areas</b></p> <p>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.</p> <p><b>Reason:</b> To ensure the development does not conflict with the public interest. [24.03]</p>
28	<p><b>Communal open space for 2 or more dwellings</b></p> <p>Communal open space is to be provided in accordance with the approved plans in condition 1. The purpose of this space is to supplement the limited balcony private open space areas</p>

	<p>with year round space for the private recreational use of all occupants.</p> <p><b>Reason:</b> To protect the amenity of the local area. [24.05]</p>
29	<p><b><i>Asbestos Removal</i></b></p> <p>Where asbestos material is to be removed or disturbed as a result of any proposed demolition, alteration or addition:</p> <p>(a) Building demolition works are to be carried out in accordance with AS2601-2001 - The Demolition of Structures:</p> <p>(b) The removal of bonded asbestos material (of an area of more than 10m<sup>2</sup>) or any amount of friable asbestos material must be undertaken by a licenced contractor. An Asbestos Removal Control Plan is to be prepared and complied with in accordance with the 'Code of Practice - How to Safely Remove Asbestos' published by WorkCover NSW (Catalogue No.WC03561), available at:  <a href="http://www.workcover.nsw.gov.au">http://www.workcover.nsw.gov.au</a>;</p> <p>(c) Standard commercially manufactured signs containing the words "Danger Asbestos Removal in Progress" measuring not less than 400 x 300mm are to be erected in prominent visible positions during asbestos removal process;</p> <p>(d) All asbestos material removed is to be disposed of to a landfill site licensed to receive asbestos.</p> <p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [25.01]</p>
	<p><b>PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE</b></p>
30	<p><b><i>Amended plans</i></b></p> <p>Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that the approved plans listed in Condition 1 above, have been amended in accordance with the requirements of this condition as well as other conditions of this Development Consent:</p> <p>(a) Revised drawings which illustrate the proposed carpark slab will be constructed with a finished floor level at 1.8m AHD.</p> <p>(b) An architectural set of plans that includes a roof plan with nominated overall building height. The overall building height is limited to overall building height of 13.97m from proposed ground floor finished level of RL1.5m with overall roof ridge height limited to a maximum of RL15.47m AHD (pitched roofs) and RL13.00m AHD (flat roofs).</p> <p>(c) Loading dock loading/unloading area and pedestrian footpath operation and linemarking and signage - demonstrate operation of loading/unloading and access and management of pedestrians during loading/unloading operations</p> <p>(d) Demonstrate Crime Prevention Through Environmental Design (CPTED) principles have been incorporated in to the design of the development including but not limited to lighting, glazed lobby doors, signage (including but not limited to the ground floor car parking and lobby/stair areas adjacent to Units 6 and 7 and Units 12 and 13).</p>

	<p>(e) Demonstrate flood management measures that are required to be incorporated in to the design of the development are incorporated, including but not limited to finishes and materials and flood hazard/flood warning devices/signage. Signage warning of flood hazard are to be located in clearly visible locations.</p> <p>(f) Clearly identified and delineate ground floor pedestrian and vehicle access routes including clear line marking and sign posting.</p> <p>(g) Mailbox locations required in accordance with Australia Post requirements for residential flat buildings and commercial premises</p> <p>(h) AC units and clotheslines on each apartment balcony units 19 – 36 to be screened from the street</p> <p>(i) Residential lobbies from Graham Street to be clearly identified by including but not limited to contrasting finishes/materials, signage, lighting in comparison to surrounding commercial development.</p> <p>(j) Residential stair/lobbies visible from Burrawang Lane to identify Daylight and natural ventilation has been provided to all common circulation spaces (including lobby/stair areas adjacent to Units 6 and 7 and Units 12 and 13) and associated building façade measures incorporated in to the design to meet Apartment Design guide (4F) requirements for common circulation spaces.</p> <p>(k) Confirmation of height of fencing/ privacy screen between unit balconies is required to be a minimum of 1500mm from balcony finished floor levels.</p> <p>(l) Submission of External Materials and Finishes schedule for all building elevations</p> <p>(m) Allocation of a minimum of 1 x washbay located within car parking area. A visitor car space may operate as a temporary wash bay.</p> <p><b>Reason:</b> To a development consistent with applicable legislation and protect the amenity of residents and neighbours.</p>
31	<p><b><i>Flood Emergency Response Plan</i></b></p> <p>Prior to the issue of the Construction Certificate a final Flood Emergency Response Plan is to be prepared and <b>approved by Council</b> outlining flood trigger levels, flood alarm messaging and methods for delivery of flood alarm messaging to residents. The final Flood Emergency Response Plan must reference and adhere to the recommendations described in the approved Flood Emergency Response Plan, Report 001, Revision 1, prepared by Rienco Consulting referenced in condition 1.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [10.04]</p>
32	<p><b><i>Accessibility</i></b></p> <p>Prior to the issue of the relevant Construction Certificate, the Principal Certifier shall be satisfied that access for people with disabilities has been incorporated in to the design of the development. An assessment shall be undertaken by a suitably qualified access consultant, and submitted to the satisfaction of the Principal Certifier, that demonstrates that the proposal meets access requirements for people with disabilities (for plans as amended in condition 1) including but not limited to:</p>

	<ul style="list-style-type: none"> <li>- Adaptable housing requirements (25% or 9 units required);</li> <li>- Car parking</li> <li>- Access</li> </ul> <p>The report is to address applicable legislation, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Disability (Access to Premises-Buildings) Standards 2010</li> <li>• National Construction Code Building Code of Australia Volume One 2022 (BCA)</li> <li>• AS 1428.1 2009 General requirements for access</li> <li>• AS 1428.4.1 2009 Tactile Ground Surface Indicators</li> <li>• AS1428.2 - 1992 – Design for access and mobility. Part 2: Enhanced and additional requirements – Buildings and facilities</li> <li>• AS 2890.6 2009 Parking Facilities for people with disabilities</li> <li>• AS 1735.12 1999 Lifts, escalators and moving walks. Part 12: Facilities for persons with disabilities</li> <li>• AS 4299 – 1995 Adaptable Housing</li> <li>• State Environmental Planning Policy (Housing) 2021 – Design Quality of Residential Apartment Development</li> <li>• Liveable Housing Design Guidelines</li> </ul> <p><b>Reason:</b> To ensure that detailed construction certificate plans are consistent with the approved plans and supporting documentation</p>
33	<p><b>Access for people with disabilities (commercial)</b></p> <p>Prior to the issue of the relevant Construction Certificate, the Principal Certifier shall be satisfied that access for people with disabilities from the public domain and all car parking areas on site to all tenancies within the building is provided. Consideration must be given to the means of dignified and equitable access. Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the relevant Construction Certificate.</p> <p>All details shall be provided to the Certifier prior to the issue of the relevant Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.</p> <p><b>Reason:</b> To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian standards.</p>
34	<p><b>Access for people with disabilities (residential)</b></p> <p>Prior to the issue of the relevant Construction Certificate, the Principal Certifier shall be satisfied that access for people with disabilities to and from and between the public domain, residential units and all common open space areas is provided. Consideration must be given to the means of dignified and equitable access. Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the relevant Construction Certificate.</p> <p>All details shall be provided prior to the issue of the relevant Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act, and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.</p> <p><b>Reason:</b> To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards</p>

