

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. 150-6-2005

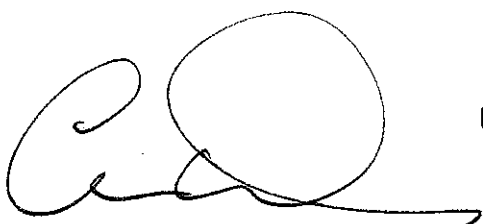
(FILE NO. 9039440)

**DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF MIXED USE
RESIDENTIAL, TOURIST AND COMMERCIAL/RETAIL DEVELOPMENT**

I, the Executive Director as delegate of the Minister for Planning by instrument dated 5 April 2006, pursuant to Sections 80(1)(a) and 80A of the *Environmental Planning & Assessment Act, 1979*, and clause 6 of *State Environmental Planning Policy (State Significant Development) 2005*, determine the development application referred to in the attached Schedule 1, by **granting deferred commencement consent** to the application subject to the conditions of consent in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To comply with the provisions of the Shoalhaven Local Environmental Plan 1985;
- (2) To protect the natural and built environment;
- (3) To encourage good urban design and a high standard of architecture;
- (4) To minimise impacts on visual amenity of neighbouring properties;
- (5) To preserve the existing and likely future amenity of the neighbourhood;
- (6) To ensure public health and safety;
- (7) To ensure construction and operation of the development is undertaken with minimal impact to the locality; and
- (8) To ensure the provision of adequate infrastructure.



14.6.07

Chris Wilson
Executive Director
Major Project Assessments
(as delegate of the Minister for Planning)

Sydney, 14 JUNE 2007

SCHEDULE 1**PART A—TABLE**

Application made by:	David Bowman Elderslie Property Investments Pty Ltd c/o Marchese + Partners Architects Level 7, 107 Mount Street NORTH SYDNEY NSW 2060
Application made to:	Minister for Planning
Development Application:	No. 150-6-2005
On land comprising:	Lot 21 DP 738247, Lot 8 DP 37939, Lot 9 DP 37939 and Lot 4 DP 542007 No. 133-135 and 137 Princes Highway ULLADULLA 2539
Local Government Area	Shoalhaven
For the carrying out of:	Demolition of existing buildings construction of mixed use residential, tourist and commercial/retail development comprising 25 residential units, 74 tourist units, 8 retail/commercial units and basement parking for up to 145 vehicles. A detailed description of the development consented to is described in Conditions A1, Part A, Schedule 2
Estimated Cost of Works	\$ 24.6 Million
Type of development:	State Significant Development/ Integrated Development
S.119 Public inquiry held:	No
Approval Body / Bodies:	Roads and Traffic Authority (RTA)
Determination made on:	14 June 2007
Determination:	A deferred commencement development consent is granted subject to the conditions in the attached Schedule 2.
Date of commencement of consent:	This development consent commences upon written confirmation from the Department that the deferred commencement conditions have all been satisfied.
Date consent is liable to lapse	This consent will lapse 5 years from the date of commencement of consent, unless: (1) a shorter period of time is specified by the Regulations or (2) a condition in Schedule 2, or (3) the development has physically commenced.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 150-6-2005

Responsibility for other approvals / agreements

The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The Applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid, for a development application, within 12 months after the date on which the Applicant received this notice.

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.

Section 94 Conditions

This development consent contains a levy for development imposed under section 94 of the Act. The imposing of levies were imposed in accordance with *Council's Section 94 Contribution Plan 1993*. *Council's Section 94 Contribution Plan 1993* may be inspected at the following locations during its normal business hours: —

- (1) At Council's Administrative Offices, Bridge Street, Nowra, or Deering Street, Ulladulla.

The specific public amenity or service or both are identified in the monetary contributions conditions in Part B of Schedule 2.

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Advisory Notes means advisory information relating to the approved development but do not form a part of this consent.

Applicant means David Bowman of Elderslie Property Investments Pty Ltd or any party acting upon this consent.

Approval Body has the same meaning as within Division 5 of Part 4 of the Act,

BCA means the Building Code of Australia.

Certifying Authority has the same meaning as Part 4A of the Act.

Council means Shoalhaven City Council.

DA No. 150-6-2005 means the development application and supporting documentation submitted by the Applicant on 29 June 2005.

Department means the Department of Planning or its successors.

Director means the Director of the Coastal Assessments (or its successors) within the Department or the nominees of the Director.

Director-General means the Director-General of the Department.

Minister means the Minister for Planning.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Regulations means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

Subject Site has the same meaning as the land identified in Part A of this schedule.

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 150-6-2005

PART AA - DEFERRED COMMENCEMENT CONDITIONS

The following amended plans and information are to be prepared and lodged with the Department of Planning for approval prior to the commencement of the consent. Once all of the following requirements have been satisfied and the Department of Planning has notified the applicant in writing that they have all been satisfied, the consent will become operable subject to the general conditions identified following.

(i) Amendment to basement and landscape plans

- Amended plans of the basement car park are to be prepared in order to accommodate:
 - (a) at least one additional eucalypt that would achieve a mature height of approximately 15m near the western site boundary at the north-western corner of Building D;
 - (b) in order to accommodate at least one Eucalyptus botryoides that would achieve a mature height of approximately 15m near the northern site boundary at the north-western corner of Building E; and
 - (c) in order to accommodate at least two Eucalyptus haemastoma that would achieve mature heights of approximately 8m near the south-western corner of the site.
- The amended basement plan is to be accompanied by an amended landscape plan with a supporting report by an arborist indicating that there is adequate soil depth and width to achieve the specified maturity heights
- The basement plan is also to amend the layout of Space Nos. 12C and 13C in accordance with the suggestions in the L&E Court of NSW – Proceedings No. 11541 of 2005, 133-137 Prince Highway, Ulladulla – Traffic and Parking Issues report prepared by Varga Traffic Planning Pty Ltd and is to comply with AS2890.1-2004, particularly in regard to headroom clearances above allocated parking spaces for disabled persons and the path of travel to those spaces. The amendments to the car parking can reduce the number of parking spaces but is to ensure the parking provision does not fall below 132 spaces and that the amended layout complies with the relevant Australian Standards.

(ii) Elevation Plans

Plans are to be prepared showing all elevations of all proposed buildings. In particular, the southern elevations of Buildings B and C are to describe a degree of articulation and level of urban design quality not less than that demonstrated in the northern elevations of the buildings. In this regard a varied pattern of windows and structural elements should be provided to animate the facades, to interrupt the appearance of continuous planar facades and to disguise the scale of four storey building elements.

(iii) Pedestrian Paths

Amended landscape plans are to be prepared addressing the requirements of point (i) and realigning the pedestrian link into Stage 3 as a direct line-of-sight pathway from the

Princes Highway entrance towards the courtyard space that separates Buildings C and D, with a direct entrance from that courtyard into Stage 3. A major pedestrian link should be provided in a northerly direction by extending the proposed walkway between Buildings D and E to provide a direct link with the pathway located at the eastern edge of the approved Stage 1 development.

