Shoalhaven City Council

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shoalhaven.nsw.gov.au/contact | 1300 293 111
shoalhaven.nsw.gov.au

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA2025/2325
Applicant	Allen Price Pty Ltd
Description of development	Construction of a roundabout
Property	Canal Street East, Prince Edward Avenue, Culburra Road and West Crescent CULBURRA BEACH NSW 2540 - DP 12278, DP 12278, DP 221824, DP 11892 and DP 12278
Determination	Approval
Date of determination	7 October 2026
Date from which the consent operates	7 October 2026
Date on which the consent lapses	7 October 2031

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.

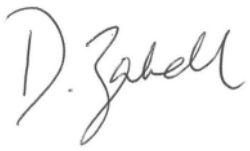
Rights to appeal

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



David Zabell
Lead
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
1. Approved plans and supporting documentation Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.	To ensure compliance with the approved plans and documents.

Approved Plans

Plan Number	Rev	Plan Title	Drawn by	Date of Plan
25405-480	P3	Cover Sheet And Index Plan	Allen Price	3 Sept 2026
25405-481	P3	Clearing Layout Plan	Allen Price	3 Sept 2026
25405-482	P3	General Arrangement Layout Plan	Allen Price	3 Sept 2026
25405-483	P3	Sediment & Erosion Control Plan	Allen Price	3 Sept 2026
25405-484	P3	Roundabout Services Layout Plan	Allen Price	3 Sept 2026
25405-485	P3	Road Long Sections Plan Sheet 01	Allen Price	3 Sept 2026
25405-486	P3	Roundabout Sight Line Layout Plan	Allen Price	3 Sept 2026
25405-487	P3	Road Long Sections Plan Sheet 02	Allen Price	3 Sept 2026
25405-488	P3	Road Typical Details Plan	Allen Price	3 Sept 2026
25405-489	P3	Line Marking And Sign Posting Layout Plan	Allen Price	3 Sept 2026

	25405-490	P3	Stormwater Drainage Layout Plan	Allen Price	3 Sept 2026
	25405-491	P3	Stormwater Drainage Long Sections Plan	Allen Price	3 Sept 2026
	25405-492	P3	Survey Plan	Allen Price	3 Sept 2026
	25405-493	P3	Vehicle Movement Layout Plan	Allen Price	3 Sept 2026

Approved Documents		
Document title	Prepared by	Date of document
Arboricultural Impact Assessment Report	Allied Tree Consultancy	September 2025

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

2.	**Existing Infrastructure** Any required alterations or damage to infrastructure will be at the developer's expense. *Note: It is recommended prior to the issue of a Construction Certificate, 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.*	To ensure existing infrastructure is accounted for and any damage to infrastructure is suitably repaired.
3.	**Prescribed Conditions** The development must comply with Part 4, Division 2, Subdivision 1, of the *Environmental Planning and Assessment Regulation 2021*, as applicable.	To ensure compliance with prescribed conditions.
4.	**Scope of Consent** 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.	To establish the scope of the development consent.
5.	**Shoalhaven Water – Compliance with Conditions** 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.	To ensure compliance with Shoalhaven Water requirements.