35 **Acoustic Assessment (noise attenuation measures)**

Prior to issue of a Construction Certificate for the development, an assessment shall be undertaken, and submitted to the satisfaction of the Principal Certifier, by an acoustic consultant that demonstrates that acoustic treatment, including materials (eg wall & ceiling cladding, insulation, glazing) to be used in the construction are able to effectively ameliorate noise generated or associated with the operation of the development.

Noise attenuation measures shall be incorporated into the development to comply with at a minimum the design requirements of the acoustic report approved under condition 1 of this consent.

This includes but is not limited to:

- **Building Services Treatment**

Mechanical Services Equipment – All future plant and equipment are to be acoustically treated to ensure the noise levels at all surrounding receivers comply with noise emission criteria detailed within the acoustic report.

All mechanical equipment is to be treated such that the relevant noise levels are achieved.

Examples of the possible acoustic treatments to mechanical equipment includes the following:

- a. Supply and Exhaust Fans – location of fans within the building and treated using internally lined ductwork or acoustic silencers.
- b. General supply and exhaust fans – general exhaust and supply fans such as toilet, kitchen, lobby and other small mechanical fans can be acoustically treated using acoustic flex ducting or internal lined ducting.
- c. Air conditioning equipment – Condenser equipment will be required on the site to service the required air conditioning of the future spaces. This will include the requirement for external condenser equipment which could be located externally to the building on the ground floor, within the carparking area, on the roof or on unit balconies. Once selections of the required condenser units are completed acoustic treatment including screening, or the location of the equipment can be undertaken to ensure the relevant noise level criteria is achieved.

- **Acoustic construction requirements:**

External glass elements to all residential areas and all façade orientations as outlined in the acoustic report approved under condition 1 of this consent.

**External glass elements:**

**Table 4 External Glass Acoustic Requirements**

Façade Orientation	Room Type	Recommended Glass Construction	Minimum Façade Acoustic Performance <sup>1</sup>
<b>Residential Aras</b> All façade orientations	Bedrooms	6.38mm Laminated	Rw 30
	Living Areas	6.38mm Laminated	Rw 30
	Wet Areas	4mm Float/Toughened	Rw 28
	Common areas and lobbies	6.38mm Laminated	Rw 30
<b>All Orientations</b>	Commercial Spaces	6.38mm Laminated	Rw 30

*Note 1: The acoustic performance of the external façade includes the installed glazing and frame including (but not limited to) the façade systems seals and frame. All external glazing systems are required to be installed using acoustic bulb seals.*

*Note 2: Includes required glass for the mitigation of noise generated within the childcare centre as detailed in the following sections of this report.*

The recommended glass constructions detailed in the table above include those required to ensure the acoustic requirements of the project are achieved. Thicker glazing may be required to achieve other project requirements such as structural, thermal, safety or other requirements and is to be advised by others.

**External Building Elements** The proposed external building elements including masonry or concrete external walls and roof are acoustically acceptable without additional acoustic treatment. The proposed building construction including brick and masonry façade constructions do not required additional acoustic treatments to ensure internal noise levels are achieved.

**External Roof** The required external roof and ceiling constructions for the project are required to include the following: • Concrete external roof construction – no additional treatments required. • Metal deck roof construction – no additional treatments required.

**External Opening and Penetrations** All openings and penetrations are required to be acoustically treated such that the performance of the building construction is not compromised. This may require lining of duct work behind mechanical service openings/grills, treatments to ventilation opening and the like.

A design report outlining the proposed noise attenuation measures prepared by a suitably qualified acoustical consultant (who is a member of either the Australian Acoustical Society, or the Association of Australian Acoustical Consultants), is to be submitted and approved by the Principal Certifier before the issue of the construction certificate.

**Reason:** To reduce noise levels and provide for amenity of residents.

36	<p><b>Acid Sulfate Soil Assessment and Management Plan</b></p> <p>An Acid Sulfate Soil Assessment and (if necessary) an Acid Sulfate Soil Management Plan shall be prepared by a suitably qualified person in accordance with the NSW Acid Sulfate Soil Manual. The Assessment and Management Plan shall be prepared in accordance with Council’s Acid Sulfate Soils Policy and shall be submitted as part of the Construction Certificate application to the satisfaction of the Principal Certifier.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [10.04]</p>
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37	<p><b>Site Contamination Assessment</b></p> <p>A Site Contamination Assessment, prepared by a suitably qualified and experienced person, shall be submitted to the satisfaction of the Principal Certifier prior to the issue of the Construction Certificate.</p> <p>Recommendations of reports and requirements prior to construction works commencing are to be implemented in to the design and construction of the development in accordance with Detailed Site Investigation contamination report prepared by D&amp;N Geotechnical Pty Ltd (reference CE-0110.02 R1), dated 23 May 2023.</p> <p>These include, but are not limited to:</p> <ol style="list-style-type: none"> <li><i>1. A hazardous materials assessment for the existing structures on-site to identify the presence of hazardous construction materials and inform future demolition management requirements, including the safe handling and disposal of asbestos materials</i></li> <li><i>2. Preparation and implementation of a site-specific Unexpected Finds Protocol to manage potential instances of buried materials (including additional construction wastes) or impacted soils and groundwater that may be encountered on-site during construction works</i></li> </ol> <p>A supplementary contamination assessment report shall be submitted to Council upon completion of demolition works to verify no remediation works are required. Any variation or required Remediation Action Plan shall be approved in writing by the accredited site auditor and provided to Council prior to the commencement of construction work.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [10.03]</p>
38	<p><b>Stormwater On-Site Detention</b></p> <p>Prior to the issue of a Construction Certificate, submission to the Principal Certifier of engineering design by a suitably qualified Chartered Engineer for an on-site detention (OSD) system. The storage capacity and rate of discharge of the OSD system is to be determined based on the capacity of the receiving network, which is not to be exceeded for events up to a 5% AEP rainfall event. The point of discharge for the OSD is to the extension of Council's stormwater network required to service this development.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised.</p>
39	<p><b>Stormwater Network Extension – Design</b></p> <p>Prior to the issue of a Construction Certificate a Section 68 (LG Act 1993) approval for the extension of Council's stormwater network required to service the development is to be obtained from Council. The extension of the network is to comprise a 450mm wide, 300mm high reinforced concrete box culvert, connecting to Council pit WAG32AF/02. Detailed engineering design by a suitably qualified Chartered Engineer is to be submitted as part of the application.</p> <p><b>Reason:</b> To ensure the stormwater generated by the approved development does not impact on adjoining properties.</p>