(iv) Road works to Princes Highway

Plans are to be prepared, in consultation with the NSW Ambulance Service, and approved by the Local Traffic Committee and the RTA showing the design of the following works to the Princes Highway:

- a. a short deceleration lane to the proposed entrance;
- b. a two metre wide raised concrete central median to restrict movements at the Princes Highway access point to left in only. This median shall be provided for the full frontage of the site. The design of the median shall be integrated with existing and proposed median treatments on the Princes Highway;
- c. an amended layout for on-street parking and lane linemarking and any other necessary ancillary works as a result of the requirements of a. and b. above.

The design of the above works is to have regard to the access requirements of the NSW Ambulance Service to the property at No. 144 Princes Highway and the need to carry out ancillary works as necessary on the Princes Highway away from the frontage of the site to ensure a smooth transition of traffic and parking either side of the site frontage.

All works required by this condition are to be carried out at the expense of the developer. The works are required to be completed prior to the commencement of the use of the site.

(v) Traffic Lights – Intersection of Princes Highway and South Street

A report is to be prepared providing a costing of the installation of traffic lights at the intersection of the Princes Highway and South Street and is to propose an appropriate apportionment of the costing to be paid by the developer for this development (Stage 2). The apportionment shall be determined based on the analysis of additional future traffic generated directly by the Stage 2 development and the anticipated portion of traffic to benefit from the utilisation of the traffic lights. Endorsement for the cost and apportionment should be obtained from the RTA and the Council. Once approved by the Director, the apportionment for this development is to be paid by way of a bank guarantee by the developer to Shoalhaven City Council on behalf of the RTA prior to the commencement of any works, other than required remediation works.

(vi) Upgrade Works – Intersection of St Vincent Street and South Street

Appropriate upgrading of the intersection of St Vincent Street and South Street may be required due to the level of additional service of the intersection due to the proposed development. A report is to be prepared outlining the appropriate upgrading technique, providing a costing of the upgrade at the intersection and is to propose an appropriate apportionment of the costing for this development (Stage 2). Endorsement for the upgrading required and apportionment should be obtained from the Council. Once approved by the Director, the apportionment of cost for this development is to be paid by way of a bank guarantee by the developer to Shoalhaven City Council on behalf of the RTA prior to the commencement of any works, other than required remediation works.

(vii) Contamination

A Phase I study of uses of the site is to be prepared by a suitably qualified and experienced professional, with a Phase II report and remediation works to occur prior to the commencement of any construction works (other than demolition) on the site if recommended by the Phase I report.

(viii) Loading Area

Provision is to be made for a loading area to service the shops/commercial suites, to provide for servicing of the tourist apartments and to provide an area for the parking of removal vans for use by residents. The loading area is to be provided onsite, is to allow for servicing by a 8.8m medium rigid vehicle and is to allow for ingress and egress in a forward direction from St Vincent Street.

(ix) Colours and Materials

Given the visual significance, size and prominence of the site, the colours and materials used are critical to ensuring the development will appropriately sit within its context. Therefore, a colour board identifying the colour scheme and materials for each building and identifying how that colour scheme relates to that proposed for the approved Stage 1 is to be provided to the Director for approval.

PART A - ADMINISTRATIVE CONDITIONS

A1 Development Description

Development consent is granted only to carrying out the development described in detail below:

- (1) Demolition of existing buildings construction of mixed use residential, tourist and commercial/retail development comprising 25 residential units, 74 tourist units, 8 retail/commercial units and basement parking for up to 145 vehicles.

A2 Development in Accordance with Plans

The development shall be in accordance with development application number DA No. 150-6-2005 submitted by the Applicant on 29 June 2005, and in accordance with the following:

Statement of Environmental Effects entitled "Demolition of existing structures and erection of a mixed use development over car park – 133-137 Princes Highway, Ulladulla" prepared by The Turnbull Group Pty Ltd, dated June 2005			
Consultants Studies (as amended/added to and submitted during development application assessment)			
Study Title	Author	Ref No	Date
Proposed Residential Development 133-137 Princes Highway, Ulladulla - Geotechnical Investigation	Cottier & Associates	21025G	27 June 2005
Proposed Mixed Use Development 133-137 Princes Highway, Ulladulla – Traffic and Parking Assessment Report	Project Planning Associates	05173V	28 June 2005
L&E Court of NSW – Proceedings No. 11541 of 2005, 133-137 Prince Highway, Ulladulla – Traffic and Parking Issues	Varga Traffic Planning Pty Ltd	05277	22 January 2007
L&E Court of NSW – Proceedings No.11541 of 2005, 133-137 Princes Highway, Ulladulla – Joint Statement of Traffic Experts	Craig McClaren (Court Appointed Expert), Varga Traffic Planning Pty Ltd and Christopher Millet/ Nicole Stevenson (RTA)		28 May 2007
L&E Court of NSW – Proceedings No.11541 of 2005, 133-137 Princes Highway, Ulladulla – Final Statement by Court Appointed Traffic Engineer	Craig McClaren		9 February 2007
L&E Court of NSW – Proceedings No.11541 of 2005, 133-137 Princes Highway, Ulladulla – Final Report – Urban Design Quality	Brett Newbold		19 February 2007
Hydraulic Concept Proposal - Tourist and Residential Development – 133-137 Princes Highway, Ulladulla	Paul Bekker Engineering Design Pty Ltd	60938	28 June 2005
133-137 Princes Highway, Ulladulla – Energy Efficiency	Marchese + Partners	242952-TRP-004130-00	28 June 2005

Architectural (or Design) Drawings prepared by <i>Marchese + Partners Architects</i> , received by the Department on 30 March 2007			
Drawing No.	Revision	Name of Plan	Date
DA 1.01	F	Cover sheet	29/03/2007
DA 2.01	B	Supplementary Information	09/01/2007
DA 2.02	A	Site Analysis	07/11/2005
DA 2.03	E	Basement Plan	29/03/2007
DA 2.04	F	Ground Floor Plan	29/03/2007
DA 2.05	F	First Floor Plan	29/03/2007
DA 2.06	F	Second Floor Plan	29/03/2007
DA 2.07	F	Third Floor Plan	29/03/2007
DA 2.08	F	Roof Plan	29/03/2007
DA 2.09	A	Road Connection from Stage 2 to St Vincents Street	08/06/2007
DA 3.01	E	North, East & South(Int) Elevations	29/03/2007
DA 3.02	F	North(Int) West Elevations	29/03/2007
DA 3.03	B	Building B South Elevation	20/11/2006
DA 4.01	E	Section A-A, B-B	22/12/2006
DA 5.01	D	Shadow Diagrams study 01	20/11/2006
DA 5.02	D	Shadow Diagrams study 02	21/11/2006
Landscape Drawings prepared by 360 Degrees			
Drawing No.	Revision	Name of Plan	Date
-	C	Landscape Plan for DA	21/12/2006

except for:

- (1) any modifications which are 'Exempt Development' as identified in Shoalhaven LEP 1985 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;
- (2) otherwise provided by the conditions of this consent.

