

## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA24/1732
Applicant	Allen Price Pty Ltd
Description of development	Connection of Services and associated works
Property	Culburra Road CULBURRA BEACH – Lot 1 DP 1305809
Determination	Approval
Date of determination	15 May 2025
Date from which the consent operates	15 May 2025
Date on which the consent lapses	15 May 2030

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

### Reasons for Grant of Consent

- a) The development proposal, subject to the recommended conditions is consistent with:
  - i) the objects of the Environmental Planning and Assessment Act, 1979.
  - ii) the aims, objectives and provisions of the applicable environmental planning instruments,
  - iii) the aims, objectives and provisions of applicable development control plans
  - iv) the aims, objectives and provisions of relevant Council policies.
- b) The likely impacts of the proposed development are considered acceptable.
- c) The site is suitable for the proposed development.
- d) Any submissions received during the public notification period have been considered and issues and concerns raised by the community in submissions have been addressed in the assessment.
- e) The proposed development does not conflict with the public interest.

## **Right of appeal / review of determination**

If you are dissatisfied with this determination:

### **Request a review**

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

### **Rights to appeal**

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

## **Dictionary**

The Dictionary at the end of this consent defines words and expressions for the purposes of this consent.

Person on behalf of the consent authority



**Bruce Gibbs**

**Manager – Development Services**

**City Development**

## Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS																																														
CONDITIONS				REASON																																										
<b>1.</b>	<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> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="5">Approved Plans</th> </tr> <tr> <th>Plan Number</th> <th>Revision Number</th> <th>Plan Title</th> <th>Drawn by</th> <th>Date of Plan</th> </tr> </thead> <tbody> <tr> <td>N25405-72 SH. 1 of 1</td> <td>P0</td> <td>Overall Site Plan</td> <td>Allen Price &amp; Scarratts Pty Ltd</td> <td>09/09/2024</td> </tr> <tr> <td>N25405-406 SH. 2 of 3</td> <td>P0</td> <td>Proposed Utility Connections</td> <td>Allen Price &amp; Scarratts Pty Ltd</td> <td>Feb 2024</td> </tr> <tr> <td>N25405-407 Sh. 3 of 3</td> <td>P0</td> <td>Proposed SWMP Mitigation Measures</td> <td>Allen Price &amp; Scarratts Pty Ltd</td> <td>Feb 2024</td> </tr> </tbody> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="4">Approved Documents</th> </tr> <tr> <th>Document title</th> <th>Version number</th> <th>Prepared by</th> <th>Date of document</th> </tr> </thead> <tbody> <tr> <td>Arboricultural Impact Assessment Report</td> <td>Ref: D5501</td> <td>Allied Tree Consultancy</td> <td>Dec 2024</td> </tr> <tr> <td>Waste Management Plan</td> <td style="text-align: center;">-</td> <td>Cowman Stoddart Pty Ltd</td> <td>21/08/2024</td> </tr> </tbody> </table> <p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p>				Approved Plans					Plan Number	Revision Number	Plan Title	Drawn by	Date of Plan	N25405-72 SH. 1 of 1	P0	Overall Site Plan	Allen Price & Scarratts Pty Ltd	09/09/2024	N25405-406 SH. 2 of 3	P0	Proposed Utility Connections	Allen Price & Scarratts Pty Ltd	Feb 2024	N25405-407 Sh. 3 of 3	P0	Proposed SWMP Mitigation Measures	Allen Price & Scarratts Pty Ltd	Feb 2024	Approved Documents				Document title	Version number	Prepared by	Date of document	Arboricultural Impact Assessment Report	Ref: D5501	Allied Tree Consultancy	Dec 2024	Waste Management Plan	-	Cowman Stoddart Pty Ltd	21/08/2024	<p>To ensure compliance with the approved plans and documents.</p>
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<p><b>2.</b></p>	<p><b>Concept Approval – Compliance with Conditions</b></p> <p>No works associated with the approved development are permitted to be undertaken until satisfactory evidence has been provided to Council that all conditions within the overarching concept approval for the West Culburra development has been complied with.</p>	<p>To ensure that works are undertaken consist with the overarching Concept Approval</p>
<p><b>3.</b></p>	<p><b>Existing Infrastructure</b></p> <p>Any required alterations or damage to infrastructure will be at the developer’s expense.</p> <p><i>Note: It is recommended prior to the commencement of works, all infrastructure, existing and proposed, is to be shown accurately on construction plans with clearances clearly labelled confirming that the proposed works do not affect any existing infrastructure. This will reduce the potential for unexpected costs and expenses.</i></p>	<p>To ensure existing infrastructure is accounted for and any damage to infrastructure is suitably repaired.</p>
<p><b>4.</b></p>	<p><b>Prescribed Conditions</b></p> <p>The development must comply with Part 4, Division 2, Subdivision 1, of the <i>Environmental Planning and Assessment Regulation 2021</i>, as applicable.</p>	<p>To ensure compliance with prescribed conditions.</p>
<p><b>5.</b></p>	<p><b>Scope of Consent</b></p> <p>The scope of this consent is limited to only the works proposed in this application, and it does not approve or imply approval of any existing unlawful works that may be present on the site.</p>	<p>To establish the scope of the development consent.</p>
<p><b>6.</b></p>	<p><b>Shoalhaven Water – Compliance with Conditions</b></p> <p>All conditions listed on the Shoalhaven Water Development Notice at each stage of work must be complied with as relevant to that stage. Written notification must be issued by Shoalhaven Water and evidence provided to the Certifier for each applicable stage.</p>	<p>To ensure compliance with Shoalhaven Water requirements.</p>
<p><b>7.</b></p>	<p><b>Concurrence and Referral – Endeavour Energy</b></p> <p>The advice issued by Endeavour Energy, Reference No: CNR-73794, dated 26 September 2024 are included as conditions of this consent and must be complied with.</p>	<p>To ensure compliance with external concurrence and referral advice.</p>