6.	**Compliance with Concept Approval SSD-3846** The development is to be undertaken in accordance with the relevant conditions of the Concept Approval SSD-3846 (as amended), particularly any approved Staging Plan.	To ensure consistency with the concept approval.
7.	**Concurrence and Referral – Endeavour Energy** The advice issued by the Endeavour Energy, Reference No: CNR-90469, dated 18/12/2025 are included as conditions of this consent and must be complied with.	To ensure compliance with external concurrence and referral advice.
BUILDING WORK **Before Issue of a Construction Certificate**		
CONDITIONS		REASON
8.	**Council Approvals - Evidence** A Construction Certificate must not be issued until the Certifier has received notification from, or evidence of, any Council approval that is required before the commencement of building works.	To ensure all required approvals are obtained.
9.	**Erosion and Sediment Controls - Erosion and Sediment Control Plan** Before issue of a Construction Certificate, the approved Erosion and Sediment Control Plan (ESCP) and specifications must be updated as necessary to be in accordance with Landcom's publication Managing Urban Stormwater - Soils and Construction (2004) by a suitably qualified person, (as defined in the National Construction Code) to the satisfaction of the Certifier. All plans must include: a) Site access location and stabilisation details and restrictions; b) Erosion control locations and types; c) Sediment control locations and types; d) Soil, water and drainage management plans; e) Site rehabilitation details; f) Inspection and maintenance details; g) Identification of existing vegetation and site revegetation to have 70% cover established before plan is decommissioned; h) Existing and final contours (clearly distinguished and adequately annotated); i) Standard construction drawings for proposed soil, water and drainage management measures.	To ensure an appropriate Erosion and Sediment Control Plan has been prepared.

	j) All implemented measures must ensure that a pollution incident must not occur as defined by the Protection of the Environment Operations Act (POEO). All implemented measures must: k) not cause water pollution as defined by the Protection of the Environment Operations Act (POEO). l) be maintained at all times. m) not be decommissioned until at least 70% revegetation cover has been established.	
10.	**Local Infrastructure Contribution** In accordance with section 7.12 of the Environmental Planning and Assessment Act 1979 and Shoalhaven Contributions Plan 2026 (the Plan), the Applicant is required to pay to Council a levy of 1% of the proposed cost carrying out the development for which consent is granted as determined in accordance with section 208 of the Environmental Planning and Assessment Regulation 2021 and the Plan. The levy is required towards the cost of the provision, extension or augmentation by Council of one or more of the public amenities and public services specified in the Works Schedules in Appendix F of the Plan. At the date of this consent, the proposed cost of carrying out the development the subject of this consent is determined by Council to be $603,900 and the amount of the levy payable to Council is $6,039. The proposed cost of carrying out the development the subject of this consent will be adjusted before payment of the section 7.12 levy according to positive movements in the Consumer Price Index (All Groups Index) for Sydney (CPI) for the period between the date of this consent and the day on which the section 7.12 levy is paid. The levy must be paid to Council before the issuing of a Construction Certificate. A copy of the Plan and accompanying information is available on Council's website www.shoalhaven.nsw.gov.au Click the link to visit our Contributions page and **request an invoice for payment**. Shoalhaven Contributions Plan | Shoalhaven City Council	To ensure applicable local infrastructure contributions are collected.
11.	**Long Service Levy** Before the issue of the relevant Construction Certificate, the long service levy must be paid to the Long Service Corporation of Council under the Building and Construction industry *Long Service Payments Act 1986*, section 34, and evidence of the payment is to be provided to the Certifier.	To ensure compliance with long service levy requirements.