A3 Residential and Tourist Uses

74 serviced apartments for tourist use are approved in Buildings A, B, C, D and E and 25 residential apartments are approved in Building C.

Tourist units may only be occupied in accordance with Condition F8.

A4 Inconsistency between documents

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

A5 Prescribed Conditions

The Applicant shall comply with the prescribed conditions of development consent under clause 98 of the Regulation.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Design Details and Changes

B1 Entrance from Princes Highway

The architectural and landscape plans are to be amended to include 2m x 2.5m sight triangle splays at the property boundary of the Princes Highway driveway in accordance with Figure 3.3 of AS2890.1-2004. Details are to be provided for approval prior to the release of the construction certificate.

B2 Driveway Design

The interface of the driveway with St Vincent Street needs to be constructed in accordance with AS2890.1-2004. Plans are to be provided for approval by Council prior to the release of the construction certificate. The driveway is to be appropriately signposted to identify its use as an access to the site.

B3 Basement Parking Connections

As the driveway within Stage 1 fails to align with the proposed access point from Stage 2 and as inadequate information has been provided to address the cumulative impacts upon the road system of the connection of the basements, the connection of the basement to the Stage 1 site is to be deleted. As there is no approval for any works for Stage 3, the connection between Stage 2 and Stage 3 (other than the main vehicular entry that is to traverse No. 41 Deering Street as well as Stage 3) is to be deleted. Details are to be provided for approval prior to the release of the construction certificate.

B4 Traffic Calming Devices

Traffic calming devices are to be provided along the length of the driveway from the Princes Highway to St Vincent Street to control speed to an appropriate level for a car park and throughout the car park where necessary for traffic management, particularly at blind intersections and at all ingress/egress points. Details are to be provided for approval prior to the release of the construction certificate.

B5 OSD Tanks

Plans are to be provided detailing the location of OSD tanks and if they are to be located other than underground, detailing that their location does not affect compliance with all relevant Australian Standards in relation to the design and layout of the basement car park.

B6 Grey Water System

A greywater system is to be provided which will allow water to be recycled for irrigation and rainwater tanks are to be provided to capture roof runoff. Details are to be provided prior to the release of the construction certificate.

B7 Security System – Building C (Residential and Tourism)

A security systems shall be provided within Building C to ensure that tourists and their visitors cannot access the lift to levels other than the ground level and the basement level. Roller shutters are to be provided to separate the residential parking spaces from the tourist spaces to provide improved security. Details are to be provided for approval prior to the release of the construction certificate.

B8 Security System

Each building (other than the buildings fronting the Princes Highway) within the complex and each parking area to each building is to be designed so that it can only be accessed by the occupants and visitors to that building. This can be achieved by a combination of swipe cards (for residents and tourists) and an intercom system for visitors to the site. The system is to incorporate a boom gate at least 6m setback from the boundary of the site and a roller shutter on the driveway entrance from the Princes Highway. Details of the system to be employed, showing that the driveway from the Princes Highway to St Vincent Street will not be blocked, are to be provided prior to the release of the construction certificate.

B9 Cross Ventilation

Units 20 (R), 28(R) and 41(R), within Building C are to have a highlight window provided in the southern façade of the living area to improve cross ventilation. Further, Units 42(R) and 40(R) are to be provided with operable skylights over the kitchen to provide a better level of cross ventilation. Details are to be provided for approval prior to the release of the construction certificate.

B10 Footpath Crossing Treatment

Treatments such as thresholds and speed humps shall be provided where a driveway crosses a footpath to ensure safety for pedestrians. Details are to be provided for approval prior to the release of the construction certificate.

B11 Balconies

All balconies to the residential apartments in Building C are to be widened to provide a minimum area of 10m². Details are to be provided for approval prior to the release of the construction certificate.

B12 Resident Parking

Thirty six spaces (36) are to be identified and allocated to the residents and/or visitors to the residential component of Building C. Details are to be provided for approval prior to the release of the construction certificate.

B13 Accessible Toilet

Provision is to be made for a shared accessible toilet for the retail/commercial suites, and an accessible path of travel from each unit to the toilet is to be provided in accordance with the requirements of AS1428.1. Details to be provided for approval prior to the release of the construction certificate.

B14 Accessible Path of Travel

An accessible path of travel in accordance with the requirements of AS1428.1. is to be provided to all of the retail/commercial suites from the street and an accessible parking space is to be provided, with an accessible path of travel from the parking space through Building E to each of the commercial/retail suites. Details to be provided for approval prior to the release of the construction certificate.

B15 Accessible Tourist Apartments

Four (4) tourist apartments are to be made fully accessible (not adaptable) in accordance with the requirements of AS1428.1. Details to be provided for approval prior to the release of the construction certificate.

B16 Pedestrian Access and Mobility Plan

A pedestrian access and mobility plan is to be prepared for the development and in particular is to detail access to and through the car park servicing the shops/commercial suites. Pedestrian access to the basement car park via the driveway off the Princes Highway is to be prevented and signposted accordingly. Details are to be provided for approval prior to the release of the construction certificate.

B17 Waste Management Plan

All waste storage and the collection of skip bins must be undertaken within the property boundaries. A detailed waste management plan showing how this will be achieved must be submitted to the certifying authority prior to the issue of a construction certificate. The plan must detail how waste collection vehicles will access and egress the site in a forward direction from St Vincent Street, and how waste will be stored. The plan must include swept paths, designated collection points, frequency and timing of collection.

B18 Odour Control of Waste

Details must be provided to the certifying authority showing how odour will be controlled within the waste storage rooms prior to the issue of a construction certificate.

B19 Disposal of Excavated Material

All excavated material shall be transported to an authorised waste facility (eg West Nowra). Alternatively, land that has Development Consent for the disposal of clean fill (excavated material) may be used subject to validation of the excavated material to ensure that it is not contaminated. In either case, details of excavation material storage, disposal, and transportation routes must be submitted to the certifying authority for approval prior to the issue of a construction certificate.

B20 Engineering Approval for Works in Road Reserve

Engineering design plans for all works within the road reserve must be approved by the certifying authority prior to the issue of a construction certificate for building works.