<b>BUILDING / SUBDIVISION WORK</b>		
<b>Before building/subdivision work commences</b>		
<b>CONDITIONS</b>		<b>REASON</b>
<b>8.</b>	<p><b>Biodiversity – Exclusion Fencing Map</b></p> <p>Before the commencement of works, a Site Map showing the location of exclusion fencing such as parra-webbing or similar surrounding the drip line of all trees and adjacent areas of native vegetation must be submitted to the Director – City Development (or delegate) of Shoalhaven City Council for review and approval. Approval must be obtained in writing from the Director – City Development (or delegate) of Shoalhaven City Council that this condition has been satisfied.</p>	To protect biodiversity values.
<b>9.</b>	<p><b>Biodiversity – Site Preparation and Stockpiling</b></p> <p>Before the commencement of works, there must be no vegetation clearing or disturbance, site preparation or stockpiling clearing within areas of native vegetation identified for retention in the approved Biodiversity Development Assessment Report.</p> <p>Note: Native vegetation includes groundcover, shrubs and trees.</p>	To protect biodiversity values.
<b>10.</b>	<p><b>Biodiversity – Engagement of Ecologist</b></p> <p>Before the commencement of clearing work, a suitably qualified ecologist must be engaged to guide and supervise the clearing work and protection of environmental features on the site. Evidence of engagement must be submitted to Council prior to the commencement of work.</p>	To minimise biodiversity impacts.
<b>11.</b>	<p><b>Biodiversity - Tree and Vegetation Protection</b></p> <p>Before the commencement of any clearing works the following requirements must be met to the satisfaction of the Council:</p> <p>a) The developer must identify and physically mark environmental features to be retained as shown on the approved plans.</p> <p>b) The developer must identify the extent of clearing work as shown on the approved plans.</p>	To minimise biodiversity impacts.