40	<p><b>On grade parking area</b></p> <p>Prior to the issue of a Construction Certificate submission of plans to the Principal Certifier demonstrating the on-grade parking functions an open-air free draining structure that will not inhibit flood water from entering or receding from the site. The development is not to direct flood (or stormwater) onto adjoining properties.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised.</p>
41	<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>
42	<p><b>Provision of a wash bay</b></p> <p>All cleaning and washing of motor vehicles must be carried out in a designated area and must be drained and treated prior to discharge into the sewer. A residential visitor car parking space may operate concurrently as a temporary washbay.</p> <p>Documentary evidence is required to be submitted to the satisfaction of the Principal Certifier confirming satisfactory arrangements have been made with respect to the disposal of dirty water into the sewerage system, prior to the issue of the Construction Certificate.</p> <p><b>Reason:</b> To ensure satisfactory storm water disposal.</p>
43	<p><b>Vehicle manoeuvring</b></p> <p>The Principal Certifier shall ascertain that any new element in the basement carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6.</p> <p>Details are to be illustrated on plans submitted with the construction certificate.</p> <p><b>Reason:</b> To ensure appropriate vehicular manoeuvring is provided.</p>
44	<p><b>Waste collection – private contractor</b></p> <p>Prior to the issue of a construction certificate documentation shall be submitted to the satisfaction of the Principal Certifying Authority that provides details of the private contractor that will be engaged to collect commercial waste from the site.</p> <p>This report is to stipulate that any waste collection is to be undertaken within the development. No kerb side collection of garbage bins is approved for commercial waste collection. A copy of this report and accompanying plans is required to be provided to Council. This report shall identify the frequency of collection and provide details of how waste products including paper, aluminium cans, bottles etc, will be re-cycled. Waste collection from the site shall occur in accordance with the details contained within this report.</p> <p><b>Reason:</b> To provide for the appropriate collection/ recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.</p>

45	<p><b>Awnings over public road (prior to CC)</b></p> <p>The granting of development consent does not provide a right of occupation of the Public Road (ie awning/verandah/balcony). The use of the awning (located over road reserve) requires approval under S149 of the Roads Act 1993.</p> <p>Application must be made to the Council Property section for an easement. Fees and charges will apply in accordance with the adopted fees and charges prevailing at the time. The design of awnings (under s138 Awnings over public road/easements/s) is to be submitted to the satisfaction of Council (roads authority) including structural details / maintenance and access for maintenance.</p> <p>Documentary evidence from the relevant authority must be submitted to the Principal Certifying Authority validating that the process of obtaining approval has been initiated prior to obtaining a Construction Certificate.</p> <p><i>Note: section 142(1) of the Roads Act 1993 requires that a person who has a right to the control, use or benefit of a structure in, on or over a public road (which includes a footway), must maintain the structure in a satisfactory state of repair.</i></p> <p><b>Reason:</b> To ensure proper management of assets.</p>
46	<p><b>Requirements of Public Authorities for Connection to Services</b></p> <p>The applicant shall comply with the requirements of any public authorities (eg Essential Energy, Telstra Australia, AGL, 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>
47	<p><b>Essential Energy</b></p> <p>Prior to the issue of any construction certificate, the person with the benefit of the consent must provide to Council written confirmation from Essential Energy that the development is compliant with safe distances or has been granted an exemption to encroach on Essential Energy's infrastructure.</p> <p>Compliance with this condition may require electricity infrastructure to be relocated underground.</p> <p><b>Reason:</b> To comply with the Essential Energy requirements, applying to the development.</p>
48	<p><b>Erosion and sediment control plan</b></p> <p>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 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'</li> </ul>

	<p>(Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended).</p> <p><b>Reason:</b> To ensure no substance other than rainwater enters the stormwater system and waterways. [11.01]</p>
49	<p><b><i>Car Parking details</i></b></p> <p>Before the issue of a construction certificate, written evidence prepared by a suitably qualified engineer must be obtained that demonstrates, to the Principal Certifier's satisfaction, the plans for parking facilities comply with the relevant parts of AS 2890.1 Parking Facilities - Off-Street Carparking, relevant Australian Standards and Council's Parking and Access Code.</p> <p>The documentation is to reference applicable Australian Standards and include requirements for alternate solutions to be incorporated in to the design and construction of the development including but not limited to the car park design requirements outlined in the Traffic Assessment (condition 1) section 6.1 Access arrangements which requires installation of convex mirror/flashing lights at vehicular exits.</p> <p><b>Reason:</b> To ensure parking facilities are designed in accordance with the Australian Standard and the Parking and Access Code. [15.02]</p>
50	<p><b><i>Number of Car Spaces</i></b></p> <p>Prior to the issue of a Construction Certificate submission to and approval by the Principal Certifier of plans showing a minimum of ninety six (96) car spaces provided for the development, comprising seventy two (72) residential spaces including 6 residential visitor spaces (one of which also operations as a wash bay) and 18 commercial spaces. Required accessible parking is to be provided for the commercial development in accordance with NCC requirements and Australian Standards spaces (minimum one space). Residential car parking is to incorporate accessible car parking requirements in accordance with adaptable unit requirements.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [15.03]</p>
51	<p><b><i>Number of Bicycle Spaces</i></b></p> <p>The bicycle store illustrated on the ground floor is to provide bicycle parking for the development. Details of the bicycle storage arrangements shall be submitted to the satisfaction of the Principal Certifier, 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. [15.04]</p>
52	<p><b><i>Number of Loading Bays</i></b></p> <p>A minimum of one (1) loading bay is to be provided for the development. At least one (1) of these bays shall be capable of accommodating SRV 6.4m trucks. Details of the loading arrangements shall be prepared by a suitably qualified engineer that demonstrates, to the Principal certifier's satisfaction, the plans for parking facilities comply with the relevant parts of relevant Australian Standards and Council's Parking and Access Code, 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>