B21 Stormwater Management Plan

A Soil and Water Management Plan (SWMP) and accompanying specifications for the construction phase of the works, prepared by a suitably qualified/experienced person and based on the Landcom manual - *"Soils and Construction, Managing Urban Stormwater, Vol 1 4th Edition, March 2004"*, shall be lodged with Council for approval with the application for a construction certificate. The SWMP controls shall be implemented, inspected and approved prior to the commencement of any site works and maintained for the life of the construction period and until revegetation measures have taken hold. The SWMP shall include, but not be limited to:

- Existing and final contours;
- Identification of existing vegetation and current site drainage patterns;
- Nature and extent of proposed clearing, excavation and filling;
- Provision for the diversion of runoff around disturbed areas;
- Location and type of proposed erosion and sediment control measures;
- Location of vegetated buffer strips, unstable slopes, boggy areas, and restricted "no access" areas;
- Approximate location and proposed treatment of haul roads, borrow pits, site sheds and stockpiles;
- Location of and proposed means of stabilisation of site access;
- Proposed staging of construction and SWMP measures;

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- Proposed site rehabilitation measures, including seeding of all bare un-grassed areas, turfing where erosion or scouring is likely to occur, and frequency of watering;
 - Maintenance program for all soil and water management measures;
 - Disposal site for silt removed from sediment traps;
 - All design criteria/calculations used to size erosion and sediment control measures;
 - Standard construction drawings for proposed soil and water management measures.

B22 On-Site Detention – Design Flowrate

On-site detention storage for stormwater run off from the development site shall be provided such that the discharge from the site for design storm events up to and including the 100 year average recurrence interval does not exceed the pre-developed conditions. Details must be submitted to the certifying authority for approval prior to the issue a construction certificate.

B23 Reflectivity

The visible light reflectivity from building materials used on the facades of the buildings shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B24 Outdoor Lighting

All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 *Pedestrian Area (Category P) Lighting* and AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B25 Design Verification Statement – Residential Flat Buildings

Prior to the issue of a Construction Certificate, the Applicant shall submit to the Certifying Authority a Design Verification Statement from a qualified designer, verifying that the plans and specifications achieve or improve the design quality of the development, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65—Design Quality of Residential Flat Development*.

B26 Pre-Construction Dilapidation Reports

The Applicant is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing and adjoining buildings, infrastructure and roads. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

A copy of the report is to be forwarded to the Director and Council.

B27 Number of Car Spaces

The maximum number of car spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Car parking allocation	Number
Residential Car parking spaces (inclusive of visitor spaces)	31
Visitor spaces for residential units	5
Tourist car parking spaces	75
Commercial/retail parking spaces	21
Other (spare spaces) above the DCP 18 requirements	13
TOTAL	145

B28 Car Park and Service Vehicle Layout

- (1) The layout of the car park, internal access roads and driveways shall comply with Australian Standard AS2890.1: 1993 *Parking Facilities Part 1: Off Street Parking*. All parking spaces are to be linemarked, with visitor spaces clearly identified.
- (2) The layout of the service vehicle area shall comply with Australian Standard AS2890.2: 1989 *Off Street Parking Part 2 – Commercial Vehicles Facilities*.
- (3) A certification from a suitably qualified traffic engineer is to be provided demonstrating compliance with these requirements prior the issue of a Construction Certificate.

B29 NatHERS Rating – Multi-Unit Housing

The following NatHERS rating requirements shall be complied with:

- (1) an average rating for all dwellings of 4 stars or better,
- (2) at least 20% of all dwellings shall achieve better than 4.5 stars,
- (3) at least 80% of all dwellings shall achieve better than 3.5 stars, and
- (4) no apartment shall achieve less than 3 stars.

Prior to the issue of a Construction Certificate, the Applicant shall submit to the Certifying Authority a NatHERS certificate, prepared by an accredited NatHERS assessor, demonstrating compliance with the requirements of this condition.

B30 Energy Star Ratings

All classes of appliances that are available with an energy label or a Minimum Energy Performance Standard to be installed within the premises are to have an energy star rating of 3 stars or more (excluding clothes dryers which are to have a rating of 2.5 stars or more). The Applicant shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition.

B31 Water Ratings

All water fixtures installed within the premises are to have a AAA water rating or more. The Applicant shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition.

B32 Clotheslines and Clothes Dryers

- (1) The Applicant shall submit to the Certifying Authority a plan and written statement identifying those units to have clothes drying lines installed that are:

- (a) not visible from the public domain, and
 - (b) preferably on secondary balconies or secondary areas of main balconies.
- (2) Based on the percentages shown in Column 1 for units with clotheslines installed, the Applicant shall install in all units a clothes dryer corresponding with the energy rating in Column 2,

Column 1: Percentage of units in each site with clotheslines installed	Column 2: Minimum energy rating for a clothes dryer in non-clothes line units
0%-49%	3 Star energy rating or more
50%-74%	2.5 Star energy rating or more
75%-100%	2 Star energy rating or more

- (3) Clothes lines are to be installed at a minimum height of 1 metre with a minimum of 3.5 metres combined line length.

B33 SEDA Rating

The design of the building shall achieve a 4.5 star rating under the Sustainable Energy Development Authority's (SEDA's) Australian Building Greenhouse Rating. Prior to the issue of a Construction Certificate, the Applicant shall submit to the Certifying Authority the following information:

- (1) Evidence that a Commitment Agreement has been entered into with SEDA, to deliver this star rating for the base building (central services such as air conditioning, lifts and common lighting and common areas of the building) or for the whole building where the Applicant is to occupy the building; and
- (2) An independent energy assessment that follows the guidelines in SEDA's *Australian Building Greenhouse Rating Scheme Design Energy Efficiency Review* and the *Energy Efficiency Design Review.xls* (spreadsheet) (the Applicant should contact SEDA to obtain the current version of these documents.)
- (3) A computer building simulation prepared in accordance with the guidelines of SEDA's Validation Protocol for the Use of Computer Building Simulation in Commitment Ratings (Applicants should contact SEDA to obtain the current version of this document.) The computer building simulation is required to demonstrate to the satisfaction of the Certifying Authority that the building can reasonably be expected to achieve the proposed rating under realistic operating conditions.

B34 Mechanical Ventilation

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 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Monetary Contributions and Contributions-in-lieu

B35 Monetary Contributions

In accordance with Division 6 of Part 4 of the Act, the Applicant shall pay the following monetary contributions:

(1) Amount of Contribution

Project	Contribution Category	Rate of Contribution	Quantity	Amount
01FIRE 0009	City Wide – fire control/state emergency services	\$29.77	56.8	\$1690.94
05AREC 0001	Tennis, Football, Cricket & Netball (Area 5)	\$1,432.51	12.4	\$17,763.12
05AREC 0002	Leisure Centre Heated Indoor Swimming Pool	\$164.37	12.4	\$2,038.19
05 CFAC 0007	Southern Shoalhaven District Childrens Services Centre	\$11.62	12.4	\$144.09
05CFAC 0010	S94 CP AMENDMENT No.67: Southern Shoalhaven Branch Library	\$217.83	12.4	\$2,701.09
05DRAI 0013	South St/Burrill St/Jubilee Av Drainage	\$2.83	334	\$945.22
CWARE C 0003	Hockey Facilities	\$229.54	12.4	\$2,846.30
CW CFAC 0001	S94 CP AMENDMENT No.67: Stage 1: Shoalhaven City Library Extensions	\$243.11	12.4	\$3,014.56
CW CFAC 0001	S94 CP AMENDMENT No.67: Stage 2: Shoalhaven City Arts Center	\$21.99	12.4	\$272.68
CW CFAC 0001	S94 CP AMENDMENT No.67: Stage 3: Shoalhaven Mobile Childrens Services	\$7.21	12.4	\$89.40
CW CFAC 0002	Shoalhaven Multipurpose Cultural & Convention Centre	\$217.35	12.4	\$2,695.14
CW MGMT 2001	Section 94 Administration	\$366.00	56.8	\$20,788.80 10% cap applied on total of other contributions \$3,594.86
CW OREC 0001	Embellishment of Icon and District Parks and Walking Tracks	\$140.96	12.4	\$1,747.90
TOTAL				\$39,543.49
\$13,408.89 per on-street parking lost as a result of the road works to the Princes Highway required by deferred commencement condition (iv)				To be determined

(2) Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to Council. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Council.