	<p>c) A temporary protective barrier or similar visible material must be installed in accordance with the approved tree and vegetation plan and retained until all work are complete.</p> <p>d) The dripline of trees to be retained must be clearly identified and protected with temporary barrier fencing in accordance with AS 4970: Protection of trees on development sites.</p> <p>e) Where trees have been identified for retention within an Asset Protection Zone, these trees must be physically marked to be retained in accordance with the development consent.</p> <p>Evidence of compliance with the above requirements must be provided to Council prior to the commencement of any clearing works.</p> <p>Site works must not commence until the Director – City Development (or delegate) of Shoalhaven City Council has confirmed in writing that the above have been satisfied.</p>	
<p><b>12.</b></p>	<p><b>Construction Environmental Management Plan, Vegetation Management Plan and Development Operational Environmental Management Plan</b></p> <p>Before the commencement of works, the pre-commencement measures specified in the approved Construction Environmental Management Plan, the approved Vegetation Management Plan and the approved Development Operational Environmental Management Plan must be implemented.</p> <p>Evidence of implementation of all pre-commencement measures have been installed must be submitted to the Director – City Development (or delegate) of Shoalhaven City Council for review and approval.</p>	<p>To ensure compliance with the Environmental Management Plan.</p>
<p><b>13.</b></p>	<p><b>Biodiversity - Tree / Environmental Protection Measures (Evidence of Installation)</b></p> <p>Before the commencement of any site work, the project ecologist must confirm in writing to the Director – City Development (or delegate) of Shoalhaven City Council that all required tree/environmental protection measures detailed in this consent and approved plans and Biodiversity Development Assessment Report are in place.</p> <p>Site works must not commence until the Director – City Development (or delegate) of Shoalhaven City Council has confirmed in writing that the installed protection measures are satisfactory. Where a Council inspection is considered</p>	<p>To ensure tree/environmental protection measures are adequately installed.</p>

	necessary by Shoalhaven City Council to verify the installation of tree/environmental protection measures, an inspection fee may apply.	
<b>14.</b>	<p><b>Biodiversity – Fauna Rescue Protocol</b></p> <p>A suitably qualified ecologist must be on site prior to, and during the removal of any trees or areas of potential habitat on the property, in order to rescue any impacted fauna.</p>	To minimise biodiversity impacts.
<b>15.</b>	<p><b>Biodiversity – Pre-clearance Survey</b></p> <p>Before the commencement of any on site work, the project ecologist must complete pre-clearing surveys and inspections:</p> <p>a) In accordance with the requirements of the approved Construction Environmental Management Plan and relevant conditions.</p> <p>b) On the day/s before clearing commences the project ecologist thorough pre-clearance survey of vegetation to be removed to determine the presence of fauna within habitat features to be impacted, including, but not limited to, terrestrial habitat features such as fallen logs, large rocks, hollows and nests or dreys.</p> <p>Vegetation removal must not commence if any fauna are confirmed to be nesting (such as hollow inspection, collection of nesting material) or showing signs of breeding activity. Subsequent pre-clearance surveys are to be undertaken following the completion of the nesting/breeding event, until it is confirmed that the site is clear of nesting/breeding activity.</p>	To minimise biodiversity impacts.
<b>16.</b>	<p><b>Dilapidation Report (Minor)</b></p> <p>Before the commencement of work, the developer must engage a competent person to prepare a dilapidation report in respect of the neighbouring premises and adjacent public infrastructure, including adjacent kerbs, gutters, footpaths (formed or unformed), driveways (formed or unformed), carriageway, reserves and the like to document evidence of any existing damage.</p> <p>The dilapidation report must consider the impact of any excavation work that extends below the level of the base of the footings of any structure within 900mm of the shared boundary.</p> <p>Before works commence, a copy of the dilapidation report must be provided to the Certifier and Council. The dilapidation report will be the benchmark for necessary repairs to damage</p>	To ensure a suitable dilapidation report is prepared and the status of existing infrastructure and adjoining structures is recorded prior to the commencement of work.

	<p>caused during the development works. All repairs must be completed by the developer at the developer's cost.</p> <p>Not less than seven (7) days before works commence, the developer must notify the owner of any affected property of the intention to carry out approved works. The developer must also furnish the owner with details of the approved work.</p> <p>However, if the occupier or owner of any neighbouring dwelling does not permit reasonable access for the purposes for the preparation of the dilapidation report, written evidence of the efforts taken to secure access may be submitted to the Principal Certifier and the Principal Certifier may waive the requirement in relation to the relevant property.</p> <p><i>Note: A dilapidation report can comprise of video footage and photos of adjacent public infrastructure and relevant structures on adjoining properties.</i></p>	
<p><b>17.</b></p>	<p><b>Erosion and Sediment Controls – Implementation</b></p> <p>Before any site work commences, the 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 disturbed areas have been restabilised in accordance with Landcom's publication Managing Urban Stormwater - Soils and Construction (2004) and approved plans (as amended from time to time).</p>	<p>To ensure appropriate erosion and sediment control measures are in place.</p>
<p><b>18.</b></p>	<p><b>Works within the Road Reserve – Submissions to Council</b></p> <p>Before undertaking any works within an existing road reserve, the developer must obtain the consent of Council under section 138 of the <i>Roads Act 1993</i>.</p> <p>The following details must be submitted to Council as part of the application:</p> <ul style="list-style-type: none"> <li>a) Any civil works design required by this consent.</li> <li>b) Evidence of the contractor's Public Liability Insurance to an amount of \$20 million.</li> <li>c) Name and contact information of the person responsible for all relevant works.</li> <li>d) A Traffic Control Plan prepared, signed, and certified by a person holding the appropriate Transport for NSW (TfNSW) accreditation.</li> <li>e) Where the Traffic Control Plan requires a reduction of the speed limit, a 'Application for Speed Zone Authorisation' must be obtained from the relevant road authority.</li> </ul>	<p>To ensure relevant approvals are obtained.</p>