12.	**Section 68 Application – Water Supply, Sewerage and Stormwater Drainage / Sewage Management Facility and hoisting over a public road** Before the issue of a Construction Certificate, an application for water supply, sewerage and stormwater drainage and/or sewage management facility and hoisting over a public road must be approved under section 68 of the *Local Government Act 1993*.	To ensure relevant approvals are obtained.
13.	**Road - Design Standards (Urban)** Before the issue of a Construction Certificate, certified road design engineering plans must be prepared by a suitably qualified engineer or surveyor and approved by Council's Development Services Manager (or their delegate). The road design must comply with the following: a) Councils Engineering Design Specifications Sections D1 – Geometric Road Design and D2 – Flexible Pavement Design. b) AUSTROADS Design Requirements and Specifications. c) Generally in accordance with the civil plans prepared by Allen Price (Project Ref: 25405, Revision P3) on the 3rd September 2026, subject to the following: i) The median refuge islands and associated kerb ramps on the western and eastern approaches to the roundabout, being Culburra Road and Prince Alfred Street, are to be widened to provide a minimum refuge island width of **3.5 metres**, to facilitate the future installation of formal pedestrian crossing facilities at the north-south crossing points (in accordance with AS1742.10). ii) The C3 'No Stopping' yellow linemarking on the northern side of Culburra Road is not to be extended across any existing or approved driveway access, with the linemarking to terminate immediately east of the driveway servicing **Lot 1 DP 593737**. This is to be supplemented by R5-400 "No Stopping" signage. d) Design vehicles – 12.5m Heavy Rigid Vehicle for the southern leg of the roundabout (accessing West Crescent) with a 19m Single AV Prime Mover for the remaining legs of the roundabout (accessing Prince Edward Avenue, Canal Street East and Culburra Road) e) Provide a minimum number of 6 parallel spaces along the northern side of Culburra Road, as per AS2890.1 f) Integral kerb and gutter in accordance with Council's Standard Drawings, with an alignment as per the approved civil plans g) A road shoulder pavement constructed from the gutter crossing to 300mm beyond the edge of existing bitumen seal on a pavement having a minimum compacted thickness of 300mm and either:	To ensure road and pavement infrastructure is appropriately designed.

	i) a minimum 30mm AC10 on a primer seal; or, ii) 2 coat bitumen seal with 14mm & 7mm aggregate h) The kerb and gutter must have a minimum grade of 0.5% and the longitudinal design must extend a minimum of 30 metres each end of the development and at least 60m if the grade is <0.5% or ≥ 0.3%. i) The road table drain either side of the proposed development is to be reconstructed as required to match the kerb and gutter and to prevent ponding of water, including any adjustment or reconstruction of nearby driveways. j) Subsoil drainage is to be provided behind the kerb line where an outlet to existing underground drainage (or other alternative suitable to Council) is available. Subsoil drainage is to be placed on the high side of the road or both sides if the cross-fall is neutral.	
14.	**Local Transport Forum** Before issue of a Construction Certificate, details of proposed traffic management and traffic control devices must be submitted to the satisfaction of Council for referral and endorsement of the Shoalhaven Local Transport Forum. These plans must be provided with sufficient detail, including all relevant dimensions (such as road widths, travel lane widths, typical sections with dimensions of proposed traffic control devices, positioning and locations of signage, lengths and offsets for linemarking) and a matrix of all signage, linemarking and traffic control devices, to demonstrate compliance to relevant Australian Standards. Note: This process can take six to eight weeks.	To ensure proposed traffic management and traffic control devices are endorsed by the Shoalhaven Local Transport Forum.
15.	**Footpath/ Shared Path - Design Standards** Before the issue of a Construction Certificate, certified engineering design plans must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier. The pathway design must comply with the following: a) Councils Engineering Design Specifications Section D8 – Cycleway and Footpath Design. b) A 2m wide concrete shared user path along the northern side of Culburra Road and continuing along the western side of Canal Street East for the extent of works as per the approved plans. c) A 1.5m wide concrete footpath on the south-western corner of the intersection, extending from West Crescent, transitioning to the existing footpath along the southern side of Culburra Road, as per the approved plans.	To ensure road and pavement infrastructure is appropriately designed.