Evidence of the payment to Shoalhaven City Council shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

(3) Indexing

The contribution for land will be adjusted in accordance with the latest annual valuations.

B36 Sewerage System

Details are to be provided of how the sewerage services to upstream customers will be maintained during and after the completion of the construction works and of how the proposal will comply with the relevant requirements of the *Provision of Water and Sewerage Infrastructure – Rezoning, Major Developments and SEPP 5 Developments*. Details are to be provided to Shoalhaven Water for approval prior to the release of the construction certificate. A Certificate of Compliance under the Water Management Act is to be obtained.

B37 Internal Driveway and Car Park

The internal driveway and car park shall be constructed with 25MPa concrete suitable for light vehicular loading having a minimum thickness of 100mm reinforced with SL72 mesh. The slab is to be located over 75mm of compacted fine crushed rock.

END OF PART B

PART C—PRIOR TO COMMENCEMENT OF WORKS

C1 *Statement of Compliance with Australian Standards*

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 *The Demolition of Structures*. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the PCA prior to the commencement of works.

C2 *Notice to be Given Prior to Excavation*

The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.

C3 *Disposal of Excavated Material*

All excavated surplus material shall be hauled to an approved landfill site. Details of fill storage and/or disposal and haulage routes shall be submitted to Council for approval prior to the commencement of works.

C4 *Heavy Duty Gutter Layback and Footpath Crossing*

A heavy duty concrete vehicular gutter layback and footpath crossing shall be constructed at the driveway entrance to the Princes Highway 6.5 metres wide at the property boundary splayed to 8 metres at the kerb line in accordance with Council's Plan Nos. G202603 and G202605. Council's Subdivision Manager or his nominee shall inspect and approve the kerb line, levels and formwork prior to pouring.

C5 *Streetscape Works*

A paved footpath (in accordance with DCP 56) shall be constructed for the full width and frontage of the development. Engineering design plans shall be submitted to and approved by Council prior to commencement of work and shall incorporate the following:

- a) a cross section at each entry point to the development showing proposed footpath and floor levels;
- b) footpath levels shall comply with a 3% crossfall from the boundary to top of kerb;
- c) the footpath shall be constructed in accordance with Council's Subdivision Specification

C6 *Engineering Design*

All detailed engineering plans and specifications for all civil works referred to in this consent shall be certified by an NPER registered practising engineer.

C7 *Engineering Works On-site Approval*

Engineering design plans for civil works within the property must be submitted to Council or an accredited certifier and approved prior to the commencement of works. All works must be carried out in accordance with the approved plans.

C8 *Engineering Works in Road Reserve Approval*

Engineering design plans for all works within the road reserve shall be submitted to Council for approval. All work must be carried out in accordance with the approved plans.

C9 *Structural Details*

Prior to the commencement of construction, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- (1) the relevant clauses of the BCA,
- (2) the relevant development consent,
- (3) drawings and specifications comprising the Construction Certificate, and
- (4) the relevant Australian Standards listed in the BCA (Specification A1.3).

C10 *Supervision of Works*

Prior to the commencement of works, Council shall be advised in writing of the name of a designated person/company nominated by the applicant to be responsible for construction of all engineering works including erosion and sediment control measures.

C11 *Approval Required for Works in Road Reserve*

Prior to undertaking any works within the road reserve, the contractor must obtain the approval of Council under Section 138 of the Roads Act, 1993. The following details must be submitted to Council in order to obtain the s.138 approval:

- Pavement design
- Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the RTA's manual – "*Traffic Control at Work Sites*". Warning and protective devices shall comply with the provisions of AS 1742.3 – 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate RTA accreditation, a copy of which is to be submitted with the plan.
- Insurance details

Should the Traffic Management Plan require a reduction of the speed limit, a Direction to Restrict shall be obtained from the relevant road authority (Council or the RTA - Traffic Operations Unit).

Note: Where works are required within a Classified Road, Council must obtain the concurrence and/or the approval of the RTA for engineering design plans, Traffic Control Plans and approvals under S138 of the Roads Act.

C12 *Road Occupancy Licence*

Prior to undertaking any works within the classified road reserve, the contractor must obtain a Road Occupancy Licence (ROL) from the RTA Traffic Operations Unit.

C13 *Existing Services Check*

The developer or his agent must check that the proposed works are not affected by any Council, Integral Energy, telecommunications, gas service or other services. Any required alterations to services will be at the developer's expense.

C14 *Damage to Public Assets*

Any damage to the adjacent kerbs, gutters, footpaths, walkways, carriageway, reserves and the like, that occurs during development works shall be repaired by the applicant. The developer or his agent must undertake a site inspection and document any evidence of damage to the public assets prior to commencement of work. Failure to adequately identify existing damage will result in all damage detected by Council after completion of the building work being repaired at the applicant's expense.

C15 *Discharge of Stormwater*

Stormwater runoff shall be discharged by pipework to Council's stormwater system in accordance with the following:

- Where calculated run-off can be carried by one (1) or two (2) x 100mm diameter pipes, kerb adaptors shall be installed to manufacturer's specification and may be obtained from any manufacturer on the condition that the product is equal to SDP, SDP-W, SDP-A or SDP-R "*Stormwater Drainage Products*" supplied by Tecpro Pty Limited. OR
- Where the calculated run-off exceeds the capacity of two 100mm pipes, but is less than 55 ltr/second, then discharge into the kerb and gutter may be provided by means of a kerb converter in accordance with Council's Plan No SC 263726. OR

Where run-off from the site is greater than 55 ltr/second, all surface discharge from roof and paved surfaces shall be connected by underground pipe(s) to Council's stormwater system. Where there is no existing pit for this connection, a new pit shall be constructed.

C16 *Post Development Stormwater Treatment Control*

The proponent is required to provide engineering details in regards to the collection and mitigation of stormwater pollution that will be generated during the post development phase. Pollutants will include litter, floatable debris, organic debris, coarse sediments, suspended solids (road grit) and grease and oil.

Accordingly, a stormwater treatment device shall have the performance capture criteria in excess of 90% of litter, floatable debris, organic debris, coarse sediments, suspended solids (road grit) and grease and oil of gross stormwater pollutants.