<b>BUILDING / SUBDIVISION WORK</b>		
<b>During building/subdivision work</b>		
<b>CONDITIONS</b>		<b>REASON</b>
<b>19.</b>	<p><b>Discovery of relics and Aboriginal objects</b></p> <p>While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:</p> <ul style="list-style-type: none"> <li>a) the work in the area of the discovery must cease immediately.</li> <li>b) the following must be notified for a relic – the Heritage Council; or</li> <li>c) 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 National Parks and Wildlife Act 1974, section 85.</li> </ul> <p>Site work may recommence at a time confirmed in writing by:</p> <ul style="list-style-type: none"> <li>a) for a relic – the Heritage Council; or 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 National Parks and Wildlife Act 1974, section 85.</li> </ul>	<p>To ensure the protection of objects of potential significance during works.</p>
<b>20.</b>	<p><b>Potentially Contaminated Land - Unexpected Finds</b></p> <p>If unexpected, contaminated soil and/or groundwater is encountered during any works:</p> <ul style="list-style-type: none"> <li>a) all work must cease, and the situation must be promptly evaluated by an appropriately qualified environmental consultant.</li> <li>b) the contaminated soil and/or groundwater must be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) Guidelines.</li> </ul> <p>If unexpected, contaminated soil, or groundwater is treated and/or managed on-site an appropriately qualified environmental consultant must verify that the situation was appropriately managed in accordance with relevant NSW EPA guidelines before recommencement of works. The verification documentation must be provided to the satisfaction of the Certifier and Shoalhaven City Council before the recommencement of any works.</p>	<p>To ensure any detected contaminants are appropriately managed.</p>

	<p>If contaminated soil or groundwater is to be removed from the site, it must be transported to an appropriately licensed waste facility by an NSW EPA licensed waste contractor in accordance with relevant NSW EPA guidelines including the Waste Classification Guidelines (2014).</p> <p><i>Note: An appropriately qualified environmental consultant will have qualifications equivalent to CEnvP "Site Contamination" (SC) Specialist - by Certified Environmental Practitioner or 'Certified Professional Soil Scientist' (CPSS CSAM) by Soil Science Australia (SSA).</i></p>	
<b>21.</b>	<p><b>Site Management - Hours for Construction</b></p> <p>Construction may only be carried out between 7.00am and 5.00pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday. Proposed changes to hours of construction must be approved by Council in writing.</p>	To ensure site work occurs within appropriate construction hours.
<b>22.</b>	<p><b>Site Management - Maintenance of Site and Surrounds</b></p> <p>During works, the following maintenance requirements must be complied with:</p> <ul style="list-style-type: none"> <li>a) All materials and equipment must be stored and delivered wholly within the work site unless an approval to store them elsewhere is held.</li> <li>b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.</li> <li>c) Where tree or vegetation protection measures are in place, the protected area must be kept clear of materials and / or machinery.</li> <li>d) The developer must maintain the approved soil water management / erosion and sediment control measures to the satisfaction of the Certifier for the life of the construction period and until runoff catchments are stabilised.</li> <li>e) During construction: <ul style="list-style-type: none"> <li>i) all vehicles entering or leaving the site must have their loads covered, and</li> <li>ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.</li> </ul> </li> <li>f) At the completion of the works, the work site must be left clear of waste and debris.</li> </ul>	To ensure the site is maintained in a safe and secure manner.