	d) A 2m wide concrete shared user path on the south-eastern corner of the intersection, extending from the kerb ramp on West Crecent, transitioning to the existing shared user path on the southern side of Prince Edward Avenue, as per the approved plans. e) Any adjustments necessary to the path on the north-western corner of the intersection to accommodate the proposed roundabout, as per the approved plans. f) The design must comply with the following: i) cross section design provided from road centreline to the carpark/garage floor level at each driveway access point. ii) 3% cross fall from the boundary to top of kerb. iii) match existing footpath levels of adjoining property frontages and be a uniform grade over the length of the development site frontage, or where this cannot be achieved, a longitudinal section must be designed. iv) kerb ramps at intersections in accordance with Council's Engineering Design Specifications.	
16.	**Carparking - Lighting Design** Before the issue of a Construction Certificate, lighting design plans are to be submitted to Council for approval. Lighting is to be provided to *AS/NZS 1158* as required for the proposed roundabout design at the subject intersection.	To ensure carpark lighting is appropriately designed.
17.	**Stormwater - Design Standards** Before the issue of a Construction Certificate, stormwater plans must be prepared by a Licensed Plumber or professional engineer (as defined in the National Construction Code) and approved by the Certifier. Drainage must be designed and constructed in accordance with: a) Generally, in accordance with the approved plans b) the National Construction Code c) Council's Engineering Design Specifications d) Development Control Plan G2	To ensure stormwater infrastructure is designed appropriately.
18.	**Stormwater – Major Development Design Standards (Urban)** Before the issue of a Construction Certificate, certified engineering design plans, specifications, and DRAINS model (or approved alternative) must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier. The stormwater drainage design must comply with the following:	To ensure stormwater infrastructure is designed appropriately.

	a) Generally, in accordance with the approved plans by Allen Price (Project Ref: 25405, Revision P3) on the 3rd September 2026 b) Major and minor drainage systems in accordance with Council's Engineering Design Specifications - Section D5 - Stormwater Drainage Design and utilising Australian Rainfall and Runoff (ARR, 2019) Guidelines. c) The minor and major systems must be designed for a 18.13% AEP and 1% Annual Exceedance Probability (AEP) rainfall events, respectively. d) Where a pipe drains a public road through land adjoining the road, the pipe is to be designed to cater for the 1% AEP event with an overland flow path to provide for bypass/surcharge in the event of the pipe or pit inlet being 50% blocked. e) The existing stormwater drainage system is to be checked and certified to be in good condition and operating satisfactorily. Otherwise, it must be adjusted to suit the new works. In this regard, all relevant calculations are to be noted on the drainage plans to confirm the adequacy of the existing system, or the upgraded design.	
BUILDING WORK **Before Building Work Commences**		
CONDITIONS		REASON
19.	**Appointment of Principal Certifier** Before building work commences a Principal Certifier must be appointed.	To ensure a Principal Certifier is appointed where required.
20.	**Construction Certificate** A Construction Certificate must be obtained from either Council or a certifier before any building work can commence.	To ensure a appropriate building Certificates are obtained.
21.	**Dilapidation Report** Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the Council where it relates to public land, and the Certifier where it relates to privately owned land. Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in	To ensure a suitable dilapidation report is prepared and the status of existing infrastructure and adjoining structures is

	writing, to the satisfaction of the Certifier that all reasonable steps were taken to obtain access to the adjoining properties. No less than seven days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time.	recorded prior to the commencement of work.
22.	**Erosion and Sediment Controls – Implementation** 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).	To ensure appropriate erosion and sediment control measures are in place.
23.	**Notice of Commencement** Notice must be given to Council at least two (2) days before the commencement of building work by completing and returning the form 'Commencement Notice for Building or Subdivision Work and Appointment of Principal Certifying Authority'.	To ensure appropriate notice is given to Council.
24.	**Shoalhaven Water – Application for Certificate of Compliance** Before commencement of works, an application for a Certificate of Compliance must be made with Shoalhaven Water and where required a Water Development Notice is to be obtained. Shoalhaven Water will determine if sewerage and/or water infrastructure and/or easements will be affected by any part of your development including what charges/fees apply. Please visit https://shoalwater.nsw.gov.au/planning-building/developers-consultants/water-development-notice to make application for a Certificate of Compliance or call (02) 4429 3214 to learn more about applying. Upon the receipt of the application, Shoalhaven Water will assess the development and if required will issue a "Water Development Notice" document detailing all requirements which must be met. *Note: As water and/or sewerage infrastructure may impact on part/s or all of the development such as building, provision of services, protection of water and/or sewer assets, etc., it is recommended that this application is made as early as possible during the development process.*	To ensure a Water Development Notice and Certificate of Compliance are obtained.
25.	**Toilet Facilities – Temporary** Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:	To ensure suitable toilet facilities are provided.