C17 *Stormwater Drainage design*

All drainage works within the site shall be designed and constructed for a 10 year average recurrence interval unless otherwise specified.

C18 *On-site Detention – Design Flowrate*

On-site detention storage for stormwater run off from the development site shall be provided such that the discharge from the site for design storm events up to and including the 100 year average recurrence interval does not exceed the pre-developed conditions. Details must be submitted to Council or PCA for approval prior to the issue a construction certificate.

C19 *On-Site Detention – Maintenance Access and Safety*

The on-site detention structure must be designed to incorporate lockable access for maintenance and a suitably graded invert to prevent ponding.

C20 *On-Site Detention under Driveway or Road*

The on-site detention structure must be designed to withstand a T44 load as defined in Austroads Bridge Design Manual.

C21 *Construction Management Plan*

Prior to the commencement of any works on the site, a Construction Management Plan shall be submitted to and approved by the PCA. The Plan shall address, but not be limited to, the following matters where relevant:

- (1) hours of work,
- (2) contact details of site manager,
- (3) traffic management (see also C20 below),
- (4) noise and vibration management (see also C21 below), and
- (5) waste management (see also C22 below).

The Applicant shall submit a copy of the approved plan to the Department and Council.

C22 *Traffic & Pedestrian Management Plan*

Prior to the commencement of any works on the site, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to and approved by the PCA. The Plan shall address, but not be limited to, the following matters:

- (1) ingress and egress of vehicles to the site,
- (2) loading and unloading, including construction zones,
- (3) predicted traffic volumes, types and routes, and
- (4) pedestrian and traffic management methods.

The Applicant shall submit a copy of the approved plan to the Department and Council.

C23 *Noise and Vibration Management Plan*

Prior to the commencement of any works on the site, a Noise and Vibration Management Plan prepared by a suitably qualified person shall be submitted to and approved by the PCA. The Plan shall address, but not be limited to, the following matters:

- (1) Identification of the specific activities that will be carried out and associated noise sources,
- (2) Identification of all potentially affected sensitive receivers including residences, schools, and properties containing noise sensitive equipment,
- (3) The construction noise objective specified in the conditions of this consent,
- (4) The construction vibration criteria specified in the conditions of this consent,
- (5) Determination of appropriate noise and vibration objectives for each identified sensitive receiver,
- (6) Noise and vibration monitoring, reporting and response procedures,
- (7) Assessment of potential noise and vibration from the proposed construction activities including noise from construction vehicles and any traffic diversions,
- (8) Description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- (9) Justification of any proposed activities outside the construction hours specified in the conditions of this consent.

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- (10) Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods, and frequency,
 - (11) Procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration, and
 - (12) Contingency plans to be implemented in the event of non-compliances and/or noise complaints.

The Applicant shall submit a copy of the approved plan to the Department and Council.

C24 *Construction Waste Management Plan*

Prior to the commencement of works, the Applicant shall submit to the satisfaction of the PCA a Waste Management Plan prepared by a suitably qualified person in accordance with Council's Waste Minimisation Development Control Plan No. 93. The Applicant shall submit a copy of the plan to the Department and Council.

C25 *Contact Telephone Number*

Prior to the commencement of the works, the Applicant shall forward to the Department and Council a 24 hour telephone number to be operated for the duration of the construction works.

C26 *Removal of Hazardous Materials*

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 the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works. Details demonstrating compliance with the relevant legislative requirements, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.

END OF PART C

PART D—DURING CONSTRUCTION

D1 *Underground Services*

Provision shall be made for the underground supply of all utility services to the development.

D2 *Gutter Layback Construction Detail*

Where kerb and gutter exists, concrete gutter laybacks (crossings) are to be constructed as follows:

- The road pavement is to be saw-cut parallel to the lip of the gutter;
- The existing kerb and gutter is to be removed;

New cast in-situ gutter layback and gutter is to be poured and connected to the adjoining sections of kerb with suitable bitumen joining.

D3 *Shoulder Seal*

The road shoulder shall be bitumen sealed or sealed with 25mm of hot mix from the gutter crossing to the edge of existing bitumen seal on a pavement having a minimum compacted thickness of 300mm.

D4 *Road Reserve to be Kept Clear of Debris*

The road, kerb and gutter and footpath area adjacent to and nearby the site shall be kept clear of soil and debris.

D5 *Erosion and Sediment Control*

All erosion and sediment control measures, as designed in accordance with Condition B21, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

D6 *Disposal of Seepage and Stormwater*

Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

D7 *Certification of Civil Works*

Certification shall be submitted to the PCA to verify that the following works (where applicable), have been completed in accordance with the approved construction specifications:

- All clearing works and bulk earth works
- Pipelines including inter-allotment
- Drainage pits, culverts, headwalls and bridges
- Detention basins, swales and open channels
- Permanent stormwater quality improvement devices
- Pavement subgrade and base-course densities and thicknesses
- Pavement to underside of kerb sand gutter
- Pavement prior to bitumen or asphalt sealing
- Erosion and sediment control measures
- Final cut and trim, seeding and grassing
- Signage and other traffic control devices

D8 *Pavement Tests*

The design of road, driveway and car park pavements, both on site and on public land, shall be supported by test results for the in-situ subgrade material and approved by Council. These tests shall be carried out by a NATA approved laboratory, or may be carried out by Council at the applicant's expense.

D9 *Stormwater Connections in Road Reserve*

Stormwater connections between the property boundary and the kerb and gutter, or Council's underground system, must be inspected and approved by Council's Subdivision Manager or their nominee and backfilled as soon as possible.

D10 *On-Site Detention Certification*

The developer must provide certification from a qualified civil and/or structural engineer with NPER registration that the on-site detention structure has been constructed in accordance with the approved plans.

D11 *Setting Out of Structures*

The buildings shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the PCA certifying that structural works are in accordance with the approved development application.

D12 *Approved Plans to be On-site*

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

D13 *Site Notice*

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, PCA and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

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- (1) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - (2) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - (3) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
 - (4) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

D14 *Contact Telephone Number*

The Applicant shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

D15 *External Lighting*

External Lighting shall comply with AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

D16 *Protection of Trees – Street Trees*

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of Council.

D17 *Dust Control Measures*

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions,
- (2) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed,
- (3) All materials shall be stored or stockpiled at the best locations,
- (4) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
- (5) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
- (6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays,
- (7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
- (8) Cleaning of footpaths and roadways shall be carried out regularly.

Noise and Vibration

D18 *Hours of Work*

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

-
- (1) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
 - (2) between 8:00 am and 1:00 pm, Saturdays;
 - (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (4) the delivery of materials is required outside these hours by the Police or other authorities;
- (5) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- (6) the work is approved through the Construction Noise and Vibration Management Plan; and
- (7) residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.