53	<p><b><i>Landscape Plan (Professional)</i></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 the satisfaction of the Principal Certifier. The landscape plan is to be substantially in accordance with the landscape plans listed in condition 1 in relation to incorporation of mature trees and planting within the proposed level 1 podium level planter beds. Planting in Council verge areas is to consider proximity to infrastructure services and incorporate tree replacement planting in the street frontage.</p> <p><b>Reason:</b> To protect the amenity of the local area. [16.02]</p>
54	<p><b><i>Car parking allocation</i></b></p> <p>Car parking within the development shall be allocated as follows and provided within the perimeter ground floor walls in the approved architectural plans:</p> <ul style="list-style-type: none"> <li>— 72 residential spaces</li> <li>— 6 visitor spaces (one may operate as a washbay)</li> <li>— 18 commercial spaces</li> <li>— <b>Total spaces – 96 spaces</b></li> </ul> <p>Each adaptable dwelling must be provided with car parking complying with the dimensional and location requirements of <i>AS2890.1 - parking spaces for people with disabilities</i>. The access report required to be submitted prior to issue of the Construction Certificate must be addressed in written documentation provided to the satisfaction of the Principal Certifier to demonstrate accessible spaces are allocated to units (designated accessible units).</p> <p>At least one residential visitor space and one commercial visitor space shall also comply with the dimensional and location requirements of <i>AS2890.1 - parking spaces for people with disabilities</i>.</p> <p>The car parking shall be dedicated for the use of the corresponding units based on bedroom numbers as approved and cannot be sold separately. Access from disabled car parking spaces to other areas within the building and to footpath and roads shall be clearly shown on the plans submitted with the relevant Construction Certificate.</p> <p>Access to commercial and residential premises car parking is to be available for use on a permanent ongoing basis.</p> <p><b>Reason:</b> To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with federal legislation.</p>
55	<p><b><i>Waste Management Plan - an approved document of this consent</i></b></p> <p>Before the issue of a construction certificate, a waste management plan for the development must be provided to Certifier.</p> <p><b>Reason:</b> To ensure resource recovery is promoted and local amenity protected during construction. [22.02]</p>
56	<p><b><i>Construction Site Management Plan</i></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> <p>a) The location and materials for protective fencing and hoardings on the perimeter of the site</p>

	<ul style="list-style-type: none"> <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: <ul 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> </ul> </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: <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> </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>
57	<p><b>Adaptable Units</b> Before the issue of a construction certificate, a report prepared by a suitably qualified consultant must be obtained that demonstrates, to the certifier's satisfaction, that any adaptable dwellings specified in the approved plans or documents comply with the provisions of AS 4299 Adaptable Housing Standards.</p> <p><b>Reason:</b> To ensure adaptable units are designed in accordance with the Australian Standard. [23.27]</p>

58

**Payment of Section 7.11 Contributions - Development**

Before the issue of a construction certificate, the applicant must pay the following contributions to Council for:

Facility SOUTHERN DISTRICT	Per lot or 3+ bedroom dwelling	Per 2 bedroom dwelling	Per 0 or 1 bedroom dwelling	Per seniors living self contained unit or boarding house room	Total (no. of dwellings * rate)
Open Space and Recreation	\$490.55	\$280.30	\$227.75	\$245.25	X 31 dwellings (5 existing credits)
Community and Cultural	\$423.45	\$242.00	\$196.60	\$211.75	X 31 dwellings (5 existing credits)
Arterial Roads	\$5,111.65	\$2,920.95	\$2,373.25	\$2,555.80	X 31 dwellings (5 existing credits)
Paths and Cycleways	\$634.90	\$362.80	\$294.75	\$317.45	X 31 dwellings (5 existing credits)
Stormwater	\$503.85	\$287.90	\$233.90	\$251.90	X 31 dwellings (5 existing credits)
Marine	\$112.95	\$64.55	\$52.45	\$56.45	X 31 dwellings (5 existing credits)
Plan Preparation and Administration	\$109.15	\$62.40	\$50.70	\$54.60	X 31 dwellings (5 existing credits)
<b>Total</b>	<b>\$7,386.50</b>	<b>\$4,220.90</b>	<b>\$3,429.40</b>	<b>\$3,693.20</b>	<b>\$130,847.90</b>

**Total amount payable: \$130,847.90**

The total contribution payable to Council as identified above is calculated at the date of this consent, in accordance with the Eurobodalla Local Infrastructure Contributions Plan 2022.

The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the Eurobodalla Local Infrastructure Contributions Plan 2022.

A copy of the Contributions Plan is available for inspection at the Eurobodalla Shire Office, Vulcan St, Moruya or can be viewed on Council's website.

**Reason:** To address the increased demand for regional infrastructure resulting from the approved development. [3.07]

59

**Water/Sewer Developer Contributions - Development**

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:

- a) **\$140,616.00** (0.6ET) (31 ETs) for the augmentation of water supply mains and storage within Eurobodalla Shire where 1.0 ET = \$7,560.
- b) **\$112,530.00** (0.75ET ET) for the augmentation of sewerage works within Eurobodalla Shire where 1.0 ET = \$4,840.

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.