	a) be a standard flushing toilet connected to a public sewer, or b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or c) be a temporary chemical closet approved under the *Local Government Act 1993*.	
26.	**Waste Management Plan** Before the commencement of site works a waste management plan for the development must be provided to the Certifier for review and approval.	To ensure an appropriate waste management plan is provided.
27.	**Works within the Road Reserve** Before undertaking any works within an existing road reserve, the developer must obtain the consent of Council under section 138 of the *Roads Act 1993*. The following details must be submitted to Council as part of the application: a) Any civil works design required by this consent. b) Evidence of the contractor's Public Liability Insurance to an amount of $20 million. c) Name and contact information of the person responsible for all relevant works. d) A Traffic Control Plan prepared, signed, and certified by a person holding the appropriate Transport for NSW (TfNSW) accreditation. 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.	To ensure relevant approvals are obtained.
28.	**Construction Traffic Management Plan** Before the commencement of works, a Construction Traffic Management Plan detailing the proposed method of dealing with construction traffic and parking must be approved by Council. Details must include, but are not limited to: a) Stabilised site construction access location b) Proposed haulage routes for delivery of materials to the site c) Proposed haulage routes for spoil disposal from the site d) Traffic control planning for each of the various phases of construction and/or vehicle movements associated with construction e) Parking arrangements for construction employees and contractors	To ensure construction traffic is managed in a safe and appropriate manner.

	f) Proposed maintenance of the haulage routes and access locations g) Name of the person responsible for such maintenance h) Loading / unloading areas i) Requirements for construction or work zones j) Pedestrian and cyclist safety k) Consultation with Ambulance NSW and NSW Rural Fire Service l) Speed zone restrictions.	
BUILDING WORK **During Building Work**		
CONDITIONS		REASON
29.	**Landscaping - Street Trees** Street trees at the frontage of the property not approved for removal/relocation (refer to the approved arborist report) must be retained and protected during construction in accordance with the following requirements: a) Excavation inside the drip line of any street tree is not permitted. b) The developer will be responsible for all costs associated with any necessary tree works. c) Street trees that are damaged or removed must be replaced with the same species at the developer's expense before issue of the Occupation Certificate. Replacement street trees must be planted in the same location as the damaged/removed tree and in accordance with the following replacement street tree requirements. Street trees that have been approved by Council for removal/relocation (refer to the approved arborist report) must be replaced at the developer's expense and planted in a suitable location at least 1m from any driveway or other structure and in accordance with the following replacement street tree requirements, unless otherwise approved by Council in writing. Replacement street trees must be provided and planted in accordance with the following requirements: d) 3 x 75 litre *Banksia Integrifolia* or *Glochidion ferdinandi* must be provided as street trees within the road reserve. e) Trees must be set back a minimum 900mm from the back of the kerb or midway between the footpath and kerb. Where the tree is less than 900mm from the footpath, root barriers must be installed.	To ensure street trees are appropriately protected and replaced.

	f) 1m x 1.5m timber edging installed at the base of the tree constructed from the back of the kerb. g) Two hardwood stakes with 50mm hessian ties, fixed in a figure 8, to support each tree. h) Minimum 75mm depth of organic mulch applied a minimum 600mm diameter surrounding the base of the trunk. Notes: Selection - Select trees with single clear trunk of 1.2m, free of stress and disease. Timing - Young trees to be placed at the end of construction works to reduce risk of damage to trees during establishment period. Avoid planting during hot dry times of year. Establishment - Ensure regular watering in of the trees for minimum 20 weeks, and removal of weed species. Mulch to maintained at 75mm depth.	
30.	**Discovery of relics and Aboriginal objects** While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered: a) the work in the area of the discovery must cease immediately. b) the following must be notified for a relic – the Heritage Council; or 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. Site work may recommence at a time confirmed in writing by: d) 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.	To ensure the protection of objects of potential significance during works.
31.	**Potentially Contaminated Land - Unexpected Finds** If unexpected, contaminated soil and/or groundwater is encountered during any works: a) all work must cease, and the situation must be promptly evaluated by an appropriately qualified environmental consultant. 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. If unexpected, contaminated soil, or groundwater is treated and/or managed on-site an appropriately qualified environmental	To ensure any detected contaminants are appropriately managed.