<p><b>23.</b></p>	<p><b>Site Management - Noise</b></p> <p>The noise from all site work, demolition and construction activities associated with the approved development must comply with the work practices as outlined in the NSW Department of Environment &amp; Climate Change Interim Construction Noise Guideline. The LAeq noise level measured over a period of not less than 15 minutes During works must not exceed the background (LA90) noise level by more than 10dB(A) when assessed at any sensitive noise receiver.</p>	<p>To protect the amenity of neighbouring properties.</p>
<p><b>24.</b></p>	<p><b>Biodiversity – Habitat Modification and Vegetation Removal</b></p> <p>The removal and/or disturbance of native vegetation and habitat on the property, including canopy trees, understorey, and groundcover vegetation must be undertaken strictly in accordance with the approved plans. Vegetation removal must be undertaken in accordance with the following:</p> <ul style="list-style-type: none"> <li>a) Trees approved for removal must be felled into the development area carefully so as not to damage trees to be retained in or beyond the development footprint.</li> <li>b) Any hollow-bearing trees that have been approved for removal must be felled carefully in sections utilising handheld tools to allow the rescue of native fauna. Hollow-bearing sections must be carefully lowered to the ground so as not to injure native fauna.</li> <li>c) Pruning or trimming of any trees to be retained must be undertaken in accordance with AS 4373 Pruning of amenity trees.</li> <li>d) Trees and vegetation must be retained in accordance with the Arboricultural Assessment and the approved Biodiversity Development Assessment Report.</li> <li>e) The removal or disturbance of native vegetation on the property including but not limited to canopy trees, understorey and groundcover vegetation beyond that approved within this consent is not permitted.</li> <li>f) If any wildlife is discovered during site works and is disoriented or injured, works must stop immediately. A suitably qualified wildlife handler is to be contacted to responsibly rescue and relocate the animal(s).</li> </ul>	<p>To protect biodiversity values.</p>

<p>25.</p>	<p><b>Construction Environmental Management Plan, Vegetation Management Plan and Development Operational Environmental Management Plan (During Works)</b></p> <p>During Works, the appropriate measures specified in the approved Construction Environmental Management Plan, the approved Vegetation Management Plan and the approved Development Operational Environmental Management Plan must be implemented.</p>	<p>To ensure compliance with the Environmental Management Plan.</p>
<p>26.</p>	<p><b>Biodiversity – Fauna Rescue and Vegetation Removal Protocol</b></p> <p>During works, in order to protect wildlife the following vegetation removal protocol is to be adhered to:</p> <ul style="list-style-type: none"> <li>a) Before starting each morning, all vehicles and mechanical plant must be inspected for wildlife prior to operation.</li> <li>b) All vegetation to be removed must be inspected for wildlife prior to removal.</li> <li>c) All trenches must be inspected for wildlife prior to backfilling.</li> <li>d) Vegetation is to be removed using a staged approach to allow wildlife to naturally flee the area: <ul style="list-style-type: none"> <li><b>Stage 1</b> - All ground and shrub layer vegetation is to be removed in accordance with the approved plans.</li> <li><b>Stage 2</b> - On a subsequent day, canopy trees can then be removed.</li> </ul> </li> <li>e) Where hollow bearing trees (HBTs) are approved for removal, they must be identified and clearly marked by a suitably qualified ecologist prior to works commencing. Approved clearing of vegetation and removal of HBTs must be undertaken using a staged approach to allow wildlife to flee the area: <ul style="list-style-type: none"> <li><b>Stage 1</b> – All ground and shrub layer vegetation is to be removed in accordance with the approved plans.</li> <li><b>Stage 2</b> - On a subsequent day, a suitably qualified ecologist is to check if nests are present and carefully relocate them to nearby trees or nest boxes, as directed by the supervising ecologist/if nesting is present, advise that works must cease until nesting is complete. Canopy trees that do not contain hollows are to be removed in accordance with the approved plans.</li> </ul> </li> </ul>	<p>To minimise biodiversity impacts.</p>

**Stage 3** – Where HBTs are approved for removal are to be checked for resident fauna prior to felling by a suitably qualified ecologist.