**Note:** 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.

**Reason:** To ensure the development contributes to the increased demand of public

	amenities and infrastructure services. [3.11a]
60	<p><b>Tree removal on Council Land</b></p> <p>(A) Prior to the release of the Construction Certificate, an assessment of any tree on Council controlled land near the site is to be undertaken by a suitably qualified arborist and submitted to the satisfaction of the Principal Certifier with consideration to:</p> <ul style="list-style-type: none"> <li>(a) Safety in relation to the fall zone for trees approved for removal</li> <li>(b) Safety in relation to trees where roots are disturbed by the development</li> <li>(c) Where the tree is determined to be dangerous, the tree is to be removed prior to commencement of any construction works within the site</li> <li>(d) Where further assessment is required after root exposure, a satisfactory assessment is required at completion of earthworks prior to footing inspection</li> <li>(e) All works associated with lopping and removal of the tree, including chipping, is to be undertaken wholly within the property. All works are to be completed at no cost to Council</li> </ul> <p>(B) If a tree is approved for removal by the development consent, then a further separate application and approval under Section 138 of the <i>Roads Act 1993</i> is also required. The application form is available at Council's website via the following link: <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 an application is to include details of the suitably qualified tree management contractor who will be carrying out the work.</p> <p>The application would need to address, and not necessarily 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, 4471 6927, Eurobodalla Tree Services, 4478 7229, Narooma Tree Lopping, 4476 3767 and Horizon Tree Service 4471 5016 or 0488 585 563 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. [16.20]</p>
61	<p><b>Building near Sewer</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>
62	<p><b>Ocean/Flood</b>  Before the issue of a Construction Certificate, submission to Council of certified plans by a suitably qualified and experienced Structural/Civil Engineer endorsing that the development will be capable of withstanding the impact of the flood/ocean hazard applicable to the location. The applicable flood planning level for the development is <b>Commercial – 2.74m AHD, Residential – 2.94m AHD.</b></p> <p><b>Reason:</b> To ensure the development is consistent with the legislative and policy framework for flood liable land. [7.04]</p>
63	<p><b>Flood</b>  Before the release of a Construction Certificate plans are to be submitted to the satisfaction of the Principal Certifier showing all building materials used below the nominated flood planning level, including the floor, to be of flood compatible materials, ie. the structural integrity of the materials must not be adversely affected by repeated immersion in flood water. Details of these materials are to be consistent with Council’s “Guidelines for Flood-Compatible Materials”.</p> <p><b>Reason:</b> To ensure the development is consistent with the legislative and policy framework for flood liable land. [7.05]</p>
64	<p><b>Outdoor lighting</b>  Prior to the issue of the relevant Construction Certificate, the Certifier shall be satisfied that all outdoor lighting will comply with AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting and be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places. Lighting at vehicle access points to the development must be provided in accordance with AS/NZS 1158 Set:2010 Lighting for roads and public spaces. Details demonstrating compliance with these requirements are to be submitted to the Certifier prior to the issue of a Construction Certificate.</p> <p><b>Reason:</b> To provide high quality external lighting for security without adverse impacts on public amenity from excessive illumination.</p>
	<p><b>PRIOR TO COMMENCEMENT OF WORKS</b></p>
65	<p><b>Amended plans – Carpark finished floor level</b>  Prior to pouring of the carpark slab, submission of levels of the formwork certified by a Registered Survey, to the Principal Certifier, demonstrating that the carpark floor level will be constructed at 1.8m AHD.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised.</p>
66	<p><b>Construction Certificate - Class 2 (Residential) Commercial (3-9)</b>  The construction works subject of this development consent <b>MUST NOT</b> be commenced until:</p> <p>(a) Detailed plans/specifications of the building have been endorsed with a Construction Certificate by:</p> <p>(i) the Council, or</p> <p>(ii) a registered certifier, and</p>

	<p>(b) The person having the benefit of the development consent:</p> <p>(i) has appointed a Principal Certifier, and</p> <p>(ii) has notified the Council of the appointment, and</p> <p>(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</p> <p>(d) Builders name and licence number has been supplied to Council or the Principal Certifier; and</p> <p>(e) Home Building Compensation Fund (HBCF) has been paid and a copy of the Certificate supplied to Council or the Principal Certifier; and</p> <p>(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</p> <p>(g) 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 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.</p> <p><b>Reason:</b> To ensure compliance with legislative requirements. [2.06]</p>
67	<p><b>Recommendations of reports</b></p> <p>Prior to construction works commencing recommendations of reports (reports outlined in condition 1) and identified requirements including recommendations are to be implemented in to the design and construction of the development with documentary evidence submitted to the satisfaction of the Principal Certifier prior to works commencing, including but not limited to the following environmental matters:</p> <ul style="list-style-type: none"> <li>- Noise Impact Assessment</li> <li>- Acid sulfate soils</li> <li>- Accessibility</li> <li>- Site contamination</li> <li>- Traffic management</li> <li>- Flood management</li> </ul> <p><b>Reason:</b> To comply with State Environmental Planning Policy requirements and to ensure environmental safety.</p>
68	<p><b>Awnings over public road (prior to commencement of works)</b></p> <p>Occupation of any part of the footpath or road at or above (carrying out work, storage of building materials and the like) during construction of the development requires a Road Occupancy Permit from Council. <i>Prior to undertaking any inspection or works on or over a public road (which includes the road reserve and footway) a section 138 Permit must be obtained under the Roads Act 1993.</i></p>

	<p>The applicant is to be required to demonstrate to the satisfaction of the Principal Certifier approval has been obtained from Council for an easement for the awning structure under s88b of the Conveyancing Act 1919, prior to carrying out the construction works.</p> <p><b>Reason:</b> To ensure proper management of assets.</p>
69	<p><b>Hazardous material survey before demolition</b></p> <p>Before demolition work commences, a hazardous materials survey of the site must be prepared by a suitably qualified person and a report of the survey results must be provided to the satisfaction of the Principal Certifier with a copy provided to Council at least one week before demolition commences.</p> <p>Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must include at least the following information:</p> <ol style="list-style-type: none"> <li>a) the location of all hazardous material throughout the site</li> <li>b) a description of the hazardous material</li> <li>c) the form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust</li> <li>d) an estimation of the quantity of each hazardous material by volume, number, surface area or weight</li> <li>e) a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials</li> <li>f) identification of the disposal sites to which the hazardous materials will be taken</li> </ol> <p><b>Reason:</b> To require a plan for safely managing hazardous materials</p>
70	<p><b>Removal of Hazardous Materials</b></p> <p>All hazardous materials shall be removed from the site and shall be disposed of at an approved waste disposal facility in accordance with the requirements of Cl.17 Protection of the Environment Operations (Waste) Regulations, prior to the commencement of any building works.</p> <p>A site audit shall be conducted by a suitably qualified person, to ascertain that all identified hazardous materials have been removed from the site. A copy of the Audit Report is to be forwarded to Council prior to construction activity commencing.</p> <p><b>Reason:</b> To ensure the development does not conflict with the public interest. [10.10]</p>
71	<p><b>Stormwater Network Extension – Construction</b></p> <p>Prior to the commencement of works in the road reserve for:</p> <ol style="list-style-type: none"> <li>1) Extension of Council’s stormwater network.</li> <li>2) Footpath construction along Graham Street.</li> <li>3) Replacement of kerb and gutter along Graham Street.</li> </ol> <p>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>• Detailed engineering design to Council standards.</li> <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> </ul>

	<ul style="list-style-type: none"> <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> </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> 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.</p>
72	<p><b><i>Erosion and Sedimentation Control</i></b></p> <p>Before any site work commences THE PRINCIPAL CERTIFIER, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time).</p> <p><b>Reason:</b> To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways. [11.13]</p>
73	<p><b><i>Other Services</i></b></p> <p>The gas, electricity and telephone services shall be disconnected by the relevant authority prior to the commencement of demolition works.</p> <p><b>Reason:</b> To ensure the development is adequately serviced by appropriate infrastructure. [21.09]</p>
74	<p><b><i>Site Waste Management</i></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>
75	<p><b><i>Dilapidation report – Prior to works commencing</i></b></p> <p>Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the Principal Certifier.</p> <p>(a) No. 7 Graham Street  (b) No. 21 Graham Street  (c) Graham Street, Burrawang Lane and Field Street road pavement, footpath and verge.</p> <p>Where access has not been granted to any adjoining properties to prepare the dilapidation</p>