	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. 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). *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).*	
32.	**Site Management - Hours for Construction** 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.	To ensure site work occurs within appropriate construction hours.
33.	**Site Management - Maintenance of Site and Surrounds** During works, the following maintenance requirements must be complied with: a) All materials and equipment must be stored and delivered wholly within the work site unless an approval to store them elsewhere is held. 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. c) Where tree or vegetation protection measures are in place, the protected area must be kept clear of materials and / or machinery. 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. e) During construction: i) all vehicles entering or leaving the site must have their loads covered, and ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads. f) At the completion of the works, the work site must be left clear of waste and debris.	To ensure the site is maintained in a safe and secure manner.

34.	**Site Management - Noise** 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 & 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.	To protect the amenity of neighbouring properties.
35.	**Earthworks - Cut, Fill and Grading** The maximum grading of cut or fill must be 2H:1V where there is no retaining wall or no other method of stabilising cut or fill during construction. Earthworks and retaining walls must be constructed as per the approved plans.	To ensure earthworks are appropriately retained.
36.	**Stormwater - Overland Flow, Redirecting and/or Concentrating Stormwater** All excavation, backfilling and landscaping works must not result in: a) any change to the overland stormwater flow path on your property and or a neighbouring property. If any change to the overland flow path occurs on a property, the stormwater runoff must be collected and directed to a legal point of discharge. b) the redirection and/or concentration of stormwater flows onto neighbouring properties.	To ensure stormwater is appropriately managed.
37.	**Works within the Road Reserve – Submissions to Council** Before undertaking any works within an existing road reserve, the developer must obtain the consent of Council under *section 138 of the Roads Act, 1993.* The following details must be submitted to Council as part of the application: a) Any civil works design required by this consent. b) Evidence of the contractor's Public Liability Insurance to an amount of $20 million. c) Name and contact information of the person responsible for all relevant works. d) A Traffic Control Plan prepared, signed, and certified by a person holding the appropriate Transport for NSW (TfNSW) accreditation. 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.	To ensure relevant approvals are obtained.

38.	**Driveway – Design Standards (Urban)** Prior to the commencement of works in the road reserve, engineering design plans must be prepared by a suitably qualified person and approved by Council. The layback/footpath crossing design must comply with the following: a) Council's Engineering Design Standard Drawings. b) Constructed using 20 MPa reinforced concrete, reinforced with SL72 mesh, on a 75mm compacted fine crushed rock base with centrally placed slab of minimum 3 metres width and minimum 100mm depth. c) Removal of sufficient width of existing road seal and pavement to allow placing of formwork and laying/compaction of suitable pavement material for the driveway layback with a minimum 300mm offset to the kerb lip line.	To ensure road and pavement infrastructure is appropriately designed.
39.	**Stormwater - Connections in Road Reserve** Before the completion of works, the site supervisor must ensure that stormwater connections between the property boundary and the new kerb and gutter are inspected and approved by Council and backfilled as soon as possible. Kerb connections are only to be made using adaptors/convertors approved by Council. *Note: A section 138 approval under the Roads Act 1993 will be required for any works within the road reserve.*	To ensure stormwater connections are appropriately installed.
BUILDING WORK **Before Issue of an Occupation Certificate**		
CONDITIONS		REASON
40.	**Landscaping – Replacement of Street Trees** Before the issue of an Occupation Certificate, all street trees within the road reserve that have been damaged or removed must be replaced, unless otherwise agreed in writing by Council, at the developer's expense. The replacement street trees must be replanted in accordance with the requirements set out in this consent.	To ensure street trees are replaced.
41.	**Completion of Public Utility Services** Before the issue of the relevant Occupation Certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier.	To ensure required changes to public utility services are completed, in accordance with the relevant