- i) If nesting is present, the ecologist must advise that works must cease until nesting is complete.
- ii) If fauna is residing, but not nesting within a hollow, the ecologist must either return at an appropriate time when the animal has vacated and block the hollow to prevent re-entry, or provide sound advice on how to appropriately remove the hollow without causing harm to residing wildlife.
- iii) Once it is confirmed that there is no roosting or nesting occurring within the hollow (or as advised by the ecologist), the hollow-bearing tree must be gently nudged with felling equipment prior to felling to encourage safe fauna evacuation. Hollow-bearing sections must be carefully lowered to the ground so as not to injure native fauna. Once the tree has been felled the hollows are to be inspected again for fauna and relocated in an appropriate location determined by the ecologist. The tree must be felled carefully in sections to allow the rescue of native fauna.
- iv) If animals are injured, they will need to be assessed and either taken to the nearest veterinary clinic or placed into care with South Coast Wildlife Rescue.
- f) Any wombat burrows located in proximity to the approved development footprint must be managed as follows:
  - i) Avoid burrows wherever possible.
  - ii) For burrows that cannot be avoided a qualified ecologist must supervise the following process:
  - iii) Set up a motion detector camera on each burrow to monitor use and confirm activity.
  - iv) Block passage to any inactive burrows.
  - v) For active burrows, install a gate at the entrances (frame with a one way exit and no re-entry) with follow up camera footage to ensure wombat has not re-entered the burrow.
- g) If any native wildlife is identified as breeding on site, clearing works must stop immediately and must not recommence until the Director – City Development (or delegate) of Shoalhaven City Council has confirmed in writing that clearing works may recommence.

	<p>h) If any wildlife is disoriented or injured during clearing works, works must stop immediately, and any injured wildlife must be referred to a local Veterinary Clinic or into the care of Wildlife Rescue South Coast (0418 427 214).</p> <p>Within 10 days of completing clearing work, the engaged ecologist must provide to Council written evidence of any fauna detected during clearing.</p>	
<b>27.</b>	<p><b>Biodiversity – Fauna Rescue Protocol</b></p> <p>A suitably qualified ecologist must be on site prior to, and during the removal of any trees or areas of potential habitat on the property, in order to rescue any impacted fauna.</p>	To minimise biodiversity impacts.
<p><b>BUILDING / SUBDIVISION WORK</b></p> <p><b>On Completion of building/subdivision work</b></p>		
<b>CONDITIONS</b>		<b>REASON</b>
<b>28.</b>	<p><b>Completion of Public Utility Services</b></p> <p>Upon completion of works, 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>	To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.
<b>29.</b>	<p><b>Works in the Road Reserve - Evidence of Completion</b></p> <p>Upon completion of works, the developer must obtain from Council a completion of works in the road reserve letter, confirming compliance with the requirements of section 138 of the Roads Act 1993.</p>	To ensure works in the road reserve are completed appropriately.
<b>30.</b>	<p><b>Dilapidation Report (Minor) – Evidence of Completion</b></p> <p>Upon completion of works, the developer must provide the Certifier and Council with evidence that any damage to neighbouring premises or adjacent public infrastructure, not</p>	To ensure any damage not previously identified in the

	previously identified as existing damage in the Dilapidation Report, has been repaired by the developer to the satisfaction of Council.	Dilapidation Report is suitably repaired.
<b>31.</b>	<p><b>Shoalhaven Water – Certificate of Compliance</b></p> <p>Upon completion of works, a Certificate of Compliance under section 307 of the <i>Water Management Act 2000</i> must be obtained from Shoalhaven Water to verify satisfactory compliance with all conditions for the supply of water and sewerage, as listed on the Water Development Notice.</p> <p>If the development is to be completed in approved stages, or application is subsequently made for staging of the development, separate Compliance Certificates must be obtained for each stage of the development.</p>	To ensure compliance with Shoalhaven Water requirements.
<b>BUILDING WORK</b>		
<b>Ongoing Management of Site</b>		
<b>CONDITIONS</b>		<b>REASON</b>
<b>32.</b>	<p><b>Construction Environmental Management Plan, Vegetation Management Plan and Development Operational Environmental Management Plan (Ongoing Management)</b></p> <p>The management actions required under the approved Construction Environmental Management Plan, the approved Vegetation Management Plan and the approved Development Operational Environmental Management Plan must be implemented in its entirety and all ongoing measures maintained for the life of the development.</p>	To ensure ongoing compliance with the Environmental Management Plan.

## 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 consent (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 Shoalhaven City Council.

**Court** means the NSW Land and Environment Court.

**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.