	<p>report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the THE PRINCIPAL CERTIFIER &gt;, that all reasonable steps were taken to obtain access to the adjoining properties.</p> <p>No less than 14 days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time.</p> <p><b>Reason:</b> To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report. [23.07]</p>
76	<p><b><i>Application for Hoardings &amp; Scaffolding</i></b></p> <p>A separate application shall be made to Council for approval under Section 68 of the Local Government Act 1993, to erect a hoarding or scaffolding in a public place. Such an application shall include:</p> <ul style="list-style-type: none"> <li>(a) Architectural, construction and structural details of the design;</li> <li>(b) Structural certification prepared and signed by a suitably qualified practicing Structural Engineer;</li> <li>(c) Compliance with WorkCover requirements.</li> </ul> <p>The applicant shall provide evidence of the issue of a Structural Works Inspection Certificate and Structural Certification shall be submitted to the satisfaction of the Principal Certifier prior to the commencement of works.</p> <p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [23.23]</p>
77	<p><b><i>Certification Height of Building</i></b></p> <p>The building must be constructed in accordance with the maximum finished levels outlined below:</p> <ul style="list-style-type: none"> <li>- <b>Commercial</b> ground floor habitable level <b>2.75m AHD</b></li> <li>- <b>Residential</b> first floor level 6.750m AHD;</li> <li>- roof ridge level RL15.47m AHD (pitched roof) and RL13.00m (flat roofs)</li> </ul> <p>The floor levels and ridge level must be certified by a registered surveyor. Evidence is to be submitted to the satisfaction of the Principal Certifier, prior to continuing construction. Construction is not to continue until the Principal Certifier has signed off that the floor level or ridge level is in accordance with the approved levels outlined in this condition.</p> <p><b>Reason:</b> To ensure the development does not conflict with the public interest. [23.33]</p>
78	<p><b><i>Bonding for works in Road Reserve</i></b></p> <p>Prior to commencement of works in the road reserve, the applicant must make payment of a \$50,000 bond to Council. This bond will be held for a minimum six (6) month maintenance period after the completion of works within the road reserve. Council will release the bond after inspection when satisfied no rectification/remediation is required. Refer condition no. 113 for release process.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority.</p>

	<b>DURING CONSTRUCTION</b>
79	<p><b><i>Recommendations of reports</i></b></p> <p>During construction works the recommendations of reports and requirements (reports outlined in condition 1) are to be implemented in to the design and construction of the development, with documentary evidence submitted to the satisfaction of the Principal Certifier, including but not limited to the following environmental matters:</p> <ul style="list-style-type: none"> <li>- Noise Impact Assessment</li> <li>- Acid sulfate soils</li> <li>- Accessibility</li> <li>- Site contamination</li> <li>- Traffic management</li> <li>- Flood management</li> </ul> <p><b>Reason:</b> To comply with State Environmental Planning Policy requirements and to ensure environmental safety.</p>
80	<p><b><i>Site re-classification</i></b></p> <p>Upon completion of bulk excavation or earthworks, the site must be inspected and re-classified by a suitably qualified engineer, as recommended in Acid Sulphate Soil Investigation Report (D&amp;N Geotechnical dated 24 April 23). The effect of any change in the site classification is to be addressed by amended engineering design to the satisfaction of the Principal Certifier.</p> <p>Note: <i>if groundwater is encountered additional requirements from WaterNSW apply.</i></p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised.</p>
81	<p><b><i>Loading and Unloading of Construction Vehicles</i></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>
82	<p><b><i>Responsibility for Changes to public infrastructure</i></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>
83	<p><b><i>Shoring and Adequacy of Adjoining Property – Prescribed condition</i></b></p> <p>If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person’s own expense:</p> <p>(a) Protect and support the adjoining premises from possible damage from the excavation, and</p>

	<p>(b) Where necessary, underpin the adjoining premises to prevent any such damage.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [11.04]</p>
84	<p><b><i>Spoil Removal</i></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>
85	<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> <p>a) The work in the area of the discovery must cease immediately</p> <p>b) The following must be notified</p> <p>i. for a relic - the Heritage Council; or</p> <p>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.</p> <p>Site work may recommence at a time confirmed in writing by:</p> <p>a) for a relic - the Heritage Council; or</p> <p>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.</p> <p><b>Reason:</b> To ensure the protection of objects of potential significance during works. [13.07]</p>
86	<p><b><i>Public Way to be Unobstructed</i></b></p> <p>The public way shall not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances at any time during construction.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [14.10]</p>
87	<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 must be maintained at all times on, or adjacent to the public footpaths fronting the construction site. Where the footpath is damaged, repair works must 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 must 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.</p>

88	<p><b>Use of Mobile Cranes</b></p> <p>The applicant must obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works.</p> <p>For special operations including the delivery of materials, hoisting of plant and equipment, and erection and dismantling of on-site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:</p> <ul style="list-style-type: none"> <li>(a) At least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and</li> <li>(b) at least four (4) weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.</li> </ul> <p>The use of mobile cranes must comply with the approved hours of construction and must not be delivered to the site prior to 7.30am without the prior approval of Council.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority.</p>
89	<p><b>Approved Plans to be On-Site</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>
90	<p><b>Construction Hours – NOISE</b></p> <p>Site work must only be carried out between the following times -</p> <ul style="list-style-type: none"> <li>from 7am to 6pm on Monday to Friday</li> <li>from 8am to 1pm on Saturday</li> </ul> <p>No work on Sundays or public holidays</p> <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p> <p><b>Reason:</b> To protect the amenity of the surrounding area. [20.01]</p>
91	<p><b>Surveys by a registered surveyor</b></p> <p>While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier:</p> <ul style="list-style-type: none"> <li>a) all footings / foundations in relation to the site boundaries and any registered and proposed easements</li> <li>b) at other stages of construction - any marks that are required by the principal certifier.</li> </ul> <p><b>Reason:</b> To ensure buildings are sited and positioned in the approved location. [23.05]</p>