D19 Construction Noise Objective

The construction noise objective for the Project is to manage noise from construction activities (as measured by a L_{A10} (15minute) descriptor) so it does not exceed the background L_{A90} noise level by:

- (1) For the first four weeks of the construction period, not more than 20dB(A);
- (2) From the 5th week to the 26th week (inclusive) of the construction period, not more than 10dB(A); and
- (3) For construction periods greater than 26 weeks, not more than 5dB(A).

Background noise levels are those identified in the approved Construction Noise and Vibration Management Plan. The Applicant shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.

Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the approved Construction Noise and Vibration Management Plan.

If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise objective.

D20 Construction Noise Management

The Applicant shall:

- (1) schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Plan:
 - (a) 9.00 am to 12.00 pm, Monday to Friday;
 - (b) 2.00 pm to 5.00 pm Monday to Friday; and
 - (c) 9.00 am to 12.00 pm, Saturday
- (2) ensure that wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where approved in the Construction Noise and Vibration Management Plan.

D21 *Vibration Criteria*

Vibration caused by construction at any residence or structure outside the subject site must be limited to:

- (1) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
- (2) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.

These limits apply unless otherwise approved in the Construction Noise and Vibration Management Plan.

D22 *Vibration Management*

Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

D23 *Water Conservation*

Water saving showerheads shall be fitted to all showers within the development to reduce water consumption and promote energy efficiency.

D24 *Recycling of Concrete*

Any existing concrete of suitable volume, which is not used as fill, shall be taken to a concrete recycling works and evidence that this has occurred shall be provided to the PCA.

END OF PART D

PART E—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

E1 Access Signs

A "no pedestrian entry" sign is to be erected at the entrance to the basement car park off the Princes Highway. A second sign is to be erected indicating access is restricted to shop owners/tenants and to specified tourist units (numbers of units to be identified) and indicating access is controlled by a swipe card.

E2 Stop Sign

The base of the entry ramp from the Princes Highway shall be controlled by a stop sign.

E3 Management Plan for Parking

A management plan is to be provided addressing how commercial and visitor spaces are to be available in an unrestricted manner whilst protecting tourist and resident spaces. This plan is to be provided for approval prior to the occupation of any building.

E4 Occupation of Retail/Commercial Suites

The retail/commercial premises must not be occupied until such time as further development consent is obtained in respect of the proposed use, providing, but not limited to, such details as:-

- the nature of the proposed use;
- hours of operation;
- number of employees;
- waste minimisation and management measures;
- advertising signs;
- fit out details;
- acoustic report (if applicable)

None of the tenancies shall be used either solely or together as a supermarket or a large scale restaurant (ie over 45 seats).

Note: To avoid the necessity for owner's consent for each separate application, the owner may wish to provide Council with a standard letter of authority to lodge development applications for occupation of the development. Alternatively, written authority could be given to the agent acting on behalf of the owner or leasing body for the premises.

E5 Design Verification Statement

Prior to the issue of any Occupation Certificate, the Applicant shall submit to the Certifying Authority a Design Verification Statement from a qualified designer, verifying that the plans and specifications achieve or improve the design quality of the development, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65—Design Quality of Residential Flat Development*.

E6 *Treatment of Vehicular Entry*

In order to improve the appearance of the building when viewed from the street, any part of the walls and ceilings of vehicular entry points that are visible from the street shall be finished in high quality materials and no service ducts or pipes are to be visible.

E7 *Fire Safety Certificate*

A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of any Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the consent authority and Council by the PCA.

E8 *Annual Fire Safety Statement*

An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the consent authority initial Fire Safety Certificate is received.

E9 *Mechanical Ventilation*

Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the PCA, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:

- (1) The Building Code of Australia;
- (2) Australian Standard AS1668 and other relevant codes;
- (3) The development consent and any relevant modifications; and,
- (4) Any dispensation granted by the New South Wales Fire Brigade.

E10 *Structural Inspection Certificate*

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact consent authority for specific electronic format) shall be submitted to the consent authority and the Council after:

- (1) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and,
- (2) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

E11 *Road Damage*

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 the issue of any Occupation Certificate.

Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount, a separate invoice will be issued.

E12 *Registration of Easements*

Prior to the issue of any Occupation Certificate, the Applicant shall provide to the PCA evidence that all easements required by this consent, approvals, and other consents have been or will be registered on the certificates of title.

E13 *Post-construction Dilapidation Report*

- (1) The Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
- (2) The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
 - (a) compare the post-construction dilapidation report with the pre-construction dilapidation report required by Condition B26, and
 - (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- (3) A copy of this report is to be forwarded to the Director and Council.

E14 *Signage*

A development application for all signage, prepared in accordance with Council's DCP 82-Signage Strategy, must be submitted to Council for approval prior to commencement of the use.

For more information about Council's development guidelines for advertising signs, please refer to Section 2 of A Signage Strategy for the City of Shoalhaven. Section 2 specifies the circumstances in which certain signs may be displayed without obtaining development consent and, where consent is required, the criteria against which applications will be assessed.

E15 *Clotheslines and Clothes Dryers*

- (1) The Applicant shall submit to the PCA a plan demonstrating that units are compliant with the requirements of Condition B32.
- (2) The PCA must not issue an Occupation Certificate for any unit within the development that does not have either a clothes line or clothes dryer installed.

E16 *Management Plan for Tourist Accommodation*

A management plan is to be prepared for the tourist accommodation and submitted for approval to the PCA prior to the occupation of any tourist accommodation unit. The management plan is to include, but not be limited to:

- Details of the method and location for collection of keys to the accommodation units (if to occur onsite, details to be provided of the location of the concierge and appropriately located parking for customers signing in and out of the accommodation);
- Market position of the facility – rating, facilities, services;
- Co-ordination of registering inbound and outbound patrons;
- Anticipated staff levels – details of staff and management facilities (staff rooms, offices, building and landscape maintenance, waste collection, linen supply);

-
- Complaints handling mechanism, particularly dealing with noise complaints from residents; and
 - Provision of on-site recreational facilities.

END OF PART E

PART F—POST OCCUPATION

F1 Annual Fire Safety Certification

The owner of the building shall certify to Council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

F2 Loading and Unloading

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.

F3 Unobstructed Driveways and Parking Areas

All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises. No mesh type caging or similar enclosures shall be provided around parking spaces.

F4 Noise Control – Plant and Machinery

Noise associated with the operation of any plant, machinery or other equipment on the site, shall not exceed 5dB(A) above the background noise level when measured at the boundary of the site.

F5 Public Way to be Unobstructed

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

F6 Operation of Roller Shutter to Princes Highway Entrance

The roller shutter to the Princes Highway Entrance is to remain open during daylight hours and is to be shut at other times. The roller shutter is to be automatically opened by an appropriate electronic device after entering vehicles pass through the boom gate at night.

F7 Management of Tourist Resort

The management of all accommodation units is to occur through one agent. The agent is to keep a record of usage and length of stay for each unit. A copy of a summary of use for each unit is to be provided to Council on a yearly basis at the end of each financial year.