		agency requirements, before occupation.
42.	**Dilapidation Report – Evidence of Completion** Prior to the issue of an Occupation Certificate a post-construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the Certifier and Council, detailing whether: a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and b) where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent, and c) a copy of the post-construction dilapidation report must be provided to council (where council is not the principal certifier, or a principal certifier is not required) and to the relevant adjoining property owner(s).	To ensure any damage not previously identified in the Dilapidation Report is suitably repaired.
43.	**Section 68 Approvals – Evidence of Completion** All the conditions under the approval of section 68 of the *Local Government Act 1993* are to be complied with before the issue of an Occupation Certificate.	To ensure compliance with section 68 approval.
44.	**Shoalhaven Water – Certificate of Compliance** Before the issue of any Occupation Certificate, a Certificate of Compliance under section 307 of the *Water Management Act 2000* must be obtained from Shoalhaven Water to verify satisfactory compliance with all conditions for the supply of water and sewerage, as listed on the Water Development Notice. 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.	To ensure compliance with Shoalhaven Water requirements.
45.	**Stormwater - Works as Executed** Before the issue of an Occupation Certificate, a Works as Executed Plans and certification must be submitted to the Council by a licenced plumber/ registered surveyor / professional engineer (as defined in the National Construction Code) certifying compliance of all drainage works with the approved design plans and the National Construction Code. The Works as Executed be shown in red on a copy of the approved plans. This plan must verify fulfillment of relevant construction notes,	To ensure works as executed plans are prepared and provided.

	as well as the construction locations, invert levels and sizes of all pipelines. Where the system includes an underground tank, a certificate of structural adequacy must be prepared and provided by a professional engineer (as defined in the National Construction Code).	
46.	**Works in the Road Reserve - Works as Executed** Before the issue of an Occupation Certificate, Works as Executed Plans for works within the road reserve must be prepared by a registered surveyor / professional engineer, (as defined in the National Construction Code) and approved by Council demonstrating compliance with the approved design plans. The Works as Executed dimensions and levels must be shown in red on a copy of the approved plans and comply with the following requirements: a) Council's Development Engineering Construction Specification. b) Show compliance with the approved design plans of all road and drainage works. c) Show any retaining walls including footings and agricultural drainage lines. d) Show the location of all underground service conduits. e) Include all deviations from the approved Civil Engineering Plans.	To ensure works as executed plans are prepared and provided.
47.	**Works in the Road Reserve - Evidence of Completion** Before the issue of an Occupation Certificate, the developer must provide the Certifier with a Completion of Works in Road Reserve Letter / Inspection Record provided by Council, confirming compliance with the requirements of section 138 of the *Roads Act 1993*.	To ensure works in the road reserve are completed appropriately.
48.	**Maintenance Bond for Civil Works** Before the issue of the Occupation Certificate, the developer must submit a cash bond or irrevocable bank guarantee equal to 5% of the cost of the civil works (excluding water supply and sewerage) to Council to provide security and assurance that the developer will repair any defective works or re-establish ground cover where this has not been maintained, for a period of 12 months.	To ensure any damage or defective work is suitably repaired.
BUILDING WORK **Occupation and Ongoing use**		
CONDITIONS		REASON

49.	**Occupation – Satisfaction of Conditions of Consent** The development must not be occupied or used before an Occupation Certificate has been issued by the Principal Certifier. If an Occupation Certificate is not required, the use must not commence until all conditions of development consent have been met or other satisfactory agreements have been made with Council (i.e., a security).	To ensure conditions of consent are complied with or other satisfactory arrangement made.

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.