92	<p><b>Site Lighting</b></p> <p>The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [23.16]</p>
93	<p><b>Protection of Adjoining Areas</b></p> <p>If site or building works will:</p> <ul style="list-style-type: none"> <li>• cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or unsafe; or</li> <li>• involve the enclosure of a public place; or</li> <li>• have the potential to damage adjoining private land by way of falling objects then a temporary hoarding, fence or awning must be erected between the work site and the adjoining area before the works begin. Any such hoarding, fence or awning must be removed when the work has been completed.</li> </ul> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority. [23.17]</p>
94	<p><b>Implementation of BASIX commitments</b></p> <p>While building work is being carried out, the applicant must undertake the development strictly in accordance with commitments listed in BASIX certificate(s) approved by this consent, for the development to which the consent applies, and any updated certificate(s) if amendments are made.</p> <p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [23.26]</p>
<b>PRIOR TO OCCUPATION OR COMMENCEMENT OF USE</b>	
95	<p><b>Occupation Certificate</b></p> <p>The development must not be used or occupied until an occupation certificate has been issued by the Principal Certifier.</p> <p><i>Note: The development consent does not include subdivision which is subject to separate development consent.</i></p> <p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [2.14]</p>
96	<p><b>Operational Management plan</b></p> <p>The applicant is to prepare an Operational Plan of Management and submit to the satisfaction of the Principal Certifier, and include at a minimum:</p> <ul style="list-style-type: none"> <li>- Plan of management Secure undercroft (roller doors). The access to the ground floor car parking area is to be available for residential and commercial use.</li> <li>- Operation of loading/unloading bays and waste collection for commercial premises</li> <li>- Operation and maintenance of wheelchair accessible lifts/platforms</li> <li>- Flood planning – management operational measures</li> </ul> <p>The operational management plan is to be incorporated in to any ongoing management of the property including strata management if applicable and registered on Title documents applying to the land for individual tenancies/units.</p>

	<p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land.</p>
97	<p><b>Land Consolidation</b></p> <p>Consolidation of the land into one lot is required. Plan of consolidation to be registered with the Land and Property Information NSW before the issue of any Occupation Certificate.</p> <p><b>Reason:</b> To ensure the development accords with legislative requirements, policy and rural and regional planning best practice.</p>
98	<p><b>Recommendations of reports</b></p> <p>Prior to the issue of any Occupation Certificate all recommendations of reports and requirements required to be implemented in to the design and operation of the development (reports outlined in condition 1) are to be completed with documentary evidence submitted to the satisfaction of the Principal Certifier prior to issue of any Occupation Certificate, including but not limited to the following environmental matters:</p> <ul style="list-style-type: none"> <li>- Noise Impact Assessment</li> <li>- Acid sulfate soils</li> <li>- Accessibility</li> <li>- Site contamination</li> <li>- Traffic management</li> <li>- Flood management</li> </ul> <p><b>Reason:</b> To comply with State Environmental Planning Policy requirements and to ensure environmental safety.</p>
99	<p><b>Flood Emergency Response Plan</b></p> <p>Prior to the issue of any Occupation Certificate the final Flood Emergency Response Plan required to be <b>approved by Council</b> prior to issue of the Construction Certificate (outlining flood trigger levels, flood alarm messaging and methods for delivery of flood alarm messaging to residents) recommendations and requirements for flood mitigation and management as outlined as required by the report must be installed, completed and operational with documentary evidence submitted to the satisfaction of the Principal Certifier.</p> <p><b>Reason:</b> To ensure the environmental, social and economic impact of the development are minimised. [10.04]</p>
100	<p><b>Awnings over public road (prior to occupation certificate)</b></p> <p>Prior to the issue of an Occupation Certificate documentation shall be submitted to Council that confirms a restriction on Title under Section 88B of the Conveyancing Act 1919 has been created:</p> <ul style="list-style-type: none"> <li>(a) An easement in favour of the lot(s) for which an awning is to be provided being of a height and width adequate to facilitate operation of the road reserve;</li> <li>(b) a restriction as to user whereby it is noted that responsibility for construction and/or maintenance of the awning over the road reserve is with the owner(s) of the lots benefited.</li> </ul> <p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land.</p>

101	<p><b>Stormwater Network Extension – Completion</b></p> <p>Prior to the issue of any Occupation Certificate all requirements of the Section 68 (LGAct 1993) approval required by this consent are to be completed to the satisfaction of Council.</p> <p><b>Reason:</b> To ensure the infrastructure is constructed in accordance with Council’s standards.</p>
102	<p><b>Footpath Construction</b> (14.32 modified)</p> <p>Prior to the issue of any Occupation Certificate, full width (boundary to kerb) concrete footpath path shall be constructed for the full road frontage of the property along Graham Street. A 1.5m concrete footpath is to be constructed south of the property frontage along Graham Street, connecting to the existing footpath network. The footpaths are to be constructed in accordance with vPlan No. 4400-A-002-a-2 and subject to a Section 138 (Roads Act 1993) approval. Construction is to be completed to Council’s satisfaction prior to the issue of any Occupation Certificate.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority.</p>
103	<p><b>Kerb Reinstatement</b></p> <p>Prior to the issue of any Occupation Certificate damaged kerb and redundant stormwater kerb connections are to be removed, to the nearest adjacent construction joints, and the kerb reinstated to Council’s satisfaction. Works to be subject of a Section 138 (Roads Act 1993).</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority.</p>
104	<p><b>Road Damage</b></p> <p>The cost of repairing any damage caused to Council or other public authority’s assets in the vicinity of the subject site 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. [14.15]</p>
105	<p><b>Entry and Exit Signs</b></p> <p>Entry and exit signs are to be erected within the property boundaries, clearly identifying each driveway to the public. Signs to be erected prior to issue of any Occupation Certificate.</p> <p><b>Reason:</b> To ensure the development does not conflict with the public interest. [14.29]</p>
106	<p><b>Car Park Signage</b></p> <p>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 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>

107	<p><b>Acoustic Assessment (noise attenuation measures)</b></p> <p>Noise attenuation measures shall be incorporated into the development to comply with the design requirements of and recommendations of the acoustic report approved under condition 1 of this consent.</p> <p>After completion of the works, prior to the issue of an occupation certificate, the developer must submit to the accredited certifier, a report from a practicing acoustic engineer (as above) verifying that the works as installed meet the above design condition.</p> <p><b>Reason:</b> To reduce noise levels and provide for amenity of residents.</p>
108	<p><b>Car parking allocation</b></p> <p>Car parking within the development shall be allocated as follows and provided within the perimeter ground floor walls in the approved architectural plans:</p> <ul style="list-style-type: none"> <li>— 72 residential spaces</li> <li>— 6 visitor spaces (one may operate as a washbay)</li> <li>— 18 commercial spaces</li> <li>— <b>Total spaces – 96 spaces</b></li> </ul> <p>Each adaptable dwelling must be provided with car parking complying with the dimensional and location requirements of <i>AS2890.1 - parking spaces for people with disabilities</i>.</p> <p>Written documentation is required to be submitted prior to issue of the Occupation Certificate to the satisfaction of the Principal Certifier to demonstrate car parking spaces have been allocated to residential and commercial uses. Each car parking space is to be clearly identified with line marking and numbering that clearly identifies allocated car parking to residential and commercial uses.</p> <p><b>Reason:</b> To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with federal legislation.</p>
109	<p><b>Release of bond</b></p> <p>A written application to Council’s Civil Assets Team for the release of a bond must quote the following:</p> <ul style="list-style-type: none"> <li>(a) Council's Development Application number; and</li> <li>(b) Site address. The bond is refundable only where Council is satisfied the public way has been adequately reinstated, and any necessary remediation/rectification works have been completed.</li> </ul> <p>An Occupation Certificate is not to be issued until correspondence has been issued by Council detailing the bond has been released.</p> <p>Note: Council may take up to 21 days from receipt of the request to provide the written advice.</p> <p><b>Reason:</b> To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner.</p>