F8 Use as a Tourist Resort

The accommodation units (with the exception of the specified residential units within Building C) shall only be occupied for the purpose of tourist accommodation and shall not be occupied as a dwelling.

The tourist accommodation units shall not be occupied by an owner or a resort guest for more than 90 days in a calendar year.

A maximum of two accommodation units can be occupied on a permanent basis by full time staff (and their families) of the tourist facility. Such accommodation units must be identified as being for such purpose prior to the release of any Occupation Certificate for those units.

END OF PART F.

PART G—GENERAL TERMS

Roads and Traffic Authority

- G1** A maximum of one direct access point to the Princes Highway from the subject site shall be permitted. This access shall be designated as an entry only.
- G2** A deceleration lane shall be provided for the Princes Highway access point in accordance with RTA standards.
- G3** The applicant shall provide a two metre wide raised concrete central median to restrict movements at the Princes Highway access point to left in only. This median shall be designed in accordance with RTA Standards and shall be provided for the full frontage of the site. The design of the median shall be integrated with existing and proposed median treatments on the Princes Highway. In this regard the developer will be required to undertake additional linemarking work either side of the median to integrate the treatment with the surrounding road environment
- G4** Pavement upgrades shall be provided to the shoulder/s of the Princes Highway to ensure that the width of the existing travel lanes is not compromised by the provision of the central median. Pavement upgrades shall be provided in accordance with the AUSTROADS Pavement Design Guide.
- G5** The driveway shall be designed in accordance with the RTA Guide to Traffic Generating Developments.
- G6** Servicing of the site shall not occur from the Princes Highway. All servicing should be undertaken on site with no intrusion to the road network
- G7** Contributions should be provided to Shoalhaven City Council towards the upgrade of the Princes Highway and South Street junction to traffic signals. The value of these contributions should be negotiated with Shoalhaven City Council.
- G8** The applicant shall make appropriate contributions to Shoalhaven City Council's Section 94 Plan for any loss of on-street parking.
- G9** All vehicles should enter and exit the site in a forward direction at all times.
- G10** Geometric road design shall be in accordance with RTA Road Design Guide. Pavement design shall be in accordance with the AUSTROADS Pavement Design Guideline.
- G11** Landscaping and fencing should not restrict vehicular and pedestrian sight lines on the Princes Highway.
- G12** Pedestrian sight lines at the Princes Highway access point shall be maintained in accordance with AS2890.1-2004.

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- G13** Any alterations to existing signage on the Princes Highway associated with the proposed access point and associated deceleration lane shall be forwarded to the RTA for approval. All costs associated with signage changes shall be borne by the Developer. NB: Under the new delegations to Council's for Council's Traffic Committee any proposed changes to the classified road network must be forwarded to the RTA for consideration and approval. Items considered for changes to the classified road network are no longer forwarded to Council
- G14** The developer shall be required to provide a suitable drainage treatment across the driveway to prevent water proceeding onto, or undermining, the travel lane of the Princes Highway
- G15** All roadworks associated with this development will be at no cost to the RTA.
- G16** No advertising signs or structures shall be permitted within the Princes Highway road reserve
- G17** The erection of any advertising structures associated with the proposal shall be in accordance with SEPP 64
- G18** The proposed development should be designed such that road traffic noise from the Princes Highway is mitigated by durable materials, in accordance with EPA criteria for new land use developments (The Environmental Criteria for Road Traffic Noise, May 1999). The RTA's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.

END OF PART G

ADVISORY NOTES

AN1 Compliance Certificate, Water Supply Authority Act, 2000

Prior to issuing a subdivision certificate, a Compliance Certificate shall be provided to the consent authority showing that the development has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.

The developer shall obtain the Compliance Certificate from the relevant local water supply authority and produce this to the satisfaction of:

- (1) the certifying authority before release of the Construction Certificate,
- (2) the consent authority before the release of the subdivision certificate, and
- (3) the principal certifying authority prior to occupation.

AN2 Requirements of Public Authorities for Connection to Services

The Applicant shall comply with the requirements of any public authorities (e.g. Energy Australia, Shoalhaven Water, 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 PCA prior to the issue of the Construction Certificate.

AN3 Compliance with Building Code of Australia

The Applicant is advised to consult with the PCA about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

AN4 Structural Capability for Existing Structures

The structural capabilities of an existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

AN5 Application for Hoardings and Scaffolding

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:

- (1) Architectural, construction and structural details of the design in accordance with Council's Policy.
- (2) Structural certification prepared and signed by an suitably qualified practising structural engineer.

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 PCA prior to the commencement of works.

AN6 Use of Mobile Cranes

The Applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the PCA:

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- (1) 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:
 - (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
 - (b) at least 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.
 - (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN7 Movement of Trucks Transporting Waste Material

The Applicant shall notify the Roads and Traffic Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

AN8 Construction Inspections

Compliance certificate/s shall be issued by the Principal Certifying Authority and submitted to Council in accordance with the mandatory inspection requirements of the *Building Legislation Amendment—Quality of Construction Act, 2002* for each stage of construction, such as the following:

- (1) Foundations,
- (2) Footings,
- (3) Damp proof courses and waterproofing installation,
- (4) Structural concrete, including placing of reinforcement and formwork prior to pouring,
- (5) Structural beam and column framing,
- (6) Timber wall and roof framing, and
- (7) Stormwater disposal.

Any Compliance Certificate issued for the above stages of construction shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the Building Code of Australia and any other conditions of consent.

AN9 Noise Generation

Any noise generated during the construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the site.

AN10 Excavation – Aboriginal Relics

Should any Aboriginal relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the National Parks and Wildlife Service shall be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*.

AN11 Remediation and Validation Report

Following the completion of remediation works on the site a Remediation and Validation Report is to be prepared by a suitably qualified environmental consultant. This report, together with a final site audit statement by an Department of Environment and Climate Change accredited environmental consultant, including Notice of Completion statement, pursuant to clauses 17(2) and 18 of *State Environmental Planning Policy No.55—Remediation of Land*, is to be submitted to the satisfaction of the consent authority prior to occupation of the building.

AN12 Noise Generation

Any noise generated during the construction of the development shall not exceed the limits specified in any relevant noise management policy prepared pursuant to the *Protection of the Environment Operations Act 1997*, or exceed approved noise limits for the site.

AN13 Street Numbering

Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages in accordance with Council's Policy, prior to the occupation of the building(s) or commencement of the use.

If street numbers or a change to street numbers are required, a separate application shall be made to Council.

AN14 Stormwater drainage works or effluent systems

A construction certificate for works that involve any of the following:

- (1) water supply, sewerage and stormwater drainage work
- (2) management of waste

as defined by Section 68 of the Local Government Act, 1993 will not be issued until prior separate approval to do so has been granted by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

AN15 Temporary Structures

An approval under Section 68 of the Local Government Act 1993 must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under Section 68 of the Local Government Act 1993 to certify the structural adequacy of the design of the temporary structures.

AN16 Disability Discrimination Act

This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 &

4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.