110	<p><b>Completion of public utility services</b></p> <p>Before the issue of the relevant occupation certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier.</p> <p><b>Reason:</b> To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation. [0209]</p>
111	<p><b>Remediation &amp; Validation Report</b></p> <p>Following the completion of remediation works on the site a Remediation Validation Report is to be prepared by a suitably qualified Environmental Consultant. This report, together with a final site audit statement by an accredited environmental consultant, including Notice of Completion Statement, pursuant to Clause 17(2) and Clause 18 of State Environmental Planning Policy 55, is to be submitted to the satisfaction of Council prior to occupation of the building.</p> <p><b>Reason:</b> To ensure the development does not conflict with the public interest. [0245]</p>
112	<p><b>Completion of landscape and tree works</b></p> <p>Before the issue of any occupation certificate the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.</p> <p>A qualified landscape architect and project arborist shall be engaged by the applicant to provide:</p> <ul style="list-style-type: none"> <li>- Landscape plans for planters and public domain areas</li> <li>- Supervision during construction / certification that works have been completed in accordance with approved landscape plans prior to issue of OC</li> </ul> <p><b>Reason:</b> To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s). [16.04]</p>
113	<p><b>Adaptable Housing</b></p> <p>The Principal Certifier is to ensure prior to the issue of any Occupation Certificate that nine (9) residential units are compliant with the requirements of AS4299-Adaptable Housing.</p> <p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [23.28]</p>
114	<p><b>Before Occupation/Use Compliance Inspection</b></p> <p>Before the use or occupation of the development an inspection will be required to ensure formal compliance with the conditions of this consent. In this respect the Principal Certifier, or if no building work is required then Council should be contacted to arrange for an inspection.</p> <p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [2.15]</p>
115	<p><b>Acoustic Certification</b></p> <p>Prior to issue of any Occupation Certificate for the development, certification shall be obtained from an acoustic consultant confirming the development (commercial and</p>

	<p>residential uses) have been constructed with the acoustic treatment referred to in the Acoustic Report approved under Condition 1.</p> <p><b>Reason:</b> To protect the amenity of the local area. [20.10]</p>
116	<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> <ol style="list-style-type: none"> <li>a) All stormwater drainage systems and storage system</li> <li>b) The following matters that Council requires to be documented <ul style="list-style-type: none"> <li>- asbestos clearance certificates/remediation works clearance</li> <li>- acid sulfate soils</li> <li>- landscape works undertaken in accordance with consent carried out in public domain area</li> <li>- operational management plan</li> <li>- other matters identified in conditions required to be submitted/approved by Council</li> </ul> </li> </ol> <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>
117	<p><b><i>Structural Dilapidation - Post Construction</i></b></p> <p>Prior to the release of any occupation certificate, the applicant must submit to the Principal Certifier and Council a report prepared by a suitably qualified Structural Engineer that demonstrates the post construction condition of the buildings, roads and infrastructure assessed prior to construction in accordance with condition no. 80 of this consent.</p> <p>This report must detail if there has been any structural damage which has occurred as a result of construction activities.</p> <p>Any remediation or rectification works as determined by the report must be completed with satisfactory evidence provided prior to the issue of any Occupation Certificate.</p> <p><b>Note:</b> All rectification works are at the expense of the developer.</p> <p><b>Reason:</b> To ensure that the construction of the development has not resulted in any adverse impacts to the structural integrity of the adjoining existing development.</p>
118	<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>

119	<p><b>Annual Fire Safety Statement</b></p> <p>(a) A final Fire Safety Certificate must 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>
	<p><b>ONGOING USE - OPERATION</b></p>
120	<p><b>Operational Management plan</b></p> <p>The operational management plan approved under this development (required prior to Occupation Certificate issue) is to be incorporated in to any ongoing management of the property including strata management if applicable and registered on Title documents applying to the land for individual tenancies/units.</p> <p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land.</p>
121	<p><b>Awnings over public road (ongoing management)</b></p> <p>Awnings and balconies should be regularly inspected by a professional engineer for structural adequacy. The owner of any awning or balcony which projects over public land or footways must hold appropriate public liability insurance to a minimum value of \$20 million at all times. Confirmation of regular inspections (annually) and confirmation of this insurance must be provided to Council annually.</p>

	<p><i>Note: section 142(1) of the Roads Act 1993 requires that a person who has a right to the control, use or benefit of a structure in, on or over a public road (which includes a footway), must maintain the structure in a satisfactory state of repair.</i></p> <p><b>Reason:</b> To ensure proper management of Council assets.</p>
122	<p><b><i>Loading and Unloading</i></b> (15.07 modified)</p> <p>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. Access to the site is restricted to a small rigid vehicle (SRV), nominated in the application as the design vehicle for the development. Service vehicle access is restricted to the southern access point along Graham Street, this is to be clearly indicated at both access points by way of appropriate signage.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority.</p>
123	<p><b><i>Prohibited Access</i></b></p> <p>No vehicular access for the site is permitted to or from Burrawang Lane.</p> <p><b>Reason:</b> To ensure that the development complies with the standards of the Roads Authority.</p>
124	<p><b><i>First use of the commercial premises Units 1 to 4</i></b></p> <p>The first use of commercial premises Units 1 to 4 requires separate development consent. Any application for future use for retail premises (excluding food and drink premises) such as a 'shop' use is to demonstrate adequate facilities including car parking is provided.</p> <p><b>Reason:</b> To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land.</p>

### Site specific advisory notes

**Sea Level Rise Liability** This land may be subject to sea level rise and this development has been assessed using the best available information regarding the likelihood of inundation and/or coastal erosion at the date of determination. The infrastructure in this locality (such as sewer, water, stormwater and roads) may also be subject to sea level rise. At the granting of consent there is no commitment or intention by Council to improve or maintain infrastructure should this be impacted by sea level rise in the future. If the land is impacted by sea level rise in the future, Council will not, pursuant to Section 733 of the Local Government Act 1993, incur any liability in respect of the granting of this consent

**Future Neighbouring Development** In approving this development, Council advises that it does not restrict future development that may occur on neighbouring properties.

### 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]